Inverclyde council

AGENDA ITEM NO. 2

Local Review Body **2 September 2015**

Planning Application for Review

Mr V Canata
Erection of a tower house:
Levan Wood, Dunvegan Avenue, Gourock (15/0049/IC)

Contents

- Planning Application and Plans
- Site Photographs
- Report of Handling dated 9 April 2015
- Consultation responses
- Representations
- Decision Notice dated 13 April 2015
- Letter dated 29 June 2015 from Muir Smith Evans, Planning & Development Consultants, enclosing Notice of Review form and supporting documents
- Further representation
- Email dated 3 August 2015 from Muir Smith Evans, Planning & Development Consultants, in response to further representation
- Suggested conditions should planning permission be granted on review

PLANNING APPLICATION AND PLANS

Regeneration and Planning
Development Control & Conservation
Inverclyde council

Head of Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

2973.

FOR OFFICIAL USE ONLY	
Reference No.	15/0049/IC
Date of Receipt	24/02/15
Fee Paid	£0.00
Date Fee Received	N/A
Date Valid	
Receipt No.	

PLANNING APPLICATION

Town & Country Planning (Scotland) Acts

The undernoted 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 VICTOR CANATA	Name CANATA & SEGGIE
Address FLAT 7, LEVAN WOOD, FARM ROAD, GOUROCK Postcode PA19 1GY	Address 7 UNION STREET, GREENOCK Postcode PA16 8SH
Telephone Number [redacted]	Telephone Number 01475 784517
	Profession CHARTERED ARCHITECTS

see note 2

2. *Description of Development*

PROPOSED ERECTION OF TOWER HOUSE

Site Location LEVAN WOOD, DUNVEGAN AVENUE

Site Area (hectares) 0·12 HECTARES

Number of dwellinghouses proposed 1

New gross floorspace (sq. metres 219 M²

see note 3

3. *Application Type* (Tick appropriate box/es)

(a) Permission in Principle	☐	(c) Detailed Permission	☑
(b) Approval of Matters specified by conditions	☐	(d) Change of Use of land/buildings	☐

(e) Other (please specify) .....

see note 4

4. *Applicants interest in site* (Tick appropriate box)

(a) Owner	☑	(c) Tenant	☐
(b) Lessee	☐	(d) Prospective Purchaser	☐

(e) Other (please specify) .....

Revision 'A' - November 2008
Revision 'B' - December 2008
Revision 'C' - July 2009
Revision 'D' - October 2009
Revision 'E' - December 2009
Revision 'G' - May 2013

see note 5

5. *Existing Uses*

(a) Please state the existing use(s) of the land/buildings: VACANT GROUND / ROAD EMBANKMENT

(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	3
(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	☐ SEE DWG NO. 2139_D.002
(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 ☑ No ☐

Are any trees/shrubs to be cleared on site? Yes ☑ No ☐

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

see note 11

11. Costings

What is the estimated costs of any works to be carried out? £180,000:00

see note12

12. Confirmation

Signature of applicant/agent.....[redacted].....

on behalf of..... Date 23RD FEB 2015

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 D

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.

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

* 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 .....

Date 23RD FEBRUARY 2015

see note 15

CHECKLIST - The following documentation should be submitted:

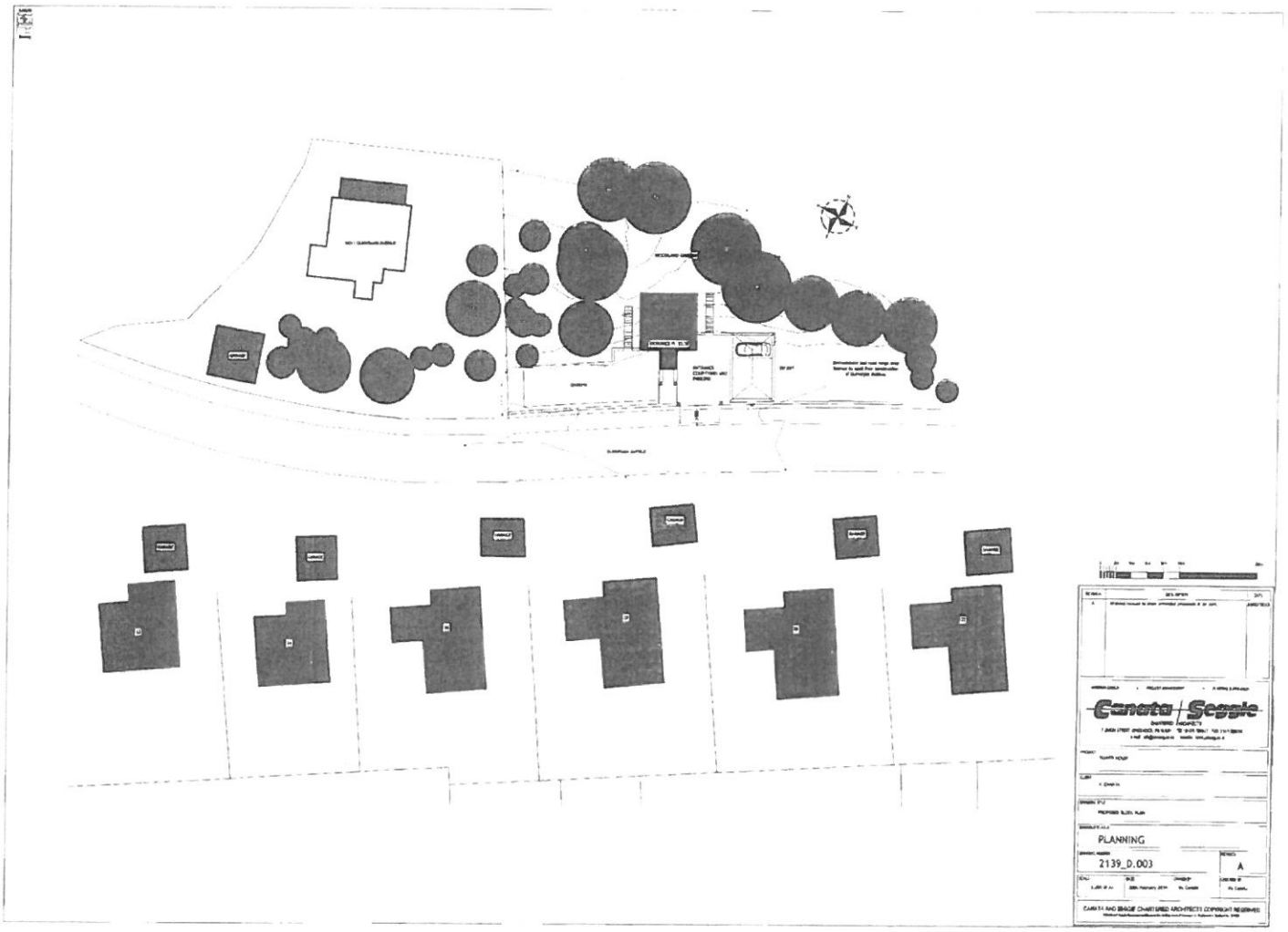
please tick all boxes

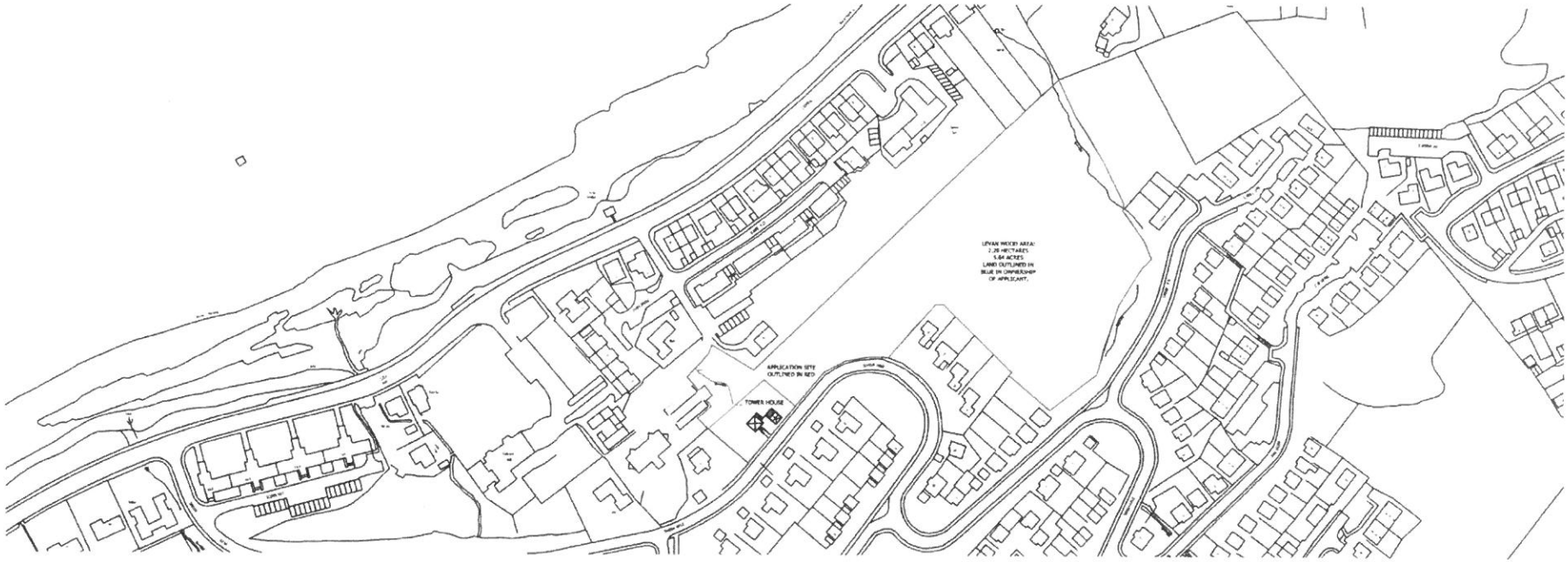
- ☑ **TWO** APPLICATION FORMS
- ☑ **TWO** SETS OF PLANS
- ☒ FEE (Where appropriate)
- ☒ DESIGN & ACCESS STATEMENT (National and Major applications only)
- ☒ PRE-APPLICATION CONSULTATION REPORT (National and Major applications only)

WARNING

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

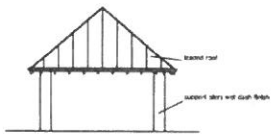
Revision 'A' - November 2008
Revision 'B' - December 2008
Revision 'C' - July 2009
Revision 'D' - October 2009
Revision 'E' - October 2011


Canada | Seggie
PLANNING
2139_D.003
A

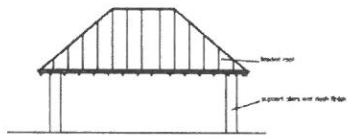


LOCATION PLAN - SCALE 1:1250
OS REPRODUCED UNDER A LICENCE NO.100017288

ELEVATION TO SOUTH (DUNYEGAN AVENUE)



CAR PORT SIDE ELEVATIONS



CAR PORT FRONT AND REAR ELEVATIONS

REVISION	DESCRIPTION	DATE
A	Location plan updated to show Applied development at Levan Wood and scale in RED box corrected from 1:200 to 1:100 as requested as required by SC Planning Department.	29/01/2014
B	Drawing re-issued to show amended proposals & car port.	23/02/2015
C	Drawing re-issued to show Car Port elevations.	17/05/2015

ARCHITECTURE • PROJECT MANAGEMENT • PLANNING SUPERVISION

Canata / Seggie
CHARTERED ARCHITECTS
7 UNION STREET, GRIFFNOCK, PA10 2JR TELEPHONE 0141 [illegible] FAX 0141 [illegible]
e-mail: info@canseg.co.uk website: www.canseg.co.uk

PROJECT
TOWER HOUSE

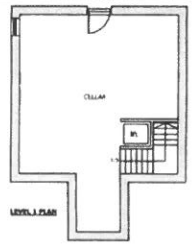
CLIENT
W. CANATA

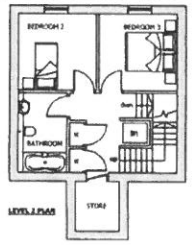
DRAWING TITLE
PROPOSED SITE PLAN, STREET ELEVATION & 3D VIEW

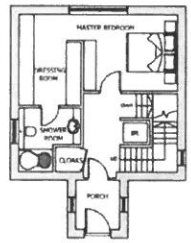
DRAWING STATUS
PLANNING

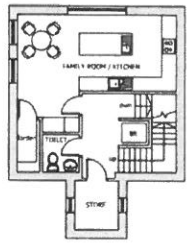
DRAWING NUMBER	REVISION
2139_D.001	C

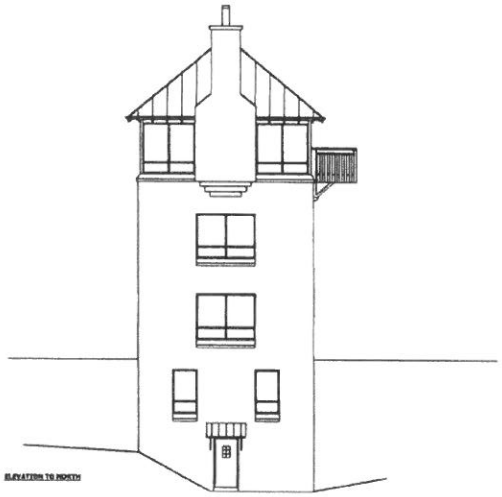
SCALE	DATE	DRAWN BY	CHECKED BY
1:1250 @ A3 1:100 @ A1	20th February 2013	Mr Canata	Mr Canata

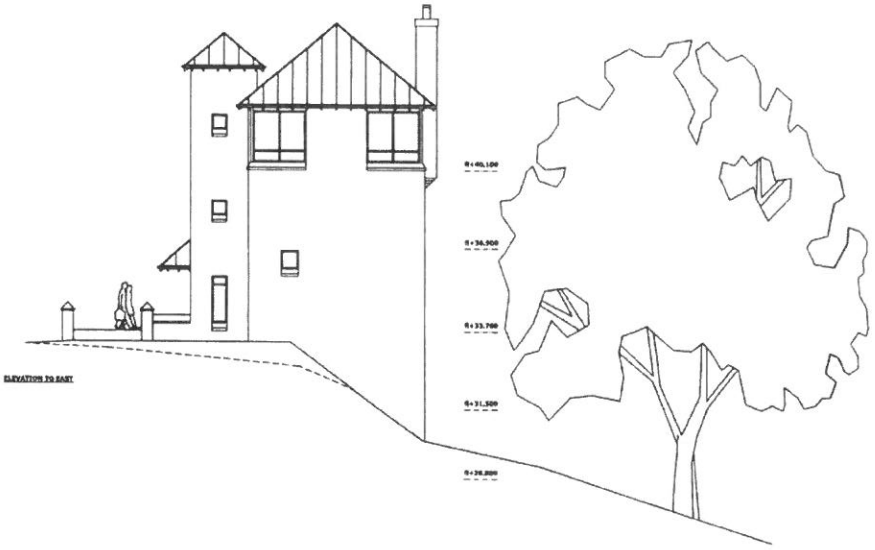












FINISHES SCHEDULE

ROOF:	TILE
WALLS:	TRADITIONAL WHITE WET CAST RENDER WITH SMOOTH CLEAN FINISH TO WINDOWS
WINDOWS:	BROWN STAIN FINISH TIMBER WINDOWS
CILLS:	RED RE-CONSTITUTED STONE
DOORS:	BROWN STAIN FINISH TIMBER DOORS
BALCONY:	BROWN STAINED TIMBER

0 1m 2m 3m 4m 5m 10m

REVISION	DESCRIPTION	DATE
A	Drawing revised to show amended proposals & car port.	27/02/2014
B	Drawing revised to show amended floor levels.	27/05/2015

ARCHITECTURE + PROJECT MANAGEMENT + PLANNING SUPERVISION

Canata / Seggie
CHARTERED ARCHITECTS
1 UNION STREET GREENOCK PA16 8JH TEL: 01475 726121 FAX: 01475 889144
e-mail: info@canseg.co.uk website: www.canseg.co.uk

PROJECT
TOWER HOUSE

CLIENT
Mr. CANATA

DRAWING TITLE
PROPOSED PLANS & ELEVATIONS

DRAWING STATUS
PLANNING

DRAWING NUMBER	REVISION
2139_D.002	B

SCALE	DATE	DRAWN BY	CHECKED BY
1:100 @ A1	30th February 2014	Mr Canata	Mr Canata

SITE PHOTOGRAPHS

(Photographs taken from viewpoints on Dunvegan Avenue on 26 May 2014 with iphone 4s)

REPORT OF HANDLING DATED 9 APRIL 2015

Inverclyde council

REPORT OF HANDLING

Report By:	**Guy Phillips**	**Report No:**	**15/0049/IC**
			Local Application Development
Contact Officer:	**01475 712422**	**Date:**	**9th April 2015**
Subject:	**Erection of a tower house at Levan Wood, Dunvegan Avenue, Gourock**		

SITE DESCRIPTION

The approximately 0.12ha site lies within Levan Wood on the north-west side of Dunvegan Avenue, Gourock. It slopes gently from the street before falling away more steeply to the north-west. A modern, two storey house with a detached double garage adjoins to the south-west (side). Open space and woodland adjoins to the north-east (side) and north-west (rear). A small burn runs north-west from the site. Opposite, on the south-east side of Dunvegan Avenue, at higher level, are one and two storey houses dating from the late 1970s. They have detached, flat roof garages set forward of their front elevations. The garage roofs are at similar level to ground floor level in the houses and serve as outdoor seating areas.

PROPOSAL

It is proposed to construct a pitched roof, five storey "tower" house with a detached, pitched roof, car port. The house is to be excavated into the steeply sloping section of the site. As a result, it presents a three storey elevation to Dunvegan Avenue with a five storey rear elevation facing the woodland to the rear. At 5th floor level the main living accommodation incorporates full height glazing on all four elevations, a large chimney on the rear elevation and a balcony on the south-west (side) elevation. External finishes comprise traditional roughcast and lead roofing. The floor plan of the house is of square format with a smaller square shaped projection attached to the front elevation forming a pitched roof tower which rises above eaves level of the main roof. The main entrance is contained within the tower at third floor level.

The planning application is accompanied by a tree survey (and arboricultural implication study), a habitat survey and a supporting letter from the applicant.

LOCAL DEVELOPMENT PLAN POLICIES

Policy RES1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

(a) compatibility with the character and amenity of the area;
(b) details of proposals for landscaping;

(c) proposals for the retention of existing landscape or townscape features of value on the site;
(d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
(e) provision of adequate services; and
(f) having regard to Supplementary Guidance on Planning Application Advice Notes.

Policy ENV4 - Safeguarding and Enhancing Open Space

Inverclyde Council will support, safeguard and where practicable, enhance:

(a) areas identified as 'Open Space' on the Proposals Map; and
(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 and Green Network links.

Policy ENV6 - Trees and Woodland

Trees, groups of trees and woodland designated as Tree Preservation Orders (TPOs) will be safeguarded. Where it is considered necessary to protect other trees and woodland areas for amenity reasons, new Tree Preservation Orders will be promoted.

Trees and woodland will be protected and enhanced by having regard to the Scottish Government's Woodland Removal Policy and through:

(a) promoting the planting of broad leaved and native species, or other species with known biodiversity benefits;
(b) protecting and promoting the positive management of hedgerows, street trees and any other trees considered to contribute to the amenity of the area;
(c) protecting and promoting the positive management of ancient and semi-ancient natural woodlands; and
(d) encouraging the planting of appropriate trees as an integral part of new development.

Woodland creation proposals will be guided by the GCV Forestry and Woodland Framework Strategy (FWS), where priority locations for woodland management and expansion in Inverclyde will be assessed against the following criteria in accordance with the UK Forestry Standard:

(e) the benefits of woodland creation to the value of the existing habitat;
(f) contribution to the enhancement of the wider Green Network;
(g) the safeguarding of nature conservation and archaeological heritage interests;
(h) safeguarding of water supplies;
(i) the area's landscape character;
(j) integration with agricultural interests;
(k) existing and potential public access and recreational use;
(l) woodland design and the proposed mix of species; and
(m) points of access to and operational tracks through woodlands.

Policy ENV1 : Designated Environmental Resources

(a) International and National Designations

Development which could have a significant effect on a Natural site will only be permitted where:
(i) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
(ii) there are no alternative solutions, and
(iii) there are imperative reasons of overriding public interest, including those of a social or economic nature.

Development that affects a SSSI (or other national designation that may be designated in the future) will only be permitted where:
(iv) it will not adversely affect the integrity of the area or the qualities for which it has been designated, or
(v) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

(b) Strategic and Local Designations

Development adversely affecting the strategic and local natural heritage resources will not normally be permitted. Having regard to the designation of the environmental resource, exceptions will only be made where:

(i) visual amenity will not be compromised;
(ii) no other site identified in the Local Development Plan as suitable, is available;
(iii) the social and economic benefits of the proposal are clearly demonstrated;
(iv) the impact of the development on the environment, including biodiversity, will be minimised; and
(v) the loss can be compensated by appropriate habitat creation/enhancement elsewhere.

