

Inverclyde Local Review Body

Our Ref: 19/0140/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Land at Glasgow Road, Port Glasgow.
 - Application for Review by Rick Finc Associates on behalf of Mr Michael Scott against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 19/0140/IC
 - Application Drawings:

Location Plan	(0100031673)
Location Plan	(L(10)-100 Rev P2)
Site Plan as Existing	(L(10)-200 Rev P2)
Site Plan as Proposed	(L(20)-200 Rev P3)
Plot Plan as Proposed	(L(20)-300 Rev P1)
Site Section – Unit 1	(L(20)-401 Rev P1)
Site Section – Unit 2	(L(20)-402 Rev P1)
Site Section – Unit 3	(L(20)-403 Rev P1)
Site Section – Unit 4	(L(20)-404 Rev P1)
Site Section – Unit 5	(L(20)-405 Rev P1)
 - Date of Decision Notice: 07/02/2023
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission in principle, 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 1 February 2023. The Review Body was constituted by Councillors Brooks, Clocherty, Crowther, Curley, McCabe, McGuire and McVey.
- 1.3 Councillors Clocherty and McGuire, having not been present at the previous consideration of the application at the meeting of 7 December 2022, were ineligible to participate in the proceedings on 1 February 2023 and therefore did not participate in the discussion and did not vote.

2. **Proposal**

- 2.1 The application proposal is for planning permission in principle for residential development, landscaping, parking, access and associated works at land at Glasgow Road, Port Glasgow. The application was refused consent in terms of a decision letter dated 8 March 2021.

3. **Preliminaries**

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

- (i) Planning Application dated 3 April 2019 together with site plans and drawings.
- (ii) Planning Application – Design and Access Statement.
- (iii) Planning Application – Planning Statement.
- (iv) Site Photographs Submitted with Planning Application.
- (v) Preliminary Ecological Appraisal Report.
- (vi) Drainage, Flooding and SUDS Strategy Report.
- (vii) Report of Handling dated 26 February 2021.
- (viii) Inverclyde Local Development Plan 2019 Policy Extracts.
- (ix) Inverclyde Local Development Plan 2019 Maps Extract.
- (x) Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extract.
- (xi) Scottish Planning Policy Extract.
- (xii) Decision Notice dated 8 March 2021 issued by Head of Regeneration & Planning.
- (xiii) Notice of Review Form dated 7 June 2021 with Supporting Statement from Rick Finc Associates.
- (xiv) Suggested Conditions and Advisory Notes should Planning Permission be Granted on Review.
- (xv) Joint Written submission from the Planning Adviser and Legal Adviser to the Inverclyde Local Review Body
- (xvi) Response to Joint Written Submission from Rick Finc Associates dated 12 January 2023
- (xvii) Inverclyde Proposed Local Development Plan 2021.

- 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 was the value of the open space and the impact of the proposal on the character and appearance of the local area.
- 4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the adopted Inverclyde Local Development Plan and all relevant material and planning considerations, following a vote, determined that the review application should be upheld.
- 4.3 It was also agreed by the ILRB that the conditions listed at paragraph 5 below be attached to the planning permission for the reasons specified.

5. **Conditions**

1. The development to which this planning permission in principle relates must be begun within 5 years from the date of this permission.

2. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the following:
 - a. the siting, design and external appearance of all buildings and other structures;
 - b. the means of access to the site;
 - c. the layout of the site, including all roads, footways, car and cycle parking areas;
 - d. the details of, and timetable for implementation of, the hard and soft landscaping of the site;
 - e. details of the management and maintenance of the areas identified in d. above;
 - f. the design and location of all boundary walls and fences;
 - g. details of the provision of full drainage works incorporating Sustainable Drainage Systems (SuDS) and a field drain at the bottom of the slopes around the site;
 - h. the disposal of sewage;
 - i. details of any existing trees, shrubs and hedgerows to be retained;
 - j. a landscape planting scheme that shows how existing trees and woodland within the application site will be connected to habitat features outwith the site;
 - k. details of existing and proposed site levels;
 - l. details of bin storage arrangements whether within individual plots or communal.

Thereafter the matters that are approved shall be implemented in their approved form.

