

## LOCAL REVIEW BODY – 2 FEBRUARY 2022

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### Local Review Body

#### Wednesday 2 February 2022 at 4pm

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

**Chair:** Councillor Wilson presided.

**In attendance:** Mr A Hamilton and Ms M Pickett (Planning Advisers), Mr J Kerr (Legal Adviser), Mr C MacDonald and Ms L Carrick (Legal & Democratic Services).

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.**

#### 75 **APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST** 75

No apologies for absence were intimated.

No declarations of interest were intimated, but certain connections were intimated as follows:

Councillor Wilson declared a connection in Agenda Item 2(a) (Planning Application for Review: Land at Blacksholm Road (north of Slates Farm), Kilmacolm (21/0251/IC)).

Councillor McKenzie declared a connection in Agenda Item 2(b) (Planning Application for Review: Valley View Farm, Dougliehill Road, Port Glasgow (21/0211/IC)).

#### 76 **PLANNING APPLICATIONS FOR REVIEW** 76

##### (a) **Erection of dwellinghouse and livery stables (planning permission in principle): Land at Blacksholm Road (north of Slates Farm), Kilmacolm (21/0251/IC)**

There were submitted papers relative to the application for review for the refusal of the erection of a dwellinghouse and livery stables (planning permission in principle) at land at Blacksholm Road (north of Slates Farm), Kilmacolm (21/0251/IC) to enable the Local Review Body to consider the matter afresh.

Councillor Wilson declared a connection as an acquaintance of the applicant through her role as Chair of the Kilmacolm Community Council. He also formed the view that the nature of his connection and of the item of business did not preclude his continued presence in the meeting or his participation in the decision making process and was declaring for transparency.

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

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

Conditions

1 that development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed site layout. The proposed layout shall be shown on a plan at a scale of 1:500 showing the position of the proposed dwellinghouse and the proposed livery stables with isolation box, means of access, parking areas and vehicular turning areas, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location, thereafter the matters that are approved shall be implemented in their approved form;

2 that development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed floor plans and elevations of the proposed dwellinghouse and the proposed livery stables with isolation box and shall show dimensions as well as the type and colour of all external materials, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location, thereafter the matters that are approved shall be implemented in their approved form;

3 that development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the type and colour of all hard surfacing materials to be used on hardstanding areas, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location, thereafter the matters that are approved shall be implemented in their approved form;

4 that development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed ground levels throughout the site and proposed finished floor levels of the proposed dwellinghouse and proposed livery stables with isolation box, in relation to a fixed datum point. The application shall include existing ground levels taken from the same fixed datum point, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location, thereafter the matters that are approved shall be implemented in their approved form;

5 that development shall not commence until an application for approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the details of surface water management and Sustainable Urban Drainage Systems proposals. For the avoidance of doubt the surface water management shall be contained within the site, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location, thereafter the matters that are approved shall be implemented in their approved form;

6 that for the avoidance of doubt the applications submitted in relation to conditions 1 and 2 above shall allow for the following:

- (i) parking should be provided in accordance with the National Guidelines:
  - 1 parking space for a 1 bedroom house;
  - 2 parking spaces for a 2 or 3 bedroom house;
  - 3 parking spaces for a 4 bedroom house;Note – for a garage to be counted as a parking space, it must be a minimum of 3.0m by 7.0m;
- (ii) the minimum dimensions of the parking spaces shall be 3m wide by 6m long;

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- (iii) the driveway shall be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road and the gradient shall not exceed 10%;

to ensure that the required level of parking is provided in the site is acceptable;

7 that for the avoidance of doubt the dwellinghouse 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). Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed low and zero carbon generating technologies to be installed in the dwellinghouse. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of the dwellinghouse, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009; and

8 that for avoidance of doubt the dwellinghouse shall have an Electric Vehicle Charging Point. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed Electric Vehicle Charging Point. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of the dwellinghouse, in the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.

**(b) Proposed new detached dwellinghouse (in principle):  
Valley View Farm, Dougliehill Road, Port Glasgow (21/0211/IC)**

There were submitted papers relative to the application for review for a proposed new detached dwellinghouse (in principle) at Valley View Farm, Dougliehill Road, Port Glasgow (21/0211/IC) to enable the Local Review Body to consider the matter afresh.

Councillor McKenzie declared a connection as a professional acquaintance of the applicant. He also formed the view that the nature of his connection and of the item of business did not preclude his continued presence in the meeting or his participation in the decision making process and was declaring for transparency.

Mr Hamilton acted as Planning Adviser relative to this case.

Following discussions, 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 and advisory notes:-

Conditions

1 that plans and particulars of the matters listed below shall 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). No work shall begin until the written approval of the planning authority has been given, and the development shall be carried out in accordance with that approval, to ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006;

2 that details of the proposed layout are required to accord with condition 1 above. These shall be shown on a plan at a scale of 1:500 showing the position of the proposed dwelling, means of access and parking provision, to ensure a precise and acceptable form of development in the interests of future Occupants, the proper functioning of the development, and the appearance of the locality. The details shall allow for the following:

