

## Inverclyde Local Review Body

Our Ref: 21/0186/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Site at Eastern End of Cowal Crescent, Gourock
  - Application for Review by Stewart Associates on behalf of Mr. and Mrs. Hawthorne against the decision by an appointed officer of Inverclyde Council.
  - Application Ref: 21/0186/IC
  - Application Drawings: Location Plan (P-01)  
Site Plan and Photographs as Existing (P-02)  
Site Plan Section and Views as Proposed (P-03)  
Plans and Sections as Proposed (P-04)  
Elevations as Proposed (P-05)
  - Date of Decision Notice: 02/03/2022
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### Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below.

#### 1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 2 March 2022. The Review Body was constituted by Councillors Clocherty, Crowther, Dorrian, McKenzie, Nelson, Rebecchi and Wilson.

#### 2. Proposal

- 2.1 The application proposal is for the demolition of existing garage and erection of detached house with integral garage and associated landscaping works. The application was refused consent in terms of a decision letter dated 19 November 2021.

#### 3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
  - (i) Planning Application dated 16 June 2021 together with Existing and Proposed Site Plans, Location Plan, Elevation Plan and Section Plan as proposed
  - (ii) Planning Application Design Statement

- (iii) Tree Survey Report
- (iv) Appointed Officer's Report of Handling dated 8 November 2021.
- (v) Inverclyde Local Development Plan 2019 Policy Extracts
- (vi) Inverclyde Local Development Plan 2019 Maps Extract.
- (vii) Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extracts.
- (viii) Scottish Planning Policy
- (ix) Representations in relation to Planning Application.
- (x) Decision Notice dated 19 November 2021 issued by Head of Regeneration & Planning.
- (xi) Notice of Review dated 1 December 2021 with Supporting Statement from Stewart Associates.
- (xii) Further Representations received after receipt of Notice of Review
- (xiii) Response to Further Representation from Stewart Associates
- (xiv) Suggested Conditions should planning permission be granted on review.
- (xv) The Inverclyde Proposed Local Development Plan 2021.

3.2 Having regard to the material produced the ILRB resolved that the Review Application could be determined without any further procedure allowed in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

#### **4. Reasons**

4.1 The determining issue in this review was the impact of the proposed development on the character and appearance of the local area.

4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, determined that the review application should be upheld.

4.3 It was also agreed by the ILRB that the conditions listed at paragraph 5 below be attached to the planning permission for the reasons specified.

#### **5. Conditions**

1. This permission is granted subject to the condition that the development to which it relates must be begun not later than the expiration of 3 years beginning with the date of this permission.
2. That prior to the commencement of development details and samples of all facing materials, including colours shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is approved in writing by the Planning Authority.
3. That prior to the commencement of development samples or other details of all soft and hard landscaping materials shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is approved in writing by the Planning Authority.
4. That prior to the commencement of development, details of all boundary treatments shall be submitted to and approved in writing by the Planning Authority. The approved treatments shall thereafter be used unless a variation is approved in writing by the Planning Authority and shall be completed prior to the occupation of the relevant house.
5. That all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). This shall include details of how flows are to be managed to avoid flooding of adjacent ground and shall be limited to that of greenfield run-off, and the containment of surface waters within the application site.

6. That the dwelling shall be designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies (rising to at least 20% by the end of 2022), details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the house.
7. That the dwellinghouse hereby permitted shall be provided with an electric vehicle charging point prior to its occupation.
8. In the event of any previously unrecorded contamination or Japanese Knotweed being discovered, site works shall cease with immediate effect and the matter brought to the attention of the Planning Authority. Thereafter, site works may not recommence until a Remediation Scheme (to be submitted for the prior written approval of the Planning Authority) has been completed to the satisfaction of the Planning Authority in writing.
9. That prior to occupation of the dwellinghouse hereby permitted, 3 car parking spaces shall be provided. Each of these shall be 3 metres by 5.5 metres. For the garage to be counted as a parking space it must be a minimum of 3 metres by 7 metres.
10. The dimensions of the driveway shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development.
11. That the driveway gradient shall not exceed 10%.
12. That the driveway shall be paved for a minimum distance of 2 metres from the rear of the carriageway.
13. That the applicant shall achieve a visibility splay of 2.4 metres by 20 metres by 1.05 metres at all times.
14. That prior to the commencement of development, confirmation of connection to the Scottish Water Network shall be submitted to and approved in writing by the Planning Authority.
15. That full details shall be submitted to and approved in writing by the Planning Authority of the proposed summerhouse and garden shed.

## **6. Reasons**

1. In compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In the interests of amenity.
3. In the interests of the amenity of the area.
4. To allow assessment of the appropriateness of any boundary features in the interests of amenity.
5. To control runoff from the site to reduce the risk of flooding.
6. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
7. In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.
8. To ensure that any contamination and Japanese Knotweed concerns are managed appropriately.
9. To ensure the provision of adequate parking spaces.

10. To ensure usability of the driveway.
11. To ensure usability of the driveway.
12. To prevent deleterious material being carried onto the carriageway.
13. In the interests of traffic safety.
14. To ensure the suitability of infrastructure connections.
15. In the interests of visual amenity.

**7. Advisory Notes**

1. All external lighting on the application site shall comply with the Scottish Government Guidance Note “Controlling Light Pollution and Reducing Light Energy Consumption”.
2. The sound insulation shall have regard to advice and standards contained in the current Scottish Building Regulations.
3. A Section 56 Agreement under the Roads (Scotland) Act 1984 will be required for all works in the public road.

Signed \_\_\_\_\_

Head of Legal & Democratic Services  
Inverclyde Council  
Municipal Buildings  
Greenock  
PA15 1LX

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

### **Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)**

#### **Notice under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013**

1. If the applicant is aggrieved by the decision of the planning authority -
  - (a) to refuse permission for the proposed development;
  - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
  - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.