

LOCAL REVIEW BODY

6 DECEMBER 2017

PLANNING APPLICATION FOR REVIEW

MR N WILSON

REALIGNMENT OF ACCESS ROAD:

CRAIGMARLOCH SOUTH, PORT GLASGOW ROAD, KILMACOLM (17/0159/IC)

Contents

- 1. Planning Application dated 29 May 2017 together with plans**
- 2. Appointed Officer's Site Photographs with location plan**
- 3. Appointed Officer's Report of Handling dated 21 August 2017**
- 4. Consultation response in relation to planning application**
- 5. Representation in relation to planning application**
- 6. Decision Notice dated 22 August 2017 issued by Head of Regeneration & Planning**
- 7. Notice of Review Form dated 25 September 2017 together with supporting documentation**
- 8. Suggested condition should planning permission be granted on review**

**1. PLANNING APPLICATION DATED 29 MAY 2017
TOGETHER WITH PLANS**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email:
devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100053576-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

realignment of access road

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

| | | | |
|-----------------------|-------------------------------|--|-----------------|
| Company/Organisation: | bryce boyd planning solutions | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | bryce | Building Name: | ellersleigh |
| Last Name: * | boyd | Building Number: | |
| Telephone Number: * | 01505874489 | Address 1 (Street): * | castlehill road |
| Extension Number: | | Address 2: | |
| Mobile Number: | | Town/City: * | kilmacolm |
| Fax Number: | | Country: * | UK |
| | | Postcode: * | pa13 4el |
| Email Address: * | bboydplanning@aol.com | | |

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|--------|--|-------------------|
| Title: | Mr | You must enter a Building Name or Number, or both: * | |
| Other Title: | | Building Name: | caigmarloch |
| First Name: * | neil | Building Number: | |
| Last Name: * | wilson | Address 1 (Street): * | port glasgow road |
| Company/Organisation | | Address 2: | |
| Telephone Number: * | | Town/City: * | kilmacom |
| Extension Number: | | Country: * | UK |
| Mobile Number: | | Postcode: * | pa13 4sg |
| Fax Number: | | | |
| Email Address: * | | | |

Site Address Details

Planning Authority:

Inverclyde Council

Full postal address of the site (including postcode where available):

Address 1:

Craigmarloch South

Address 2:

Port Glasgow Road

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Kilmacolm

Post Code:

PA13 4SG

Please identify/describe the location of the site or sites

Northing

671372

Easting

234700

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

discussed proposal with planning officer and indicated that application would be submitted soon

Title:

Mr

Other title:

First Name:

james

Last Name:

mccall

Correspondence Reference
Number:

Date (dd/mm/yyyy):

13/04/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

465.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

vacant land

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

4

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

not required

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: bryce boyd

On behalf of: Mr neil wilson

Date: 29/05/2017

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr bryce boyd

Declaration Date: 29/05/2017

Payment Details

Cheque: bryce boyd planning solutions ltd, 000522

Created: 29/05/2017 10:49



SITE PLAN AS PROPOSED 1/500

revisions & notes
Copyright © 2017 MacPhail Architecture. Copyright is reserved by MacPhail Architecture, and the drawing is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written consent of MacPhail Architecture.

| | | | |
|---------|--------------------|-------------------|------------------------------|
| client: | MR & MRS N. WILSON | project: | ACCESS RD, CRAIGMARLOCH FARM |
| Job no. | 701 | drg. no. | 03 |
| | | drawing size - A3 | drawn: MM checked: MM |

MacPhail Architecture
Chartered Architect
52 Kempock St, Gourrock, Pa19 1nd.
tel. 01475 637165 em: macphailarch@hotmail.com



