

Inverclyde Local Review Body

Our Ref: 19/0046/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Cairncurran Farm, Auchenfoil Road, Kilmacolm
 - Application for Review by Bryce Boyd Planning Solutions on behalf of Mr Alexander Laird against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 19/0046/IC
 - Application Drawings: Location plan – Drawing No. LOC
Site plan as proposed – Drawing No. 01 PL
Ground floor plan as proposed/upper floor plan as proposed – Drawing No. 02 PL
Front elevation as proposed/side elevation as proposed/rear elevation as proposed/side elevation as proposed – Drawing No. 03 PL
 - Date of Decision Notice: 16 September 2019
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions and advisory notes 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 at a meeting held on 4 September 2019. The Review Body was constituted by Councillors J Clocherty, J Crowther, G Dorrian, D McKenzie, I Nelson, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for the construction of a new dwellinghouse for an agricultural worker. The new dwelling will be one and a half storey, finished internally in wetcast render and a slate roof and will feature two dormer windows and entrance porch to the front elevation. A roof light window will be located to the rear. Window frames will be white uPVC with smooth render banding around the window openings. The house will have an external footprint of around 112 square metres and will have two bedrooms to the ground floor and a store and play room to the upper floor. The upper floor could, however, be utilised as two bedrooms forming a four bedroom house. The application was refused consent in terms of a decision letter dated 26 April 2019.

3. Preliminaries

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

- (i) Planning Application dated 4 March 2019 together with Plans;
- (ii) Appointed Officer's Report of Handling dated 26 April 2019;
- (iii) Applicant's Labour Requirement Report in relation to Planning Application;
- (iv) Letter from Applicant dated 1 November 2005 Relating to Previous Certificate of Lawfulness Application for Adjacent House;
- (v) Consultation responses in relation to Planning Application;
- (vi) Representation in relation to Planning Application;
- (vii) Decision Notice dated 26 April 2019 issued by Head of Regeneration & Planning;
- (viii) Notice of Review Form dated 12 July 2019 with supporting documentation from Bryce Boyd Planning Solutions; and
- (ix) Suggested conditions and advisory notes should planning permission be granted on 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 operational needs of Cairncurran Farm and the farming community, (b) the rural economy, (c) the impact of the proposal on the greenbelt and (d) the applicant's labour requirement report in relation to the planning application.

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, following a vote, determined that the review application should be upheld.

4.3 It was also agreed by the ILRB that the conditions and advisory notes listed at paragraph 5 below be placed on the planning permission for the reasons specified.

5. Conditions

- 1. that the development to which this permission relates must be begun within three years from the date of this permission;
- 2. that prior to the commencement of works on site, samples of all external materials and paving to be used in construction shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is otherwise first agreed in writing by the Planning Authority;
- 3. that prior to the commencement of development on site, a plan shall be submitted to and agreed in writing by the Planning Authority demonstrating a minimum visibility splay of 2.4 metres by 75 metres by 1.05 metres is provided at the vehicular access to the public road for the dwellinghouse hereby permitted. The visibility splay shall be prior to the occupation and use of the dwellinghouse hereby permitted and shall be retained at all times thereafter to the satisfaction of the Planning Authority;
- 4. that the vehicular access for the dwellinghouse hereby permitted shall be paved or otherwise sealed with a hard surface for a minimum distance of 2 metres from the carriageway;
- 5. that the vehicular access for the dwellinghouse hereby permitted shall be a minimum width of 5 metres for a distance of 6 metres from the edge of the road;

6. that the three off-street parking spaces indicated on approved drawing 01 PL shall be formed and made available for use prior to the occupation of the replacement house hereby permitted. They shall then remain unobstructed and available for use at all times thereafter to the satisfaction of the Planning Authority;
7. that all surface water shall be contained within the site both during construction and at all times thereafter. 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;
8. that the presence of any suspected contamination that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority; and
9. that an archaeological watching brief, to be carried out by a suitably qualified organisation, shall be implemented during all ground disturbances. The organisation shall be afforded access at all reasonable times to allow them to observe works in progress and record items of interest and finds. A method statement for the watching brief will be submitted to and approved in writing by the Planning Authority prior to the commencement of works on site.

Reasons

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
2. To enable the Planning Authority to retain effective control of facing and finishing materials in the interests of visual amenity.
3. In the interests of road safety.
4. To prevent deleterious material being carried onto the carriageway.
5. In the interests of road safety.
6. To ensure suitable parking provision for the dwellinghouse hereby permitted, in the interests of road safety.
7. To prevent surface water run-off from the site.
8. To ensure that any contamination issues are recorded and dealt with appropriately.
9. To allow for recording and recovery of antiquity.

Advisory Notes

1. all external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption";
2. the applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the residential accommodation shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place;
3. 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;
4. 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 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; and

5. on-site sewage treatment: should the premises be served by an on-site sewage treatment plant, it will be necessary to ensure that the capacity of the plant is sufficient to deal with any additional demand and that the maintenance and emptying regime is modified accordingly.

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.