

Local Review Body

7 August 2013

Planning Application for Review

Mr G Timoney

Proposed Residential Development in Principle, including the Formation of a New Access Road:

Barr's Brae, Port Glasgow (13/0038/IC)

Contents

- Planning Application
- Report of Handling dated 28 March 2013
- Consultation responses
- Representations
- Decision Notice dated 28 March 2013
- Notice of Review Form dated 21 May 2013 together with supporting documents comprising:-
 - Local Review Statement
 - Planning Statement (NB statement also submitted with planning application)
 - Ordnance Survey Plan, Location Plan, Site Plan as Proposed and Visibility Plan (NB plans also submitted with Planning Application)
- Further representations
- E mail dated 8 July 2013 from Houghton Planning enclosing response to further representations
- Suggested conditions should planning permission be granted on review

PLANNING APPLICATION

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. i3/0038/1c

Date of Receipt 08/02/13

Fee Paid £2871.00

Date Fee Received 08/02/13

Date Valid

Receipt No. 1883

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>Mr G. Timoney</u>	Name <u>Mr J. Docherty - Elder & Cannon Architects</u>
Address	Address <u>40 Berkeley Street</u>
..... Postcode	<u>Glasgow</u> Postcode <u>G3 7DW</u>
Telephone Number	Telephone Number <u>0141 204 1833</u>
	Profession <u>Architects</u>

see note 2

2. Description of Development

Application for residential development in principle, including the formation of a new access road from Barr's Brae

Site Location Barr's Brae, Port Glasgow - Northing: 673948, Easting: 232322

Site Area (hectares) 0.86ha Number of dwellinghouses proposed

New gross floorspace (sq. metres)

see note 3

3. Application Type (Tick appropriate box/es)

(a) Permission in Principle	<input checked="" type="checkbox"/>	(c) Detailed Permission	<input 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: open space

(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.....

If the land / buildings are vacant, please state last known use.....

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

(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.....
Colour.....

(c) Roof Covering Material.....
Colour.....

(d) Windows Material.....
Colour.....

(e) Boundary Treatment Material.....
Colour.....


see note 10

10. Landscaping		
Is a landscaping/tree planting scheme proposed?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are any trees/shrubs to be cleared on site?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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?	£ <u>unknown</u>

see note 12

12. Confirmation	
Signature of applicant/agent.....	
on behalf of..... <u>Elder & Cannon Architects</u>	Date <u>04/02/13</u>

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:												
* 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.												
<table border="0"> <tr> <td>Name(s) of Owner</td> <td>Address(es)</td> <td>Date of Service of Notice(s)</td> </tr> <tr> <td><u>Ardgowan Estates</u></td> <td><u>Ardgowan, Inverkip PA16 0DW</u></td> <td><u>04/02/13</u></td> </tr> <tr> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </table>	Name(s) of Owner	Address(es)	Date of Service of Notice(s)	<u>Ardgowan Estates</u>	<u>Ardgowan, Inverkip PA16 0DW</u>	<u>04/02/13</u>
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.....										
.....										

* 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)
.....
.....
.....

CERTIFICATE D

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 Elder and Cannon Architects

Date 04/02/13

see note 15

CHECKLIST - The following documentation should be submitted:

please tick all boxes

- | | |
|---|--|
| <input checked="" type="checkbox"/> TWO APPLICATION FORMS | <input type="checkbox"/> DESIGN & ACCESS STATEMENT
(National and Major applications only) |
| <input checked="" type="checkbox"/> FOUR SETS OF PLANS | <input type="checkbox"/> PRE-APPLICATION CONSULTATION REPORT
(National and Major applications only) |
| <input checked="" type="checkbox"/> FEE (Where appropriate) | |

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.

Revision 'A' - November 2008
Revision 'B' - December 2008
Revision 'C' - July 2009
Revision 'D' - October 2009

**Notice for Service on Owners of
Application Site when not
wholly owned by Applicant**

NOTICE No. 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notice under Section 35 application for planning permission.

Proposed Development at :

(a) Barr's Brae, Port Glasgow (nr Dougliehill Terrace)

TAKE NOTICE that application is being made to Inverclyde Council by :


(b) Mr G. Timoney

For planning permission to :

(c) To obtain Planning Permission in Principle for residential development at the above site

If you wish to make representations to the above mentioned local planning authority about the application, you should do so by writing within 21 days of the date of service of this notice to :

**Inverclyde Council, Head of Regeneration and Planning, Cathcart House,
6 Cathcart Square, Greenock, PA15 1LS.**

Signed : 

Address : 40 Berkeley Street, Glasgow G3 7DW

On Behalf of : Elder and Cannon Architects

Date : 04.02.13

THIS NOTICE WAS NOT ISSUED TO YOU BY INVERCLYDE COUNCIL

**REPORT OF HANDLING DATED
28 MARCH 2013**

REPORT OF HANDLING

Report By: Guy Phillips

Report No: 13/0038/IC

Local Application
Development

Contact
Officer: 01475 712422

Date: 28th March 2013

Subject: Proposed residential development in principle, including the formation of a new access road at
Barr's Brae, Port Glasgow

SITE DESCRIPTION

The site is a rough hillside on the west side of Barr's Brae, Port Glasgow. It is irregularly shaped, extends to approximately 0.86ha and slopes steeply down from south to north. To the south, at higher level, the site is bound by the rear of properties at Dougliehill Terrace. To the north is the Sustrans cyclepath with houses beyond at Roseyard Place. To the west and south east is further rough hillside. To the east, across Barr's Brae, is an area of landscaped open space.

PROPOSAL

Planning permission in principle is sought for a residential development, including an access road from Barr's Brae. An indicative layout has been submitted portraying an access road with fourteen houses on its south side. Submitted with the application are a flood risk assessment and drainage assessment, indicative drawings portraying fourteen houses and a supporting statement. The applicant is willing to pass ownership of other land outwith the application site, to the Council or a residents association to provide amenity land.

LOCAL PLAN POLICIES

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.

Local Plan Policy LR6 - Inverclyde Access Strategy

Inverclyde Council, as Planning Authority, will seek to protect and promote the 'core path network' (both existing and proposed) and the other key themes of the adopted Inverclyde Access Strategy, where these do not conflict with other Local Plan policies, in particular DS8 and DS10.

Local Plan Policy LR7 - Strategic Route: Glasgow to Inverclyde

Inverclyde Council supports and will protect the strategic Glasgow to Inverclyde Route. Proposed extensions to this route to enhance the 'core path network' will be supported, taking into account potential conflicts of users and land uses. An alternative route will be secured in the event of the reopening of the Glasgow Central-Bridge of Weir-Kilmacolm railway line, which formerly occupied part of this strategic route.

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 H11 - Residential Development Proposals and Open Space Provision

Inverclyde Council, as Planning Authority, requires developers of new housing to make provision for public open space, play areas and private garden ground, or a comparable financial contribution towards either the provision of, or maintenance and improvement of, existing play equipment in a park or play area in the vicinity of the development, in accordance with the Inverclyde Council Planning Practice Advice Note 3.

CONSULTATIONS

Head of Environmental and Commercial Services - The proposed house plots on the indicative layout require to be reduced in depth by 2m to accommodate the access road and service strips. The Flood Risk assessment is acceptable in principle. A condition should be attached requiring the submission of a detailed Flood Risk assessment with the application for the approval of reserved matters.

Head of Safer and Inclusive Communities - No objections subject to conditions to control the spread of Japanese Knotweed and potential site contamination, together with advisory notes on waste storage, external lighting, construction noise, sound insulation, CDM Regulations and seagulls.

PUBLICITY

The application was advertised in the Greenock Telegraph on 15th February 2013 as there are no premises on neighbouring land.

SITE NOTICES

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

PUBLIC PARTICIPATION

Eight written representations have been received, including a petition bearing 19 signatures. The objectors are concerned that:

- There is Japanese Knotweed in close proximity to the site.
- The proposal entails significant excavation works with associated risks to properties at Dougliehill Terrace and infrastructure.
- Road safety on Barrs Brae shall be adversely affected. Growing vegetation shall make the maintenance of sightlines onto Barrs Brae problematic.
- There shall be noise and disruption from construction works.
- The site is Green Belt and unsuitable for residential development.
- The Drainage Impact Assessment and Flood Risk assessment are inconclusive. There remains a risk from flooding downstream.
- Wildlife shall be impacted.
- Properties in Dougliehill Terrace shall be overlooked.

ASSESSMENT

In October 2011 planning permission in principle was refused for a residential development on this site as:

"1. The development will have an adverse impact on the enjoyment of users of the Sustrans cycle track, which is part of the core path network as referred to in Local Plan Policies LR6 and LR7.

2. As the development is located on land within the green network of open spaces that provides a physical and attractive buffer between an area of brownfield land and the road on Barr's Brae and

3. As the development is located on land identified in the Local Plan as open space, development of which would be contrary to Local Plan Policy LR1, Safeguarding Open Spaces."

An appeal to the Scottish Ministers against the refusal was dismissed in February last year. The Reporter concluded that the loss of open space and reduction in visual amenity weigh heavily and decisively against granting planning permission.

It rests to consider if there are any factors that have since changed that would merit a different decision. In this respect it is noted that the indicative drawings submitted with the application have been amended by reducing the proposed number of houses from 15 to 14 and by regrading the road through the site to reduce its maximum height above the cycle path by approximately 5m and that the Glasgow and the Clyde Valley Joint Structure Plan referred to in the Reporter's decision letter has been replaced by the Glasgow and the Clyde Valley Strategic Development Plan and the part of the Development Plan against which it is most appropriate to assess the proposal is the

Local Plan. I shall consider these issues in assessing if this proposal now addresses the Reporter's concerns over loss of open space and the reduction in visual amenity.

Firstly examining open space, the site lies within an area designated for this purpose in the Local Plan, deriving from a planning permission in 1980 identifying the site as a play area. Accordingly, the proposal is contrary to Local Plan Policy LR1 "Safeguarding Open Space".

Policy H11 also requires developers of new housing to make provision for public open space, play areas and private garden ground in accordance with the design Guidance contained within the Council's PPAN 3 "Private & Public Open Space In New Residential Developments". It advises that for small scale infill developments of fewer than 15 units public open space need not be provided and development should accord with the established density and pattern of development in the immediate vicinity with due regard to front and rear garden sizes and distance to plot boundaries. While the indicative layout demonstrates that this standard can be met, it is outweighed by the Reporter's decision that the principle of the development of the area of open space is unacceptable. The applicant's offer of providing land outwith the application site to serve as open space does not compensate for the loss of what is a much larger area of currently designated open space.

The Reporter placed considerable emphasis on the visual amenity, particularly for users of the adjoining Sustrans Cycle Path, which Policies LR6 and LR7 seek to protect, enhance and promote. The Reporter's decision concluded that the site is a key piece of open space which makes an important contribution to visual amenity and that there would be an unacceptable impact on users of the cycle path approaching from the open space on the east side of Barr's Brae. Indeed, I note that the applicant indicates that there would be an approximately 13m deep excavation formed to provide a level platform for the houses and access road, necessitating the provision of an approximately 11m high, terraced retaining wall to support the hillside and houses, above. There would be an inevitable impact on visual amenity from such a structure. The reduction in the number of houses from fifteen to fourteen in the indicative site layout does not, I consider, present a justification for departing from the Reporter's conclusion in this matter.

Local Plan Policy H1 seeks to safeguard and, where practical, enhance residential amenity and character. The best measure of whether or not the proposal satisfies this aim is to assess it against Policy H8, which advises that proposals for residential development that are acceptable in terms of the Development Strategy of the Local Plan will still be required to satisfy a range of development control criteria. Key to the issue of open space and visual amenity are criteria a (compatibility with the character and amenity of an area in terms of land use, density, design and materials used) and d (open space proposals). Given the importance placed by the Reporter on the loss of open space, I consider the principle of residential development to be incompatible with the character and amenity of the area and, as such, fails to accord with criteria (a) and (d) of Policy H8.

I consider that the failure of this application to address the Reporter's concerns deem this proposal unacceptable. Representations on other matters have been lodged, but I do not consider that they form the basis for refusal. While I note concern over traffic noise, impact road safety on Barr's Brae with particular reference to site visibility splayed the Head of Environmental & Commercial Services offers no objections on roads grounds. He also offers no objections in relation to drainage and surface water. Ground stability and landslip issues are considered under Building Standards legislation. The Reporter attached limited weight to the anecdotal evidence presented by objectors on wildlife matters and it is concluded by the drainage impact assessment and flood risk assessment that the development is unlikely to cause or be affected by flooding and should have little impact on the existing drainage infrastructure.

DECISION

That the application be refused for the following reasons:

1. The development is located on land identified in the Inverclyde Local Plan as open space and will fail to safeguard open space, contrary to Policy LR1.
2. The development is located on land identified in the Inverclyde Local Plan as open space and will fail to safeguard the character and amenity of an existing residential area, contrary to Policies H1 and H8.
3. The development will have an adverse impact on the enjoyment of users of the Sustrans cycle track, which is part of the core path network as referred to in Local Plan Policies LR6 and LR7.

Signed:



Case Officer: Guy Phillips



Stuart Jamieson
Head of Regeneration and Planning

CONSULTATION RESPONSES

Flood Risk Assessment Criteria

Development:

Application Reference:

13/0038/IC

Application for residential development off Barr's Brae.

	YES / NO
1) Is any part of the site within 50m of a known flood location?	NO
2) Does a watercourse* pass through the site or is there one within 50m?	NO
3) Is there a reservoir, loch or pond within 50m of the site?	NO
4) Is there a sewerage storm overflow within 50m of the site?	NO
5) For coastal developments, does the site lie below 5m above ordnance datum?	NO
6) Does the developer propose to pipe or divert a watercourse?	NO
7) Is the site bounded by an existing flood protection measure?	NO
8) Have objections on grounds of flooding been raised?	NO
9) For some developments, ** has the developer submitted a Drainage Impact Assessment with their outline application?	YES
	NO

* A watercourse includes a river, stream, burn and any ditch, drain, cut, canal, culvert, sluice or passage carrying or designed to carry water. It does not include any sewer or watermain.

** All developments except household applications, developments of less than 10 houses, non household extensions under 100 square metres and changes of use not involving new build or hardstanding.

If any item 1 - 9 is identified, a Flood Risk Assessment (to varying degrees) will be required.

Guidelines on the submission of Drainage Impact Assessments and Flood Risk Assessments may be obtained from the Environmental Services.

Additional Comments:

The Flood Risk Assessment is acceptable in principal. An advisory note should be added to the planning application stating a Detailed Flood Risk Assessment will be required for detailed planning application.

A surface water pipe runs through the site and may require to be diverted.

Drainage details required for full application

Surface Water drainage details required for full application.

Confirmation of Scottish Water acceptance for full application

25/2/13

Memorandum Safer Communities Planning Application Consultation Response	
To: Planning Services For the Attention of Guy Phillips	
From: Safer and Inclusive Communities	Date of Issue to Planning: 01.03.13

Lead Officer: Janet Stitt	
Tel: 01475 714 270	Email: janet.stitt@inverclyde.gov.uk

Safer Communities Reference (optional):	
Planning Application Reference:	13/0038/IC
Planning Application Address:	Vacant land Barr's Brae Port Glasgow
Planning Application Proposal:	Application for residential development + new access road

Team	Officer	Date
Food & Health	Michael Lapsley	
Environment & Safety <i>Contaminated Land</i>	Sharon Lindsay Roslyn McIntosh	20.02.13 22.02.2013
Public Health & Housing	Janet Stitt / Jim Blair	13.02.13
Environment and Enforcement	Emilie Smith	01/03/13 (received today)

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.	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.
Reason:	To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
2.	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.
Reason:	To satisfactorily address potential contamination issues in the interests of environmental safety.
3.	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.
Reason:	To provide verification that remediation has been carried out to the authority's satisfaction.
4.	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.
Reason:	To ensure that all contamination issues are recorded and dealt with appropriately.
5.	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.
Reason:	To protect receptors from the harmful effects of imported contamination.

Public Health & Housing

6. The applicant shall submit to the Planning Authority 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 Planning Authority 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.
9. The sound insulation between adjoining properties should have regard to advice and standards contained in the current Scottish Building Regulations.
- 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. The applicant should be fully aware of the **Construction (Design & Management) Regulations 2007 (CDM 2007)** and its implications on client duties etc.
- ii. **Design and Construction of Buildings – Seagulls:** It is very strongly recommended that appropriate measures be taken in the design of all buildings and their construction, to inhibit the roosting and nesting of seagulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the development.

REPRESENTATIONS

CONTACT JEAN DOCHERTY



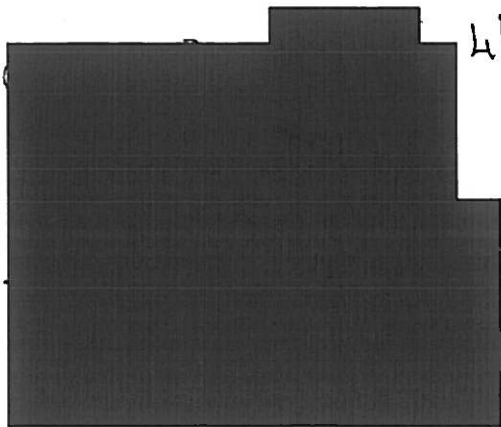
We, the undersigned, acknowledge receipt of a neighbour notification plan number 13/0038/ic relating to a proposed development of 14 new build houses and associated parking with the formation of a new access road from barrs brae, port Glasgow.

On viewing proposals as it stands we would like to object to the granting of planning permission and respectfully suggest that the following points should be given full consideration before any decision is made.

- The proposed building area is situated immediately in front of the existing dwelling houses on the north side of dougliehill terrace. There is a sheer drop in front of the said houses and any excavation of the ground in question will undoubtedly endanger the stability and safety of the foundations of the present houses.
- Barrs brae at the location in question is a busy traffic thoroughfare leading to devon and dougliehill. At the location of the proposed access road there is a bad blind bend/curve in the road which already affords restricted viewing of the oncoming traffic to motorists driving on barrs brae. Any build of an access road at the intended position would definitely exacerbate the dangers to motorists and pedestrians alike
- The building of properties as proposed in such close proximity to the existing houses would cause great upheaval and annoyance to householders during the construction phase due to the constant movement of plant engaged in landfill and excavation work.
- The obvious dangers to pedestrians, particularly children making their way to and from school, cannot be overstressed.
- It is believed that the plans, as they exist at present, would be detrimental to the existing householders' amenities as it is considered that the site in question is completely unsuitable for the project envisaged.

We hope that our objections are given due consideration by the planning department representatives when they visit the site in the process of their deliberations. The facts as stated in our report will be clear to see during a site visit.

We thank you most sincerely for your anticipated assistance and co-operation in this matter and can be contacted for an interview upon request.



