

Ref: DS

Date: 9 June 2021

I refer to the agenda for the meeting of the Inverclyde Council to be held on Thursday 10 June 2021 at 4pm and attach Minutes as undernoted which were not available on the day of issue.

ANNE SINCLAIR
Interim Head of Legal Services

Undernote

2. Minutes of Meetings of the Inverclyde Council, Committees, Sub-Committees and Boards

Inverclyde Council (22 April 2021) (REVISED) *	(pp 90-95)
Local Police & Fire Scrutiny Committee (27 May 2021)	(pp 133-134)
Planning Board (2 June 2021)	(pp 135-140)
Local Review Body (2 June 2021)	(pp 141-145)

***Minute of Inverclyde Council (22 April 2021) – REVISED – please note that this is a revised version of the Minute which was previously contained within the book of Minutes issued with agenda papers.**

Enquiries to – **Diane Sweeney** – Tel 01475 712147

THE INVERCLYDE COUNCIL - 22 APRIL 2021

The Inverclyde Council

Thursday 22 April 2021 at 4pm

Present: Provost Brennan, Councillors Ahlfeld, Brooks, Clocherty, Crowther, Curley, Dorrian, Jackson, MacLeod, McCabe, McCormick, C McEleny, J McEleny, McKenzie, McVey, Moran, Murphy, Quinn, Rebecchi, Robertson and Wilson.

Chair: Provost Brennan presided.

In attendance: Chief Executive, Corporate Director Education, Communities & Organisational Development, Corporate Director (Chief Officer), Inverclyde Health & Social Care Partnership, Interim Service Director Corporate Services & Organisational Recovery, Interim Service Director Environment & Economic Recovery, Interim Head of Legal Services, Head of Organisational Development, Policy & Communications, Interim Head of Public Protection & Recovery, ICT Service Manager, Ms D Sweeney, Ms L Carrick and Mr C MacDonald (Legal Services) and Service Manager, Communications, Tourism, and Health & Safety.

The meeting was held by video-conference.

Prior to the commencement of business, Provost Brennan acknowledged Earth Day and the importance of caring for the environment and the Earth's natural resources.

151 Apologies and Declarations of Interest 151

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

No declarations of interest were intimated.

**Minutes of Meetings of
The Inverclyde Council, Committees, Sub-Committees and Boards**

152 Appointment Panel – Head of Legal Services – 3 February 2021 152

Approved on the motion of Councillor Quinn.

153 The Inverclyde Council – 18 February 2021 153

Approved on the motion of Provost Brennan.

154 Audit Committee – 23 February 2021 154

Approved on the motion of Councillor Rebecchi.

155 Policy & Resources Committee – 23 February 2021 155

Approved on the motion of Councillor McCabe.

THE INVERCLYDE COUNCIL - 22 APRIL 2021

156	Appointment Panel – Head of Legal Services – 24 February 2021	156
	Approved on the motion of Councillor Robertson.	
157	Health & Social Care Committee – 25 February 2021	157
	Approved on the motion of Councillor Moran.	
158	General Purposes Board – 26 February 2021	158
	Approved on the motion of Councillor Dorrian.	
159	Planning Board – 3 March 2021	159
	Approved on the motion of Councillor Wilson.	
160	Environment & Regeneration Committee – 4 March 2021	160
	Approved on the motion of Councillor Clocherty.	
161	Education & Communities Committee – 9 March 2021	161
	Approved on the motion of Councillor Clocherty.	
162	General Purposes Board – 10 March 2021	162
	Approved on the motion of Councillor Dorrian.	
163	Environment & Regeneration Committee – 16 March 2021	163
	Approved on the motion of Councillor Clocherty.	
164	Environment & Regeneration Committee – 16 March 2021	164
	Approved on the motion of Councillor Clocherty.	
165	The Inverclyde Council – 18 March 2021	165
	Approved on the motion of Provost Brennan.	
166	Policy & Resources Committee – 23 March 2021	166
	Approved on the motion of Councillor McCabe.	
167	Local Police & Fire Scrutiny Committee – 25 March 2021	167
	Approved on the motion of Councillor McVey.	

