

LOCAL REVIEW BODY

5 APRIL 2017

PLANNING APPLICATION FOR REVIEW

**MR V CANATA
PROPOSED DWELLINGHOUSE AND CARPORT:
VACANT SITE, DUNVEGAN AVENUE, GOUROCK (16/0319/IC)**

Contents

- 1. Planning Application and plans dated 25 November 2016**
- 2. Appointed Officer's Site Photographs**
- 3. Appointed Officer's Report of Handling dated 27 January 2017**
- 4. Representations in relation to planning application**
- 5. Decision Notice dated 30 January 2017 issued by Head of Regeneration & Planning**
- 6. Letter dated 6 February 2017 from Mr Canata enclosing Notice of Review Form and supporting documentation**
- 7. Suggested conditions should planning permission be granted on review**

**1. PLANNING APPLICATION AND PLANS DATED 25
NOVEMBER 2016**

Inverclyde council

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email:
devcont.planning@inverclyde.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100032321-001

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

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed Dwelling House and Carport.

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

| | | | |
|-------------------------|--|--|--------------|
| Company/Organisation: * | Canata and Seggie Chartered Architects | | |
| Ref. Number: | 2139 | You must enter a Building Name or Number, or both: * | |
| First Name: * | Paul | Building Name: | |
| Last Name: * | McShane | Building Number: | 7 |
| Telephone Number: * | 01475 784517 | Address 1 (Street): * | Union Street |
| Extension Number: | | Address 2: | |
| Mobile Number: | | Town/City: * | Greenock |
| Fax Number: | | Country: * | Scotland |
| | | Postcode: * | PA16 8JH |
| Email Address: * | info@canseg.co.uk | | |

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|---------------------|--|--------------|
| Title: | Mr | You must enter a Building Name or Number, or both: * | |
| Other Title: | | Building Name: | |
| First Name: * | Victor | Building Number: | 7 |
| Last Name: * | Canata | Address 1 (Street): * | Union Street |
| Company/Organisation | | Address 2: | |
| Telephone Number: * | 01475 784517 | Town/City: * | Gourock |
| Extension Number: | | Country: * | Scotland |
| Mobile Number: | | Postcode: * | PA16 8JH |
| Fax Number: | | | |
| Email Address: * | victor@canseg.co.uk | | |

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * Yes No

Site Area

Please state the site area:

Please state the measurement type used: Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Vacant private land - currently zoned as residential.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Provision for 3 No. wheelie bins minimum will be provided externally within the grounds. Details TBA.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Paul McShane

On behalf of: Mr Victor Canata

Date: 25/11/2016

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|---|---|
| A copy of an Environmental Statement. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Paul McShane

Declaration Date: 25/11/2016

2. APPOINTED OFFICER'S SITE PHOTOGRAPHS







**3. APPOINTED OFFICER'S REPORT OF HANDLING DATED
27 JANUARY 2017**

REPORT OF HANDLING

Report By: Guy Phillips

Report No: 16/0319/IC

**Local Application
Development**

**Contact
Officer:** 01475 712422

Date: 27th January 2017

Subject: Proposed dwelling house and carport at
Vacant Site, 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 two storey six apartment house with a monopitch roof. To its north-east, within the side garden, is a freestanding carport with an asymmetric pitch roof. The house and carport are set forward on the site, thus taking advantage of its gentler slope. They are setback approximately 2m and 1.3m from the footway heel on Dunvegan Avenue respectively. There is a first floor balcony on the house's south-west (side) elevation. Mature trees intervene between it and the neighbouring house at 11 Dunvegan Avenue. The proposed finishing materials are concrete roof tiles, two contrasting colours of facing brick, timber effect cladding and uPVC windows. The carport's external finishes match those of the house.

The planning application is accompanied by a Tree Survey and Arboricultural Study and a Phase 1 Habitat Survey.

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 Nature 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 Clyde Muirshiel Regional Park and other 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.

Planning Application Advice Notes 2 "Single Plot Residential Development" and 5 "Balconies & Garden Decking" apply.

CONSULTATIONS

Head of Environmental and Commercial Services – no objections subject to the attachment of conditions requiring surface water to be managed by a piped system and the surface water discharge rate to be no higher than greenfield runoff rate.

Head of Safer and Inclusive Communities - no objections subject to the attachment of a condition to control external lighting and advisory notes on site drainage, CDM Regulations, surface water and seagulls.

