

LOCAL REVIEW BODY – 7 JUNE 2023

Local Review Body

Wednesday 7 June 2023 at 4pm

Present: Councillors Brooks, Clocherty, Crowther, Curley, McCabe, McGuire and McVey.

Chair: Councillor McVey presided.

In attendance:

Margaret Pickett	Senior Planner (Planning Adviser)
Jim Kerr	Solicitor, Legal, Democratic, Digital & Customer Services (Legal Adviser)
Colin MacDonald	Senior Committee Officer
Lindsay Carrick	Senior Committee Officer
PJ Coulter	Communications Officer (Media Relations) (for Service Manager Communications, Tourism and Health & Safety)

The meeting was held at the Municipal Buildings, Greenock with Councillors Crowther, McCabe and McGuire attending remotely.

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

322 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 322

No apologies for absence or declarations of interest were intimated.

323 PLANNING APPLICATIONS FOR REVIEW 323

**(a) Proposed detached dwellinghouse (planning permission in principle):
38 Leapmoor Drive, Wemyss Bay (22/0189/IC)**

There was submitted papers relative to the application for review for a proposed detached dwellinghouse (planning permission in principle) at 38 Leapmoor Drive, Wemyss Bay (22/0189/IC) to enable the Local Review Body to consider the matter afresh.

Ms Pickett acted as Planning Adviser relative to this case.

After discussion, Councillor Crowther 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 conditions and advisory notes:-

Conditions

1. the development to which this planning permission in principle relates must be begun within 5 years from the date of this permission, to comply with Section 59(2A)(a) of the Town and Country Planning (Scotland) Act 1997 (as amended);
2. 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 site layout shall be shown on a plan at a scale of 1:200 showing the position of the proposed dwellinghouse, means of access, parking areas and any 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;

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3. 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 dwellinghouse and any ancillary buildings 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;

4. 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 standing materials to be used on the driveway and 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;

5. 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 final floor levels of the proposed dwellinghouse 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;

6. 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 all walls (including retaining walls) and fences to be erected on 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;

7. 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 for the proposed development shall be contained/attenuated within the site before discharging to the public system and shall be restricted to greenfield run-off rates, 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;

8. for the avoidance of doubt the applications in relation to conditions 2 and 3 above shall allow for the following:

i. Parking should be provided in accordance with the National Roads 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.

ii. The minimum dimensions of the driveway shall be 3.0m wide by 6.0m long per parking space. There shall also be a minimum 0.9m wide path past these parking spaces where the driveway forms part of the pedestrian access to the property;

iii. The driveway shall be fully paved and the gradient shall not exceed 10%;

iv. Visibility splays of 2.0m x 20.0m x 1.05m onto Leapmoor Drive; and

v. The dwellinghouse shall be no more than two storeys high;

to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location;

9. 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

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relating to the proposed landscaping/planting at the site. Details of the scheme shall include (as appropriate):

- i. details of any earth mounding, hard landscaping, grass seeding and turfing;
- ii. details of any existing trees which are to be retained;
- iii. a scheme of tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted;
- iv. the phasing/timescale for carrying out these works;

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 in the first planting season following occupation of the dwellinghouse;

10. development shall not commence until all trees within the site identified to be retained have been protected by suitable fencing. Fencing shall be erected as set out in BS:3998/2010 and BS:5837/2012. Development shall not commence until details of the location and type of fencing have been submitted to and approved in writing by the Planning Authority, to protect the trees during construction works on site;

11. prior to the commencement of development confirmation of Scottish Water acceptance to the proposed development shall be submitted to the Planning Authority, to ensure Scottish Water's acceptance of the drainage regime for the application site and in the interests of the provision of a suitable drainage scheme;

12. for the avoidance of doubt the dwellinghouse shall be designed to ensure that at least 20% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon energy generating technologies (rising to at least 25% by the end of 2025). Development shall not commence until details have been submitted to and approved in writing by the Planning Authority relating to the proposed low and zero carbon generating technologies to be installed as part of the development. Thereafter the approved low and zero carbon energy generating technologies 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

13. for the avoidance of doubt the dwellinghouse shall have an Electric Vehicle Charging Point. Development shall not commence until details of the Electric Vehicle Charging Point have been submitted to and approved in writing by the Planning Authority. Thereafter the approved details shall be implemented on site in their approved form before the first occupation of the dwellinghouse, in the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance note on 'Energy'.

