

Inverclyde Local Review Body

Our Ref: 15/0231/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Royal Gourock Yacht Club, Ashton Road, Gourock
 - Application for Review by ATK Partnership Limited on behalf of Royal Gourock Yacht Club against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 15/0231/IC
 - Application Drawings: Location Plan dated 24 August 2015
 Drawing Number 2129 – 11 – Plan as approved (11/0019/IC)
 Drawing Number 2129 – 12 Revision A – Boat Marshalling Area and
 Car Park
 Drawing Number 2129 – 13 – Cross Section A – A
 Drawing Number 2129 – 14 – Cross Sections at 45 and 48 Ashton Road
 - Date of Decision Notice: 17 May 2016
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Decision

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

1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 4 May 2016. The Review Body was constituted by Councillors G Dorrian, T Loughran, I Nelson and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for relocation of the vehicular access approved under planning permission 11/0019/IC in connection with the formation of a car park and boat marshalling area to the west of the Royal Gourock Yacht Club, which the applicant advises has become necessary to overcome the need to move the bus stop to the west of the site. The proposed access will grade down from Ashton Road to connect into the development platform associated with the earlier planning permission. The access will be finished in concrete block paviors with a footway crossover to be constructed to the Council's requirements. Gabion baskets will support the road where required. The application was refused consent in terms of a decision letter dated 26 November 2015.

3. Preliminaries

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

- (i) Planning Application and plans;
- (ii) The Appointed Officer's site photograph locations and site photographs;
- (iii) The Appointed Officer's Report of Handling dated 26 November 2015;
- (iv) Letters of Representation and Consultation responses in respect of the Planning Application;
- (v) Decision Notice dated 26 November 2015;
- (vi) Notice of Review Form dated 26 February 2016 and supporting documentation;
- (vii) Email dated 11 March 2016 from ATK Partnership Limited in relation to new material;
- (viii) Further representation;
- (ix) Email dated 5 April 2016 from Mr D Turnbull in response to further representation;
- (x) Suggested conditions should planning permission be granted on review; and
- (xi) Decision Notice relative to planning application 11/0019/IC.

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

4. Reasons

4.1 The determining issue in this review is traffic safety.

4.2 The application had been refused as the geometry of the proposed access does not allow for the safe passage of two cars with trailers passing in opposite directions, which may lead to conflict in the use of the access, potentially to the detriment of the safety of traffic on Ashton Road.

4.3 The ILRB noted the planning adviser's description of the design of the ramp granted in terms of planning application 11/0019/IC and the ramp which is the subject of the current application, noting that the approved ramp enters the site in a straight line in comparison with the ramp in the current application which has a significant bend. The ILRB discussed the likely frequency of two vehicles with trailers wishing to pass in opposite directions.

4.4 Having regard to the whole circumstances, the ILRB determined that the review application should be upheld and that planning permission be granted subject to the conditions listed at paragraph 5 below.

5. Conditions

1. That the presence of any previously unrecorded contamination or variation to reported ground conditions (associated with planning permission 11/0019/IC) that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved, in writing, by the Planning Authority.
2. That no material shall be imported onto the site until written details of the source of the imported material have been submitted for approval, in writing by the Planning Authority. The details, which shall be submitted no later than four weeks prior to the material being imported onto the site, shall include: the source of the imported material, any potential source(s) of contamination within 50 metres of the source of the material to be imported and verification analysis information. The material must not be imported on to the site until written approval has first been received from the Planning Authority. The material from the source agreed only shall be imported in strict accordance with these agreed details.

3. That prior to the access hereby permitted being brought into use, crash barriers of a specification to be submitted to and approved in writing by the Planning Authority, shall be erected as directed by the Planning Authority.
4. That prior to the access being brought into use a sign, the details of which are to be submitted to and approved in writing by the Planning Authority, shall be erected to warn drivers leaving the car park that they are crossing a cycle track and should give way to cyclists.
5. That the access ramp shall be surfaced in a hard surface, the details of which are to be submitted to and approved in writing by the Planning Authority.
6. That prior to the commencement of development, a scheme showing provision for the existing National Cycle Route to remain open during the construction process shall be submitted to and approved in writing by the Planning Authority. The scheme shall, thereafter, remain in force until the completion of construction.
7. That prior to the commencement of development, full drainage details and details of the treatment of surface water shall be submitted to and approved in writing by the Planning Authority.
8. That all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas.

Reasons:-

1. To ensure that all contamination issues are recorded and dealt with appropriately.
2. To protect receptors from the harmful effects of imported contamination.
3. In the interests of driver safety.
4. In the interests of the safety of cyclists.
5. To prevent deleterious material being carried onto the carriageway.
6. To ensure continuity of access for users of the National Cycle Route.
7. To help to prevent flooding and possible contamination of the river.
8. To control runoff from the site to reduce the risk of flooding.

Signed _____

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

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

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