

**LOCAL REVIEW BODY – 3 SEPTEMBER 2014**

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**Local Review Body**

**Wednesday 3 September 2014 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 & Property Services).

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

**504 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 504**

No apologies for absence or declarations of interest were intimated.

**505 CONTINUED PLANNING APPLICATIONS FOR REVIEW 505**

- (a) Alterations to design of detached dwellinghouse and formation of garage/carport (variation to consent 13/0246/IC):  
Former ARP Station, Lochwinnoch Road, Kilmacolm (14/0005/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for alterations to design of the detached dwellinghouse and formation of garage/carport (variation to consent 13/0246/IC) at the former ARP Station, Lochwinnoch Road, Kilmacolm (14/0005/IC), consideration of which had been continued from the meeting held on 7 May 2014 for an unaccompanied site inspection and from the meeting held on 6 August 2014 to allow all interested parties an opportunity to comment on the modification to the terms of Local Development Plan Policy RES7, Residential Development in the Greenbelt and Countryside, as compared to the version of that Policy in the Proposed Plan (May 2013) which was referred to in the Report of Handling.

Councillors Loughran, Nelson 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) 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 choice of finishes consistent with the countryside location;

(ii) notwithstanding the information in the approved drawings, no development shall commence until details of bin storage have been submitted to and approved in writing by the Planning Authority, in order to provide satisfactory measures for the storage and uplift of waste materials;

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- (iii) if works are to be undertaken between March and October inclusive, roofing felt shall be removed by hand prior to renovation/demolition. If bats are subsequently found to be present SNH shall be contacted to advise on necessary licensing requirements, in order to avoid any offence being committed under the Habitats Regulations 1994;
- (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 development shall not commence until an environmental investigation and risk assessment, including any necessary remediation strategy with timescale for implementation, of all pollutant linkages have been submitted to and approved in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The remediation strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options, to satisfactorily address potential contamination issues in the interests of environmental safety;
- (vi) that on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval in writing by the Planning Authority confirming that the works have been carried out in accordance with the remediation strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site, to provide verification that remediation has been carried out to the Authority's satisfaction;
- (vii) 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 amendments to the Remediation Strategy 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;
- (viii) 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;
- (ix) the planting scheme detailed in approved drawing 367.01.01 under planning permission 10/0237/IC shall be completed within the first planting season following completion of the development hereby approved; thereafter, any specimens which die, become diseased or are damaged shall be replaced in the next planting season with a similar specimen, unless the Planning Authority gives its prior written approval to any alternative, to ensure the provision of a quality landscape setting; and
- (x) prior to the house, hereby approved, being occupied the hedge along the site frontage shall be reduced in height to 1m; thereafter it shall be maintained at 1m high in perpetuity, in order to ensure a safe sightline for vehicles exiting the site onto Lochwinnoch Road.

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As an amendment, Councillor Loughran 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:-
  - (i) the proposed development would set a precedent for ribbon development; and
  - (ii) the proposal fails to respect the original scale, character, proportion and architectural integrity of the building, thus conflicting with Local Plan Policy H18, proposed Local Development Plan Policy RES7 and the design guidance in the Council's PPA5 and PAAN8 for the residential conversion of buildings in the countryside, all to the detriment of the quality of visual amenity at this prominent site at the entrance to Kilmacolm Village, as set out in the Decision Notice dated 17 February 2014.

On a vote, 1 Member voted for the amendment and 2 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:-
  - (i) 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 choice of finishes consistent with the countryside location;
  - (ii) notwithstanding the information in the approved drawings, no development shall commence until details of bin storage have been submitted to and approved in writing by the Planning Authority, in order to provide satisfactory measures for the storage and uplift of waste materials;
  - (iii) if works are to be undertaken between March and October inclusive, roofing felt shall be removed by hand prior to renovation/demolition. If bats are subsequently found to be present SNH shall be contacted to advise on necessary licensing requirements, in order to avoid any offence being committed under the Habitats Regulations 1994;
  - (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 development shall not commence until an environmental investigation and risk assessment, including any necessary remediation strategy with timescale for implementation, of all pollutant linkages have been submitted to and approved in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The remediation strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options, to satisfactorily address potential contamination issues in the interests of environmental safety;
  - (vi) that on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval in writing by the Planning Authority confirming that the works have been carried out in

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accordance with the remediation strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site, to provide verification that remediation has been carried out to the Authority's satisfaction;

(vii) 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 amendments to the Remediation Strategy 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;

(viii) 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;

(ix) the planting scheme detailed in approved drawing 367.01.01 under planning permission 10/0237/IC shall be completed within the first planting season following completion of the development hereby approved; thereafter, any specimens which die, become diseased or are damaged shall be replaced in the next planting season with a similar specimen, unless the Planning Authority gives its prior written approval to any alternative, to ensure the provision of a quality landscape setting; and

(x) prior to the house, hereby approved, being occupied the hedge along the site frontage shall be reduced in height to 1m; thereafter it shall be maintained at 1m high in perpetuity, in order to ensure a safe sightline for vehicles exiting the site onto Lochwinnoch Road.

Councillor Nelson left the meeting at this juncture.

**(b) Erection of a single wind turbine 70M high to blade tip and associated infrastructure:  
Land Southwest of Auchentiber Bridge, Auchenfoyle, Auchentiber Road by Port Glasgow (14/0004/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the erection of a single wind turbine 70M high to blade tip and associated infrastructure at land southwest of Auchentiber Bridge, Auchenfoyle, Auchentiber Road, by Port Glasgow (14/0004/IC), consideration of which had been continued from the meeting held on 6 August 2014 for an unaccompanied site inspection.

Provost Moran, Councillors Dorrian, Loughran and Wilson participated in consideration of this item of business.

**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 a combination of height, scale and prominence within this part of Inverclyde's countryside, proximity to three approved wind turbines and proximity to the core footpath network create an

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unexpected and dominant cluster of engineered structures detrimental to visual amenity and enjoyment of the countryside and contrary to:-

- (a) Policy UT6 of the Inverclyde Local Plan, criteria (a), (b), (c) and (d);
- (b) Interim Inverclyde Local Plan Policy UT6B, criteria (a) and (f);
- (c) Proposed Local Development Plan Policy INF1, criteria (b), (d) and (i); and
- (d) Local Plan Policy LR6

as set out in the Decision Notice dated 17 March 2014.