

LOCAL REVIEW BODY – 7 AUGUST 2024

Local Review Body

Wednesday 7 August 2024 at 4pm

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

Chair: Councillor McVey presided.

In attendance:

Margaret Pickett	Senior Planner (Planning Adviser)
Daniel Henderson	Planning and Building Standards Manager
Jim Kerr	Solicitor, Legal, Democratic, Digital & Customer Services (Legal Adviser)
Colin MacDonald	Senior Committee Officer
Diane Sweeney	Senior Committee Officer

The meeting was held at the Municipal Buildings, Greenock with Councillor McGuire attending remotely.

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

338 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 338

No apologies for absence or declarations of interest were intimated.

339 PLANNING APPLICATIONS FOR REVIEW 339

- (a) Erection of two storey replacement dwellinghouse incorporating basement level following demolition of existing dwellinghouse; refurbishment and alterations of stables; alterations and conversion of barn to form a visitor/guest accommodation; erection of agricultural building; enlargement of equestrian area following demolition of existing barn and stable block; and alterations to layout of visitor parking area:
Slates Farm, Blacksholm Road, Kilmacolm (24/0015/IC)**

There was submitted papers relative to the application for review for the erection of a two storey replacement dwellinghouse incorporating basement level following demolition of existing dwellinghouse; refurbishment and alterations of stables; alterations and conversion of barn to form a visitor/guest accommodation; erection of agricultural building; enlargement of equestrian area following demolition of existing barn and stable block; and alterations to layout of visitor parking area at Slates Farm, Blacksholm Road, Kilmacolm (24/0015/IC) to enable the Local Review Body to consider the matter afresh.

Prior to the commencement of discussion on this item, Mr Kerr referred to a new matter raised by the applicant's agent, namely, letters from members of the public addressed to the applicant. He asked the Local Review Body whether it wished to have regard to the new matter in determining the application for review. Following discussion, the Local Review Body agreed that it would take regard of the new matter.

Ms Pickett acted as Planning Adviser relative to this case.

After discussion, Councillor Brooks moved that (1) sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure;

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

1. that the development to which this permission relates must have commenced within 3 years from the date of this permission, to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended);
2. that prior to the commencement of any development works on site, the applicant shall provide for the written approval of the Planning Authority a phasing plan for the development. This plan should ensure that the equestrian facility is constructed in the first phase of development, to define the permission and allow the Planning Authority to retain effective control;
3. that development shall not commence until details/samples of all external finishes on the buildings have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt this relates to the type, finish and colour of all external materials on each new building. Following approval these shall be implemented in their approved form, in the interests of visual amenity;
4. that development shall not commence until detailed specification of the type and colour of all hard surfacing to be used on hardstanding areas have been submitted to and approved in writing by the Planning Authority. Following approval these shall be implemented in their approved form, in the interests of visual amenity;
5. that development shall not commence until details/plans of the proposed finished floor levels of each of the buildings hereby approved, as well as any changes to ground levels within the site, have been submitted to and approved in writing by the Planning Authority. The details to be submitted shall relate to a fixed datum point. Following approval these shall be implemented in their approved form, in the interests of visual amenity;
6. that prior to the commencement of any development works on site, the applicant shall submit for the written approval of the Planning Authority, a survey for the presence of Japanese Knotweed. 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 ensure the remediation scheme meets regulatory requirements and all contamination and Japanese Knotweed concerns are managed appropriately;
7. that development shall not commence until details of bin stores/containers to be used to store waste materials and recyclable materials as well as specific details of the areas where these are to be located have been submitted to and approved in writing by the Planning Authority. Following approval these shall be implemented in their approved form before first occupation of the dwellinghouse or first use of the livery stables, to protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds;
8. that the dwellinghouse shall be designed to ensure that at least 25% 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. 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 in the dwellinghouse. Thereafter the approved low and zero carbon generating technologies shall be implemented in their approved form before the first occupation of the dwellinghouse, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009;
9. that for the avoidance of doubt the dwellinghouse shall have an Electric Vehicle Charging Point. Development shall not commence until the details have been submitted to and approved in writing by the Planning Authority relating to the proposed Electric Vehicle Charging Point. Thereafter the approved details shall be implemented on site in

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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 on Energy;

10. that prior to the commencement of development, confirmation of connection to Scottish Water's Network shall be submitted to and approved in writing by 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 satisfactory drainage regime;

11. that the development hereby permitted 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;

12. 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 interests of human health and environmental safety;

13. that for the avoidance of doubt, 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;

14. that prior to commencement of use of the development hereby permitted the applicant shall provide an access of 4.8m for the first 10m to allow vehicles to pull off of Blacksholm Road when a vehicle is exiting the access. The access should be fully paved for a minimum of 10m and the gradient should not exceed 10%. Thereafter this access shall remain in situ for the lifetime of the development, in the interests of traffic and pedestrian safety;

15. that for the avoidance of doubt, the existing visibility splay at the existing access should be kept clear in perpetuity, in the interests of traffic and pedestrian safety; and

16. that for the avoidance of doubt, all surface water should be managed within the site to prevent flooding to surrounding properties and the public road network, in the interests of sustainable development and to avoid flooding outwith the site.

As an amendment, 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 dismissed and that planning permission be refused (upholding the Appointed Officer's determination) for the following reason:

1. the proposal presents an unacceptable departure from the Development Plan as no specific locational requirement for the proposed house or visitor accommodation has been demonstrated. Furthermore, the proposed house is not considered to be appropriately scaled or designed to be in keeping with the character of this rural area. The

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proposal is therefore contrary to Policies 8, 9, 14, 17 and 29 of National Planning Framework 4; Policies 1 and 14 of the adopted Inverclyde Local Development Plan and Policies 1, 15 and 19 of the proposed Local Development Plan. It is also not supported by the design principles of both adopted and draft PAAN 8.

Following a roll call vote, 3 Members, Councillors Brooks, Clocherty and Crowther voted in favour of the motion, and 4 Members, Councillors 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 application for review be dismissed and that planning permission be refused (upholding the Appointed Officer's determination) for the following reason:

1. the proposal presents an unacceptable departure from the Development Plan as no specific locational requirement for the proposed house or visitor accommodation has been demonstrated. Furthermore, the proposed house is not considered to be appropriately scaled or designed to be in keeping with the character of this rural area. The proposal is therefore contrary to Policies 8, 9, 14, 17 and 29 of National Planning Framework 4; Policies 1 and 14 of the adopted Inverclyde Local Development Plan and Policies 1, 15 and 19 of the proposed Local Development Plan. It is also not supported by the design principles of both adopted and draft PAAN 8.

(b) Alterations to ground floor of existing outbuilding to convert garage to form habitable accommodation with associated external alterations; erection of detached garage:

North Dennistoun House, North Dennistoun, Bridge of Weir Road, Kilmacolm (24/0010/IC)

There was submitted papers relative to the application for review for alterations to ground floor of existing outbuilding to convert garage to form habitable accommodation with associated external alterations; erection of detached garage at North Dennistoun House, North Dennistoun, Bridge of Weir Road, Kilmacolm (24/0010/IC) to enable the Local Review Body to consider the matter afresh.

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

(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 does not comply with Policy 8 of NPF4, Policy 14 of the adopted Local Development Plan nor Policy 15 of the proposed Local Development Plan. The development also fails to comply with Policies 16 and 17 of NPF4 and Policy 19 of the proposed Local Development Plan. The proposal is not considered to be appropriately designed in terms of being in effect a dwellinghouse in the Green Belt.