Council's Lower Clyde Greenspace Manager- the reports accompanying the planning application (Phase 1 Habitat Survey and Tree Survey) have been assessed as thorough and professional. Whilst these reports assess the impact of the proposed development to be limited, it will result in the loss of woodland habitat and trees that are protected by the SINC and TPO designation respectively.

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

Seven written representations have been received. All of the parties making representations raise objections to the planning application.

The objectors to the proposal are concerned that:

Planning History and Policy Issues

- planning permission was refused for the erection of a house on the site in April 2015 as the proposal was contrary to policy ENV4 of the Local Development Plan. This decision was subsequently upheld by the Council's Review Body. Nothing has changed since this refusal.

- the site is assigned for recreational use and the construction of houses is not permitted.

Design Issues

- the pent roof design makes the height of the house similar to that of a three storey building.
- the roof designs of the house and carport are dissimilar.
- the height of the house and its location on the highest part of the site combine to increase its impact upon other houses in the street. The adjoining house at No 11 is located downslope from Dunvegan Avenue.
- the proposed side balcony faces the kitchen of a house on the opposite side of Dunvegan Avenue.

Landscaping

- the proposed siting of the carport results in more protected trees being removed than would otherwise be required.
- destruction of trees and wildlife habitat is in direct contrast to the Council's Green Charter and promotion of sustainability.
- The planting of trees shall restrict views and give rise to the possibility of future wind damage. Wind damaged trees have allegedly not been dealt with in a timeous manner in the past and some remain visible from properties on the opposite side of Dunvegan Avenue.

Ecology

- the proposed siting of the house and relocation of spoil to provide a platform for the carport gives rise to the potential of spreading contamination from Japanese Knotweed.
- There shall be an adverse impact upon wildlife.

Other Issues

- the applicant's flatted development at Levan Wood obstructs views from 11 Dunvegan Avenue.
- there shall be an adverse impact upon road safety.
- neighbour notification should take account of the intervening festive holiday period.
- the roofspace may be converted at a later date.

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 Planning Application Advice Notes Nos 2 and 5 (PAAN2 and PAAN5) on "Single Plot Residential Development" and "Balconies & Garden Decking", the consultation responses, the applicant's supporting 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 Inverclyde Tree Preservation Order No 6 and would be detrimental to the long term future of the woodland.

In April 2015 planning permission was refused for the erection of a house on the site as:

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 refusal of planning permission in April 2015 was subsequently upheld by the Council's Review Body in October 2015.

The site's location within the open space in the former Henry Boot Homes residential development and three previous refusals of planning permission for the erection of a house upon suggests 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 pent roof two storey house is of individual design. While other houses off Dunvegan Avenue are a mix of one and two storey designs, I consider that this need not preclude the architecture of the proposed house. Its impact upon the street frontage and residential amenity is reduced by 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 am, however concerned that the 2m setback position of the house from the heel of the footway on Dunvegan Avenue is out of character with the pattern of development in the street and results in it being an excessively dominant feature. The proposal is thus incompatible with the character and amenity of the area and fails to satisfy criterion (a) of policy RES5. In comparison, the house that was previously refused planning permission on the site in 2015 was setback approximately 4.5m from the front boundary of the site and was assessed as according with criterion (a) of policy RES1. The carport in the previously refused design was set parallel to the site's front boundary and also assessed as according with criterion (a) of policy RES1.

Construction of the house, carport and driveway necessitates the removal of ten small protected trees. It is proposed that this be compensated by the planting of ten standard sized trees of 3-4m in height. I consider this degree of compensatory replanting to maintain the sustainability of Levan Wood and 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 Lower Clyde Greenspace Manager. 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. 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 nor with regard to road safety. 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 and plot ratio but is at variance with it in terms of overall height, roof design and setback distance from the front boundary. There is no conflict between the proposal and the design guidance contained within PAAN5 "Balconies and 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 house and houses in the area and pent roof design do not justify refusal of planning permission. However, given my concerns regarding the proximity of the house to the site's front boundary in my unfavourable assessment against criterion (a) of policy RES1, the proposal also fails to satisfy criterion (f). The fact that the proposal fails to accord with the Council's design guidance adds to 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 protected species including otters, bats, great crested newts, badgers, water vole are unlikely to be impacted. The Council's Lower Clyde Greenspace Manager advises the Phase 1 Habitat Survey to be thorough and professional. On this basis I conclude that the proposal accords with policy ENV1.

