

Local Review Body

7 March 2012

Planning Application for Review

Mrs J Weston

Construction of two detached dwellinghouses:

Land adjacent to 6 Carron Road, Wemyss Bay (11/0166/IC)

Contents

- Planning Application and plans (NB plans circulated separately)
- Site photographs
- Report of Handling dated 14 November 2011
- Consultation responses
- Representations
- Decision Notice dated 14 November 2011
- Notice of Review form dated 22 December 2011, supporting documents and plans (NB plans circulated separately)
- Suggested conditions should planning permission be granted on review

Regeneration and Planning
Development Control & Conservation
Inverclyde
council

Head of Regeneration and Planning
Cathcart House
6 Cathcart Square
Greenock PA15 1LS

FOR OFFICIAL USE ONLY	
Reference No.	
Date of Receipt	
Fee Paid	
Date Fee Received	
Date Valid	
Receipt No.	

2086
11/01/06/0
Annex 1/20 Form

PLANNING APPLICATION

Town & Country Planning (Scotland) Acts

The undersigned applicant hereby makes application for Planning Permission for the development described on this form and the accompanying plans.

see note 1

1. Particulars of Applicant	Particulars of Agent (if any) acting on applicants behalf:
Name <u>Mrs J. Weston</u>	Name
Address <u>5 Carron Rd</u>	Address
<u>Wemyss Bay</u> Postcode <u>PA18 6DQ</u> Postcode
Telephone Number	Telephone Number
	Profession

see note 2

2. Description of Development	
<u>New build of 2 new detached</u>	
<u>2 story houses</u>	
Site Location <u>land adjacent to 6 Carron Rd, Wemyss Bay</u>	
Site Area (hectares)	Number of dwellinghouses proposed <u>2</u>
	New gross floorspace (sq. metres) <u>105m²</u>

see note 3

3. Application Type (Tick appropriate boxes)			
(a) Permission in Principle	<input type="checkbox"/>	(c) Detailed Permission	<input checked="" type="checkbox"/>
(b) Approval of Matters specified by conditions	<input type="checkbox"/>	(d) Change of Use of land/buildings	<input type="checkbox"/>
(e) Other (please specify)			

see note 4

4. Applicants interest in site (Tick appropriate box)			
(a) Owner	<input checked="" type="checkbox"/>	(c) Tenant	<input type="checkbox"/>
(b) Lessee	<input type="checkbox"/>	(d) Prospective Purchaser	<input type="checkbox"/>
(e) Other (please specify)			

see note 5

5. Existing Uses

(a) Please state the existing use(s) of the land/buildings: land is currently an open gap site

(b) Was the original building erected before 1st July 1948? Yes/No

Has the original building been altered or extended Yes/No

If yes, please indicate nature of alteration / extension and if possible approximate dates n/a

If the land / buildings are vacant, please state last known use none

see note 6

6. Access Arrangements and Parking (Tick appropriate box(es))

(a) Not Applicable (e) Number of existing on site parking places

(b) New vehicular access proposed (f) Number of proposed on site parking places 4

(c) Existing vehicular access to be altered / improved (g) Detail of any available off site parking

(d) Separate pedestrian access proposed

see note 7

7. Drainage Arrangements (Tick appropriate box(es))

(a) Not Applicable (c) Connection to existing public sewer

(b) Public Sewer (d) Septic Tank

If (d), indicate method of disposal of effluent (e.g. soakaway, watercourse etc).....

see note 8

8. Water Supply (Tick appropriate box(es))

(a) Not Applicable (c) Existing private supply

(b) Public Main (d) Proposed private supply

If (c) or (d), please specify nature of supply source and proposed storage arrangements.....

see note 9

9. Building Materials (Complete as appropriate)

(a) Not Applicable

(b) Outside Walls Material Brick and render
Colour To match neighbouring properties

(c) Roof Covering Material iron roof tiles
Colour red

(d) Windows Material double glazed upvc
Colour white

(e) Boundary Treatment Material timber
Colour Brown

see note 10

10. Landscaping

Is a landscaping/tree planting scheme proposed?

Yes No

Are any trees/shrubs to be cleared on site?

Yes No

If yes, please show details of scheme on a SITE PLAN

see note 11

11. Costings

What is the estimated costs of any works to be carried out?

£150,000

see note 12

12. Confirmation

Signature of applicant/agent.....

.....

on behalf of.....

Date 16.9.11

see note 13

CERTIFICATES UNDER ARTICLE 15 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(SCOTLAND) REGULATIONS 2008

Either certificate A, B or C must be completed together with certificate E

CERTIFICATE A (To be completed where the applicant is owner of the whole application site including any access visibility splays and land required for drainage systems or water connections)

I hereby certify that:

No person other than * myself/the applicant was an owner (refer to note (a)) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application

CERTIFICATE B (To be completed where the applicant does not own the whole application site including any access visibility splays and land required for drainage systems or water connections)

I further certify that: Mrs Jacqueline Weston

* I have/the applicant has given the requisite notice (Notice No.1) to all persons other than * myself / the applicant who at the beginning of the period of 21 days ending with the date of the accompanying application were (refer to note (a)) owners of any part of the land to which the application relates.