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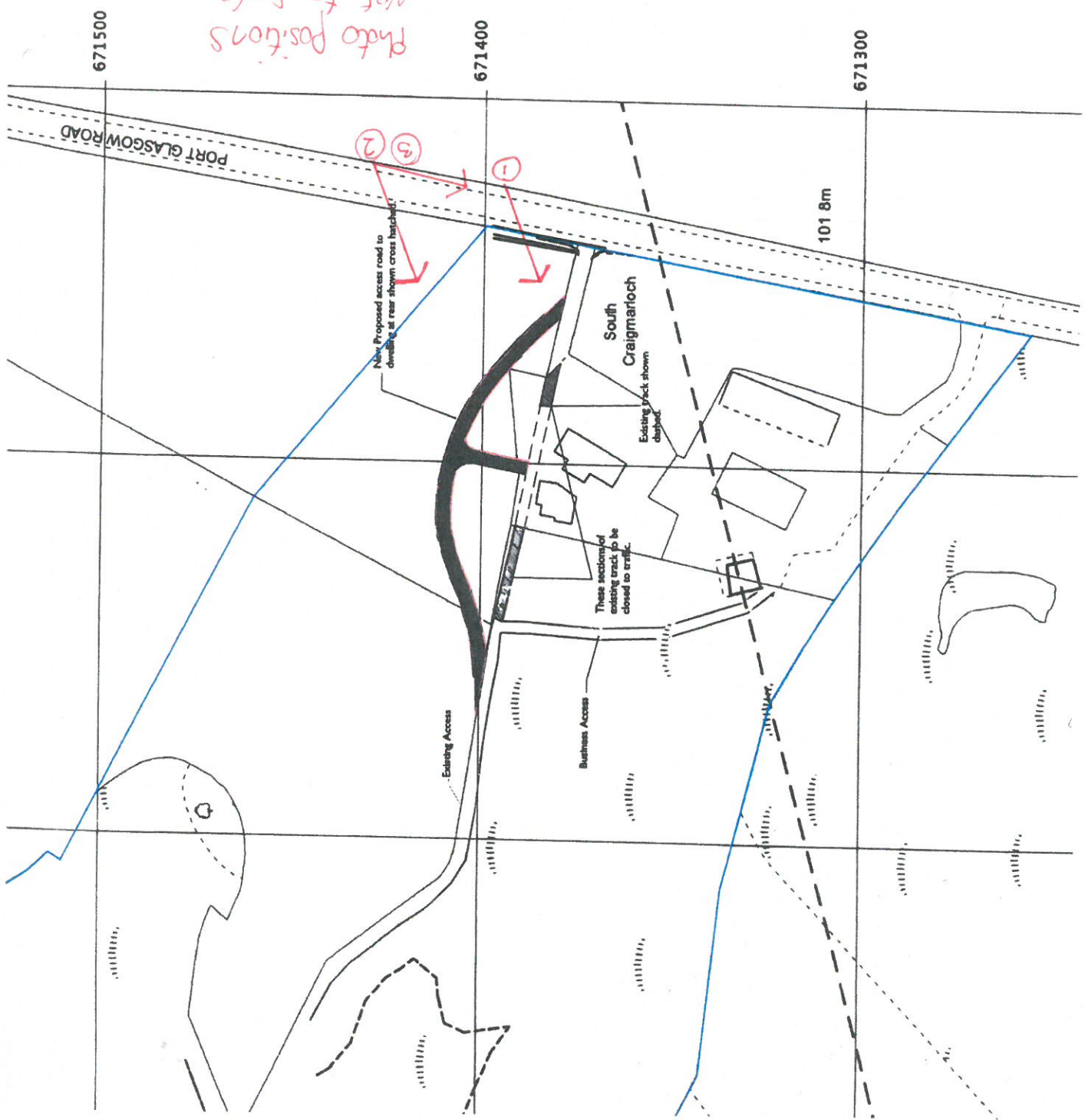
revisions & notes
a - 02/06/17 - os data supplier noted on location plan.

| | |
|----------------------------|---------------------------------------|
| client: MR & MRS N. WILSON | project: ACCESS RD, CRAIGMARLOCH FARM |
| Job no. 701 | drawing size - A3 |
| drw. no. 02 | drawn. MM checked. MM |

MacPhail Architecture
Chartered Architect
52 Kermock St, Gourrock, Pa19 1nd.
tel: 01475 637165 em: macphailarch@hotmail.com