With respect to the other material considerations not addressed as yet, the condition the Head of Safer and Inclusive Communities recommends be attached on external lighting is a matter controlled by other legislation. It is not therefore a matter appropriate to control by planning condition. Were I to be in favour of planning permission being granted, however I would be content to attach an advisory note on external lighting along with the other advisory notes the Head of Environmental and Commercial Services requests be attached on site drainage, CDM Regulations, surface water and seagulls.

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

Regarding the written representations not addressed by my assessment against the Local Development Plan: loss of view generally and in particular arising from the applicant's existing development of flats at Levan Wood is not relevant to the proposal under consideration; there is no risk to neighbours' houses from planting trees within the site; alleged past mis-management of storm damaged trees provides no justification for refusing planning permission; the Head of Safer and Inclusive Communities raises no concerns regarding the spread of Japanese Knotweed; neighbour notification has been carried out in accordance with the Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and allowance was made for neighbour notification running during the holiday period; potential future roofworks are not a material consideration in the determination of the planning application and intervisibility between the proposed balcony and houses opposite on Dunvegan Avenue does not create any significant impact upon privacy and amenity.

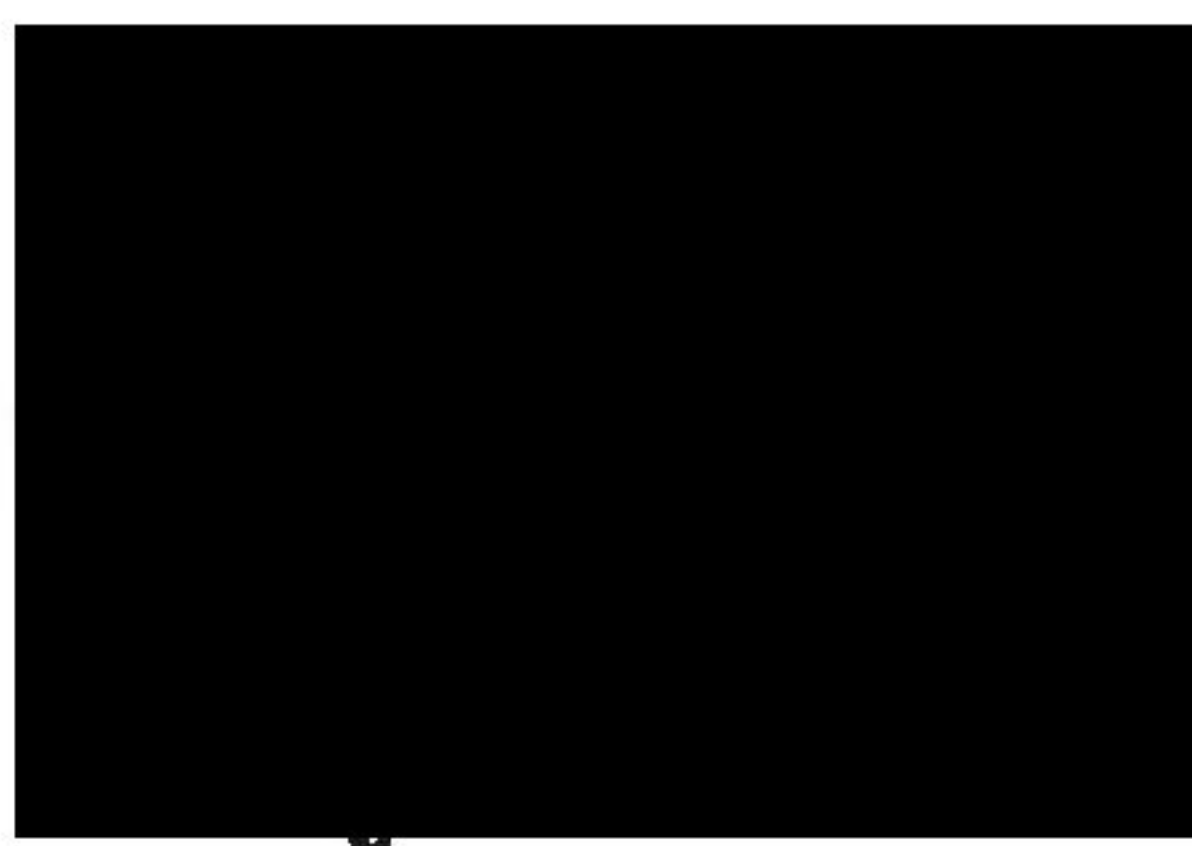
Overall, I am not in favour of planning permission being granted.

