

Inverclyde Local Review Body

Our Ref: 14/0390/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 MacConnacher against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 14/0390/IC
 - Application Drawings: Drawing No. 2314_D.201 site layout plan and elevation as proposed
Drawing No. 2314_D.202 conversion of small building – ground floor plan
Drawing No. 2314_D.203 conversion of small building – upper floor plan
Drawing No. 2314_D.204 conversion of small building – front and rear elevations
Drawing No. 2314_D.205 conversion of small building – side elevations
Drawing No. 2314_D.206 conversion of small building – elevations of detached garage
Drawing No. 2314_D.207 conversion of large building – ground floor plan
Drawing No. 2314_D.208 conversion of large building – upper floor plan
Drawing No. 2314_D.209 conversion of large building – front and rear elevations
Drawing No. 2314_D.210 conversion of large building – westmost house side elevations
Drawing No. 2314_D.211 conversion of large building – eastmost house side elevations
Drawing No. 2314_D.212 overlay of existing building footprint on new layout
Drawing No. 2314 – LP revB location plan
 - Date of Decision Notice: 17 April 2015
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the condition 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 at a meeting held on 1 April 2015. The Review Body was constituted by Councillors G Dorrian, T Loughran, I Nelson, L Rebecchi and D Wilson (Chair).

2. **Proposal**

- 2.1 The application proposal is for the formation of three, pitched roof, one and a half storey detached houses finished in roughcast and red clay tiles, the fenestration being of vertical emphasis with astragals. The two northeastmost houses have integral garages while the southwestmost house has a pitched roof, detached, double garage/carport in the rear garden. The application was refused consent in terms of a decision letter dated 21 January 2015.

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 19 January 2015;
- (iv) Consultation response and letter of representation in respect of the planning application;
- (v) Decision Notice dated 21 January 2015;
- (vi) Letter dated 5 February 2015 from Canata & Seggie, Chartered Architects, enclosing Notice of Review form and supporting documentation;
- (vii) Email dated 17 February 2015 from Canata & Seggie, Chartered Architects, in relation to new material;
- (viii) Draft conditions should the ILRB be minded to grant planning permission;
- (ix) Drawing No. 2314_D2.13 elevation in line with consents.

- 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 planning history of the site, the proposed design of the houses and the existing condition of the former ARP Station.
- 4.2 The application had been refused as the proposal fails to reflect the original scale, character, proportion and architectural integrity of the buildings, thus conflicting with Local Development Plan policies ENV2(d) and RES7 and the design guidance in the Council's PAAN8 for the residential conversion of buildings in the countryside, all to the detriment of the quality of visual amenity at this prominent site at the entrance to Kilmacolm Village.
- 4.3 The ILRB recalled that following a previous application to it for an adjoining site, it had determined that the review application be upheld and that planning permission for the design of a detached house be granted subject to conditions. Having regard to the whole circumstances, 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. 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.

3. 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.
4. 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.
5. 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.
6. 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.
7. Notwithstanding the information in the docquetted drawings, no development shall commence until details of bin storage have been submitted to and approved in writing by the Planning Authority

Reason:

1. To ensure a choice of finishes consistent with the countryside location.
2. In order to avoid any offence being committed under the Habitats Regulations 1994.
3. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
4. To satisfactorily address potential contamination issues in the interests of environmental safety.
5. To provide verification that remediation has been carried out to the Authority's satisfaction.
6. To protect receptors from the harmful effects of imported contamination.
7. In order to provide satisfactory measures for the storage and uplift of waste materials.

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.