Name(s) of Owner	Address(es)	Date of Service of Notice(s)
Mr & Mrs O'Brien	7 Carron Rd	28.7.11
Mr & Mrs Porteous	9 Carron Rd	28.7.11
Mr Craig	11 Carron Rd	28.7.11

* Delete whichever is inappropriate

NOTE (a) Any person who in respect of any part of the land is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than 7 years remains unexpired.

CERTIFICATE C (To be completed in EVERY CASE)

I further certify that:

* (1) None of the land to which the application relates constitutes or forms part of an agricultural holding

* (2) I have/the applicant has given the requisite notice to every person other than myself/himself who at the beginning of the period of 21 days ending with the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates

These persons are:

Name(s)	Address(es)	Date of Service of Notice(s)
.....
.....
.....

CERTIFICATED

I confirm that I have been unable to notify all parties under Certificates A, B and C

* Delete whichever is inappropriate

Signature of Applicant/Agent

On behalf of

Date 16.09.11

see note 15

CHECKLIST - The following documentation should be submitted:

please tick all boxes

TWO APPLICATION FORMS

FOUR SETS OF PLANS

FEE (Where appropriate)

DESIGN & ACCESS STATEMENT
(National and Major applications only)

PRE-APPLICATION CONSULTATION REPORT
(National and Major applications only)

WARNING

If any person issues a certificate which purports to comply with the requirements of Section 35 of The Town and Country Planning (Scotland) Acts, and contains a statement which he knows to be false or misleading in a material particular or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.



20

STREET NAME SIGN

RECYCLE

















CARRON ROAD

REPORT OF HANDLING

Report By: James McColl

Report No: 11/0166/IC

Local Application
Development

Contact
Officer: 01475 712462

Date: 14th November 2011

Subject: Construction of two detached dwellinghouses at
Land adjacent to 6 Carron Road, Wemyss Bay

SITE DESCRIPTION

The application site is an area of wooded open space which lies on the north-eastern side of Carron Road, between number 6 Carron Road and the junction with Lomond Road, Wemyss Bay. The site is part of the formal open space and landscaping provision within the residential development approved under planning permission TP147/72, with the site on the approved plans annotated as "wooded area". A later planning permission (IC/76/371) to amend the housetypes within the development did not amend the fact that this area formed part of the formal open space and landscaping provision within the development.

PROPOSAL

It is proposed to erect two detached dwellinghouses on the site. The new dwellings would front Carron Road, be two storey, and be finished in a smooth white render, buff facing brick and a Marley Mendip red concrete tile roof. A blockwork driveway will provide off street parking for three vehicles at each property and the rear gardens will be enclosed by a 2 metre high timber fence.

LOCAL PLAN POLICIES

Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

Local Plan Policy H8 - The Character and Amenity of Residential Areas

Proposals for residential development that are acceptable in principle in terms of the Development Strategy of the Local Plan will still be required to satisfy the following development control criteria:

- (a) compatibility with the character and amenity of an area in terms of land use, density, design and materials used;
- (b) visual impact of development on the site and its surroundings;
- (c) landscaping proposals;
- (d) open space proposals (see also Policy H11 and guidance in Policy DC1);
- (e) proposals for the retention of existing landscape or townscape features of value on the site;

- (f) assessment against the Council's Roads Development Guidelines 1995 with regard to road design, parking and traffic safety;
- (g) provision of adequate services; and
- (h) accommodation of, in appropriate cases, the requirements of bus operators regarding road widths, lay-bys and turning areas.

Local Plan Policy LR1- Safeguarding Open Space

Inverclyde Council, as Planning Authority, will support, safeguard and where practicable, enhance:

- (a) areas identified as 'Open Space' on the Proposals Map; *
- (b) other areas of open space of value in terms of their amenity to their surroundings and to the community and their function as wildlife corridors or wedges; and
- (c) where appropriate, encourage other relevant and compatible development for the purposes of leisure, recreation and sport.

CONSULTATIONS

Head Of Environmental And Commercial Services – All site surface water run off must be intercepted within the site. A footway crossover and lowered kerb would be required and these works must comply with the Council's Roads Development Guide. Parking must be provided in accordance with the Council's Roads Development Guide and the maximum gradient of the driveways should not exceed 10%.

Head Of Safer And Inclusive Communities – Standard conditions should be applied.

PUBLICITY

The application was advertised in the Greenock Telegraph on 14th October 2011 as there are no premises on neighbouring land.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

The application was subject of neighbour notification and a press advertisement. Six letters of objection were received. The objectors' concerns can be summarised as follows:

1. The application site is public open space which children use to play on.
2. The proposal will be contrary to policies H1 and LR1 of the Inverclyde Local Plan.
3. Noise during the construction of the new dwellings may disturb neighbouring residents.
4. There is no demand for houses in this area.
5. Natural drainage may be interrupted
6. The development may reduce mains water pressure.

I will consider these concerns in my assessment.

