

LOCAL REVIEW BODY – 1 MARCH 2017

Local Review Body

Wednesday 1 March 2017 at 4pm

Present: Provost Moran, Councillors Brooks, Dorrian, Jones, Loughran, McColgan, Nelson, Rebecchi and Wilson.

Chair: Councillor Wilson presided.

In attendance: Ms F Milne (Planning Adviser), Mr J Kerr (Legal Adviser) and Ms R McGhee (Legal & Property Services).

The following paragraphs are submitted for information only, having been dealt with under the powers delegated to the Local Review Body.

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No apologies for absence or declarations of interest were intimated.

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**(a) Construction of dwellinghouse for agricultural worker (in principle):
Flatterton Farm, Flatterton Road, Greenock (16/0152/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the construction of a dwellinghouse for an agricultural worker (in principle) at Flatterton Farm, Flatterton Road, Greenock (16/0152/IC) to enable the Local Review Body to consider the matter afresh, consideration of which had been continued from the meeting held on 1 February 2017 for an unaccompanied site inspection.

Provost Moran and Councillors Brooks, Dorrian, Jones, McColgan and Wilson participated in consideration of this item of business.

Decided:

(1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and

(2) that the application for review be upheld and that planning permission be granted subject to the following conditions:-

1. in compliance with Section 59 of the Town and Country Planning (Scotland) Act 1997 the development granted may not commence until matters required to be approved by conditions imposed have been so by the Planning Authority or, as the case may be, the Scottish Ministers, to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997;

2. the application for the approval of those matters referred to in condition 1 (the requisite approval) must be made before whichever is the latest of the following:

(i) the expiration of 3 years from the date of the grant of the permission,

(ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, and

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed and may be made for

(a) different matters, and

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(b) different parts of the development, at different times. But, in relation to any matter, only one application may be made by virtue of (ii) and (iii) after the expiration of the 3 year period mentioned in (i) above, to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997;

3. Planning Permission in Principle lapses on the expiration of 2 years from the requisite approval being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration, to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997;

4. that prior to their use, samples of all facing materials shall be submitted to and approved in writing by the Planning Authority, to ensure the acceptability of finishes to the dwellinghouse;

5. that the access shall be a minimum of 25 metres from the junction of Flatterton Road and the private road, in the interests of vehicular safety;

6. that the minimum kerb radius for the access shall be 4 metres, in the interests of vehicular safety;

7. that in the event that the site access is from the private road the minimum visibility splay shall be 43 metres by 2.4 metres by 1.05 metres and shall be provided prior to occupation of the dwellinghouse hereby approved and shall be maintained thereafter, in the interests of vehicular safety;

8. that the driveway shall cater for a minimum of 3 cars and shall be a minimum of 4.8 metres wide to allow 2 vehicles to pass, in the interests of vehicular safety;

9. that the driveway shall be paved for a minimum of 2 metres from the connection to the road, in the interests of vehicular safety;

10. that the driveway gradient shall not exceed 10%, in the interests of vehicular safety;

11. that prior to the commencement of development the applicant shall demonstrate that vehicles can enter and leave the site in forward gear, in the interests of vehicular safety;

12. that prior to the commencement of development details shall be provided and approved in writing by the Planning Authority of all boundary treatment, in the interests of visual amenity;

13. that prior to the commencement of development details shall be provided and approved in writing by the Planning Authority of sewerage arrangements, to ensure the provision of adequate facilities; and

14. that all surface water run-off shall be intercepted within the application site, in the interests of public safety.

**(b) Proposed side and rear extensions, raised deck and fencing to dwellinghouse:
29 Kelly Street, Greenock (16/0189/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for proposed side and rear extensions, raised deck and fencing to the dwellinghouse at 29 Kelly Street, Greenock (16/0189/IC) to enable the Local Review Body to consider the matter afresh, consideration of which had been continued from the meeting held on 1 February 2017 for an unaccompanied site inspection.

