

Inverclyde Local Review Body

Our Ref: 16/0227/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Migdale, Finlaystone Road, Kilmacolm
 - Application for Review by Mr. T Williams on behalf of Mr. J Jamieson against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 16/0227/IC
 - Application Drawings:
 - Drawing No. 2459-D-001 Revision A – Existing Plans and Section
 - Drawing No. 2459-D-002 Revision B – Proposed Ground, 1st, Roof and Site Plan
 - Drawing No. 2459-D-003 – Proposed Elevations and Model Images
 - Date of Decision Notice: 14 June 2017
-

Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below. Attention is also drawn to the Advisory Notice at the end of this Review Decision Notice.

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 firstly at a meeting held on 5 April 2017. The Review Body was constituted by Councillors K Brooks, G Dorrian, V Jones, T Loughran, I Nelson, L Rebecchi and D Wilson (Chair). At that meeting the Members of the ILRB decided that consideration of the application be continued to the first meeting of the Local Review Body following the local government elections on 4 May 2017.
- 1.3 The ILRB reconvened on 7 June 2017 to determine the matter. The ILRB on 7 June 2017 was constituted by Councillors J Clocherty, J Crowther, G Dorrian, J McEleny, D McKenzie, R Moran, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for alterations to and the conversion of the agricultural buildings at Migdale, Finlaystone Road, Kilmacolm, together with associated works within the curtilage, to create a 2 storey dwellinghouse. The works include the taking down of the lean-to element and construction of a single storey link between the 2 barns to allow the site to be used as a single dwelling. The proposal involves the removal of the existing corrugated sheet walls and roofs and rebuilding with new external materials, consisting of grey, metal standing seam profiled roofing on the 2 “barn” elements, replicating the current barrel vault type roof of the buildings

with a "Sarnafil" or equal single ply membrane roof on the flat-roofed link element. The external walls will consist of a blue proprietary facing brick face, with mainly cedar hardwood timber cladding panels and rainscreen cladding above on the barn elements with rock panel, Marley Eternity or Cedral Weatherboard on the link elements. Aluminum clad doors and fenestration will also be used and 2 toughened glass balustrades are to be constructed at the upper floor level south-west and north-east elevations. The application was refused consent in terms of a decision letter dated 8 December 2016.

3. Preliminaries

3.1 The ILRB members were provided with copies of the following:

- (i) Planning Application and plans dated 13 October 2016;
- (ii) Appointed Officer's Site Location Plan and Photographs;
- (iii) Appointed Officer's Report of Handling dated 8 December 2016;
- (iv) Planning Application Advice Note No. 8 on Siting and Design of New Houses in the Countryside referred to in the Report of Handling;
- (v) Scottish Planning Policy referred to in the Report of Handling;
- (vi) Consultation responses in relation to planning application;
- (vii) Representations in relation to planning application;
- (viii) Decision Notice dated 8 December 2016 issued by Head of Regeneration & Planning;
- (ix) Notice of Review Form dated 2 March 2017 together with supporting documentation;
- (x) Email dated 13 March 2017 from applicant's agent withdrawing request for Hearing Session and Site Inspection; and
- (xi) Suggested conditions should planning permission be granted on review.

The ILRB also viewed three animations in relation to the proposals which had been submitted by the applicant with the notice of review. In addition, the ILRB had regard to new matters raised by the applicant in the form of Appendix 1 to the Statement of Review (Extract from Inverclyde Local Development Plan Main Issues Report submitted to the Environment & Regeneration Committee on 2 March 2017 on Housing Land Supply in Kilmacolm and Quarriers Village) and were provided with copies of Appendix 1 to the Statement of Review.

3.2 Having regard to the material produced 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. Reasons

4.1 The determining issues in this review are (a) the Inverclyde Local Development Plan, particularly Policy SDS5, Development within the Urban Area, Policy RES7, Residential Development in the Green Belt and Countryside and Policy ENV2, Assessing Development Proposals in the Green Belt and the Countryside, (b) the design and style of the proposed dwelling which reflects the existing barns, (c) the extent of rebuilding proposed. The ILRB noted that no objections to the proposal had been submitted and that five representations in support had been received. The ILRB noted comments from the Legal Adviser that, should the application for review be upheld and planning permission be granted, no precedent would be set as every application for planning permission requires to be considered on its own merits.

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, determined following a vote 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 placed on the planning permission for the reasons specified.

5. Conditions

1. That samples of all facing materials shall be submitted to and approved in writing by the Planning Authority prior to their use.
2. That a minimum visibility of 2.4 metres by 160 metres by 1.05 metres high shall be provided prior to the site being brought into use and shall be retained at all times thereafter.
3. That the minimum radius for the access shall be 4 metres.
4. That the driveway shall cater for a minimum of 3 cars and shall be a minimum of 4.8 metres wide to allow 2 vehicles to pass.
5. That the driveway shall be paved or otherwise sealed with a hard surface for a minimum distance of 2 metres from the carriageway.
6. That the driveway gradient shall not exceed 10%.
7. That prior to the commencement of development the applicant shall demonstrate that vehicles can enter and exit the site in forward gear, to the satisfaction of the Planning Authority.
8. That all surface water must be contained within the site. Drainage arrangements showing how this will be achieved shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development.
9. That prior to the commencement of development, full details shall be submitted to and approved in writing by the Planning Authority of all boundary treatments, including any walls or fences to be erected, together with the timescale for implementation.
10. That prior to the commencement of development, full details shall be submitted to and approved in writing by the Planning Authority of all landscaping within the application site, together with the timescale for implementation.

Reasons:

1. To control the appearance of the dwellinghouse in the interests of visual amenity.
2. In the interests of traffic safety.
3. To ensure the provision of a suitable connection to the road.
4. To avoid delayed entry from the road, in the interests of traffic safety on the road.
5. To prevent deleterious material being carried onto the carriageway.
6. To ensure the driveway can be used by future occupants.
7. In the interest of traffic safety.
8. In the interests of traffic safety.
9. To ensure boundary treatments are suitable to the location.
10. To ensure landscaping is suitable to the location.

Advisory Notes

- i. Site drainage: suitable and sufficient measures for the effective collection and disposal of surface water should be implemented during the construction phase of the project as well as within the completed development to prevent flooding within this and nearby property.
- ii. Rats, drains and sewers: prior to the construction phase it is strongly recommended that any existing, but redundant, sewer/drainage connections should be sealed to prevent rat infestation and inhibit the movement of rats within the area via the sewers/drains.
- iii. The applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and their implications on client duties etc.
- iv. Surface water: any SUDS appraisal must give appropriate weight to not only any potential risk of pollution to watercourses but to suitable and sufficient measures for the effective collection and disposal of surface water to prevent flooding. Measures should be implemented during the construction phase of the project as well as the within the completed development to prevent flooding within the application site and in property/land nearby. It is also recommended that a long term maintenance plan should be developed prior to the commencement of the proposed development.
- v. Septic tanks: should the premises be served by a septic tank, it will be necessary to ensure that the capacity of the tank is sufficient to deal with any additional demand and that the maintenance and emptying regime is modified accordingly.
- vi. Design and construction of buildings – gulls: it is very strongly recommended that appropriate measures be taken in the design of all buildings and their construction, to inhibit the roosting and nesting of gulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the development.
- vii. All external lighting on the application site should comply with the Scottish Government Guidance Note “Controlling Light Pollution and Reducing Lighting Energy Consumption”.

Signed _____

Head of Legal & Property 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.