ASSESSMENT

The material considerations in determination of this application are the Local Plan, the Council's Planning Practice Advice Note number 3 on Public and Private Open Space in New Residential Developments, the visual impact of the proposal, the impact on the amenity of neighbouring residents, the consultation responses and the letters of representation.

In principle, I am satisfied that the site is of a size which can reasonably accommodate two detached dwellings. With garden depths of 11 metres to the rear and 10 metres to the front, private garden areas are in excess of the minimum specified in PPAN 3. The proposed houses are only 1.5 metres from the central boundary rather than the 2 metres specified in PPAN 3, but sufficient space exists to achieve a distance of 2 metres in each case if required. Whilst the design of the new dwellings reflects the architectural style of the surrounding properties, the materials to be used do not match the drycast render and brown/grey flat profiled roof tiles found on neighbouring properties. However, a condition requiring the use of more appropriate materials could be imposed if required.

Considering the Inverclyde Local Plan, the site is covered by Policy H1 which states that the character and amenity of existing residential areas should be safeguarded, and where practicable, enhanced. This area of open space and the retention of the woodland is part of a planned residential development which sought to provide an appropriate balance of open space, landscape features and developed house plots. I consider that developing this area of open space would impact on the spacious nature of the residential area and thereby detract from the residential amenity of the area. The proposal is therefore contrary to Local Plan Policy H1. Policy H8 sets out criteria for proposed residential development which is acceptable in principle. In view of the conflict with Policy H1 the principle of developing this site is not acceptable and a detailed assessment under the stated criteria is not therefore required.

Policy LR1 states that the Council will support, safeguard and where practicable, enhance areas of open space of value in terms of their amenity to their surroundings and to the community and their function as wildlife corridors or wedges. The loss of this open space and area of woodland would be contrary to the aims of policy LR1. It is therefore clear that the proposal is contrary to the Local Plan.

It is also appropriate to consider previous similar applications within Inverclyde. In this respect, planning application 10/0268/IC considered the erection of two dwellinghouses (in principle) on an area of open space on Dunvegan Avenue, Gourrock. As with the current proposal, the area of open space was part of the formal open space provision within the residential development approved under planning permission IC/77/115, with the site on the approved plans annotated as "public open space". At the November 2010 meeting of the Planning Board, the application was refused as the Board considered that the loss of the area of public open space would be severely detrimental to the open and spacious nature of the residential area and would remove an area where children can play safely, which would be contrary to Local Plan policies H1 and LR1. In assessing planning applications, the Council must act in a consistent manner, and to grant permission in this instance would not be consistent with this previous approach taken.

I note the observations of the Head of Environmental and Commercial Services. If the Council were minded to approve the development the matters raised could be dealt with by conditions.

Turning to the points of objection not addressed elsewhere in this report, noise from building sites is controlled by the Head of Safer and Inclusive Communities via separate legislation. If permission was granted, the applicant would require to contact Scottish Water to ensure an adequate water supply can be provided to the application site which does not impact on mains pressure in the locality. The buoyancy of the local housing market is not a material planning consideration which can have any bearing on the assessment of this application.

In conclusion, whilst the application site may be capable of accommodating two detached dwellinghouses, I consider that developing this area of open space would impact on the spacious nature of the residential area and thereby detract from the residential amenity of the area. The proposal is therefore contrary to Local Plan Policy H1. Additionally, the loss of this open space and area of woodland would be contrary to the aims of Local Plan Policy LR1. Granting permission in this instance would also not be consistent with previous approaches taken by the Council. Taking all

of the above into consideration I am satisfied that there are no material considerations which suggest that a departure from the Local Plan can be justified.

DECISION

That the application be refused

Reason

1. The loss of the area of public open space and woodland would be severely detrimental to the both the appearance of the residential area, and the open and spacious nature of the locality, contrary to Local Plan policies H1 and LR1.

Signed:

Case Officer: James McColl

Stuart Jamieson
Head of Regeneration and Planning

Memorandum	
Safer Communities Planning Application Consultation Response	
To: Planning Services For the Attention of James McColl	
From: Safer and Inclusive Communities	Date of Issue to Planning: 14th Oct 2011

Lead Officer: Sharon Lindsay	
Tel:	Email: Sharon.lindsay@inverclyde.gov.uk

Safer Communities Reference (optional):	
Planning Application Reference:	11/0166/IC
Planning Application Address:	Carron Road Wemyss Bay
Planning Application Proposal:	Erection of 2 detached dwellinghouses

Team	Officer	Date
Food & Health	Michael Lapsley	n/a
Environment & Safety	Sharon Lindsay	12/10/11
<i>Contaminated Land</i>	Roslyn McIntosh	14/10/11
Public Health & Housing	Janet Stitt	12/10/11
Environment and Enforcement	Stewart Mackenzie	12/10/11

Amend table entries as appropriate and insert date when each officer review is completed.



