

**LOCAL REVIEW BODY – 7 NOVEMBER 2018**

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**Local Review Body**

**Wednesday 7 November 2018 at 4pm**

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

**Chair:** Councillor Nelson presided.

**In attendance:** Mr A Williamson (Planning Adviser), Mr J Kerr (Legal Adviser) and Ms K Macvey (Legal and Property Services).

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

**651 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 651**

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

No declarations of interest were intimated.

**652 PLANNING APPLICATIONS FOR REVIEW 652**

**(a) Conversion of outbuilding to a dwellinghouse:  
Auchenfoyle Farm, Auchenfoil Road, Kilmacolm (17/0415/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the conversion of an outbuilding to a dwellinghouse at Auchenfoyle Farm, Auchenfoil Road, Kilmacolm (17/0415/IC) to enable the Local Review Body to consider the matter afresh.

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 upheld and that planning permission be granted subject to the following conditions, with the following informatives being attached to the planning permission:-

**Conditions**

(i) that prior to their use samples of all external materials to be used in construction be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is agreed in writing by the Planning Authority;

(ii) that prior to the commencement of work on site full drainage details shall be submitted and approved by the Planning Authority. Development shall then proceed as approved unless any alternative agreed in writing by the Planning Authority;

(iii) the applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the development shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place;

(iv) 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

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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;

(v) 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;

(vi) that before the development 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 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 and plans delineating placement and thickness; and

(vii) that the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.

**Informatives**

(i) all external lighting on the application site should comply with the Scottish Government Guidance Note 'Controlling Light Pollution and Reducing Lighting Energy Consumption' to protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption;

(ii) where a private foul drainage solution is proposed, the applicant will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such the applicant is advised to contact them direct to discuss the matter;

(iii) as the survey results indicated roosting bats are present within the site, as it is desired to exclude bats from the building, a licence, issued by Scottish Natural Heritage, will be required before any exclusion can take place; and

(iv) construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April-July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest.

As an amendment, Councillor Clocherty 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 proposal is contrary to adopted Inverclyde Local Development Plan Policy ENV2 criteria (d) and (i); Policy RES5 criteria (a) and (c); Policy RES7 criteria (a) and

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(b); and Inverclyde Local Development Proposed Plan Policy 14 criteria (d) and (e); Policy 19 criteria (c), (d) and (e) as it does not comply with the exceptional or mitigating circumstances that would justify this development in the Green Belt, specifically that the proposal does not appropriately retain the character of the original building and wider area in terms of scale and design;

(ii) the proposal is contrary to the guidance in both adopted and proposed Planning Application Advice Notes (PAANs) 8 on "Siting and Design of New Houses in the Countryside" as the conversion of the outbuilding includes rebuild which does not reflect the original scale, character, proportion, design and architectural integrity of the building and is not subsidiary to the original building; and

(iii) the proposal is contrary to Policy 1 of the Inverclyde Local Development Plan Proposed Plan as it fails to have regard to the six qualities of successful places, in that it does not contribute to the 'distinctive' factor as it does not reflect local architecture and urban form.

On a vote, 3 Members, Councillors Clocherty, Dorrian and Rebecchi voted in favour of the amendment and 3 Members, Councillors Crowther, McKenzie and Nelson voted in favour of the motion. There being equality of 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 informatives being attached to the planning permission:-

**Conditions**

(i) that prior to their use samples of all external materials to be used in construction be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is agreed in writing by the Planning Authority;

(ii) that prior to the commencement of work on site full drainage details shall be submitted and approved by the Planning Authority. Development shall then proceed as approved unless any alternative agreed in writing by the Planning Authority;

(iii) the applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the development shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place;

(iv) 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;

(v) 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;

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(vi) that before the development 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 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 and plans delineating placement and thickness; and

(vii) that the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.

**Informatives**

(i) all external lighting on the application site should comply with the Scottish Government Guidance Note 'Controlling Light Pollution and Reducing Lighting Energy Consumption' to protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption;

(ii) where a private foul drainage solution is proposed, the applicant will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such the applicant is advised to contact them direct to discuss the matter;

(iii) as the survey results indicated roosting bats are present within the site, as it is desired to exclude bats from the building, a licence, issued by Scottish Natural Heritage, will be required before any exclusion can take place; and

(iv) construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April-July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest.

**(b) Erection of a conservatory:  
38 Duthie Road, Gourrock (18/0104/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the erection of a conservatory at 38 Duthie Road, Gourrock (18/0104/IC) to enable the Local Review Body to consider the matter afresh.

**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 with no conditions attached.