

**LOCAL REVIEW BODY– 4 SEPTEMBER 2019**

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**Local Review Body**

**Wednesday 4 September 2019 at 4pm**

**Present:** Councillors Clocherty, Crowther, Dorrian, McKenzie, Nelson, Rebecchi and Wilson.

**Chair:** Councillor Wilson presided.

**In attendance:** Mr A Williamson (Planning Adviser), Mr J Kerr (Legal Adviser) and Ms R McGhee (Legal & Property Services).

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

**546 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 546**

No apologies for absence or declarations of interest were intimated.

**547 PLANNING APPLICATION FOR REVIEW 547**

**Erection of dwellinghouse for farm worker:  
Cairncurran Farm, Auchenfoil Road, Kilmacolm (19/0046/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the erection of a dwellinghouse for a farm worker at Cairncurran Farm, Auchenfoil Road, Kilmacolm (19/0046/IC) to enable the Local Review Body to consider the matter afresh.

Mr Kerr referred to the Local Review Body's duty to consider the application for review of the refusal of planning permission afresh and, in this regard, advised the Local Review Body that although the 2014 Local Development Plan had been in place when the Appointed Officer had determined the planning application, this had been superseded by the 2019 Local Development Plan. Accordingly, he explained that Members should not have regard to the policies set out under the heading "Development Plan Policies" in the Appointed Officer's Report of Handling and should only have regard to current policies, referred to under the heading "Proposed Development Plan Policies"; when considering and determining the application for review.

After discussion, Councillor McKenzie 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 and advisory notes:

**Conditions**

(1) that the development to which this permission relates must be begun within three 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 works on site, samples of all external materials and paving to be used in construction shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is otherwise first agreed in writing by the Planning Authority, to enable the Planning

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Authority to retain effective control of facing and finishing materials in the interests of visual amenity;

(3) that prior to the commencement of development on site, a plan shall be submitted to and agreed in writing by the Planning Authority demonstrating a minimum visibility splay of 2.4 metres by 75 metres by 1.05 metres is provided at the vehicular access to the public road for the dwellinghouse hereby permitted. The visibility splay shall be prior to the occupation and use of the dwellinghouse hereby permitted and shall be retained at all times thereafter to the satisfaction of the Planning Authority, in the interests of road safety;

(4) that the vehicular access for the dwellinghouse hereby permitted shall be paved or otherwise sealed with a hard surface for a minimum distance of 2 metres from the carriageway, to prevent deleterious material being carried onto the carriageway;

(5) that the vehicular access for the dwellinghouse hereby permitted shall be a minimum width of 5 metres for a distance of 6 metres from the edge of the road, in the interests of road safety;

(6) that the three off-street parking spaces indicated on approved drawing 01 PL shall be formed and made available for use prior to the occupation of the replacement house hereby permitted. They shall then remain unobstructed and available for use at all times thereafter to the satisfaction of the Planning Authority, to ensure suitable parking provision for the dwellinghouse hereby permitted, in the interests of road safety;

(7) that all surface water shall be contained within the site both during construction and at all times thereafter. Drainage arrangements showing how this will be achieved shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development, to prevent surface water run-off from the site;

(8) that the presence of any suspected contamination 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 any contamination issues are recorded and dealt with appropriately; and

(9) 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.

Advisory Notes

(1) all external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption";

(2) 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;

(3) site drainage: suitable and sufficient measures for the effective collection and disposal of surface water should be implemented during the construction phase of the project as well as within the completed development to prevent flooding within this and nearby property;

(4) surface water: any SUDs appraisal must give appropriate weight to not only any potential risk of pollution to watercourses but to suitable and sufficient measures for the

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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; and

(5) on-site sewage treatment: should the premises be served by an on-site sewage treatment plant, it will be necessary to ensure that the capacity of the plant is sufficient to deal with any additional demand and that the maintenance and emptying regime is modified accordingly.

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) as the proposed dwellinghouse is not justified by the operational needs of Cairncurran Farm. Accordingly, the proposal does not comply with the requirement of Inverclyde Local Development Plan Policy 19(a) and as there are no mitigating circumstances which justify the development in respect of Policy 14(a) of the Inverclyde Local Development Plan.

On a vote, two Members, Councillors Dorrian and Rebecchi, voted for the amendment and five Members, Councillors Clocherty, Crowther, McKenzie, Nelson and Wilson, voted 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 upheld and that planning permission be granted subject to the following conditions and advisory notes:

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- (1) that the development to which this permission relates must be begun within three years from the date of this permission, to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended;
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- (3) that prior to the commencement of development on site, a plan shall be submitted to and agreed in writing by the Planning Authority demonstrating a minimum visibility splay of 2.4 metres by 75 metres by 1.05 metres is provided at the vehicular access to the public road for the dwellinghouse hereby permitted. The visibility splay shall be prior to the occupation and use of the dwellinghouse hereby permitted and shall be retained at all times thereafter to the satisfaction of the Planning Authority, in the interests of road safety;
- (4) that the vehicular access for the dwellinghouse hereby permitted shall be paved or otherwise sealed with a hard surface for a minimum distance of 2 metres from the carriageway, to prevent deleterious material being carried onto the carriageway;
- (5) that the vehicular access for the dwellinghouse hereby permitted shall be a minimum width of 5 metres for a distance of 6 metres from the edge of the road, in the interests of road safety;
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(8) that the presence of any suspected contamination 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 any contamination issues are recorded and dealt with appropriately; and

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(5) on-site sewage treatment: should the premises be served by an on-site sewage treatment plant, it will be necessary to ensure that the capacity of the plant is sufficient to deal with any additional demand and that the maintenance and emptying regime is modified accordingly.