**Healthy
Working
Lives**



Recommended Conditions:

It is recommended that the undernoted conditions be placed on any consent the council may grant:

Delete or amend as appropriate

Food & Health	
No Comments	
Environment & Safety	
No Comments	
Contaminated Land	
1.	<p>That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the planning authority and that, for the avoidance of doubt; this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the planning authority prior to development starting on site.</p> <p>Reason: To help arrest the spread of Japanese Knotweed in the interests of environmental protection.</p>
2.	<p>That the development shall not commence until an environmental investigation and risk assessment, including any necessary remediation strategy with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The remediation strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options.</p> <p>Reason: To satisfactorily address potential contamination issues in the interests of environmental safety.</p>
3.	<p>That on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing by the Planning Authority, confirming that the works have been carried out in accordance with the remediation strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site.</p> <p>Reason: To provide verification that remediation has been carried out to the authority's satisfaction.</p>
4.	<p>That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the planning authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.</p> <p>Reason: To ensure that all contamination issues are recorded and dealt with appropriately.</p>
5.	<p>That no fill or landscaping material shall be imported onto the site until written details of the source and intended reuse of the imported materials has been submitted for approval, in writing by the Planning Authority. The report shall characterise the chemical quality (including soil-leachate and organic content etc), volume and source of the imported materials with corresponding cross-sections and plans indicating spatial distribution and depth/thickness of material placement within the development site. The material from the source agreed only shall be imported in strict accordance with these agreed details.</p> <p>Reason: To protect receptors from the harmful effects of imported contamination.</p>

Public Health & Housing

6. The applicant shall submit to the Head of Planning Services a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the residential accommodation shall not commence until the above details are approved in writing by the Head of Planning Services and the equipment and any structural changes are in place.

Reason: To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.

7. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".

Reason: To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.

Environment and Enforcement

8. The applicant must consult or arrange for their main contractor to consult with either Stewart Mackenzie or Emilie Smith at Inverclyde Council, Safer Communities (01475 714200), prior to the commencement of works to agree times and methods to minimise noise disruption from the site.

Reason: To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

Recommended Advisory Notes

It is strongly recommended that the undernoted Advisory Notes be placed on any consent the Council may grant:

- i. **Site Drainage:** Suitable and sufficient measures for the effective collection and disposal of surface water/ground water should be implemented during construction phase of the project as well as within the completed development to prevent flooding within this and nearby property.
- ii. The applicant should be fully aware of the **Construction (Design & Management) Regulations 2007 (CDM 2007)** and it's implications on client duties etc.

Mr A Robb
19 Brueacre Road
Wemyss Bay
PA18 6ER

02.11.11

Dear Sir/Madam

OBJECTION – 2 HOUSES ADJACENT TO 6 CARRON ROAD

I am writing to object to the above proposal.

My concerns are as follows:

- Implications for adjacent properties of interrupting natural drainage from the site
- Noise during construction
- There is no demand for houses in this area. People are currently having difficulty selling their properties
- The planned proposal would be contrary to local plan policies HI & LRI.
- I consider that developing this area of open space would impact on the spacious nature of the residential area and thereby detract from the residential amenity of the area
- Policy LRI states that the council will support, safeguard and where practicable, enhance areas of open space and to the community and their function as wildlife corridors or wedges.

I hope you take my objection into consideration

Yours sincerely

Andrew Robb

2618
11/01/11

Jayne Callender
16 Carron Road
Wemyss Bay
PA18 6DG

01.11.11

Dear Sir/Madam

OBJECTION – 2 HOUSES ADJACENT TO 6 CARRON ROAD

I am writing to object to the above proposal.

My concerns are as follows:

- The site is a public open space. Children use this area to play in.
- Implications for adjacent properties of interrupting natural drainage from the site
- Noise during construction
- There is no demand for houses in this area. People are currently having difficulty selling their properties
- The planned proposal would be contrary to local plan policies H1 & LR1.
- Another 2 houses will put more pressure on the water mains. We have already had several burst pipes over the years which has caused an inconvenience

I hope you take my objection into consideration

Yours sincerely

Jayne Callender

01/11/11

2619.
11/10/16/11

Laura Kearney
33 Annetyard Drive
Skelmorlie
PA15 5BN

01.11.11

Dear Sir/Madam

OBJECTION – 2 NEW BUILDS, CARRON ROAD, WEMYSS BAY

I would like to object to the above proposal.

My objections are as follows:

- The site is a public open space. Children use this area to play in.
- Implications for adjacent properties of interrupting natural drainage from the site
- There is no demand for houses in this area. People are currently having difficulty selling their properties
- The planned proposal would be contrary to local plan policies H1 & LR1.

I hope you take my objection into consideration

Yours sincerely
Laura Kearney

✓
2652
11/0166/11

Caroline Kearney
33 Annetyard Drive
Skelmorlie
PA15 5BN

01.11.11

Dear Sir/Madam

OBJECTION – 2 NEW BUILDS, CARRON ROAD, WEMYSS BAY

I would like to object to the above proposal.

My objections are as follows:

- The site is a public open space. Children use this area to play in.
- Implications for adjacent properties of interrupting natural drainage from the site
- There is no demand for houses in this area. People are currently having difficulty selling their properties
- The planned proposal would be contrary to local plan policies H1 & LR1.