THE INVERCLYDE COUNCIL - 22 APRIL 2021

- 168 Planning Board – 7 April 2021 168**
- Approved** on the motion of Councillor Clocherty.
- 169 Environment & Regeneration Committee – 13 April 2021 169**
- Approved** on the motion of Councillor Clocherty.
- 170 General Purposes Board – 14 April 2021 170**
- Approved** on the motion of Councillor Dorrian.
- 171 COVID-19 Update Report 171**
- There was submitted a report by the Interim Service Director Environment & Economic Recovery providing an update on actions taken to mitigate the risks around the COVID-19 outbreak.
- During the course of discussion on this item, the Interim Service Director Environment & Economic Recovery provided an update on local vaccination figures, advising that as of 21 April 2021, 65.7% of the Inverclyde adult population had received a first dose and 20.2% had received a second dose.
- Councillor McCormick joined the meeting during consideration of this item and Councillor Moran left the meeting during consideration of this item due to connectivity issues.
- Decided:**
- (1) that the actions taken to date to mitigate the effects of the COVID-19 outbreak in Inverclyde be noted; and
- (2) that following the recent publication of a report by Unison made in consultation with its membership, it be remitted to officers to provide a report on the impact of COVID-19 on employees' mental health to the next Policy & Resources Committee, detailing current and future support measures for the Inverclyde Council workforce.
- 172 Recruitment of Chief Executive 172**
- There was submitted a report by the Head of Organisational Development, Policy & Communications seeking approval of the recruitment and selection process to appoint a new Chief Executive for Inverclyde Council following the Chief Executive's announcement that he is to retire from the Council's service on 19 September 2021.
- Councillor Moran re-joined the meeting during consideration of this item.
- Decided:** that the recruitment and selection process outlined in the report be approved and it be remitted to the Head of Organisational Development, Policy & Communications to advertise the position and progress the process.
- 173 Scheme of Administration – Political Balance 173**
- There was submitted a report by the Interim Head of Legal Services advising of the necessary requirements to ensure political balance on Committees, Sub-Committees, Board and Outside Bodies, where appropriate, following the resignation from the Scottish National Party (SNP) of Councillor C McEleny, who has joined the Alba Party and intends to represent the Alba Party in Ward 5.
- Councillor Jackson left the meeting during consideration of this item.

THE INVERCLYDE COUNCIL - 22 APRIL 2021

Decided:

- (1) that the terms of the report be noted; and
- (2) that the membership of Committees be as follows:

Policy & Resources Committee –

No change

Environment & Regeneration Committee –

Councillor J McEleny (SNP) off – Councillor C McEleny (Alba Party) on

Education & Communities Committee –

Councillor C McEleny will remain on the Committee and will represent Alba Party

Health & Social Care Committee -

Councillor C McEleny (Alba Party) off – Councillor J McEleny (SNP) on

Audit Committee -

No change

General Purposes Board –

Councillor Crowther (SNP) off – Councillor C McEleny (Alba Party) on

Planning Board -

No change

HR Appeals Board -

Councillor J McEleny (SNP) off – Councillor Brooks (Scottish Conservative & Unionist Party) on

Local Police & Fire Scrutiny Committee –

Councillor Curley (SNP) off – Councillor C McEleny (Alba Party) on

174 Appointment of Trustees to Peter Stanton Memorial Trust 174

There was submitted a report by the Interim Head of Legal Services seeking to appoint three Trustees to the Peter Stanton Memorial Trust as the current term of office of the three existing Trustees is due to expire on 24 May 2021.

Decided: that the Council appoint Provost Brennan and Councillors Moran and MacLeod as Trustees of the Peter Stanton Memorial Trust for the period from 25 May 2021 until the statutory meeting of the Inverclyde Council to be held after the Local Government elections in May 2022.

175 Clyde Muirshiel Regional Park Liaison Group – Appointment of Elected Members 175

There was submitted a report by the Interim Head of Legal Services requesting that the Council consider a remit from the Environment & Regeneration Committee relative to representation on the newly established Clyde Muirshiel Regional Park Liaison Group.

Decided: that the recommendation of the Environment & Regeneration Committee be upheld and Councillors Nelson and Wilson be nominated as Inverclyde Council representatives on the Clyde Muirshiel Regional Park Liaison Group.

176 Request for Consultation on Whether Females Perceive Any Safety Impediment in Using Public Parks, Paths and Cycle Ways – Request by Councillor Quinn 176

There was submitted a report by the Interim Head of Legal Services advising of a request received from Councillor Quinn in the following terms:

“That Council officers carry out a consultation and report back to the Education & Communities Committee to determine if women and girls perceive any safety

THE INVERCLYDE COUNCIL - 22 APRIL 2021

impediment in using Inverclyde public paths, parks and cycle ways and if so how may this be addressed.

Councillor C McEleny left the meeting during consideration of this item.

Decided: that it be remitted to officers to provide a report to a future meeting of the Education & Communities Committee addressing the terms of Councillor Quinn's request.

