

Inverclyde Local Review Body

Our Ref: 14/0005/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Former ARP Station, Lochwinnoch Road, Kilmacolm
 - Application for Review by Canata & Seggie, Chartered Architects on behalf of Mr K MacConnecher against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 14/0005/IC
 - Application Drawings: 2014_LPrevA – Location Plan
2314_D.003 Revision C – Ground Floor Plans as Proposed
2314_D.004 Revision D – Upper Floor Plans as Proposed
2314_D.005 Revision E – Elevations as Proposed
2314_D.006 Revision E – Elevations as Proposed
2314_D.007 Revision B – Roof Plan as Proposed
2314_D.008 Revision A – Garage/Carport Elevations
 - Site Inspection took place on 29 May 2014
 - Date of Decision Notice: 9 September 2014
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the condition(s) listed below. Attention is also drawn to the Advisory Notice at the end of this Review Decision Notice.

1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the ILRB firstly at a meeting held on 7 May 2014. The ILRB was constituted by Provost R Moran, Councillors G Dorrian, T Loughran, I Nelson and D Wilson. At that meeting, the Members of the ILRB decided that they wished to carry out an unaccompanied site inspection before making a decision in respect of this matter. The meeting was adjourned to allow a site inspection to be carried out and said site inspection attended by Councillors T Loughran, I Nelson and D Wilson took place on 29 May 2014.

The ILRB re-convened on 6 August 2014 to determine the matter. The ILRB on 6 August 2014 was constituted by Councillors T Loughran, I Nelson and D Wilson. At that meeting, the Members of the ILRB decided that the application for review be continued to a future meeting to allow all interested parties an opportunity to comment on the modification to the terms of Local Development Plan Policy RES7, Residential Development in the Greenbelt and Countryside, as compared to the version of that Policy in the Proposed Plan (May 2013) which was referred to in the Report of Handling.

The ILRB re-convened on 3 September 2014 to determine the matter. The ILRB on 3 September 2014 was constituted by Councillors T Loughran, I Nelson and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for the design of a detached house in respect of which planning permission was granted in December 2010 with a variation to the design being granted in November 2013. The current proposal relates to the addition of an approximately 30 degree pitched roof, clad in red clay tiles which converts the building to one and a half storey configuration, incorporating six dormer windows spread over the front, rear and east (side) slopes, with walls finished in roughcast and fenestration throughout having a vertical emphasis, incorporating astragals. The detached garage in the rear garden has been altered to incorporate a pitched roof similar to that over the house.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:

- (i) Planning Application and plans specified above;
- (ii) Site photographs;
- (iii) The Appointed Officer's Report of Handling dated 14 November 2014;
- (iv) Consultation responses;
- (v) Representation;
- (vi) Decision Notice dated 17 February 2014;
- (vii) Letter dated 12 March 2014 from Canata & Seggie, Chartered Architects, enclosing Notice of Review Form, supporting documents and plans;
- (viii) Suggested conditions should planning permission be granted on review;
- (ix) Email dated 4 August from Planning Adviser to Elected Members on Local Review Body on additional evidence; and
- (x) Further consultation responses.

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

4. Reasons

- 4.1 The determining issues in this review were the impact of the proposed design on the greenbelt and the modification to Local Development Plan Policy RES7, Residential Development in the Greenbelt and Countryside.
- 4.2 The application had been refused as the proposal fails to respect the original scale, character, proportion and architectural integrity of the building, thus conflicting with Local Plan Policy H18, proposed Local Development Plan Policy RES7 and the design guidance in the Council's PPAN5 and PAAN8 for the residential conversion of buildings in the countryside, all to the detriment of the quality of visual amenity at this prominent site and the entrance to Kilmacolm Village.
- 4.3 The ILRB noted that the Head of Regeneration & Planning had assessed the proposal against Part 2(c) of Local Development Plan Policy RES7 as modified and that the applicant and the objector had assessed it against Part 2(a). Having regard to the whole circumstances, including the site inspection and the modification to Policy RES7 which formed part of the Local Development Plan now adopted by the Council, the ILRB, following a vote, determined that the review application should be upheld, subject to the conditions listed at paragraph 5 below.

5. Conditions

1. No development shall commence until samples of all external materials have been submitted to and approved in writing by the Planning Authority; development thereafter shall proceed utilising the approved materials unless the Planning Authority gives its prior written approval to any alternatives.

2. Notwithstanding the information in the approved drawings, no development shall commence until details of bin storage have been submitted to and approved in writing by the Planning Authority.
3. If works are to be undertaken between March and October inclusive, roofing felt shall be removed by hand prior to renovation/demolition. If bats are subsequently found to be present SNH shall be contacted to advise on necessary licensing requirements.
4. 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.
5. 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 have been submitted to and approved in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The remediation strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options.
6. That on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval in writing by the Planning Authority confirming that the works have been carried out in accordance with the remediation strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site.
7. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evidence during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
8. The use of the development shall not commence until the applicant has submitted a completion report for approval, in writing by the Planning Authority, detailing all fill or landscaping material imported onto the site. This report shall contain information of the material's source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc) with plans delineating placement and thickness.
9. The planting scheme detailed in approved drawing 367.01.01 under planning permission 10/0237/IC shall be completed within the first planting season following completion of the development hereby approved; thereafter, any specimens which die, become diseased or are damaged shall be replaced in the next planting season with a similar specimen, unless the Planning Authority gives its prior written approval to any alternative.
10. Prior to the house, hereby approved, being occupied the hedge along the site frontage shall be reduced in height to 1m; thereafter it shall be maintained at 1m high in perpetuity.

Reasons

1. To ensure a choice of finishes consistent with the countryside location.
2. In order to provide satisfactory measures for the storage and uplift of waste materials.
3. In order to avoid any offence being committed under the Habitats Regulations 1994.

4. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
5. To satisfactorily address potential contamination issues in the interests of environmental safety.
6. To provide verification that remediation has been carried out to the Authority's satisfaction.
7. To ensure that all contamination issues are recorded and dealt with appropriately.
8. To protect receptors from the harmful effects of imported contamination.
9. To ensure the provision of a quality landscape setting.
10. In order to ensure a safe sightline for vehicles exiting the site onto Lochwinnoch Road.

Signed _____

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

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

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