Provost Moran and Councillors Brooks, Dorrian, Jones, McColgan and Wilson participated in consideration of this item of business.

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After discussion, Provost Moran moved (1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) that the application for review be upheld and that planning permission be granted subject to the condition that 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, to ensure a continuity of external finishes in this part of the Greenock West End Conservation Area.

As an amendment, Councillor Jones moved (1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) that the application for review be dismissed and that planning permission be refused (upholding the Appointed Officer's determination) as the proposal is not sympathetic to the character, pattern of development and appearance of the Conservation Area and fails to manage the historic environment with intelligence thus failing to accord with Policies RES1 and HER1 of the Local Development Plan and Historic Environment Scotland's Policy Statement.

On a vote, 3 Members, Councillors Brooks, Jones and Wilson, voted for the amendment and 3 Members, Provost Moran and Councillors Dorrian and McColgan, voted for the motion. There being equality in voting, the Chair exercised his casting vote in favour of the amendment which was declared carried.

Decided:

(1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and
 (2) that the application for review be dismissed and that planning permission be refused (upholding the Appointed Officer's determination) as the proposal is not sympathetic to the character, pattern of development and appearance of the Conservation Area and fails to manage the historic environment with intelligence thus failing to accord with Policies RES1 and HER1 of the Local Development Plan and Historic Environment Scotland's Policy Statement.

**(c) Erection of a farm worker's house on Lukestone Farm, Bridge of Weir:
 Lukeston Farm, Branchal Road, Quarriers Village (16/0184/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the erection of a farm worker's house on Lukestone Farm, Bridge of Weir at Lukeston Farm, Branchal Road, Quarriers Village (16/0184/IC) to enable the Local Review Body to consider the matter afresh, consideration of which had been continued from the meeting held on 1 February 2017 for an unaccompanied site inspection.

Provost Moran and Councillors Brooks, Dorrian, Jones, McColgan and Wilson participated in consideration of this item of business.

After discussion, Councillor Wilson moved (1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) that the application for review be upheld and that planning permission be granted subject to the following conditions, with the following advisory notes being attached to the planning permission:-

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Conditions

1. that before their use, samples of facing materials shall be submitted to and approved in writing by the Planning Authority, the approved materials shall thereafter be used unless any variation is approved in writing by the Planning Authority, in the interests of visual amenity;
2. that prior to the commencement of development details shall be provided of a broad leaved and native species re-planting scheme to compensate for the trees to be removed by the proposed development, in the interests of ecology;
3. that the driveway gradient shall not exceed 10%, to ensure usability of the driveway;
4. that all surface water must be contained within the site. Drainage arrangements should be submitted prior to the commencement of development to demonstrate how this will be achieved, in the interests of public safety; and
5. that the dwellinghouse hereby approved shall only be occupied by a person or persons locally employed in agriculture, to define the permission and in the interests of avoiding sporadic development of housing in the countryside.

Advisory Notes

1. the applicant should submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the residential accommodation shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place;
2. all external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption";
3. the sound insulation should have regard to advice and standards contained in the current Scottish Building Regulations;
4. site drainage: suitable and sufficient measures for the effective collection and disposal of surface water should be implemented during the construction phase of the project as well as within the completed development to prevent flooding within this and nearby property;
5. 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;
6. the applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and their implications on client duties etc.;
7. surface water: any SUDS appraisal must 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 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;
8. septic tanks: should the premises be served by a septic tank, it will be necessary to ensure that the capacity of the tank is sufficient to deal with any additional demand and that the maintenance and emptying regime is modified accordingly; and

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9. 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.

As an amendment, Councillor Dorrian moved (1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) that the application for review be dismissed and that planning permission be refused (upholding the Appointed Officer's determination) for the following reasons:-

1. the proposal is contrary to criterion (d) of Policy RES7 of the Local Development Plan as no satisfactory argument has been put forward to confirm that the erection of a stockman's house is justified by the operational needs of Lukestone Farm; and
2. there are no exceptional or mitigating circumstances for the proposal and it is thus contrary to Policy ENV2 of the Local Development Plan.

