

LOCAL REVIEW BODY – 5 APRIL 2017

Local Review BodyWednesday 5 April 2017 at 4.20pm

Present: Councillors Brooks, Dorrian, Jones, Loughran, 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.

214 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 214

Apologies for absence were intimated on behalf of Provost Moran and Councillor McColgan.

No declarations of interest were intimated.

215 CONTINUED PLANNING APPLICATION FOR REVIEW 215

**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, consideration of which had been continued from the meeting held on 1 March 2017 for an unaccompanied site inspection.

Councillors Brooks, Dorrian, Jones, 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 upheld and that planning permission be granted. 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) 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 to 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 seeks to preserve the historic environment, and PAN71.

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On a vote, 2 Members, Councillors Dorrian and Rebecchi, voted for the amendment and 3 Members, Councillors Brooks, Jones and Nelson, voted for the motion which was declared carried. Councillor Wilson abstained from voting.

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.

Councillor Loughran entered the meeting at this juncture.

216 PLANNING APPLICATIONS FOR REVIEW

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**(a) Proposed dwellinghouse and carport:
Vacant Site, Dunvegan Avenue, Gourock (16/0319/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the proposed erection of a dwellinghouse and carport at a vacant site, Dunvegan Avenue, Gourock (16/0319/IC) to enable the Local Review Body to consider the matter afresh.

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

After discussion, Councillor Loughran 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:-

1. that no development shall commence until details of a piped surface system with a discharge rate no higher than greenfield runoff rate have been submitted to and approved in writing by the Planning Authority, development thereafter shall proceed in accordance with the approved piped surface water system, to prevent harm from flooding;
2. 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 finishes in this part of Gourock; and
3. that 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, to ensure the continued woodland character of the site.

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. as 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 No 2 (PAAN2) Single Plot Residential Development and thus fails to satisfy criteria (a) and (c) of Local

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Development Plan policy RES1;

2. 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.

On a vote, 3 Members, Councillors Jones, Nelson and Rebecchi, voted for the amendment and 4 Members, Councillors Brooks, Dorrian, Loughran 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:-

1. that 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, to prevent harm from flooding;

2. 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 finishes in this part of Gourrock; and

3. that 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, to ensure the continued woodland character of the site.

(b) Alterations to and conversion of redundant agricultural buildings, together with associated works to create single residential dwelling with associated curtilage: Migdale, Finlaystone Road, Kilmacolm (16/0227/IC)

There were submitted papers relative to the application for review of the refusal of planning permission for alterations to and conversion of redundant agricultural buildings, together with associated works to create a single residential dwelling with associated curtilage at Migdale, Finlaystone Road, Kilmacolm (16/0227/IC) to enable the Local Review Body to consider the matter afresh.

Councillors Brooks, Dorrian, Jones, Loughran, 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 Appendix 1 to the Statement of Review (Extract from Inverclyde Local Development Plan Main Issues Report submitted to the Environment & Regeneration Committee on 2 March 2017 on Housing Land Supply in Kilmacolm and Quarriers Village). 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 and Country Planning (Scotland) Act 1997. It was agreed that the Local Review Body consider the new matters and copies of Appendix 1 to the Statement of Review were circulated.

Mr Kerr also referred to new material in respect of the review which had been received

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by the Council on 4 April. He advised that in terms of Regulation 9(4) of the Town & Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulation 2013 all matters which an applicant intends to raise in the review must be set out in the notice of review or in the documents which accompany it and that, in addition to the matters set out in the notice of review and accompanying documents, the applicant can only raise matters in accordance with Regulation 15, being written submissions. He asked the Local Review Body whether it wished to deal with the new material in accordance with Regulation 15 which would require the new material to be the subject of notification to interested parties.

The Local Review Body viewed three animations in relation to the proposals which had been submitted by the applicant with the notice of review.

After discussion, Councillor Rebecchi moved that (1) sufficient information had not been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) that consideration of the application be continued to the first meeting of the Local Review Body following the local government elections on 4 May 2017. As an amendment, Councillor Wilson moved that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure and that the Local Review Body determine the review.

On a vote, 2 Members, Councillors Jones and Wilson, voted for the amendment and 5 Members, Councillors Brooks, Dorrian, Loughran, Nelson and Rebecchi, voted for the motion 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 consideration of the application be continued to the first meeting of the Local Review Body following the local government elections on 4 May 2017