

LOCAL REVIEW BODY - 4 DECEMBER 2013

Local Review Body

Wednesday 4 December 2013 at 4pm

Present: Provost Moran, Councillors Dorrian, Loughran, Nelson and Wilson.

Chair: Councillor Wilson presided.

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

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

760 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 760

No apologies for absence or declarations of interest were intimated.

761 CONTINUED PLANNING APPLICATION FOR REVIEW 761

**(a) Erection of two 67m high to blade tip wind turbines:
Priestside Farm, Auchentiber Road, Kilmacolm (13/0036/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the erection of two 67m high to blade tip wind turbines at Priestside Farm, Auchentiber Road, Kilmacolm (13/0036/IC), consideration of which had been continued from the meeting held on 6 November 2013 for an unaccompanied site inspection.

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 review be upheld and that planning permission be granted subject to the following conditions:-

(i) The permission hereby granted shall endure for a period of 25 years from the commencement of the development. At the end of that period, unless a further application for its retention has been submitted to and approved by the Planning Authority, the wind turbines, structures and ancillary equipment shall be dismantled and removed from the site, and the ground fully reinstated to its former condition to a depth of no less than one metre below surface level, or such other means of restoration shall be carried out as may be agreed in writing by the Planning Authority; all such restoration to be completed within six months of the end of the 25 year period, in recognition of the expected lifespan of the wind turbine and to ensure the proper restoration of the site, in the interests of safety and visual amenity, at the end of the permitted period;

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(ii) In the event that the turbines fail to produce any electricity supplied to the grid for a continuous period of twelve months then they shall be deemed to have ceased to be required and, unless agreed in writing by the Planning Authority, the wind turbines, structures and ancillary equipment shall be dismantled and removed from the site, and the ground fully reinstated to its former condition in accordance with the requirements of condition (i), in the interests of the visual amenity of the area by removing redundant or partially dismantled equipment;

(iii) The wind turbines shall be finished in a non-reflective, semi-matt finish and no advertising shall be displayed on any part of the turbines unless otherwise agreed in writing by the Planning Authority. Details of the finish and colour of all externally visible components shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development, in the interests of the visual amenity of the area;

(iv) 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 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;

(v) That 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 within one week. Consequential remediation 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;

(vi) That no fill or landscaping material shall be imported onto the site until written details of the source and intended reuse of the imported materials has been submitted for approval, in writing by the Planning Authority. The report shall characterise the chemical quality (including soil-leachate and organic content etc), volume and source of the imported materials with corresponding cross-sections and plans indicating spatial distribution and depth/thickness of material placement within the development site. The material from the source agreed only shall be imported in strict accordance with these agreed details, to protect receptors from the harmful effects of imported contamination;

(vii) The level of noise emissions from the wind turbines when measured at any dwelling, lawfully existing at the date of permission, shall not exceed:

(a) between the hours of 23:00 and 07:00 the greater of 43dB L_A90 (10 min) or 5dB(A) above the Night Hours Background Noise level at that property; or

(b) between the hours of 07:00 and 23:00 the greater of 40dB L_A90 (10 min) or 5dB(A) above the quiet Waking Hours Day Time Background Noise Level at that property, to protect the amenities of occupiers of premises from unreasonable noise and vibration levels;

(viii) No development shall commence until the size and weight of vehicles required to transport components and carry out maintenance, their route, locations of infrastructure required to be changed to accommodate the vehicles, number of proposed delivery trips, date of trips and details of likely remediation works to roads and verges have been submitted to and approved in writing by the Planning Authority, in the interests of road safety on Inverclyde's road network; and

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(ix) No development shall commence until drainage details, a drainage impact assessment and confirmation that SEPA's permission has been granted to cross any stream or river have been submitted to and approved in writing by the Planning Authority, to prevent harm from flooding.

As an amendment, Provost Moran 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 reason as set out in the Report of Handling dated 18 April 2013:-

The height and scale of the proposed turbines and their proximity to the wind turbine granted planning permission at High Mathernock, nearby housing, Auchentiber Road, Auchenbothie Road, the B788, Kilmacolm village and the eastern part of upper Port Glasgow have a cumulative impact in creating an unexpected and dominant collective feature in this part of the Inverclyde countryside to the detriment of visual amenity and landscape character and thus contrary to:

(a) Policy UT6 of the Inverclyde Local Plan, criterion (b) which requires regard to be given to the landscape, especially when viewed from major transport corridors;

(b) Interim Inverclyde Local Plan Policy UT6A, criterion (c) which requires turbines to be sited within the landform to ensure that they do not have a detrimental effect on the landscape and wider environment;

(c) Interim Inverclyde Local Plan Policy UT6B, criterion (f) which requires regard to be given to the landscape, especially when viewed from public vantage points, including local roads, neighbouring settlements and when set against the skyline.