PAANs 2 "Single Plot Residential Development" and 5 "Balconies & Garden Decking" apply.

CONSULTATIONS

Head of Safer and Inclusive Communities - No objections subject to the attachment of conditions to control the spread of Japanese Knotweed and potential ground contamination and advisory notes on external lighting, construction noise, site drainage, CDM Regulations, surface water and seagulls.

Head of Environmental and Commercial Services - No objections.

Council Landscape Advisor - The impact on the landscape context is considered acceptable provided the proposal is executed in accordance with the submitted information which should be supplemented with the following further information:

- All proposed species of trees and shrub planting and their distribution on site.

- Confirmation and agreement on a drainage system for the new property, including foul and surface water systems.

- Confirmation that only one tree will be removed and an undertaking that further trees will not be removed to facilitate a view for the property without prior agreement of Inverclyde Council. If further removal of trees is required permission is to be sought from Inverclyde Council.

- The habitat survey being updated and re-issued.

PUBLICITY

The application was advertised 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, comprising three public comments and five online comments. All raise objections to the proposal.

The objectors to the proposal are concerned that:

Design Issues

- the building is out of character with other properties in Dunvegan Avenue and would be an eyesore.
- a change from a carport to a garage would be unsightly.
- privacy of the adjoining house to the south-west would be adversely impacted by the proposed side balcony.
- light to properties on the south east side of Dunvegan Avenue shall be adversely impacted.
- privacy of the adjoining house to the south-west would be adversely impacted by the proposed side balcony.

Landscaping

- the tree preservation order covering Levan Wood should be complied with fully. Residents have tolerated the preservation order and, as a result, been denied a view. If planning permission is granted the tree preservation order shall be circumvented and the applicant afforded the view which has been denied to residents.
- trees and wildlife shall be destroyed. Such destruction does not sit comfortably with the Council's green Charter and promotion of sustainability.
- it is disproportionate to replace one felled tree with five new trees. Trees have previously been removed to prevent obstruction of street lighting. Obstruction shall re-occur if planting is implemented.

Ecology

- there is an active badger site within Levan Wood.
- control of Japanese Knotweed on the site remains to be fulfilled.

Other Issues

- a precedent would be set leading to further development within Levan Wood.
- there shall be a loss of view.
- property values shall be adversely impacted.
- access and amenities shall be adversely impacted during construction and in the longer term.

ASSESSMENT

The material considerations in the determination of this planning application are the planning history of the site, the Local Development Plan, the Council's PAAN2 on "Single Plot Residential Development" and PAAN5, the consultation responses, the applicant's supporting letter, information on trees and ecology and the written representations.

As the site history is pertinent to determination of the application it is important that it be set out in full.

The houses opposite the site, on the south-east side of Dunvegan Avenue, are within the first phase of residential development by the former Henry Boot Homes which were granted planning permission in 1977. A landscape plan from planning permission IC/77/115 details tree works to Levan Wood. It is clear from this drawing that the wood is part of the residential development and that it serves as an amenity area. This is further reflected by policy La of the former 1986 Local

Plan which identified the site as lying within a large area of open space which should be retained for recreational use.

Henry Boot Homes sought over an extended period in the 1980s to have Levan Wood adopted by the Council for maintenance purposes but failed to reach agreement. It is further understood that part of the wood within the residential development and containing the application site was sold by Henry Boot Homes to the applicant in the mid-1980s.

In October 1990 outline planning permission was refused for the erection of two houses on two plots, one of which included land within the site under consideration in this report. The reasons for refusal were:

1. As the proposal would be contrary to Inverclyde Local Plan policy La and the Strathclyde Structure Plan policy RES2.
2. As the proposal would be contrary to the Inverclyde Tree Preservation Order No 6, and would be detrimental to the long term future of the woodland.
3. As the proposal would be detrimental to the amenity and character of the surrounding area.

In April 1996 planning permission was refused for the erection of a house on the site as:

1. The proposals are contrary to Inverclyde Local Plan policy La and
2. As the proposals would be contrary to the Inveclyde Tree Preservation Order No 6 and would be detrimental to the long term future of the woodland.

The site's location within the open space in the former Henry Boot Homes residential development and two previous refusals of planning permission for the erection of a house upon determines that it is consistent to refuse planning permission.

It is nevertheless necessary to assess the proposal against the Local Development Plan.

Policy RES1 of Local Development Plan seeks to safeguard the character and amenity of residential areas and requires a range of criteria to be met.

The proposed five storey house is of unique design. While other houses off Dunvegan Avenue are a mix of one and two storey designs, I consider that this need not preclude the individual architecture of the proposed tower house. Its impact upon the street frontage and residential amenity is reduced by it being set into a downward slope and the houses opposite being elevated. Trees intervene between the proposed house and the two storey house adjoining to the south-west thus reducing the impact of the side balcony. Woodland and open space adjoin to the north-east (side) and north-west (rear). I consider that this ensures compatibility with character and amenity of the area (criterion (a)).

Construction of the house necessitates the removal of one protected tree. It is proposed that this be compensated by the planting of five standard sized trees of 3-4m in height. I consider this degree of compensatory replanting to meet the requirements of policy ENV6 which encourages the planting of appropriate trees as an integral part of new development and seeks to protect groups of trees designated as Tree Preservation Orders. Furthermore, there are no objections to the proposed tree removal and replanting from the Council's landscape advisor. The proposed landscaping details therefore satisfy criterion (b).

The overall site is, I consider, of landscape value as it comprises part of the open space provision for the former Henry Boot Homes residential development. Policy ENV4 confirms that the Council will support, safeguard and, where practicable, enhance areas of open space of value in terms of their amenity to their surroundings and to the community, and their function as wildlife corridors and Green Network links. It is, I further consider, consistent with the planning history of the site to continue to seek to retain the site for the passive amenity it provides as part of the overall Levan Wood and open space provision for residential development in Dunvegan Avenue. I note from the

applicant's supporting letter that it is considered that the amenity afforded by the site to be a matter of interpretation and opinion and that there are no green network links or wildlife corridors affected by the proposal. While concurring with the applicant's statement regarding the green network and wildlife corridors I do not accept dismissal of the amenity which the site provides. Furthermore, to grant planning permission in this instance would, I consider, erode the Council's position in protecting open space within residential developments. Indeed, my position on this proposal is consistent with the refusal of planning permission for residential development on open space between 34 and 36 Dunvegan Avenue within the same development. Given these circumstances the proposal fails to retain an existing landscape feature of value and thus conflicts with criterion (c).

There are no objections to the proposal from the Head of Environmental & Commercial Services, including upon issues arising from the burn within the site. I am therefore content that the proposal accords with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement and that, accordingly, criterion (d) is satisfied.

The proposal accords with the design guidance in PAAN2 for Single Plot Residential Development regarding plot size, plot ratio and separation from site boundaries but is at variance with it in terms of overall height and roof finishing material. There is no conflict between the proposal and the design guidance contained within PAAN5 "Garden Decking". I consider that unique architecture requires to be supported if it can be satisfactorily accommodated within the built form of the surrounding area. I am satisfied that the disparity in height between the proposed houses and houses in the area and the provision of lead roofing do not justify refusal of planning permission. As such, I am content that the proposal satisfies criterion (f). Having reached that conclusion, however, the fact that the proposal otherwise accords with the Council's design guidance does not overcome my overriding concerns about the principle of development upon an area of open space, as noted in my unfavourable assessment against criterion (c) of policy RES1.

Policy ENV1 requires there to be no adverse impact upon local natural heritage resources. Levan Wood, within which the site is contained, is identified as a Site of Importance for Nature Conservation (SINC). The habitat survey accompanying the planning application concludes that the development will not encroach into the woodland and that it can be kept intact. It is further noted that no evidence of badgers has been found within a 50m radius of the site. In the event that I was supportive of the proposal I would concur with the advice of the Council's landscape advisor that the habitat survey should be brought up to date. As that is not the case, however, I do not consider such a requirement to be justifiable.

The consultation responses present no impediment to planning permission being granted.

Regarding the written representations not addressed by my assessment against the Local Development Plan: to grant planning permission would not set a precedent for further development in Levan Wood as each and every planning application requires to be determined on its own merits; property values, disturbance from site works and restrictions placed upon existing views by the protected trees within Levan Wood are not material planning considerations; there is no proposal to alter the proposed carport to a garage; there are no objections to the control of Japanese Knotweed from the Head of Safer & Inclusive Communities: and houses opposite are elevated, lie to the south of the proposed house and, as a result, shall not be shaded.

Overall, I am not in favour of planning permission being granted.

RECOMMENDATION

That the application be refused for the following reason:

Reason

The site falls within part of the open space serving the residential development at Dunvegan Avenue and is thus contrary to policy ENV4 of the Local Development Plan which seeks to support, safeguard and, where practicable, enhance areas of open space of value in terms of their amenity to their surroundings.

Signed: [redacted]

Case Officer: Guy Phillips

[redacted]

Stuart Jamieson
Head of Regeneration and Planning

CONSULTATION RESPONSES

Inverclyde council

Environment and Community Protection

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: **17 March 2015**

Lead Officer: **Stewart Mackenzie**	
Tel: **01475 714 271**	Email: **stewart.mackenzie@inverclyde.gov.uk**

Safer Communities Reference (optional):	
Planning Application Reference:	**15/0049/IC**
Planning Application Address:	Levan Wood, Dunvegan Avenue, Gourock
Planning Application Proposal:	**Erection of Tower House, (Replacing 14/0124/IC)**

Team	Officer	Date
Food & Health	Michael Lapsley	
Environment & Safety & *Contaminated Land*	Sharon Lindsay	13.03.15
Public Health & Housing	Jim Blair	16.3.15
Environment and Enforcement	Stewart Mackenzie	03.03.15

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

Healthy Working Lives

POSITIVE ABOUT DISABLED PEOPLE

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 presence of any suspected contamination that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential remediation requirements shall not be implemented unless a Remediation Strategy 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.

3. 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 materials source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc) with plans delineating placement and thickness.

Reason: To protect receptors from the harmful effects of imported contamination.

Public Health & Housing

1. 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.

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

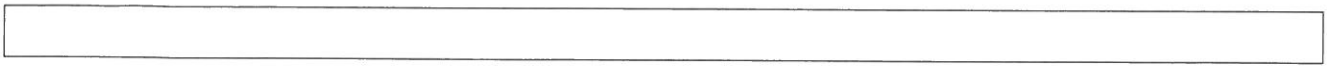
Reason: To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.

Environment and Enforcement

No Comments

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

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



Recommended Advisory Notes

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

i. **Site Drainage:** Suitable and sufficient measures for the effective collection and disposal of surface water should be implemented during construction phase of the project as well as within the completed development to prevent flooding within this and nearby property.

ii. The applicant should be fully aware of the **Construction (Design & Management) Regulations 2007 (CDM 2007)** and it's implications on client duties etc.

iii. **Surface Water:** Any SUDS appraisal must to give appropriate weight to not only any potential risk of pollution to watercourses but to suitable and sufficient measures for the effective collection and disposal of surface water to prevent flooding. Measures should be implemented during the construction phase of the project as well as the within the completed development to prevent flooding within the application site and in property / land nearby.

iv. **Design and Construction of Buildings – Gulls:** 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 gulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the development.

Rona McGhee

From: David Ashman on behalf of Devcont Planning
Sent: 04 March 2015 09:51
To: Laura Graham
Subject: FW: Levan Wood, Dunvegan Avenue Gourock
Attachments: 15_0049_IC Landscape Response.pdf

15/0049/IC

City Design consult resp.

From: Richard East [mailto:richard@citydesign.coop]
Sent: 03 March 2015 16:41
To: Devcont Planning
Cc: Richard East (richardeast@citydesign.coop)
Subject: Re: Levan Wood, Dunvegan Avenue Gourock

Guy/David

Please find attached our response to the new application for a tower house at Levan Wood.
In landscape terms the changes made by the applicant do not substantially affect the previously noted impacts.
However we do recommend that the phase 1 habitat survey be updated as it is the same document presented last May and is now 12 months old.

Our concerns regarding the future of the trees which would impede views from the development to the Clyde remain unchanged. While their removal is not considered in the application we feel the removal of trees to open up views could be an early objective of the applicant if the development goes ahead, and that the trees to the north of the property may be at risk in the future.

If you need any further information or have any queries regarding this response please do not hesitate to get in touch.

Kind Regards

Richard East
Director

City Design Co-operative Ltd
Landscape Architects and Urban Designers
Registered in Glasgow No SC094759
4 North Court, Glasgow, G1 2DP

T 0141 204 3466

Mob 07946 138866

E richardeast@citydesign.coop

W www.citydesign.coop

City Design rated No.1 in Urban Realm's Top 10 Landscape Architects

On 27 Feb 2015, at 14:28, Devcont Planning wrote:

Consultation Request - Planning Application Ref. **15/0049/IC**
Please can you comment on the application detailed in the attachment.
Could you reply at devcont.planning@inverclyde.gov.uk

<ufm12.rtf>

Inverclyde Landscape Consultancy

Project:	Erection of a Tower House at Levan Wood, Dunvegan, Gourouck
Inverclyde Planning Ref:	15/0049/IC
CDC Ref:	1309/04/b
IC Ref:	David Ashman
CDC Lead:	Richard East
Date:	03 03 2015

1.0 Nature of proposal:
Erection of new tower house on the edge of Levan Wood, Dunvegan Avenue Gourock.

1.1 Brief to City Design Co-operative
Inverclyde Council has requested City Design Co-operative (CDC) to comment on aspects of the proposal that relate to the landscape context. In this respect the proposal has been examined in relation to the existing site including trees, topography and the relationship to neighbouring properties.

1.2 7 documents have been presented in association with the application. CDC has viewed all the documents presented but in particular has focused on the following:

Planners Checklist/Neighbour notification
Planning application forms
Proposed Location and site plan and 3D view *
Tree Survey and Arbroricultural Implication Study
Proposed plans and Elevations
Proposed Block Plan
Phase 1 Habitat Survey and Expert Eye

*3D view not see

1.3 The application is very similar to that made in May 2014 (14/0124/IC). There have been some modifications to internal layout and fenestration. Externally a carport has been proposed over the previously planned parking spaces. The overall site boundary has been redrawn; reduced in size to focus on the main development. It is noted that the site still lies within undeveloped open space and as such is covered in the Local Development Plan by policy Env 4(b). Our response made in relation to the previous application is substantially unchanged and is reproduced below as being pertinent to this application. Additional comments are indicated by bold text.

2.0 CDC visited the site in on June 2nd 2014 and made the following observations:

2.1 The site on the northwest side of the road lies behind a maintained grass verge but is open to the road; ie there is no fence or boundary. The land is relatively level from the road edge for between 5 and 8m before it drops steeply into a densely wooded area. It is understood from the submission that the "bench" in the landform at this point is a result of material deposited during the construction of the houses on the opposite side of the road.

4 NORTH COURT
GLASGOW G1 2DP
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mail@citydesign.coop

Photo 1
Site frontage

2.2 The level area has been infested with Japanese Knotweed in the past. This has been treated reasonably successfully. However beyond the edge of the level area further Knotweed growth is apparent and this will need to be treated.

2.3 The trees within the immediate vicinity of the site are well established and create a tall screen blocking views to the firth of Clyde. See photo 2 below:

Photo 2
View to Firth of Clyde

3.0 Tree Survey:
The tree survey was carried out by Donald Roger and was designed to inform the planning process.

3.1 Donald Roger comments on the overall woodland condition and notes that while none of the trees on the site (woodland area) are particularly old it is likely that there

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have been trees on the site historically. The tree survey focuses on trees that fall within 18m of the footprint of the development. Trees beyond this are not indicated although it is noted that the dense woodland continues beyond the 18m cut off line.

3.2 37 trees have been surveyed and recorded in detail. Most are noted as being in category A or B in terms of condition – generally good and requiring no treatment. 5 of the 37 are designated as category C for condition – they are of lower quality and value. No trees are recommended for removal on the basis of their condition.

3.3 One tree, a sycamore, (nr 937 in the survey) is noted as requiring to be removed as a result of the proposal. This is a result of the footprint of the proposal encroaching on the root zone of the tree. The tree itself is 6m from the closest part of the proposed house. Proposed removal of the tree is erring on the side of caution.

4.0 Habitat Survey:

4.1 A Phase 1 Habitat survey has been undertaken by JDC Ecology Ltd. The survey extended approximately 50m from the boundary of the development site – subject to accessibility. No evidence of protected species was found.

4.2 The habitat survey concludes:
• provided there is no impact on the woodland a bat survey should not be required but that if any mature trees or trees with broken branches were to be felled, then a bat survey would be needed.
• ground clearance works must be undertaken between September and February, ie outwith the bird breeding season
• treatment of the Japanese Knotweed infestation should continue
• a management plan for the whole woodland would be beneficial although it is acknowledged this is not relevant to the current development proposals.

4.3 The Phase 1 Habitat Survey presented with this application is the same as that produced for the previous application and is dated March 2014. It is now 12 months old.

5.0 The proposal:

5.1 The proposed development is for a tower house which rises on 5 levels from the lowest point of the development and which is built into the hillside for the bottom 2 levels. On the road frontage it will be 3 stories high. Between the road and the building provision is made for a parking area and a garden. The footprint for the building itself is small and will have a correspondingly low impact.

The proposal includes a car port; not part of the previous application.

Boundaries:

5.2 The full extent of the new boundary hedge to the front of the site is not clear. It is not clear whether any other boundary treatments are to be utilised between the

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main site and the woodland. It is noted that currently the plot and the woodland are in the same ownership. If the ownership were to be split a boundary fence may be required.

5.3 Servicing and drainage.
It is noted that the servicing of the building will be from Dunvegan Avenue. No service tracts are planned in the woodland area. It is assumed that surface water run off will also be taken to the main drain in the road. FFL of Level 2 on the plans appears to be well below the finished road level and confirmation is needed that drainage from this level will tie into the existing system in the road.

5.4 In the tree survey document new tree planting is indicated. This is not shown on other drawings and while possible species are indicated it is unclear where each species will be planted.

6.0 Comment

6.1 Provided the proposal is implemented in accordance with the plans and information submitted, the impact on the woodland and surrounding environment will be small. **The addition of the proposed car port to this new application is unlikely to adversely affect the impact of the the overall proposal.**

6.2 The 3 storey nature of the tower (above road level) will make it visible from nearby properties

6.3 The tree survey and the habitat survey both note that one tree will need to be removed as a result of the development, This is a mid age sycamore in good condition. Subject to the tree not providing a roost for bats the removal of this tree within the context of the site is not regarded as a problem.

6.4 It is noted that the tower house will not have any summertime views to the Firth of Clyde due to the trees in the woodland below and around the house. Given the nature of the design and the inclusion of a balcony at the top of the tower it seems likely that the residents will want to achieve a view. We consider this could only be made possible through the removal or serious lopping of trees. If this were to be done further impact studies may be required and a bat survey would need to be undertaken. We understand that the trees are subjects of a tree preservation order.

6.5 The species of trees to be planted are not given in detail. No details for planting have been submitted at this stage.

6.6 No detail on drainage has been submitted. Given the sensitivity of the site greater clarity on this aspect of the proposal would be helpful in determining the application.

7.0 Recommendation

7.1 Provided the proposal is executed in accordance with the submitted information, which is to be supplemented with further detail to be agreed with Inverclyde Council as noted below, the impact on the landscape context is considered acceptable.

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7.2 Additional detail required to be agreed with Inverclyde Council:

- All proposed species of trees and shrubs to be planted and their distribution on site
- Confirmation and agreement on a drainage system for the new property, including foul and surface water systems
- Confirmation that only one tree will be removed and an undertaking that further trees will not be removed to facilitate a view for the property without prior agreement of Inverclyde Council. If further removal of trees is required permission is to be sought from Inverclyde Council
- Confirmation of the materials palette to be employed is required and provision of samples for approval of all the material specified, and for any variations that may be subsequently proposed. Any variations proposed must be acceptable to, and be agreed by Inverclyde Council

7.3 **It is recommended that the Habitat Survey be updated and reissued for consideration as an element of this application.**

Response prepared by Richard East Dip LA MA Urb Des CMLI
On behalf of City Design Co-operative for Inverclyde Council

4 NORTH COURT
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TO: HEAD OF REGENERATION & PLANNING
FROM: HEAD OF ENVIRONMENTAL & COMMERCIAL SERVICES

Your Ref: 15/49/IC
Our Ref: DAC/14/04/115/49/IC
Contact: D A Chisholm
Tel: (01475) 7144841

INVERCLYDE COUNCIL
ENVIRONMENTAL & COMMERCIAL SERVICES
OBSERVATIONS ON PLANNING APPLICATION

Planning Application No: 15/49/IC **Dated:** 27/2/15 **Received:** 4/3/15
Applicant: Victor Canata
Proposed Development: Erection of a tower house
Location: Dunvegan Avenue Gourock
Type of Consent: Detailed Permission/~~In Principle/Approval of Matters/ Change of Use~~
No. of drawings submitted: 3

	Comments
1	Parking Requirements
	No Bedrooms No Spaces
	1 1
	2/3 2
	4 3
	3 parking spaces have been provided for this 3 bed property.
2	Access should be taken via a footway cross over constructed in accordance with the Council's Roads Development Guide, a visibility splay of 2.4 x 43.0 x 1.05 high is required at the junction of the access with Dunvegan Avenue.

