

LOCAL REVIEW BODY – 1 SEPTEMBER 2021

Local Review Body

Wednesday 1 September 2021 at 4pm

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

Chair: Councillor Wilson presided.

In attendance: Ms M Pickett (Planning Adviser), Mr J Kerr (Legal Adviser), Mr C MacDonald, Ms D Sweeney and Mr P MacDonald (Legal Services) and Mr P Coulter (for Service Manager Communications, Tourism and Health & Safety).

The meeting was held at the Municipal Buildings, Greenock with Councillors Dorrian, McKenzie and Rebecchi attending by video-conference.

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

348 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 348

No apologies for absence or declarations of interest were intimated.

349 CONTINUED PLANNING APPLICATION FOR REVIEW 349

**(a) 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, consideration of which had been continued from the meeting held on 2 June 2021 for an unaccompanied site visit.

Ms Pickett acted as Planning Adviser relative to this case.

Not having attended the site visit, Cllrs Clocherty and Dorrian did not participate in consideration of this item.

Following discussions, 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 upheld and that planning permission be granted subject to the following conditions:-

1. that prior to the commencement of development, samples of all external materials and finishes shall be submitted to and approved in writing by the Planning Authority: development thereafter shall proceed utilising the approved materials and finishes, unless the Planning Authority gives its prior written approval to any alternatives, to enable the Planning Authority to retain effective control of facing and finishing materials in the interests of visual amenity within the Conservation Area.

2. that the adjacent wall be raised to 1.8m in height in the interests of amenity.

As an amendment Councillor Rebecchi moved that (1) sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) the application for review be dismissed and that planning permission be refused (upholding the Appointed Officer's determination) for the following reasons:

LOCAL REVIEW BODY – 1 SEPTEMBER 2021

(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 Inverclyde Local Development Plan.

(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, 2 Members, Councillors Crowther and Nelson voted in favour of the motion, and 3 Members Councillors McKenzie, Rebecchi and Wilson 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:

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 Inverclyde Local Development Plan.

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.

350 PLANNING APPLICATION FOR REVIEW

350

**(a) Planning permission in principle for residential development, landscaping, parking, access and associated works:
Land at Glasgow Road, Port Glasgow (19/0140/IC)**

There were submitted papers relative to the application for review for the refusal of planning permission in principle for residential development, landscaping, parking, access and associated works at land at Glasgow Road, Port Glasgow (19/0140/IC) to enable the Local Review Body to consider the matter afresh.

Ms Pickett acted as Planning Adviser relative to this case.

Ms Pickett advised the Local Review Body of the general description of the planning application, the development plan context and the eight reasons for refusal in the Report of Handling.

Following discussions, Councillor Rebecchi moved (1) that sufficient information had not been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) that the application for review be continued to allow for a further written submission from the Roads Service.

As an amendment, Councillor Wilson 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 and advisory notes:

Conditions

(1) This permission is granted under the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 on an application for Planning Permission in Principle and further approval of the Planning Authority or of the Scottish Ministers on appeal shall be required with respect to the under mentioned matters hereby reserved before any development is

LOCAL REVIEW BODY – 1 SEPTEMBER 2021

commenced. Plans and particulars of the matters listed below shall therefore be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), in the interests of the avoidance of flooding affecting the development hereby permitted: (a) the siting, design, and external appearance of all buildings and other structures; (b) the means of access to the site; (c) the layout of the site, including all roads, footways, car and cycle parking areas; (d) the details of, and timetable for implementation of, the hard and soft landscaping of the site; (e) details of the management and maintenance of the areas identified in 'd' above; (f) the design and location of all boundary walls and fences; (g) details of the provision of full drainage works incorporating Sustainable Drainage Systems (SuDS) and a field drain at the bottom of the slopes around the site; (h) the disposal of sewage; (i) details of any existing trees, shrubs and hedgerows to be retained; (j) a landscape planting scheme that shows how existing trees and woodland within the application site will be connected to habitat features outwith the site; (k) details of existing and proposed site levels; and (l) details of bin storage arrangements whether within individual plots or communal;

(2) prior to the commencement of works on site, confirmation of Scottish Water's acceptance of the foul and surface water drainage proposals shall be submitted to and approved in writing by the Planning Authority, to confirm that the drainage proposals can be implemented in the interests of the avoidance of flooding;

(3) the drainage details approved under condition 1(g) shall be implemented commensurately with the development of the site, be complete for each individual dwellinghouse prior to occupation and be complete across the site prior to the occupation of the final dwellinghouse, to ensure the adequacy and implementation of the drainage regime for the development hereby permitted;

(4) all surface water shall be contained within the site during and after the development, to the satisfaction of the Planning Authority, to avoid surface water run-off from the site in the interests of the avoidance of flooding;