**2. APPOINTED OFFICER'S SITE PHOTOGRAPHS WITH
LOCATION PLAN
(taken with iPhone 6s)**

Photo positions
not to scale









**3. APPOINTED OFFICER'S REPORT OF HANDLING DATED
21 AUGUST 2017**

REPORT OF HANDLING

Report By: James McColl

Report No: 17/0159/IC

**Local Application
Development**

**Contact
Officer:** 01475 712462

Date: 21st August 2017

Subject: Realignment of access road at
Craigmarloch South, Port Glasgow Road, Kilmacolm

SITE DESCRIPTION

The application site comprises an area of open ground located to immediately to the north of the existing dwellinghouse at South Craigmarloch, Kilmacolm. South Craigmarloch lies approximately 0.6 miles (by road) to the north-west of Kilmacolm, and is located on the western side of the A761 Kilmacolm to Port Glasgow Road. The nearest neighbouring property is Craigmarloch, approximately 400 metres to the north-east of the application site.

PROPOSAL

It is proposed to realign the existing access road adjacent to the house by diverting it in the form of a large loop to the north. A spur will provide a link to the existing house and the new access will continue to adjoin the existing access road towards the new house recently construct to the west.

DEVELOPMENT PLAN POLICIES

Policy ENV2 - Assessing Development Proposals in the Green Belt and the Countryside

Development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances, while development in the Countryside will only be considered favourably where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture, forestry or, where appropriate, renewable energy (refer Policy INF1); or
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and has an economic, social and community benefit (refer to Policy ECN6); or
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site (refer Policies INF3 and INF7); or
- (d) it entails appropriate re-use of redundant habitable buildings, the retention of which is desirable for either their historic interest or architectural character or which form part of an establishment or institution standing in extensive grounds (refer to Policy RES7); and
- (e) it does not adversely impact on the natural and built heritage, and environmental resources;

- (f) it does not adversely impact on landscape character;
- (g) it does not adversely impact on prime quality agricultural land;
- (h) it does not adversely impact on peat land with a high value as a carbon store;
- (i) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (j) there is a need for additional land for development purposes, provided it takes account of the requirements of the Strategic Development Plan; and
- (k) it has regard to Supplementary Guidance on Planning Application Advice Notes.

CONSULTATIONS

Head of Environmental and Commercial Services – The realignment of the access road is within privately owned land and has no impact on the public road network as the realignment is more than 10 metres into the site. This is sufficient for vehicles to turn off the public road network. There is no objection to the proposal.

PUBLICITY

The application was advertised in the Greenock Telegraph on 28th July 2017 as it is contrary to the development plan.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

The Kilmacolm Civic Trust offer no objections.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan, the visual impact of the proposed development, the impact on neighbouring amenity and the consultation response.

The application site is located in the Green Belt and policy ENV2 advises that development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances. In the application submission, the applicant advises that the proposal is to avoid vehicles accessing the new house to the west, from passing in close proximity to the existing house. The line of the new access would enable both properties to be served by the existing access onto Port Glasgow Road whilst maintaining privacy.

In assessing the proposal, I note the Head of Environmental and Commercial Services offers no objection to the new access arrangement. There is also no impact on any other nearby residential properties. It therefore rests to consider the appropriateness of the development for the Green Belt location. Firstly, I note that the applicant in respect of this application was also the applicant for the previous application for the new house and shed to the west. In the previous application, it was clearly shown that the new house and shed would be accessed from Port Glasgow Road either via the access road past the existing house or via the alternative access road to the southern end of the site, past the storage sheds. If the applicant is now concerned with traffic for the new house

and shed passing the existing house, then the alternative southern access (which was granted a Certificate of Lawful Development in 2005) can be used.

Considering visual impact, the new access road proposed will result in further development within this Green Belt location. It will result in the developed area of the site expanding to the north, to the visual detriment of the open character of the Green Belt. This, together with the fact that an alternative access already exists, leads me to conclude that the applicant has failed to demonstrate any exceptional or mitigating circumstances which would justify this development within the Green Belt. The proposal is therefore contrary to policy ENV2 of the Local Development Plan.