177 Proposed Traffic Regulation Order – The Inverclyde Council (Various Roads) (Gourock, Inverkip and Wemyss Bay) (Waiting Restrictions) (Variation No. 7) Order 2020 177

There was submitted a report by the Interim Service Director Environment & Economic Recovery on a remit from the Environment & Regeneration Committee of 16 March 2021 requesting approval of the Proposed Traffic Regulation Order – The Inverclyde Council (Various Roads) (Gourock, Inverkip and Wemyss Bay) (Waiting Restrictions) (Variation No. 7) Order 2020.

Decided: that approval be given to the making of the Traffic Regulation Order – The Inverclyde Council (Various Roads) (Gourock, Inverkip and Wemyss Bay) (Waiting Restrictions) (Variation No. 7) Order 2020 and that the Interim Head of Legal Services and the Head of Shared Services Roads be authorised to take all necessary action in connection therewith.

178 Proposed Traffic Regulation Order – The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 11) Order 2020 178

There was submitted a report by the Interim Service Director Environment & Economic Recovery on a remit from the Environment & Regeneration Committee of 16 March 2021 requesting approval of the Proposed Traffic Regulation Order – The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 11) Order 2020.

Decided: that approval be given to the making of the Traffic Regulation Order – The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 11) Order 2020 and that the Interim Head of Legal Services and the Head of Shared Services Roads be authorised to take all necessary action in connection therewith.

179 Capital Strategy 2021/31 and Treasury Strategy 2021/25 – Remit from Policy & Resources Committee 179

There was submitted a report by the Interim Service Director Corporate Services & Organisational Development on a remit from the Policy & Resources Committee of 23 March 2021 requesting approval of the Capital Strategy 2021/31 and Treasury Strategy 2021/25.

Decided: that approval be given to the Capital Strategy 2021/31 and Treasury Strategy 2021/25, specifically:

- (a) Capital Strategy for 2021/31;
- (b) Treasury Management Strategy and Annual Investment Strategy;
- (c) Authorised limits from 2021/25;
- (d) Treasury Management Policy Statement as detailed in paragraph 5.6 of the report;
- (e) Policy on repayment of Loans Fund advances as detailed in paragraph 5.5 of the

THE INVERCLYDE COUNCIL - 22 APRIL 2021

report;

- (f) Treasury Policy Limits;
- (g) Prudential Indicators and Treasury Management Indicators; and
- (h) List of Permitted Investments (including those for Common Good Fund).

It was agreed in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 as amended, that the public and press be excluded from the meeting for the following item (Business in the Appendix) on the grounds that the business involved the likely disclosure of exempt information as defined in the respective paragraphs of Part I of Schedule 7(A) of the Act as detailed in the relevant minute.

Appendices to Minutes

180	Appointment Panel – Head of Legal Services – 3 February 2021	180
	Approved on the motion of Councillor Quinn.	
181	Policy & Resources Committee – 23 February 2021	181
	Approved on the motion of Councillor McCabe.	
182	Appointment Panel – Head of Legal Services – 24 February 2021	182
	Approved on the motion of Councillor Robertson.	
183	General Purposes Board – 10 March 2021	183
	Approved on the motion of Councillor Dorrian.	
184	Environment & Regeneration Committee – 16 March 2021	184
	Approved on the motion of Councillor Clocherty.	
185	Policy & Resources Committee – 23 March 2021	185
	Approved on the motion of Councillor McCabe.	
186	Environment & Regeneration Committee – 13 April 2021	186
	Approved on the motion of Councillor Clocherty.	
187	General Purposes Board – 14 April 2021	187
	Approved on the motion of Councillor Dorrian.	

LOCAL POLICE & FIRE SCRUTINY COMMITTEE – 27 MAY 2021

Local Police & Fire Scrutiny Committee

Thursday 27 May 2021 at 3pm

Present: Provost Brennan (for Clocherty), Crowther, Jackson, MacLeod, J McEleny, McVey, Moran, Murphy, Quinn and Wilson.

Chair: Councillor McVey presided.

In attendance: Corporate Director Education, Communities & Organisational Development, Head of Culture, Communities & Educational Resources, Service Manager Community Learning & Development, Community Safety & Resilience and Sport, Mr I Hanley (Community Safety & Resilience), Ms R Dillon (for Interim Head of Service Public Protection and Covid Recovery), Ms A Sinclair (Interim Head of Legal Services), Ms L Carrick and Ms D Sweeney (Legal Services), ICT Service Manager and Service Manager Communications, Tourism and Health & Safety.

In attendance also: Chief Superintendent D Duncan and Chief Inspector P Cameron (Police Scotland) and Group Manager D McCarrey and Station Manager M Meehan (Scottish Fire and Rescue Service).

