

Inverclyde Local Review Body

Our Ref: 21/0210/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Woodlands, West Glen Road, Kilmacolm.
 - Application for Review by Nicholson McShane Architects on behalf of Joseph White against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 21/0210/IC
 - Application Drawings: Site Plans as Existing and Proposed (20062_D001 Rev A)

Topographical Survey (20062-C001)

Location Plan (20062-LP)
 - Date of Decision Notice: 09/09/2022
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Decision

The ILRB upholds the decision to refuse planning permission for the reason given below and dismisses the review. Attention is 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 7 September 2022. The Review Body was constituted by Councillors Brooks, Clocherty, Crowther, Curley, McCabe, McGuire and McVey.

2. Proposal

- 2.1 The application proposal is for the erection of a new detached dwellinghouse on a plot (in principle). The application was refused consent in terms of a decision letter dated 3 May 2022.

3. Preliminaries

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

- (i) Planning Application dated 12 July 2021 together with Location and Site Plans.
- (ii) Planning Application Design Statement.
- (iii) Planning Application – Tree (Habitat) Assessment Report, Tree Survey Report and Topographical Survey.
- (iv) Appointed Officer’s Report of Handling dated 31 March 2022
- (v) Inverclyde Local Development Plan 2019 Policy Extracts.
- (vi) Inverclyde Local Development Plan 2019 Map Extracts.
- (vii) Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extracts.
- (viii) Scottish Planning Policy.
- (ix) Representations in relation to Planning Application
- (x) Decision Notice dated 3 May 2022 issued by Head of Regeneration & Planning
- (xi) Notice of Review Form dated 2 August 2022 with supporting Statement from Nicholson McShane Architects.
- (xii) Suggested Conditions should Planning Permission be Granted on Review.
- (xiii) 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 whether the proposed development and, in particular, the removal of trees would have a detrimental impact on the Tree Preservation Order and the setting of the site in Kilmacolm.

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, decided that the documentation submitted to it did not include sufficient evidence to reverse the appointed officer’s decision, accepted the reasoning of the appointed officer and determined that planning permission should be refused, concluding that the application had been correctly refused only for reason 1 alone, given in the Decision Notice dated 3 May 2022, namely:

The proposal cannot be supported against Policy 34 of the adopted Inverclyde Local Development Plan and Policy 35 of the proposed Inverclyde Local Development Plan as: the removal of the trees to accommodate the development will erode the integrity of the Tree Preservation Order; the removal of the trees will have an adverse visual impact on the setting of this part of Kilmacolm and on this approach into the settlement; the condition of the trees, except tree tag 309, is such that their removal for arboricultural reasons has not been justified.

4.3 The Review Application was accordingly dismissed.

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.