In conclusion, the proposal would represent inappropriate and unjustified development within the Green Belt. Furthermore, an alternative access already exists. There are no material considerations which suggest that a departure from policy ENV2 can be justified. Planning permission should therefore be refused.

RECOMMENDATION

That the application be refused for the following reason:

1. The applicant has not demonstrated any exceptional or mitigating circumstances that would justify the proposal in this Green Belt location. The proposal is therefore contrary to policy ENV2 of the 2014 Inverclyde Local Development Plan.
2. The proposal will result in the developed area of the site expanding further to the north to the visual detriment of the open character of the Green Belt.

Signed:



Case Officer: James McColl



Stuart Jamieson
Head of Regeneration and Planning

4. CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION

To: Head of Regeneration & Planning Your Ref: 17/0159/IC
 Our Ref: EP/14/04/17/0159/IC
 From: Head of Environmental & Commercial Services Contact: E Provan
 Tel: (01475) 714814
 Subject: Observations On Planning Application PA Ref: 17/0159/IC
 Detail: Realignment of access road Dated: 27/06/2017
 Received: 27/06/2017
 Site: Craigmarloch South, Port Glasgow Road, Kilmacolm, PA13 3SG Applicant: Mr Neil Wilson

Type of Consent: Detailed Permission/ ~~In Principle/ Approval of Matters/ Change of Use~~

Comments:

| | |
|----|--|
| 1. | The realignment of the access road is within the privately owned land has no impact on the public road network as the realignment is more than 10m into the site. This is sufficient for vehicles to turn off the public road network. |
| 2. | No objection. |
| | |
| | |
| | |
| | |
| | |
| | |

Notes For Intimation To Applicant

| | |
|-----------------------------|---|
| Construction Consent (S21)* | Not Required/ Required for all road works |
| Road Bond (S17)* | Not Required/ Required if building works are to be undertaken before roads are completed |
| Road Opening Permit (S56)* | Not Required/ Required for all works in the public road |
| Other | Not Required/ *** |

*Relevant Section of the Roads (Scotland) Act 1984

Signed: 
 Steven Walker, ~~Senior Planning Officer~~

Date: 26/07/2017

5. REPRESENTATION IN RELATION TO PLANNING APPLICATION



From: Nicol Cameron

Sent: 11 July 2017 15:11

To: Stuart Jamieson; Devcont Planning

Subject: KILMACOLM CIVIC TRUST COMMENT - PLANNING APPLICATIONS 17/0159/IC and 17/0185/IC

From: Mr R.N. Cameron (Chairman Kilmacolm Civic Trust)

To: Mr Stuart Jamieson (Head of Regeneration and Planning, Inverclyde Council)

Dear Mr Jamieson.

PLANNING APPLICATIONS 17/0159/IC AND 17/0185/IC: KILMACOLM CIVIC TRUST COMMENT

The Kilmacolm Civic Trust Executive Committee is considered these two applications Out of Committee.

Comment:

- **17/0159/IC: No Objection.**

- **17/0185/IC: No Objection.**

Kind regards,

Nicol Cameron

(Mr R.N. Cameron _ Chairman Kilmacolm Civic Trust)

**6. DECISION NOTICE DATED 22 AUGUST 2017 ISSUED BY
HEAD OF REGENERATION & PLANNING**

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 17/0159/IC

Online Ref:100053576-001

*TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND)REGULATIONS 2013*

Mr Neil Wilson
Craigmarloch South
Port Glasgow Road
KILMACOLM
PA13 4SG

Bryce Boyd Planning Solutions
Bryce Boyd
Ellersleigh
Castlehill Road
KILMACOLM
PA13 4EL

With reference to your application dated 29th May 2017 for planning permission under the above mentioned Act and Regulation for the following development:-

