

## LOCAL REVIEW BODY – 7 FEBRUARY 2018

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### Local Review Body

#### Wednesday 7 February 2018 at 4pm

**Present:** Councillors Clocherty, Crowther, Dorrian, McKenzie, Nelson, Rebecchi and Wilson. Councillor Moran was present to participate in Agenda Item 2(b) only.

**Chair:** Councillor Wilson presided for Agenda Items 1, 3(a) and 3(b), Councillor Clocherty presided for Agenda Item 2(a) and Councillor Nelson presided for Agenda Item 2(b).

**In attendance:** Ms M Pickett, Mr A Hamilton and Ms F Milne (Planning Advisers), Mr J Kerr (Legal Adviser) and Ms S Lang (Legal & Property Services).

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

#### 111 **APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST** 111

No apologies for absence or declarations of interest were intimated.

Councillor Wilson vacated the Chair at this juncture and both he and Councillor Nelson left the meeting. The Chair was assumed by Councillor Clocherty.

#### 112 **CONTINUED PLANNING APPLICATIONS FOR REVIEW** 112

##### (a) **Proposed erection of raised decking and boundary fence: 3 Cardross Place, Greenock (17/0186/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the proposed erection of raised decking and a boundary fence at 3 Cardross Place, Greenock (17/0186/IC) to enable the Local Review Body to consider the matter afresh. Consideration of this item had been continued from (i) the meeting held on 1 November 2017 to enable the signatories of a signed document from neighbouring properties in support of the application to be consulted as interested parties and given the opportunity to make representations in accordance with the Town & Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2013 and (ii) the meeting held on 3 January 2018 for an unaccompanied site inspection.

Councillors Clocherty, Crowther, McKenzie and Rebecchi participated in consideration of this item of business.

Ms Pickett 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 boundary fence extending from the southern edge of the driveway shall not exceed a height of 1 metre for a length of 4 metres and thereafter shall maintain a height of 1.5 metres, in the interest of pedestrian and traffic safety.

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Councillor Nelson returned to the meeting at this juncture and assumed the Chair which was vacated by Councillor Clocherty.

**(b) 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 on land between 34 and 36 Dunvegan Avenue, Gourock (17/0134/IC) to enable the Local Review Body to consider the matter afresh, consideration of which had been continued from the meeting held on 6 December 2017 for further information which had been submitted in accordance with the decision of the Board.

Councillors Crowther, Dorrian, McKenzie, Moran, Nelson and Rebecchi participated in consideration of this item of business. Councillor Clocherty, who was present for the item, did not participate in the discussion or decision making process.

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

After discussion, 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 upheld and that planning permission be granted subject to the following conditions:

(i) 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;

(ii) 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;

(iii) 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;

(iv) 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;

(v) 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;

(vi) 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 have 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

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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;

(vii) 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 on 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; and

(viii) 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 they have been submitted to and approved, in writing, by the Planning Authority, to ensure that all contamination issues are recorded and dealt with appropriately.

As an amendment, 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) for the following reasons:

(i) that 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

(ii) that 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.

On a vote, 1 Member, Councillor Nelson, voted in favour of the amendment and 4 Members, Councillors Crowther, Dorrian, McKenzie and Moran, voted in favour of the motion which was declared carried. Councillor Rebecchi 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 subject to the following conditions:-

(i) 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;

(ii) 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;

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- (iii) 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;
- (iv) 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;
- (v) 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;
- (vi) 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 have 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;
- (vii) 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 on 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; and
- (viii) 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 they have been submitted to and approved, in writing, by the Planning Authority, to ensure that all contamination issues are recorded and dealt with appropriately.

Councillor Wilson returned to the meeting at this juncture and assumed the Chair which was vacated by Councillor Nelson.

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## 113 PLANNING APPLICATIONS FOR REVIEW

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(a) **Erection of a new dwellinghouse:  
100m Southwest of the main house at Torridon, Glenmosston Road, Kilmacolm  
(16/0160/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the erection of a new dwellinghouse 100m southwest of the main house at Torridon, Glenmosston Road, Kilmacolm (16/0160/IC) to enable the Local Review Body to consider the matter afresh.

Councillors Clocherty, Crowther, Dorrian, McKenzie, Nelson, Rebecchi and Wilson participated in consideration of this item of business.

Ms Milne acted as Planning Adviser in relation to this case.

Mr Kerr referred to new matters raised by the applicant's agent in the form of (a) a Scottish Wildlife Trust Reserve Agreement for Glen Moss Wildlife Reserve, (b) a Decision Notice in respect of conditional planning permission for the erection of a dwellinghouse at Knapps, Houston Road, Kilmacolm dated 7 June 2012, (c) a report to the Planning Board of 6 June 2012 in respect of the erection of a dwellinghouse at Knapps, Houston Road, Kilmacolm and (d) a listing schedule for Knapps House, Houston Road, Kilmacolm. 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 43B of the Town & Country Planning (Scotland) Act 1997. It was agreed that the Local Review Body consider the new matters and copies were circulated.

**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:-

(i) 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;

(ii) 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;

(iii) 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;

(iv) 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;

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- (v) 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;
- (vi) 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 have 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;
- (vii) that before the dwellinghouse 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 on 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 to confirm successful completion of remediation measures in the interest of human health and environmental safety;
- (viii) 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 they have been submitted to and approved, in writing, by the Planning Authority, to ensure that all contamination issues are recorded and dealt with appropriately;
- (ix) 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;
- (x) that the driveway shall be a minimum of 4.8 metres wide to allow two vehicles to pass, in the interests of traffic safety;
- (xi) that the driveway gradient shall not exceed 10%, to ensure the driveway will be usable;
- (xii) that the first 2 metres of the driveway, as measured from the edge of the carriageway, shall be finished in a hard sealed surface, to prevent deleterious materials being carried onto the carriageway;
- (xiii) that a visibility splay of 2.4 metres by 43 metres by 1.05 metres high shall be provided at all times, in the interests of traffic safety;
- (xiv) that the minimum internal dimensions for the garage shall be 7 metres by 3 metres, to accord with the adopted National Roads Guidelines; and

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(xv) 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.

**(d) Change of use to vehicle repair workshop and external works (in retrospect):  
32 Mearns Street, Greenock (17/0180/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the change of use to vehicle repair workshop and external works (in retrospect) at 32 Mearns Street, Greenock (17/0180/IC) to enable the Local Review Body to consider the matter afresh.

Councillors Clocherty, Crowther, Dorrian, McKenzie, Nelson, Rebecchi and Wilson participated in consideration of this item of business.

Ms Milne 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 premises shall not operate, inclusive of deliveries or collections, between the hours of 23:00 and 07:00, to protect the amenities of occupiers of premises from unreasonable noise and vibration levels.