

Inverclyde Local Review Body

Our Ref: 22/0259/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Cornalees Farm, Dunrod Road, Inverkip.
- Application for Review by Mr Euan Caskie against the decision by an appointed officer of Inverclyde Council.
- Application Ref: 22/0259/IC
- Application Drawings:

Office and washing facilities building	(20054_D.104)	Proposed drainage layout overall	(22-4099-C-052 Rev A)
Site Location Layout	(22-4099-C-001)	Proposed drainage layout sheet 1	(22-4099-C-033 Rev A)
Topographical survey layout	(22-4099-C-002)	Proposed drainage layout sheet 2	(22-4099-C-034 Rev A)
Pre development overland flow layout	(22-4099-C-003)	Proposed drainage layout sheet 3	(22-4099-C-035 Rev A)
Post development overland flow layout	(22-4099-C-004 Rev A)	Proposed autotrack layout refuse vehicle sheet 1	(22-4099-C-050 Rev A)
Proposed general arrangement layout overall	(22-4099-C-010 Rev A)	Proposed autotrack layout refuse vehicle sheet 2	(22-4099-C-051 Rev A)
Proposed general arrangement layout sheet 2	(22-4099-C-012 Rev A)	Proposed general arrangement layout sheet 1	(22-4146-C-011 Rev A)
Proposed general arrangement layout sheet 3	(22-4099-C-013 Rev A)	Proposed scope of works layout sheet 4	(22-4146-C-017)
Proposed scope of works layout sheet 1	(22-4099-C-014)	Proposed scope of works layout sheet 2	(22-4146-C-015)
Proposed levels layout sheet 1	(22-4099-C-020 Rev A)	Proposed scope of works layout sheet 3	(22-4146-C-016)
Proposed levels layout sheet 2	(22-4099-C-021 Rev A)	Proposed scope of works layout sheet 4	(22-4146-C-017)
Proposed levels layout sheet 3	(22-4099-C-022 Rev A)	Proposed scope of works layout sheet 5	(22-4146-C-018)
Proposed levels layout sheet 4	(22-4099-C-023 Rev A)	Proposed road longitudinal sections	(22-4146-C-028)
Proposed road geometry layout sheet 1	(22-4099-C-024)	Existing Site Layout	20054_D.101
Proposed road geometry layout sheet 2	(22-4099-C-025)	Proposed site layout	20054_D.102 Rev A
Proposed road geometry layout sheet 3	(22-4099-C-026)	Typical lodge plans elevations and images	20054_D.103

Proposed road geometry layout sheet 4	(22-4099-C-023 Rev A)	Location Plan	20054_D.LP
Lodge visual 1	01	Lodge visual	-
Lodge visual 2	02	Lodge visual	-
Lodge visual 3	03	Lodge visual	-
Existing site layout	20054_D.101	Location Plan	20054_D.LP
Typical lodge plans layout and images	20054_D.103	Proposed site layout	20054_D.102 Rev A
Office and washing facilities building elevations layout and images	20054_D.104	Topographical survey layout	22-4099-C-002

- Date of Decision Notice: 09/12/2024

Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below.

1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 4 December 2024. The Review Body was constituted by Councillors Clocherty, McCabe, McGuire, McVey and Nelson.

2. Proposal

- 2.1 The application is for proposed holiday lodges, support and administration building and access road at Cornalees Farm, Dunrod Road, Inverkip. The application was refused consent in terms of a decision letter dated 3 May 2024.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 14 November January 2022 together with Design Statement, Plans, Elevations and Visualisations
 - (ii) Planning Application – Flood Risk Assessment, Landscape Assessment, Compliance Certificate, Insurance Document and Letter from Kaya Consulting Limited
 - (iii) Appointed Officer's Report of Handling dated 26 April 2024
 - (iv) Inverclyde Local Development Plan 2019 Policy Extract
 - (v) Inverclyde Local Development Plan 2019 Map Extract
 - (vi) National Planning Framework 4
 - (vii) Representations in relation to Planning Application
 - (viii) Decision Notice dated 3 May 2024 issued by Head of Regeneration & Planning
 - (ix) Notice of Review form dated 8 July 2024 together with Statement of Appeal and other Supporting Documents
 - (x) Suggested Conditions should Planning Permission be granted on Review
 - (xi) The Inverclyde Proposed Local Development Plan 2021