Realignment of access road at

Craigmarloch South, Port Glasgow Road, Kilmacolm

Category of Application - Local Application Development

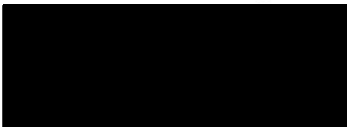
The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The applicant has not demonstrated any exceptional or mitigating circumstances that would justify the proposal in this Green Belt location. The proposal is therefore contrary to policy ENV2 of the 2014 Inverclyde Local Development Plan.
2. The proposal will result in the developed area of the site expanding further to the north to the visual detriment of the open character of the Green Belt.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 22nd day of August 2017



Head of Regeneration and Planning



- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

| Drawing No: | Version: | Dated: |
|-------------|----------|------------|
| 02 | Rev A | 02.06.2017 |
| 03 | | |
| | | |

**7. NOTICE OF REVIEW FORM DATED 25 SEPTEMBER 2017
TOGETHER WITH SUPPORTING DOCUMENTATION**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100067296-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

| | | | |
|-----------------------|-------------------------------|--|-----------------|
| Company/Organisation: | bryce boyd planning solutions | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | bryce | Building Name: | ellersleigh |
| Last Name: * | boyd | Building Number: | |
| Telephone Number: * | 01505874489 | Address 1 (Street): * | castlehill road |
| Extension Number: | | Address 2: | |
| Mobile Number: | | Town/City: * | kilmacolm |
| Fax Number: | | Country: * | UK |
| | | Postcode: * | pa13 4el |
| Email Address: * | bboydplanning@aol.com | | |

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|-------------------------------------|--|---|
| Title: | <input type="text" value="Mr"/> | You must enter a Building Name or Number, or both: * | |
| Other Title: | <input type="text"/> | Building Name: | <input type="text" value="craigmarloch south"/> |
| First Name: * | <input type="text" value="neil"/> | Building Number: | <input type="text"/> |
| Last Name: * | <input type="text" value="wilson"/> | Address 1 (Street): * | <input type="text" value="port glasgow road"/> |
| Company/Organisation | <input type="text"/> | Address 2: | <input type="text"/> |
| Telephone Number: * | <input type="text"/> | Town/City: * | <input type="text" value="kilmacolm"/> |
| Extension Number: | <input type="text"/> | Country: * | <input type="text" value="uk"/> |
| Mobile Number: | <input type="text"/> | Postcode: * | <input type="text" value="pa13 4sg"/> |
| Fax Number: | <input type="text"/> | | |
| Email Address: * | <input type="text"/> | | |

Site Address Details

| | |
|---|---|
| Planning Authority: | <input type="text" value="Inverclyde Council"/> |
| Full postal address of the site (including postcode where available): | |
| Address 1: | <input type="text" value="Craigmarloch South"/> |
| Address 2: | <input type="text" value="Port Glasgow Road"/> |
| Address 3: | <input type="text"/> |
| Address 4: | <input type="text"/> |
| Address 5: | <input type="text"/> |
| Town/City/Settlement: | <input type="text" value="Kilmacolm"/> |
| Post Code: | <input type="text" value="PA13 4SG"/> |

Please identify/describe the location of the site or sites

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="671372"/> | Easting | <input type="text" value="234700"/> |
|----------|-------------------------------------|---------|-------------------------------------|

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

realignment of access road

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

see attached grounds of notice of review

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

grounds of notice of review

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/0159/ic

What date was the application submitted to the planning authority? *

29/05/2017

What date was the decision issued by the planning authority? *

22/08/2017

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

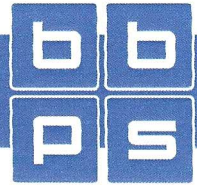
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr bryce boyd

Declaration Date: 25/09/2017



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

GROUNDS OF NOTICE OF REVIEW

**SUBMISSION AGAINST REFUSAL OF PLANNING PERMISSION BY
INVERCLYDE COUNCIL FOR THE REALIGNMENT OF ACCESS ROAD
AT CRAIGMARLOCH SOUTH, PORT GLASGOW ROAD, KILMACOLM.**

APPLICANT: NEIL WILSON

REF: 17/0159/IC

BACKGROUND

The Planning Application submitted to the Council in May 2017 was accompanied by a letter explaining that the Applicant wished to alter the line of the existing domestic roadway to his property. The letter also referred to a previous telephone conversation with one of the planning officers when the need for the access road to be realigned was discussed with the Planning Officer .