I hope you take my objection into consideration

Yours sincerely

Caroline Kearney

01.11.11 11:00

2653
11/0166/11

Gordon Lennox
33 Annetyard Drive
Skelmorlie
PA15 5BN

01.11.11

Dear Sir/Madam

OBJECTION – 2 NEW BUILDS, CARRON ROAD, WEMYSS BAY

I would like to object to the above proposal.

My objections are as follows:

- The site is a public open space. Children use this area to play in.
- Implications for adjacent properties of interrupting natural drainage from the site
- There is no demand for houses in this area. People are currently having difficulty selling their properties
- The planned proposal would be contrary to local plan policies H1 & LR1.

I hope you take my objection into consideration

Yours sincerely
Gordon Lennox

U✓
[REDACTED]

2651.
11/01/11/11

Yvonne Callender
16 Carron Road
Wemyss Bay
PA18 6DG

01.11.11

Dear Sir/Madam

OBJECTION – 2 HOUSES ADJACENT TO 6 CARRON ROAD

I am writing to object to the above proposal.

My concerns are as follows:

- The site is a public open space. Children use this area to play in.
- Implications for adjacent properties of interrupting natural drainage from the site
- Noise during construction
- There is no demand for houses in this area. People are currently having difficulty selling their properties
- The planned proposal would be contrary to local plan policies H1 & LR1.
- Another 2 houses will put more pressure on the water mains. We have already had several burst pipes over the years which has caused an inconvenience

I hope you take my objection into consideration

Yours sincerely

Yvonne Callender

01.11.11

2620
11/0166/11

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

Inverclyde
council

Regeneration and Planning
6 Cathcart Square
Greenock PA15 1LS

11/0166/IC

*TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008*

Mrs J Weston
5 Carron Road
WEMYSS BAY
PA18 6DG

With reference to your application dated 6th July 2011 for planning permission under the above mentioned Act and Regulation for the following development:-

Construction of two detached dwellinghouses at

Land Adjacent To, 6 Carron Road, Wemyss Bay

Category of Application Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The loss of the area of public open space and woodland would be severely detrimental to the both the appearance of the residential area, and the open and spacious nature of the locality, contrary to Local Plan policies H1 and LR1.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 14th day of November 2011

Head of Regeneration and Planning

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans:

Drawing No:	Version:	Dated:
AL/001/PL	Rev B	03.10.2011
AL/002/PL	Rev B	03.10.2011
AL/003/PL	Rev A	24.07.2011
SPEC/001/PL	rev A	01.05.2011
SPEC/002/PL		01.05.2011

NOTICE OF REVIEW

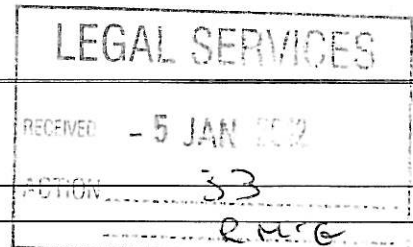
UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript



Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

A written submission allows the applicant to highlight the merits of the proposal to the surrounding area.
 A site inspection enables the local review body to examine current site in its present state.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see separate document and appendice (photos.)

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Appeal letter dated 15th December 2011 .
 Photographs of land proposed for development .

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

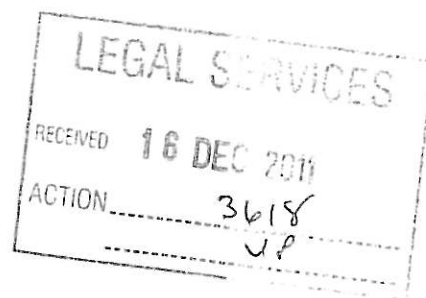
I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date 22.12.11.

The Head of legal and Administration
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LY

15th December 2011



Applicant: Mrs J Weston, 5 Carron Road, Wemyss Bay.

Appeal Site: Land Adjacent to 6 Carron Road, Wemyss Bay

Refusal of Planning Permission Appeal

Mr Jamieson, Head of Regeneration and planning stated in his letter dated 14th November 2011, that the only reason for the councils refusal to build two detached houses on this land, was that the land was considered 'public open space' and that the removal of the trees on this site, would be detrimental to the appearance of the residential area.

I fail to see how this area of land can be considered an open space for public value. It cannot be described as a visual amenity, as it does not provide an outlook to neighbouring properties, nor is it used as a social space. Despite a local village population of over 2500; there was no strong sense of support to maintain this space as it is currently, as the planning proposals only received six objections. This surely demonstrates the neighbourhood views that proposals for development are not intolerable. I have lived in Wemyss Bay for a few years and have never seen this area of land used as an informal social area. I have never witnessed children playing on the area; indeed it would be dangerous for them to do so. The site is very uneven, the ground dips as much as two feet and presents risks from old metal fence railings, overgrown shrubs and weeds, broken alcohol bottles and dog mess (Appendix 1). There is in fact a need to discourage people from using the area. Local dog walkers frequently allow their dogs to foul the area, a problem which features in every edition of the Wemyss Bay and Inverkip newsletter. I recently spoke with Mr Martin, planning officer to ask if the area could be fenced off. I was told that this would not be permitted as it would be considered a change of use. This obviously conflicts with the owners responsibilities to safeguard anyone on the land. Owners can no longer cut the grass on the area due to the health risks associated with the constant problem of dog mess, refuse and fly tipping.

