

## LOCAL REVIEW BODY – 7 OCTOBER 2015

Local Review BodyWednesday 7 October 2015 at 4pm

**Present:** Councillors Dorrian, Loughran, Nelson, Rebecchi and Wilson.

**Chair:** Councillor Wilson presided.

**In attendance:** Mr R Gimby (Regeneration & Planning Services) and Mr J Kerr (for Head of Legal & Property Services).

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

**612 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 612**

No apologies for absence or declarations of interest were intimated.

**613 CONTINUED PLANNING APPLICATIONS FOR REVIEW 613**

**(a) Erection of cottage together with erection of storage shed:  
South Craigmarnloch, Port Glasgow Road, Kilmacolm (15/0014/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the erection of a cottage together with the erection of storage shed at South Craigmarnloch, Port Glasgow Road, Kilmacolm (15/0014/IC), including new matters raised by the applicant's agent which the Local Review Body at the meeting held on 5 August 2015 had decided to have regard to, consideration of which had been continued from the meeting held on 5 August for an unaccompanied site inspection.

Councillors Dorrian, Nelson, Rebecchi and Wilson participated in consideration of this item of business.

After discussion 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:-

(i) that prior to the commencement of works on site, samples of all external materials to be used in construction be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is agreed in writing by the Planning Authority, to ensure the proposed materials are acceptable;

(ii) that an archaeological watching brief, to be carried out by a suitably qualified organisation, shall be implemented during all ground disturbances. The organisation shall be afforded access at all reasonable times to allow them to observe works in progress and record items of interest and finds. A method statement for the watching brief will be submitted to and approved in writing by the Planning Authority prior to the commencement of works on site, to allow for recording and recovery of antiquity;

(iii) that the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to

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the attention of the Planning Authority within one week. Consequential requirements for remediation work shall not be implemented unless a Remediation Strategy Report has been submitted to and approved, in writing by the Planning Authority, to ensure that all contamination issues are recorded and dealt with appropriately;

(iv) that the use of the development shall not commence until the applicant has submitted a completion report for approval, in writing by the Planning Authority, detailing all fill and landscaping material imported onto the site. This report shall contain information of the material's source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc.) with plans delineating placement and thickness, to protect receptors from the harmful effects of imported contamination; and

(v) that prior to the occupation of the dwellinghouse hereby permitted, the specification of waste and recycling containers together with details of the areas where such containers are to be located shall be submitted to and approved in writing by the Planning Authority, to ensure suitable bin and recycling provision for the dwellinghouse.

As an amendment, Councillor Dorrian 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 dismissed and that planning permission be refused (upholding the appointed Officer's determination) for the following reasons:-

(i) as the applicant has not demonstrated any operational need or any exceptional or mitigating circumstances that would justify the erection of a new dwellinghouse and barn in this Green Belt location. The proposal is therefore contrary to policies SDS8, ENV2 and RES7 of the 2014 Inverclyde Local Development Plan; and

(ii) as the proposed dwellinghouse and barn are located away from the nearest adjacent buildings and some distance back from the public road. This will give the appearance of sporadic development within the countryside and not accord with the guidance within PAAN8 and PAAN9.

On a vote, 2 Members voted for the motion and 2 for the amendment. There being equality in voting, the Chair exercised his casting vote 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:-

(i) that prior to the commencement of works on site, samples of all external materials to be used in construction be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is agreed in writing by the Planning Authority, to ensure the proposed materials are acceptable;

(ii) that an archaeological watching brief, to be carried out by a suitably qualified organisation, shall be implemented during all ground disturbances. The organisation shall be afforded access at all reasonable times to allow them to observe works in progress and record items of interest and finds. A method statement for the watching brief will be submitted to and approved in writing by the Planning Authority prior to the commencement of works on site, to allow for recording and recovery of antiquity;

(iii) that the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential requirements for