RECOMMENDATION

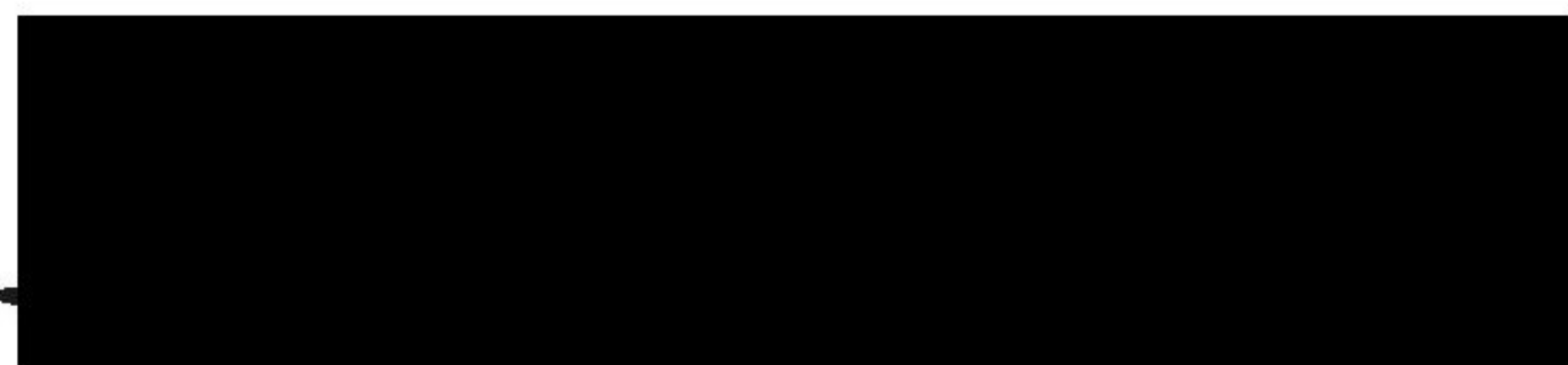
That the application be refused for the following reasons:

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.
2. The proximity of the proposed house to the front boundary of the site is incompatible with the character and amenity of the area, conflicts with the design guidance in the Council's Planning Application Advice Note No2 (PAAN2) "Single Plot Residential Development" and thus fails to satisfy criteria (a) and (c) of Local Development Plan policy RES1.

Signed:



Case Officer: Guy Phillips



Stuart Jamieson
Head of Regeneration and Planning

4. REPRESENTATIONS IN RELATION TO PLANNING APPLICATION

Please reply to

Alisdair T Tannahill
22 Dunvegan Avenue
Gourock
PA19 1AE

DA 04/01

18th December 2016

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

Dear Sirs

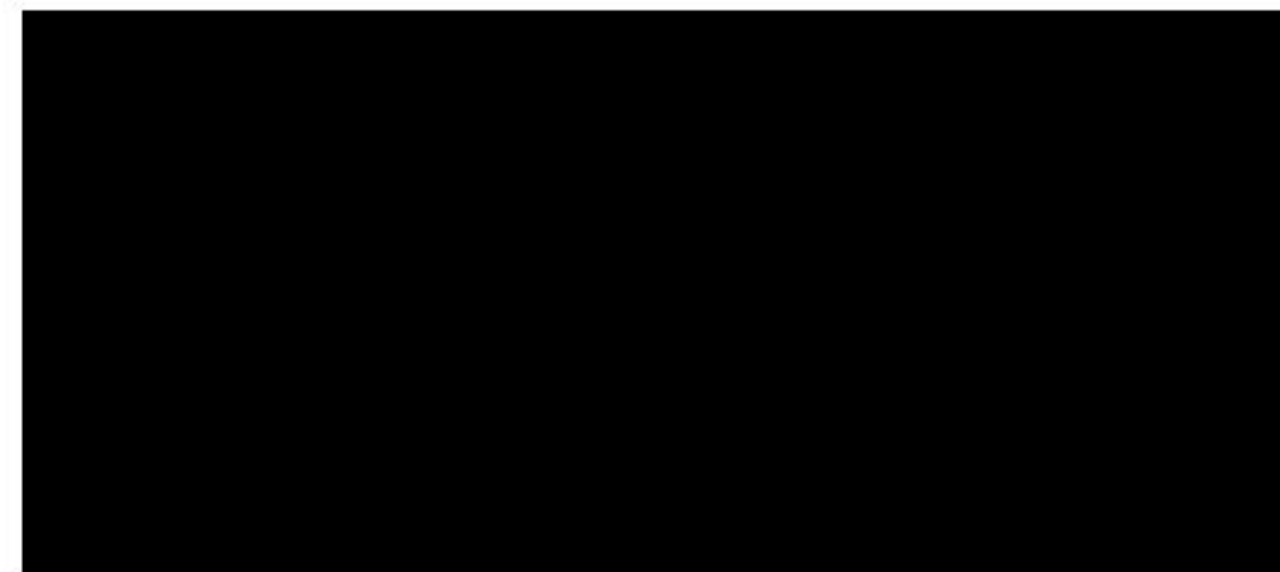
Planning Application 16/0319/IC - Dunvegan Avenue Gourock