I am the first to agree that open space plays an important part in the lives of Wemyss Bay residents, however this area of land does not meet a recreational need, nor does it contribute to the landscape and nature conservation of the area. Sufficient play and recreational areas already exist in Wemyss Bay. This area of land is not one of them. Adjacent to the proposed site is the local primary school, which is next to the main recreational area, encompassing open space, grass parks, play areas and football pitches. Less than 100 yards, at the top of Carron Road, begins the community woodland.

In 2010, the occupiers of number 6 Carron Road, adjacent to the proposed site, requested that the owners of the land remove branches and tree parts that were overhanging his garden. We used a reputable tree surgeon to do this, who also assessed the condition of the remaining trees.

Recommendations were made to remove four of the trees due to their poor health and condition. The occupant of number 6 Carron Road has indicated that he would prefer that all the trees were removed, due to light loss and health and safety concerns in bad weather. If the trees were removed, this would also discourage local teenagers from using the area to consume alcohol. The area of public open space, adjacent to number 5 Carron Road, had to have all the trees removed in 2010 due to tree health and similar safety concerns, after one fell in high winds blocking Lomond Road, narrowly missing property.

Inverclyde Council Planning department consider the area for proposed development as woodland, and discourage removal of the 20 trees on site, as it would be detrimental to the local area. There is scope however for a scheme of replanting to the rear and side of the development that would replace those trees removed. Approximately 600 yards from the proposed site, planning officials are recommending permission for vast woodland to be cleared to make way for 640 houses. This area provides a wildlife habitat, an attractive outlook for Brueacre Drive and Mount Stuart Drive residents and indeed would remove woodland that local people including residents use. Mr Jamieson stated in his letter that my application of removing 20 trees and building two houses was contrary to local plan policies H1 and H8 and yet this proposed Brueacre village is not contrary to the same policies despite its huge impact on the site and its surroundings.

My neighbours have local knowledge that there were already plans in the 1980's for the development of this land by developers Mr John Law; for properties numbered two and four Carron Road. I asked Mr Martin, planning officer to check planning records from this period, which I he informs me, are on microfilm. I have requested this information of Mr Martin twice since 1st December 2011. To date, I still await the information regarding previous planning decisions for this area of land.

I would ask the local review board, to consider the merits of this proposal. It improves an area that is considered unsightly and unsafe and replaces that with a two house development that matches neighbouring properties, with tended gardens and landscaped areas. This is a much better prospect and would improve the view to neighbouring properties, as well as eradicating the problems that I have already highlighted in my letter.

Mrs J Weston
5 Carron Road
Wemyss Bay
PA18 6DG

Appendix I



Pictures of
proposed
site for
development.

Land adjacent
to 6 Carron Rd
Wemyss Bay





2004.

The contractor is responsible for confirming all sizes on site prior to placing of any order for materials.

All temporary supports must remain in position until all materials have adequately cured.

All walls appear plumb and free from cracks.

No high alumina cement shall be used.

All electrical works must be carried out in accordance with the I.E.E. Regulations 16th edition and to B.S. 7671: 2008.

All down takings shall be carried out in accordance with B.S. 6187.

All drainage and sanitary pipe work to be in accordance with the requirements of BS EN 12056-2:2000, BS EN 752-3: 1997, SE EN 12056-3: 2000.

Building Classification 'Dwelling House' 2 storey traditional semi-detached Villa.

It has been ascertained that the proposed alterations will not affect and are not precluded by the present condition of the properties adjacent.

Prior to the removal of any structural member or any part of any wall the existing structure shall be adequately propped and will remain so until the alteration work is complete and cured.

All downtakings / demolitions will be carried out in accordance with the Health and Safety at work Act 2001, (and all subsequent C.D.M. regulations.)

All unsatisfactory brickwork shall be rebuilt in class 3 engineering brick and class (ii) mortar.

Beams and frames to be set in mortar bed and be slate wedged or steel shimmed and dry packed to brickwork over.

No joists shall be notched, by the contractor.

All new timber stud partitions to be fixed to the existing masonry using 8mm dia. 'hilti' hammer fixings @ 300mm centers.

All glazing within 300mm measured from finished floor/ground level to be in toughened/laminated accordance with B.S. 6262 & B.S. 6206, and must be suitably 'kyte' marked on site.

Mians smoke detector to be installed if not present and connected to the local lighting circuit, min 300mm away from any light pendant or wall, all in accordance with

B.S. 5839 :pt6: 2004

Foundation

700mm(w) x 200mm(d) C35 strip foundation, or as dimensioned with 1nr. layer of A252 mesh (bottom) 40mm cover. foundation to be a minimum of 600mm below finished ground level or level with existing which ever is greater

See Drawing Engineers desing, for Foundation layout and detail, Note that the Engineer must inspect the formation prior to concrete being poured

Ground Floor Slab

50mm Site concrete on 1200 gauge visqueen D.P.M. on 75mm Kingspan insulation on 1200 gauge Visqueen D.P.M. on 50mm sand blinding, on 150mm type 1 hardcore, on existing sub soil.