4th Dougliehill TERR

11
42 11
46
52

RECEIVED
27 FEB 2013
14 3677

11
" CONTINUED OVER-LEAF

} 28 DOUGLIEHILL TERRACE
} PORT GLASGOW

40 DOUGLIEHILL TERRACE
PORT GLASGOW

25 DOUGLIEHILL TERRACE
PORT GLASGOW

86 " "

34 " "

34 " "

56 DHT.

48 " " "

58 " "

64 Dougliehill Terr
Port. Glasgow

Dougliehill Terr

15 DOUGLIEHILL TERRACE
" " "

To Whom It May Concern

This is a complaint in regards to the development which has been applied for on Barrs Brae entrance in front of the houses on Dougliehill Terrace.

The main reasons for this being: The amount of traffic that already has been in the local area and also the disturbance of noise pollution which will be from 8am onwards which was suffered previously by the Moray Road development.

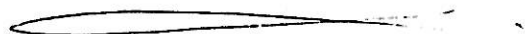
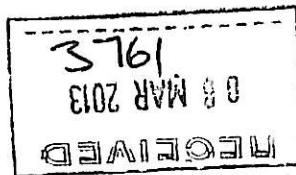
I have enclosed pictures which are taken when the previous development was being built with these showing the little regard for the health and safety of pedestrians and motorists due to vehicles of all shapes and sizes being left on pavements as no sufficient parking coincidentally at the exact point of the new proposed development will be taken place at. Pavements only on one side of Barrs Brae and will obviously affect the amount of traffic as the proposed build would be on the blind corner. Also the amount of traffic previously has damaged the tarmac and the full road is already in poor condition..as per the pics show. The traffic into Dougliehill as a whole would greatly increase with affect and impact peoples lives as more traffic more noise and threaten to safety of both humans and the local environment.

This development has also been rejected in the past and continues to be a issue by the re application every year. Why are we even at this stage once more when the applicator already has land which the path leading from Dougliehill Terrace onto Barrs Brae is in appaling condition with no upkeep whatsoever done. If that cannot be maintained then what else will happen if this development is allowed .

In all the general areas relatively quiet and this seems to be a development fully being used for financial purposes than a housing development that benefits the local area and community

Regards

Mr Douglas Hunter
25 Dougliehill Terrace
Portglasgow
PA14 5 DD



TRAFFIC ISSUES:

FACING DOWN BARRS
BRAE:



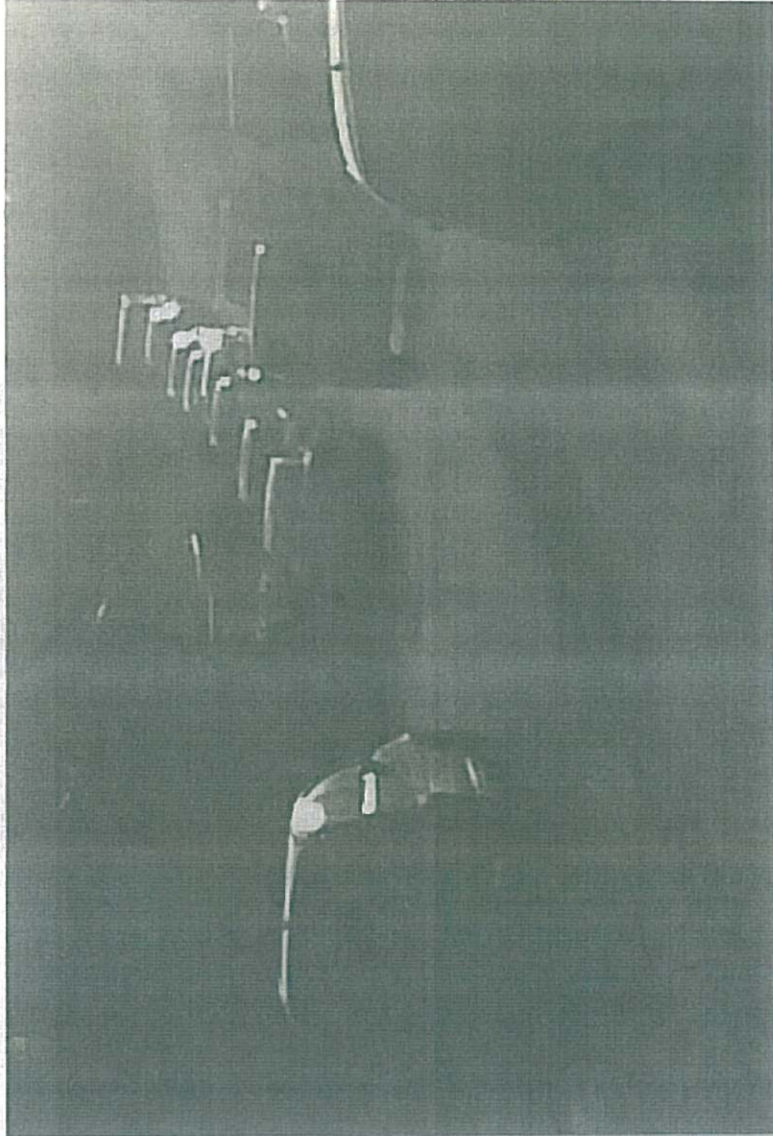


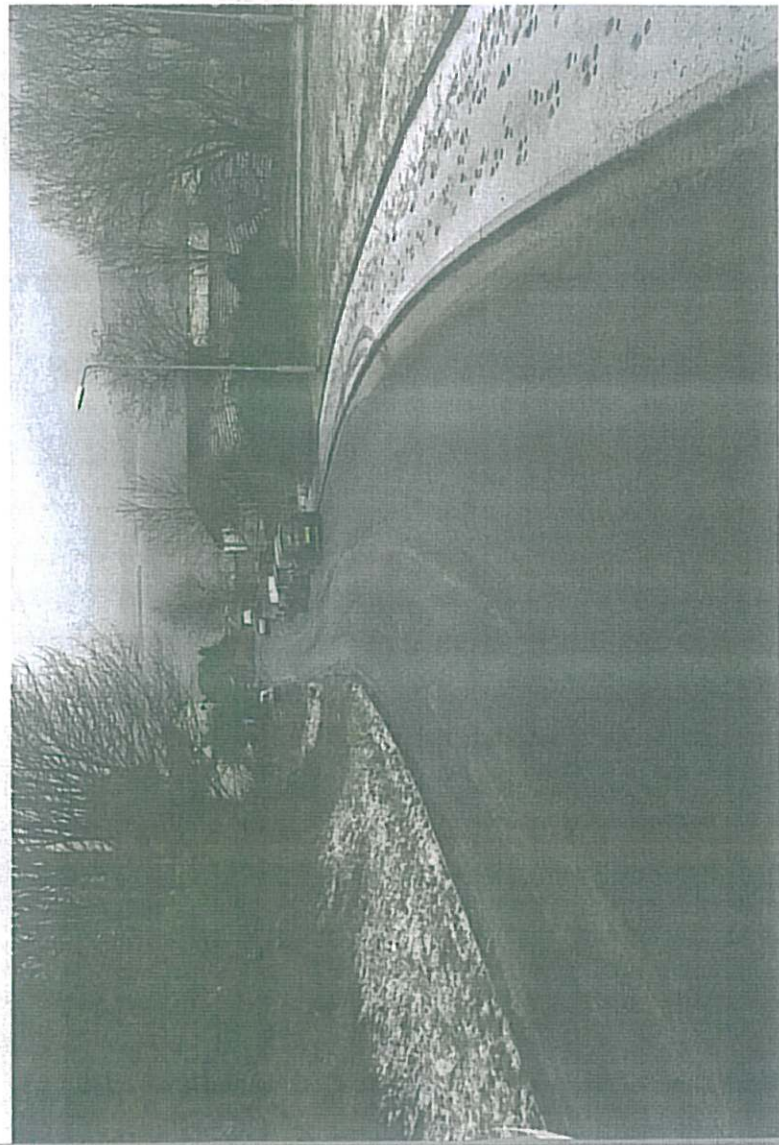
FACING DOWN BARRS BRAE
BLOCKING FOOTPATH, AT EXACT
POINT WHERE PROPOSED NEW
DEVELOPEMENT.



FULL VIEW OF TRAFFIC ISSUES.
ALSO NO FOOTPATH. AND
TRAFFIC ON ONLY PAVEMENT
ALSO CONDITIONS OF ROAD DUE
TO VEHICLES.

TRAFFIC ISSUE FACING UPHILL
ON BARRS BRAE.





VIEW FROM BARES BRAE
EXACTLY WHERE DEVELOPMENT
PROPOSED: SEE NOTED FOOTPATH
AND TRAFFIC.

We, the undersigned, acknowledge receipt of a neighbour notification plan number 13/0038/ic relating to a proposed development of 14 new build houses and associated parking with the formation of a new access road from barrs brae, port Glasgow.

On viewing proposals as it stands we would like to object to the granting of planning permission and respectfully suggest that the following points should be given full consideration before any decision is made.

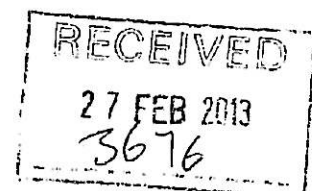
- The proposed building area is situated immediately in front of the existing dwelling houses on the north side of dougliehill terrace. There is a sheer drop in front of the said houses and any excavation of the ground in question will undoubtedly endanger the stability and safety of the foundations of the present houses.
- Barrs brae at the location in question is a busy traffic thoroughfare leading to devol and dougliehill. At the location of the proposed access road there is a bad blind bend/curve in the road which already affords restricted viewing of the oncoming traffic to motorists driving on barrs brae. Any build of an access road at the intended position would definitely exacerbate the dangers to motorists and pedestrians alike
- The building of properties as proposed in such close proximity to the existing houses would cause great upheaval and annoyance to householders during the construction phase due to the constant movement of plant engaged in landfill and excavation work.
- The obvious dangers to pedestrians, particularly children making their way to and from school, cannot be overstressed.
- It is believed that the plans, as they exist at present, would be detrimental to the existing householders' amenities as it is considered that the site in question is completely unsuitable for the project envisaged.

We hope that our objections are given due consideration by the planning department representatives when they visit the site in the process of their deliberations. The facts as stated in our report will be clear to see during a site visit.

We thank you most sincerely for your anticipated assistance and co-operation in this matter and can be contacted for an interview upon request.



To, Dougliehill Terrace



EXTRACT OF LETTER

Application Comments for 13/0038/IC

Application Summary

Application Number: 13/0038/IC

Address: Vacant Land Barr's Brae Port Glasgow

Proposal: Application for residential development in principle, including the formation of a new access road from Barr's Brae

Case Officer: Guy Phillips

Customer Details

Name: Mr Robert Agnew

Address: 7 Roseyard Place, Barr's Brae, Port Glasgow PA14 5PD

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Please find attached my original objection. Having now read the detail in the applicants submission, I see nothing in the application that allays my fears on land disturbance and continued clear visibility to the new access route. There are a lot of could and should's in the Drainage impact and flood risk assessment, nothing that states can and shall !! There is also now the added possibility of pumps blocking creating a sewage issue ! Who will be responsible for maintaining the visibility splay for the new road, especially given the type of vegetation in this area (Japanese Knotweed)... Inverclyde Council ??? If this is the case, then it is the Council Taxpayers of this district who are ultimately responsible !! There is a lot of 'fluffy' language used in the applicants written statement, which is more of a sales brochure, starting with the statement, 'on what is an unattractive area of unkempt ground' ! Unkempt in who's eyes, funny how other areas such as this are called natural beauty ! Nice way to start a pitch, which then goes on to show areas of this urban unattractiveness being used to shield the development from the houses on Roseyard ! As I have said, I have read the detail, nothing much has changed except more reports/assessments of no real substance, below is my original objection from Feb 2010 - I have already visited Inverclyde Planning office to view the plans and speak to a planning officer. I have also contacted Inverclyde Council's Flood expert and SEPA.

I object to the proposed development for many reasons, but primarily, on the possible flooding which may be caused by disturbance of the ground above Roseyard Place. The previous occupant of my house had a civil engineering survey done on the land surrounding the house, and had to pay approx £5000 to have extra drainage and walls put in just to hold the field drainage as it is. As there is a water table above this site (I know this because I used to stay in Dougliehill), and there is the natural spring, 'Springwell' on the hill itself, the disturbance of the vegetation on the hill, which acts like a natural sponge, will undoubtedly create water issues. Water only travels ONE

WAY DOWN ! Who would pay for any flooding caused in the future, should the 'developers' preventative measures fail !

Other areas for Objection which I have voiced to Planning, Flooding or SEPA are.....

Land slippage during building. This could be a disaster waiting to happen as we already seen major land slippage on Barr's Brae when the last lot of houses were built on the hill ! This time it will not end up on the road but will head for the cycle track/houses below.

Disturbance of the vegetaion as a natural habitat for much and varied wildlife.

Access from Barr's Brae... this may be fine in good weather, although the corners are 'blind' as it is, but this will be treachourous in the winter, with residents being forced to park on the hill due to the inaccessibility to the street, this already happens with residents parking on the Brae, and drivers 'ditching' their vehicles !

There is also a slight issue with privacy !

Application Comments for 13/0038/IC

Application Summary

Application Number: 13/0038/IC

Address: Vacant Land Barr's Brae Port Glasgow

Proposal: Application for residential development in principle, including the formation of a new access road from Barr's Brae

Case Officer: Guy Phillips

Customer Details

Name: Mr David Smith

Address: Bouverie Motors, Lower Bouverie Street, Port Glasgow PA14 5PE

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Surface Water Drainage

IC have worked strenuously at alleviating the existing drainage / flooding problems in the area. We have concerns that this new development may have a detrimental environmental and flooding risk downstream of the development, i.e. this development will be the straw that breaks the camel's back.

We have looked through the applicants information and we would like to have seen more consideration and in depth investigation carried out with regard to the possibility of flooding downstream caused by this development

Application Comments for 13/0038/IC

Application Summary

Application Number: 13/0038/IC

Address: Vacant Land Barr's Brae Port Glasgow

Proposal: Application for residential development in principle, including the formation of a new access road from Barr's Brae

Case Officer: Guy Phillips

Customer Details

Name: Mr Edward Kelly

Address: 64 Dougliehill Terrace, Port Glasgow PA14 5DP

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to having this proposal go ahead as at the point of buying my property I had a structural assessment done and was informed that because of where the property is situated, there would never be any properties built in front (this includes road access). The land around this area is classed as greenbelt and as such no other developments would be happening. It is structurally unsafe and there is also a very high possibility of landslide (would Mr Timoney be liable for this??? I think so, also there are deer situated around this area and should be left in their environment. Even the Scottish Government has declined Mr Timoney's proposal numerous times, I think he should just give up now as I am not the only neighbour objecting to this proposal.

Application Comments for 13/0038/IC

Application Summary

Application Number: 13/0038/IC

Address: Vacant Land Barr's Brae Port Glasgow

Proposal: Application for residential development in principle, including the formation of a new access road from Barr's Brae

Case Officer: Guy Phillips

Customer Details

Name: mr kenny green

Address: 38 dougliehill terrace, port glasgow pa145dp

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:dont want houses built right on top of mine.

Application Comments for 13/0038/IC

Application Summary

Application Number: 13/0038/IC

Address: Vacant Land Barr's Brae Port Glasgow

Proposal: Application for residential development in principle, including the formation of a new access road from Barr's Brae

Case Officer: Guy Phillips

Customer Details

Name: Mrs Hazel Bolland

Address: 70, Dougliehill Terrace, Port Glasgow PA14 5DP

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to planning being authorised due to it spoiling the wildlife habitat within that area which is busy with deer, hawks, buzzards, rabbits, squirrels, foxes and a variety of smaller birds that regularly commute around our back door area for food. This building plan would disturb this along with the view and the peace and quiet which would no longer be available due to neighbours overlooking our area.

I chose to reside within this area due to those factors quality and peace like this are very hard to find. If planning permission is granted we will be forced to move.

**DECISION NOTICE DATED
28 MARCH 2013**

DECISION NOTICE

Inverclyde
council

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
6 Cathcart Square
Greenock
PA15 1LS

Planning Ref: 13/0038/IC

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

Mr G Timoney

Elder And Cannon Architects
Mr J. Docherty
40 Berkeley Street
GLASGOW
G3 7DW

With reference to your application dated 7th February 2013 for planning permission under the above mentioned Act and Regulation for the following development:-

Application for residential development in principle, including the formation of a new access road at

Vacant Land, Barr's Brae, Port Glasgow

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 development is located on land identified in the Inverclyde Local Plan as open space and will fail to safeguard open space, contrary to Policy LR1.
2. The development is located on land identified in the Inverclyde Local Plan as open space and will fail to safeguard the character and amenity of an existing residential area, contrary to Policies H1 and H8.
3. The development will have an adverse impact on the enjoyment of users of the Sustrans cycle track, which is part of the core path network as referred to in Local Plan Policies LR6 and LR7.

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

Dated this 28th day of March 2013


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: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
OS(--)-001	rev A	01.01.2011
L(--)-003	rev D	01.12.2010
L(-)-004	rev F	01.12.2010
L(-)-006	rev C	01.02.2011

**NOTICE OF REVIEW FORM AND SUPPORTING
DOCUMENTS**

Inverclyde council

6 Cathcart Square Greenock PA15 1LS

Tel: 01475 712 406

Fax: 01475 712 468

Email: planning.dlm@inverclyde.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000063600-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

First Name: *

Last Name: *

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="G"/>
Last Name: *	<input type="text" value="Timoney"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text" value="c/o Agent"/>
Building Number:	<input type="text" value="102"/>
Address 1 (Street): *	<input type="text" value="High Street"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Dunblane"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="FK15 0ER"/>

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing

Easting

Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See statement attached.

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

Yes No

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Decision Notice
Report of Handling
Planning Application (also see Council's online planning system)

Application Details

Please provide details of the application and decision.

What is the application reference number? *

13/0038/IC

What date was the application submitted to the planning authority? *

07/02/13

What date was the decision issued by the planning authority? *

28/03/13

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

To better understand the issues that are relevant to the local review.

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

To understand the site.

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The site is difficult to access due to the slope and vegetation.

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Paul Houghton

Declaration Date: 21/05/2013

Submission Date: 21/05/2013

LOCAL REVIEW STATEMENT

BARR'S BRAE, PORT GLASGOW

This local review is being submitted on behalf of Mr G Timoney following the refusal of his recent planning application in principle for residential development at Barr's Brae. The application was refused for three reasons of which two relate to the loss of an area of open space and the third to the perceived adverse visual impact the proposed development might have on the Sustrans cycle way, which lies close to the application site.

Otherwise, the applicant supports the conclusions of the case officer in stating that all other technical matters have either been dealt with, or can be the subject of suitably worded planning conditions.

The current application has been submitted following the dismissal of an appeal in February 2012, but represents a materially different scheme to the one considered by the reporter. In effect, the architect has looked again at the site and done what he can to reduce the extent of re-profiling, supporting structures and development proposed, and has endeavoured to reduce the visual impact of the overall development by retaining as much screen planting as possible. The effectiveness of these changes is best understood by visiting the application site and it is requested that the LRB do this as part of coming to a decision on this local review.