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 Committee.

227 Apologies, Substitutions and Declarations of Interest 227

Apologies for absence were intimated on behalf of Councillor Clocherty with Provost Brennan substituting.

No declarations of interest were intimated.

228 Scottish Fire & Rescue Service Performance Report 228

There was submitted a report on the performance and activities of the Scottish Fire & Rescue Service during the reporting period 1 January 2021 to 31 March 2021. Prior to reporting on this item, Group Manager McCarrey provided an overview of the Career Ready Scheme starting over the next 12 to 18 months. The scheme encourages under-represented groups to consider a career in the Service. Group Manager McCarrey reported that the Fire Service will be holding events providing information about the different career paths open and the opportunities available within the Service. Group Manager McCarrey confirmed that three young people from Inverclyde are taking part in the scheme.

Group Manager McCarrey conveyed his thanks to the Communications Team at Inverclyde Council for promoting the scheme.

Decided: that the information in the report be noted.

LOCAL POLICE & FIRE SCRUTINY COMMITTEE – 27 MAY 2021

229 Police Scotland Performance Report**229**

There was submitted a report on the performance and activities of Police Scotland during the reporting period 1 April 2020 to 28 February 2021.

During discussion of this item Chief Inspector Cameron advised that Police Scotland and the Short Life Working Group chaired by the Corporate Director Education, Communities & Organisational Development are working on the new format in relation to reporting complaints back to the Committee.

Councillors Murphy and Wilson left the meeting during consideration of this item.

Decided: that the information contained in the report be noted.

230 Local Police & Fire Scrutiny Committee Update Report (May 2021)**230**

There was submitted a report by the Corporate Director Education, Communities & Organisational Development providing an update on current and emerging issues relating to both Police and Fire & Rescue Services.

Decided: that the current and emerging national issues relating to Police and Fire & Rescue matters be noted.

PLANNING BOARD – 2 JUNE 2021

Planning Board

Wednesday 2 June 2021 at 3pm

Present: Councillors Clocherty, Crowther, Dorrian, J McEleny, McKenzie, McVey, Moran, Nelson, Rebecchi and Wilson.

Chair: Councillor Wilson presided.

In attendance: Interim Service Director Environment and Economic Recovery, Planning and Building Standards Manager, Mr G Leitch and Ms E Provan (Roads and Transportation), Mr J Kerr (for Interim Head of Legal Services) Mr C MacDonald and Ms D Sweeney (Legal Services) and Mr P Coulter (for 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 Board.

231 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 231

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

No declarations of interest were intimated.

232 PLANNING APPLICATIONS 232

**(a) Proposed construction of new semi-detached dwelling houses and associated works:
Plots 8 and 9, Langhouse Mews, Inverkip (21/0084/IC)**

There was submitted a report by the Interim Service Director Environment & Economic Recovery on an application for planning permission by Grenville Ltd for the construction of new semi-detached dwelling houses and associated works at Plots 8 and 9, Langhouse Mews, Inverkip (21/0084/IC)

Decided: that planning permission be granted subject to the following conditions:-

(1) that prior to the commencement of development details and samples of all facing materials, including colours shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is approved in writing by the Planning Authority, to ensure accordance with the design of the adjacent existing houses within the former walled garden area in the interests of amenity;

(2) that prior to the commencement of development samples or other details of all soft and hard landscaping materials shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is approved in writing by the Planning Authority, to ensure accordance with the adjacent developments in the interests of the amenity of the area;

(3) that prior to the commencement of development, details of all boundary treatments shall be submitted to and approved in writing by the Planning Authority. The approved treatments shall thereafter be used unless a variation is approved in writing by

PLANNING BOARD – 2 JUNE 2021

the Planning Authority and shall be completed prior to the occupation of the relevant house, to allow assessment of the appropriateness of any boundary features in the interests of amenity;

(4) that all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). This shall include details of how flows are to be managed to avoid flooding of adjacent ground and shall be limited to that of greenfield run-off, and the containment of surface waters within the application site, to control runoff from the site and to reduce the risk of flooding;

(5) that all dwellings shall be designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies (rising to at least 20% by the end of 2022), details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the house, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009;

(6) that each of the dwellinghouses hereby permitted shall be provided with an electric vehicle charging point prior to its occupation in the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy;

(7) 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 to help arrest the spread of Japanese Knotweed in the interests of environmental protection. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation;

(8) that both driveways shall be paved over at least the first 2 metres to ensure usability of the driveways;

(9) that both driveway gradients shall not exceed 10% to prevent deleterious material being carried onto the carriageway;

(10) that prior to the commencement of development, confirmation of connection to the Scottish Water Network shall be submitted to and approved in writing by the Planning Authority, to ensure the suitability of infrastructure connections; and

(11) that the surfacing within the blue line indicated on drawing JCM5 Rev B shall be provided prior to the first of the dwellinghouses hereby permitted being occupied, to ensure the provision of adequate vehicular accesses to the driveways.