External wall constructions:

Erect external walls in; 'Hanson Cumbrian Buff' facing brick and 15mm smooth floated acrylic render 'Brilliant White' on 100mm 7N dense concrete block outer leaf, 50mm ventilated cavity, with 'Catnic' BTW timber frame cavity ties @ max 600mm centres horizontally, and 450mm vertically, 50 x 50 S.W. fire stops at all corners and at max 8.0 meter centres with D.P.C. stapled to the external face. Inner leaf walls in timber frame; 120 x 45 mm C16 treated S.W. studs @ 600mm centres with 12mm W.E.P. sheathing plywood (structural graded), nailed at 100mm centres around the perimeter & 150mm centres at mid studs by specialist timber frame manufacturer. 'Tyvec Frame wrap' building paper, or equal and approved stapled to outer face of panels in cavity. 80mm Kingspan TW55 insulation board placed between studs and 30mm over inside face, min 25mm service void to be maintained. 500 gauge visqueen vapour control layer stapled to studs prior to sheathing with, 12.5 T.E. plasterboard, all joints taped and 3mm plaster skim coat applied, all to achieve a max 'U' value of 0.27 W/M² K. Cavity ventilators to be installed at max 1200mm centres high and low to outer leaf,

(SCOTLAND) ACTS

APPLICATION NUMBER

11/0166/2c

REFUSED ON

14 NOV 2011

These specifications are not intended to be used as a Bill of Quantities. Although care has been taken to include all necessary information it is not intended to be fully inclusive of all materials likely to be used. The contractor should also allow for provisional sums to cover unforeseen eventualities. These should be agreed with the client at the time of tender and only charged for if incurred. The designer is not responsible for any lack of information, and the use of the plans and specification for pricing / tender use, or construction use, this remit is strictly between any client & contractor only. **These plans and specification are intended for obtaining Planning Ppermissions approvals only and not for any other use.**

The general specification must be read in conjunction with the specification and detailing on Drg Nos AL/001/PL-AL/003/PL as revised.

Rev	Description	Date

JOB: Erection of 2 New House, Two Storey Detached Villas for: Mrs J Weston at: The land adjacent to 6 Carron Road. Wymes Bay, PA18

TITLE: General Specification 1 of 2	
DATE: May 2011	SCALE: N/A

DRAWING No: Spec/ 001/ PL rev. A

22mm T&G V313 moisture resistant chipboard flooring, screwed and glued to 195 x 45 C16 joists @ 400mm centres, with full depth dwangs at 1/3rd centres, 200mm glass wool insulation placed between joists at perimeter, min 'K' value 0.04, 1 No layer 12.5mm 'Fireline' Board screwed to the underside of the joists, all joints staggered, taped and 3mm plaster skim coat applied. Floor to achieve 30 mins. fire resistance.

Windows:

Double glazed P.V.C.u. (White) Windows comprising of 4mm outer pane, 20mm argon gas filled gap and a 4mm low 'e' coated glass pane. All to achieve a max 'U' value of 1.8 W/M²K

External Doors:

1/2, Double glazed P.V.C.u. door comprising of 4mm outer pane, 20mm argon gas filled gap and a 4mm low 'e' coated glass pane. All to achieve a max 'U' value of 1.8 W/M²K

Roof:

Lay 'Marley Mendip' smooth, colour 'Old English Red' concrete tiles with min 75 mm headlap all on 50 x 38mm S.W. treated battens on 19 x 38 S.W. treated counter battens, on 1 layer 'Tyvec membrane, on 12.5mm W.B.P. treated (structural grade) plywood sarking boards all joints staggered, on roof trusses @ 600mm centres. Pitch 30°. Trusses by specialist manufacturer and constructed, braced and installed in accordance with B.S. 5268 pt3. Roof held down using 1200mm long 5mm thick holding down straps @ 1200mm centres, Catnic truss clips at every truss.

150 mm Isowool laid between trusses and 150mm Isowool with K value of 0.04 laid across ceiling tie, all to achieve a max 'U' value of 0.16 W/M²K

Fire protection

All structural beams as specified by engineer to be fire protected using 1 layer 15mm Fireline board, all joints taped and 3mm plaster skim coat applied, all to achieve min 30 mins fire resistance.

Construction Health and Safety

Health and Safety considerations:

Site area should be thoroughly checked for live services, and any potential danger identified. Site operatives must be suitably skilled and trained in the tasks expected of them and shall be jointly responsible for their own safety. All plant and machinery shall be operated properly. Masks, goggles, safety hats, gloves, ear defenders, and any other relevant safety equipment must be supplied by employer, and worn by operatives as applicable. Non toxic water based substances should be used in preference to commercially available solvent based alternatives wherever possible. A method statement should be provided by the contractor to detail how works will be carried out and sequenced to avoid risk and inconvenience to the workforce of the existing building, avoidance of damage to the building, and avoidance of nuisance to neighbouring properties and avoidance of danger to the passing / visiting general public.