It is also requested that the councillors avail themselves of the applicant's planning statement, submitted with the planning application, as this not only includes aerial and other photography of the site, but explains graphically with photographs and a model how the site will be developed. This statement, therefore, forms the substantive part of the applicant's case as to why the development will not have the level of impact that the case officer suggests.

Although the proposed site plan shows 14 dwellings, it should be remembered that the application is being submitted in principle and this number of units, and the layout, is indicative only. If the LRB ultimately decide that residential development in principle is acceptable, but not to the extent shown, the applicant remains willing to discuss and agree what part of the site could be developed instead. A reduction in the developable area could be secured by way of a suitably worded planning condition.

Equally, although the model prepared by the architect, and submitted with the application, shows two storey dwellings, there is no reason why the resultant development could not be single or one and a half storey. If the LRB considers that reducing the height of the buildings would reduce the visual impact from development on the application site then again the applicant would be willing to accept a suitably worded planning condition to secure this.

As will be appreciated the applicant has spent a considerable amount of money to get to this point. He would thus rather discuss with the LRB at a hearing what is likely to be acceptable on the

application site than simply get a refusal and be left with no idea as to what to do with the site going forward.

The applicant accepts that the land has been defined as open space, but the fact remains that it is not used in this way. Rather the applicant considers the site to be unmanaged scrubland with little or no amenity interest, but appreciates that others have a different view on its worth, and that parts of it are used by the residents of Douglehill Terrace informally and very occasionally. That is why he would be willing to pass ownership of the remaining land to the Council or such other body as the Council sees fit to manage it. Alternatively, he would also be content to pass ownership to the individual properties on Douglehill Terrace for each to have a private rear garden. Furthermore, as he accepts that the management of such areas can be a burden, he is willing to make a reasonable financial contribution to its future management of an amount to be agreed with the Council.

Otherwise, and in respect of visual amenity, it is considered that this is best understood by visiting the locale. The applicant accepts that there will be points at which the new development will be visible, including from the Sustrans cycle way, but it is very doubtful that anyone using this will consider that their experience has been significantly impaired. For cyclists the impact will be of very limited duration, and they will anyway be concentrating on the route ahead rather than looking up and sideways, whilst for walkers there will be a view of new development, but this will be filtered by retained landscaping and will be above them for much of their journey.

As a final comment the applicant has continued to pursue this site vigorously because there has been market interest in it. If planning permission is forthcoming there is every likelihood that the site will be delivered in the very near future helping Inverclyde to meet its five year housing land requirement, offering choice to those looking to live in the area and helping to support the local economy.

For all of the above reasons it is hoped that the LRB will support the applicant by granting planning permission.

APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE
BARR'S BRAE, PORT GLASGOW FOR MR. G. TIMONEY.

PLANNING APPLICATION, BARRS BRAE, PORT GLASGOW

The land at Barr's Brae extends to circa 0.36 hectares and represents an opportunity to bring forward much needed new housing in Port Glasgow on what is an unattractive area of unkempt ground.

The owner has previously applied for planning permission in principle on this site, and other land he owns locally at Barr's Brae, and whilst he has been unsuccessful, so far, in relation to this site, he has secured planning permission in principle for 8 dwellings on a site close by.

The previous application to build housing on this site was supported by officers of Inverclyde Council, but councillors raised concerns about the visual impact of developing the site. This issue is considered further below in presenting what is considered to be a better designed solution for the site that will minimise visual impact.

The site is being brought forward in a climate whereby the Council is looking for sites to assist in meeting its current and future housing land requirement; an issue it will be addressing through ongoing work in relation to producing a new Inverclyde Local Development Plan. This new Plan will need to conform to the Glasgow and the Clyde Valley Strategic Development Plan, which has recently been the subject of examination by reporters appointed by Scottish Ministers. The Strategic Development Plan will require Inverclyde to have a continuous 5 year supply of effective housing land, and enough further housing land to meet a generous requirement for new housing up to 2025.

An effective site is one that meets the 7 criteria set out in Planning Advice Note (PAN) 2/2010, 'Affordable Housing and Housing Land Averages'. In this case the site is owned by a party who wishes to see it developed, and has been happy to finance planning applications in order to facilitate this; has no physical issues that prevent development occurring other than the slope, which is addressed below; has a suitable access that has been signed-off by both the Council and a Scottish Government reporter; has no contamination that would preclude development occurring; can be developed without the involvement of the public purse; and would see new houses being developed for which there is a local market.

In the current economic climate, the Scottish Government is actively supporting sustainable economic development, and this is just the type of local project that will lead to investment into Port Glasgow and will help secure existing, and new, jobs in the construction sector, which has been hit particularly hard by the recession.

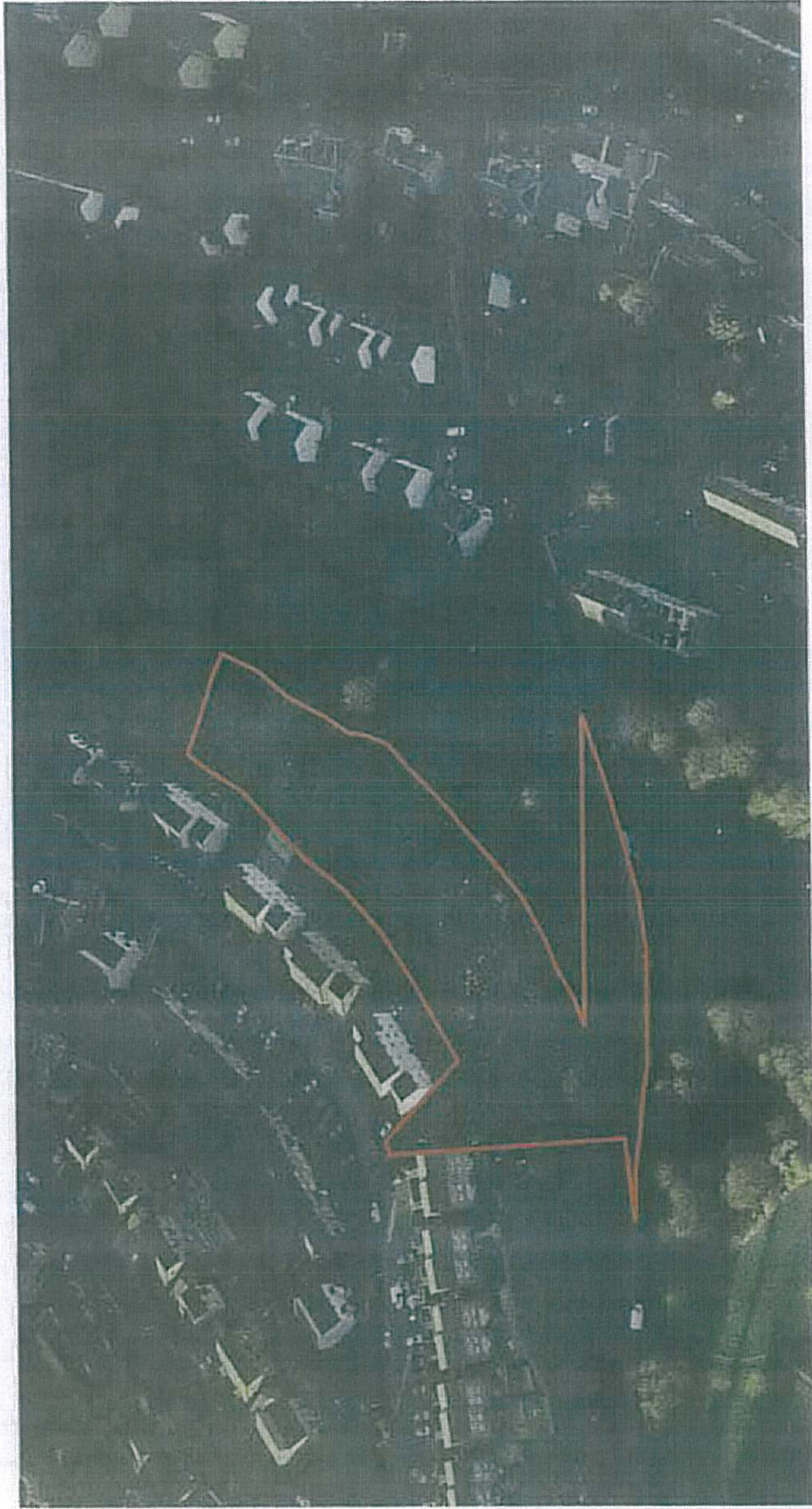
The development of this site is also of a type that would meet all local and national planning policy and guidance on the location of new housing. It is within the settlement limit of Port Glasgow and, therefore, close to employment, schools, shopping, health centres and other community facilities.



Application site (14 units)

Adjacent site (8 units)
already approved

THE SITE IN CONTEXT



AERIAL VIEW FROM NE

Site boundary (indicative)



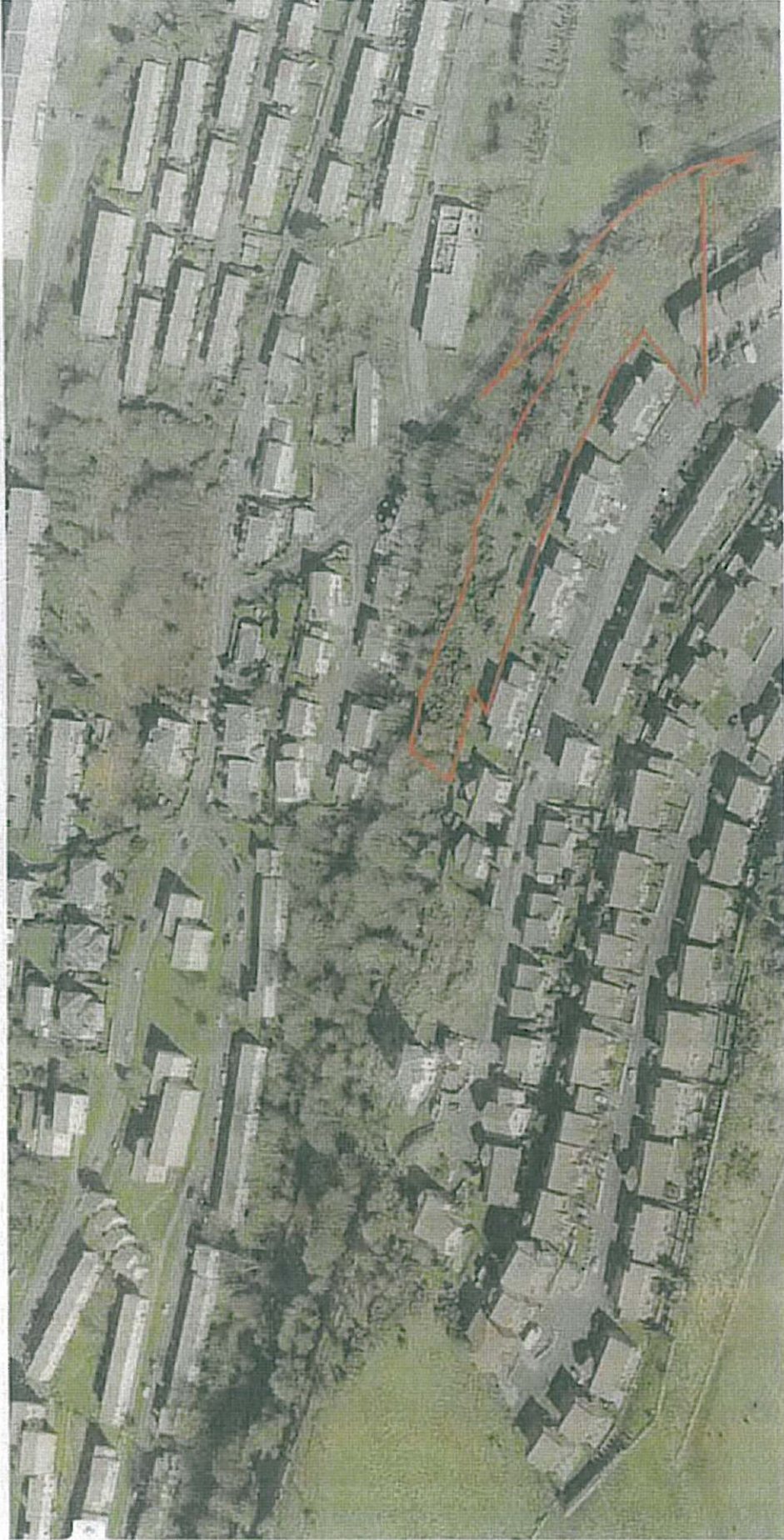
AERIAL VIEW FROM NW

— Site boundary (indicative)



AERIAL VIEW FROM SW

— Site boundary (indicative)



AERIAL VIEW FROM SE

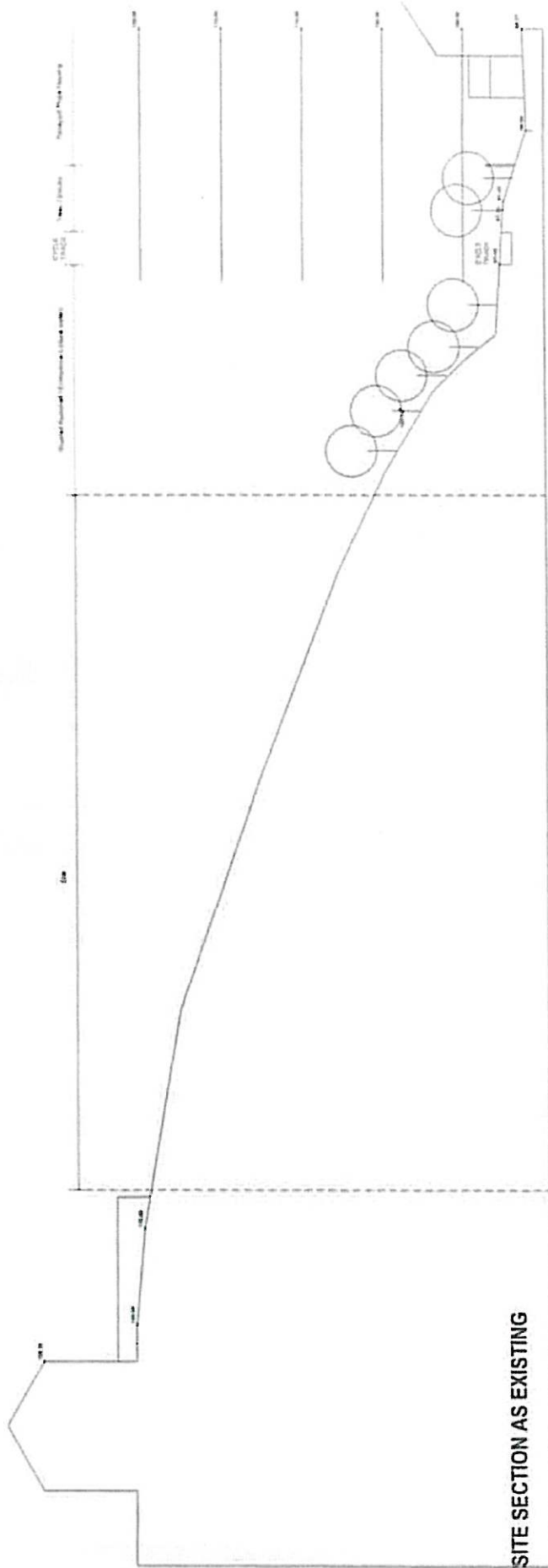
— Site boundary (indicative)

THE SITE AS EXISTING

The proposed development site is defined by the natural boundary of distinctive rockshelf feature and strip of woodland running to the south of the SUSTANS cycle track. By contrast the land proposed for development is unattractive and unmanaged scrubland, described as 'poor quality' by the Planning Report.

The site boundary formed by this change in character sits at a varying distance from the cycle track, generally c.20m narrowing to c.9m at the very western corner. As the survey shows, the rock shelf runs a consistent 6-7 metres higher

than the cycle track over the eastern and central parts before declining toward the western corner. This strip of land is inhabited by a thick band of trees and shrubbery which on the embankment form a very effective and attractive screen to the hillside beyond, creating a discrete environment with very little, if any, sense of encroachment from proposed development as the section illustrates.



SYMBOLS	
[Symbol]	[Description]
[Symbol]	[Description]
[Symbol]	[Description]
[Symbol]	[Description]
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[Symbol]	[Description]
[Symbol]	[Description]
[Symbol]	[Description]

Legend

Topographic Features

Spot Elevation

Contour

Site Survey

Site Boundary

Property Line

Utility

Power Line

Other

North Arrow

Elder and Canyon

CS 2024-001

CS 2024-002

CS 2024-003

CS 2024-004

CS 2024-005

CS 2024-006

CS 2024-007

CS 2024-008

CS 2024-009

CS 2024-010

CS 2024-011

CS 2024-012

CS 2024-013

CS 2024-014

CS 2024-015

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CS 2024-095

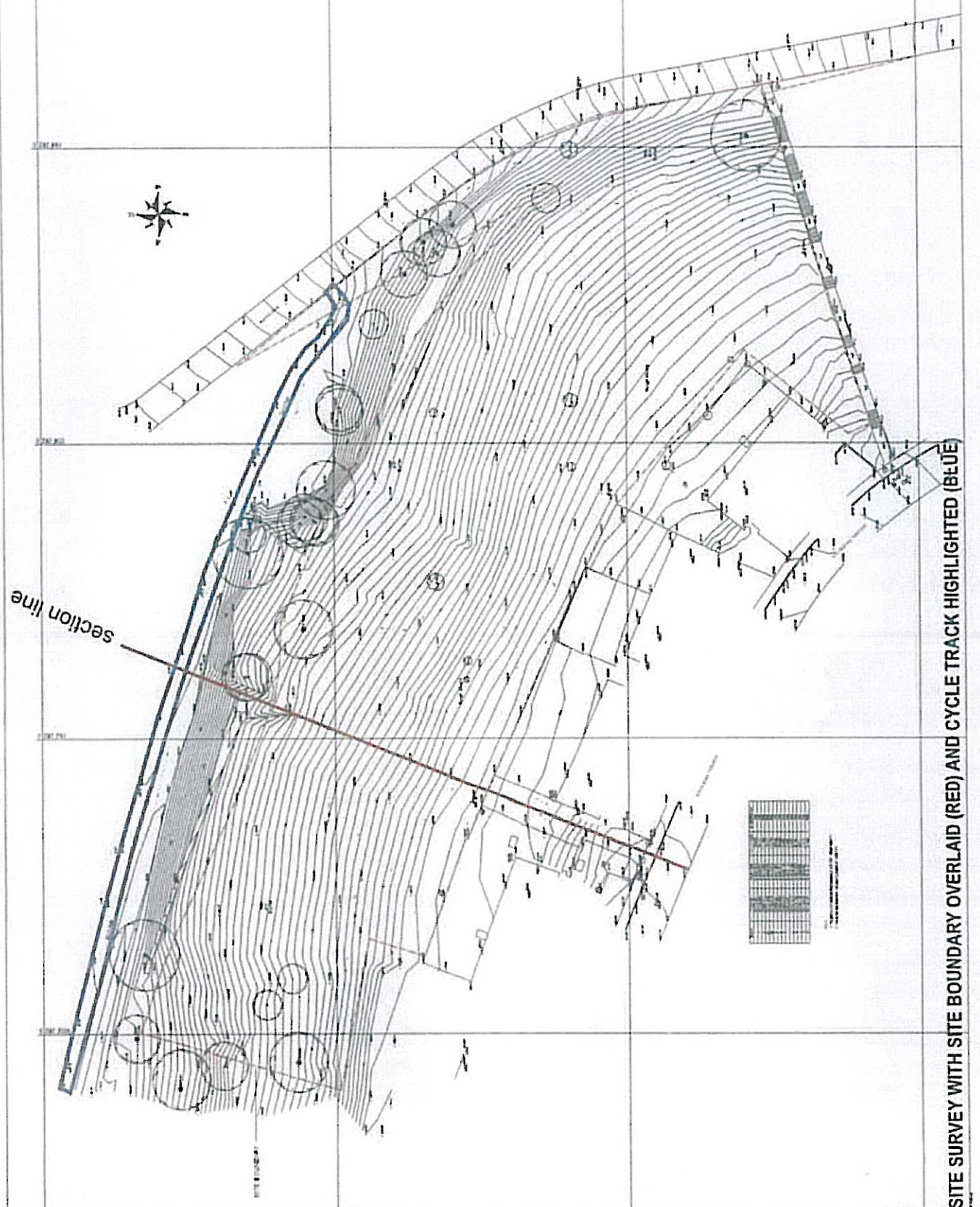
CS 2024-096

CS 2024-097

CS 2024-098

CS 2024-099

CS 2024-100



SITE SURVEY WITH SITE BOUNDARY OVERLAID (RED) AND CYCLE TRACK HIGHLIGHTED (BLUE)

CYCLE TRACK

The very steep incline and height of the rock shelf and thick vegetation provide a visual and acoustic barrier to the development site and in our view would significantly mitigate any impact that new development would have on the existing qualities of the Cycle Track.