On a vote, 2 Members, Councillors Dorrian and Jones, voted for the amendment and 4 Members, Provost Moran and Councillors Brooks, McColgan and Wilson, voted for the motion which was declared carried.

Decided:

- (1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and
- (2) that the application for review be upheld and that planning permission be granted subject to the following conditions, with the following advisory notes being attached to the planning permission:-

Conditions

1. that before their use, samples of facing materials shall be submitted to and approved in writing by the Planning Authority, the approved materials shall thereafter be used unless any variation is approved in writing by the Planning Authority, in the interests of visual amenity;
2. that prior to the commencement of development details shall be provided of a broad leaved and native species re-planting scheme to compensate for the trees to be removed by the proposed development, in the interests of ecology;
3. that the driveway gradient shall not exceed 10%, to ensure usability of the driveway;
4. that all surface water must be contained within the site. Drainage arrangements should be submitted prior to the commencement of development to demonstrate how this will be achieved, in the interests of public safety; and
5. that the dwellinghouse hereby approved shall only be occupied by a person or persons locally employed in agriculture, to define the permission and in the interests of avoiding sporadic development of housing in the countryside.

Advisory Notes

1. the applicant should submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the residential accommodation shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place;
2. all external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption";

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3. the sound insulation should have regard to advice and standards contained in the current Scottish Building Regulations;
4. site drainage: suitable and sufficient measures for the effective collection and disposal of surface water should be implemented during the construction phase of the project as well as within the completed development to prevent flooding within this and nearby property;
5. 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;
6. the applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and their implications on client duties etc.;
7. surface water: any SUDS appraisal must 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 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;
8. septic tanks: should the premises be served by a septic tank, it will be necessary to ensure that the capacity of the tank is sufficient to deal with any additional demand and that the maintenance and emptying regime is modified accordingly; and
9. 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.

Councillors Loughran, Nelson and Rebecchi entered the meeting at this juncture.

147 PLANNING APPLICATIONS FOR REVIEW

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(a) **Erection of storage shed: Craigmarloch South, Port Glasgow Road, Kilmacolm (16/0107/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the erection of a storage shed at Craigmarloch South, Port Glasgow Road, Kilmacolm (16/0107/IC) to enable the Local Review Body to consider the matter afresh.

Provost Moran and Councillors Brooks, Dorrian, Jones, Loughran, McColgan, Nelson, Rebecchi and Wilson participated in consideration of this item of business.

Mr Kerr referred to new matters raised on behalf of the applicant in the form of photographs. He asked the Local Review Body whether it wished to have regard to the new matters in determining the application for review of refusal of planning permission in terms of Section 43(B) of the Town & Country Planning (Scotland) Act 1997. It was agreed that the Local Review Body consider the new matters and copies of the photographs were circulated.

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After discussion, Councillor Nelson moved (1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) that the application for review be upheld and that planning permission be granted subject to the condition that prior to the commencement of works on site, samples of all external materials to be used in construction be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is agreed in writing by the Planning Authority, to ensure the proposed materials are acceptable.

As an amendment, Councillor Jones moved (1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) that the application for review be dismissed and that planning permission be refused (upholding the Appointed Officer's determination) for the following reasons:-

1. the applicant has not demonstrated any operational need or any exceptional or mitigating circumstances that would justify the erection of a storage shed in this Green Belt location. The proposal is therefore contrary to Policies SDS8, ENV2 and ECN4 (b) and (c) of the 2014 Inverclyde Local Development Plan; and
2. the design of the building incorporating the use of 4m high grey concrete panels would not blend with the landscape, contrary to the guidance within Planning Application Advice Note 9 and the scale of the building would be a significant feature within the rural location leading to the continued and inappropriate industrialisation of the Green Belt.

