

**LOCAL REVIEW BODY – 6 DECEMBER 2017**

---

**Local Review Body**

**Wednesday 6 December 2017 at 4.10pm**

**Present:** Councillors Moran (for Clocherty), Crowther, Dorrian, McKenzie, Nelson, Rebecchi and Wilson.

**Chair:** Councillor Wilson presided for agenda items 1, 2(a), 2(b) and part of 2(c) and Councillor Nelson presided for the remainder of agenda item 2(c).

**In attendance:** Mr A Hamilton, Ms F Milne and Mr A Williamson (Planning Advisers), 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.**

**683 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 683**

An apology for absence was intimated on behalf of Councillor Clocherty, with Councillor Moran substituting.

No declarations of interest were intimated.

**684 PLANNING APPLICATIONS FOR REVIEW 684**

**(a) Realignment of Access Road:  
Craigmarloch South, Port Glasgow Road, Kilmacolm (17/0159/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the realignment of the access road at Craigmarloch South, Port Glasgow Road, Kilmacolm (17/0159/IC) to enable the Local Review Body to consider the matter afresh.

Mr Williamson acted as planning adviser in relation to this case.

**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 the development to which this permission relates must be begun within three years from the date of this permission, to comply with Section 58 of the Town & Country Planning (Scotland) Act 1997.

**(b) Proposed new single dwellinghouse within the curtilage of Fir Cottage:  
Fir Cottage, Glenmosston Road, Kilmacolm (16/0305/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for a proposed new single dwellinghouse within the curtilage of Fir Cottage at Fir Cottage, Glenmosston Road, Kilmacolm (16/0305/IC) to enable the Local Review Body to consider the matter afresh.

Ms Milne acted as Planning Adviser in relation to this case

**LOCAL REVIEW BODY – 6 DECEMBER 2017**

---

**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 the development to which this permission relates must be begun within three years from the date of this permission, to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997;
  2. that prior to the commencement of development, samples of all facing materials shall be submitted to and approved in writing by the Planning Authority. The approved samples shall thereafter be used unless any alternatives are approved in writing by the Planning Authority, in the interests of visual amenity;
  3. that prior to the commencement of development, full details of all boundary treatments shall be submitted to and approved in writing by the Planning Authority. The boundary treatments shall be erected in full prior to occupation of the associated dwellinghouse hereby approved, in the interests of the privacy of adjoining residents;
  4. that prior to the commencement of development, full details of all soft and hard landscaping shall be submitted to and approved in writing by the Planning Authority. The approved landscaping shall be carried out in full prior to occupation of the associated dwellinghouse hereby approved, in the interests of amenity and to prevent deleterious materials being carried onto the carriageway;
  5. that 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, to help arrest the spread of Japanese Knotweed in the interests of environmental protection;
  6. that the 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, to satisfactorily address potential contamination issues in the interests of human health and environmental safety;
  7. that before the first of the residential units 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 be 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, 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;

**LOCAL REVIEW BODY – 6 DECEMBER 2017**

---

8. that the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and amendments to the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority, to ensure that all contamination issues are recorded and dealt with appropriately;
9. that tree protection measures in accordance with the latest BS 5837 guidance shall be erected prior to the commencement of development and shall remain in place thereafter until the completion of all elements of construction, to ensure the protection of trees;
10. that the driveway shall be a minimum of 4.8 metres wide to allow 2 vehicles to pass, in the interests of traffic safety;
11. that the driveway gradient shall not exceed 10%, to ensure the driveway will be usable;
12. that a visibility splay of 2.4m by 43m by 1.05m high shall be provided at all times, in the interests of traffic safety;
13. that all surface water must be contained within the site. Drainage arrangements shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development, to avoid the creation of flooding; and
14. that development shall not commence on site until the recommendations of the “Extended Phase 1 Habitat Survey” are implemented in full, especially in relation to protected species, in the interests of nature conservation.

**(c) Construction of two dwellinghouses:  
Land between 34 and 36 Dunvegan Avenue, Gourock (17/0134/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the construction of two dwellinghouses at land between 34 and 36 Dunvegan Avenue, Gourock (17/0134/IC) to enable the Local Review Body to consider the matter afresh.

Mr Hamilton acted as Planning Adviser in relation to this case.

Mr Kerr referred to new matters raised on behalf of the applicant in the form of Production 8.43 (Inverclyde Local Review Body Decision Notice dated 12 April 2017) and Production 8.44 (Inverclyde Local Development Plan Examination dated 11 June 2011). 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 Production 8.43 and Production 8.44 were circulated.

During the course of consideration of this item of business, Councillor Wilson vacated the Chair and left the meeting. Councillor Nelson assumed the Chair.

After discussion, Councillor McKenzie 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:-

LOCAL REVIEW BODY – 6 DECEMBER 2017

---

1. as the proposed development on an area of amenity open space would neither safeguard nor enhance the character and amenity of the area. Furthermore, the design of the proposed dwellings contrasts to an unacceptable degree with the existing adjacent dwellings, to the detriment of the visual amenity of the area. The proposal would therefore be contrary to Policy RES1 of the Inverclyde Local Development Plan; and

2. as the proposed development on an area of amenity open space of value in terms of its contribution to its surroundings and to the community would not support, safeguard or enhance the open space and would therefore be contrary to Policy ENV4 of the Inverclyde Local Development Plan.

As an amendment, Councillor Dorrian 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 15 of the Town & Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, it be remitted to the Head of Legal & Property Services to issue a written notice to the applicant seeking information by means of a written submission to provide all information on Issue 9.5 "Housing Sites Not Included in the Proposed Plan: Urban Sites: Barr's Brae, Port Glasgow; Dunvegan Avenue, Gourock; fmr Kilmacolm Institute, The Cross, Kilmacolm; and Gillburn Road, Kilmacolm", as set out in the Report to Inverclyde Council: Inverclyde Local Development Plan Examination June 2014, being pages 132 - 138 (both inclusive) of the Report.

On a vote, 2 Members, Councillors McKenzie and Nelson, voted in favour of the motion and 4 Members, Councillors Crowther, Dorrian, Moran and Rebecchi, voted in favour of 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 15 of the Town & Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, it be remitted to the Head of Legal & Property Services to issue a written notice to the applicant seeking information by means of a written submission to provide all information on Issue 9.5 "Housing Sites Not Included in the Proposed Plan: Urban Sites: Barr's Brae, Port Glasgow; Dunvegan Avenue, Gourock; fmr Kilmacolm Institute, The Cross, Kilmacolm; and Gillburn Road, Kilmacolm", as set out in the Report to Inverclyde Council: Inverclyde Local Development Plan Examination June 2014, being pages 132 - 138 (both inclusive) of the Report