The cycle track currently runs between the heavily wooded rockshelf and the back gardens of Roseyard Place over the full length of the development site boundary. These gardens are only 4m from the cycle track and unscreened in places providing a direct visual and acoustic relationship between the housing and cycle route. We note there is no existing precedent of protection to the cycle track from development in this area.

The cycle track also links to the Barrs Brae distributor road to the east. Unlike Barrs Brae and Roseyard Place, the new development road will be effectively screened from the cycle track by the existing topography and vegetation, even in winter as these photographs show.

The cycle track runs alongside a long series of suburban developments through Part Glasgow and it is our considered view that the new development in question will not have a detrimental impact on the existing character or users' perception of the cycle track.



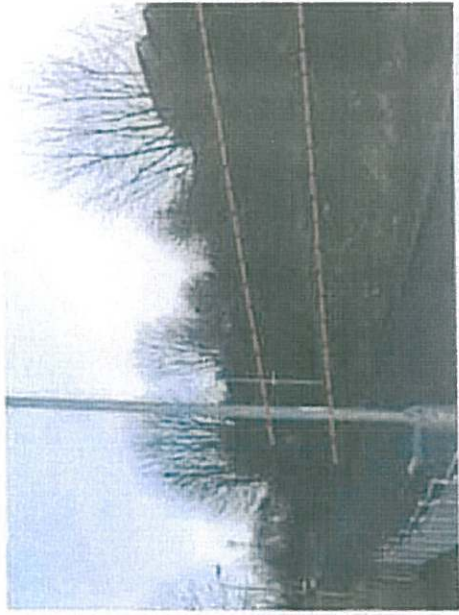
VIEW FROM ROSEYARD PLACE



VIEW ALONG CYCLE TRACK - ALL FOLIAGE ON EMBANKMENT WILL BE RETAINED



VIEW TO ROSEYARD PLACE GARDENS FROM CYCLE TRACK



ELEVATION OF ROCK SHELF OVER CYCLE TRACK AT JUNCTION WITH BARRS BRAE

Heavily Wooded
Rock Shelf

Cycle Track



CYCLE TRACK PROXIMITY TO BAINES BRAE AND ROSETARD PLACE

SITE EXTENTS

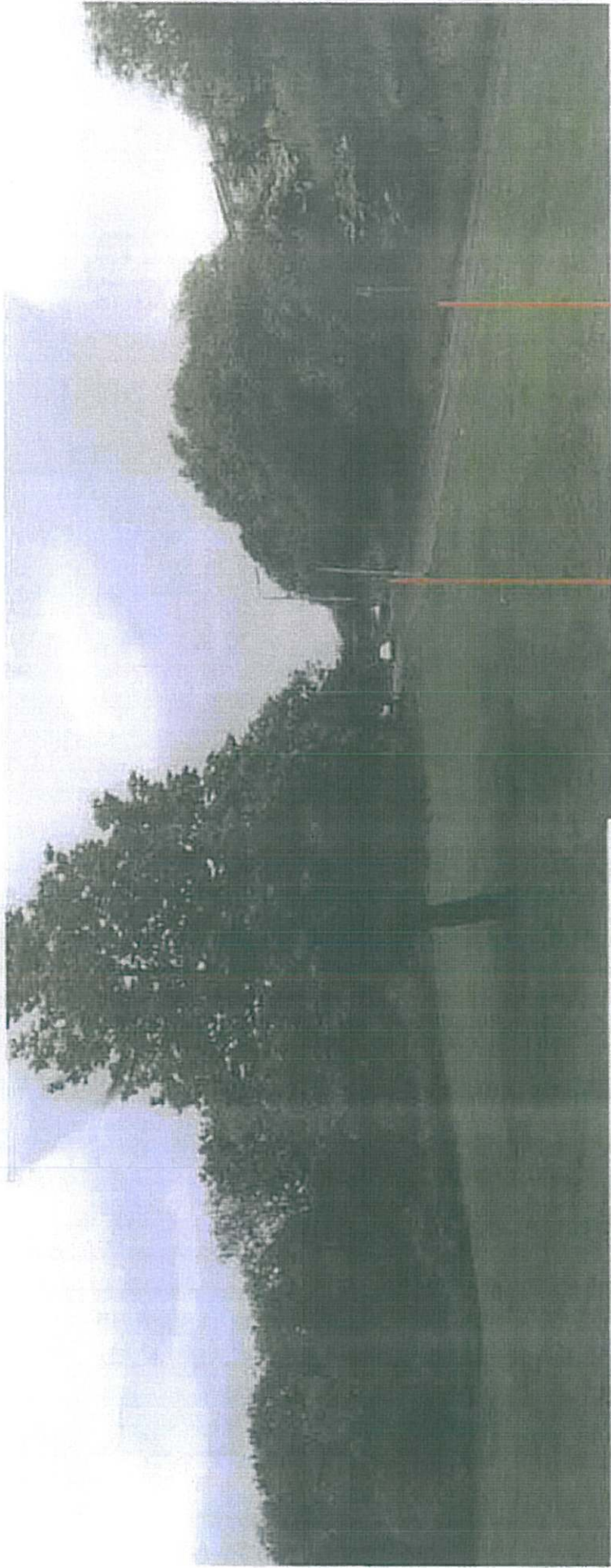


THE SITE FROM BARRS BRAE



VIEW DOWN BARRS BOWE TO ROAD ENTRY





ROAD ENTRY FROM BARRS BRAE

VIEW FROM PARK



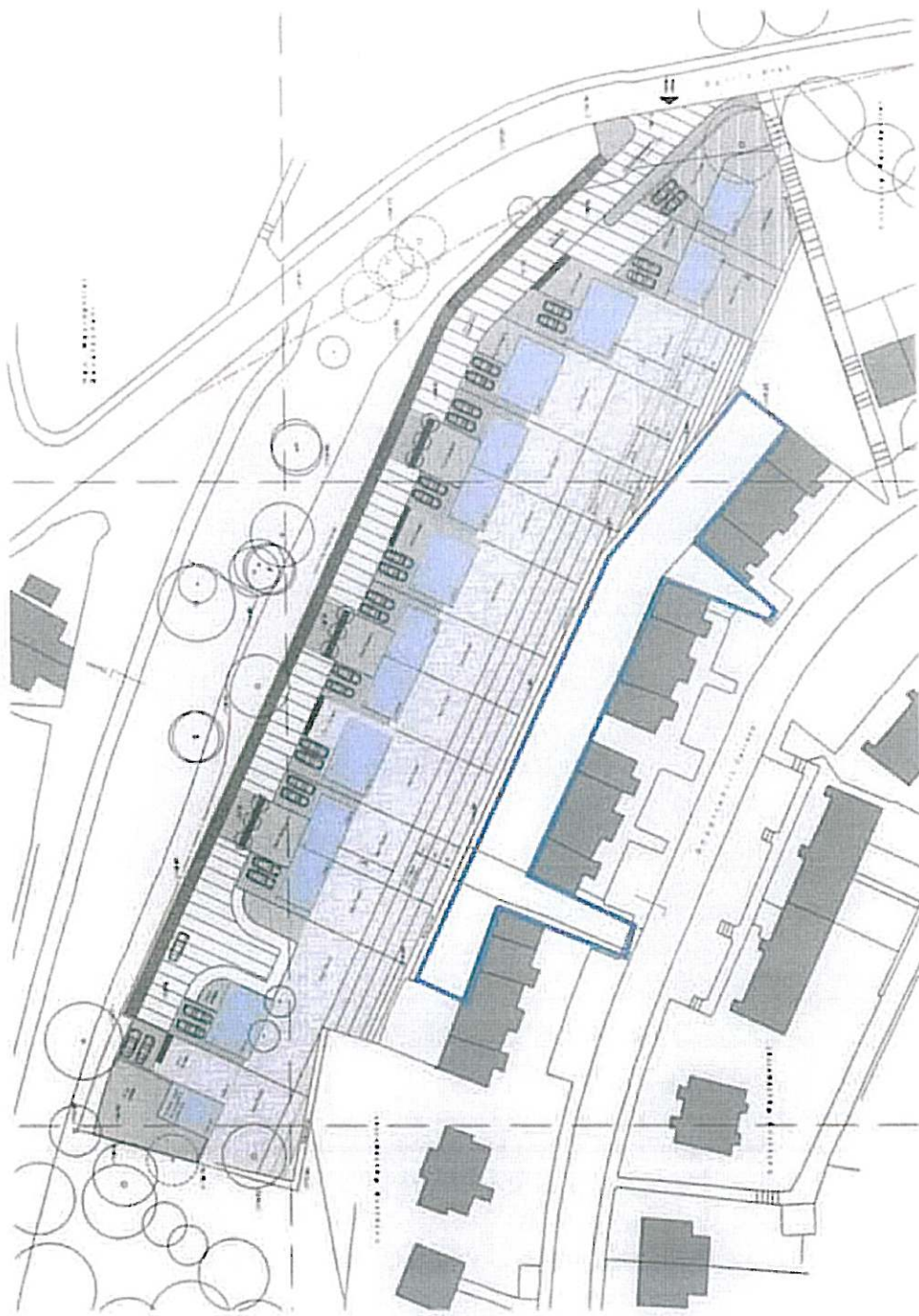
(follage at cycle path retained)

(follage cut back for visibility splay)

PROPOSAL

In terms of the actual site, the main issue is the slope, which means that inevitably new development here will need to see some change to the prevailing topography, and will have some visual impact. In considering the previous application for the site, it was clear that the number of new houses proposed, and the amount of site re-grading required to facilitate this, was a particular concern and so the architects for the site have re-visited the proposals to look at how the scheme can be adapted to ensure that external visual impact is as limited as possible. The new proposals are included below in plan form, along with some visualisations, that show that the effect of developing the site is nowhere near as significant as might at first have been assumed.

In reviewing the previous scheme, the owner has also looked again at retaining land that he owns, but is outwith the development site. At present, this is used by residents of Douplehill Terrace, but not owned by them. The owner would be willing to pass ownership of this land to the Council or a suitably constituted residents' association, to ensure that these properties have an area of amenity land that is preserved in perpetuity.



— Site boundary
— Area also in client ownership

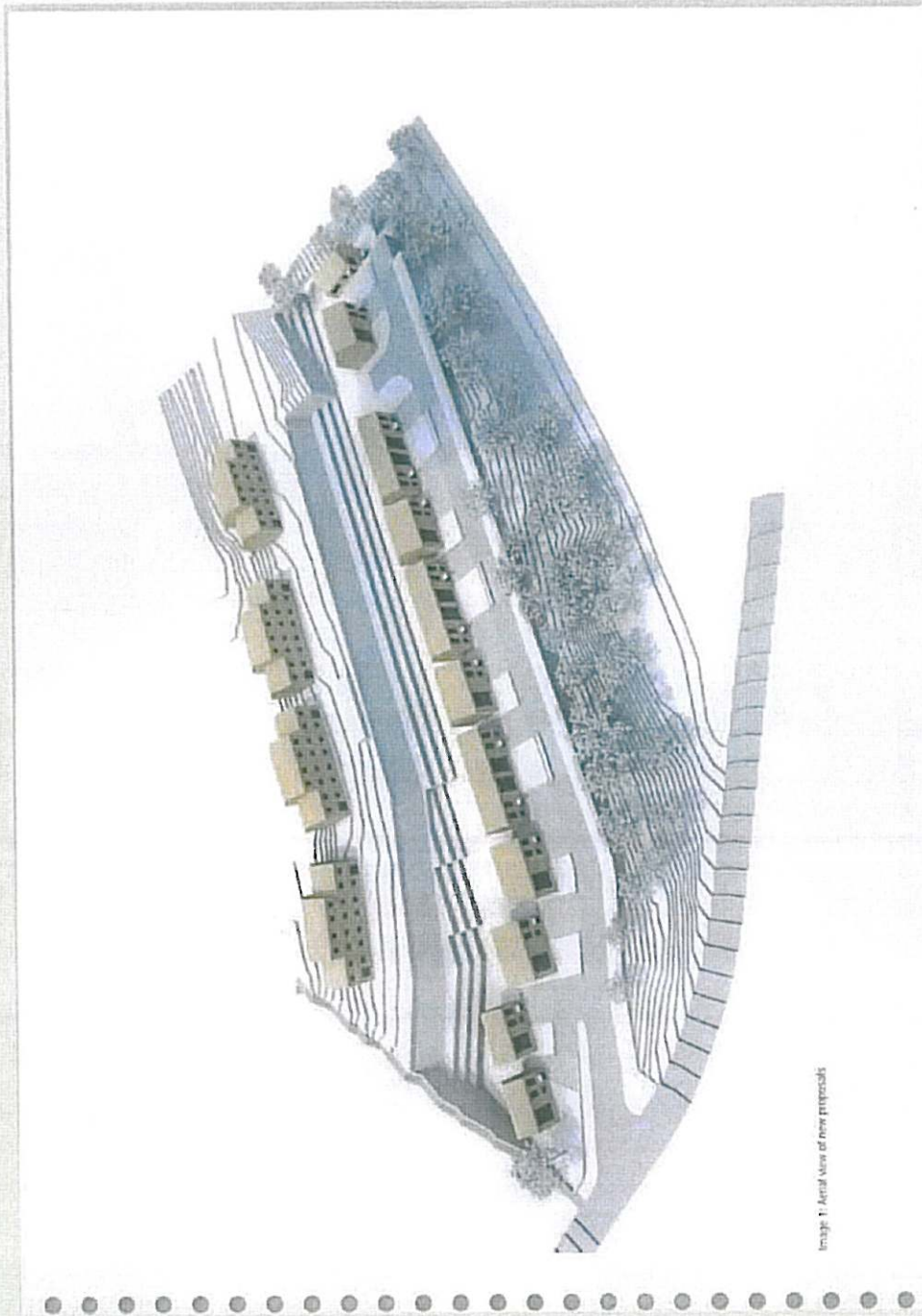


Image 1: Aerial view of new proposals

SITE SECTION

The street has been regraded to a maximum level of +108.00 in these proposals to minimise the impact it has over the cycle path and embankment while still addressing the requirements of the steep topography.

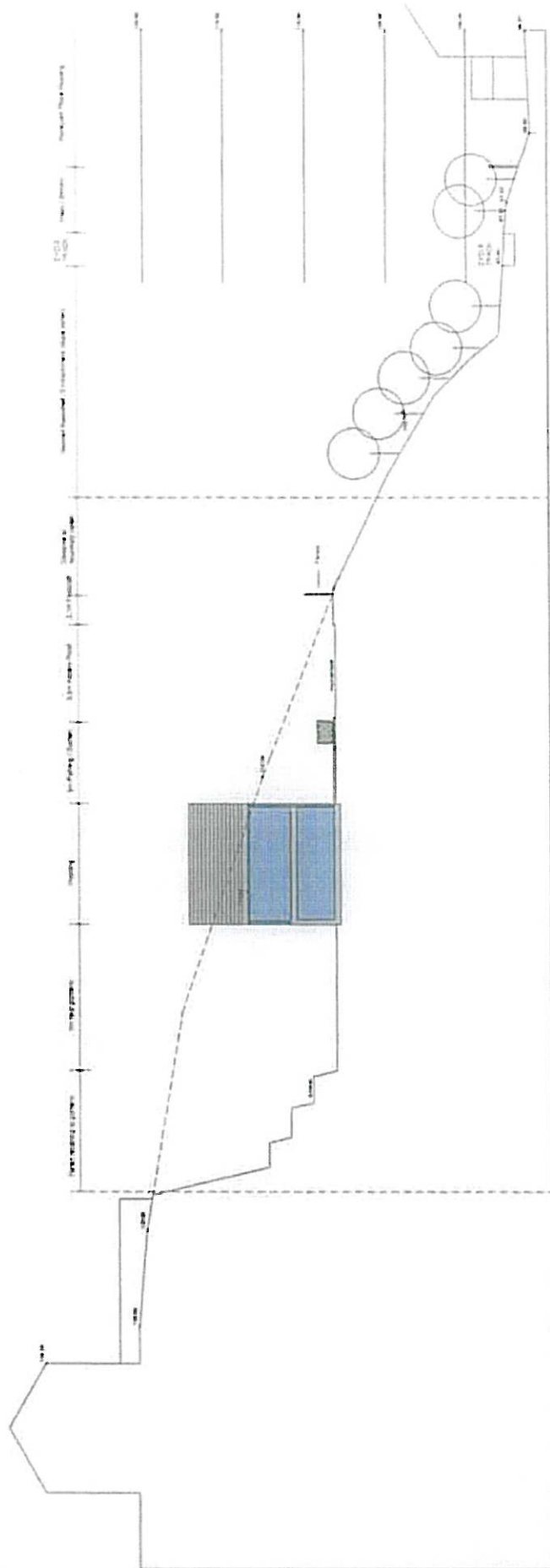
This keeps the new housing below the existing housing at the top of the slope, retaining the views for these properties and reducing any visual impact the new housing may have on broader views of the hillside from below. It is our impression that there are few vantage points that can see this part of the hillside from below due to the limited sightlines through the foliage and the curvature of the hill.