A copy of this submission is attached.

Production 1- Letter dated 29 May 2017

REFUSAL NOTICE & OFFICER REPORT

On 22 August 2017, a Notice of Refusal of Refusal of Planning Permission was issued by Inverclyde Council indicating that the Planning Application had been refused on the following grounds:

1. The Applicant has not demonstrated any exceptional or mitigating circumstances that would justify the proposal in this green belt location. The proposal is therefore contrary to policy ENV2 of the 2014 Inverclyde Local Development Plan.
2. The proposal will result in the developed area of the site expanding further to the north to the visual detriment to the open character of the Green Belt.

The manner in which the Planning Application was dealt with by the Planning Officials, leading to the refusal of planning permission, is detailed in the Report of Handling on the Application. A copy of the Report is attached.

Production 2 - Report of Handling

GROUNDINGS OF REVIEW

Section 37(2) of the Town and Country Planning (Scotland) Act 1997 provides that in determining an application, regard shall be had to the development plan so far as material to the application and to any material considerations. Section 25(1) provides that the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.

In reaching a decision to refuse Planning Permission, the Planning Officials have indicated, in the first reason for Refusal, that the development is contrary to the provisions of the Local Development Plan (LDP) and the second reason for Refusal states that the development will result in the visual detriment to the Green Belt with no specific reference to any LDP policy.

In reaching a decision to refuse Planning Permission, it is submitted that the Planning Officials did not carefully and fully consider properly the extremely limited scale of the proposal nor other 'material considerations' in respect of the Planning Application prior to reaching a decision to refuse the permission.

ANALYSIS OF APPLICATION AND REPORT OF HANDLING

As outlined above, the Planning Application was accompanied by a letter, Production 1, which clearly and unambiguously indicated that the proposed new access road was for domestic access to the newly erected dwelling and was to avoid vehicles passing so close to the entrance to his brother's home.

The access road for domestic access to both properties currently is situated within a few metres of the door to Colin Wilson's house. Colin Wilson has two [REDACTED] children [REDACTED] and the rear entrance to the house is the one used on a day to day basis for access and egress from the house. The roadway is situated only two metres from the side of the property and vehicles going past his house towards his brother's house is potentially a most dangerous situation bearing in mind [REDACTED] the children.

The domestic access road is obviously mainly used by the two families however other visitors to the property, may be unaware that there are children in the vicinity and thus may travel more quickly than those living in the properties, which is obviously a major concern to both families.

The very minor alteration to the existing access roadway will provide both properties with a more private facility and avoid the very real possibility of an accident occurring as vehicles pass the main door of Colin Wilson's property.

The first ground for Refusal indicates that the proposed realignment of the access road is contrary to ENV2 of the Local Development Plan.

The principal reason for the Application to realign the private access road is to secure the safety of the occupants, which include two [REDACTED] children, by providing an improved, and much safer, means of access to the two existing residential properties within the Green Belt. As stated above, the existing access road, being two metres from the entrance to Colin Wilson's home, is no longer fit for purpose and presents a potential danger to Mr Wilson's [REDACTED] children. The welfare of the children underpins this Application and it is to the Applicant's credit that he is seeking to minimise the potential risk from vehicles using this private access road be they those of the occupants (the Wilson brothers and spouses), other family members or visitors to either property. In addition, the Applicant wishes to improve the privacy of his brother's property by re-siting the access away from the immediate vicinity of the dwelling house.

It is submitted that, bearing in mind the previous planning approvals at this location, comprising a dwelling and four storage sheds, the proposal to improve safety at the property is, in itself, a justification for the approval of this Application in terms of the Green Belt policy. It is contended that the Planning Officials, by refusing the proposal to realign the access road have not taken into account Material Considerations nor fully considered that this is an existing, private and non-adopted, road on family-owned land where both home owners were brought up and his father has run the family business for many years. Further, it is not, and never will be, a through-road leading anywhere other than to the brothers' dwelling houses. By refusing permission, the Planning Officials are, de facto, placing the occupants, and particularly the children living there, at risk from vehicular accidents. This seems incomprehensible.