NOTES FOR INTIMATION TO APPLICANT

CONSTRUCTION CONSENT (S21)*	Not Required/~~Required for all road works~~
ROAD BOND (S17)*	Not Required/~~Required if building works are to be undertaken before roads are completed~~
ROAD OPENING PERMIT (S56)*	Not Required/~~Required for all works in the public road~~

***Relevant Section of the Roads (Scotland) Act 1984**

Signed ..... Date 27/3/15
HEAD OF ENVIRONMENTAL & COMMERCIAL SERVICES

27/03/15DAC

REPRESENTATIONS

Please reply to

Alisdair T Tannahill
22 Dunvegan Avenue
Gourock
PA19 1AE

15th March 2015

Inverclyde Council
Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Dear Sirs

Planning Application 15/0049/IC - Levan Wood - Dunvegan Avenue Gourock

I refer to the Neighbour Notification sent to me on 27th February 2015 in respect of the above and wish to make the following comments.

1 My wife and I have no particular objection to a tasteful development taking place on this site, as the land in question is currently a dreadful eyesore in an otherwise very pleasant and well laid out estate.

2 As you will be aware, the previous application 14/0124/IC was withdrawn, and it would appear that there are no fundamental changes to this application except the window layout/design, the roof material and the provision of a car port.

3 We do consider that the design of the Tower House at 13 metres high from street level is completely out of character with the remainder of the estate at Levan. All of the existing buildings are a maximum of two stories high from street level and are tiered. In our opinion, a two storey design, albeit with a wider footprint would be preferable.

4 If this design is permitted as it is at present then it would set a precedent for other similar buildings in the remaining part of Levan Wood.

5 We note that one tree is to be removed, but five to be planted, which does seem to be disproportionate. Two of these new trees are to be located at or near the street light R18. Two trees in this location were blocking the light from this street light and had to be removed at the behest of Inverclyde Council in late 2012/early 2013 by Mr Canata. This together with the ongoing treatment of the Japanese Knotweed has resulted in the site being effectively cleared, but if new

trees are planted in the same location it will result in a similar loss of light to the east of R18, as it did in the past.

6 We have lived at 22 Dunvegan Avenue since the estate was first established in 1978. Throughout that time we have accepted the tree preservation order which was imposed shortly after we moved in. We have done nothing to undermine the conditions of the order but have had to live with a very unsightly area for many years despite promises made by Inverclyde Council that the area would be continuously managed. This has never happened!. It would now appear, if this application is granted in its present form, that the applicant will have successfully circumvented the preservation order, and have secured a view of the Clyde Estuary and the hills and mountains of Cowal and Argyll - something which has been denied to the residents of Dunvegan Avenue for 36 years.

We hope that in whatever decision is made there will be a vast improvement in the landscape which will be of benefit of all of the existing residents.

Yours sincerely

Alisdair T Tannahill

20 Dunvegan Avenue
Gourock
PA19 1AE

3254.

Inverclyde Council
Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Tuesday 24th of March 2015

Re: Planning Application Number 15/0049/IC

To whom it may concern:

We write to you in response to the revised planning application which we have recently received from you in relation to the proposed erection of a 'tower house' in Levan Wood, off Dunvegan Avenue (opposite our property).

Having already expressed our objection to this proposed build last year, we are a bit taken back that we now find ourselves having to resubmit our objection over again. We have looked over the revised plans and can only see that there now seems to be an addition of a car port to the plans. For us, this makes no difference, as it is the main structure itself that we are objecting to.

Having moved into our property in July of 2013, we were not only attracted to the house itself, but its setting and location were also important to us. We felt that the Castle Levan estate was both desirable in its appearance and also fully established. We did not anticipate that there would be any further building works to such a degree as the area seems to have been relatively untouched for over 30 years.

It is with further disappointment that we receive this revised proposal. Having looked at the plans in detail we feel that to erect a 'tower house' is totally out of character for the area and would do nothing to enhance the proposed location. There are no other homes in the immediate area (maybe even Inverclyde) which would resemble this building. This would be a five level building for only a single dwelling. Looking at the plans, this building would be approx thirteen metres (43ft) tall when viewed at street level from Dunvegan Avenue, with the building itself being approx nineteen metres tall (63ft) from ground level. The external walls make the building approx seven metres (22ft) square, so it would certainly be 'tower like' in appearance. Our bungalow property would be adjacent to this property, and even though we sit in an elevated position from street level, on Dunvegan Avenue – some six metres (20ft) – we would still be dwarfed by this structure - along with every other building around it. The only building I can liken it to in the immediate area is Cloch Lighthouse – which is in actual fact only approx four metres (13ft) taller than this structure!

When we submitted our objection last year we were not aware that Mr Canata had already built another high rise property within our immediate area. As we understand now, he occupies the flats which were built in front of 11 Dunvegan Avenue. In our view, these flats should have not been allowed to go ahead, as you can clearly see the impact it has had on the original homes behind it. Number 11 Dunvegan Avenue has been up for sale for nearly two years now, and you only need to look at it to see why this otherwise perfectly situated family home is taking so long to shift from the market – it's that fact that the outlook of this home is

now Mr Canata's flats. What makes his current proposal worse is that the land he is now seeking to build on is again right next to this property.

Although we are concerned that someone is proposing to build opposite our property, we are not simply objecting to be obstructive. We honestly feel that this building in not fitting for the area and would without question be an unwelcome eyesore. Our view is that either the build should not be allowed to go ahead, or flexibility must be found in the design to reduce the current overall height of the structure so that it is more in keeping with other properties in the area. For instance, is there a real need to utilise an entire floor as a Cellar?! If you look at the other properties which have been built on the same side of Dunvegan Avenue as the proposed property, you will see that they could not be more different in design to this property (take 11 Dunvegan Avenue as an example). We feel that if a further property is to be constructed on this location, then it should be similar in design.

We have noted that there is a tree preservation order attached to this area of woodland and this has been given as a reason for the current restrictive design. As we have just moved into the area we are not aware of why or when this order was put in place, but if it is there to protect the trees for good reason, then should any sort of build be allowed to go ahead at all!? Alternatively, could the tree preservation order possibly be put under review, as the majority of trees do not seem to be in good condition and may require attention in the near future? This could allow for an alternative open design to be produced with a view to be more in keeping with current properties in the area.

We are also aware of the ongoing problems with knotweed on the land of the proposed site. As we understand, Mr Canata has been responsible for the treatment of the knotweed on this site. We had noted that there was some chemical treatment of the land last year, but it does not seem to have controlled the problem as yet and we know that the process of chemical treatment can be a lengthy one. Therefore, how is it currently possible to propose to build on this land when the knotweed is not yet under control?

In summary, we are objecting to the proposed plan for the building of a tower house in Levan Woods for the reasons given. We would also like to be informed of any future arrangements for a planning meeting concerning this property as we would be most keen to attend to raise our concerns.

Yours faithfully,

[redacted]

Fraser MacKenzie

Comments for Planning Application 15/0049/IC

Application Summary
Application Number: 15/0049/IC
Address: Levan Wood Dunvegan Avenue Gourock
Proposal: Erection of a tower house
Case Officer: Guy Phillips

Customer Details
Name: Mr GILBERT CANNING
Address: 14 DUNVEGAN AVE GOUROCK

Comment Details
Commenter Type: Hedge Owner Details (Interested Parties)
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I object to the above application.
1) Proposed building is completely out of character to rest of properties on Dunvegan Ave and will set a precedent for future development.
2) A tree preservation order is in place and either this is complied with fully or other residents offered the same privilege of removing tree's?
3) Change from a carport to garage will be unsightly as is the case at house adjacent to proposed development.

NOTE I was not included in the notification for this development but was included for the prior notification 14/0124//IC IN 2014. Unsure of the reasoning for this?

My email address is [redacted]your form does not appear to accept this format so an alternative email address has been given??

Comments for Planning Application 15/0049/IC

Application Summary

Application Number: 15/0049/IC
Address: Levan Wood Dunvegan Avenue Gourock
Proposal: Erection of a tower house
Case Officer: Guy Phillips

Customer Details

Name: Mr GILBERT CANNING
Address: 14 DUNVEGAN AVE GOUROCK

Comment Details

Commenter Type: Hedge Owner Details (Interested Parties)
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I object to the above planning application.

Comments for Planning Application 15/0049/IC

Application Summary

Application Number: 15/0049/IC
Address: Levan Wood Dunvegan Avenue Gourock
Proposal: Erection of a tower house
Case Officer: Guy Phillips

Customer Details

Name: Mr Steven Nish
Address: 7 Tantallon Ave Gourock

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:Due to the design and height of the house (out of place). Also could lead to other areas of the Levan Wood being used for other developments

Comments for Planning Application 15/0049/IC

Application Summary

Application Number: 15/0049/IC
Address: Levan Wood Dunvegan Avenue Gourock
Proposal: Erection of a tower house
Case Officer: Guy Phillips

Customer Details

Name: Mrs Margaret McKechnie
Address: 62 Cloch Road Gourock

Comment Details

Commenter Type: Neighbour
Stance: Customer made comments neither objecting to or supporting the Planning Application
Comment Reasons:
Comment:i wish to inform you that there is an active badger set within Levan Wood which has been there for a number of years.and may be within the 50m zone, as I have no way of knowing the boundary lines of this proposed planning application,i

Comments for Planning Application 15/0049/IC

Application Summary
Application Number: 15/0049/IC
Address: Levan Wood Dunvegan Avenue Gourock
Proposal: Erection of a tower house
Case Officer: Guy Phillips

Customer Details
Name: Mrs Marie Crawford
Address: 31 Dunvegan Avenue Gourock

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I object strongly to the erection of a tower house, On the plan the house sits above the tree line and is not in keeping with housing in the local area.
My main objection is to the destruction of trees and wildlife in the area.
Having read the report on animal species I would like it to be noted that badgers do live in this neighbourhood as they have been observed with their young very close to this proposed development. Causing destruction to the local environment does not sit comfortably with Inverclyde Council's Green Charter and promotion of sustainability. I would urge councillors to consider their own policies on sustainability before making a decision which is neither in the public's interest nor the interest of wildlife and flora in the local area.

EXTRACT OF EMAIL

[redacted]

Obj

-----Original Message-----
From: Karen Isaac [mailto[redacted]
Sent: 22 March 2015 11:38
To: Devcont Planning; Guy Phillips
Subject: RE: Planning Application Comments for Levan Wood, Gourock - Planning Ref 14/0124/IC

Thank you for your email. I am submitting the following comments regarding our objections to this new application 15/0049/1C:

1. The proposed development will destroy the view, the line of sight will be dramatically impacted 2. We are concerned about the impact on the valuation of the property 3. Right to light. Legally we have a right to light and this will be seriously impacted by such a development, given the number of levels and height being proposed 4. Impact on access and amenities. We would be concerned on the impact during the build and in the long term, ie has access etc been properly considered?

Kind regards
Karen

-----Original Message-----
From: Devcont Planning [mailto:devcont.planning@inverclyde.gov.uk]
Sent: Wednesday, February 25, 2015 4:40 PM
To: Guy Phillips
Subject: Planning Application Comments for Levan Wood, Gourock - Planning Ref 14/0124/IC

I would like to thank you and acknowledge receipt of your recent comments in regards to the above mentioned planning application.

Please refer to attached letter.

Regards

Alaria Lever
Systems Co-ordinator
Inverclyde Council
Regeneration and Planning
Development Management
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Inverclyde Council
Email Disclaimer

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Comments for Planning Application 15/0049/IC

Application Summary

Application Number: 15/0049/IC
Address: Levan Wood Dunvegan Avenue Gourock
Proposal: Erection of a tower house
Case Officer: Guy Phillips

Customer Details

Name: Ms Shari Fraser
Address: 16 Dunvegan Avenue Gourock

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I refer to the Neighbour Notification sent to me on 27/02/15 and wish to make the following comments:
We have no particular objection to a tasteful development taking place on the site, as the land in question is currently an eyesore in an otherwise very pleasant and well laid out estate. The previous application 14/0124/IC was withdrawn, and we my fiance and i don't see any fundamental changes to this application. We do consider that the design of Tower House at 13mtrs high is completely out of character. With existing houses being a maximum of 2 stories high from street level and tiered. 5 stories planned submission is totally out of character and intrusive. if this 5 story design is permitted then it sets a precedence for other similar build in remaining part of Levan wood. Our preference would be for a 2 story build. The planned balcony at an angle is of high concern to us in relation to invasion of our privacy from both our side kitchen window and also our main living room window.

DECISION NOTICE DATED 13 APRIL 2015

DECISION NOTICE

Inverclyde council

Refusal of Planning Permission
Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 15/0049/IC

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)REGULATIONS 2013

Mr Victor Canata
Flat 7
Levan Wood
Farm Road
Gourock
PA19 1GY

Canata And Seggie
Victor Canata
Chartered Architects
7 Union Street
GREENOCK
PA16 8JH

With reference to your application dated 24th February 2015 for planning permission under the above mentioned Act and Regulation for the following development:-

Erection of a tower house at

Levan Wood, Dunvegan Avenue, Gourock

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 site falls within part of the open space serving the residential development at Dunvegan Avenue and is thus contrary to policy ENV4 of the Local Development Plan which seeks to support, safeguard and, where practicable, enhance areas of open space of value in terms of their amenity to their surroundings.

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

Dated this 13th day of April 2015

[redacted]

Head of Regeneration and Planning

Healthy Working Lives

Positive About Disabled People

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:
2139_D.001	rev C	20.02.2015
2139_D.002	rev B	20.02.2015
2139_D.003	rev A	23.02.2015

LETTER DATED 29 JUNE 2015 FROM MUIR SMITH EVANS, PLANNING & DEVELOPMENT CONSULTANTS ENCLOSING NOTICE OF REVIEW FORM AND SUPPORTING DOCUMENTS

MUIR SMITH EVANS

Planning & Development Consultants

Local Review Body
Head of Legal & Property Services
Inverclyde Council
Municipal Building
Greenock
PA15 1LX

Our ref CANA0001/bwm/jew

Your ref 15/0049/IC

By hand

29 June 2015

Dear Sir/Madam

Notice of Review
The Town & Country Planning (Scotland) Act 1997 (as amended) in Respect of Decisions on Local Developments
The Town & Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
The Town & Country Planning (Appeals) (Scotland) Regulations 2013
Relevant Planning Application Reference: 15/0049/IC

We act on behalf of Mr Victor Canata.

On 13 April 2015 Planning Application Reference 15/0049/IC was refused by your council's planning officers under delegated powers. On behalf of our client, we now submit a Notice of Review.

We enclose the relevant Notice of Review form, duly completed. You will note that this form is accompanied by two Papers Apart, and by the relevant documents and materials. The Papers Apart are:

- The applicant's statement; and
- The applicant's list of documents (which lists the documents, materials, and evidence which are enclosed with this package and on which the applicant relies in relation to this Review).

Please note that both the Papers Apart and all the relevant documents are submitted as PDF files on the enclosed CD. In addition, a paper copies of the Notice of Review form (duly signed) and the Papers Apart are enclosed.

This Notice of Review is being submitted within the three-month statutory period.

We would be grateful if you could immediately confirm receipt of this Notice and look forward to hearing from you further regarding the administration of the process.

Yours faithfully

Brian W Muir
bmuir@muirsmithevans.co.uk

Enc.

cc. client

NOTICE OF REVIEW

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

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name	Victor Canata
Address	Flat 7 Levan Wood Farm Road Gourock
Postcode	PA19 1GY
Contact Telephone 1	
Contact Telephone 2	
Fax No	
E-mail*	

Agent *(if any)*

Name	Muir Smith Evans
Address	203 Bath Street Glasgow
Postcode	G2 4HZ
Contact Telephone 1	0141 221 0316
Contact Telephone 2	
Fax No	
E-mail*	bmuir@muirsmithevans.co.uk

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

* Do you agree to correspondence regarding your review being sent by e-mail? Yes: x No: ☐

Planning authority	Inverclyde Council
Planning authority's application reference number	15/0049/IC
Site address	Levan Wood, Dunvegan Avenue, Gourock
Description of proposed development	Erection of a tower house
Date of application	23 February 2015
Date of decision (if any)	13 April 2015

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

This issue at dispute in this Notice of Review does not lend itself to a straightforward assessment against development plan policy. The applicant considers that a hearing session may assist the members of the LRB in forming an opinion to inform their eventual decision.

Site inspection

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

		Yes	No
1.	Can the site be viewed entirely from public land?	x	☐
2	Is it possible for the site to be accessed safely, and without barriers to entry?	x	☐

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

Statement

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

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

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

Please see Paper Apart

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

Yes	No
☐	x

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

List of documents and evidence

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

Please see Paper Apart

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

Checklist

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

x Full completion of all parts of this form

x Statement of your reasons for requiring a review

x All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

I, the agent, hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date 29 June 2015

Notice of Review Site: Levan Wood, Dunvegan Avenue, Gourock

Notice of Review Proposal: Erection of a Tower House

Applicant for Notice of Review: Mr Victor Canata

Agent: Muir Smith Evans

LPA Ref: 15/0049/IC

NOTICE OF REVIEW
APPLICANT'S STATEMENT
(PAPER APART)

(This document extends to 8 pages)

Summary of applicant's case for Notice of Review

The position of the planning officers has no objective basis. It has been reached on the basis of interpretation and opinion.

The applicant does not challenge the right of planning officers to interpret and to reach an opinion. However, in the case of this application, the applicant considers that the judgement of planning officers is flawed. Other interpretations and opinions could be reached by reasonable people.

The applicant believes that the members of the Local Review Body have a sound basis for reaching a different interpretation and opinion.

This Statement demonstrates that there are no technical or objective policy obstacles to approving the application.

There remains the subjective matter of potential effect on amenity,

The Report of Handling prepared by officers shows clearly that the assessment of this application rests entirely on the subjective assessment of any potential effect on amenity.

There are two aspects relating to amenity:

- visual (environmental); and
- functional (how the space is used).

In relation to these matters it is submitted that:

- **Visual amenity** would not be harmed. This is confirmed in the statement of handling under Planning comments on Policy RES1 which agree that the house is of a unique design and is considered compatible with the character and amenity of the area.
- The report on handling also confirmed that the removal of one protected tree to be replaced with five new trees is also acceptable (see the Tree survey and Arboricultural Implication Study, Document CANA 7)).
- **Functional amenity** is absent from the site. The application site is not available for use by the community as it is private land. This situation will not change.

For all the reasons set out within this submission, the applicant requests that the Local Review Body, having reviewed all relevant matters, concludes that the applicant's proposals are reasonable and therefore grants planning permission for application 15/0049/IC.

Background Context

- In May 2014, the applicant submitted a planning application for the erection of a tower house at Levan Wood, Dunvegan Avenue, Gourock. The application was registered by Inverclyde Council on 22 May 2014, with the reference 14/0124/IC.
- Following various discussions between the applicant and the planning officers, a meeting was held in July 2014. At the meeting were the case officer, his line manager, the applicant, and the applicant's planning advisor.
- As a consequence of this meeting and further discussions, the planning application (14/0124/IC) was withdrawn and a fresh application submitted in its place.
- The 2014 application is no longer relevant but has been noted to set the context.
- A copy of the letter, dated 23 February 2015, from the applicant, withdrawing the previous planning application and submitting the fresh planning application is submitted as Document CANA 1.
- The fresh planning application was given the reference 15/0049/IC by the planning authority.
- The supporting information submitted with the fresh application addressed all of the matters raised in the July 2014 discussions with planning officers, particularly in relation to the aspects of the previous application which required more supporting information or evidence, or further explanation regarding planning policy.

Applicant's Reasons for submitting a Notice of Review

The position of planning officers can be summarised as follows:

- The application site is located within an area of open space which serves the residential development at Dunvegan Avenue, and thus is contrary to Policy ENV14 of the Local Development Plan.

The applicant considers the position of the planning officers to be unreasonable and not able to be justified in relation to any relevant planning or conservation policy.

The applicant's position can be summarised as follows:

- The position of the planning officers has no objective basis. It has been reached on the basis of interpretation and opinion.
- The applicant does not challenge the right of planning officers to interpret and to reach an opinion. However, in the case of this application, the applicant considers that the judgement of planning officers is flawed.
- Other interpretations and opinions could be reached by reasonable people.
- The applicant believes that the members of the Local Review Body have a sound basis for reaching a different interpretation and opinion.

In support of the applicant's position, reference is made to all the supporting Documents but, in particular, to Documents CANA 6 and CANA 7.

Key parts of the relevant evidence which supports the applicant's position, are now summarised.

