

LOCAL REVIEW BODY – 2 SEPTEMBER 2020

Local Review Body

Wednesday 2 September 2020 at 4.20pm

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

Chair: Councillor Wilson presided.

In attendance: Ms M Pickett and Mr A Williamson (Planning Advisers), Mr J Kerr (Legal Adviser), Ms R McGhee (Legal & Property Services) and Service Manager, Communications, Tourism and Health & Safety.

The meeting was held by video-conference.

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

Prior to the commencement of business, Mr Williamson referred to the appeal to the Court of Session on the housing content of the 2019 Local Development Plan which had resulted in the Our Homes and Communities chapter being quashed. He stated that, accordingly, Policies 17-21 no longer exist and could not be used to determine applications for review by the Local Review Body.

333 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 333

No apologies for absence or declarations of interest were intimated.

334 PLANNING APPLICATIONS FOR REVIEW 334

**(a) Use of land for boat storage facility:
Vacant Site, Cove Road, Gourock (19/0073/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the use of land as a boat storage facility at a vacant site, Cove Road, Gourock (19/0073/IC) to enable the Local Review Body to consider the matter afresh.

Ms Pickett acted as Planning Adviser relative 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 following conditions and advisory notes:-

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 as amended;
2. that prior to the commencement of works on site, full details of the site surfacing shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is otherwise first agreed in writing by

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the Planning Authority, to ensure the surfacing has an appropriate visual appearance;

3. that no consent is given for a galvanised finish to the metal gates and fence hereby permitted prior to their installation, full details of the colour of a powdercoated or painted finish shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved and the fence and gates shall be maintained in the approved colour at all times thereafter to the satisfaction of the Planning Authority, to ensure the gates and fence have an appropriate visual appearance;

4. that the gates shall open inwards at all times, to avoid the gates opening out across the road or footway, in the interests of road safety;

5. that the first two metres of the entrance area of the site shall be paved to the satisfaction of the Planning Authority, to avoid deleterious materials being carried out onto the road and footway, in the interests of road safety;

6. that prior to the commencement of the boat storage use on site, all off-street car parking spaces and boat storage bays as indicated on approved drawing 19/01-01C shall be physically marked out on site to the satisfaction of the Planning Authority. The use and operation of the site shall then accord with this layout all times thereafter to the satisfaction of the Planning Authority, to ensure the provision of off-street car parking, in the interests of road safety and to ensure that the site is laid out in an appropriate, visually acceptable manner;

7. that the car parking spaces shall remain unobstructed and available for use for car parking at all times to the satisfaction of the Planning Authority, to ensure the availability of off-street parking, in the interests of road safety;

8. that both the central aisle and the turning space shall remain unobstructed and available for use by manoeuvring vehicles and trailers at all times to the satisfaction of the Planning Authority, to ensure the centre aisle and turning area are free from obstructions which may cause vehicles to reverse out across the footway and onto the public road, in the interests of road safety;

9. 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;

10. 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;

11. 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 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

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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

12. 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, to ensure that all contamination issues are recorded and dealt with appropriately.

Advisory Notes

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

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

**(b) Replacement and extension of timber decking, construction of timber garden store and replacement of rear boundary fence in retrospect:
35 Balmore Road, Greenock (19/0235/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the replacement and extension of timber decking, construction of timber garden store and replacement of rear boundary fence in retrospect at 35 Balmore Road, Greenock (19/0235/IC) to enable the Local Review Body to consider the matter afresh.

Mr Williamson acted as Planning Adviser relative 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 dismissed and that planning permission be refused (upholding the Appointed Officer’s determination) for the following reasons:

1. the proposed decking by virtue of its location and height fails to meet the quality of being “Safe and Pleasant” in LDP Policy 1, as it allows an invasion of privacy towards neighbouring residential property which would impinge upon the enjoyment of neighbouring properties to the detriment of the amenity of neighbouring residents. As such the proposed decking is not in accordance with the guidance and advice contained within Inverclyde Council’s Planning Application Advice Note (PAAN) 5 on “Outdoor Seating Areas”; and

2. the southern window on the outbuilding fails to meet the quality of being “Safe and Pleasant” in LDP Policy 1, as it allows opportunity for an invasion of privacy into a neighbouring residential property which would impinge upon the enjoyment of the neighbouring residential property to the detriment of the amenity of neighbouring residents and is contrary to the window to window guidance contained within Inverclyde Council’s Planning Application Advice Notes Supplementary Guidance.