

LOCAL REVIEW BODY – 1 FEBRUARY 2023

Local Review Body

Wednesday 1 February 2023 at 4pm

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

Chair: Councillor McVey presided.

In attendance: Ms M Pickett (Planning Adviser), Mr J Kerr (Legal Adviser), Mr C MacDonald and Ms D Sweeney (Legal & Democratic Services) and Mr P Coulter (for Service Manager, Communications, Tourism and Health & Safety).

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

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

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No apologies for absence were intimated.

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

Agenda Item 3(a) (Construction of detached single garage in front garden: The Shack, Broomeknowe Road, Kilmacolm (22/0124/IC))

72 **CONTINUED PLANNING APPLICATION FOR REVIEW**

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(a) **Planning permission in principle for residential development, landscaping, parking, access and associated works: Land at Glasgow Road, Port Glasgow (19/0140/IC)**

There were submitted papers relative to the application for review for planning permission in principle for residential development, landscaping, parking, access and associated works at land at Glasgow Road, Port Glasgow (19/0140/IC) to consider the matter afresh, consideration of which had been continued from the meeting held on 7 December 2022 in order for the Local Review Body to request a joint written submission from the Planning Adviser and the Legal Adviser to the Local Review Body.

Not having participated in consideration of this item of business at the meeting of 7 December 2022, Councillors Clocherty and McGuire were not entitled to take part in consideration of this item.

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 upheld and that planning permission in principle 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)

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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 following:

- a. the siting, design and external appearance of all buildings and other structures;
- b. the means of access to the site;
- c. the layout of the site, including all roads, footways, car and cycle parking areas;
- d. the details of, and timetable for implementation of, the hard and soft landscaping of the site;
- e. details of the management and maintenance of the areas identified in d. above;
- f. the design and location of all boundary walls and fences;
- g. details of the provision of full drainage works incorporating Sustainable Drainage Systems (SuDS) and a field drain at the bottom of the slopes around the site;
- h. the disposal of sewage;
- i. details of any existing trees, shrubs and hedgerows to be retained;
- j. a landscape planting scheme that shows how existing trees and woodland within the application site will be connected to habitat features outwith the site;
- k. details of existing and proposed site levels;
- l. details of bin storage arrangements whether within individual plots or communal.

Thereafter the matters that are approved shall be implemented in their approved form, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.

(3) The details to be applied for under condition 2b shall allow for visibility splays of 2.4m x 43.0m x 1.05m to be provided in both directions onto Glasgow Road and for the access onto Glasgow Road to be a minimum of 4.8m wide with a vehicle restraint system installed on the northern side. The approved sightlines and vehicle restraint system shall be provided no later than the occupation of the first residential unit and thereafter maintained for the lifetime of the development, in the interests of road safety.

(4) Prior to the commencement of works on site, confirmation of Scottish Water's acceptance of the foul and surface water drainage proposals shall be submitted to and approved in writing by the Planning Authority, to confirm that the drainage proposals can be implemented in the interests of the avoidance of flooding.

(5) The drainage details approved under condition 2g shall be implemented commensurately with the development of the site, be complete for each individual dwellinghouse prior to occupation and be complete across the site prior to the occupation of the final dwellinghouse, to ensure the adequacy and implementation of the drainage regime for the development hereby permitted.

(6) All surface water shall be contained within the site during construction of the development and following completion of the development, to avoid surface water run-off from the site in the interests of the avoidance of flooding.

(7) Prior to the commencement of works on site, an updated ecological survey inclusive of bird breeding census and badger survey shall be undertaken. The report of survey shall thereafter be submitted to and approved in writing by the Planning Authority. Should the ecological survey identify the need for mitigation to protect one or more species, this shall be implemented in accordance with a species protection plan(s) which is to be submitted to and agreed in writing with the Planning Authority before works commence on the site, to ensure the development is informed by an up-to-date

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ecological survey in the interests of the protection of and the avoidance of disturbance to nesting birds and other wildlife, and to ensure appropriate mitigation is implemented where required.

(8) Development shall not commence, including any tree removal, until the site has been re-surveyed for the presence of bats. The re-survey including any mitigation measures shall be submitted to and approved in writing by the Planning Authority, to ensure that the up-to-date position is known and to ensure the appropriate protection of bats.

(9) No trees within the application site shall be felled until full details of all tree felling has been submitted to and approved by the Planning Authority. Works shall then proceed as approved, to ensure the protection and retention of trees.