(b) Proposed erection of 22 no. 3 bedroom semi-detached houses, access road, open space and associated works:

The McPherson Centre, McPherson Drive, Gourock (20/0099/IC)

There was submitted a report by the Interim Service Director Environment & Economic Recovery on an application for planning permission by Titan Home Ltd for the erection of 22 no. 3 bedroom semi-detached houses, access road, open space and associated works at the McPherson Centre, McPherson Drive, Gourock (20/0099/IC).

Decided: that planning permission be granted subject to the following conditions:-

(1) that prior to their use on site, details of all external materials (inclusive of all walls, paving and hard surfacing) shall be submitted to and approved in writing by the Planning Authority. Development thereafter shall proceed utilising the approved materials unless an alternative is agreed in writing by the Planning Authority, to ensure

PLANNING BOARD – 2 JUNE 2021

the external materials are appropriate in the interests of visual amenity;

(2) notwithstanding the details set out on drawing 546.04.01a prior to the commencement of work on site the final details of a landscaping scheme and programme for completion shall be submitted to and approved by the Planning Authority to ensure the provision of an appropriate landscaping scheme. Development shall then proceed as approved unless any alternative is agreed in writing by the Planning Authority;

(3) that any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species, to ensure the retention of the approved landscaping scheme in the interests of visual amenity;

(4) that details of maintenance and management for the landscaping approved in terms of condition 2 above shall be submitted to and approved in writing by the Planning Authority prior to the start of construction of the development hereby permitted, to ensure the maintenance of the approved landscaping scheme in the interests of visual amenity. Management and maintenance shall commence upon completion of the landscaping;

(5) the hedge fronting McPherson Drive shall be retained as part of the development and prior to works commencing on site, protection measures for the hedge shall be erected to the satisfaction of the Planning Authority and not removed during the course of construction work, to ensure the hedge to be retained is suitably protected during works on site;

(6) that prior to each dwellinghouse hereby permitted being occupied, all new roads and footways leading to it shall be surfaced to a sealed base course, to ensure the provision of acceptable safe access facilities during construction;

(7) that within 4 weeks of the last of the dwellinghouses hereby permitted being completed, all roads and footways within the application site shall be completed to a final wearing course, to ensure the provision of acceptable safe access facilities following construction;

(8) that a visibility splay of 2.4m x 43m x 1.05m shall be provided the road junction with McPherson Drive and the new road within the development hereby permitted and be maintained and kept clear of obstruction at all times in the future to the satisfaction of the Planning Authority, to ensure the appropriate junction visibility splays are provided and maintained, in the interest of road safety;

(9) that the visibility splay of 2.0m x 20.0m x 1.05m shall be provided for all driveways within the development hereby permitted and be maintained and kept clear of obstruction at all times in the future to the satisfaction of the Planning Authority, to ensure that appropriate driveway visibility splays are provided and maintained, in the interest of road safety;

(10) driveway parking spaces shall be completed and available for use prior to the occupation of each associated dwellinghouse and visitor parking spaces shall be completed and be available for use prior to the occupation and completion of the final dwellinghouse. All parking spaces shall remain free from obstruction and available for use at all times thereafter. The visitor parking spaces shall be a minimum of 2.5m by 5m and driveway spaces shall be a minimum of 3m by 5.5m, to ensure suitable parking provision for residents and visitors, in the interests of road safety;

(11) that the first 2 metres of the driveways shall be paved, to avoid deleterious materials being carried onto the road and footway, in the interests of road safety;

(12) the driveway accesses of plots 10 and 11 shall be a minimum of 10 metres from the road junctions adjacent to the plots, to ensure suitable separation between driveways and road junctions, in the interests of road safety;

(13) that all roads and footpaths shall have a gradient not more than 8% and all

PLANNING BOARD – 2 JUNE 2021

parking spaces (driveway and visitor) shall have a gradient of not more than 10%, to ensure suitable road, footpath and parking space gradients in the interests of road safety;

(14) any retaining walls of structures adjacent to the road or footways (new or existing) shall be subject to structural technical approval. Details of this shall be submitted to and approved in writing by the Planning Authority prior to the commencement of construction, to ensure the safety of this section of the wall in the general public interest;

(15) that all surface water run off shall be intercepted within the site both during construction and on completion of the development, to avoid surface water run-off from the site in the interests of avoiding flooding;