3.2 Having regard to the material provided, the ILRB resolved that the Review Application could be determined without any further procedure allowed in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

4. Findings and Conclusions

4.1 The determining issue in this review is whether the proposed development is appropriately situated, having regard to its Countryside location in terms of locational justification.

4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, decided that the review application should be upheld.

4.3 It was also agreed by the ILRB that the conditions listed at paragraph 5 below be attached to the planning permission for the reasons specified.

5. Conditions

1. The development to which this permission relates must have commenced within 3 years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Prior to the commencement of any construction works on site, the applicant shall provide for the written approval of the Planning Authority a site plan, which confirms the provision of one car parking space for each two bedroom lodge and two car parking spaces for each three bedroom lodge. For the avoidance of doubt the parking spaces shall be a minimum of 3.0m by 6.0m and the approved parking shall then be available for use prior to the first occupation of each lodge.

Reason: In the interests of pedestrian and traffic safety.

3. 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.

Reason: In the interests of visual amenity.

4. 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.

Reason: In the interests of visual amenity.

5. 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.

Reason: In the interests of visual amenity.

6. 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.

Reason: To ensure the remediation scheme meets regulatory requirements and all contamination and Japanese Knotweed concerns are managed appropriately.

7. 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 administration/office building or first use of lodges hereby permitted.

Reason: To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.

8. The administration/office building and lodges hereby approved 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 buildings. Thereafter the approved low and zero carbon generating technologies shall be implemented in their approved form before the first occupation of the administration/office building or lodges.

Reason: To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.

9. 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.

Reason: 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.

10. 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.

Reason: To satisfactorily address potential contamination issues in the interests of human health and environmental safety.

11. 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.

Reason: 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.

12. 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.

Reason: To ensure that all contamination issues are recorded and dealt with appropriately.

13. Prior to the commencement of use of the development hereby permitted, the applicant shall provide for the written approval of the Planning Authority, a site plan which demonstrates an access from Dunrod Road, which shall be a minimum of 5.5m wide for a distance of 10m from the edge of road, at a maximum gradient of 10%; the single-track road within the shall be a minimum of 3.5 wide with intervisible passing places no more than 200m apart; the combined width of single-track road plus passing bay shall be 5.5 metres over a length of 15m to allow the safe passage of bin vehicles; tapers 5m long shall be provided at each end; and turning heads at the end of each access near lodge plots 3 and 12 shall be to National Guidelines requirements. Thereafter the access and road arrangement finally agreed shall be constructed and retained for the lifetime of the development.

Reason: In the interests of traffic and pedestrian safety.

14. For the avoidance of doubt, a visibility splay at the site access onto Dunrod Road of 2.4m x 160.0m x 1.05m shall be provided and maintained for the lifetime of the development.

Reason: In the interests of traffic and pedestrian safety.

15. Prior to the commencement of use of the development hereby permitted, the applicant shall provide for the written approval of the Planning Authority, a site plan which demonstrates pedestrian access between all lodges and the administration/office building. Thereafter the pedestrian access arrangements finally agreed shall be constructed and retained for the lifetime of the development.

Reason: In the interests of traffic and pedestrian safety.

16. Prior to the commencement of any development works on site, the applicant shall submit for the written approval of the Planning Authority, full details of how all surface water run off shall be retained within the site both during construction and on completion of the development. Thereafter the surface water run off shall be retained within the site in accordance with the detail finally approved, for the lifetime of the development.

Reason: In the interests of visual amenity.

Signed _____

Head of Legal, Democratic, Digital & Customer Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.