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- (i) parking (including garages if not less than 3.0 metres by 7.0 metres in size) to be provided in accordance with the National Guidelines of one parking space for a 1-bedroom house, 2 parking spaces for a 2- or 3-bedroom house, and 3 parking spaces for a 4- bedroom house;
  - (ii) the minimum dimensions of driveways shall be 3 metres wide by 5.5 metres long per bay and the driveway gradients shall not exceed 10%;
- 3 that the proposed floor plans and elevations of all buildings are required to accord with condition 1 above, including dimensions and type and colour of all external materials, to ensure a precise and acceptable form of development in the interests of future occupants and the appearance of the locality;
- 4 that details are required to accord with condition 1 above of the type and colour of all hard surfacing materials and that for the avoidance of doubt, the first 2 metres of the vehicular access shall be formed in a hard sealed surface, to ensure a precise and acceptable form of development in the interests of future occupants and the appearance of the locality;
- 5 that details are required to accord with condition 1 above of the proposed landscaping at the site, to ensure a precise and acceptable form of development in the interests of future occupants and the appearance of the locality. These details shall include:
- (i) planting grass, seeking and/or turfing
  - (ii) details of any tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted as well as identifying trees that are to be retained or removed;
  - (iii) details of any moulding or levels adjustments;
- 6 that details are required to accord with condition 1 above of any walls or fences to be erected on the site, to ensure a precise and acceptable form of development in the interests of future occupants and the appearance of the locality;
- 7 that details are required to accord with condition 1 above of the visibility splays to be provided in both directions at the junction of the vehicular access with Dougliehill Road. The visibility splays shall be a minimum of 2.0 metres x 75.0 metres x 1.05 metres, in the interests of road safety at and near the access;
- 8 that details are required to accord with condition 1 above of low and zero carbon generating technologies to be installed in the house. The house shall be designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards (rising to at least 20% by the end of 2022) is met through the installation and operation of low and zero carbon generating technologies, in the interests of minimising carbon emissions. The house shall be not be occupied until the approved details for that house have been fully implemented as approved;
- 9 that details are required to accord with condition 1 above of an electric vehicle charging point for the house, in the interests of minimising carbon emissions. The house shall be occupied before its charging point has been installed as approved;
- 10 that all surface water should be managed within the site to prevent flooding to surrounding properties and the public road network, to prevent flooding occurring;
- 11 that confirmation of Scottish Water's acceptance of the proposed development shall be submitted for approval prior to the start of development, to ensure adequate drainage connections can be achieved;

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12 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;

13 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;

14 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;

15 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 a 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

16 that 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 residential accommodation 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, protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.

**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 its implications on client duties etc.

As an amendment Councillor Clocherty 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:-

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1 that as the proposal is for a detached dwellinghouse within the Green Belt which has not been justified under Policy 14 of the adopted 2019 Inverclyde Local Development Plan or Policies 15 and 19 of the proposed 2021 Inverclyde Local Development Plan, it is contrary to both the adopted 2019 Inverclyde Local Development Plan and proposed 2021 Inverclyde Local Development Plan respectively;

2 that as the proposal is for a detached dwellinghouse in a rural location with no safe and convenient links to the wider walking network it is unlikely to promote sustainable and active travel and is therefore contrary to Policy 10 of the adopted 2019 Inverclyde Local Development Plan and Policy 11 of the proposed 2021 Inverclyde Local Development Plan;

3 that as the applicant has not demonstrated that the proposal will not be at significant risk of flooding or increase the level of flood risk elsewhere it has not been justified under Policy 8 of the adopted 2019 Inverclyde Local Development Plan or Policy 9 of the proposed 2021 Inverclyde Local Development Plan;

4 that as the application site is not a brownfield site within an identified settlement boundary it cannot be justified against Policy 18 of the proposed 2021 Inverclyde Local Development Plan;

5 that as the proposal does not accord with the sustainable principles of Scottish Planning Policy (2014), specifically in that it would not support town centre and regeneration priorities; would not support the delivery of accessible housing; would not support climate change mitigation and adaptation including taking account of flood risk; and does not have regard for sustainable land use, it does not therefore constitute sustainable development and is contrary to the Scottish Planning Policy.

Following a roll call vote, 3 members, Councillors Crowther, McKenzie and Nelson voted in favour of the motion and 4 members, Councillors Clocherty, Dorrian, 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. that as the proposal is for a detached dwellinghouse within the Green Belt which has not been justified under Policy 14 of the adopted 2019 Inverclyde Local Development Plan or Policies 15 and 19 of the proposed 2021 Inverclyde Local Development Plan, it is contrary to both the adopted 2019 Inverclyde Local Development Plan and proposed 2021 Inverclyde Local Development Plan respectively;

2. that as the proposal is for a detached dwellinghouse in a rural location with no safe and convenient links to the wider walking network it is unlikely to promote sustainable and active travel and is therefore contrary to Policy 10 of the adopted 2019 Inverclyde Local Development Plan and Policy 11 of the proposed 2021 Inverclyde Local Development Plan;

3. that as the applicant has not demonstrated that the proposal will not be at significant risk of flooding or increase the level of flood risk elsewhere it has not been justified under Policy 8 of the adopted 2019 Inverclyde Local Development Plan or Policy 9 of the proposed 2021 Inverclyde Local Development Plan;

4. that as the application site is not a brownfield site within an identified settlement boundary it cannot be justified against Policy 18 of the proposed 2021 Inverclyde Local Development Plan;

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5. that as the proposal does not accord with the sustainable principles of Scottish Planning Policy (2014), specifically in that it would not support town centre and regeneration priorities; would not support the delivery of accessible housing; would not support climate change mitigation and adaption including taking account of flood risk; and does not have regard for sustainable land use, it does not therefore constitute sustainable development and is contrary to the Scottish Planning Policy.