(16) that prior to the commencement of works on site Scottish Water's approval of the drainage regime shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved drainage regime shall be fully implemented commensurately with the construction of the dwellinghouses hereby permitted and surface water run-off should be limited to that of Greenfield run-off to the satisfaction of the Planning Authority, to ensure the implementation of the drainage regime in the interests of avoiding flooding;

(17) the recommendations in respect of the "toolbox talk" and requirements for future surveys set out in the "Discussion and Recommendations" section of the submitted Bat Roost Survey report by Tetrix Ecology dated 30th July 2020 shall be fully followed to the satisfaction of the Planning Authority, in the interests of the protection of European Protected Species;

(18) that no site clearance works (building or trees and vegetation) shall be undertaken during the bird nesting season March to August inclusive unless first agreed in writing by the Planning Authority. For the avoidance of doubt, any such agreement will require a full nesting bird survey prior to the commencement of works on site, the methodology and findings of which shall be submitted to the Planning Authority, in the interests of the protection of and avoidance of disturbance to nesting birds;

(19) that the dwellinghouse hereby permitted shall be designed to ensure that at least 15%, rising to 20% by the end of 2022 of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies, details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the first house on site, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009;

(20) that no part of the development shall be occupied until the contents of the Travel Information Pack which encourages reduced dependency on the private car by highlighting the location of local amenities, public transport services and active travel routes is submitted to and approved in writing by the Planning Authority. Thereafter, on the occupation of each dwelling, the approved Travel Information Pack shall be provided to new residents, to encourage sustainable travel behaviour;

(21) 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, to help arrest the spread of Japanese Knotweed in the interests of environmental protection. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation;

(22) that the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme with timescale for

PLANNING BOARD – 2 JUNE 2021

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;

(23) 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 with plans delineating placement and thickness, to ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interests of human health and environmental safety;

(24) 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; and

(25) that each of the dwellinghouses hereby permitted shall be provided with an electric vehicle charging point prior to its occupation, in the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.

(c) External alterations and change of use of former farm outbuildings to forge with associated office and storage accommodation (amendment to planning permissions 18/0140/IC and 20/0275/IC in respect the provision of a replacement building to accommodate the forge):

Lawpark Farm, Stepends Road, Kilmacolm (21/0071/IC)

There was submitted a report by the Interim Service Director Environment & Economic Recovery on an application for planning permission by Mr J Eadie for external alterations and change of use of former farm outbuildings to forge with associated office and storage accommodation (amendment to planning permissions 18/0140/IC and 20/0275/IC in respect the provision of a replacement building to accommodate the forge) at Lawpark Farm, Stepends Road, Kilmacolm (21/0071/IC)

Decided: that planning permission be granted subject to the following condition:-

(1) that prior to use on site, details of the exact colour shade and specification of the external cladding to the building hereby permitted shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless otherwise first agreed in writing by the Planning Authority, to ensure the colour and specification are appropriate for the rural location, in the interests of visual amenity.

PLANNING BOARD – 2 JUNE 2021

233 PLANNING APPEAL

233

6 Knockbuckle Lane, Kilmacolm

There was submitted a report by the Interim Service Director Environment & Economic Recovery advising that following the decision of the Board at the meeting held on 3 February 2021 to refuse planning permission for a detached garden room in garden grounds of existing dwelling house (in retrospect) at 6 Knockbuckle Lane, Kilmacolm (1) notification has been received that an appeal against the refusal has been lodged with the Scottish Government; (2) a Reporter has not yet been appointed to determine the appeal nor has the means by which the appeal is to be determined been clarified; and (3) that the appellant is seeking expenses on the grounds that the Council has not determined the application on legitimate planning grounds.

Decided: that the position be noted.

234 PLANNING APPEAL

234

Blackwater Farm, Woodhead Road, Kilmacolm

There was submitted a report by the Interim Service Director Environment & Economic Recovery advising that following the decision of the Board at the meeting held on 2 September 2020 to grant planning permission subject to a condition restricting the permission to a 3 year period, and a subsequent appeal to the Scottish Government against the condition, the appointed Reporter found the holiday chalet to be compliant with the relevant provisions of the development plan, national planning circulars and visual amenity. The appeal was upheld and the condition removed, subject to imposition of the following conditions:-

(1) details in accordance with the approved plans of the surfacing around the chalet and the access track to the chalet shall be submitted to and approved in writing by the Planning Authority within three months of the date of this notice, to ensure that parking provision is provided on site to prevent parking on nearby road verges and in the interests of visual amenity;

(2) that the holiday chalet shall be used in all time solely as a holiday chalet and not for any other purpose under Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, to prevent sporadic residential development in the countryside; and

(3) that should the use of the chalet as a holiday chalet cease, the building shall be removed from the site within three months and the ground re-instated within three months with a treatment to be approved in writing by the Planning Authority, to protect the visual amenity of the countryside.