Supporting evidence

The application

- The proposal is to erect a tower house on a site within the boundary of Levan Wood.
- The site is bounded to the South by Dunvegan Avenue and to the West by number 6 Dunvegan Avenue, which is a two storey detached house set some 25 metres away from the proposed tower house.
  To the North and East the site is bounded by Levan Wood.
- The tower house is purposely designed with a very small foot print, approximately the size of a double garage, in order that it sits totally on an area of ground that was formed by the spoil left over from the construction of Dunvegan Avenue and therefore had minimal impact on the woodland. This philosophy led to the unique design.
- The concept was inspired by the nearby 14th century tower house that is the original Castle Levan.

Applicant's review of assessment of application by planning authority

The formal consultation responses, received during the assessment of the application, can be summarised as follows:

- **Head of Safer and Inclusive Communities:** No objections subject to the attachment of conditions to control the spread of Japanese Knotweed and potential ground contamination and advisory notes on external lighting, construction noise, site drainage, CDM regulations, surface water, and seagulls.
- **Head of Environmental and Commercial Services:** No objections.
- **Council Landscape Advisor:** The impact of the landscape concept is considered acceptable provided the proposal is executed in accordance with the submitted information which should be supplemented with the following information.

    - All proposed species of trees and shrub planting and their distribution on site;
    - Confirmation and agreement on a drainage system for the new property, including foul and surface water systems;
    - Confirmation that only one tree will be removed and an undertaking that further trees will not be removed to facilitate a view for the property without prior agreement of Inverclyde Council. If further removal of trees is required permission is sought from Inverclyde Council; and
    - The Habitat Survey being updated and reissued.

All of these consultation responses are set out clearly in the Report of Handling (Document CANA 9). The Report of Handling further states that "The consultation responses present **no impediment** to planning permission being granted."

However, the Report of Handling does not adequately reflect the pre-application discussions which were held between the applicant and planning officers, and which are referred to above (July 2014). For the avoidance of doubt, the agreed position at these pre-application discussions can be summarised as follows:

- In the pre-application discussions (July 2014) referred to above, planning officers confirmed that they considered that the scale and massing of the proposal was appropriate for the location and that, subject to further discussion, it was likely that acceptable minor design modifications could be agreed.
- Planning officers also agreed that the principal development plan policy against which the proposal required to be assessed was Policy ENV 4 of the new Local Development Plan.
- It was further agreed with planning officers that Paragraph (a) of Policy ENV 4 did not apply, as the application site does not lie within land identified as Open Space.
- Paragraph (b) of Policy ENV 4 refers to "other open space" (which the application site is) and invites assessment in relation to "value in terms of .....amenity to their surroundings and to the community". It was further agreed in the meeting with planning officers that the interpretation of the term "amenity" (within a certain set of circumstances) is a matter of opinion. Reasonable people could reach different views. There is no objective position.
- Finally, it was agreed with officers that Paragraph (b) of Policy ENV 4 also refers to the function of wildlife corridors and green network links. It was agreed that there are no corridors or links affected by the current application proposal.

Despite the above position, the Report of Handling also introduces additional assessments in relation to Policy RES 1 and Policy ENV 1. The Report notes that the proposed development is compatible with criteria (a) and (b) of RES 1 but that (in the opinion of the author of the Report) the proposal fails to retain an existing landscape feature of value and thus conflicts with criterion (c). The author of the Report accepts that the application site has no effect on the green network or wildlife corridors. However, the author then goes on to express the opinion that granting planning permission would erode the council's position in protecting open space within residential developments.

In relation to the assessment against Policy ENV 1, the author of the Report notes the Habitat Survey which was submitted in support of the application, further noting the conclusions that the development will not encroach into the woodland, which will be kept intact. The author notes the conclusions of the Council Landscape Advisor (see above) that the Habitat Survey should be brought up to date, in the event of the application being approved.

Finally, the author of the Report accepts that the granting of planning permission for this development would not set a precedent for further development in Levan Wood as each and every planning application requires to be considered and determined on its own merits. The author notes that property values etc are not material planning considerations and that the houses opposite (from where some objections originated) are elevated, lie to the south of the proposed house and, as a result, shall not be shaded.

Having undertaken this comprehensive review and assessment, the author of the Report concludes that his judgement on the application hinges on whether or not the site is open space which serves the residential development at Dunvegan Avenue, and thus development would be contrary to Policy ENV 4.

The reason for refusal

- This application was refused under delegated powers on the 13th of April 2015 (Document CANA 8).
- The reason for refusal is as follows: "As the site falls within part of the open space serving the residential development at Dunvegan Avenue and is thus contrary to Policy ENV4 of the Local Development Plan which seeks to support, safeguard and where practicable, enhance areas of open space of value in terms of their amenity to their surroundings.

Applicant's assessment of Reason for Refusal and Report of Handling

- The reasons for refusal are based on Policy ENV4.
- Paragraph (a) of Policy ENV4 does not apply, as the application site does not lie within land identified as Open Space in the Local Development Plan.
- Paragraph (b) of policy ENV4 refers to other 'open space (which the Application site is) and invites assessment in relation to value in terms of.....amenity to their surroundings and to the community'. The interpretation of the term 'amenity' (within a certain set of circumstances) is a matter of opinion.
- Reasonable people, such as the members of the LRB, could reach different views. There is no objective position.
- Paragraph (b) also refers to the function of wildlife corridors and green network links.
- There are no corridors or network links (see the Habitat Survey and Expert Eye Report, Document CANA 6).

The position set out above leaves the assessment of this Notice of Review to the LRB to rest entirely on the subjective assessment of any potential effect on amenity.

There are two aspects relating to amenity:

- visual (environmental); and
- functional (how the space is used).

In relation to these matters it is submitted that:

- **Visual amenity** would not be harmed. This is confirmed in the statement of handling under Planning comments on Policy RES1 which agree that the house is of a unique design and is considered compatible with the character and amenity of the area.
- The report on handling also confirmed that the removal of one protected tree to be replaced with five new trees is also acceptable (see the Tree survey and Arboricultural Implication Study, Document CANA 7)).
- **Functional amenity** is absent from the site. The application site is not available for use by the community as it is private land. This situation will not change.

Finally, and for the avoidance of doubt, it is noted that no objection to the proposal was lodged by the owner of 6 Dunvegan Avenue, the property immediately adjacent to the application site.

Conclusion

The applicant considers that there are sound grounds for approving this application and that the applicant's assessment set out above, with particular reference to Policy ENV 4, supports this view.

The applicant requests that the LRB, having considered the evidence in the round, upholds the Notice of Review and approves Planning Permission for the proposed dwelling house.

Finally, should the LRB consider the issue of precedent to be an obstacle, the applicant confirms that the option of a legal agreement has already been offered to planning officers and that this offer still stands if that is considered necessary to address the mater of precedent. Having said that, it is noted that planning officers do not consider precedent to be an issue (Report of Handling, Document CANA 9).

(END OF STATEMENT)

Muir Smith Evans
29 June 2015

Notice of Review Site: Levanwood, Dunvegan Avenue, Gourock

Notice of Review Proposal: Erection of a Tower House

Applicant for Notice of Review: Mr Victor Canata

Agent: Muir Smith Evans

LPA Ref: 15/0049/IC

NOTICE OF REVIEW APPLICANT'S LIST OF DOCUMENTS & EVIDENCE (PAPER APART)

Principal Documents

CANA 1	Covering Letter from applicant to LPA 23 Feb 2015
CANA 2	Planning Application Form 23 Feb 2015
CANA 3	Proposed Site Plan and Street Elevation Feb 2015
CANA 4	Proposed Block Plan Feb 2015
CANA 5	Proposed Plans Elevations Feb 2015
CANA 6	Phase 1 Habitat Survey and Expert Eye March 2014
CANA 7	Tree Survey and Aboricultural Implication Study April 2014
CANA 8	Planning Authority Decision Notice 13 April 2015

Related Supporting Documents

CANA 9	Report of Handling 9 April 2015

(End of Paper Apart)

29 June 2015

2139/VAC

INVERCLYDE COUNCIL
MUNICIPAL BUILDINGS
REGENERATION & PLANNING
DEVELOPMENT CONTROL & CONSERVATION
CLYDE SQUARE
GREENOCK
PA15 1LS
FAO GUY PHILLIPS

23rd February 2015

Dear Sir(s),

PLANNING APPLICATION FOR THE PROPOSED ERECTION OF A TOWER HOUSE AND CAR PORT AT LEVAN WOOD, DUNVEGAN AVENUE, GOUROCK, FOR V. CANATA ESQ

I wish to withdraw the existing application submitted on the 12th of May 2014 and re-submit a fresh amended planning application.

With reference to the fresh application, I enclose the following:
2No copies of the completed application form
2No copies of our drawings 2193_D.001 rev B, 002 rev A and 003 rev A
A futher copy of the Tree Survey and Arboricultural Implication Study
A further copy of the Habitat Survey & Expert Eye

Following a meeting with your Guy Phillips and David Ashman on the 5th August 2014 at which my planning consultant Brian Muir of Muir Smith Evans also attended, it was agreed that it made sense for the present application to be withdrawn and a fresh application submitted.
It was also agreed that the fresh application be assessed against Policy ENV 4 of the Local Development Plan which was about to be adopted. It was accepted that, Policy ENV 4 is similar in terms of wording and import to Policy LR 1 which was about to be superseded at the time of the meeting.

Within this context, the following was agreed:

- Setting aside the principle of the development (in relation to Policy LR 1 of the then existing Local Plan and Policy ENV 4 of the Local Development plan which would replace it), It was considered that the scale and massing of the proposal was appropriate for the location and (subject to further discussion) it was likely that acceptable minor design modifications could be agreed.

- Para (a) of policy ENV 4 does not apply, as the application site does not lie within land identified as Open Space.

- Para (b) of Policy ENV 4 refers to 'other open space` (which the application site is) and invites assessment in relation to 'value in terms of..... amenity to their surroundings and to the

community`. The interpretation of the term 'amenity` (within a certain set of circumstances) is a matter of opinion. Reasonable people could reach different views. There is no objective position.

- Para (b) of Policy ENV 4 also refers to the function of wildlife corridors and green network links. There are no corridors or links affected by the proposal.

The agreed position set out above leaves the assessment of this fresh application to rest on the subjective assessment of any potential effect on amenity. There are two aspects relating to amenity: visual (environmental) and functional. In relation to these matters my submission is as follows:

- **Visual amenity** would not be harmed (see agreement above re scale and massing).
- **Functional amenity** is absent from the site. It is currently unavailable for use by the community as it is private land. This situation will not change.

I trust that that you consider the above assessment of the proposal in relation to the relevant policy to be persuasive.

Finally, should you consider the issue of precedent to be an obstacle, I confirm that I will be willing to discuss legal methods of addressing that matter.

I trust that you find everything in order to allow you to process the fresh application and look forward to hearing from you in due course.

Yours faithfully,

V. A. CANATA. Dip Arch. ARIAS. RIBA.

Copy to Brian Muir

\\theserve\projects\21\\theserve\projects\2100-2149\2139 - vic canata - levan keep\letters\planning application 2.doc00-2149\2139 - vic canata - levan keep\letters\planning application.doc

Regeneration and **Planning**
Development Control & Conservation
Inverclyde council

Head of Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

2973.

FOR OFFICIAL USE ONLY	
Reference No.	15/0049/IC
Date of Receipt	24/02/15
Fee Paid	£0.00
Date Fee Received	N/A
Date Valid	
Receipt No.	

PLANNING APPLICATION

Town & Country Planning (Scotland) Acts

The undernoted 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 VICTOR CANATA	Name CANATA & SEGGIE
Address FLAT 7, LEVAN WOOD, FARM ROAD, GOUROCK. Postcode PA19 1GY	Address 7 UNION STREET, GREENOCK Postcode PA16 8SH
Telephone Number [redacted]	Telephone Number 01475 784517
	Profession CHARTERED ARCHITECTS

see note 2

2. *Description of Development*

PROPOSED ERECTION OF TOWER HOUSE

Site Location LEVAN WOOD, DUNVEGAN AVENUE

Site Area (hectares) 0·12 HECTARES

Number of dwellinghouses proposed 1

New gross floorspace (sq. metres 219 M²

see note 3

3. *Application Type* (Tick appropriate box/es)

(a) Permission in Principle	☐	(c) Detailed Permission	☑
(b) Approval of Matters specified by conditions	☐	(d) Change of Use of land/buildings	☐

(e) Other (please specify) .....

see note 4

4. *Applicants interest in site* (Tick appropriate box)

(a) Owner	☑	(c) Tenant	☐
(b) Lessee	☐	(d) Prospective Purchaser	☐

(e) Other (please specify) .....

Revision 'A' - November 2008
Revision 'B' - December 2008
Revision 'C' - July 2009
Revision 'D' - October 2009
Revision 'E' - December 2009
Revision 'F' - April 2010
Revision 'G' - May 2013

see note 5

5. *Existing Uses*

(a) Please state the existing use(s) of the land/buildings: VACANT GROUND/ ROAD EMBANKMENT

(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	3
(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	☐ SEE DWG NO. 2139_D.002
(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 ☑ No ☐

Are any trees/shrubs to be cleared on site? Yes ☑ No ☐

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

see note 11

11. Costings

What is the estimated costs of any works to be carried out? £180,000:00

see note12

12. Confirmation

Signature of applicant/agent..... [redacted] .....

on behalf of..... — ..... Date 23RD FEB 2015

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 D

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.

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

* 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 .....

Date 23RD FEBRUARY 2015

see note 15

CHECKLIST - The following documentation should be submitted:

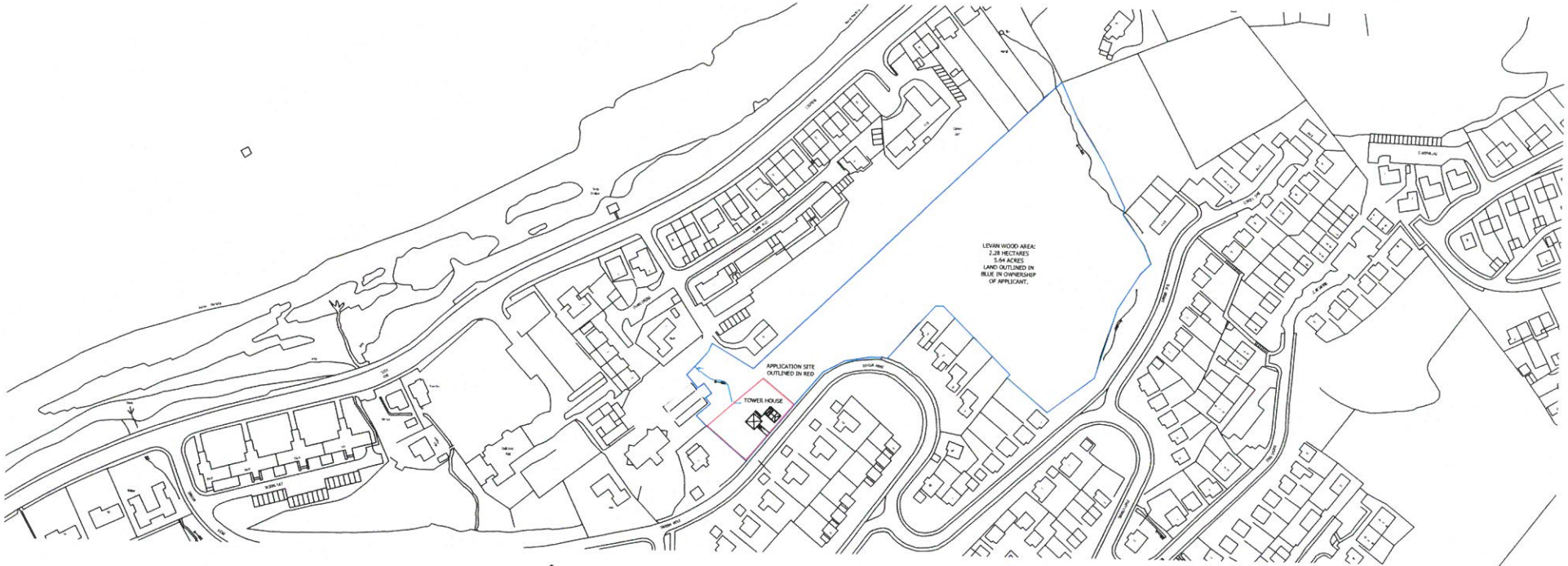
please tick all boxes

- ☑ **TWO** APPLICATION FORMS
- ☑ **TWO** SETS OF PLANS
- ☒ FEE (Where appropriate)
- ☒ DESIGN & ACCESS STATEMENT (National and Major applications only)
- ☒ PRE-APPLICATION CONSULTATION REPORT (National and Major applications only)

WARNING

If any person issues a certificate which purports to comply with the requirements of Section 35 of The Town and Country Planning (Scotland) Acts, and contains a statement which he knows to be false or misleading in a material particular or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular he shall be guilty of an offence and liable on summaryconviction 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
Revision 'E' - October 2011



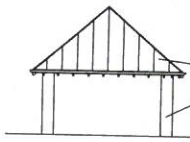
LOCATION PLAN - SCALE 1:1250
OS REPRODUCED UNDER LICENSE NO.100007288

0 25m 50m 75m 100m 125m

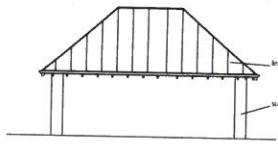
N

ELEVATION TO SOUTH (DUNVEGAN AVENUE)

0 1m 2m 3m 4m 5m 10m



CAR PORT SIDE ELEVATIONS



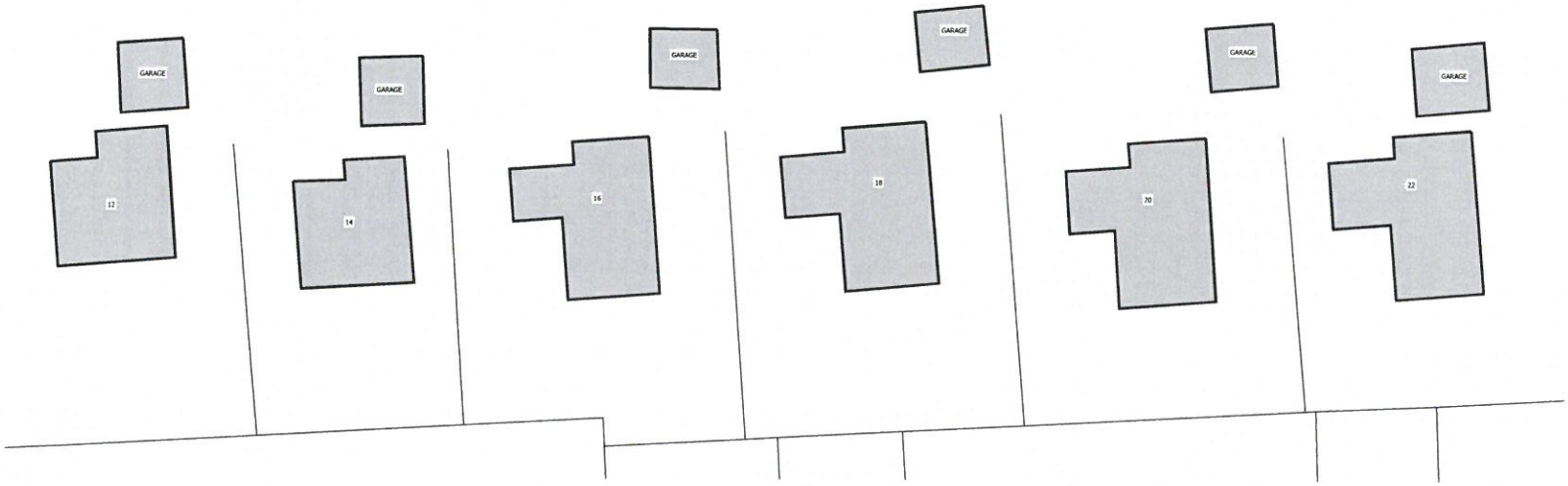
CAR PORT FRONT AND REAR ELEVATIONS

REVISION	DESCRIPTION	DATE
A	Location plan updated to show flatted development at Levan Wood and scale in title box corrected from 1:200 to 1:100 corrected as required by IC Planning Department.	28/05/2014
B	Drawing revised to show amended proposals & car port.	23/02/2015
C	Drawing revised to show Car Port elevations.	17/03/2015

INTERIOR DESIGN • PROJECT MANAGEMENT • PLANNING SUPERVISION

Canata / Seggie
CHARTERED ARCHITECTS
7 UNION STREET, GREENOCK, PA16 8JN TEL: 01475 784517 FAX: 01475 888344
e-mail : info@canseg.co.uk website : www.canseg.co.uk

PROJECT	TOWER HOUSE
CLIENT	V. CANATA
DRAWING TITLE	PROPOSED SITE PLAN, STREET ELEVATION & 3D VIEW
DRAWING STATUS	PLANNING
DRAWING NUMBER	2139_D.001
REVISION	C
SCALE	1:1250 & 1:100 @ A1
DATE	20th February 2013
DRAWN BY	Vic Canata
CHECKED BY	Vic Canata