(10) Prior to the commencement of works on site tree protection measures for all trees to be retained both within or adjacent to the application site shall be erected in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS 5837:2012 and not removed during the course of construction work, to ensure the retention of and avoidance of damage to trees during development.

(11) Site clearance work shall only be undertaken outwith the bird breeding season March to September inclusive. Details of any additional protection required relating to the heronry potentially located in the site shall be identified as part of the updated ecological survey submitted under condition 8 above and all additional recommendations relating to required protection followed on site, to ensure the protection of breeding birds within the application site.

(12) The Biodiversity Enhancement section of the Preliminary Ecological Appraisal Report by Cairn Ecology dated 25th March 2019 shall be implemented in full together with any further enhancements recommended as part of the updated ecological survey submitted under condition 8 above, to ensure the implementation of biodiversity enhancements as part of the development.

(13) Any of the trees, areas of grass or planted shrubs approved as part of the landscaping scheme that die, become diseased, are damaged or removed within 5 years of planting shall be replaced with others of a similar size and species within the following planting season, to ensure the retention of the landscaping scheme within the application site.

(14) The details to be applied for under condition 2c shall allow for all footpaths to be provided to be a minimum width of 2 metres and all roads a minimum width of 5.5 metres, to ensure suitable provision for road users and pedestrians in the interests of road safety.

(15) The details to be applied for under condition 2c shall allow for the parking to be provided in accordance with the National Roads Development Guide, to ensure suitable parking provision is provided within the development in the interests of road safety.

(16) For the avoidance of doubt the first 2 metres of all driveways shall be paved, to avoid deleterious material being carried onto the roadway in the interests of road safety.

(17) 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 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 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 help arrest the spread of Japanese Knotweed in the interests of environmental protection.

(18) Development 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

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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.

(19) 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 interest of human health and environmental safety.

(20) 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 the 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.

(21) For the avoidance of doubt the dwellinghouses 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). 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 dwellinghouses. Thereafter the approved low and zero carbon generating technologies shall be implemented in their approved form before the occupation of the dwellinghouses, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.

(22) For the avoidance of doubt the dwellinghouses 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 Points. Thereafter the approved details shall be implemented on site in their approved form before the first occupation of the dwellinghouses, in the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.

Advisory Notes

(1) To protect the amenities of occupiers of premises from unreasonable noise and vibration levels the applicant must consult or arrange for their main contractor to consult with either Sharon Lindsay or Emilie Smith at Inverclyde Council, Environmental & Public Protection (01475 714200), prior to the commencement of works to agree times and methods to minimise noise disruption from the site.

(2) To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".

(3) Site Drainage: Suitable and sufficient measures for the effective collection and disposal of surface water should be implemented during construction phase of the

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project as well as within the completed development to prevent flooding within this and nearby property.

(4) Rats, drains and sewers: Prior to the construction phase it is strongly recommended that any existing, but redundant, sewer/drainage connections should be sealed to prevent rat infestation and inhibit the movement of rats within the area via the sewers/drains.

(5) The applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and its implications on client duties etc.

(6) Surface Water: Any SUDS appraisal must to give appropriate weight to not only any potential risk of pollution to watercourses but to suitable and sufficient measures for the effective collection and disposal of surface water to prevent flooding. Measures should be implemented during the construction phase of the project as well as the within the completed development to prevent flooding within the application site and in property / land nearby. It is also recommended that a long term maintenance plan should be developed prior to the commencement of the proposed development.

(7) Design and Construction of Buildings – Gulls: It is very strongly recommended that appropriate measures be taken in the design of all buildings and their construction, to inhibit the roosting and nesting of gulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the development.

73 PLANNING APPLICATION FOR REVIEW

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(a) **Construction of detached single garage in front garden: The Shack, Broomeknowe Road, Kilmacolm (22/0124/IC)**

There was submitted papers relative to the application for review for the proposed construction of a detached single garage in front garden at The Shack, Broomeknowe Road, Kilmacolm (22/0124/IC) to enable the Local Review Body to consider the matter afresh.

Councillor Brooks declared a connection as an acquaintance of the applicant. 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 he was declaring for transparency.

Ms Pickett acted as Planning Adviser relative to this case.

Decided:

(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) Regulation 2013, consideration of the application for review be continued for an unaccompanied site inspection to be arranged by the Head of Legal & Democratic Service in consultation with the Chair.