

LOCAL REVIEW BODY – 1 APRIL 2015

Local Review BodyWednesday 1 April 2015 at 4pm

Present: Councillors Dorrian, Loughran, Nelson, Rebecchi 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.

243 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 243

No apologies for absence or declarations of interest were intimated.

244 PLANNING APPLICATION FOR REVIEW 244

Conversion of former ARP station to 3 detached dwellinghouses (variation to consent 10/0237/IC):

Former ARP Station, Lochwinnoch Road, Kilmacolm (14/0390/IC)

There were submitted papers relative to the application for review of the refusal of planning permission for the conversion of the former ARP Station to 3 detached dwellinghouses (variation to planning consent 10/0237/IC) at Lochwinnoch Road, Kilmacolm (14/0390/IC).

Mr Kerr and Mr Gimby referred to new matters raised by the applicant in the form of drawing 2314_D.213 (elevation in line with consents). Mr Kerr asked the Local Review Body whether it wished to have regard to this drawing in determining the application for review of the refusal of planning permission in terms of Section 43(B) of the Town and Country Planning (Scotland) Act 1997. Elected Members agreed that the drawing be taken into consideration and copies were circulated.

After discussion, 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 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) 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 licencing requirements, in order to avoid any offence being committed under the Habitats Regulations 1994;

(iii) 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

LOCAL REVIEW BODY – 1 APRIL 2015

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;

(iv) 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 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 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;

(v) 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;

(vi) 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; and

(vii) notwithstanding the information in the docquetted 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.

As an amendment, Councillor Rebecchi moved:-

(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 & Property Services in consultation with the Chair.

On a vote, one Member voted for the amendment and four 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

LOCAL REVIEW BODY – 1 APRIL 2015

consistent with the countryside location;

(ii) 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 licencing requirements, in order to avoid any offence being committed under the Habitats Regulations 1994;

(iii) 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;

(iv) 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 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 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;

(v) 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;

(vi) 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; and

(vii) notwithstanding the information in the docquetted 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.