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 review be upheld and that planning permission be granted subject to the following conditions:-

(i) The permission hereby granted shall endure for a period of 25 years from the commencement of the development. At the end of that period, unless a further application for its retention has been submitted to and approved by the Planning Authority, the wind turbines, structures and ancillary equipment shall be dismantled and removed from the site, and the ground fully reinstated to its former condition to a depth of no less than one metre below surface level, or such other means of restoration shall be carried out as may be agreed in writing by the Planning Authority; all such restoration to be completed within six months of the end of the 25 year period, in recognition of the expected lifespan of the wind turbine and to ensure the proper restoration of the site, in the interests of safety and visual amenity, at the end of the permitted period;

(ii) In the event that the turbines fail to produce any electricity supplied to the grid for a continuous period of twelve months then they shall be deemed to have ceased to be required and, unless agreed in writing by the Planning Authority, the wind turbines, structures and ancillary equipment shall be dismantled and removed from the site, and the ground fully reinstated to its former condition in accordance with the requirements of condition (i), in the interests of the visual amenity of the area by removing redundant or partially dismantled equipment;

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- (iii) The wind turbines shall be finished in a non-reflective, semi-matt finish and no advertising shall be displayed on any part of the turbines unless otherwise agreed in writing by the Planning Authority. Details of the finish and colour of all externally visible components shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development, in the interests of the visual amenity of the area;
- (iv) 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 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;
- (v) That 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 within one week. Consequential remediation 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;
- (vi) That no fill or landscaping material shall be imported onto the site until written details of the source and intended reuse of the imported materials has been submitted for approval, in writing by the Planning Authority. The report shall characterise the chemical quality (including soil-leachate and organic content etc), volume and source of the imported materials with corresponding cross-sections and plans indicating spatial distribution and depth/thickness of material placement within the development site. The material from the source agreed only shall be imported in strict accordance with these agreed details, to protect receptors from the harmful effects of imported contamination;
- (vii) The level of noise emissions from the wind turbines when measured at any dwelling, lawfully existing at the date of permission, shall not exceed:
- (c) between the hours of 23:00 and 07:00 the greater of 43dB L_A90 (10 min) or 5dB(A) above the Night Hours Background Noise level at that property; or
- (d) between the hours of 07:00 and 23:00 the greater of 40dB L_A90 (10 min) or 5dB(A) above the quiet Waking Hours Day Time Background Noise Level at that property, to protect the amenities of occupiers of premises from unreasonable noise and vibration levels;
- (viii) No development shall commence until the size and weight of vehicles required to transport components and carry out maintenance, their route, locations of infrastructure required to be changed to accommodate the vehicles, number of proposed delivery trips, date of trips and details of likely remediation works to roads and verges have been submitted to and approved in writing by the Planning Authority, in the interests of road safety on Inverclyde's road network; and
- (ix) No development shall commence until drainage details, a drainage impact assessment and confirmation that SEPA's permission has been granted to cross any stream or river have been submitted to and approved in writing by the Planning Authority, to prevent harm from flooding.

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**(a) Erection of conservatory and decking to rear of property:
17 Cullen Crescent, Inverkip (13/0140/IC)**

There were submitted papers relative to the application for review of condition 2 of the planning permission granted for the erection of conservatory and decking to the rear of the property at 17 Cullen Crescent, Inverkip (13/0140/IC) requiring that the obscure glazing on the south-west elevation of the conservatory, hereby approved, shall be retained in perpetuity, to prevent overlooking of the neighbouring garden at No 15 Cullen Crescent.

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 condition 2 of the planning permission granted in terms of the Decision Notice dated 30 July 2013 be deleted.

**(b) Single storey extension with integral garage:
Old Fire Station, 1 Torr Avenue, Quarriers Village, (12/0345/IC)**

There were submitted papers relative to the application for the review of the refusal of planning permission for a single storey extension with integral garage at the Old Fire Station, 1 Torr Avenue, Quarriers Village (12/0345/IC).

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 and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, consideration of the application for review be continued for an unaccompanied site inspection to be arranged by the Head of Legal & Democratic Services in consultation with the Chair.