

**LOCAL REVIEW BODY – 7 JUNE 2017**

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**Local Review Body**

**Wednesday 7 June 2017 at 4pm**

**Present:** Councillors Clocherty, Crowther, Dorrian, J McEleny, McKenzie, Moran, Rebecchi and Wilson.

**Chair:** Councillor Wilson presided.

**In attendance:** Mr A Williamson (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.**

**278      APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST      278**

An apology for absence was intimated on behalf of Councillor Nelson.

No declarations of interest were intimated.

**279      CONTINUED PLANNING APPLICATION FOR REVIEW      279**

**Alterations to and conversion of redundant agricultural buildings, together with associated works to create a 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, consideration of which had been continued from the meeting held on 5 April 2017 to the first meeting of the Local Review Body following the local government elections on 4 May 2017.

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 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 following conditions, with the following advisory notes being attached to the planning permission:-

**Conditions**

1. that samples of all facing materials shall be submitted to and approved in writing by the Planning Authority prior to their use, to control the appearance of the dwellinghouse in the interests of visual amenity;
2. that a minimum visibility of 2.4 metres by 160 metres by 1.05 metres high shall be provided prior to the site being brought into use and shall be retained at all times thereafter, in the interests of traffic safety;
3. that the minimum radius for the access shall be 4 metres, to ensure the provision of

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a suitable connection to the road;

4. 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, to avoid delayed entry from the road, in the interests of traffic safety on the road;

5. that the driveway shall be paved or otherwise sealed with a hard surface for a minimum distance of 2 metres from the carriageway, to prevent deleterious material being carried onto the carriageway;

6. that the driveway gradient shall not exceed 10%, to ensure the driveway can be used by future occupants;

7. that prior to the commencement of development the applicant shall demonstrate that vehicles can enter and exit the site in forward gear, to the satisfaction of the Planning Authority, in the interest of traffic safety;

8. that all surface water must be contained within the site. Drainage arrangements showing how this will be achieved shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development, in the interests of traffic safety;

9. that prior to the commencement of development, full details shall be submitted to and approved in writing by the Planning Authority of all boundary treatments, including any walls or fences to be erected, together with the timescale for implementation, to ensure boundary treatments are suitable to the location; and

10. that prior to the commencement of development, full details shall be submitted to and approved in writing by the Planning Authority of all landscaping within the application site, together with the timescale for implementation, to ensure landscaping is suitable to the location.

**Advisory Notes**

1. 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;

2. 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;

3. the applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and their implications on client duties etc.;

4. 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;

5. 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;

6. 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; and

7. all external lighting on the application site should comply with the Scottish Government Guidance Note “Controlling Light Pollution and Reducing Lighting Energy

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Consumption”.

As amendment, Councillor Clocherty moved (1) that sufficient information had been submit 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 policy SDS5 in that it would conflict with the policy preference for all appropriate new development to be located on previously used (brownfield) land within the urban settlements;
2. the proposal is contrary to policy ENV2 in that there are no exceptional or mitigating circumstances that would justify this development in the Green Belt;
3. the proposal is contrary to policy RES7 as the conversion of the barns to a single dwellinghouse cannot be achieved without rebuilding; and
4. the proposal is contrary to the guidance in Planning Application Advice Note (PAAN) 8 on “Siting and Design of New Houses in the Countryside” as the conversion of the barns to a single dwellinghouse cannot be achieved without rebuilding.

On a vote, four Members, Councillors Clocherty, Dorrian, J McEleny and Rebecchi voted for the amendment and four Members, Councillors Crowther, McKenzie, Moran and Wilson voted for the motion. There being equality in voting, the Chair exercised his casting vote in favour of 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:-

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