0 2m 4m 6m 8m 10m 20m

REVISION	DESCRIPTION	DATE
A	Drawing revised to show amended proposals & car port.	23/02/2015

INTERIOR DESIGN • PROJECT MANAGEMENT • PLANNING SUPERVISION

Canata / Seggie
CHARTERED ARCHITECTS
7 UNION STREET, GREENOCK, PA16 8JH TEL: 01475 784587 FAX: 01475 888544
e-mail : info@canseg.co.uk website : www.canseg.co.uk

PROJECT: TOWER HOUSE

CLIENT: V. CANATA

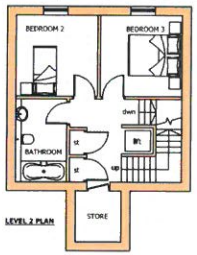
DRAWING TITLE: PROPOSED BLOCK PLAN

DRAWING STATUS: PLANNING

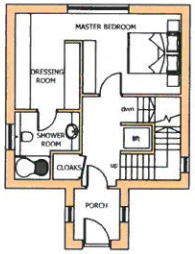
DRAWING NUMBER	REVISION
2139_D.003	A

SCALE	DATE	DRAWN BY	CHECKED BY
1:200 @ A1	20th February 2014	Vic Canata	Vic Canata

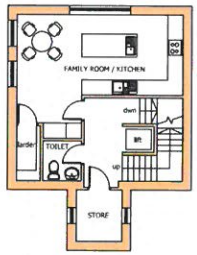
LEVEL 1 PLAN



LEVEL 2 PLAN



ENTRANCE LEVEL 3 PLAN

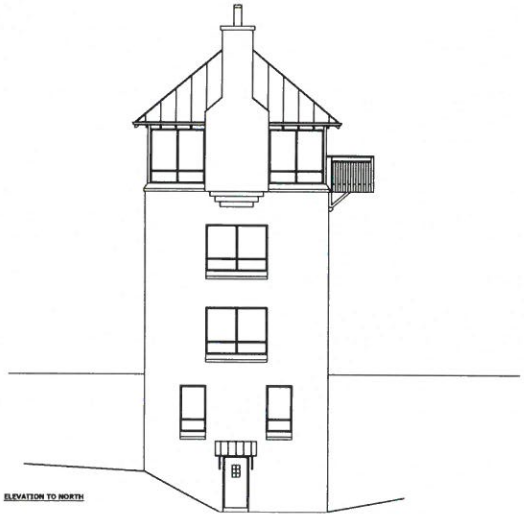


LEVEL 4 PLAN

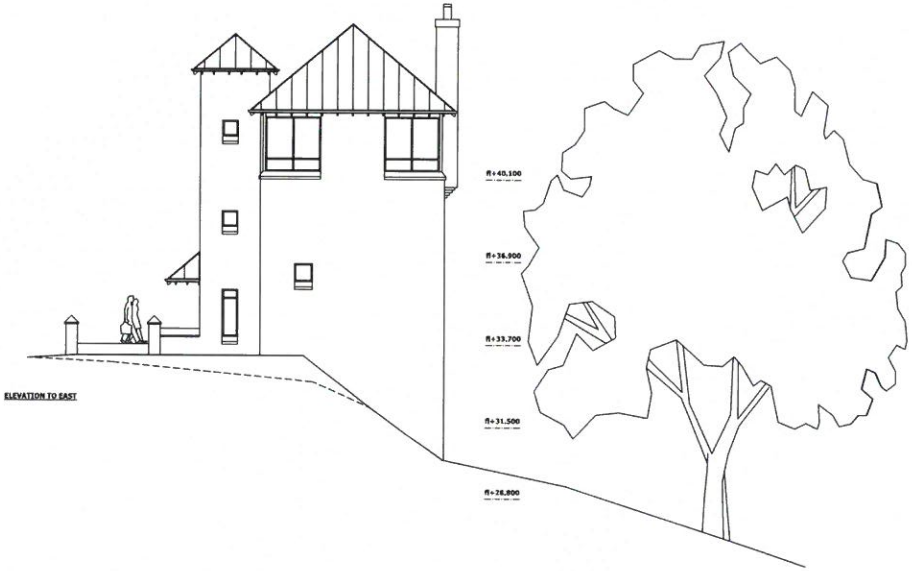
LEVEL 5 PLAN

ELEVATION TO WEST

ELEVATION TO SOUTH (DUNVEGAN AVENUE)



ELEVATION TO NORTH



ELEVATION TO EAST

FINISHES SCHEDULE

ROOF:	LEAD
WALLS:	TRADITIONAL WHITE WET CAST RENDER WITH SMOOTH CEMENT INCORS TO WINDOWS
WINDOWS:	BROWN STAIN FINISH TIMBER WINDOWS
CILLS:	RED RE-CONSTITUTED STONE
DOORS:	BROWN STAIN FINISH TIMBER DOORS
BALCONY:	BROWN STAINED TIMBER

0 1m 2m 3m 4m 5m 10m

REVISION	DESCRIPTION	DATE
A	Drawing revised to show amended proposals & car port.	23/02/2015
B	Drawing revised to show amended floor levels.	17/03/2015

INTERIOR DESIGN • PROJECT MANAGEMENT • PLANNING SUPERVISION

Canata / Seggie
CHARTERED ARCHITECTS
7 UNION STREET, GREENOCK PA16 8JN TEL: 01475 784517 FAX: 01475 888544
e mail : info@canseg.co.uk web site : www.canseg.co.uk

PROJECT: TOWER HOUSE

CLIENT: V. CANATA

DRAWING TITLE: PROPOSED PLANS & ELEVATIONS

DRAWING STATUS: PLANNING

DRAWING NUMBER: 2139_D.002 REVISION: B

SCALE	DATE	DRAWN BY	CHECKED BY
1:100 @ A1	20th February 2014	Vic Canata	Vic Canata

JDC
ecology

LEVAN KEEP
GOUROCK

PHASE 1 HABITAT SURVEY & EXPERT-EYE

MARCH 2014

For

Mr Vic Canata

JDC Ecology Limited, Cleugh Farm, Crawfordjohn, Biggar, South Lanarkshire, ML12 6ST
Tel +44 (0) 1864 504278 Fax +44 (0) 1864 504069 mail@jdcecology.co.uk www.jdcecology.co.uk

CONTENTS

1.0 INTRODUCTION

This report was commissioned by Mr Vic Canata and concerns a Phase 1 Habitat Survey and expert-eye walkover of Levan Wood, Gourock.

Mr Canata proposed to build adjacent to the woodland, and the survey was requested in order to provide an overview of the area as regards the main habitat types and the presence or likely presence of protected or notable species. Particular attention was given to the potential for otter, water vole, badger, bat, amphibian and breeding bird activity within the site area.

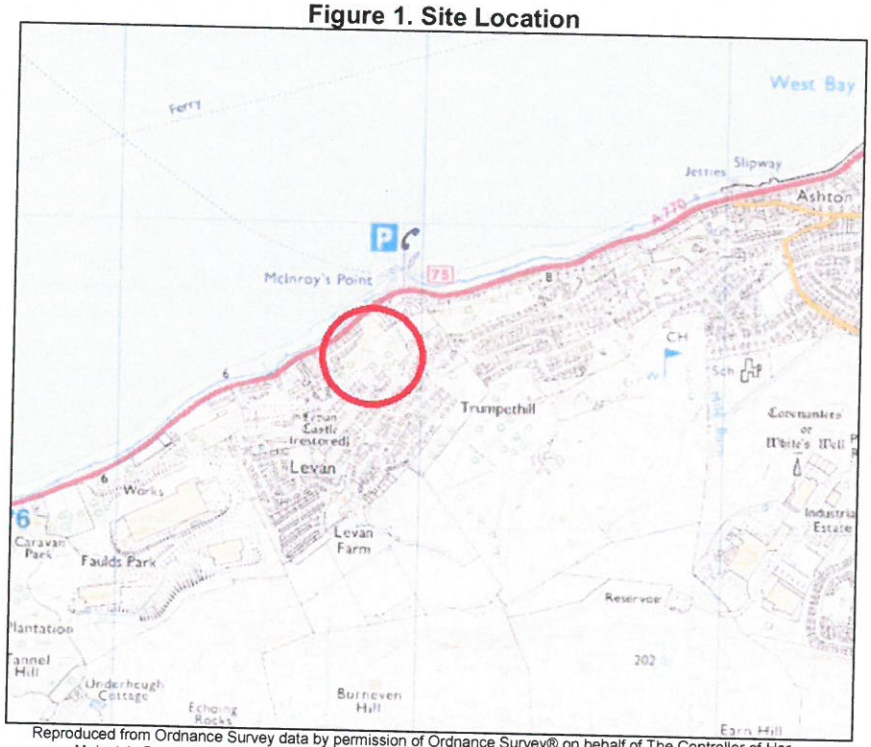
2.0 SITE LOCATION AND DESCRIPTION

The survey area (north of Dunvegan Avenue and Dunrobin Drive) is located at Grid Reference NS 218 765 (central to the site).

The site primarily consists of Levan Wood: a semi-natural broadleaved woodland of mixed origins (naturally self-seeded and planted). A margin of the site adjacent to Dunvegan Avenue is dominated by a stand of Japanese knotweed (*Fallopia japonica*), although it is clear that this has been treated in recent times.

Land to the west of the site comprises houses with large gardens. Land to the north consists of part of Levan Wood and housing leading out to the A770 and the Firth of Clyde. Land to the east consists of Doonholm Road, a mix of housing and open space. Land to the south and east consists of houses and gardens, roads and path networks.

Figure 1. Site Location



3.0 SURVEY METHOD

Phase 1 Habitat Survey was undertaken in late March using standard Phase 1 methodology as outlined in the *JNCC Handbook for Phase 1 Habitat Survey* (JNCC, 1990). All accessible parts of the site were walked and mapped, and target notes were taken where areas of habitat were too small to map, or to provide further information on features of note.

During Phase 1 Habitat Survey note was taken of the actual or likely presence of faunal species such as otter, water vole, badger, bats, amphibians, birds and invertebrates.

The survey was extended out by approximately 50m around the area boundary where access was available.

Weather conditions were good during the periods of survey.

Following completion of the habitat survey, all habitats (and species) identified as being present within the site are checked against the following documents in order to determine their specific legislative status and ecological significance:

- EC Habitats Directive (Annex I, II, IV);
- EC Birds Directive (Annex I, II);
- The Conservation (Natural Habitats, &c.) Regulations 1994;
- Berne Convention;
- Wildlife & Countryside Act 1981 (Schedules 1, 5, 8, 9);
- Protection of Badgers Act 1992;
- Local Biodiversity Action Plan
- National Biodiversity Action Plans
- Red Data Books
- RSPB Lists of Birds of Conservation Concern
- Scarce Plants in Britain (Stewart et al 1994)
- and other publications as relevant

4.0 SURVEY RESULTS

4.1 Habitat

The site consists of only one Phase 1 Habitat Category, A1.1.1 Broadleaved Woodland (Levan Wood) with an open margin along the edge of Dunvegan Avenue, where a stand of Japanese knotweed (*Fallopia japonica*) appears to have been or is being treated.

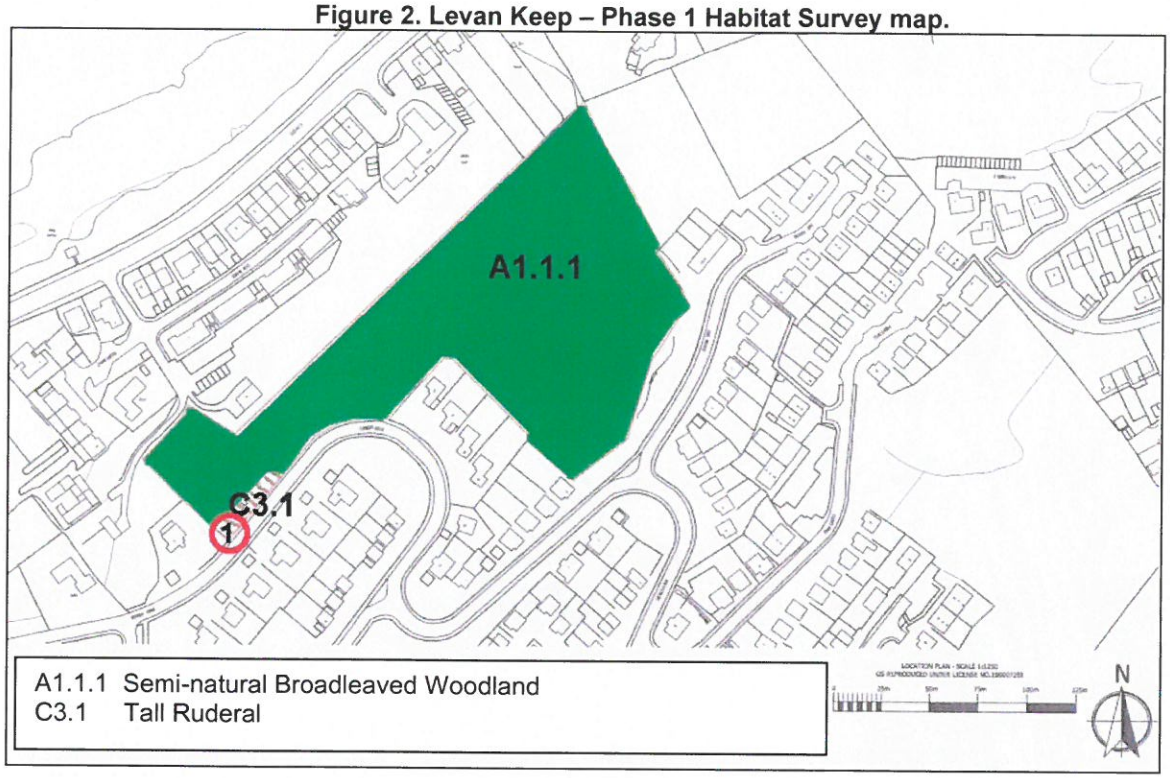
The woodland is largely dominated by oak (*Quercus* sp(p)) and birch (*Betula* sp(p)) but also contains ash (*Fraxinus excelsior*), sycamore (*Acer pseudoplatanus*), willow (*Salix* sp(p)), hazel (*Corylus avellana*), hawthorn (*Crataegus monogyna*), cherry (*Prunus* sp(p)), beech (*Fagus sylvatica*), rhododendron (*Rhododendron* sp(p)), holly (*Ilex aquifolium*), honeysuckle (*Lonicera periclymenum*) and bramble (*Rubus fruticosus*). The field/ground layer consists of bluebells (*Hyacinthoides non-scripta*), great woodrush (*Luzula sylvatica*), wood avens (*Oxalis acetosella*), dog's mercury (*Mercurialis perennis*), male fern (*Dryopteris filix-mas*), broad buckler fern (*Dryopteris dilatata*), hard fern (Blechnum spicant), ramsons (*Allium ursinum*), lesser celandine (*Ranunculus ficaria*), buttercups (*Ranunculus* sp(p)), pignut (*Conopodium majus*), greater stitchwort (*Stellaria holostea*), wood avens (*Geum urbanum*), remote sedge (*Carex remota),* germander speedwell (*Veronica chamaedrys*), yellow archangel (*Lamiastrum galeobdolon* ssp.) and tufted hair grass (*Deschampsia cespitosa*).

Common Tamarisk-moss (*Thuidium tamariscum*) was abundant in the woodland along with common haircap moss (*Polytrichum commune*).

Photo 1. Japanese knotweed along the southwest margin (adjacent to Dunvegan Avenue).

Photo 2. Broadleaved woodland makes up the Majority of the site.

Figure 2. Levan Keep – Phase 1 Habitat Survey map.



TN 1 *Grid Reference NS 21736 76455*
The grid reference is central to a stand of Japanese knotweed (*Fallopia japonica*) – approximately 40m x 15m in extent. The knotweed has been treated.

4.2 European Protected Species

European Protected Species are protected by the Conservation Regulations 1994 (See Appendix 1)

4.2.1 Otter

A small watercourse feeds through bedrock to the east of the site. It flows south to north, eventually feeding in to the Firth of Clyde – north of the site. No evidence of otter was recorded.

4.2.2 Bats

The majority of the trees within the woodland are relatively small in size and lack good roost opportunities. However, with broken branches and rot holes there may be some potential for roosts. A few larger beech trees are situated close to the edge of Dunrobin Drive and these are more likely to offer some opportunities for roosting bats (holes, cracks, crevices, etc).

4.2.3 Great Crested Newts (GCN)

No breeding opportunities are present within the site or in the immediate area (not including any opportunities that may be found in ponds within local gardens).

4.3 Badger

Badgers and their setts are protected by the Protection of Badgers Act 1992 (as amended).

No evidence of badger was recorded within the boundaries of the site or within a 50m zone surrounding the site during the course of the survey (where unrestricted access was available).

4.4 Water Vole

Water voles and their burrows have protection under the Wildlife & Countryside Act 1981 (as amended)

No evidence of water vole activity was recorded within the site and the habitats are sub-optimal for this species.

4.5 Birds

All wild birds, their nests and eggs are protected during the nesting season by the Wildlife & Countryside Act 1981 (as amended).

Species recorded within the site during the period of survey included common blackbird (*Turdus merula*), winter wren (*Troglodytes troglodytes*), great tit (*Parus major*), carrion crow (*Corvus corone*), black-billed magpie (*Pica pica*), chaffinch (*Fringilla coelebs*), common wood pigeon (*Columba palumbus*) and European robin (*Erithacus rubecula*). More species would be expected as the nesting season progresses.

4.6 Amphibians

No breeding opportunities within the site or in the immediate area (not including any opportunities that may be found in ponds within local gardens).

5.0 CONCLUSIONS

5.1 Habitats

The Phase 1 Habitat Survey (carried out in March 2014) was early in the year for a full and detailed plant list. However, it is unlikely to be significantly different from what has been recorded.

The woodland is a developing, broadleaved woodland. It appears not to have been managed and therefore has a natural, young woodland character. It would be useful to plan an element of management for the woodland over the next 25 years or so to make sure that it continues to develop a good structure, ie canopy, shrub, field/ground layers. This will benefit birds, invertebrates, and mammals. This may require very little intervention.

The Japanese Knotweed needs to be monitored and treated again in this season if any new growth shows, and the woodland should be monitored for any spread. Rhododendron would also be considered for removal as this is another invasive that could come to dominate the shrub layer.

It is understood that the proposed development of Levan Keep will not encroach into the woodland, and as such the woodland can be kept intact with the removal of only one tree, a early-mature sycamore.

5.2 European Protected Species

5.2.1 Otters

It is possible that an otter could pass through the site. This is particularly the case at the eastern end of the site, where the watercourse flows down the eastern edge. However, they are unlikely to remain within the site given the overall conditions which do not provide them with either a forage resource or clean linkage to other areas of otter habitat.

5.2.2 Bats

There may be some potential for roosting bats in some of the mature trees within the boundaries of the site. The sycamore that would be removed does not exhibit any features exploitable by bats and does not require further survey. However, for best practise it should be felled with due care.

It is likely that bats will be in the area and would be recorded foraging around the woodland. Given that the woodland will not be disturbed by the development, there should be no impact on foraging and commuting bats. If in the future any element of woodland management were to be undertaken to improve the woodland structure and diversity, it may be necessary to consider any impact on bats at that time.

5.2.3 Great Crested Newts

There are no opportunities within the site or local to the site (excluding the potential in private gardens, etc) for this species or amphibians in general, and there should be no issues with regard to amphibians.

5.3 Badgers

No evidence of badger activity was recorded during the course of the survey. Given that survey was carried out at a peak activity time for badgers, the lack of evidence would suggest that badgers are not using the site for forage or crossing territory.

5.4 Water Vole

No evidence of water voles was recorded and this species is not an issue.

5.5 Birds

The Phase 1 Habitat Survey was undertaken early in the main breeding season and it is likely that a wider range of species would be recorded at the site, in particular summer migrants. The woodland will remain as a resource for breeding and wintering birds.

The part of the site proposed for development has been used for the deposition of cuttings (from trees and shrubs). This has resulted in piles of material building up and there is therefore some potential for these piles to be used by nesting birds. If development goes ahead the piles should be moved outside of the nesting season, eg in the months of September to February for this site. If that was not possible then the piles would need to be watched for any nesting activity, and if none was observed then the piles could be moved. If birds are using the piles for nesting they will need to be avoided until nesting is complete.

6.0 RECOMMENDATIONS

1. Provided that there is no impact on the woodland, bat survey should not be necessary. If any mature trees or trees with broken branches etc were to be felled, then bat survey would be needed.

2. Complete any ground clearance in the development area between September to February to avoid the bird nesting season. If the felling/clearance work cannot be completed by the end of February, nest checks will be needed from March to August in advance of any site clearance works. If a nest is found, or a bird building a nest, then this area will need to be avoided until the nest or nests are no longer active.

3. Continue to treat the Japanese Knotweed as necessary, and monitor the area for any encroachment not yet visible. It is an offence to plant or cause this species to spread in the wild, so care should be exercised.

