

Inverclyde Local Review Body

Our Ref: 21/0251/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Land at Blacksholm Road (north of Slates Farm), Kilmacolm.
 - Application for Review by Bryce Boyd Planning Solutions on behalf of Morven Armour against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 21/0251/IC
 - Application Drawings: Location Plan, Existing Block Plan and Site Plan (E00, E01 and E02)

Proposed Block Plan (OP 02)
 - Date of Decision Notice: 02/02/2022
-

Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below.

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 2 February 2022. The Review Body was constituted by Councillors Clocherty, Crowther, Dorrian, McKenzie, Nelson, Rebecchi and Wilson.

2. Proposal

- 2.1 The application proposal is for the erection of a dwellinghouse and livery stables (planning permission in principle). The application was refused consent in terms of a decision letter dated 22 October 2021.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 18 August 2021 together with Location, Site & Block Plans
 - (ii) Rural Enterprise Dwelling Appraisal
 - (iii) Planning Support Statement.

- (iv) Appointed Officer's Report of Handling dated 8 October 2021.
- (v) Inverclyde Local Development Plan 2019 Policy Extracts
- (vi) Inverclyde Local Development Plan 2019 Maps Extract.
- (vii) Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extracts.
- (viii) Representations in relation to Planning Application.
- (ix) Decision Notice dated 22 October 2021 issued by Head of Regeneration & Planning.
- (x) Notice of Review dated 8 November 2021 with Supporting Statement from Bryce Boyd Planning Solutions.
- (xi) Suggested Conditions should planning permission be granted on review.
- (xii) The Inverclyde Proposed Local Development Plan 2021.

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 issue in this review was the impact of the proposed development on the Green Belt.
- 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 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 attached to the planning permission for the reasons specified.

5. Conditions

- 1. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed site layout. The proposed layout shall be shown on a plan at a scale of 1:500 showing the position of the proposed dwellinghouse and the proposed livery stables with isolation box, means of access, parking areas and vehicular turning areas.

Thereafter the matters that are approved shall be implemented in their approved form.

- 2. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed floor plans and elevations of the proposed dwellinghouse and the proposed livery stables with isolation box and shall show dimensions as well as the type and colour of all external materials.

Thereafter the matters that are approved shall be implemented in their approved form.

- 3. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the type and colour of all hard surfacing materials to be used on hardstanding areas.

Thereafter the matters that are approved shall be implemented in their approved form.

- 4. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed ground levels throughout the site and proposed finished floor levels of the proposed dwellinghouse and proposed livery stables with isolation box, in relation to a fixed datum point. The application shall include existing ground levels taken from the same fixed datum point.

Thereafter the matters that are approved shall be implemented in their approved form.

5. Development shall not commence until an application for approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the details of surface water management and Sustainable Urban Drainage Systems proposals. For the avoidance of doubt the surface water management shall be contained within the site.

Thereafter the matters that are approved shall be implemented in their approved form.

6. For the avoidance of doubt the applications submitted in relation to conditions 1 and 2 above shall allow for the following:

- i) Parking should be provided in accordance with the National Guidelines:

1 parking space for a 1 bedroom house;
2 parking spaces for a 2 or 3 bedroom house;
3 parking spaces for a 4 bedroom house.

Note - for a garage to be counted as a parking space, it must be a minimum of 3.0m by 7.0m.

- ii) The minimum dimensions of the parking spaces shall be shall be 3m wide by 6m long.
 - iii) The driveway shall be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road and the gradient shall not exceed 10%.
7. For the avoidance of doubt the dwellinghouse shall be designed to ensure that at least 15% 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 (rising to at least 20% by the end of 2022). Development shall not commence until an application for an approval of matters specified in conditions has 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 dwellinghouse. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of the dwellinghouse.
 8. For the avoidance of doubt the dwellinghouse shall have an Electric Vehicle Charging Point. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed Electric Vehicle Charging Point. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of the dwellinghouse.

6. Reasons

1. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
2. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
3. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
4. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
5. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.

6. To ensure that the required level of parking is provided in the site is acceptable.
7. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
8. In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.

Signed _____

Head of Legal & Democratic 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.