

LOCAL REVIEW BODY – 2 MARCH 2022

Local Review Body

Wednesday 2 March 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 at the Municipal Buildings, Greenock with Councillors Clocherty, Crowther, 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.

139 **APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST** 139

No apologies for absence were intimated.

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

Councillor Clocherty declared a connection in Agenda Item 2(a) (Planning Application for Review: Site at eastern end of Cowal Crescent, Gourrock (21/0186/IC)).

140 **PLANNING APPLICATIONS FOR REVIEW** 140

(a) **Demolition of existing garage and erection of detached house with integral garage and associated landscaping works: Site at eastern end of Cowal Crescent, Gourrock (21/0186/IC)**

There were submitted papers relative to the application for review for the refusal of demolition for an existing garage and erection of detached house with integral garage and associated landscaping works at a site at the eastern end of Cowal Crescent, Gourrock (21/0186/IC) to enable the Local Review Body to consider the matter afresh. Councillor Clocherty declared a connection as an acquaintance of the applicant through his role as a member of the board of Inverclyde Leisure. 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 Crowther 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:-

1. this permission is granted subject to the condition that the development to which it relates must be begun not later than the expiration of 3 years beginning with the date of this permission, in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997;

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2. 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, in the interests of amenity;
3. 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, in the interests of the amenity of the area;
4. 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 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;
5. 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 to reduce the risk of flooding;
6. that the dwelling 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;
7. that the dwellinghouse 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;
8. in the event of any previously unrecorded contamination or Japanese Knotweed being discovered, site works shall cease with immediate effect and the matter brought to the attention of the Planning Authority. Thereafter, site works may not recommence until a Remediation Scheme (to be submitted for the prior written approval of the Planning Authority) has been completed to the satisfaction of the Planning Authority in writing, to ensure that any contamination and Japanese Knotweed concerns are managed appropriately;
9. that prior to occupation of the dwellinghouse hereby permitted, 3 car parking spaces shall be provided. Each of these shall be 3 metres by 5.5 metres. For the garage to be counted as a parking space it must be a minimum of 3 metres by 7 metres, to ensure the provision of adequate parking spaces;
10. the dimensions of the driveway shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development, to ensure usability of the driveway;
11. that the driveway gradient shall not exceed 10%, to ensure usability of the driveway;
12. that the driveway shall be paved for a minimum distance of 2 metres from the rear of the carriageway, to prevent deleterious material being carried onto the carriageway;
13. that the applicant shall achieve a visibility splay of 2.4 metres by 20 metres by 1.05 metres at all times, in the interests of traffic safety;
14. 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
15. full details shall be submitted to and approved in writing by the Planning Authority of the proposed summerhouse and garden shed, in the interests of visual amenity.

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Advisory Notes

1. all external lighting on the application site shall comply with the Scottish Government Guidance Note “Controlling Light Pollution and Reducing Light Energy Consumption”;
2. the sound insulation shall have regard to advice and standards contained in the current Scottish Building Regulations;
3. a Section 56 Agreement under the Roads (Scotland) Act 1984 will be required for all works in the public road.

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) for the following reasons:-

1. the proposal cannot be considered to be the right development in the right place as required by Scottish Planning Policy 2014;
2. the proposal fails to have regard to the six qualities of successful places as required by Policy 1 of both the 2019 Inverclyde Local Development Plan and the 2021 proposed Inverclyde Local Development Plan most notably in that it fails to be “Safe and Pleasant” in avoiding conflict with adjacent uses in respect of privacy;
3. the proposal will have a detrimental impact on the privacy and amenity of the neighbouring property to the north to the detriment of the residential amenity of the area and thus fails to accord with the requirements of Policy 20 of the proposed Local Development Plan;
4. the proposal would result in an over-dominant feature within close proximity to the neighbouring residential property to the north and this over-dominance would be to the detriment of the appearance, character and residential amenity of the area and thus fails to accord with the requirements of Policy 20 of the proposed Local Development Plan;
5. the overall relationship between the rear elevation and northern boundary does not follow that which prevails within the locality and this fails to accord with the guidance within adopted and draft PAAN2 which seek that the distance to garden boundaries reflect the immediate locality.

