

LOCAL REVIEW BODY – 4 DECEMBER 2024

Local Review Body

Wednesday 4 December 2024 at 4pm

Present: Councillors Brooks, Clocherty, McCabe, McGuire, McVey and Nelson.

Chair: Councillor McVey presided.

In attendance:

Katrine Dean	Planning Officer (Planning Adviser)
Emma Peacock	Solicitor (Legal Adviser)
Colin MacDonald	Senior Committee Officer
Diane Sweeney	Senior Committee Officer

The meeting was held at the Municipal Buildings, Greenock with Councillor Clocherty, McCabe and McGuire attending remotely.

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

563 **APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST** 563

Apologies for absence were intimated on behalf of Councillor Crowther and Councillor Curley.

No declarations of interest were intimated.

564 **CONTINUED PLANNING APPLICATION FOR REVIEW** 564

(a) Proposed holiday lodges, support and administration building and access road: Cornalees Farm, Dunrod Road, Inverkip (22/0259/IC)

There was submitted papers relative to the application for review for proposed holiday lodges, support and administration building and access road at Cornalees Farm, Dunrod Road, Inverkip (22/0259/IC) to enable the Local Review Body to consider the matter afresh consideration of which had been continued from the meeting held on 2 October 2024 for an unaccompanied site visit.

Prior to the commencement of this item of business, Councillors Brooks indicated that he was not entitled to take part in consideration of this item of business, having not been present at previous considerations, and left the meeting.

Ms Dean acted as Planning Adviser relative to this case.

Ms Dean referred to decision 2 of the Decision Notice relative to the application, advising that Policy 8 of NPF4 does not apply in this case as this site is in the countryside and Policy 8 applies to greenbelt land. Ms Dean also referred to a typographical error in the Decision Notice, and accordingly, reference to "Policy 15 of the adopted Local Development Plan" should read "Policy 14 of the adopted Local Development Plan."

After discussion, Councillor McVey moved that (1) sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) the application for review be upheld and that planning permission be granted subject to the following conditions:

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1. that the development to which this permission relates must have commenced within 3 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 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, in the interests of pedestrian and traffic safety;
3. that 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, in the interests of visual amenity;
4. that 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, in the interests of visual amenity;
5. that 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, in the interests of visual amenity;
6. that 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, to ensure the remediation scheme meets regulatory requirements and all contamination and Japanese Knotweed concerns are managed appropriately;
7. that 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, to protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds;
8. that 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, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009;
9. that 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

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Authority, 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. that 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, to satisfactorily address potential contamination issues in the interests of human health and environmental safety;

11. that 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, 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. that 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, to ensure that all contamination issues are recorded and dealt with appropriately;

13. that 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, in the interests of traffic and pedestrian safety;

14. that 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, in the interests of traffic and pedestrian safety;

15. that 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, in the interests of traffic and pedestrian safety; and

16. that 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

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in accordance with the detail finally approved, for the lifetime of the development, in the interests of visual amenity.

As an amendment, Councillor McGuire moved that (1) 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 reasons:

1. the proposed development does not accord with the six factors contributing to successful places of Policy 1 of the adopted and proposed Local Development Plans, in that it fails to meet the 'Distinctive' requirements by not respecting the landscape setting or character;
2. no justification has been provided which justifies the essential requirement for a green belt location, with the site not specifically identified in both the adopted and proposed Local Development Plans for such a use. The proposed development would not be compatible with the surrounding established countryside and landscape character, contrary to the provisions of Policy 14 of the adopted Local Development Plan and Policy 15 of the proposed Local Development Plan; and
3. the proposed development does not accord with the six factors contributing to successful places of Policy 1 of the adopted and proposed Local Development Plans, in that it fails to meet the "Successful Places" requirements by not protecting important views.

Following a roll call vote, 2 Members, Councillors Clocherty and McGuire voted in favour of the amendment and 3 Members, Councillors McCabe, McVey and Nelson voted 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 application for review be upheld and that planning permission be granted subject to the following conditions:-
 1. that the development to which this permission relates must have commenced within 3 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 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, in the interests of pedestrian and traffic safety;
 3. that 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, in the interests of visual amenity;
 4. that 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, in the interests of visual amenity;
 5. that 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, in the interests of visual amenity;

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6. that 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, to ensure the remediation scheme meets regulatory requirements and all contamination and Japanese Knotweed concerns are managed appropriately;

7. that 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, to protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds;

8. that 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, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009;

9. that 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, 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. that 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, to satisfactorily address potential contamination issues in the interests of human health and environmental safety;

11. that 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, 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. that 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

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Scheme 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;

13. that 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, in the interests of traffic and pedestrian safety;

14. that 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, in the interests of traffic and pedestrian safety;

15. that 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, in the interests of traffic and pedestrian safety; and

16. that 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, in the interests of visual amenity.