4. While not relevant to the development proposals, it is worth considering how the woodland will be managed in the future to achieve the best value from this resource, for biodiversity, longevity of the woodland, and owner use.

Ends

The following is a brief summary of relevant legislation. Reference should be made to the full texts - http://www.legislation.gov.uk/

EC Habitats Directive (Council Directive 92/43/EEC)

The Directive aims to maintain biodiversity by requiring signatories to the directive to maintain or restore certain natural habitats and species at a favourable status within the European Community. Annex 1 lists habitats that require the designation of special areas of conservation. Annex II lists animal and plant species whose conservation requires the designation of special areas of conservation. Annex IV consists of animal and plant species of community interest, in need of strict protection.

EC Birds Directive (Council Directive 79/409/EEC)

The Directive aims to deliver protection, management and control of all species of wild birds where they occur naturally. Member states are required to take steps to maintain populations at levels at which they are sustainable both ecologically and scientifically. For particular species a member state must designate Special Protection Areas (SPAs) of suitable habitat. An Annex 1 species is listed for reason of danger of extinction, vulnerability to specific habitat changes, rarity either by population size or restricted local distribution, or other specific habitat requirements.

The Conservation Regulations 1994

The Regulations make provision for implementing Council Directive 92/43/EEC, and provides for the conservation of natural habitats and habitats of species, provision for notification of "European Sites", and provides for the protection of certain wild animals and plants. It is an offence, except as permitted under the Regulations, to deliberately or recklessly:

- capture, injure or kill a European Protected Species;
- harass an animal or group of animals;
- disturb an animal in any structure or place it uses for shelter or protection;
- disturb an animal while it is rearing or otherwise caring for its young;
- obstruct access to a structure or place used for shelter or protection or to otherwise deny the animal use of that place;
- disturb an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species;
- disturb an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

It is also an offence to:

- damage or destroy a breeding site or resting place of such an animal (note that this does not need to be deliberate or reckless to constitute an offence);
- keep, transport, sell or exchange or offer for sale or exchange any wild animal or any part or derivative of one (if obtained after 10 June 1994).

Licences for disturbance are at the discretion of Scottish Natural Heritage. The following tests apply with regard to European Protected Species:

1. A detailed summary of why the works are justifiable as a derogation of the 1994 Regulations Section 44 (2). In the case of development, (e), may be the most likely option. This states:

   "preserving public health of public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"

   In simple terms, the reason why the works are necessary must be clearly stated. If Test 1 (or any test) cannot be met, the licence application will fail. Holding planning consent for a site does not meet the conditions of this test.

2. That there is no other satisfactory solution both in terms of why this site was chosen instead of others considered, and that there is no other option other than to disturb etc the animals.

3. Reasons why the proposed work would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status at their natural range. This would include detailed information on the mitigation measures to be employed. A mitigation programme should

therefore be developed in consultation with a recognised expert for the species concerned and SNH (Scottish Natural Heritage) prior to making the application and the methodology of this clearly stated. This is important information which is considered as part of the application.

Nature Conservation (Scotland) Act 2004

"The Act sets out a series of measures which are designed to conserve biodiversity and to protect and enhance the biological and geological natural heritage of Scotland. In doing so, the Act provides the principal legislative components of a new, integrated, system for nature conservation within Scotland....In relation to biodiversity in particular, it requires public bodies and office-holders to consider the effect of their actions at a local, regional, national and international level. Measures relating to the protection of species and habitats also recognise the importance of the wider international context."

"It introduces, in Part 1, a new general duty on all public bodies and office holders (referred to in these notes as "public bodies") to further the conservation of biodiversity; It makes significant changes, in Part 2, to the existing arrangements for the establishment and protection of sites of special scientific interest. In doing so, it replaces most of Part II of the existing Wildlife and Countryside Act 1981 (c.69) ("the 1981 Act"); It extends in Part 3 the law in relation to the protection of birds, animals and plants by making significant amendments to the current provisions of Part I of the 1981 Act and by requiring production of a new code of guidance covering whale and dolphin watching and similar activities; It updates, also in Part 3, the provisions of the existing Protection of Badgers Act 1992 (c.51), in order to increase penalties for offences such as badger baiting and aims to ensure greater consistency between that Act and the 1981 Act; It requires, in Part 4, the creation by Scottish Natural Heritage ("SNH") of a code of guidance setting out recommendations, advice and information relating to fossils; It provides, in Part 5, for various supplemental matters including the publication of statutory guidance about the duty to further the conservation of biodiversity and SNH's functions under Part 2 and for minor and consequential amendments and repeals to a variety of other statutes

Wildlife & Countryside Act 1981 (as amended)
The Act protects plants and animals, with general and particular provisions regarding wild plants, birds, and animals on the various schedules.

Schedule 1 birds are priority species for which special penalties apply to infringement of the Act either against the bird, its nest, or eggs. Additionally under the Act, all wild birds, their nests and eggs are protected. It is an offence, except as permitted by the Act to intentionally or recklessly,

- kill, injure, or take any wild bird
- take, damage, destroy, or otherwise interfere with the nest of any wild bird while that nest is in use or being built
- at any other time take, damage, destroy or otherwise interfere with any nest habitually used by any wild bird included in Schedule 1
- obstruct or prevent any wild bird from using its nest
- take or destroy the eggs of any wild bird

Schedule 5 lists animals which have particular protection under the Act due to their conservation status. Offences again relate to intentional or reckless behaviour as regards:

- kills, injures, or takes any wild animal
- damages, destroys, or obstructs access to any structure or place which any wild animal included in Schedule 5 uses for shelter or protection
- disturbs any such animal while it is occupying a structure or place which it uses for that purpose

Schedule 8 protects certain plant species due to their conservation status. Offences relate to intentional or reckless behaviour as regards:

- picking, uprooting, or destroying any wild plant on that schedule
- or, not being an authorised person, intentionally uprooting any wild plant not included on that schedule

Other offences relate to sale of wild plants.

Schedule 9 lists plants that it is an offence to plant or cause to grow in the wild outside of their native range (see following page).

Wild mammals (Protection) Act 1996
The Act makes provision for the protection of wild mammals from certain cruel acts; and for connected purposes.

It is an offence except as permitted by the Act to: mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

Protection of Badgers Act 1992 (as amended)
Badgers and their setts are fully protected by the Act. Except as permitted by the Act it is an offence to deliberately or recklessly:

- kill, injure, take or attempt to take a badger from the wild;
- possess the body or any remains of a dead badger;
- possess, sell or offer for sale a living badger;
- cruelly ill treat a badger;
- use badger 'tongs' in any attempt to kill or take a badger from the wild;
- dig for a badger;
- use a firearm to kill a badger;
- interfere with a badger sett by obstructing the entrance;
- destroying the sett;
- encouraging a dog to enter the sett;
- in any way disturbing a badger while it is occupying a sett;
- or to knowingly cause or permit these actions.

Legislation with regard to non-native species
The Wildlife and Countryside Act 1981 (as amended) is the principal domestic legislation concerning non-native species. It was amended by the Wildlife and Natural Environment (Scotland) Act 2011. It is envisaged that these amendments will enable Scotland to adopt the internationally recognised 3-stage approach to dealing with non-native species and aim to:

- prevent the release and spread of non-native animal and plant species into areas where they can cause damage to native species and habitats and to economic interests;
- ensure a rapid response to new populations can be undertaken;
- ensure effective control and eradication measures can be carried out when problem situations arise.

It is an offence to:

- release or allow to escape from captivity any animal to a place out with its native range;
- release or allow to escape from captivity any other animal specified in an order made by the Scottish Ministers;
- cause any animal out with the control of any person to be at a place outwith its native range;
- plant or otherwise cause to grow any plant in the wild out with its native range.

Native range is defined in section 14P(2) as "... the locality to which the animal or plant of that type is indigenous, and does not refer to any locality to which that type of animal or plant has been imported (whether intentionally or otherwise) by any person."

The Scottish Ministers have issued a Code of Practice with regard to non-native species. http://www.scotland.gov.uk/Publications/2012/08/7367/0

Tree Survey
and
Arboricultural Implication Study

at

Proposed Tower House
Dunvegan Avenue
Gourock

by

Donald Rodger Associates
Arboricultural Consultants

for and on behalf of

Mr V Canata

April 2014

Status - 2nd Draft

CONTENTS

1 INTRODUCTION

This survey and arboricultural implication study relates to trees growing within the south western tip of Levan Wood, adjacent to Dunvegan Avenue, Gourock. It was commissioned by the owner, Mr V Canata, and has been prepared in connection with proposals for the construction of a single dwelling house.

The **Tree Survey** records in detail the nature, extent and condition of the existing tree cover within and adjacent to the proposed development site and provides interpretation and analysis on the results of the survey. It provides a comprehensive and detailed inventory carried out in line with **British Standard 5837:2012** *'Trees in Relation to Design, Demolition and Construction - Recommendations'*. All trees within the area of survey are tagged and accurately plotted, and root protection areas calculated and shown.

The **Arboricultural Implication Study** seeks to define a potential development envelope, based on the extant tree cover and the development proposal for the site. This includes recommendations regarding tree removal, retention, protection and planting, all consistent with the recommendations contained within BS 5837:2012.

The survey is based on a comprehensive visual inspection carried out from the ground by Donald Rodger on 14 April 2014. The weather conditions at the time were dry, bright and calm.

The wood, and the trees which fall within this detailed study, are the subject of a Tree Preservation Order.

Author's qualifications: Donald Rodger holds an Honours Degree in Forestry. He is a Chartered Forester, a Chartered Biologist, a Chartered Environmentalist and a Fellow and Registered Consultant of the Arboricultural Association. He has over twenty five years experience of arboriculture and amenity tree management at a professional level.

***Limitations*:**

- The findings and recommendations contained within this report are valid for a period of twelve months from the date of survey (i.e. until 14 April 2015). Trees are living organisms subject to change – it is strongly recommended that they are inspected on an annual basis for reasons of safety.

- The recommendations relate to the site as it exists at present, and to the current level and pattern of usage it currently enjoys. The degree of risk and hazard may alter if the site is developed or significantly changed, and as such will require regular re-inspection and re-appraisal.

- The report relates only to those trees growing within the area of survey as shown on the accompanying plan. Trees outwith the survey area were not inspected.

- Whilst every effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to even apparently healthy trees.

- This report has been prepared for the sole use of Mr V Canata and his appointed agents. Any third party referring to this report or relying on the information contained herein does so entirely at their own risk.

2 TREE SURVEY METHODOLOGY

All trees within and adjacent to the proposed development area were visually inspected from the ground by Donald Rodger on 14 April 2014. The inspection was carried out from within the curtilage of the site and the adjacent public highway. Neighbouring private property was not entered.

All substantial, well-established trees within and adjacent to the proposed development area are plotted on the enclosed **Tree Survey Plan** and recorded in detail in the **Tree Survey Schedule** (Section 5). This includes all the significant trees with a trunk diameter measured at 1.5m from ground level of **75mm** and greater which fall within **18m** of the proposed development footprint. A total of **37 individual trees** were surveyed in detail, providing a comprehensive record of the status and extent of the dominant tree cover within and adjoining the site. Small shrub growth and very small saplings with a trunk diameter less than 75mm were not surveyed.

The trees within the survey have been tagged with a uniquely numbered aluminium identity disc approximately 2m from ground level, on the northern face of the trunk. Tag numbers run sequentially from **1917 to 1953** (only the last three digits are used for ease of reference). In addition, the extent of the surrounding woodland canopy is illustrated on the plan.

Some tree locations have been accurately plotted as part of a land survey, carried out by others. Additional trees were added as part of the tree survey. The trunk position, tag number and the actual measured canopy spread of each individual tree is indicated on the Tree Survey Plan. This provides an accurate representation of the extent of the canopy cover across the site.

Information on each numbered tree and group is provided in the Tree Survey Schedule (Section 5). Consistent with the approach recommended in **British Standard 5837:2102**, this records pertinent details, including:

- Tree number;
- Tree species;
- Trunk diameter;
- Tree height;
- Crown spread;
- Height in metres of crown clearance above adjacent ground level;
- Age;
- Condition category, Good, Fair, Poor or Dead as per BS 5837;
- Comments and observations on the overall form, health and condition of the tree, highlighting any problems or defects;
- Life expectancy;
- Retention category, A, B, C and U, as per BS 5837;
- Recommended arboricultural works;
- Priority for action.

All trees within the survey have been ascribed a **Retention Category**. In line with the recommendations contained within BS 5837:2012, this takes account of the health, condition and future life expectancy of the tree, as well as its amenity and landscape value and suitability for retention within any proposed development. The retention category for each tree is shown in the Tree Survey Schedule and the central disc colour-coded on the plan.

A – High category: trees whose retention is most desirable (green)
B – Moderate category; trees where retention is desirable (blue).
C – Low category; trees which could be retained (grey).
U – Unsuitable for retention; trees which should be removed (red).

3 SURVEY RESULTS

3.1 General Description

The proposed development site lies at the south western tip of Levan Wood, an extensive area of mixed broadleaved woodland in the coastal town of Gourock. The nature and characteristics of Levan Wood are described more fully in the following section. The location of the site in relation to its wider surroundings and Levan Wood is illustrated on the accompanying Context Plan.

The site is located on the northern side of Dunvegan Avenue, to the east of number 11. It takes advantage of an area of open and level ground formed by the dumping of spoil from the construction of Dunvegan Avenue (see photos 1 and 2). Beyond the level area, the land drops steeply downhill from south to north, with a northerly aspect overlooking the Firth of Clyde. The site enjoys an open and sunny southern aspect. Woodland adjoins to the north. Japanese knotweed on the level area is in the process of eradication.

Photo 1. Site viewed from Dunvegan Avenue, looking east.

A total of 37 obvious individual trees were recorded within and adjacent to the site and proposed development area. These form a small part of the southern edge of the large expanse of Levan Wood.

Photo 2. Site viewed from Dunvegan Avenue, looking west.

The area of survey, site features and spatial distribution of the tree over is graphically illustrated on the accompanying Tree Survey Plan.

3.2 Levan Wood and Context

Levan Wood, which is in the client's ownership, is a large, single block of woodland extending to some 2.3 hectares (5.7 acres) set within the town of Gourock. It occupies sloping ground with a northerly aspect and stands on an elevated and exposed coastal location overlooking the Firth of Clyde. Residential development now almost surrounds the woodland. The extent of the woodland is illustrated on the accompanying context plan. The client advises that the woodland is the subject of a Tree Preservation Order.

The woodland is noticeably even-aged throughout, at around 40 to 60 years. However, it is likely that there has been continual tree cover on this site for much longer. Tree size and stature is therefore relatively small, with large, mature trees absent. The tree cover appears to be of unplanted origin and has arisen through natural regeneration and coppice growth from felled trees.

It is entirely broadleaved in character and is composed of a wide range of species. Sycamore tends to predominate, with alder and silver birch locally frequent. Other species recorded in smaller amounts, mainly as scattered individuals or small clumps, include gean, beech, oak, goat willow and ash. Hazel occurs occasionally as an understory species. The ground flora is composed mainly of large swathes of wild garlic, woodrush and bluebell.

There are several wet flushes and the ground conditions are marshy and poorly drained in places. Localised windblow of mainly individual trees is present where ground conditions are particularly wet.

The canopy cover is complete across the site and the woodland has been permitted to develop in a natural fashion with no evidence of proactive management intervention. This has created a woodland environment with a 'natural' character. The tree cover and woodland as a whole is generally in satisfactory condition and no urgent or essential management works were identified at the time of inspection.

The woodland is fairly open and accessible, although there is no evidence of public access or usage. Tipping of rubbish and garden waste is evident around the periphery where the woodland interfaces with property and roads.

The proposed development area therefore occupies a very small part of a much larger woodland block. Furthermore, this located within an open area on the

edge of the woodland canopy. It is pertinent to consider the proposed development in its wider context.

3.3 Trees at Development Site

The tree cover within the proposed development area which is subject to a detailed survey comprises mainly common alder (17 trees), with lesser amounts of sycamore (8 trees) and silver birch (6 trees). Other species recorded in small numbers include beech, oak, hazel, goat willow and ash. As for the rest of the trees forming Levan Wood, these are semi-mature or in early maturity at around 40 to 50 years. Most of the trees have grown together naturally and tend to display suppressed development, with tall, slender trunks and small crowns.

Tree condition is generally fair overall, given the species concerned and their growing environment. A relatively small number of trees (921, 926, 936, 938, 949 and 953) were recorded as being in poor overall condition and display a range of defects as noted in the survey schedule.

No essential arboricultural works were identified at the time of inspection.

4 ARBORICULTURAL IMPACT ASSESSMENT

4.1 Development Proposal

It is proposed to construct a single dwelling house on the site, with associated off-street parking facilities. Detailed plans have been prepared by Canata and Seggie Architects and these are referred to here. In order to minimise the building footprint and the potential impact on the tree cover, a 'tower house' design is proposed. The proposed footprint and layout is illustrated on the tree survey plan.

4.2 Tree Retention Categories

The majority of trees were assessed as being of medium 'B' retention value under the BS 5837:2012 grading system. Some of the larger, dominant and longer lived sycamore as assessed as being of high 'A' value. Conversely, a number of poor trees with limited future potential are assessed as low 'C' value and should not be viewed as a significant constraint to the development of the site. Tree retention categories are illustrated graphically on the tree survey plan.

4.3 Root Protection Area

Definition of the root protection area **(RPA)** for trees is provided within British Standard 5837:2012. This is a minimum **area** which should be left undisturbed around each tree and is calculated as an area equivalent to a circle with a radius of 12 times the stem diameter. In the case of trees with two or more measurable stems, this is calculated as the square root of the sum of the diameters squared. The RPA may change its shape depending on local site and tree factors, as

assessed by an arboriculturalist. The RPA of the surveyed trees has been graphically plotted as a **grey circle** on the Tree Survey Plan.

4.4 Tree Removal

It is proposed to remove **only one tree** to facilitate the development and create a realistic and sustainable development zone. **Tree 937** would be affected to such a degree by the proposals that its safe retention would not be feasible. It would not be possible to protect it in line with BS 5837, given its size and large root protection area. The removal of this tree will not significantly impact on the collective landscape and amenity value of the woodland as a whole. It is proposed to provide replacement trees by way of mitigation (see section 4.8).

Trees recommended for removal are outlined in red on the tree survey plan.

4.5 Tree Retention

With the exception of the single tree noted above, it is proposed to retain, protect and manage the extant tree cover. This is set sufficiently distant from the proposed dwelling as to create a satisfactory and sustainable relationship.

Trees recommended for retention are outlined in green on the tree survey plan.

4.6 Tree Protection

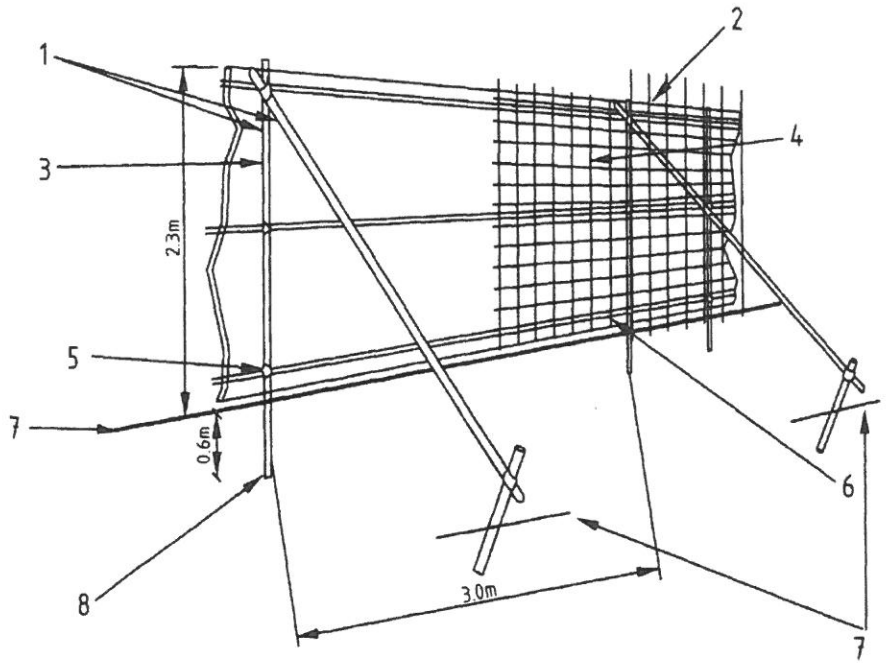
The trees to be retained must be protected throughout the construction phase. This should be achieved by creating a fenced **root protection area** around the

trees concerned within which no development takes place and the root system remains undisturbed. Clear guidelines on this matter are contained within British Standard 5837:2012 *'Trees in Relation to Design, Demolition and Construction - Recommendations'* and this document is referred to as a baseline on which recommendations are made.