I refer to the Neighbour Notification delivered to me on 15th December, but dated 7th December in respect of the above and wish to make the following comments.

- 1 As stated in previous planning application comments in respect of this site, my wife and I have no particular objection to a tasteful development taking place on this site, and indeed suggested that a two storey design with a wider footprint than that proposed in the previous application 14/0124/IC would be a preferable option.
- 2 My main concern in this current proposal is the height of the roof which does seem to be extraordinarily high at approximately 10m from street level..
- 3 If the height of the roof can be lowered and no further changes made to the current proposal, then I would not object to the application.
- 4 However, having said that, the previous application was refused on 9th April 2015 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.
- 5 That decision was upheld by the Local Review Body in their Decision Notice of 23rd October 2015.

6 As nothing has changed in the 14 months since October 2015, I cannot see how - despite my comments in paragraphs 1-3 - that the application can succeed, but that is a matter for the Planning officials and Planning Board.

Yours sincerely



Alisdair T Tannahill

Comments for Planning Application 16/0319/IC

Application Summary

Application Number: 16/0319/IC

Address: Vacant Site Dunvegan Avenue Gourrock

Proposal: Proposed dwelling house and carport

Case Officer: Guy Phillips

Customer Details

Name: Mr Craig Wright

Address: 16 Dunvegan Avenue Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Unable to deliver hard copy today Wed 28th due to office shut! why have deadline today without notification? full details sent via email attachment, key points below

1. Japanese knotweed - Will it be treated, eradicated, and disposed of appropriately (destroyed away from land, rather than used as land fill on site), to reduce future spread to neighbouring houses. This is a major concern
2. Height - From road level seems high, bearing in mind comments in relation to previous application 14/0124/IC five storey build
3. Balcony - faces directly into our kitchen area at eye level. Highly obtrusive
4. Trees - planting ten new trees (three directly across from our dwelling) means further restricting our already restricted views, and causing potential future tree wind damage, which haven't previously been dealt with in a timeously manner
5. Quality of build - Based on current upkeep of proposed site. Large tree's felled by previous high winds in years gone by are left visible from our view



20 Dunvegan Avenue
Gourock
PA19 1AE

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

Tuesday 20th of December 2016

Re: Planning Application Number 16/0319/IC

To whom it may concern:

I write to you in response to the planning application that we received in relation to the vacant site on Dunvegan Avenue. I had spoken with Guy Phillips on the Monday the 12th of December to ask when we would receive the notification, as the plans had been brought to our attention at the weekend by one of our neighbours – he mentioned that it was in the local press. I expressed my concern to Guy that this did not allow much time for those affected to respond before the Christmas period. I was told that this would be taken into account. However, the hand delivered notification that I received has no mention that the holiday period would be taken into account and only states that we have 21 days to respond from the date of the notice. The notice was hand delivered on Wednesday the 14th and was dated Wednesday the 7th. This is not leaving much time for people to respond during what is a busy period for everyone. I hope that allowances are being made.

Having previously expressed our objection to the building of the 'Tower House' plan which Mr Canata submitted, we had hoped that any future plans would have less of a negative impact and would be more fitting with the homes situated around the proposed site.