Decided: that the position be noted.

LOCAL REVIEW BODY – 2 JUNE 2021

collection, treatment and disposal of cooking odours has been submitted to and approved by the Planning Authority. Such specification shall include precise details on the location of the equipment used, the volume and type of cooking and heating of food, canopies, grease filters, rates of air movement over the canopies, make-up air, air disposal points etc., to protect the amenity of the immediate area and prevent the creation of odour nuisance;

(3) in the event of any changes to either the volume or type of cooking and heating of food from that approved by the Planning Authority in condition 2, or if the alternative odour extraction arrangements approved under condition 1 result in an odour or noise nuisance being brought to the attention of the Planning Authority, the flue as detailed on the approved plans shall be installed and operational, to ensure that the ventilation arrangements will not be to the detriment of neighbouring residential properties;

(4) the system for discharging cooking odours approved under conditions 1 and 2 shall be fully implemented to the satisfaction of the Planning Authority prior to the commencement of the use hereby approved. It shall then remain in full and effective working order at all times thereafter during the lifetime of the use, to the satisfaction of the Planning Authority, to ensure the provision and retention of the system for discharging cooking odours; and

(5) that details of bin store screening shall be submitted to and approved in writing by the Planning Authority and constructed or implemented, all prior to the commencement of the approved use, in the interests of visual amenity.

Advisory Notes

(1) the development shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours has been submitted to and approved by the Planning Authority. Such specification shall include precise details on the location of equipment used for the cooking and heating of food, canopies, grease filters, rates of air movement over the canopy, make-up air, air disposal points etc.;

(2) 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;

(3) all external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption";

(4) the applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and its implications on client duties etc;

(5) Design and Construction of Buildings – Gulls: It is very strongly recommended that appropriate measures be taken in the design of all buildings and their construction, to inhibit the roosting and nesting of gulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the development;

(6) consultation on Proposed Use: It is strongly recommended that prior to the commencement of any works the applicant consults with Officers of Safer and Inclusive Communities to ensure structural compliance with legislation relating to;

(a) Food Safety Legislation,

(b) Health and Safety at Work etc. Act 1974; and

(7) alteration to current use and likely impact on ventilation requirements. It is imperative that if there is any alteration to the use which has been outlined in this application such as a change to the type of cooking carried out, cooking equipment to be used, food types or a significant increase in the volume of cooking that officers of Environmental and Public Protection (Public Health and Housing) and Planning are

LOCAL REVIEW BODY – 2 JUNE 2021

consulted with a view to the likely increase in cooking odours resulting in a need to improve the ventilation/ air handling to the premises.

As an amendment, Councillor Nelson moved that (1) 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) due to the proximity of sensitive receptors and the likelihood of odour emissions from the proposed low level grille extract. Accordingly, the proposal is not justified under Policy 1 of the Inverclyde Local Development Plan and would be likely to have an unacceptable impact on the amenity and operation of existing and surrounding land uses under criterion (a) of Policy 24 of the Inverclyde Local Development Plan.

Following a roll call vote, 3 Members, Councillors Nelson, Rebecchi and Wilson voted in favour of the amendment and 4 Members, Councillors Clocherty, Crowther, Dorrian and McKenzie voted for 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 and advisory notes:-

Conditions

(1) the flue as detailed on the approved plans shall be installed or alternative odour extraction arrangements shall be submitted to and approved in writing with the Planning Authority. The extraction arrangement agreed in writing by the Planning Authority shall be installed and operational prior to the commencement of the use, to ensure that the ventilation arrangements will not be to the detriment of neighbouring residential properties;

(2) the development shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours has been submitted to and approved by the Planning Authority. Such specification shall include precise details on the location of the equipment used, the volume and type of cooking and heating of food, canopies, grease filters, rates of air movement over the canopies, make-up air, air disposal points etc., to protect the amenity of the immediate area and prevent the creation of odour nuisance;

(3) in the event of any changes to either the volume or type of cooking and heating of food from that approved by the Planning Authority in condition 2, or if the alternative odour extraction arrangements approved under condition 1 result in an odour or noise nuisance being brought to the attention of the Planning Authority, the flue as detailed on the approved plans shall be installed and operational, to ensure that the ventilation arrangements will not be to the detriment of neighbouring residential properties;

(4) the system for discharging cooking odours approved under conditions 1 and 2 shall be fully implemented to the satisfaction of the Planning Authority prior to the commencement of the use hereby approved. It shall then remain in full and effective working order at all times thereafter during the lifetime of the use, to the satisfaction of the Planning Authority, to ensure the provision and retention of the system for discharging cooking odours; and

(5) that details of bin store screening shall be submitted to and approved in writing by the Planning Authority and constructed or implemented, all prior to the commencement of the approved use, in the interests of visual amenity.