3. The details to be applied for under condition 2b shall allow for visibility splays of 2.4m x 43.0m x 1.05m to be provided in both directions onto Glasgow Road and for the access onto Glasgow Road to be a minimum of 4.8m wide with a vehicle restraint system installed on the northern side. The approved sightlines and vehicle restraint system shall be provided no later than the occupation of the first residential unit and thereafter maintained for the lifetime of the development.
4. Prior to the commencement of works on site, confirmation of Scottish Water's acceptance of the foul and surface water drainage proposals shall be submitted to and approved in writing by the Planning Authority.
5. The drainage details approved under condition 2g shall be implemented commensurately with the development of the site, be complete for each individual dwellinghouse prior to occupation and be complete across the site prior to the occupation of the final dwellinghouse.
6. All surface water shall be contained within the site during construction of the development and following completion of the development.
7. Prior to the commencement of works on site, an updated ecological survey inclusive of bird breeding census and badger survey shall be undertaken. The report of survey shall thereafter be submitted to and approved in writing by the Planning Authority. Should the ecological survey identify the need for mitigation to protect one or more species, this shall be implemented in accordance with a species protection plan(s) which is to be submitted to and agreed in writing with the Planning Authority before works commence on the site.
8. Development shall not commence, including any tree removal, until the site has been re-surveyed for the presence of bats. The re-survey including any mitigation measures shall be submitted to and approved in writing by the Planning Authority.
9. No trees within the application site shall be felled until full details of all tree felling has been submitted to and approved by the Planning Authority. Works shall then proceed as approved.
10. Prior to the commencement of works on site tree protection measures for all trees to be retained both within or adjacent to the application site shall be erected in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS 5837:2012 and not removed during the course of construction work.

11. Site clearance work shall only be undertaken outwith the bird breeding season March to September inclusive. Details of any additional protection required relating to the heronry potentially located in the site shall be identified as part of the updated ecological survey submitted under condition 8 above and all additional recommendations relating to required protection followed on site.
12. The Biodiversity Enhancement section of the Preliminary Ecological Appraisal Report by Cairn Ecology dated 25th March 2019 shall be implemented in full together with any further enhancements recommended as part of the updated ecological survey submitted under condition 8 above.
13. Any of the trees, areas of grass or planted shrubs approved as part of the landscaping scheme that die, become diseased, are damaged or removed within 5 years of planting shall be replaced with others of a similar size and species within the following planting season.
14. The details to be applied for under condition 2c shall allow for all footpaths to be provided to be a minimum width of 2 metres and all roads a minimum width of 5.5 metres.
15. The details to be applied for under condition 2c shall allow for the parking to be provided in accordance with the National Roads Development Guide.
16. For the avoidance of doubt the first 2 metres of all driveways shall be paved.
17. 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 appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.
18. Development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation.
19. Before the development hereby permitted is occupied the applicant shall submit a report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material source, volume, intended use and chemical quality with plans delineating placement and thickness.
20. The presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
21. For the avoidance of doubt the dwellinghouses shall be designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies (rising to at least 20% by the end of 2022). Development shall not commence until details have been submitted to and approved in writing by the Planning Authority relating to the proposed low and zero carbon generating technologies to be installed in the dwellinghouses. Thereafter the

approved low and zero carbon generating technologies shall be implemented in their approved form before the occupation of the dwellinghouses.

22. For the avoidance of doubt the dwellinghouses shall have an Electric Vehicle Charging Point. Development shall not commence until the details have been submitted to and approved in writing by the Planning Authority relating to the proposed Electric Vehicle Charging Points. Thereafter the approved details shall be implemented on site in their approved form before the first occupation of the dwellinghouses.

Reasons

1. To comply with Section 59(2A)(a) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
3. In the interests of roads safety.
4. To confirm that the drainage proposals can be implemented in the interests of the avoidance of flooding.
5. To ensure the adequacy and implementation of the drainage regime for the development hereby permitted.
6. To avoid surface water run-off from the site in the interests of the avoidance of flooding.
7. To ensure the development is informed by an up-to-date ecological survey in the interests of the protection of and the avoidance of disturbance to nesting birds and other wildlife, and to ensure appropriate mitigation is implemented where required.
8. To ensure that the up-to-date position is known and to ensure the appropriate protection of bats.
9. To ensure the protection and retention of trees.
10. To ensure the retention of and avoidance of damage to trees during development.
11. To ensure the protection of breeding birds within the application site.
12. To ensure the implementation of biodiversity enhancements as part of the development.
13. To ensure the retention of the landscaping scheme within the application site.
14. To ensure suitable provision for road users and pedestrians in the interests of road safety.
15. To ensure suitable parking provision is provided within the development in the interests of road safety.
16. To avoid deleterious material being carried onto the roadway in the interests of road safety.
17. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
18. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
19. To ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety.
20. To ensure that all contamination issues are recorded and dealt with appropriately.

21. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
22. In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.

Advisory Notes

1. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels the applicant must consult or arrange for their main contractor to consult with either Sharon Lindsay or Emilie Smith at Inverclyde Council, Environmental & Public Protection (01475 714200), prior to the commencement of works to agree times and methods to minimise noise disruption from the site.
2. To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".
3. 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.
4. Rats, drains and sewers: Prior to the construction phase it is strongly recommended that any existing, but redundant, sewer/drainage connections should be sealed to prevent rat infestation and inhibit the movement of rats within the area via the sewers/drains.
5. The applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and its implications on client duties etc.
6. 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. It is also recommended that a long term maintenance plan should be developed prior to the commencement of the proposed development.
7. 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.

Signed _____

Head of Legal & Democratic 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.