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

Decided:

- (1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and
- (2) that the application for review be upheld and that planning permission be granted subject to the following conditions:-

Conditions

1. this permission is granted subject to the condition that the development to which it relates must be begun not later than the expiration of 3 years beginning with the date of this permission, in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997;
2. 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, in the interests of amenity;
3. 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, in the interests of the amenity of the area;

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4. 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 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;
5. 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 to reduce the risk of flooding;
6. that the dwelling 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;
7. that the dwellinghouse 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;
8. in the event of any previously unrecorded contamination or Japanese Knotweed being discovered, site works shall cease with immediate effect and the matter brought to the attention of the Planning Authority. Thereafter, site works may not recommence until a Remediation Scheme (to be submitted for the prior written approval of the Planning Authority) has been completed to the satisfaction of the Planning Authority in writing, to ensure that any contamination and Japanese Knotweed concerns are managed appropriately;
9. that prior to occupation of the dwellinghouse hereby permitted, 3 car parking spaces shall be provided. Each of these shall be 3 metres by 5.5 metres. For the garage to be counted as a parking space it must be a minimum of 3 metres by 7 metres, to ensure the provision of adequate parking spaces;
10. the dimensions of the driveway shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development, to ensure usability of the driveway;
11. that the driveway gradient shall not exceed 10%, to ensure usability of the driveway;
12. that the driveway shall be paved for a minimum distance of 2 metres from the rear of the carriageway, to prevent deleterious material being carried onto the carriageway;
13. that the applicant shall achieve a visibility splay of 2.4 metres by 20 metres by 1.05 metres at all times, in the interests of traffic safety;
14. 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
15. full details shall be submitted to and approved in writing by the Planning Authority of the proposed summerhouse and garden shed, in the interests of visual amenity.

Advisory Notes

1. all external lighting on the application site shall comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption";
2. the sound insulation shall have regard to advice and standards contained in the current Scottish Building Regulations; and
3. a Section 56 Agreement under the Roads (Scotland) Act 1984 will be required for

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all works in the public road.

**(b) Erection of 1500mm fence and gate near to the front site boundary:
Leadene, Dunvegan Avenue, Gourrock (21/0260/IC)**

There were submitted papers relative to the application for review for the erection of a 1500mm fence and gate near to the front site boundary at Leadene, Dunvegan Avenue, Gourrock (21/0260/IC) to enable the Local Review Body to consider the matter afresh.

Ms Pickett acted as Planning Adviser relative to this case.

Prior to the commencement of discussion on this item, Ms Pickett advised the Local Review Body of the number of representations submitted for the application and that a withdrawn representation contained in the agenda papers had been redacted.

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 height, design and position, the development forms an unexpected and dominant feature on the streetscape. As such it does not reflect local architecture or the urban form of the area and fails to meet the quality of being 'Distinctive' in Policy 1 of the adopted Inverclyde Local Development Plan and Policy 1 of the proposed Inverclyde Local Development Plan; and

2. the proposal fails to reflect the established character and pattern of development on Dunvegan Avenue, contrary to Policy 20 of the proposed Inverclyde Local Development Plan.

**(c) Erection of 6m flagpole within front curtilage of property (in retrospect):
53 Victoria Road, Gourrock (21/0229/IC)**

There were submitted papers relative to the application for review for the erection of a 6m flagpole within the front curtilage of property at 53 Victoria Road (21/0229/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 of a typographical error in the agenda papers and accordingly the reference to 'Barrhead Road' contained in the Report of Handling on page 338 of the printed agenda papers should read 'Barrhill Road'.

Following discussions, Councillor Nelson 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 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 Head of Legal & Democratic Services in consultation with the chair.

As an amendment, Cllr Wilson moved that (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.

As a further amendment, Councillor McKenzie moved that (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:

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1. by reason of height and position within the front garden, the development forms an unexpected and dominant feature on the streetscape. As such it fails to reflect the urban form of the area as required by Policy 1 of the Inverclyde Development Plan; and
2. the installation of a flagpole within the front garden of a domestic residence forms an unexpected feature which is incompatible with the character of the surrounding area, contrary to Policy 20 of the proposed Inverclyde Development Plan.

On a vote between the two amendments, 1 Member, Councillor Wilson voted in favour of his amendment and 4 Members, Councillors Clocherty, Dorrian, McKenzie and Rebecchi voted in favour of the amendment by Councillor McKenzie. 2 Members, Councillors Crowther and Nelson abstained from voting. The amendment by Councillor Wilson, having received fewer votes, then fell.

On a vote between the motion and amendment by Councillor McKenzie, 3 Members, Councillors Crowther, Nelson and Wilson voted in favour of the motion and 4 Members, Councillors Clocherty, Dorrian, McKenzie and Rebecchi 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 by dismissed and that planning permission be refused (upholding the Appointed Officer's determination) for the following reasons:
 1. by reason of height and position within the front garden, the development forms an unexpected and dominant feature on the streetscape. As such it fails to reflect the urban form of the area as required by Policy 1 of the Inverclyde Development Plan; and
 2. the installation of a flagpole within the front garden of a domestic residence forms an unexpected feature which is incompatible with the character of the surrounding area, contrary to Policy 20 of the proposed Inverclyde Development Plan.