On a vote, 3 Members, Councillors Dorrian, Jones and Loughran, voted for the amendment and 6 Members, Provost Moran and Councillors Brooks, McColgan, Nelson, Rebecchi and Wilson, voted for the motion which was declared carried.

Decided:

- (1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and
- (2) that the application for review be upheld and that planning permission be granted subject to the condition that prior to the commencement of works on site, samples of all external materials to be used in construction be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is agreed in writing by the Planning Authority, to ensure the proposed materials are acceptable.

**(b) Erection of holiday chalet (in retrospect):
Blackwater Farm, Woodhead Road, Kilmacolm (16/0236/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the erection of a holiday chalet (in retrospect) at Blackwater Farm, Woodhead Road, Kilmacolm (16/0236/IC) to enable the Local Review Body to consider the matter afresh.

Provost Moran and Councillors Brooks, Dorrian, Jones, Loughran, McColgan, Nelson, Rebecchi and Wilson participated in consideration of this item of business.

Decided:

- (1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and
- (2) that the application for review be upheld and that planning permission be granted subject to the following conditions:-

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1. that planning permission shall last for a period of 3 years from the date of this permission, as the external condition of the chalet requires to be kept under review, as the building is temporary in nature, in the interests of the visual amenity of the countryside;
2. that prior to the chalet hereby permitted being brought into use, details of the surfacing around the chalet and of the access track leading to it shall be submitted to and approved in writing by the Planning Authority, to ensure that parking provision can be made on site and that the site will be fully accessible to encourage the parking provision to be used, all to prevent parking on the nearby road in the interests of traffic safety;
3. that the holiday chalet hereby permitted shall be used in all time coming solely as a holiday chalet and not for any other purpose under Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, to define the permission and avoid sporadic residential related development in the countryside; and
4. that within 3 months of the use for which this planning permission is granted ceasing, the building shall be removed from the site and the ground re-instated with a treatment to be approved in writing by the Planning Authority, in the interests of the visual amenity of the countryside.

**(c) Repainting of south (rear) elevation of flatted villa (in retrospect):
3 Madeira Street, Greenock (16/0196/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the repainting of the south (rear) elevation of the flatted villa (in retrospect) at 3 Madeira Street, Greenock (16/0196/IC) to enable the Local Review Body to consider the matter afresh.

Provost Moran and Councillors Brooks, Dorrian, Jones, Loughran, McColgan, Nelson, Rebecchi and Wilson participated in consideration of this item of business.

After discussion, Councillor Nelson moved (1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) that the application for review be dismissed and that planning permission be refused (upholding the Appointed Officer's determination) as the dark cream is a bright, modern paint colour that does not have the characteristics of a traditional limewash which may have been used on a house of this period style. The colour used on the banding is also an inappropriately contrasting shade relative to the main dark cream colour. Painting the rear elevation also results in an unexpected, uncoordinated arrangement of external colours within the building and the colours are also at odds with the primarily white and cream tones found within this part of the Conservation Area. The works undertaken therefore do not preserve and enhance the appearance of the Greenock West End Conservation Area and are not appropriate in terms of Policies HER1 and RES5 of the Local Development Plan together with Historic Scotland's Policy and Guidance which seek to preserve the historic environment, and PAN71.

As an amendment, Councillor Wilson moved (1) that sufficient information had not been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) that, in terms of Regulation 16 of the Town & Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, consideration of the application for review be continued for an unaccompanied site inspection to be arranged by the Head of Legal & Property Services in consultation with the Chair.

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On a vote, 2 Members, Councillors Dorrian and Nelson, voted for the motion and 7 Members, Provost Moran and Councillors Brooks, Jones, Loughran, McColgan, Rebecchi and Wilson voted for the amendment which was declared carried.

Decided:

- (1) that sufficient information had not been submitted to allow the Local Review Body to decide the matter without further procedure; and
- (2) that, in terms of Regulation 16 of the Town & Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, consideration of the application for review be continued for an unaccompanied site inspection to be arranged by the Head of Legal & Property Services in consultation with the Chair.