At the point which the section line is taken at the middle of the site no retaining is required. The levels change across the cut slope to either side requiring an element of retaining above the rockshelf.

This will be formed by a timber crib retaining wall providing a landscaped screen behind the existing dense foliage as illustrated on the indicative project images.

To the rear of the houses, 9m level back gardens are created throughout, with terracing beyond stepping up to the rear retaining wall to the existing gardens.

This is proposed to be a similar timber crib retaining wall, but alternative solutions would be considered to meet Planning requirements.



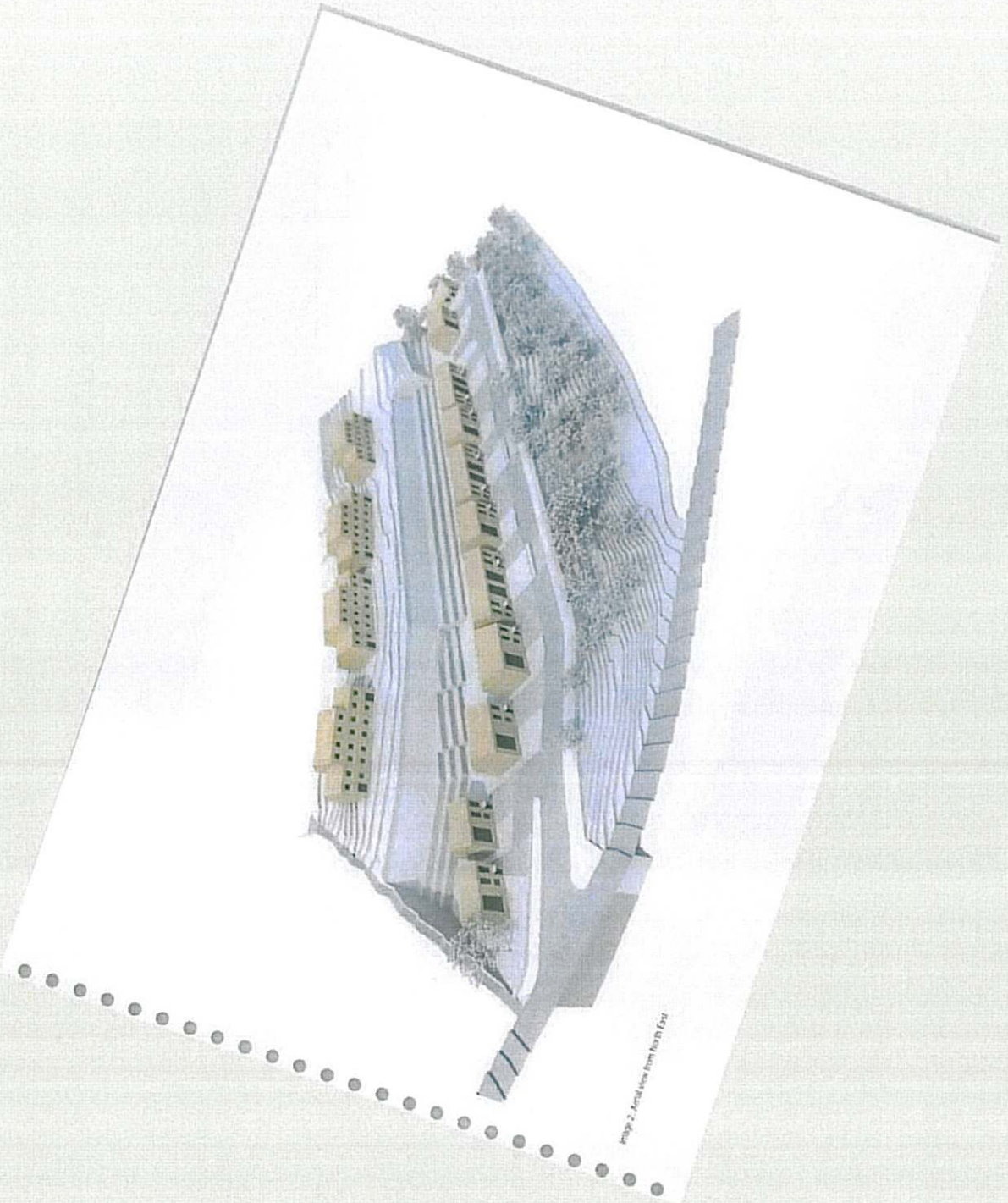


Figure 2. Aerial view from the top of the hill.

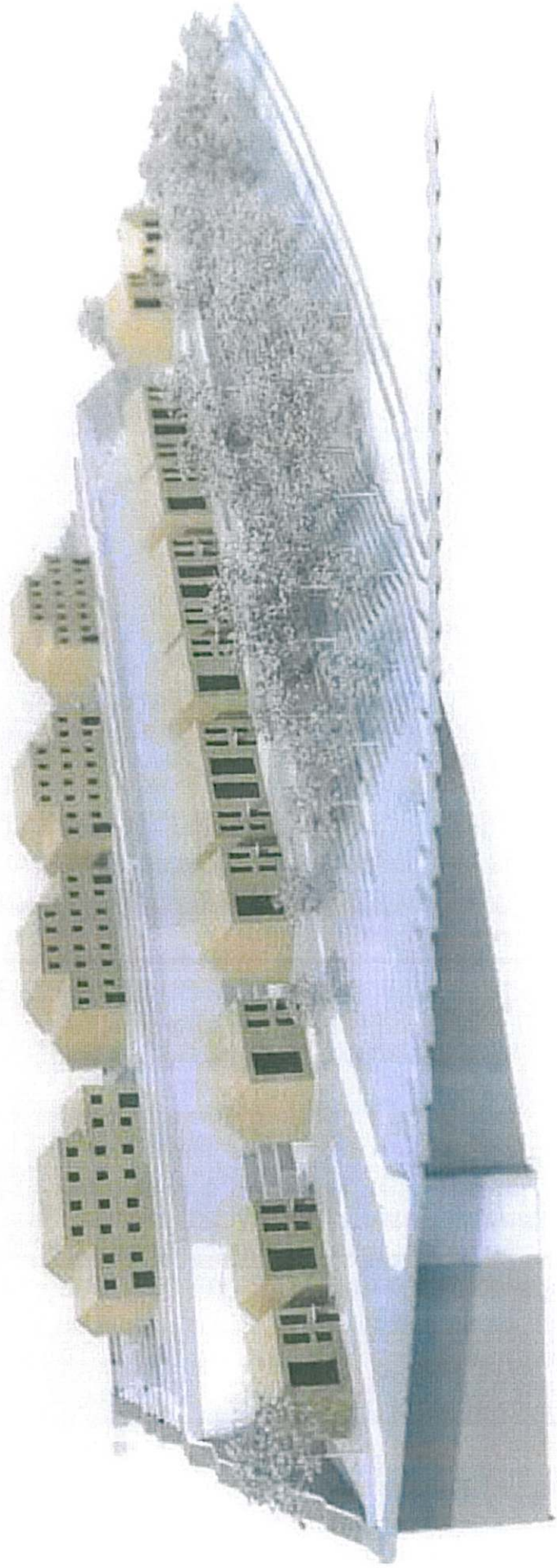


Image 3 - Elevated view from NE, showing relationship to existing housing and to embankment

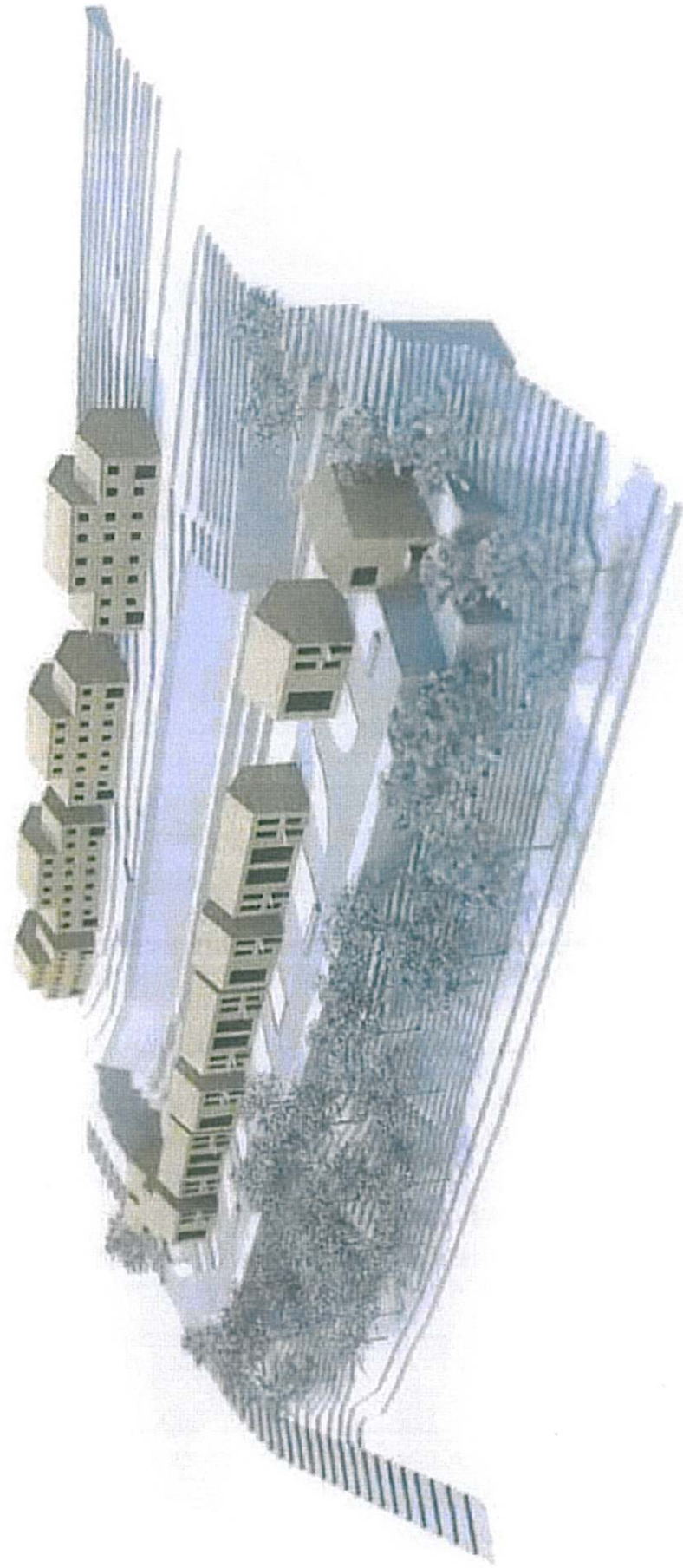


Image 4 - End house steps down slope to reduce impact at western approach of cycle path