It is with great disappointment that again we find Mr Canata has submitted a plan which shows no consideration to the homes which are currently situated nearby. This is made most apparent by the chosen pent roof design for the main dwelling, which offers no clear advantage to the dwelling itself. Choosing this design effectively makes a two storey building a three storey! From our home in particular it would be like looking onto a large concrete slab. It does not even mirror the chosen roof design for the carport. My concern is that by using wood cladding on the North West elevation, it would allow for a relatively easy future conversion...! Looking at the plan it is clear to see that the main focus of the dwellings features are on the North West elevation, which faces away from Dunvegan Avenue. With this in mind, it brings into question how far this design goes in enhancing Dunvegan Avenue and if any consideration was given at all. The proposed positioning of the dwelling is also on the highest point on the outlined plot and effectively means that it has a greater impact on the current homes on the street. The other newer build homes on the same side of Dunvegan to this plot (number 11 for example) are located further down the slope and as a result don't impede the outlook as much from the adjacent homes. Building this dwelling at this highest location on the plot means that the impact of the building is greater, especially when you consider its scale.

When we submitted our last objection to the 'Tower House' plan I made reference to Mr Canata's other property within our immediate area. As I understand, he occupies the flats that were built in front of 11 Dunvegan Avenue. You only need to visit the site, as I am sure you have by now, to see how this has affected the outlook from this particular property. Again, no consideration was given to the surrounding homes and I am surprised that this development was allowed.

I am aware of the tree preservation order attached to this area of woodland on the proposed site and Mr Canata will no doubt state that by positioning the dwelling at this point on the plot is done with a view to minimise the impact on the trees. In reading this report it is mentioned that ten trees are actually to be removed and ten new ones planted – albeit in a slightly different location. The removal of these trees (942-945 and 948-953) is not even proposed for the building of the main dwelling and is merely for the erection of the proposed carport. Could it not then be considered that by removing only five trees (937-941, surveyed as being of similar condition and species to the fore mentioned trees) and planting five new ones, the main dwelling could actually be moved further down the embankment, which would lessen the impact on current homes. The carport could be situated elsewhere on the plot without the need to cut down further trees. In comparison this would also mean that only half the amount of trees would be disturbed.

There have been ongoing problems with knotweed on the plot. As I understand Mr Canata is currently responsible for the treatment of the knotweed on this site. I note from the report that there is still evidence of knotweed coming through again and that further treatment is recommended for 2017. With this in mind, how is it possible to build foundations of a home in this area of the plot? It is mentioned that the spoil from the digging of the foundations of the home will be used for the area where the carport is to be situated. Surely any earth excavated must be removed from the site to prevent risk of further contamination? Again, would it not be more beneficial to build further down the embankment away from this area to allow successful treatment of the knotweed?

As concerned as we are about the proposed build opposite our property, we are not simply objecting to be obstructive. We feel strongly that the current proposal does not do enough to reduce the impact on surrounding homes and we feel that there are more amicable solutions that could be considered. Our view is that either the given proposal should be refused, or flexibility must be found in the design (current roof design is not necessary) and location on the plot (move further down the embankment) to help minimise the adverse effect that this plan has on surrounding homes. As I mentioned in previous correspondence, if you look at the other properties that have been built on the same side of Dunvegan Avenue as the proposed dwelling, you will see that this design does not go far enough in incorporating itself into the area with minimal impact.

In summary, we are objecting to the proposed plan for the building of this dwelling 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,

Fraser MacKenzie

Comments for Planning Application 16/0319/IC

Application Summary

Application Number: 16/0319/IC

Address: Vacant Site Dunvegan Avenue Gourock

Proposal: Proposed dwelling house and carport

Case Officer: Guy Phillips

Customer Details

Name: Mrs Julie Wilson

Address: 52 Dunvegan Avenue Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to building of a dwelling house on this site as a resident in this area and on purchasing my house was told this area of land was assigned for recreation use and no houses could be built. I further object as this area of the street is very busy with parked cars and there is already difficulty passing this area of the road. It is also a sharp corner approaching this site and building of house could increase traffic and possibility of accidents. This area also allows open bright area with views.

31 Dunvegan Avenue

Gourock

PA19 1AE

13.01.17

Planning Application Number: 16/0319/IC

Dunvegan Avenue Gourock

PA 16/01

Objection to Planning Proposal

Dear Sir

I am writing to object to the planning application for a tower house in Dunvegan Avenue.

I previously objected to the proposal in November 2014.

However, on this occasion, I did not receive notification of this proposal and only recently found out that this application had been made from one of my neighbours who received a notification. I would be grateful if you would advise me why I am no longer included in the notification list as I was on the previous list.

I telephoned the Planning Department on Friday 13 January and was advised that my objection would be considered.

I do not believe that anything has changed since the last planning application was made and for that reason I strongly feel that the application should be rejected.