Advisory Notes

1. the applicant is reminded that a Section 56 Agreement is required to be obtained from the Council's Roads Service for the footway crossover to the driveway;

2. the applicant should be aware of the presence of the lighting column within the service strip and ensure that their development does not affect this;

3. 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. This is advised to protect the amenity of the immediate area and prevent the creation of nuisance due to odours, insects, rodents or birds;

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

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5. the sound insulation should have regard to advice and standards contained in the current Scottish Building Regulations. This is advised to ensure that acceptable noise and vibration levels are not exceeded.

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) the application for review be refused (upholding the Appointed Officer's determination) for the following reasons:-

1. the proposed development results in the loss of open space which provides a positive contribution to the amenity, character and appearance of the surrounding area and is therefore contrary to Policy 35 of the adopted Inverclyde Local Development Plan and Policy 36 of the proposed Inverclyde Local Development Plan. There are no material planning considerations that outweigh the terms of these policies to allow approval of the proposed development;

2. the proposed development fails to have regard to the six qualities of successful places as required by Policy 1 of both the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan, specifically as due to the elevated position of the dwellinghouse and proximity to Leapmoor Drive, it fails to reflect local architecture and urban form under the 'Distinctive' quality;

3. the proposed development fails to demonstrate that it would conserve and enhance biodiversity and would be detrimental to the connectivity between established habitat areas, contrary to Policy 33 of both the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan; and

4. the proposed development results in the loss of open space which is of quality and value in terms of its contribution to the amenity, character and appearance of the surrounding residential and open space areas and therefore cannot be considered to be the right development in the right place as required by National Planning Framework 4.

Following a roll call vote, 1 Member, Councillor Crowther voted in favour of the motion, and 6 Members, Councillors Brooks, Clocherty, Curley, McCabe, McGuire and McVey 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 Appointer Officer's determination) for the following reasons:-

1. the proposed development results in the loss of open space which provides a positive contribution to the amenity, character and appearance of the surrounding area and is therefore contrary to Policy 35 of the adopted Inverclyde Local Development Plan and Policy 36 of the proposed Inverclyde Local Development Plan. There are no material planning considerations that outweigh the terms of these policies to allow approval of the proposed development;

2. the proposed development fails to have regard to the six qualities of successful places as required by Policy 1 of both the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan, specifically as due to the elevated position of the dwellinghouse and proximity to Leapmoor Drive, it fails to reflect local architecture and urban form under the 'Distinctive' quality;

3. the proposed development fails to demonstrate that it would conserve and enhance biodiversity and would be detrimental to the connectivity between established habitat areas, contrary to Policy 33 of both the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan; and

4. the proposed development results in the loss of open space which is of quality and value in terms of its contribution to the amenity, character and appearance of the surrounding residential and open space areas and therefore cannot be considered to be the right development in the right place as required by National Planning Framework 4.

**(b) Proposed formation of roof balcony and new roof light:
13 Moorfield Road, Gourrock (22/0282/IC)**

There was submitted papers relative to the application for review for a proposed formation of roof balcony and new roof light at 13 Moorfield Road, Gourrock (22/0282/IC) to enable the Local Review Body to consider the matter afresh.

Ms Pickett acted as Planning Adviser relative to this case.

Mr Kerr referred to a new matter raised on behalf of the applicant in the form of an Appeal Statement. He asked the Local Review Body whether it wished to have regard to the new matter in determining the application for review of refusal of planning permission in terms of Section 43(B) of the Town and Country Planning (Scotland) Act 1997 and he advised that, should this be the case, consideration would require to be continued to enable Elected Members to view the document.

Decided: that the Local Review Body have regard to the new matter submitted on behalf of the applicant in the form of an Appeal Statement and continue consideration to enable Elected Members to view the document.