Based on the trees concerned, their size and root morphology, the recommended root protection area (RPA) and 'no construction zone' is indicated on the accompanying scaled plan. This will protect the trees to be retained *en masse* and prevent root damage and disturbance. The line of the tree protection fence respects the root protection areas of the trees and is consistent with the recommendations contained within BS 5837:2012. There are only very minor incursions into the RPA of trees 917, 928 and 945, however this is considered insignificant. It is pertinent to note, however, that development is occurring on one side of the trees only, with the ground elsewhere remaining undisturbed. The root protection area extends up to and beyond the canopy spread in all cases.

Providing the root protection area is established **prior** to works commencing on site and maintained sacrosanct until completion, the tree cover will not be significantly affected. With the protective fencing in place as specified above, there exists a clear and defined area for development.

Robust fencing must be used to define the root protection areas. This must be, as a minimum, as specified in section 6.2.2 of BS 5837:2012 and consist of a fixed scaffolding framework 2.3m in height set into the ground and well-braced to withstand impacts. Onto this, weldmesh panels (Heras fencing) will be securely fixed. ***Protective fencing must be erected prior to any construction works commencing on site and maintained throughout to completion.***



1 Standard scaffold poles
2 Uprights to be driven into the ground
3 Panels secured to uprights with wire ties and where necessary standard scaffold clamps
4 Weldmesh wired to the uprights and horizontals
5 Standard clamps
6 Wire twisted and secured on inside face of fencing to avoid easy dismantling
7 Ground level
8 Approx. 0.6 m driven into the ground

Figure 2 — Protective barrier

Extract from BS 5837.

4.7 Underground Services

The client advises that all services will be brought in from Dunvegan Avenue. it is not proposed to locate any underground services within the root protection area or woodland area generally.

4.8 Tree Planting

Five replacement trees will be provided to compensate for the removal of tree 937. It is proposed to plant 'standard' size (3 to 4m in height) specimens of silver birch (*Betula pendula*) and gean (*Prunus avium*), as illustrated on the tree proposals plan.

5 TREE SURVEY SCHEDULE

Explanation of Terms

Tag no.	-	Identification number of tree as shown on plan.
Species	-	Common name of species.
Dia	-	Trunk diameter in cm measured at 1.5m. **MS** = multi-stemmed.
Hgt	-	Height of tree in metres.
Crown spread	-	Radial crown spread in metres measured to the four cardinal compass points N, E, S and W.
Crown height	-	Height in m of crown clearance above ground.
Age Class	-	Age class category. **Young** **Semi-Mature** **Early Mature** **Mature**
Cond Cat	-	Condition category (**Good**, **Fair**, **Poor**, or **Dead**).
Notes	-	General comments on tree health, condition and form, highlighting any defects or areas of concern.
Life Expct	-	Life expectancy, estimated in years.
BS 5837 Cat	-	BS 5837:2012 Retention category (**A, B, C or U** - see explanation overleaf.
Rec Management	-	Recommended remedial action/arboricultural work.
Priority	-	Priority for action.

TREE CONDITION CATEGORIES

Good (1) Healthy trees with no major defects

(2) Trees with a considerable life expectancy

(3) Trees of good shape and form

Fair (1) Healthy trees with small or easily remedied defects

(2) Trees with a shorter life expectancy

(3) Trees of reasonable shape and form

Poor (1) Trees with significant structural defects and/or decay

(2) Trees of low vigour and under stress

(3) Trees with a limited life expectancy

(4) Trees of inferior shape and form

Dead (1) Dead, dying and dangerous trees

(2) Trees of very low vigour and with a severely limited life expectancy

(2) Trees with serious structural defects and/or decay

(4) Trees of exceptionally poor shape and form

BS 5837:2012 Category Grading

Categories for tree quality assessment, based on guidance given in British Standard BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'.

Trees unsuitable for retention

Category and definition	Criteria – Subcategories
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning). Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline. Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality *NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve.*

Trees to be considered for retention

Category and definition	Criteria – Subcategories		
Category A High quality and value with an estimated life expectancy of at least 40 years.	Particularly good example of their species, especially if rare or unusual; or those that are essential components of formal or semi-formal arboricultural feature.	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features.	Trees, groups or woodlands of significant conservation, historical, commemorative or other value.
Category B Moderate quality and value with an estimated life expectancy of at least 20 years.	Trees that might be in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management or storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation.	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality.	Trees with material conservation or other cultural value.
Category C Low quality and value with an estimated life expectancy of at least 10 years, or young trees with a diameter <150mm.	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.	Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value, and/or trees offering low landscape benefit.	Trees with no material conservation or other cultural value.

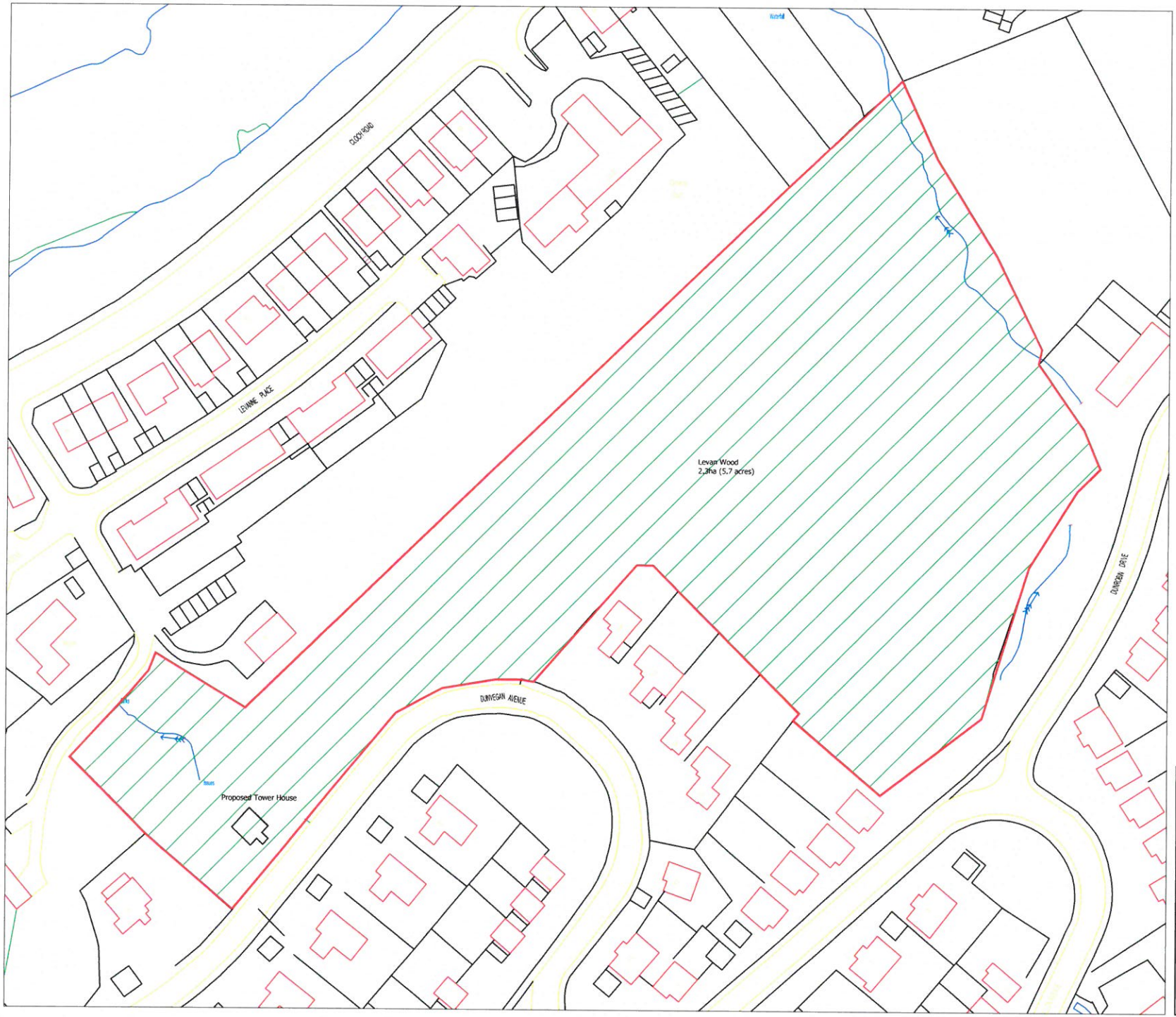
Tag no	Species	Dia	Hgt	N	E	S	W	Cr Cl	Age Class	Cond Cat	Notes	Life Expect	BS5837 Cat	Rec Action	Priority
917	Alder	21	10	1	1	3	3	3	Semi-mature	Fair	Small tree in fair condition. Crown bias to west.	20-40	B		
918	Alder	26	13	2	2	3	1	6	Early-mature	Fair	Single, straight trunk with small suppressed crown.	20-40	B		
919	Alder	21	14	1	1	3	2	5	Early-mature	Fair	Single, straight trunk with small suppressed crown.	20-40	B		
920	Alder	24	14	2	2	2	2	8	Early-mature	Fair	Single, straight trunk with small suppressed crown.	20-40	B		
921	Alder	14	14	1	2	2	1	6	Semi-mature	Poor	Heavily suppressed. Spindly trunk with small crown.	10-20	C		
922	Alder	24	14	3	2	1	1	7	Early-mature	Fair	Single trunk with small suppressed crown. Bias to north.	20-40	B		
923	Alder	25	14	3	2	1	3	6	Early-mature	Fair	Single trunk with small suppressed crown. Bias to north.	20-40	B		
924	Alder	23	14	3	3	1	1	6	Early-mature	Fair	Single trunk with small suppressed crown. Bias to north.	20-40	B		
925	Alder	24	13	2	2	2	2	7	Early-mature	Fair	Single trunk with small suppressed crown.	20-40	B		
926	Silver birch	20	14	1	1	1	1	6	Early-mature	Poor	Very heavily suppressed. Almost dead.	10-20	C		
927	Silver birch	24	14	3	2	2	3	8	Early-mature	Fair	Single trunk with small suppressed crown.	20-40	B		
928	Sycamore	48	18	3	4	5	3	6	Early-mature	Fair	Reasonable specimen in satisfactory condition. Suppressed on north face.	+40	A		
929	Sycamore	38	17	1	5	5	1	7	Early-mature	Fair	Suppressed crown development with bias to south and east. Fair condition overall.	+40	A		

Tag no	Species	Dia	Hgt	N	E	S	W	Cr Cl	Age Class	Cond Cat	Notes	Life Expect	BS5837 Cat	Rec Action	Priority
930	Sycamore	44	18	4	3	2	4	5	Early-mature	Fair	Reasonable specimen in satisfactory condition. Suppressed crown development. Major fork at 6m.	+40	A		
931	Silver birch	24	15	1	5	3	1	7	Early-mature	Fair	Single trunk with small suppressed crown. Bias to south and east.	20-40	B		
932	Silver birch	23	14	2	2	2	2	8	Early-mature	Fair	Single trunk with small suppressed crown.	20-40	B		
933	Sycamore	22	14	1	6	6	1	7	Semi-mature	Poor	Heavily suppressed with pronounced lean and bias to south east. Kink in trunk at 3m. Poor specimen with limited future potential.	10-20	C		
934	Sycamore	45 45 45	17	6	7	5	4	5	Early-mature	Fair	Forks into three codominant stems at base. Fair condition overall.	+40	A		
935	Beech	40 35	17	6	5	5	1	4	Early-mature	Fair	Forks into two codominant stems at base. Suppressed on west face. Kinks in trunks at 7m where top removed many years ago.	+40	A		
936	Oak	11	12	1	1	1	1	6	Semi-mature	Poor	Small, suppressed and spindly tree. Almost dead.	<10	C		
937	Sycamore	47 47 45	17	7	5	6	6	6	Early-mature	Fair	Forks into three codominant stems at base. Unions acute with included bark.	+40	A		
938	Hazel	MS 25	10	7	2	1	1	4	Early-mature	Poor	Multi stemmed from base. Heavily suppressed with pronounced lean and bias to north. Poor specimen barely alive.	10-20	C		
939	Goat willow	26	14	3	2	1	1	6	Early-mature	Poor	Old wound with associated decay on lower trunk. Tall, spindly trunk with small suppressed crown. Dead sycamore branches leaning on trunk. Poor specimen with limited future potential.	10-20	C		
940	Alder	23	15	1	1	2	3	8	Early-mature	Fair	Tall, single trunk with small suppressed crown. Fair condition overall.	20-40	B		
941	Alder	26	15	3	2	2	3	8	Early-mature	Fair	Tall, single trunk with small suppressed crown. Fair condition overall.	20-40	B		
942	Alder	23 20	13	1	2	3	2	6	Early-mature	Fair	Forks into two codominant stems at base .	20-40	B		

Tag no	Species	Dia	Hgt	N	E	S	W	Cr Cl	Age Class	Cond Cat	Notes	Life Expect	BS5837 Cat	Rec Action	Priority
943	Ash	23	14	2	2	3	2	8	Semi-mature	Fair	Single trunk with small suppressed crown.	+40	B		
944	Alder	25	15	3	4	2	1	7	Early-mature	Fair	Single trunk with small suppressed crown.	20-40	B		
945	Alder	34	15	1	2	5	2	7	Early-mature	Fair	Suppressed crown development with bias to south.	20-40	B		
946	Sycamore	43	17	4	2	3	4	6	Early-mature	Fair	Reasonable specimen in fair condition.	+40	A		
947	Silver birch	36	17	3	4	2	2	7	Mature	Fair	Reasonable specimen in fair condition.	20-40	B		
948	Silver birch	38	15	2	3	2	2	5	Mature	Fair	Reasonable specimen in fair condition. Honeysuckle on trunk.	20-40	B		
949	Alder	15	13	1	1	1	1	8	Early-mature	Poor	Heavily suppressed. Spindly trunk with small crown.	10-20	C		
950	Alder	26	13	1	1	2	3	7	Early-mature	Fair	Single trunk with small suppressed crown.	20-40	B		
951	Alder	25 24	13	1	3	4	4	3	Early-mature	Fair	Forks into two codominant stems at base.	20-40	B		
952	Sycamore	22 19	16	2	3	5	1	6	Semi-mature	Fair	Forks into two codominant stems at base. Suppressed crown development.	20-40	B		
953	Goat willow	MS 45	11	2	3	4	5	5	Early-mature	Poor	Multi stemmed from base. Poor form and structure. Starting to fall apart and collapse. Two limbs towards riad cut off to leave 2m long stubs. Poor, scrappy tree with limited future potential.	10-20	C		

PLANS

- **Context**
- **Tree Survey and Proposals**



LEVAN WOOD - EXTENTS

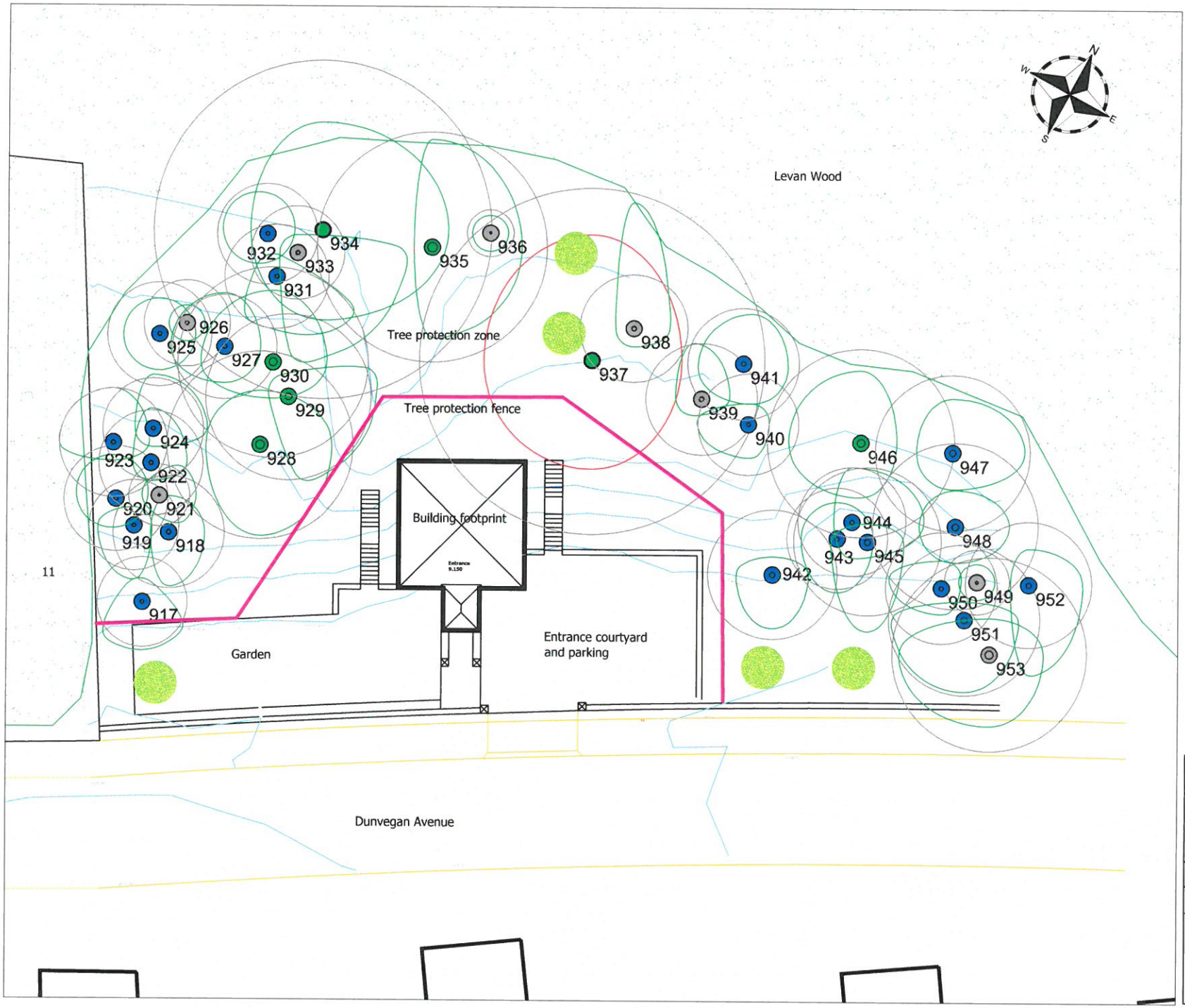
TITLE:

LEVAN WOOD - CONTEXT

Client: Mr V Canata

Scale: 1:1000 @ A3	**Drwg no. :** 14470
Drawn by: DR	**Date:** April 2014

Donald Rodger Associates
Arboricultural Consultants
39a Main Street, Gullane
East Lothian, EH31 2AP
01620 842656
donald.rodger@virgin.net



KEY

- TREE, SHOWING TAG NUMBER, TRUNK DIAMETER AND CANOPY SPREAD DRAWN TO SCALE
- TREES BS 5837 CATEGORY A
- TREES BS 5837 CATEGORY B
- TREES BS 5837 CATEGORY C
- TREES BS 5837 CATEGORY U
- ROOT PROTECTION AREA, AS PER BS 5837:2012 (12 X TRUNK DIAMETER)
- WOODLAND CANOPY
- TREE TO BE REMOVED
- TREE PLANTING
- TREE, PROTECTION FENCE, AS PER BS 5837:2012

Tree survey details recorded in accordance with BS5837:2012. Numbers refer to tree tags. Refer to accompanying report and schedule for tree details.

Do not scale from drawing.

TITLE:

TREE SURVEY, CONSTRAINTS AND PROPOSALS
PROPOSED TOWER HOUSE, DUNVEGAN AVENUE, GOUROCK

Client: Mr V Canata

Scale: 1:200 @ A3	**Drwg no. :** 14471/1
Drawn by: DR	**Date:** April 2014

Donald Rodger Associates
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39a Main Street, Gullane
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01620 842656
donald.rodger@virgin.net

DECISION NOTICE

Refusal of Planning Permission
Issued under Delegated Powers

Inverclyde council

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 15/0049/IC

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)REGULATIONS 2013

Mr Victor Canata
Flat 7
Levan Wood
Farm Road
Gourock
PA19 1GY

Canata And Seggie
Victor Canata
Chartered Architects
7 Union Street
GREENOCK
PA16 8JH

With reference to your application dated 24th February 2015 for planning permission under the above mentioned Act and Regulation for the following development:-

Erection of a tower house at

Levan Wood, Dunvegan Avenue, Gourock

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 site falls within part of the open space serving the residential development at Dunvegan Avenue and is thus contrary to policy ENV4 of the Local Development Plan which seeks to support, safeguard and, where practicable, enhance areas of open space of value in terms of their amenity to their surroundings.

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

Dated this 13th day of April 2015

Head of Regeneration and Planning

Healthy Working Lives

Positive About Disabled People

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:
2139_D.001	rev C	20.02.2015
2139_D.002	rev B	20.02.2015
2139_D.003	rev A	23.02.2015

Inverclyde council

REPORT OF HANDLING

Report By:	**Guy Phillips**	**Report No:**	**15/0049/IC**
			Local Application Development
Contact Officer:	**01475 712422**	**Date:**	**9th April 2015**
Subject:	**Erection of a tower house at Levan Wood, Dunvegan Avenue, Gourock**		

SITE DESCRIPTION

The approximately 0.12ha site lies within Levan Wood on the north-west side of Dunvegan Avenue, Gourock. It slopes gently from the street before falling away more steeply to the north-west. A modern, two storey house with a detached double garage adjoins to the south-west (side). Open space and woodland adjoins to the north-east (side) and north-west (rear). A small burn runs north-west from the site. Opposite, on the south-east side of Dunvegan Avenue, at higher level, are one and two storey houses dating from the late 1970s. They have detached, flat roof garages set forward of their front elevations. The garage roofs are at similar level to ground floor level in the houses and serve as outdoor seating areas.