The second reason for Refusal indicates that in the Planning Official's view, the provision of the realigned roadway would be a visual detriment of the open character of the green belt.

It is submitted that, firstly, the 'road' already exists and approved development at the site over the past few years has rendered the current access roadway, starting at Port Glasgow Road, unfit for purpose. Secondly, the realignment (provision) of this short section of private roadway will have virtually no impact at all on the open character of Craigmarnoch South. In terms of visual impact, the fields/Green Belt surrounding the property for some miles in all directions are criss-crossed by farm roads and tracks as well as public roads. It is unclear, therefore, to see how the minor realignment of an existing private access road can thus be to the visual detriment of the Green Belt. As outlined above, planning permission has previously been granted for a dwelling house and four storage sheds. The Planning Authority was content to accept the visual impact which these structures would have on the open character of the green belt and the realignment (development) of a short section of roadway will be all but invisible from the adjoining countryside.

It is noted from the Report of Handling, Production 2, that there have been no letters of objections submitted to the Application either by members of the public or Kilmacolm Civic Trust. No objections have been submitted by the Head of

Environmental and Commercial Services and the Report goes on to confirm that the development will have no impact on nearby residential properties.

It is evident therefore that the impact of the realignment of this short section of private, non-adopted, access road will have virtually no visual impact on the surrounding countryside area.

CONCLUSIONS

In reaching their decision to refuse Planning Permission, the Planning Officers appear to have adopted a very narrow interpretation of the Development Plan Green Belt Policy to justify the reasons for refusal.

The realigned access road is necessary to provide an improved domestic access route which will reduce the likelihood of any accidents occurring as vehicles pass Colin Wilson's property and to provide each property with a more private access route.

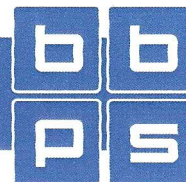
For all of the reasons detailed above, it is requested that the Local Review Body overturn the decision of the Planning Officials and grant planning permission for the realignment of the access road at Craigmarnloch South, Port Glasgow Road, Kilmacolm.

BBPS

SEPTEMBER 2017

PRODUCTION 1

Letter dated 29 May 2017



Planning Section
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LY

29 May 2017

Dear Sirs

**PLANNING APPLICATION - REALIGNMENT OF ACCESS ROAD
SOUTH CRAIGMARLOCH, PORT GLASGOW ROAD, KILMACOLM
ONLINR REF: 100053576-001**

I refer to the above planning application submitted online today.

As outlined in my telephone conversation with Mr McCall my client wishes to alter the line of the domestic access to his property to avoid vehicles passing so close to the entrance to his brother's property. The proposed new line will enable both properties to be served via the existing access onto Port Glasgow Road but will provide both properties with a more private facility and avoid traffic passing the door of his brother's home.

I enclose a cheque for £202 which I understand is the correct fee in this instance, the area of the new section of roadway being 465 m2.

I trust that you find all of the above in order.

Please do not hesitate to contact me if you require any further information or clarification.

Yours sincerely

J BRYCE BOYD

PRODUCTION 2

Report of Handling

REPORT OF HANDLING

Report By: James McColl

Report No: 17/0159/IC

**Local Application
Development**

**Contact
Officer:** 01475 712462

Date: 21st August 2017

Subject: Realignment of access road at
Craigmarloch South, Port Glasgow Road, Kilmacolm

SITE DESCRIPTION

The application site comprises an area of open ground located to immediately to the north of the existing dwellinghouse at South Craigmarloch, Kilmacolm. South Craigmarloch lies approximately 0.6 miles (by road) to the north-west of Kilmacolm, and is located on the western side of the A761 Kilmacolm to Port Glasgow Road. The nearest neighbouring property is Craigmarloch, approximately 400 metres to the north-east of the application site.

PROPOSAL

It is proposed to realign the existing access road adjacent to the house by diverting it in the form of a large loop to the north. A spur will provide a link to the existing house and the new access will continue to adjoin the existing access road towards the new house recently construct to the west.