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remediation work shall not be implemented unless a Remediation Strategy Report has been submitted to and approved, in writing by the Planning Authority, to ensure that all contamination issues are recorded and dealt with appropriately;

(iv) that the use of the development shall not commence until the applicant has submitted a completion report for approval, in writing by the Planning Authority, detailing all fill and landscaping material imported onto the site. This report shall contain information of the material's source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc.) with plans delineating placement and thickness, to protect receptors from the harmful effects of imported contamination; and

(v) that prior to the occupation of the dwellinghouse hereby permitted, the specification of waste and recycling containers together with details of the areas where such containers are to be located shall be submitted to and approved in writing by the Planning Authority, to ensure suitable bin and recycling provision for the dwellinghouse.

**(b) Erection of 77.8m to blade tip wind turbine:  
36 Earnhill Road, Greenock (14/0392/IC)**

It was noted that this application for review had been withdrawn.

**(c) Erection of a tower house:  
Levan Wood, Dunvegan Avenue, Gourock (15/0049/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the erection of a tower house at Levan Wood, Dunvegan Avenue, Gourock (15/0049/IC), consideration of which had been continued from the meeting held on 2 September 2015 for an unaccompanied site inspection.

Councillors Dorrian, Loughran, Nelson, Rebecchi and Wilson participated in consideration of this item of business.

After discussion Councillor Rebecchi 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 dismissed and that planning permission be refused (upholding the appointed Officer's determination) as the site falls within part of the open space serving the residential development at Dunvegan Avenue and is thus contrary to Policy ENV4 of the Local Development Plan which seeks to support, safeguard and, where practicable, enhance areas of open space of value in terms of their amenity to their surroundings.

As an amendment, Councillor Dorrian 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:-

(i) that a visibility splay of 2.4 x 43.0 x 1.05 m shall be achieved at the junction of the driveway with Dunvegan Avenue prior to the house (hereby approved) being occupied and thereafter maintained in perpetuity, in the interests of road safety on Dunvegan Avenue;

(ii) 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

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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 treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site, to help arrest the spread of Japanese Knotweed in the interests of environmental protection;

(iii) that the presence of any suspected contamination that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential remediation requirements shall not be implemented unless a Remediation Strategy has been submitted to and approved, in writing by the Planning Authority, to ensure that all contamination issues are recorded and dealt with appropriately;

(iv) that the use of the development shall not commence until the applicant has submitted a completion report for approval, in writing by the Planning Authority, detailing all fill or landscaping material imported onto the site. This report shall contain information of the material's source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc.) with plans delineating placement and thickness, to protect receptors from the harmful effects of imported contamination;

(v) that no development shall commence until full details of tree and shrub planting including details of distribution on site have been submitted to and approved in writing by the Planning Authority, to ensure the provision of a quality landscape setting for the house hereby approved;

(vi) that no development shall commence until full details of foul drainage and surface water systems have been submitted to and approved, in writing by the Planning Authority, in the interests of the protection of trees covered by the Levan Wood Tree Preservation Order;

(vii) that no trees shall be removed without the prior written approval of the Planning Authority, in the interests of the protection of trees covered by the Levan Wood Tree Preservation Order;

(viii) that no development shall commence until the habitat survey submitted with the planning application has been updated, submitted to the Planning Authority and approved in writing, to safeguard the interests of protected species; and

(ix) that no development shall commence until samples of all external materials have been submitted to and approved, in writing by the Planning Authority: development thereafter shall proceed utilising the approved materials, unless the Planning Authority gives its prior written approval to any alternatives, to ensure a continuity of finishing materials in this part of Gourrock.

On a vote, 2 Members voted for the amendment and 3 for 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 dismissed and that planning permission be refused (upholding the appointed Officer's determination) as the site falls within part of the open space serving the residential development at Dunvegan Avenue and is thus contrary to Policy ENV4 of the Local Development Plan which seeks to support, safeguard and, where practicable, enhance areas of open space of value in terms of their amenity to their surroundings.

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