

LOCAL REVIEW BODY – 6 APRIL 2022

Local Review Body

Wednesday 6 April 2022 at 4pm

Present: Councillors Clocherty, Crowther, McVey (for 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) and Service Manager, Communications, Tourism and Health & Safety.

The meeting was held at the Municipal Buildings, Greenock with Councillors Clocherty, Crowther, 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.

199 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 199

Apologies for absence were intimated on behalf of Councillor McKenzie, with Councillor McVey substituting, and Councillor Dorrian.

No declarations of interest were intimated.

200 PLANNING APPLICATIONS FOR REVIEW 200

**(a) Change of use of part of domestic garage to beauty salon (sui generis):
4 Orchard, Kilmacolm (21/0195/IC)**

There were submitted papers relative to the application for review for the refusal of change of use of part of domestic garage to beauty salon (sui generis) at 4 Orchard Grove, Kilmacolm (21/0195/IC) to enable the Local Review Body to consider the matter afresh.

Mr Hamilton acted as Planning Adviser relative to this case.

Following discussions, 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) the application for review be upheld and that planning permission be granted subject to the following condition:-

1. this permission hereby granted shall enure solely for the benefit of the applicant, in the interests of preserving the residential amenity of houses adjoining the site.

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:

1. the proposal conflicts with criterion (c) in Policy 24 of the Inverclyde Local Development Plan, as it would encourage customers using the beauty salon away from nearby town centres, negatively impacting on footfall and it does not make use of a vacant unit within the town centre;

2. the proposal fails to demonstrate that there are no suitable sequentially preferable opportunities available in the nearby town and local centres, therefore it fails to meet the

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requirements of Policy 22 of the Inverclyde Local Development Plan and Policy 23 of the proposed Inverclyde Local Development Plan;

3. the proposal fails to provide the required number of parking spaces required to meet the Council's roads parking standards and therefore is contrary to Policy 11 of the Inverclyde Local Development Plan and Policy 12 of the proposed Inverclyde Local Development Plan; and

4. the proposal would result in a commercial facility operating within the heart of a residential area with customer movements above and beyond those associated with the normal movements associated with a dwellinghouse which could be detrimental to residential amenity and the proposal is thus contrary to Policy 20 of the proposed Inverclyde Local Development Plan.

Following a roll call vote, 1 member, Councillor Rebecchi, voted in favour of the amendment and 5 members, Councillors Clocherty, Crowther, McVey, Nelson 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 condition:-

1. this permission hereby granted shall enure solely for the benefit of the applicant, in the interests of preserving the residential amenity of houses adjoining the site.

**(b) Proposed conversion and alteration of windows and installation of bridge and steps to access higher garden area:
11 Old Inverkip Road, Greenock (21/0102/IC)**

There were submitted papers relative to the application for review for the proposed conversion and alteration of windows and installation of bridge and steps to access higher garden area at 11 Old Inverkip Road, Greenock (21/0102/IC) to enable the Local Review Body to consider the matter afresh.

Mr Hamilton acted as Planning Adviser relative to this case.

Prior to the commencement of discussion on this item, Mr Kerr advised the Local Review Body that the Building Research Establishment Trust publication 'Site Layout Planning for Daylight and Sunlight', as referenced in the application Report of Handling, could not be published with the agenda papers due to a copyright issue and that Mr Hamilton held a physical copy of the publication should Members have any specific questions.

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

1. that prior to their use, detailed specifications including samples of all materials shall be submitted to and approved in writing by the Planning Authority and shall, thereafter, be used unless any alternatives are agreed in writing by the Planning Authority, in the interests of visual amenity.

As an amendment, Councillor Wilson 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 reason:

1. the proposed bridge cannot be justified under Policy 1 of the adopted and proposed Inverclyde Local Development Plan and under Policy 20 of the proposed Inverclyde Local Development Plan as it presents an imposing structure which would overshadow

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the neighbouring property below, resulting in an unacceptable loss of daylight and intensify overlooking/invasion of privacy to the detriment of neighbouring residential amenity.

Following a roll call vote, 2 members, Councillors Clocherty and McVey, voted in favour of the motion and 4 members, Councillors Crowther, Nelson, 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 reason:

1. the proposed bridge cannot be justified under Policy 1 of the adopted and proposed Inverclyde Local Development Plan and under Policy 20 of the proposed Inverclyde Local Development Plan as it presents an imposing structure which would overshadow the neighbouring property below, resulting in an unacceptable loss of daylight and intensify overlooking/invasion of privacy to the detriment of neighbouring residential amenity.

(c) Change of use of agricultural grazing land to domestic garden ground to form an enlarged garden together with the erection of an extension to the dwellinghouse and associated works:

Castlehill Farm Cottage, Kilmacolm Road, Port Glasgow (21/0136/IC)

There were submitted papers relative to the application for review for the change of use of agricultural grazing land to domestic garden ground to form an enlarged garden together with the erection of an extension to the dwellinghouse and associated works at Castlehill Farm Cottage, Kilmacolm Road, Port Glasgow (21/0136/IC) to enable the Local Review Body to consider the matter afresh.

Ms Pickett acted as Planning Adviser relative to this case.

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 facing materials to be used shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is agreed in writing with the Planning Authority, to ensure the acceptability of the proposed facing materials in the interests of visual amenity; and

2. that prior to the commencement of development, full details of the proposed new boundary treatment for the curtilage shall be submitted to and approved in writing by the Planning Authority. The approved boundary measures shall thereafter be erected prior to the extension hereby permitted being brought into use unless variation is agreed in writing with the Planning Authority, to define the new curtilage.

As an amendment, Cllr McVey 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:

1. the proposed expansion of the curtilage into the surrounding field to accommodate the extension in this Green Belt location is not a development supported by Policy 14 of the 2019 adopted Inverclyde Local Development Plan and Policy 15 of the 2021 proposed Inverclyde Local Development Plan;

2. the proposed extension is not of an appropriate scale and form and is not located

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within the existing curtilage of the dwellinghouse. It is accordingly not a development supported by Policy 14 of the 2019 adopted Inverclyde Local Development Plan and Policy 15 of the 2021 proposed Inverclyde Local Development Plan;

3. the proposal fails to have regard to the six qualities of successful places as required by Policy 1 of both the 2019 adopted Inverclyde Local Development Plan and 2021 proposed Inverclyde Local Development Plan, specifically as it cannot be considered to reflect local vernacular/architecture and materials under the “Distinctive” criterion;

4. the design approach to extending this traditional rural cottage does not follow the guidance in the “Design of Housing” section of PAAN8 (adopted and proposed) and the extension is not subsidiary in scale and position to the original dwellinghouse as required by PAAN8 (adopted and proposed); and

5. the design approach to extending this traditional rural cottage does not follow the guidance in PAAN4 (adopted and proposed) in that a contrasting roofing material is proposed.

Following a roll call vote, 2 members, Councillors McVey and Rebecchi, voted in favour of the amendment and 4 members, Councillors Clocherty, Crowther, Nelson 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:-

1. that prior to the commencement of development, samples of all facing materials to be used shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is agreed in writing with the Planning Authority, to ensure the acceptability of the proposed facing materials in the interests of visual amenity; and

2. that prior to the commencement of development, full details of the proposed new boundary treatment for the curtilage shall be submitted to and approved in writing by the Planning Authority. The approved boundary measures shall thereafter be erected prior to the extension hereby permitted being brought into use unless variation is agreed in writing with the Planning Authority, to define the new curtilage.