The site for the proposed setting is an area with active wildlife. Badgers, foxes, deer and bats are observed regularly in this vicinity,

Destroying trees and wildlife habitat is in direct contrast to Inverclyde Council's Green Charter and promotion of sustainability.

I would urge that Councillors and officials of the Council promote the values of Inverclyde Council and deny this planning application.

I look forward to receiving acknowledgement of this objection.

Yours faithfully



Marie Crawford

**5. DECISION NOTICE DATED 30 JANUARY 2017 ISSUED BY
HEAD OF REGENERATION & PLANNING**

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 16/0319/IC

Online Ref:100032321-001

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

Mr Victor Canata
7 Union Street
GREENOCK
PA16 8JH

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

With reference to your application dated 25th November 2016 for planning permission under the above mentioned Act and Regulation for the following development:-

Proposed dwelling house and carport at

Vacant Site, 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 proximity of the proposed house to the front boundary of the site is incompatible with the character and amenity of the area, conflicts with the design guidance in the Council's Planning Application Advice Note No2 (PAAN2) Single Plot Residential Development and, thus fails to satisfy criteria (a) and (c) of Local Development Plan policy RES1.
2. 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 30th day of January 2017

[REDACTED]
Head of Regeneration and Planning



- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 2 If permission to develop land is refused or granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

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

| Drawing No: | Version: | Dated: |
|--------------------|-----------------|---------------|
| 2139 LP.100 | | 26.11.2016 |
| 2139 D.100 | | 26.11.2016 |
| 2139 D.101 | | 25.11.2016 |

**6. LETTER DATED 6 FEBRUARY 2017 FROM MR CANATA
ENCLOSING NOTICE OF REVIEW FORM AND
SUPPORTING DOCUMENTATION**

2139/VC

**LOCAL REVIEW BODY
HEAD OF LEGAL AND PROPERTY SERVICES
INVERCLYDE COUNCIL
MUNICIPAL BUILDINGS
GREENOCK
PA15 1LX**

6th February 2017

Dear Sirs,

**PROPOSED DWELLING HOUSE & CAR PORT AT LEVAN WOOD DUNVEGAN AVENUE
GOUROCK
Notice of Review in connection with Planning Refusal Ref. 16/0319/IC**

We act for Mr Victor Canata.

We refer to the above planning application (16/0319/IC) which was refused by your planning officers under delegated powers on 30th January 2017.

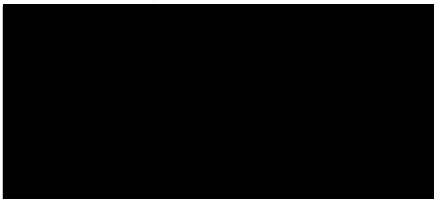
Please find attached a Notice of Review form duly completed and signed, accompanied by two papers apart in respect of the above refusal for your consideration. The attached documentation is as follows:

- The applicant's Statement.
- The applicant's list of documents.(photographs of site and planning application drawings)

Please note that both the papers apart and all the relevant documents are submitted as PDF files on the enclosed CS. In addition, a paper copy of the Notice of Review form (duly signed) and the papers apart are enclosed.

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,



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

\\\\theserve\projects\2100-2149\2139 - vic canata - house at Dunvegan Ave\letters\letter with notice of review.doc

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

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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 No
 X

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

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)
- 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
- 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
- 3. Site inspection
- 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:

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? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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.

See Review Statement & Photos

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

Yes No

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.

See Review Statement & Photos

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:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- 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 applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed 

Date

Notice of Review
Applicant's Statement

Proposed dwelling house and car port at vacant site, Dunvegan Avenue, Gourrock

Applicant : Mr V Canata

Planning refusal reference 16/0319/IC

Date of refusal 27th January 2017

Agent: Canata and Seggie Chartered Architects

Statement to the Local Review Body

Introduction

1. The proposal is to erect a two storey dwelling house with a monopitch roof and separate car port on a vacant site within the boundary of Levan Wood which is private garden ground in the ownership of the appellant in an area covered by **Local Development Plan Policy RES1 (Residential Area)**.
2. 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 dwelling house. We believe that no objection was received from the owner of 6 Dunvegan Avenue.
3. To the North and East the site is bounded by Levan Wood.
4. The dwelling house was purposely designed with a very narrow foot print, 6 metres in depth, in order that it sat 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 or ecology of the area. This philosophy led to the unique design. The narrow foot print resulted in the adoption of the mono pitch roof as a dual pitch was considered aesthetically and architecturally unacceptable.