(5) that prior to the commencement of works on site, an updated ecological survey inclusive of bird breeding census and badger survey shall be undertaken. The report of survey shall thereafter be submitted to and approved in writing by the Planning Authority. Should the ecological survey identify the need for mitigation to protect one or more species, this shall be implemented in accordance with a species protection plan (s) which is to be submitted to and agreed in writing with the Planning Authority before works commence on the site, to ensure the development is informed by an up to date ecological survey in the interests of the protection of and the avoidance of disturbance to nesting birds and other wildlife, and to ensure appropriate mitigation is implemented where required;

(6) no trees within the application site shall be felled until full details of all tree felling has been submitted to and approved by the Planning Authority, to ensure the protection and retention of trees. Works shall then proceed as approved;

(7) that prior to the commencement of works on site tree protection measures for all trees to be retained both within or adjacent to the application site shall be erected in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS 5837:2012, to the satisfaction of the Planning Authority and not removed during the course of construction work, to ensure the retention of and avoidance of damage to trees during development;

(8) site clearance work shall only be undertaken outwith the bird breeding season March to September inclusive. Details of any additional protection required relating to the heronry potentially located in the site shall be identified as part of the updated ecological survey submitted under condition 5 above and all additional

LOCAL REVIEW BODY – 1 SEPTEMBER 2021

recommendations relating to required protection followed to the satisfaction of the Planning Authority, to ensure the protection of breeding birds within the application site;
(9) the Biodiversity Enhancement section of the Preliminary Ecological Appraisal Report by Cairn Ecology dated 25th March 2019 shall be implemented in full together with any further enhancements recommended as part of the updated ecological survey submitted under condition 5 above, to ensure the implementation of biodiversity enhancements as part of the development;

(10) that any of the trees, areas of grass or planted shrubs approved as part of the landscaping scheme that die, become diseased, are damaged or removed within 5 years of planting shall be replaced with others of a similar size and species within the following planting season, to ensure the retention of the landscaping scheme within the application site;

(11) All footpaths to be provided shall be a minimum width of 2 metres and all roads a minimum of 5.5 metres, to ensure suitable provision for road users and pedestrians in the interests of road safety;

(12) parking shall be provided in accordance with the National Roads Development Guide, to ensure suitable parking provision is provided within the development in the interests of road safety;

(13) the first 2 metres of all driveways shall be paved, to avoid deleterious material being carried onto the roadway in the interests of road safety;

(14) 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;

(15) 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;

(16) 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 interest of human health and environmental safety; and

(17) 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

LOCAL REVIEW BODY – 1 SEPTEMBER 2021

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) that prior to the commencement of any site clearance works, the applicant requires to satisfy themselves by undertaking a comprehensive survey that the development shall not impact upon Protected Species;

(2) to protect the amenities of occupiers of premises from unreasonable noise and vibration levels the applicant must consult or arrange for their main contractor to consult with either Sharon Lindsay or Emilie Smith at Inverclyde Council, Environmental & Public Protection (01475 714200), prior to the commencement of works to agree times and methods to minimise noise disruption from the site;

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

(4) site drainage; Suitable and sufficient measures for the effective collection and disposal of surface water should be implemented during construction phase of the project as well as within the completed development to prevent flooding within this and nearby property;

(5) rats, drains and sewers: Prior to the construction phase it is strongly recommended that any existing, but redundant, sewer/drainage connections should be sealed to prevent rat infestation and inhibit the movement of rats within the area via the sewers/drains;

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

(7) surface water: Water: Any SUDS appraisal must give appropriate weight to not only any potential risk of pollution to watercourses but to suitable and sufficient measures for the effective collection and disposal of surface water to prevent flooding. Measures should be implemented during the construction phase of the project as well as within the completed development to prevent flooding within the application site and in the property/land nearby. It is also recommended that a long term maintenance plan should be developed prior to the commencement of the proposed development; and

(8) 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.

Following a roll call vote, 2 Members, Councillors Nelson and Rebecchi voted in favour of the motion, and 5 members, Councillors Clocherty, Crowther, Dorrian, McKenzie and Wilson voted in favour of the amendment which was declared carried.

The motion and amendment were subsequently withdrawn under Standing Order 30.

During consideration of this item, Mr Kerr advised Members that (1) they could not attach a suspensive condition to deal with the failure to submit a bat survey as that would be in breach of the Conservation (Natural Habitats &c) Regulations 1994 and contrary to the Chief Planner's letter dated 16 May 2006; and (2) they could not attach a condition to deal with upgrade works and the provision and retention of a visibility splay as that would be ultra vires having regard to Circular 4/1998.

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 (a) the application for review be continued; and (b) the Local Review Body

LOCAL REVIEW BODY – 1 SEPTEMBER 2021

request written submissions from the applicant in terms of Regulation 15 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 in respect of the matters which comprised reasons for refusal 4 and 5 in the Report of Handling, such submissions to be received by the Local Review Body before 1 September 2022.