Advisory Notes

(1) the development shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours has been submitted to and

LOCAL REVIEW BODY – 2 JUNE 2021

approved by the Planning Authority. Such specification shall include precise details on the location of equipment used for the cooking and heating of food, canopies, grease filters, rates of air movement over the canopy, make-up air, air disposal points etc;

(2) 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;

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

(4) the applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and its implications on client duties etc;

(5) Design and Construction of Buildings – Gulls: It is very strongly recommended that appropriate measures be taken in the design of all buildings and their construction, to inhibit the roosting and nesting of gulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the development;

(6) consultation on Proposed Use: It is strongly recommended that prior to the commencement of any works the applicant consults with Officers of Safer and Inclusive Communities to ensure structural compliance with legislation relating to;

(c) Food Safety Legislation,

(d) Health and Safety at Work etc. Act 1974; and

(7) alteration to current use and likely impact on ventilation requirements. It is imperative that if there is any alteration to the use which has been outlined in this application such as a change to the type of cooking carried out, cooking equipment to be used, food types or a significant increase in the volume of cooking that officers of Environmental and Public Protection (Public Health and Housing) and Planning are consulted with a view to the likely increase in cooking odours resulting in a need to improve the ventilation/ air handling to the premises.

**(b) Erection of two storey extension with single storey extension incorporating a canopy and external terrace:
Ardfruch, Glenmosston Road, Kilmacolm (20/0314/IC)**

There were submitted papers relative to the application for review for the refusal of planning permission for the erection of two storey extension with single storey extension incorporating a canopy and external terrace at Ardfruch, Glenmosston Road, Kilmacolm (20/0314/IC) to enable the Local Review Body to consider the matter afresh. Councillor Wilson declared a non-financial interest in this item as a member of Strathclyde Partnership for Transport. He also formed the view that the nature of his interest and of the item of business did not preclude his continued presence in the meeting or his participation in the decision making process.

Prior to the commencement of discussion on this item, Mr Kerr clarified that in consideration of the review, the relevant Inverclyde Local Development Plan 2019 Planning Application Advice Notes were Advice Note 4 (House Extensions) and Advice Note 5 (Outdoor Seating Areas) as contained in the agenda papers.

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

LOCAL REVIEW BODY – 2 JUNE 2021

(2) that the application for review be upheld and permission be granted subject to the following condition:-

1. development shall not commence until samples of materials to be used on all external surfaces of the development hereby approved have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

**(c) Erection of shed in front drive:
26A Victoria Road, Gourrock (20/0324/IC)**

There were submitted papers relative to the application for review for the refusal of planning permission for the erection of a shed in front drive at 26A Victoria Road, Gourrock (20/0324/IC) to enable the Local Review Body to consider the matter afresh.

Prior to the commencement of discussion on this item, Mr Kerr highlighted the new matter contained in the agenda papers and advised members that the inclusion or otherwise of this information as a material planning consideration in the review was a matter for the committee to decide in terms of Section 43B of the 1997 Act. The Members agreed to have regard to the new matter.

Ms Pickett acted as Planning Adviser relative to this case.

Following discussions, Councillor Nelson moved that (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 16 of the Town & Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008, consideration of the application for review be continued for an unaccompanied site inspection to be arranged by the Interim Head of Legal Services in consultation with the Chair.

As an amendment, Councillor McKenzie moved that (1) 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. by reason of location and design, including the use of finishing materials, the development fails to reflect local architecture and urban form as required by Policy 1 of the Inverclyde Local Development Plan; and

2. the proposal would result in an unexpected and dominant feature on the streetscape, which would harm the established pattern of development and setting of the Conservation Area, contrary to the aims of Policy 28 of the Inverclyde Local Development Plan.

Following a roll call vote, 3 Members, Councillors Clocherty, McKenzie and Wilson voted in favour of the amendment, and 4 Members, Councillors Crowther, Dorrian, Nelson and Rebecchi voted in favour of the motion 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 16 of the Town & Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008, consideration of the application for review be continued for an unaccompanied site inspection to be arranged by the Interim Head of Legal Services in consultation with the Chair.