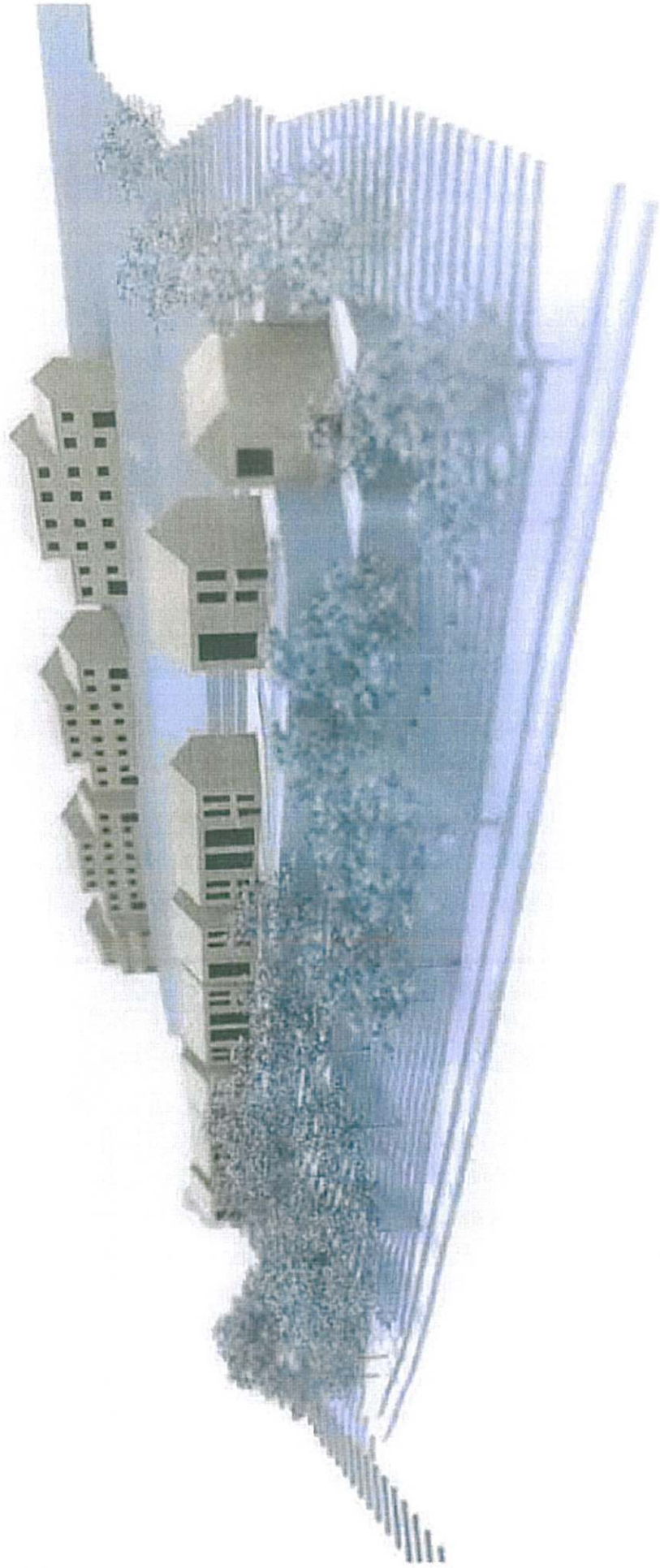


Image 4 - Elevated view from North

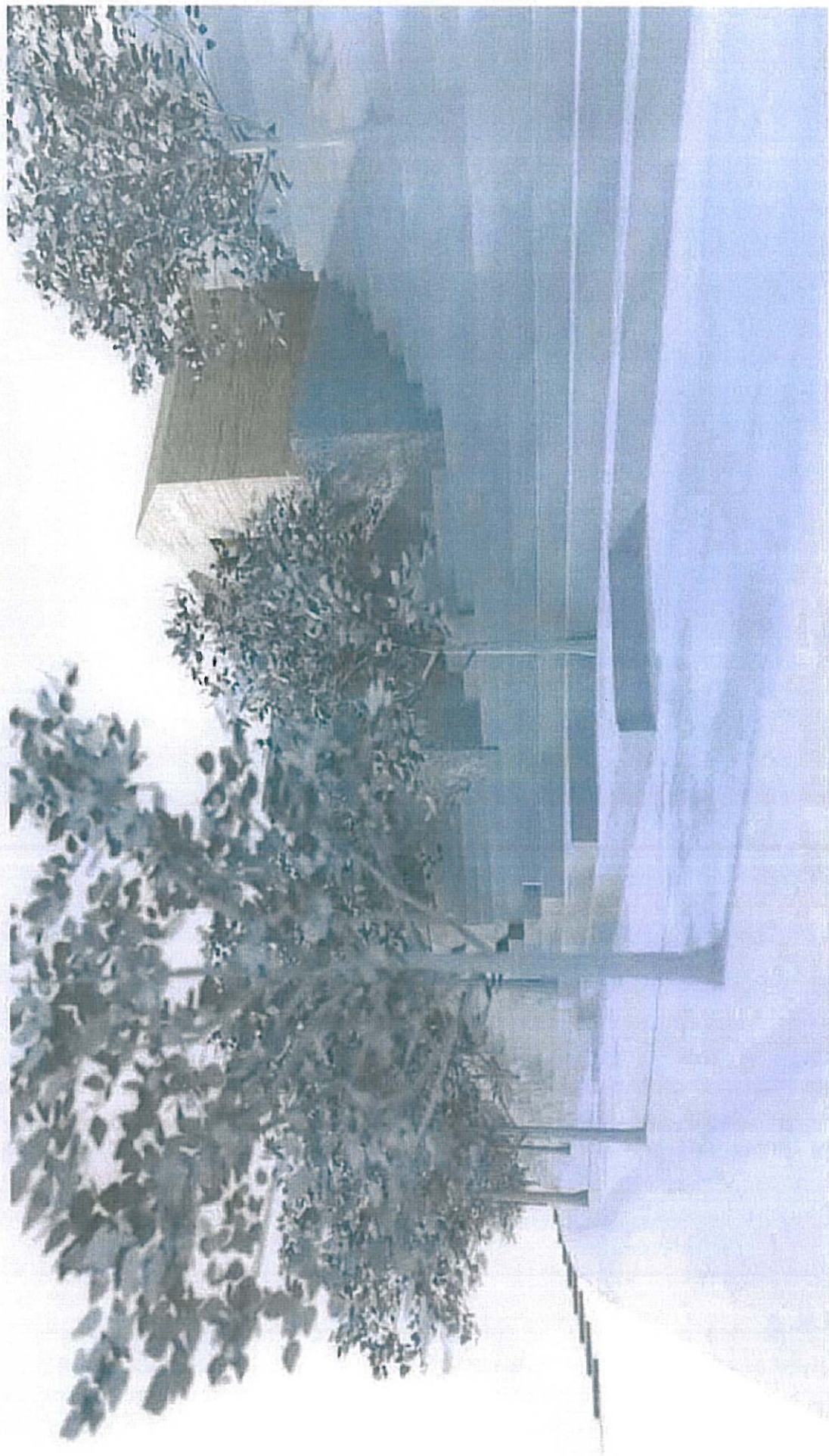


Image 1 - View along cycle path from west

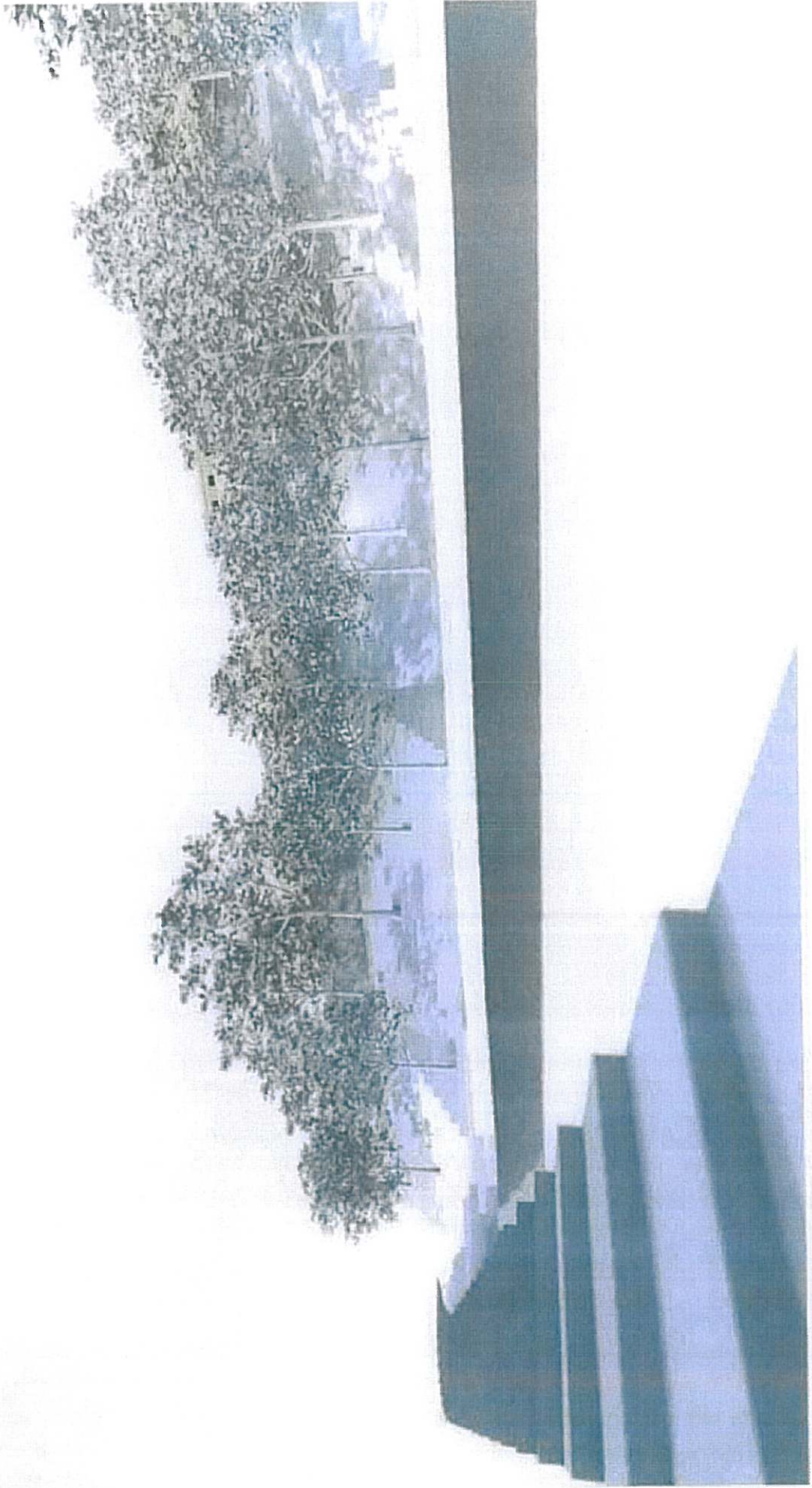


Image 5 -Approach looking uphill from Barrs Brae

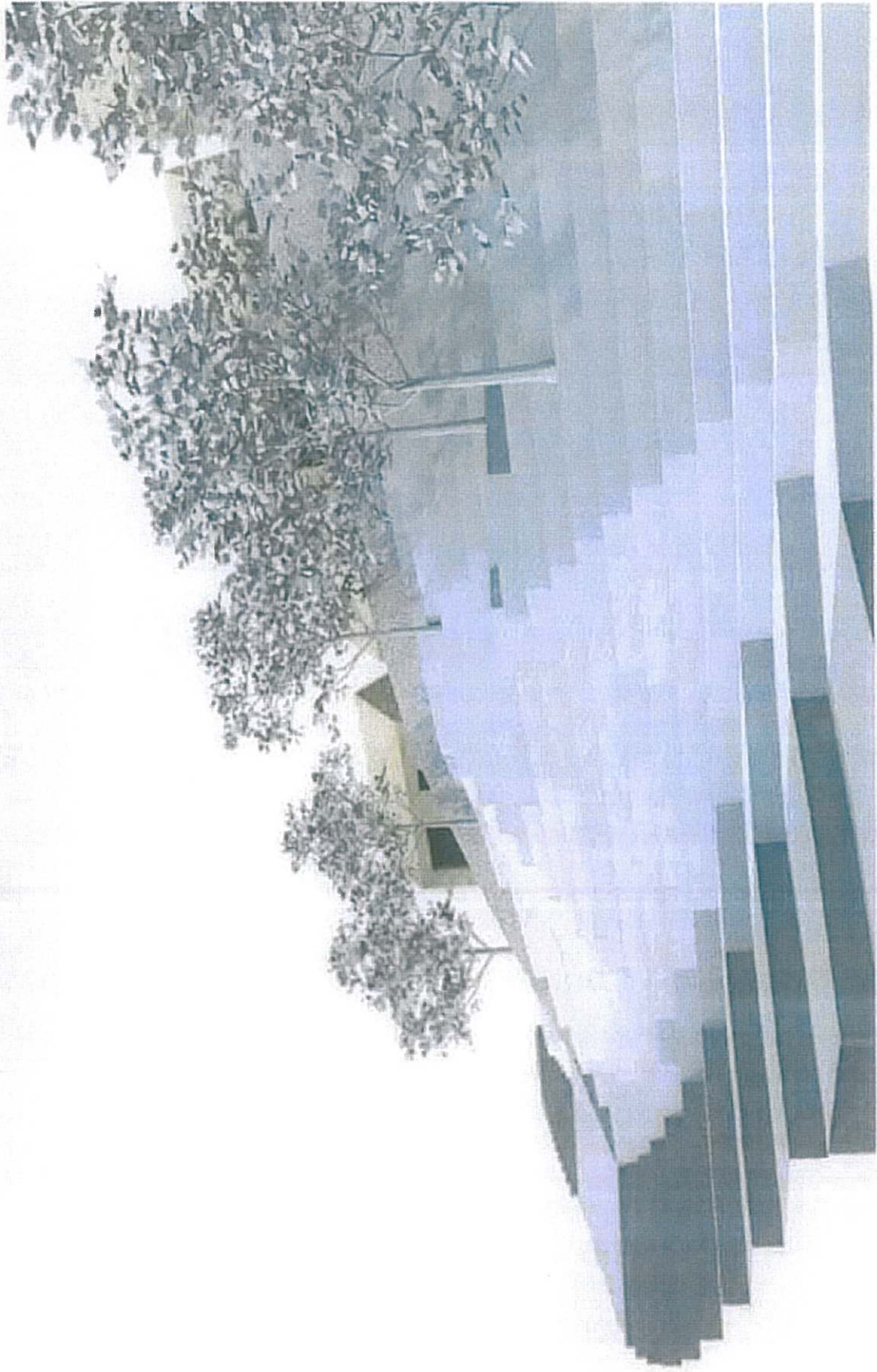


Image 6 - Closer view from Barrs Brae uphill approach

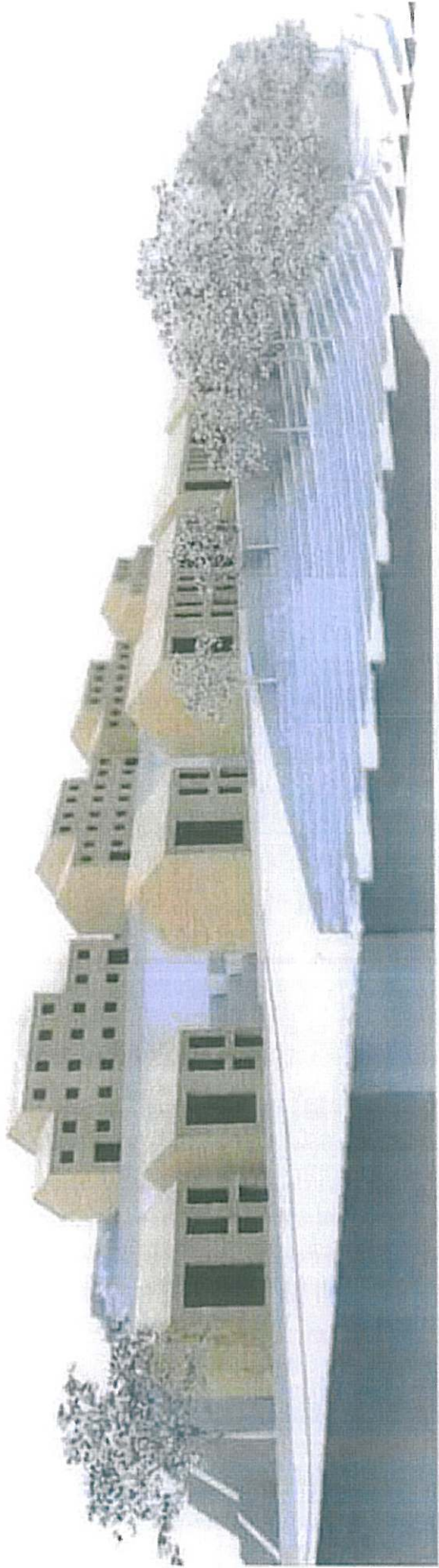


Image 7 - View from Park to site

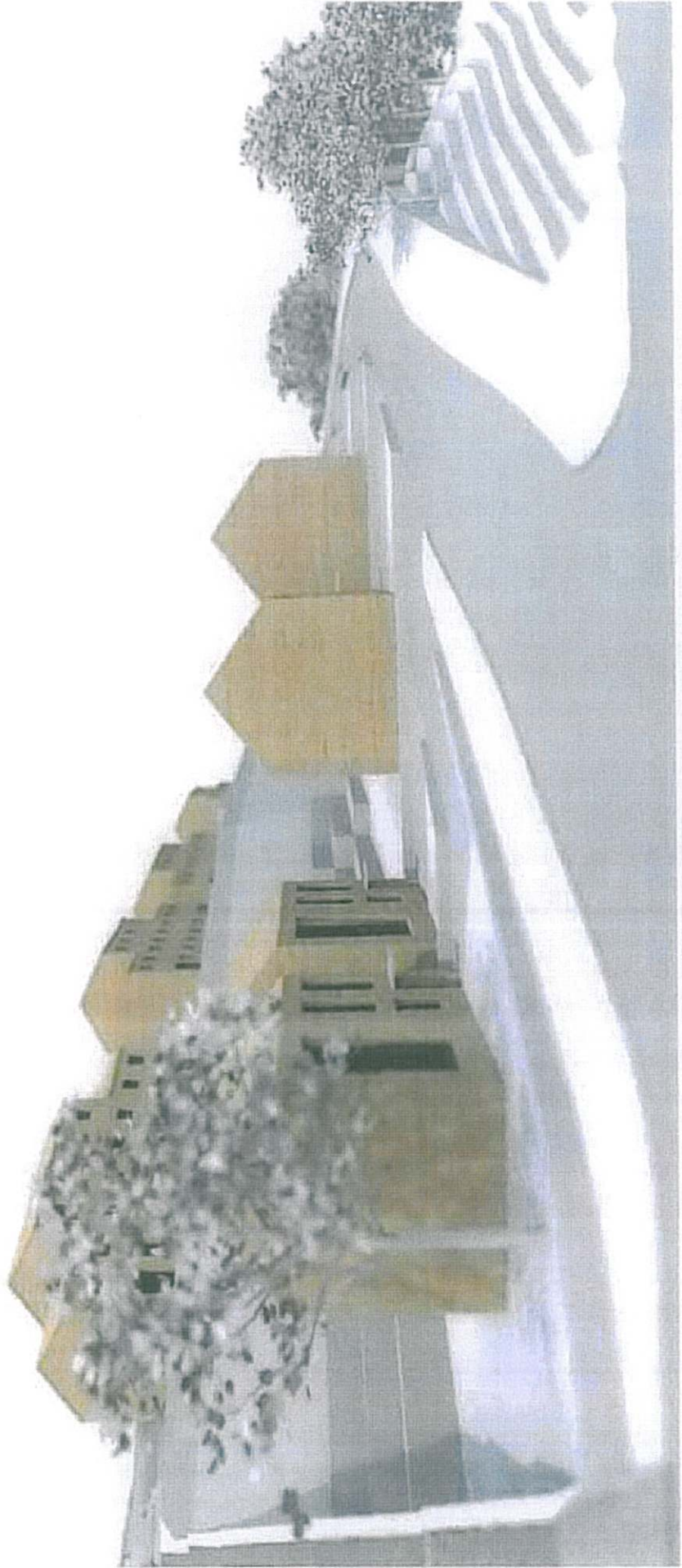


Image 8 - View along new road from entry

PLANNING DRAWINGS



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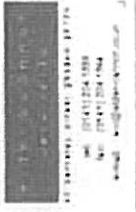


Denotes extent of Site

Other areas owned by applicant

Scale 1:1250 @ A4

James PB 759a - Barr's Rise nr Douglas Hill Road, Port Glasgow
client: Mr. G. Thomson
ref: 081-1001 - Rev A
date: Clearance Survey Plan - Site 3
scale: 1:1250 @ A4
date: January 2011



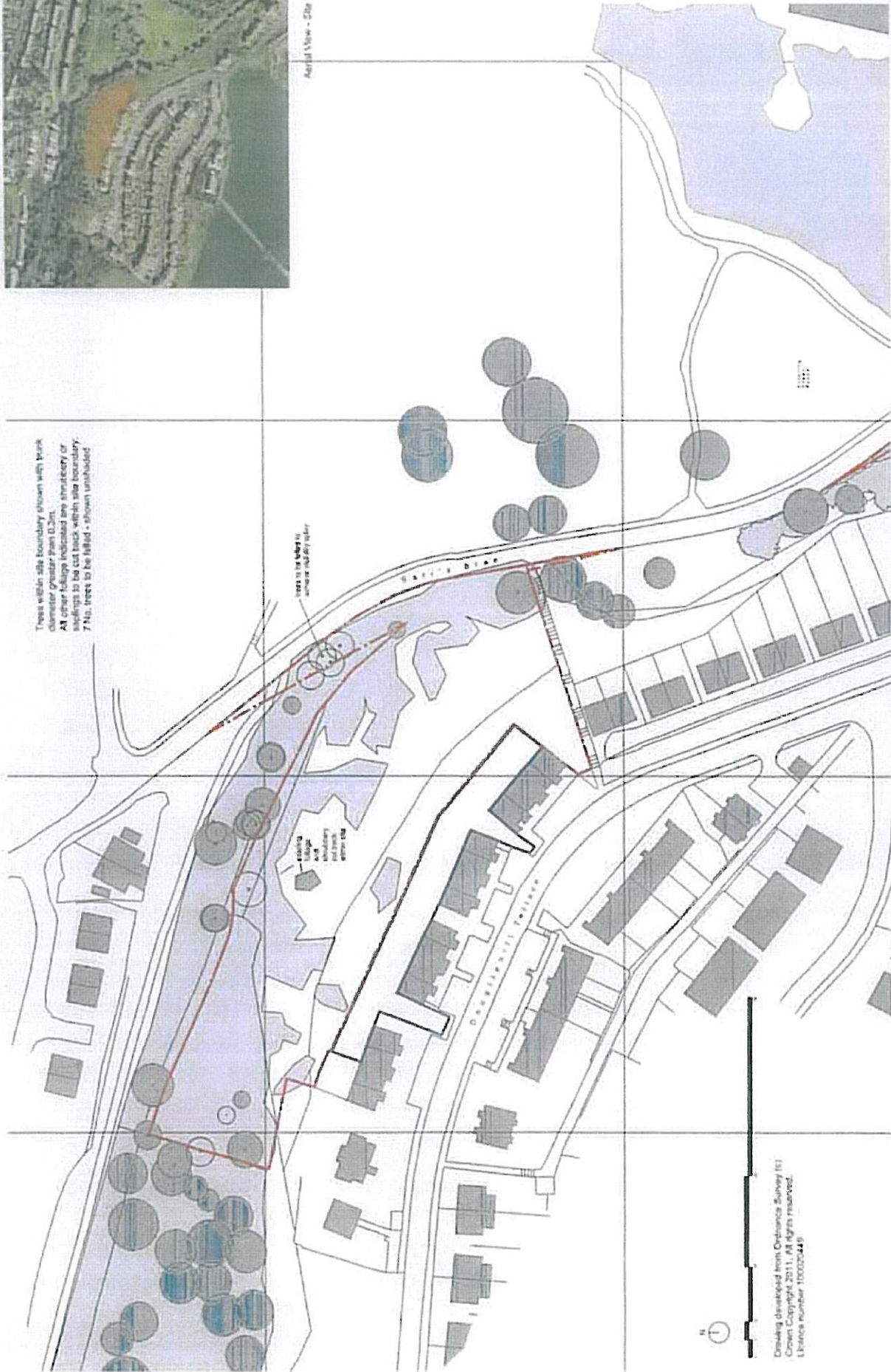


Aerial View - Site Location

Trees within site boundary shown with trunk diameter greater than 0.2m.
 All other foliage indicated only stem(s) or of subjects to be cut back within site boundary.
 7% trees to be killed - shown unshaded.