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

- **Head of Environmental and Commercial Services** – No objections subject to normal conditions as detailed in the in the Report of Handling.

- **Head of Safer and Inclusive Communities** – No objections subject to normal conditions as detailed in the report of handling.
- **Council’s Lower Clyde Greenspace Manager** – The reports accompanying the Planning application (Phase 1 Habitat Survey and Tree Survey) have been assessed as thorough and professional. Whilst these reports assess the impact of the development to be limited it will result in the loss of woodland habitat and trees that are protected by the SINC and TPO designation respectively.
- The Report of Handling states however that there are no objections to the tree removal and replanting and that the landscaping proposals were satisfactory. The report concludes that the proposal accords with Policy ENV1.
- The report on Handling also concluded that there was no justification for refusing Planning Permission on the basis of written objections from neighbours not addressed by the assessment against the Local Development Plan.

All of these consultation responses are clearly set out in the Report of Handling.

The reason for refusal

This application was refused under delegated powers on the 27th January 2017

The reasons for refusal are as follows:

1. The site falls within the open space serving the residential development at Dunvegan Avenue and is contrary to policy ENV4 of the local development plan which seeks to support, safeguard and practicable, enhance areas of open space of value in terms of their amenity to their surroundings.
2. The proximity of the front boundary of the site is incompatible with the character and amenity of the area, conflicts with the design guidance in the Planning Application Advice note No 2 (PAAN2) “Single Plot Residential Development” and thus fails to satisfy criteria (a) and (c) of Local Plan Policy RES1.

Applicant’s assessment of Reason for Refusal and Report of Handling:

The reason for refusal Item 1 above is based on Policy ENV4

If the Local Development Plan is consulted it will be found that Policy ENV4 does not apply to this site.

If the application is refused on this basis then it questions the validity of the Local Development Plan.

The reason for refusal item 2 above is based on Planning Advice Note (PAAN2) of Local Plan Policy RES1.

The relevant items are:

- The distance of the building to garden boundaries should reflect that in the immediate locality.
- The established street front building line should be followed.

It is obvious that no established street front building line exists on this portion of Dunvegan Avenue.

The adjoining house at No 11 Dunvegan Avenue has a large double garage set 1 metre back from the street front building line.

The attached photographs clearly demonstrate this situation.

The proposed house has a small entrance porch set back 2 metres from the street front building line with the remainder of the house set back 4 metres from the street front building line.

The applicant could have set the house further back but chose not to do so in order to cause as little intrusion as possible into the wooded area. If required the house could be pulled back a further metre or so with no material effect on the proposal.

Conclusion

We aware that the members of the Review Board are familiar with this site, having dealt with a recent former application and carried out a site visit.

In view of this we are confident that they will consider the applicant's assessment of the proposal in relation to the above Policies to be persuasive and sound.

We therefore encourage you to uphold the Notice of Review and grant Planning Permission for an unobtrusive, well mannered and interesting house.

Finally, should the Review Board consider the issue of precedent to be an obstacle, we confirm that the applicant will be willing to discuss legal methods of addressing that matter.

It should be noted however that the planning officers did not consider the matter of precedent to be an issue in the recent previous planning application

End of Statement

Appendix A. Site Photographs



View of application site from South West



View of application site from East



View of Garage on adjoining plot 1 meter from road frontage from South West



General view of application site from South East.

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

PROPOSED DWELLINGHOUSE AND CAR PORT, LEVAN WOOD, DUNVEGAN AVENUE, GOUROCK (16/0319/IC)

Suggested conditions should planning permission be granted on review

Conditions:-

1. No development shall commence until details of a piped surface system with a discharge rate no higher than greenfield runoff rate has been submitted to and approved in writing by the Planning Authority, development thereafter shall proceed in accordance with the approved piped surface water system.
2. 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.
3. The tree planting detailed in section 4.8 of the Donald Rodger Associates Ltd Arboricultural Consultants Tree Survey and Arboricultural Implication Study, dated November 2016, shall be completed in the first planting season following completion of the dwellinghouse hereby approved and any specimens which in the subsequent 5 years die, become diseased or are damaged shall be replaced in the next planting season with a similar specimen, unless the Planning Authority gives its prior written approval to any alternatives.

Reasons:-

1. To prevent harm from flooding.
2. To ensure a continuity of external finishes in this part of Gourrock.
3. To ensure the continued woodland character of the site.