DEVELOPMENT PLAN POLICIES

Policy ENV2 - Assessing Development Proposals in the Green Belt and the Countryside

Development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances, while development in the Countryside will only be considered favourably where it can be supported with reference to the following criteria:

(a) it is required for the purposes of agriculture, forestry or, where appropriate, renewable energy (refer Policy INF1); or

(b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and has an economic, social and community benefit (refer to Policy ECN6); or

(c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site (refer Policies INF3 and INF7); or

(d) it entails appropriate re-use of redundant habitable buildings, the retention of which is desirable for either their historic interest or architectural character or which form part of an establishment or institution standing in extensive grounds (refer to Policy RES7); and

(e) it does not adversely impact on the natural and built heritage, and environmental resources;

- (f) it does not adversely impact on landscape character;
- (g) it does not adversely impact on prime quality agricultural land;
- (h) it does not adversely impact on peat land with a high value as a carbon store;
- (i) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (j) there is a need for additional land for development purposes, provided it takes account of the requirements of the Strategic Development Plan; and
- (k) it has regard to Supplementary Guidance on Planning Application Advice Notes.

CONSULTATIONS

Head of Environmental and Commercial Services – The realignment of the access road is within privately owned land and has no impact on the public road network as the realignment is more than 10 metres into the site. This is sufficient for vehicles to turn off the public road network. There is no objection to the proposal.

PUBLICITY

The application was advertised in the Greenock Telegraph on 28th July 2017 as it is contrary to the development plan.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

The Kilmacolm Civic Trust offer no objections.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan, the visual impact of the proposed development, the impact on neighbouring amenity and the consultation response.

The application site is located in the Green Belt and policy ENV2 advises that development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances. In the application submission, the applicant advises that the proposal is to avoid vehicles accessing the new house to the west, from passing in close proximity to the existing house. The line of the new access would enable both properties to be served by the existing access onto Port Glasgow Road whilst maintaining privacy.

In assessing the proposal, I note the Head of Environmental and Commercial Services offers no objection to the new access arrangement. There is also no impact on any other nearby residential properties. It therefore rests to consider the appropriateness of the development for the Green Belt location. Firstly, I note that the applicant in respect of this application was also the applicant for the previous application for the new house and shed to the west. In the previous application, it was clearly shown that the new house and shed would be accessed from Port Glasgow Road either via the access road past the existing house or via the alternative access road to the southern end of the site, past the storage sheds. If the applicant is now concerned with traffic for the new house

and shed passing the existing house, then the alternative southern access (which was granted a Certificate of Lawful Development in 2005) can be used.

Considering visual impact, the new access road proposed will result in further development within this Green Belt location. It will result in the developed area of the site expanding to the north, to the visual detriment of the open character of the Green Belt. This, together with the fact that an alternative access already exists, leads me to conclude that the applicant has failed to demonstrate any exceptional or mitigating circumstances which would justify this development within the Green Belt. The proposal is therefore contrary to policy ENV2 of the Local Development Plan.

In conclusion, the proposal would represent inappropriate and unjustified development within the Green Belt. Furthermore, an alternative access already exists. There are no material considerations which suggest that a departure from policy ENV2 can be justified. Planning permission should therefore be refused.

RECOMMENDATION

That the application be refused for the following reason:

1. The applicant has not demonstrated any exceptional or mitigating circumstances that would justify the proposal in this Green Belt location. The proposal is therefore contrary to policy ENV2 of the 2014 Inverclyde Local Development Plan.
2. The proposal will result in the developed area of the site expanding further to the north to the visual detriment of the open character of the Green Belt.

Signed:



Case Officer: James McColl



Stuart Jamieson
Head of Regeneration and Planning

**8. SUGGESTED CONDITION SHOULD PLANNING
PERMISSION BE GRANTED ON REVIEW**

REALIGNMENT OF ACCESS ROAD AT CRAIGMARLOCH SOUTH, PORT GLASGOW ROAD, KILMACOLM (17/0159/IC)

Suggested condition should planning permission be granted on review

Condition:

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.