Trees to be killed to improve visibility of sight

Proposed bridge and secondary driveway across site



Drawing developed from Ordnance Survey (61)
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Demised extent of Site
 Other areas owned by applicant

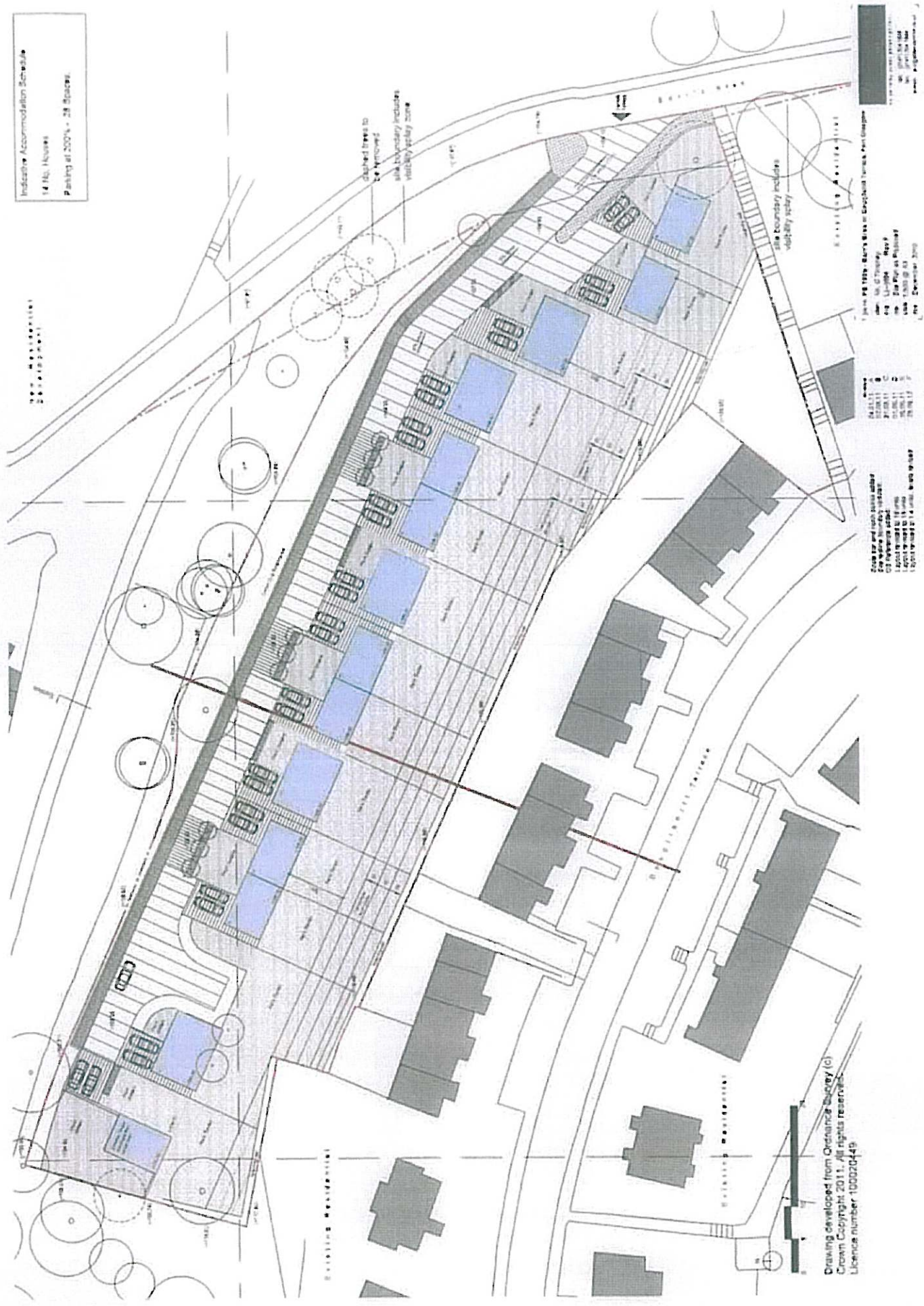
Scale for all north points shown:
 Site within boundary outlined
 Site within boundary outlined
 Other areas owned by applicant (to be removed)
 OS Boundaries outline

Revisions:
 SHELL 1 A
 SHELL 1 B
 SHELL 1 C
 SHELL 1 D

Project: PB 7919 - Barr's Bra to Douglashill Terrace, Port Glasgow
 Drawn: Mr. G. Thomson
 Ref: L-1003 Rev D
 Site: Location Plan
 Scale: 1:1000 @ A3
 Date: December 2010



Indicative Accommodation Schedule
 14 No. Houses
 Parking at 200% = 28 Spaces



Scale bar and north arrow added
 See before boundary, visit
 CE reference added
 License number 10002049

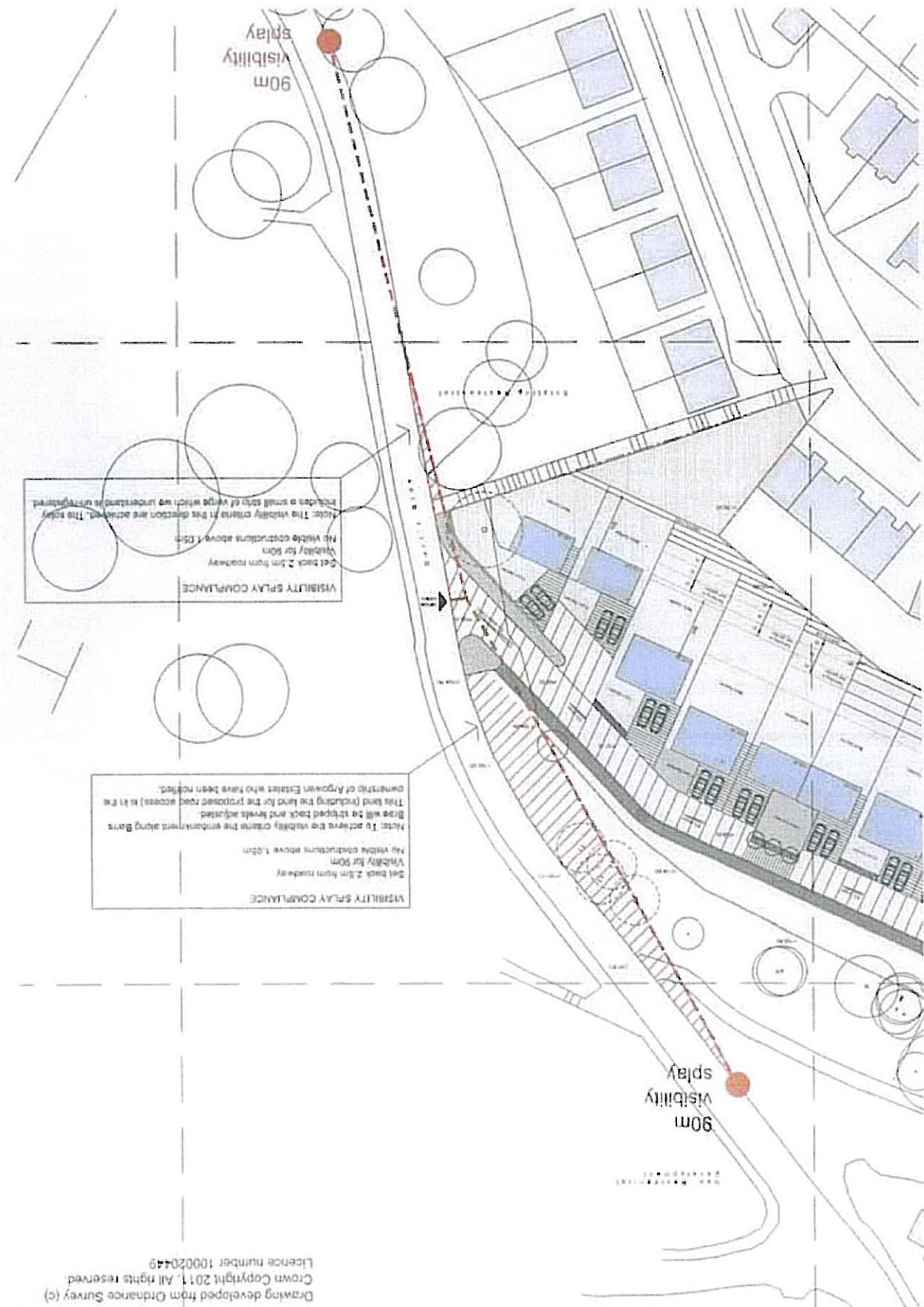
Drawn by: Barry's Mill - Glasgow North Park Glasgow
 Date: 01/03/2011
 Scale: 1:500
 License number: 10002049
 Date: 01/03/2011

Area	Area (sqm)	Area (sqft)
Plot 1	1,200.00	12,916.74
Plot 2	1,200.00	12,916.74
Plot 3	1,200.00	12,916.74
Plot 4	1,200.00	12,916.74
Plot 5	1,200.00	12,916.74
Plot 6	1,200.00	12,916.74
Plot 7	1,200.00	12,916.74
Plot 8	1,200.00	12,916.74
Plot 9	1,200.00	12,916.74
Plot 10	1,200.00	12,916.74
Plot 11	1,200.00	12,916.74
Plot 12	1,200.00	12,916.74
Plot 13	1,200.00	12,916.74
Plot 14	1,200.00	12,916.74

Drawing developed from Ordnance Survey (c)
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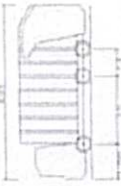
Project: PB 1000 - Bar's Gate to Douglas Terrace, Port Glasgow
 Date: 18.02.2011
 Client: L1-1006 RWC
 Survey: Visibility Study
 Scale: 1:500 @ A3
 Date: February 2011

OS Map Grid Reference: 4490 710
 Easting: 710110
 Northing: 449000



VISIBILITY SPY COMPLIANCE
 Set back 2.5m from roadway
 Visibility for 90m
 No visible obstructions above 1.05m
 Note: The visibility criteria in this direction are achieved. The splay includes a small strip of verge which we understand is ungrazed.

VISIBILITY SPY COMPLIANCE
 Set back 2.5m from roadway
 Visibility for 90m
 No visible obstructions above 1.05m
 Note: To achieve the visibility criteria the environment along Bar's Gate will be tidied back and levels adjusted. This land (including the land for the proposed road access) is in the ownership of Argover Estates who have been notified.



Medium Refuse Vehicle (3 axle)
 Overall Length 9.910m
 Overall Width 2.450m
 One off body Height 0.550m
 One off body Ground Clearance 2.450m
 Time to Lock 1.5m
 Kerb to Kerb Turning Radius 8.200m

Scale	Code	By	Check	Issue
1:1				



Mr G. Timoney

Barr's Brae Port Glasgow

Drawing Title
 Medium Refuse Vehicle
 Swept Path Analysis of Elder & Cannon
 Site Layout L1-1003 - Site 3_update

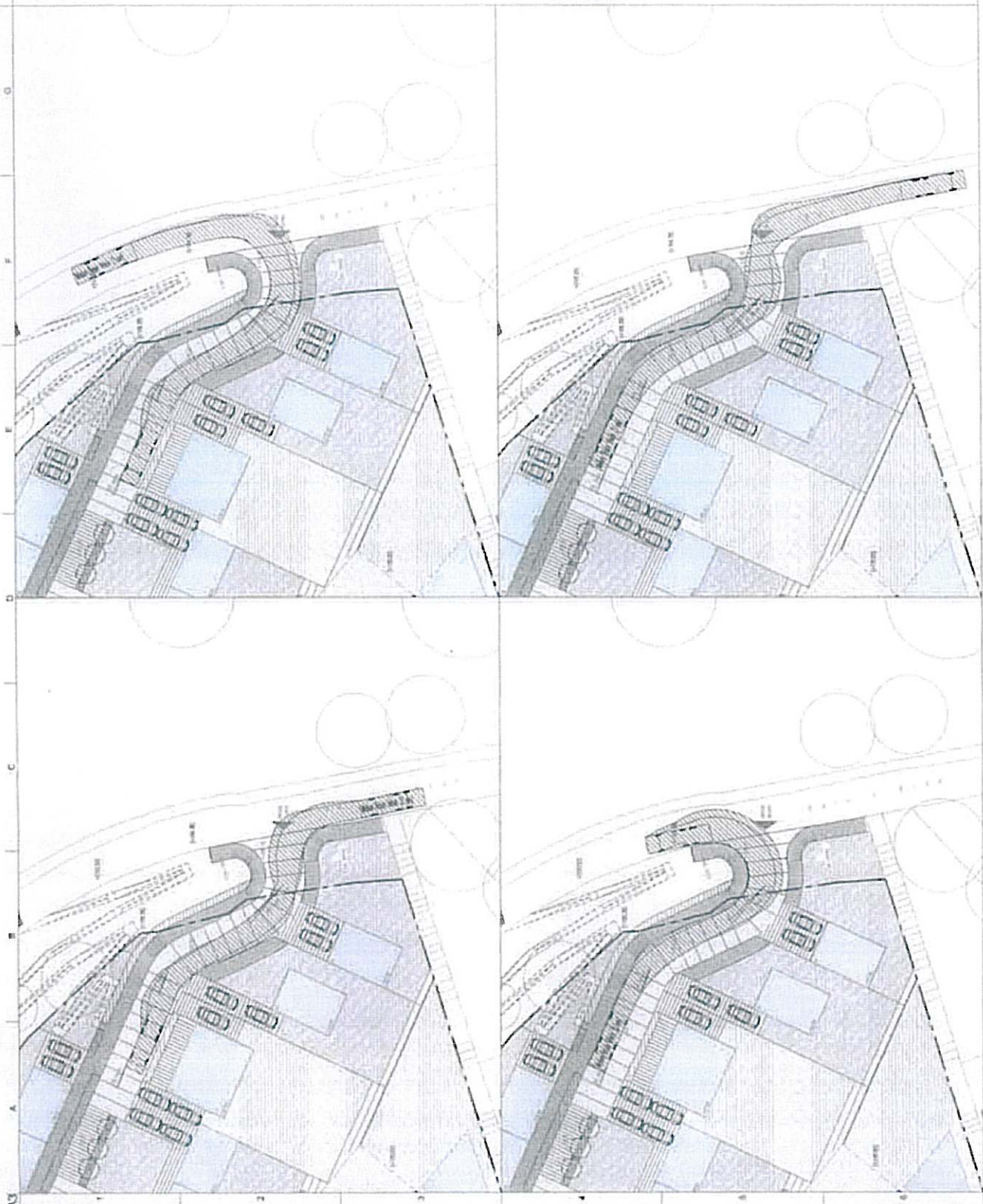
Scale of AS 1:500

Drawing Status

Information

Job Title
 PB769

Drawing No.
 TR003



elder & cannon

FURTHER REPRESENTATIONS

Rona McGhee

From: David Smith
Sent: 24 June 2013 13:08
To: Rona McGhee
Subject: 13/0038/IC - G Timoney - Barr's Brae - Planning Objection

Dear Sirs,

I refer to your letter of 18th June, reference RMcG/MS ECO1306 regarding an Inverclyde Council's Local Review Body for a Planning Application for the Planning Application made by Mr Timoney.

I would like to add further comment to my previous objection, having taken the time to download and study Mr Timoney's application.

The Flood Risk Assessment which has been used in support of the application (prepared by ex- Inverclyde Council Crawford Charles) has been superseded as new surveys have been carried out by River Clyde Homes, Inverclyde Council and Scottish Water regarding the potential flood risk subsequent to the development at Moray Road. The Roads Department have copies of these latest surveys in their possession.

It also appears that the application does not include a "contingency" plan - what if the sewage pumps broke down? The most likely scenario is flooding to the ditches, cycle path and houses on the lower slopes ,i.e. Moray Road, Kinross Road and Roseyard Place.

To summarise, I continue my objection on the grounds of the potential to cause flooding and possible property damage to neighbouring properties on the lower slopes of the area.

Once again, I thank you for giving me the opportunity to express my views, and if possible, I would like to attend the public Planning Review and await further details from yourself.

Yours sincerely

David H Smith, proprietor
BOUVERIE MOTORS



June 29, 2013 Barr's Brae Development – Resident's Objections



13/0038/IC

Barr's Brae, Port Glasgow

Residents Objections

Reference No: 13/0038/IC

Site: Barr's Brae, Port Glasgow

To whom it may concern.

We, the residents of Dougliehill Terrace – Port Glasgow, would like you to consider the following points when you re-examine the application for the construction of 14 houses at Barr's Brae (planning application number 13/0038/IC).

- In very close proximity to the development site there is a very significant problem with Japanese Knotweed (JK). SEPA advise that this non-native invasive species requires specific handling procedures. Further to our earlier submission of this document it has been observed (images provided) that the applicant has been treating the JK with an unknown herbicide in the proposed development area (south side visibility splay). Is this activity subject to the conditions mentioned by the Head of Environmental and Commercial Services that are expressed in the 'report of handling' by Guy Phillips 28/03/2013? The Environment Agency states (the knotweed code of practice) that treatment of JK requires qualified personnel and only with approved herbicides. Legislation for management of JK is very clear i.e. the control of pesticides regulations 1986 etc. Mismanagement of JK can, in some cases carries fines and/or imprisonment.
- Having read the local review statement by Houghton planning Ltd, it states that the applicant has 'spent a considerable amount to get to this point' and that the said statement invites the LRB to view the site. It would appear that the applicant is **willing to go to any lengths** (regarding his OWN treatment of JK and assuming that treatment is unapproved) to secure development of this site. In fact the statement also suggests that the number, size and height of dwelling houses is indicative only and that 'if the LRB decide that the residential development in principle is acceptable, but not to the extent shown, the applicant remains willing to discuss and agree what part of the site could be developed instead.' Does this then suggest that the LRB will engage in consultations with the applicant as to the 'approved' way to develop this site, therefore getting the green light for development and a return on his 'considerable amount'. Furthermore, the applicant suggests that he is willing to make financial contributions to the council for management of land that he will 'donate' to residents of Dougliehill Terrace.
- Looking at the proposed plans shows that VERY SIGNIFICANT excavation work would be required to the proposed site to facilitate the plans. This, we feel, would pose real issues
 - With the excavations coming so close (and deep, 13m) to the existing properties on Dougliehill Terrace, has there been an assessment of associated risks or possible damage to the existing structures?



- o Have any considerations been made to the demands that will be placed on existing infrastructure to carry out/in **VERY** large volumes of plant and waste. We feel that this would cause major disruption for many many months for upper Port Glasgow.
- The obvious dangers to pedestrians, particularly children making their way to and from school, cannot be overstressed.
- o It is believed that the plans would be detrimental to the existing householders' amenities as it is considered that the site in question is completely unsuitable for the project envisaged.

SUMMARY

The applicant has clearly stated that he has 'spent a considerable amount of money to get to this point'. He has offered land to the council and to the residents of Dougliehill Terrace plus financial recompense to the council for management of said land as he understands such management is a 'burden'. He has offered to modify the development plans in ANY way to accommodate a successful planning application. In fact it would appear that the applicant would/will do anything, and let's not forget that the applicant is a developer with a developer's agenda and he is not interested in 'providing homes' for Inverclyde council to 'help' them meet their housing targets. The applicants' **ONLY** consideration is making a large return on his 'already considerable' investment. The facts remain, however, that the plans have not changed since 2011 when 2 applications were made.....and refused. An appeal was made to Scottish ministers in 2012.....refused by The Reporter.

Approval of this application would contradict Inverclyde Local Plan Policy LR1, Policies H1 and H8 and Local Plan Policies LR6 and LR7 with regards to SUSTRANS. All the applicant has done here is incentivise the proposal but the fundamentals remain the same and it is for this reason that we, the residents, feel that the LRB should reject this review.

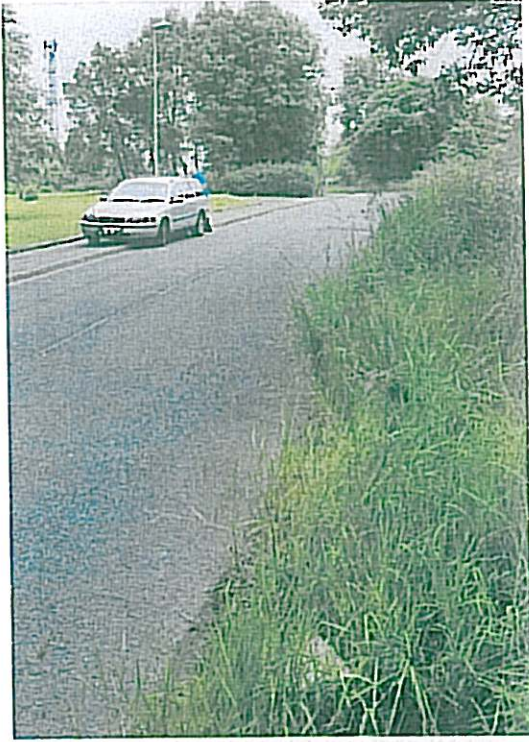
Attached are images of applicant treating JK in proposed development area.