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Mains smoke detector to be installed if not present and connected to the local lighting circuit, min 300mm away from any light pendant or wall, all in accordance with B.S. 5839:pt6: 2004

INVERclyde COUNCIL
TOWN AND COUNTRY PLANNING
(SCOTLAND) ACTS

APPLICATION NUMBER 11/0166/RC

14 NOV 2011

REFUSED ON

The general specification must be read in conjunction with the specification and detailing on Drg Nos AL/001/PL-AL/003/PL as revised.

Rev	Description	Date

JOB:
Erection of 2 New House, Two Storey Detached Villas for:
Mrs J Weston at: The land adjacent to 6 Carron Road, Wymes Bay, PA18

TITLE:
General Specification 2 of 2

DATE: May 2011	SCALE: N/A
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DRAWING No
Spec/ 002/ PL rev.

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All works to be carried out in accordance with the Technical Standards, and the Building Standards (Scotland) Regulations 2004.

The contractor is responsible for confirming all sizes on site prior to placing of any order for materials.

All temporary supports must remain in position until all materials have adequately cured.

All walls appear plumb and free from cracks.

No high alumina cement shall be used.

All electrical works must be carried out in accordance with the I.E.E. Regulations 16th edition and to B.S. 7671: 2008.

All down takings shall be carried out in accordance with B.S. 6187.

All drainage and sanitary pipe work to be in accordance with the requirements of BS EN 12056-2:2000, BS EN 752-3: 1997, SE EN 12056-3:2000

Building Classification 'Dwelling House' 2 storey traditional semi-detached Villa.

It has been ascertained that the proposed alterations will not affect and are not precluded by the present condition of the properties adjacent.

Prior to the removal of any structural member or any part of any wall the existing structure shall be adequately propped and will remain so until the alteration work is complete and cured.

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APPLICATION NUMBER

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Rev	Description	Date

JOB

Erection of 2 New House, Two Storey Detached Villas for: Mrs J Weston at: The land adjacent to 6 Carron Road, Wymes Bay, PA18

TITLE

General Specification 1 of 2

DATE

May 2011

SCALE

N/A

DRAWING No.

Spec/ 001/ PL rev. A

1st Floors

22mm T&G V3:3 moisture resistant chipboard flooring, screwed and glued to 195 x 45 C16 joists @ 400mm centres, with full depth dwangs at 1000mm centres, 200mm glass wool insulation placed between joists at perimeter, min 'K' value 0.04, 1 No layer 12.5mm Fireline board screwed to the underside of the joists, all joints staggered, taped and 3mm plaster skim coat applied. Floor to achieve 30 mins fire resistance.

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External Doors:

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Health and Safety considerations:

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Mains smoke detector to be installed if not present and connected to the local lighting circuit, min 300mm away from any light pendant or wall, all in accordance with B.S. 5839:pt6:2002.

INVERCLOCH COUNCIL
TOWN AND COUNTRY PLANNING
(SCOTLAND) ACTS

APPLICATION NUMBER 11/0166/RC

14 NOV 2011

PLANNING

The general specification must be read in conjunction with the specification and detailing on Drg Nos AL/001/PL-AL/003/PL as revised.

Rev	Description	Date

JOB:
Erection of 2 New House, Two Storey Detached Villas for:
Mrs J Weston at: The land adjacent to 6 Carron Road, Wymes Bay, PA18

TITLE: General Specification 2 of 2	
DATE: May 2011	SCALE: N/A

DRAWING No
Spec/ 002/ PL rev.

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Conditions

1. That the development to which this permission relates must be begun within three years from the date of this permission.
2. That prior to the use of any external materials on the dwellinghouses or hard standings hereby permitted, samples of all such materials shall be submitted to and approved in writing by the Planning Authority. Development shall then proceed utilising the approved materials, or any alternative agreed in writing by the Planning Authority.
3. That prior to the commencement of work on site, full details (including materials) of any walls fences or other means of enclosures to be erected on site be submitted to and approved by the Planning Authority.
4. That driveways shall not exceed a gradient of 10%.
5. That the development shall not commence until a risk assessment, including any necessary remediation strategy with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The remediation strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options.
6. That on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing by the Planning Authority, confirming that the works have been carried out in accordance with the remediation strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site.
7. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
8. That no material shall be imported onto the site until written details of the source of the imported material has been submitted for approval, in writing by the Planning Authority. The details which shall be submitted no later than four weeks prior to the material being imported onto the site shall include: the source of the imported material, any potential source(s) of contamination within 50 metres of the source of the material to be imported and verification analysis information. The material must not be imported on to the site until written approval has first been received from the Planning Authority. The material from the source agreed only shall be imported in strict accordance with these agreed details.
9. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site.

Reasons

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To enable the Planning Authority to retain effective control of facing materials in the interests of visual amenity.
3. To ensure new fences, walls and means of enclosure are appropriate for the development.
4. To ensure use of the driveways in the interests of traffic safety.
5. To satisfactorily address potential contamination issues in the interests of environmental safety.
6. To provide verification that remediation has been carried out to the authority's satisfaction
7. To ensure that all contamination issues are recorded and dealt with appropriately.
8. To protect receptors from the harmful effects of imported contamination.
9. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.