

LOCAL REVIEW BODY – 6 JUNE 2018

Local Review Body

Wednesday 6 June 2018 at 4pm

Present: Councillors Clocherty, Crowther, Dorrian, McKenzie, Nelson, Rebecchi and Wilson.

Chair: Councillor Wilson presided.

In attendance: Ms M Pickett and Ms F Milne (Regeneration & Planning), Mr J Kerr (Legal Adviser) and Ms D Sweeney (Legal & Property Services).

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

355 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 355

No apologies for absence or declarations of interest were intimated.

356 PLANNING APPLICATIONS FOR REVIEW 356

**(a) Proposed erection of 3 retail units and 1 hot food takeaway with erection of flue to rear and car parking to front of proposed building:
1 Auchmead Road, Greenock (17/0412/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the proposed erection of 3 retail units and 1 hot food takeaway with erection of flue to rear and car parking to front of proposed building at 1 Auchmead Road, Greenock (17/0412/IC) to enable the Local Review Body to consider the matter afresh.

Ms Pickett acted as planning adviser in relation to this case.

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) for the following reason:-

That the proposal would have a detrimental effect on the amenity within the established residential area and to the residents living adjacent to the premises in terms of noise and activity, as the proposed changes may, on a regular basis, generate an unacceptable level of noise and activity particularly late into the evening contrary to Policies RES1 and RES6 (a) and (c) of the Inverclyde Local Development Plan.

As an amendment, 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 upheld and that planning permission be granted subject to the conditions detailed in the report.

On a vote, 3 Members, Councillors Rebecchi, Crowther and Nelson voted in favour of the motion and 3 Members, Councillors Clocherty, McKenzie and Wilson voted in favour of the amendment. There being equality in voting, the Chair exercised his casting vote in favour of the amendment which was declared carried. Councillor Dorrian abstained from voting.

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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 samples of all facing materials shall be submitted to and approved in writing by the Planning Authority prior to their use;
 - (ii) that elevational details of the bin stores shown on the approved drawing shall be submitted to and approved in writing prior to installation. The approved submissions shall be erected prior to the first of the units being brought into use;
 - (iii) that prior to the commencement of development, full details of all hard and soft landscaping within the application site, including maintenance arrangements and boundary treatments, shall be submitted to and approved in writing by the Planning Authority. All approved hard and soft landscaping shall be completed prior to the first of the units hereby permitted being brought into use and be maintained thereafter in accordance with the approved maintenance scheme;
 - (iv) that any of the planting approved in terms of condition 3 above that dies, is damaged, diseased or removed within the first 5 years after planting shall be replaced within the following planting season with plants of the same size and species;
 - (v) that prior to the commencement of development, a surface water management plan and drainage plan shall be submitted to and approved by the Planning Authority. It shall include measures for containment of all surface water within the site during and after construction;
 - (vi) that deliveries or collections to and from the site shall not be carried out between the hours of 23:00 and 07:00;
 - (vii) that the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Strategy 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 acceptable codes of practice. The remediation strategy shall also include a Verification Plan. Any subsequent modifications to the Remediation Strategy and Verification plan must be approved in writing by the Planning Authority prior to implementation. Elevated ground gas is known to be an issue in this area and should be appropriately considered in the risk assessment;
 - (viii) that on completion of remediation and verification works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing by the Planning Authority, confirming that the works have been carried out in accordance with the Remediation Strategy. 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;
 - (ix) 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 Strategy (i.e. that have not been included in contingency) shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority; and
 - (x) that before the commencement of development details of street lighting shall be submitted to and approved in writing by the Planning Authority.

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**(b) Erection of class 3 “drive thru” coffee shop and formation of associated car parking, landscaping and site infrastructure:
Land at Carttsyke Avenue, Greenock (17/0292/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the erection of a class 3 “drive thru” coffee shop and formation of associated car parking, landscaping and site infrastructure at Carttsyke Avenue, Greenock (17/0292/IC).

Ms Milne 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 conditions detailed in the report.

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) the proposed development is contrary to Policy ECN1 of the Inverclyde Local Development Plan as part of the application site is a Strategic Economic Location and a Class 3 use would be contrary to the policy;

(ii) the proposed development is contrary to policy ECN2 of the Inverclyde Local Development Plan in that the proposal does not constitute a business or industrial use;

(iii) the proposal cannot be justified under Policy ECN3 of the Inverclyde Local Development Plan as it is out of scale with existing developments within the former Enterprise Zone area associated with Policy ECN1 9criterion (a)); it would have a detrimental impact on the existing landscaping to the detriment of visual amenity (criterion (b)); and it could potential adversely impact upon the overall supply of land for business and industry (criterion (f));

(iv) it has not been demonstrated that a sequentially preferential site is unavailable, therefore the proposal is potentially contrary to Policy TCR2 of the Inverclyde Local Development Plan; and

(v) it has not been demonstrated that a sequentially preferential site is unavailable; that there is capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area; or that there will be no detrimental impact, including cumulatively, on the viability and vitality of the designated Centres, consequently the proposal cannot be justified with respect to criteria (g), (h) and (i) respectively of Policy TCR7 of the Inverclyde Local Development Plan.

On a vote, 3 Members, Councillors Dorrian, McKenzie and Crowther, voted in favour of the motion and 4 Members, Councillors Clocherty, Rebecchi, Wilson and Nelson, voted 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) for the following reasons:-

(i) the proposed development is contrary to Policy ECN1 of the Inverclyde Local Development Plan as part of the application site is a Strategic Economic Location and a Class 3 use would be contrary to the policy;

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- (ii) the proposed development is contrary to policy ECN2 of the Inverclyde Local Development Plan in that the proposal does not constitute a business or industrial use;
- (iii) the proposal cannot be justified under Policy ECN3 of the Inverclyde Local Development Plan as it is out of scale with existing developments within the former Enterprise Zone area associated with Policy ECN1 (criterion (a)); it would have a detrimental impact on the existing landscaping to the detriment of visual amenity (criterion (b)); and it could potentially adversely impact upon the overall supply of land for business and industry (criterion (f));
- (iv) it has not been demonstrated that a sequentially preferential site is unavailable, therefore the proposal is potentially contrary to Policy TCR2 of the Inverclyde Local Development Plan; and
- (v) it has not been demonstrated that a sequentially preferential site is unavailable; that there is capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area; or that there will be no detrimental impact, including cumulatively, on the viability and vitality of the designated Centres, consequently the proposal cannot be justified with respect to criteria (g), (h) and (i) respectively of Policy TCR7 of the Inverclyde Local Development Plan.