PROPOSAL

It is proposed to construct a pitched roof, five storey "tower" house with a detached, pitched roof, car port. The house is to be excavated into the steeply sloping section of the site. As a result, it presents a three storey elevation to Dunvegan Avenue with a five storey rear elevation facing the woodland to the rear. At 5th floor level the main living accommodation incorporates full height glazing on all four elevations, a large chimney on the rear elevation and a balcony on the south-west (side) elevation. External finishes comprise traditional roughcast and lead roofing. The floor plan of the house is of square format with a smaller square shaped projection attached to the front elevation forming a pitched roof tower which rises above eaves level of the main roof. The main entrance is contained within the tower at third floor level.

The planning application is accompanied by a tree survey (and arboricultural implication study), a habitat survey and a supporting letter from the applicant.

LOCAL DEVELOPMENT PLAN POLICIES

Policy RES1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

(a) compatibility with the character and amenity of the area;
(b) details of proposals for landscaping;

(c) proposals for the retention of existing landscape or townscape features of value on the site;
(d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
(e) provision of adequate services; and
(f) having regard to Supplementary Guidance on Planning Application Advice Notes.

Policy ENV4 - Safeguarding and Enhancing Open Space

Inverclyde Council will support, safeguard and where practicable, enhance:

(a) areas identified as 'Open Space' on the Proposals Map; and
(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 and Green Network links.

Policy ENV6 - Trees and Woodland

Trees, groups of trees and woodland designated as Tree Preservation Orders (TPOs) will be safeguarded. Where it is considered necessary to protect other trees and woodland areas for amenity reasons, new Tree Preservation Orders will be promoted.

Trees and woodland will be protected and enhanced by having regard to the Scottish Government's Woodland Removal Policy and through:

(a) promoting the planting of broad leaved and native species, or other species with known biodiversity benefits;
(b) protecting and promoting the positive management of hedgerows, street trees and any other trees considered to contribute to the amenity of the area;
(c) protecting and promoting the positive management of ancient and semi-ancient natural woodlands; and
(d) encouraging the planting of appropriate trees as an integral part of new development.

Woodland creation proposals will be guided by the GCV Forestry and Woodland Framework Strategy (FWS), where priority locations for woodland management and expansion in Inverclyde will be assessed against the following criteria in accordance with the UK Forestry Standard:

(e) the benefits of woodland creation to the value of the existing habitat;
(f) contribution to the enhancement of the wider Green Network;
(g) the safeguarding of nature conservation and archaeological heritage interests;
(h) safeguarding of water supplies;
(i) the area's landscape character;
(j) integration with agricultural interests;
(k) existing and potential public access and recreational use;
(l) woodland design and the proposed mix of species; and
(m) points of access to and operational tracks through woodlands.

Policy ENV1 : Designated Environmental Resources

(a) International and National Designations

Development which could have a significant effect on a Natural site will only be permitted where:
(i) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
(ii) there are no alternative solutions, and
(iii) there are imperative reasons of overriding public interest, including those of a social or economic nature.

PUBLIC PARTICIPATION

Eight written representations have been received, comprising three public comments and five online comments. All raise objections to the proposal.

The objectors to the proposal are concerned that:

Design Issues

- the building is out of character with other properties in Dunvegan Avenue and would be an eyesore.
- a change from a carport to a garage would be unsightly.
- privacy of the adjoining house to the south-west would be adversely impacted by the proposed side balcony.
- light to properties on the south east side of Dunvegan Avenue shall be adversely impacted.
- privacy of the adjoining house to the south-west would be adversely impacted by the proposed side balcony.

Landscaping

- the tree preservation order covering Levan Wood should be complied with fully. Residents have tolerated the preservation order and, as a result, been denied a view. If planning permission is granted the tree preservation order shall be circumvented and the applicant afforded the view which has been denied to residents.
- trees and wildlife shall be destroyed. Such destruction does not sit comfortably with the Council's green Charter and promotion of sustainability.
- It is disproportionate to replace one felled tree with five new trees. Trees have previously been removed to prevent obstruction of street lighting. Obstruction shall re-occur if planting is implemented.

Ecology

- there is an active badger site within Levan Wood.
- control of Japanese Knotweed on the site remains to be fulfilled.

Other Issues

- a precedent would be set leading to further development within Levan Wood.
- there shall be a loss of view.
- property values shall be adversely impacted.
- access and amenities shall be adversely impacted during construction and in the longer term.

ASSESSMENT

The material considerations in the determination of this planning application are the planning history of the site, the Local Development Plan, the Council's PAAN2 on "Single Plot Residential Development" and PAAN5, the consultation responses, the applicant's supporting letter, information on trees and ecology and the written representations.

As the site history is pertinent to determination of the application it is important that it be set out in full.

The houses opposite the site, on the south-east side of Dunvegan Avenue, are within the first phase of residential development by the former Henry Boot Homes which were granted planning permission in 1977. A landscape plan from planning permission IC/77/115 details tree works to Levan Wood. It is clear from this drawing that the wood is part of the residential development and that it serves as an amenity area. This is further reflected by policy La of the former 1986 Local

Development that affects a SSSI (or other national designation that may be designated in the future) will only be permitted where:
(iv) it will not adversely affect the integrity of the area or the qualities for which it has been designated, or
(v) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

(b) Strategic and Local Designations

Development adversely affecting the strategic and local natural heritage resources will not normally be permitted. Having regard to the designation of the environmental resource, exceptions will only be made where:

(i) visual amenity will not be compromised;
(ii) no other site identified in the Local Development Plan as suitable, is available;
(iii) the social and economic benefits of the proposal are clearly demonstrated;
(iv) the impact of the development on the environment, including biodiversity, will be minimised; and
(v) the loss can be compensated by appropriate habitat creation/enhancement elsewhere.

PAANs 2 "Single Plot Residential Development" and 5 "Balconies & Garden Decking" apply.

CONSULTATIONS

Head of Safer and Inclusive Communities - No objections subject to the attachment of conditions to control the spread of Japanese Knotweed and potential ground contamination and advisory notes on external lighting, construction noise, site drainage, CDM Regulations, surface water and seagulls.

Head of Environmental and Commercial Services - No objections.

Council Landscape Advisor - The impact on the landscape context is considered acceptable provided the proposal is executed in accordance with the submitted information which should be supplemented with the following further information:

- All proposed species of trees and shrub planting and their distribution on site.
- Confirmation and agreement on a drainage system for the new property, including foul and surface water systems.
- Confirmation that only one tree will be removed and an undertaking that further trees will not be removed to facilitate a view for the property without prior agreement of Inverclyde Council. If further removal of trees is required permission is to be sought from Inverclyde Council.
- The habitat survey being updated and re-issued.

PUBLICITY

The application was advertised as there are no premises on neighbouring land.

SITE NOTICES

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

Plan which identified the site as lying within a large area of open space which should be retained for recreational use.

Henry Boot Homes sought over an extended period in the 1980s to have Levan Wood adopted by the Council for maintenance purposes but failed to reach agreement. It is further understood that part of the wood within the residential development and containing the application site was sold by Henry Boot Homes to the applicant in the mid-1980s.

In October 1990 outline planning permission was refused for the erection of two houses on two plots, one of which included land within the site under consideration in this report. The reasons for refusal were:

1. As the proposal would be contrary to Inverclyde Local Plan policy La and the Strathclyde Structure Plan policy RES2.
2. As the proposal would be contrary to the Inverclyde Tree Preservation Order No 6, and would be detrimental to the long term future of the woodland.
3. As the proposal would be detrimental to the amenity and character of the surrounding area.

In April 1996 planning permission was refused for the erection of a house on the site as:

1. The proposals are contrary to Inverclyde Local Plan policy La and
2. As the proposals would be contrary to the Inveclyde Tree Preservation Order No 6 and would be detrimental to the long term future of the woodland.

The site's location within the open space in the former Henry Boot Homes residential development and two previous refusals of planning permission for the erection of a house upon determines that it is consistent to refuse planning permission.

It is nevertheless necessary to assess the proposal against the Local Development Plan.

Policy RES1 of Local Development Plan seeks to safeguard the character and amenity of residential areas and requires a range of criteria to be met.

The proposed five storey house is of unique design. While other houses off Dunvegan Avenue are a mix of one and two storey designs, I consider that this need not preclude the individual architecture of the proposed tower house. Its impact upon the street frontage and residential amenity is reduced by it being set into a downward slope and the houses opposite being elevated. Trees intervene between the proposed house and the two storey house adjoining to the south-west thus reducing the impact of the side balcony. Woodland and open space adjoin to the north-east (side) and north-west (rear). I consider that this ensures compatibility with character and amenity of the area (criterion (a)).

Construction of the house necessitates the removal of one protected tree. It is proposed that this be compensated by the planting of five standard sized trees of 3-4m in height. I consider this degree of compensatory replanting to meet the requirements of policy ENV6 which encourages the planting of appropriate trees as an integral part of new development and seeks to protect groups of trees designated as Tree Preservation Orders. Furthermore, there are no objections to the proposed tree removal and replanting from the Council's landscape advisor. The proposed landscaping details therefore satisfy criterion (b).

The overall site is, I consider, of landscape value as it comprises part of the open space provision for the former Henry Boot Homes residential development. Policy ENV4 confirms that the Council will support, safeguard and, where practicable, enhance areas of open space of value in terms of their amenity to their surroundings and to the community, and their function as wildlife corridors and Green Network links. It is, I further consider, consistent with the planning history of the site to continue to seek to retain the site for the passive amenity it provides as part of the overall Levan Wood and open space provision for residential development in Dunvegan Avenue. I note from the

applicant's supporting letter that it is considered that the amenity afforded by the site to be a matter of interpretation and opinion and that there are no green network links or wildlife corridors affected by the proposal. While concurring with the applicant's statement regarding the green network and wildlife corridors I do not accept dismissal of the amenity which the site provides. Furthermore, to grant planning permission in this instance would, I consider, erode the Council's position in protecting open space within residential developments. Indeed, my position on this proposal is consistent with the refusal of planning permission for residential development on open space between 34 and 36 Dunvegan Avenue within the same development. Given these circumstances the proposal fails to retain an existing landscape feature of value and thus conflicts with criterion (c).

There are no objections to the proposal from the Head of Environmental & Commercial Services, including upon issues arising from the burn within the site. I am therefore content that the proposal accords with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement and that, accordingly, criterion (d) is satisfied.

The proposal accords with the design guidance in PAAN2 for Single Plot Residential Development regarding plot size, plot ratio and separation from site boundaries but is at variance with it in terms of overall height and roof finishing material. There is no conflict between the proposal and the design guidance contained within PAAN5 "Garden Decking". I consider that unique architecture requires to be supported if it can be satisfactorily accommodated within the built form of the surrounding area. I am satisfied that the disparity in height between the proposed houses and houses in the area and the provision of lead roofing do not justify refusal of planning permission. As such, I am content that the proposal satisfies criterion (f). Having reached that conclusion, however, the fact that the proposal otherwise accords with the Council's design guidance does not overcome my overriding concerns about the principle of development upon an area of open space, as noted in my unfavourable assessment against criterion (c) of policy RES1.

Policy ENV1 requires there to be no adverse impact upon local natural heritage resources. Levan Wood, within which the site is contained, is identified as a Site of Importance for Nature Conservation (SINC). The habitat survey accompanying the planning application concludes that the development will not encroach into the woodland and that it can be kept intact. It is further noted that no evidence of badgers has been found within a 50m radius of the site. In the event that I was supportive of the proposal I would concur with the advice of the Council's landscape advisor that the habitat survey should be brought up to date. As that is not the case, however, I do not consider such a requirement to be justifiable.

The consultation responses present no impediment to planning permission being granted.

Regarding the written representations not addressed by my assessment against the Local Development Plan: to grant planning permission would not set a precedent for further development in Levan Wood as each and every planning application requires to be determined on its own merits; property values, disturbance from site works and restrictions placed upon existing views by the protected trees within Levan Wood are not material planning considerations; there is no proposal to alter the proposed carport to a garage; there are no objections to the control of Japanese Knotweed from the Head of Safer & Inclusive Communities: and houses opposite are elevated, lie to the south of the proposed house and, as a result, shall not be shaded.

Overall, I am not in favour of planning permission being granted.

RECOMMENDATION

That the application be refused for the following reason:

Reason

The site falls within part of the open space serving the residential development at Dunvegan Avenue and is thus contrary to policy ENV4 of the Local Development Plan which seeks to support, safeguard and, where practicable, enhance areas of open space of value in terms of their amenity to their surroundings.

Signed:

Case Officer: Guy Phillips

Stuart Jamieson
Head of Regeneration and Planning

FURTHER REPRESENTATION

20 Dunvegan Avenue
Gourock
PA19 1AE

Inverclyde Council
Regeneration & Planning
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Tuesday 14th of July 2015

Re: RMcG/AI/ECO (Dated 3rd of July)

Dear Gerard Malone,

I am writing in response to your letter reference no: 15/0049/IC.

Firstly I would like to express our exasperation and disappointment that we find this situation to still be ongoing, as we had considered the matter to be closed. It is especially frustrating when reviewing the last paragraph of the revised planning application 15/0049/IC which we were sent, as it clearly states that the council's decision was final and "You **do not** have the right of appeal against the decision". How then is it possible that Mr Canata is able to further peruse this planning application after the council's final decision was made?

I have read over the comments of Mr Canata outlined in the Notice of Review sent by Muir Smith Evans. I have already stated our main objections to this build in previous correspondence, but I would like to respond to some of the comments in this document and further emphasise our objection to this build.

I strongly disagree that in building the tower house on this location the visual amenity of the area would not be harmed. I fail to see any argument that this building could possible fit seamlessly into the current architecture of the buildings which would surround it! This is a five story building which occupies "approximately the size of a double garage", is described as being of "unique design" and is inspired by "the nearby 14th century" Castle Levan! Our home would be directly adjacent to this structure, was constructed in 1978 and is a single storey high - although our property is elevated, it would still be dwarfed by this structure. The property to the west of the site, 6 Duvegan Avenue, is stated as a "two storey detached house" and would also bear no resemblance to this property whatsoever. I don't think any consideration was given to the current residential buildings around this site when the conception of design was made, and feel that the tower design is due to the restriction in space available at the site and the desire to gain a view point over the current tree line (it is the only explanation possible for the need of this building to be five storeys in height).

The main restriction to the size of site available is due to the current tree preservation order over Levan Wood. The original plan states that only one tree would be removed and a further five planted. Yet, on this document it now states that "If further removal of trees is required permission is sought from Inverclyde Council". This would suggest Mr Canata's intention would be to remove more trees at the site in the long term, otherwise, why mention it. Ok, the council would need to approve this, but where would it end...

Comment is also made that no objection to the build was lodge by the owner of 6 Dunvegan Avenue. I fail to see how this point can seemly be used as a positive and is pure speculation. This home is currently for sale and has been for a number of years, therefore the owner would not need to worry about this structure over the long term. It being built would also eradicate the Knotweed problem which is on the boundary of their land. Also, Mr Canata has already been successful in building another high rise property in front of number 6, so why not another adjacent to it.

I don't want to continue in reiterating points which I have already made, but I would again say this. We don't have an issue why Mr Canata building a property on this land, we only have issue with the current design which he is proposing.

I think that, should the council's decision be reversed by this appeal, then it would show a great weakness in the planning process in Inverclyde and would surely leave it open to further objections. Can people just simply object until they get what they want...?

Yours faithfully,

Fraser MacKenzie

EMAIL DATED 3 AUGUST 2015 FROM MUIR SMITH EVANS, PLANNING & DEVELOPMENT CONSULTANTS, IN RESPONSE TO FURTHER REPRESENTATION

Rona McGhee

From: Brian Muir <BMuir@muirsmithevans.co.uk>
Sent: 03 August 2015 13:39
To: Rona McGhee
Subject: RE: Review of Decision to Refuse Planning Permission - Erection of a Tower House, Levan Wood, Dunvegan Avenue, Gourock (15/0049/IC)
Attachments: Notice of Review 15-0049-IC Applicant response to submission from Mr MacKenzie 3 Aug 2015.pdf

Dear Ms McGhee,

I refer to your e-mail of 22 July, to which you attached a copy of the representations which you have received from Mr MacKenzie.

On behalf of the applicant, I now attach comment on Mr MacKenzie's representation.

Please confirm receipt.

Yours sincerely,

Brian Muir
bmuir@muirsmithevans.co.uk

Muir Smith Evans
203 Bath Street
Glasgow
G2 4HZ

Tel: 0141 221 0316
Fax: 0141 221 8298
www.muirsmithevans.co.uk

From: Rona McGhee [mailto:Rona.McGhee@inverclyde.gov.uk]
Sent: 22 July 2015 08:36
To: Brian Muir
Subject: Review of Decision to Refuse Planning Permission - Erection of a Tower House, Levan Wood, Dunvegan Avenue, Gourock (15/0049/IC)

Dear Mr Muir

I refer to my email of 3 July in connection with the above and write to advise that the attached further representations have been received from Mr Fraser MacKenzie. 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, Municipal Buildings, Clyde 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 & Property Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX
Tel: 01475 712113
Fax: 01475 712137

MUIR SMITH EVANS

Planning & Development Consultants

Local Review Body
Legal & Property Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX

Our ref CANA0001/bwm/jew

Your ref 15/0049/IC

By e-mail only

3 August 2015

FAO: Rona McGhee

Dear Madam

Notice of Review
Relevant Planning Application Ref: 15/0049/IC
Applicant's Response to Third Party Representations

Thank you for your e-mail of 22 July, to which you attached a copy of the representations which you have received from Mr Fraser MacKenzie.

On behalf of the applicant, we wish to submit the following comments.

For ease of reference, the comments are related to the relevant paragraphs of Mr MacKenzie's letter.

Paragraph 1

We are aware that many members of the public find confusing the differences between appeals to Scottish Ministers and applications for a Notice of Review to the Local Review Body. Nevertheless, it is clear that our client is entitled to apply for a Notice of Review.

Paragraph 3

It is submitted that Mr MacKenzie's comments fail to take into account the topography of the site. The proposed property, when viewed from Mr MacKenzie's property, would have the appearance of a three-storey building, not a five-storey building.

Paragraph 4

The reference to the fact that any further removal of trees requiring the permission of Inverclyde Council does not indicate any intention, on the part of the applicant, to promote the removal of further trees in due course. On the contrary, the explicit reference to any removal of trees requiring further permission is intended to remind and reassure all parties that such control exists.

Paragraph 6

Our client is pleased to note that Mr MacKenzie has no objection to the principle of a detached house being built on the land which is the subject of this application.

Mr MacKenzie re-states that his only issue is with the current design of the building. In relation to the height of the building, we have already noted above that, when viewed from Mr MacKenzie's property, the building will appear to be three storeys in height, and not five.

Conclusion

We trust that these additional comments are of assistance to the members of the LRB in considering this Notice of Review.

Yours faithfully

Brian W Muir
bmuir@muirsmithevans.co.uk

cc. client

SUGGESTED CONDITIONS SHOULD PLANNING PERMISSION BE GRANTED ON REVIEW

ERECTION OF A TOWER HOUSE, LEVAN WOOD, DUNVEGAN AVENUE, GOUROCK (15/0049/IC)

Suggested conditions should planning permission be granted on review

Conditions:

1. A visibility splay of 2.4 x 43.0 x 1.05 m shall be achieved at the junction of the driveway with Dunvegan Avenue prior to the house (hereby approved) being occupied and thereafter maintained in perpetuity.

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 presence of any suspected contamination that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential remediation requirements shall not be implemented unless a Remediation Strategy has been submitted to and approved, in writing by the Planning Authority.
4. 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.
5. No development shall commence until full details of tree and shrub planting including details of distribution on site have been submitted to and approved in writing by the Planning Authority.
6. No development shall commence until full details of foul drainage and surface water systems have been submitted to and approved in writing by the Planning Authority.
7. No trees shall be removed without the prior written approval of the Planning Authority.
8. No development shall commence until the habitat survey submitted with the planning application has been updated, submitted to the Planning Authority and approved in writing.
9. 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.

Reasons:

1. In the interests of road safety on Dunvegan Avenue.

2. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.

3. To ensure that all contamination issues are recorded and dealt with appropriately.

4. To protect receptors from the harmful effects of imported contamination.

5. To ensure the provision of a quality landscape setting for the house hereby approved.

6. In the interests of the protection of trees covered by the Levan Wood Tree Preservation Order.

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8. To safeguard the interests of protected species.

9. To ensure a continuity of finishing materials in this part of Gourock.