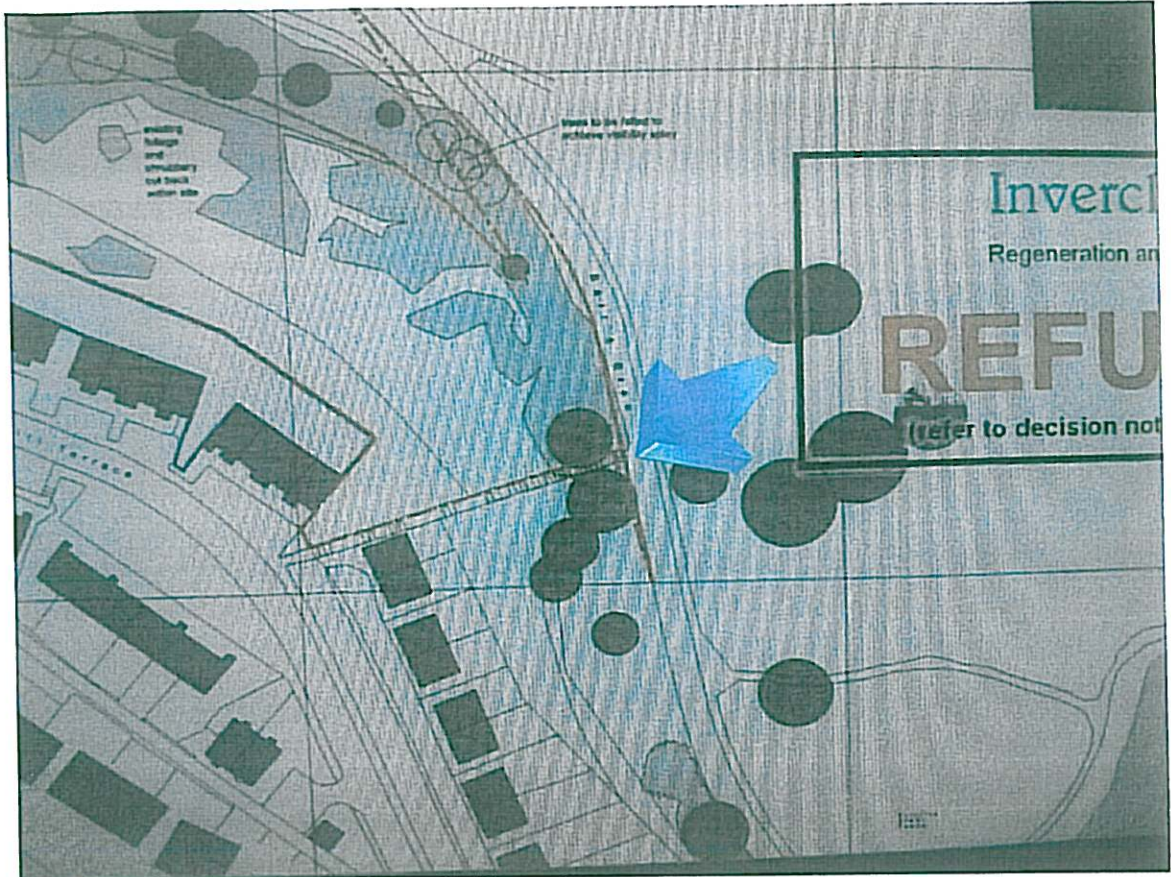
Applicant applying herbicide (south side visibility splay)





Observed herbicide application site 29/06/2013 15:30





Blue arrow shows location of observed application

We would like to thank the LRB for your anticipated consideration.

Concerned residents, Dougliehill Terrace - Port Glasgow.

SEND REPLY BACK TO 20, 34, 40, 44, AND WE WILL PASS ON THE VERDICT TO THE REST OF THE COMMUNITY.



**E MAIL DATED 8 JULY 2013 FROM HOUGHTON
PLANNING ON FURTHER REPRESENTATIONS**

Rona McGhee

From: Paul Houghton [paul@houghtonplanning.co.uk]
Sent: 08 July 2013 11:24
To: Rona McGhee
Subject: RE: Review of Decision to Refuse Planning Permission - Proposed Residential Development in Principle, Barr's Brae, Port Glasgow (13/0038/IC)
Attachments: Japanese Knotweed Report.pdf

Dear Rona,

The two issues raised in these letters relate to Japanese Knotweed and flooding/drainage. The second of these issues is addressed in the flooding/drainage report already submitted with the local review. The issue of Japanese Knotweed is addressed in the following statement, which was submitted in relation to the earlier planning application, but not this one hence why I did not submit it with the local review. However, as it addresses an issue that has now been raised specifically by third parties, the applicant hopes that the LRB will accept this further document and the information contained therein.

Best wishes

Paul

Paul Houghton

Director

Houghton Planning

102 High Street Dunblane Stirling FK15 0ER

t: 01786 825575 m: 07780 117708

e: paul@houghtonplanning.co.uk w: www.houghtonplanning.co.uk

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From: Rona McGhee [<mailto:Rona.McGhee@inverclyde.gov.uk>]

Sent: 04 July 2013 11:28

To: Paul Houghton

Subject: Review of Decision to Refuse Planning Permission - Proposed Residential Development in Principle, Barr's Brae, Port Glasgow (13/0038/IC)

Dear Mr Houghton

I refer to my email of 18 June 2013 in connection with the above and write to advise that the attached further representations have been received from the following interested parties:-

Mr David Smith

Residents of 20, 34, 40 and 44 Dougliehill Terrace

You are now entitled to make any comments on these representations which should be submitted to me within 14 days of the date of this email.

I would also confirm that the further representations and any comments you make within this timescale will be added to the documentation which is available for inspection at the office of the Council's Regeneration & Planning Service, Cathcart House, 6 Cathcart Square, Greenock during normal office hours.

I will advise you in due course of the arrangements for the meeting of the Local Review Body.

Regards,
Rona

Rona McGhee
Senior Administration Officer
Legal & Democratic Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX
Tel: 01475 712113
Fax: 01475 712137

Inverclyde Council

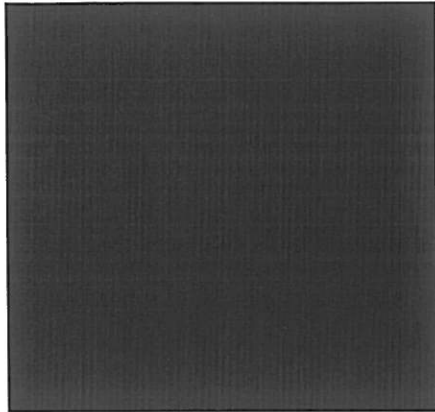
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Port Glasgow Business Centre
Units 46-47
Muirshiel Road
Port Glasgow PA14 5XS

Tel 01475 745390
Fax 01475 742962
glasgow@musketeers-group.com

Subject: Japanese Knotweed – Site 3 – Barr's Brae, Port Glasgow

You have requested **Musketeers Group Ltd** to assess the Japanese Knotweed contamination at the above site.

The Musketeers team has over 7 years of successful control, management, and remediation of Japanese Knotweed. Our cost-effective methods comply with all current statutory requirements and have been **validated on several occasions by the Environment Agency, SEPA and NIEA.**

Japanese Knotweed Survey

Several sites were undertaken during the current of August 2010. A site meeting with Mr Gerry Timoney also took place in August 2010.

Japanese Knotweed was identified within and adjacent to the site on several locations. Please refer to Appendix 1 – Japanese Knotweed Survey.

The survey and associated management takes into consideration the requirement from the high-density development proposal with a site entrance located off Barr's Brae.

Six Knotweed contaminations (namely JK1, JK2, JK3, JK4, JK5 and JK6) were identified adjacent to the cycle path located North of the site. Some of those contaminations were recently subjected to some light landscape works i.e. cut and mow. It is our understanding that the above Knotweed contaminations are located within

A further large Knotweed contamination (JK7) was also been identified directly adjacent to the site and the footpath located at the South of the site. It is our understanding that JK7 is located within Mr Gerry Timoney' property assets.

In addition, a large stand of Japanese Knotweed (JK8) of approximately 200m² was identified at the South East corner of the site formed with Barr's Brae and the footpath. The high density proposal shows the access road of the new development to be built within JK8. Trees are growing within JK8.

Offices in London, Manchester & Glasgow

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No other significant Japanese Knotweed contaminations were identified. The exception could be cross-contamination resulting by trespasser/animals that could have transported knotweed materials and drop them somewhere else on site.

Photo 1 – JK1 (off site) adjacent to cycle path



Photo 2 – JK2 (off site) adjacent to cycle path



Photo 3 – JK3 (off site) adjacent to cycle path



Photo 4 – JK4 (off site) adjacent to cycle path



Photo 5 – JK5 (off site) adjacent to cycle path



Photo 6 – JK6 (off site) adjacent to cycle path



Photo 7 – JK7 (off site) adjacent to footpath and Barr's Brae



Photo 8 – JK8 at the South East corner of the site



Proposed Management Plans

Please note that Management Plan 1 and Management Plan 2 – Option A are in-situ remediation and therefore could benefit from the **Land Remediation Relief** which could result in the **deduction of the expenditure for knotweed remediation against the Corporation Tax calculation**. We however advise the client to seek professional advise and confirm the above.

Management Plan No. 1 – All Knotweed Located off site and adjacent to the proposed development – JK1, JK2, JK3, JK4, JK5, JK6 and JK7

Taking into consideration that Mortgage Lenders do not currently provide their services when Knotweed is identified as a “notifiable incident” even though the contamination may be located outside a property, we would recommend for the eradication of the Knotweed located directly adjacent to the propose development to be undertaken via a spraying and monitoring programme.

The spraying and monitoring program: The program should start during the growing season and should last for a period of 4 years. The spraying regime shall be as follows:

- 4 on going visits (Year 1)
- 3 on going visits (Year 2)
- 2 on going visits (Year 3)
- 1 on going visits (Year 4)

Photographic and documentary evidence are recorded during each visit in order to satisfy the Regulator that due care has been taken with regard to the site Japanese Knotweed problem.

Please note that the spraying of the Knotweed contaminations located within _____ (JK1, JK2, JK3, JK4, JK5 and JK6) must be approved by _____ prior to the start of the spraying.

Management Plan No.2 – JK8 at the South East corner of the site

Please note that both Options A and B shall require traffic management as the excavation works will take place directly adjacent to Barr's Brae.

Option A – Controlled excavation and on site stockpiling

- Tree felling: All trees located within the contaminated area shall be supervised or undertaken by the Japanese Knotweed contractor. Please that failure to do so may result in risk of cross-contamination or the lost of Knotweed evidence thus increasing cost.
- A controlled excavation: The Musketeers method involves undertaking a controlled excavation up to the extremities of the rhizomes. This operation aims to reduce the volume of arisings. It also implies that as opposed to the original SEPA guidelines, the Musketeers Group Ltd does not propose undertaking the excavation of the contaminated area under a fixed set of distances (i.e. 7m away and 5m deep).
- Root membrane: Taking into consideration that Knotweed Stand No.6 is located directly adjacent to Barrs Brae and the footpath., it is expected that further knotweed materials be located beyond the site boundary and consequently a membrane shall be set up at the site boundary adjacent to Knotweed Stand No. 6.
- A Stockpile exercise program: Providing that the arisings are not hazardous and that they can be stockpiled on site without the requirement of waste management licenses or the need to apply for exemption of waste management licenses, all arisings shall be transported and stockpiled to the West of the site which is not due to be developed.
- Spraying and monitoring program: The stockpile exercise shall be subjected to a spraying and monitoring programme in order to eradicate the Knotweed contamination. The program should start during the growing season and should last for a period of 4 years. The spraying regime shall be as follows:
 - 4 on going visits (Year 1)
 - 3 on going visits (Year 2)
 - 2 on going visits (Year 3)
 - 1 on going visits (Year 4)

Photographic and documentary evidence are recorded during each visit in order to satisfy the Regulator that due care has been taken with regard to the site Japanese Knotweed problem.

Please note that an access track/road shall be provided by others in order to transport and stockpile safely the arisings.

Option B – Controlled excavation, sifting and off site disposal

- Tree felling: All trees located within the contaminated area shall be supervised or undertaken by the Japanese Knotweed contractor. Please that failure to do so may result in risk of cross-contamination or the lost of Knotweed evidence thus increasing cost.

- A controlled excavation: The Musketeers method involves undertaking a controlled excavation up to the extremities of the rhizomes. This operation aims to reduce the volume of arisings. It also implies that as opposed to the original SEPA guidelines, the Musketeers Group Ltd does not propose undertaking the excavation of the contaminated area under a fixed set of distances (i.e. 7m away and 5m deep).
- Root membrane: Taking into consideration that Knotweed Stand No.6 is located directly adjacent to Barrs Brae and the footpath., it is expected that further knotweed materials be located beyond the site boundary and consequently a membrane shall be set up at the site boundary adjacent to Knotweed Stand No. 6.
- A sifting program: Providing the arisings are identified as inert with only Japanese Knotweed, the arisings shall be sifted in order to reduce the cost of landfill tax.
- Landfill disposal: All sifted arisings (500m³ Est.) shall be disposed to a suitable landfill site.
- Spraying and monitoring program: The program should start during the growing season and should last for a period of 4 years. The spraying regime shall be as follows:
 - 4 on going visits (Year 1)
 - 3 on going visits (Year 2)
 - 2 on going visits (Year 3)
 - 1 on going visits (Year 4)

Photographic and documentary evidence are recorded during each visit in order to satisfy the Regulator that due care has been taken with regard to the site Japanese Knotweed problem.

Please note that for both Management Plan No.2 Option A & B, traffic management shall be provided by others.

Budgeted cost

Musketeers' cost for the treatment and management of the knotweed are as follows:

Management Plan No.1

Spraying & Monitoring Programme £

Management Plan No.2

Option A

Tree felling	£
Excavation and Stockpiling	£
Root Membrane	£
Spraying & Monitoring Programme	£

Option B

Tree felling	£
Excavation and Sifting	£



Landfill	
Transport	£
Disposal	£

Valid only for inert soil contaminated with Knotweed

Root Membrane	£
Spraying & Monitoring Programme	£

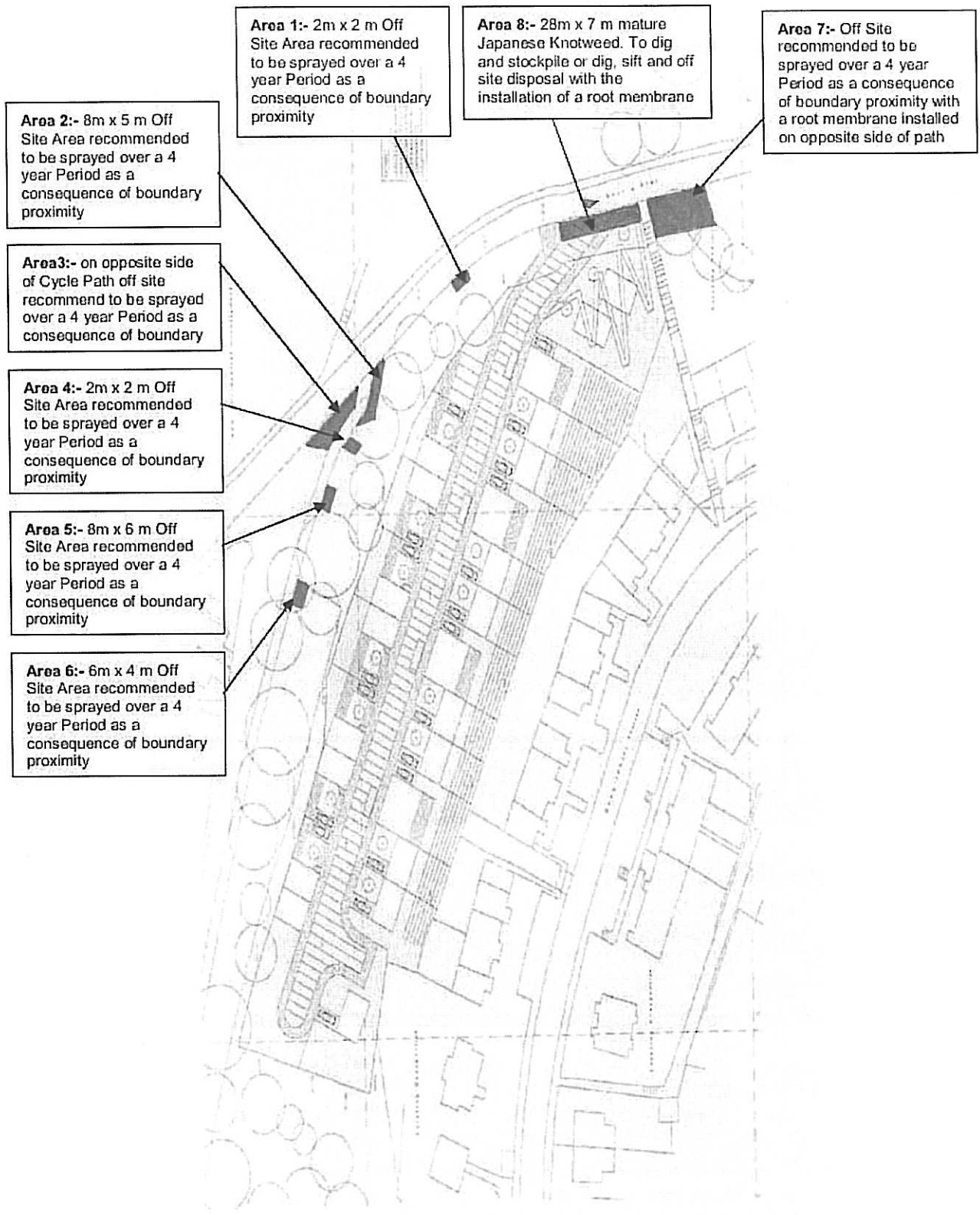
Please note that the above cost is valid for 3 months. The budget cost is compiled on the basis of stage payment through out the project.

I trust the above to be of interest. Please do not hesitate to contact me should you have any further queries or wish to discuss the options presented.

Yours sincerely,

Maxime Jay

Appendix I – Japanese Knotweed Survey
Site 3 – Barr’s Brae, Port Glasgow



**SUGGESTED CONDITIONS SHOULD
PLANNING PERMISSION BE
GRANTED ON REVIEW**

**RESIDENTIAL DEVELOPMENT IN PRINCIPLE INCLUDING THE FORMATION OF
A NEW ACCESS ROAD, VACANT LAND, BARR'S BRAE, PORT GLASGOW
(13/0038/IC)**

Suggested conditions should planning permission be granted on review

Conditions

1. No development shall commence until a detailed Flood Risk Assessment has been submitted to and approved by the Planning Authority.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

Reasons

1. To prevent harm from flooding.
2. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
3. To satisfactorily address potential contamination issues in the interests of environmental safety.
4. To provide verification that remediation has been carried out to the authority's satisfaction.
5. To ensure that all contamination issues are recorded and dealt with appropriately.
6. To protect receptors from the harmful effects of imported contamination.