

Inverclyde Local Review Body

Our Ref: 09/0409/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Disused Quarry, Port Glasgow Road, Kilmacolm
 - Application for Review by Canata and Seggie on behalf of Mr James Madden against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 09/0409/IC
 - Application Drawings: A4 Location Plan
JM/SP100 - 1: 1250 - Location and Block Plan
 - Site Inspection took place on 18 August 2010
 - Date of Review Decision Notice: 20 September 2010
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Decision

The ILRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review. 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 2008.
- 1.2 The above application for planning permission was considered by the ILRB firstly at a meeting held on 4 August 2010. The ILRB was constituted by Councillors D Wilson (Chair), K Brooks, G Dorrian, T Fyfe, T Loughran, R Ahlfeld, I Nelson, R Moran, C McCallum and L Rebecchi. At that meeting, the members of the ILRB decided that they wished to carry out a site visit before making a decision in respect of this matter. The meeting was adjourned to allow a site visit to be carried out and said site visit took place on 18 August 2010. The ILRB reconvened on 1 September 2010 to determine the matter. The ILRB on 1 September 2010 was constituted by Councillors D Wilson (Chair), K Brooks, G Dorrian, T Fyfe, T Loughran, R Ahlfeld, I Nelson and L Rebecchi.

2. Proposal

- 2.1 The application proposal is for planning permission (in principle) for the erection of 3 dwellinghouses with 3 integral car garages on the site of the disused quarry, Port Glasgow Road, Kilmacolm. The application was refused consent in terms of a decision letter dated 9 March 2010.

3. Preliminaries

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

- (i) Planning Application and plans specified above;
- (ii) Letters of representation and Consultation Responses in respect of the Planning Application;
- (iii) The Appointed Officer's Report of Handling dated 8 March 2010;
- (iv) Decision Notice dated 9 March 2010;
- (v) Notice of Review dated 1 June 2010;
- (vi) Draft conditions should the ILRB be minded to grant planning permission;
- (vii) Inquiry Reporters Unit Decision Letter dated 2 May 2002 (referred to in the Report of Handling);
- (viii) Inquiry Reporters Unit Report into Objections to the Inverclyde Local Plan, First Review Final Draft 2002 - Vol 2 – Housing (referred to in the Report of Handling);
- (ix) Copy extract Local Plan Green Belt plan (as referred to in the Report of Handling).

3.2 In response to questions from the ILRB, the Planning Adviser clarified precisely, with reference to the copy extract Local Plan Green Belt plan referred to at 3.1(ix) above, the extent of the site within the Green Belt and that the application proposal is therefore for residential development within the Green Belt. The Planning Adviser clarified the extent of the site not within the urban area and that the Local Plan's general principle is that development should be directed to brownfield sites in the urban areas, and not Green Belt sites.

3.3 Having regard to the material before the ILRB and the comments from the Planning Adviser, 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 2008.

4. Reasons

4.1 The determining issues in this review were whether the proposal would accord with the provisions of the Development Plan - in particular Policy DS8 of the Inverclyde Local Plan and the impact the proposal would have on the landscape setting of Kilmacolm and whether the proposal would create a ribbon development along Port Glasgow Road.

4.2 The ILRB determined that those issues relating to the quality of the landscape setting and ribbon development and the desirability to have a quarry in the Green Belt, if it is acknowledged to be a brownfield site, could be suitably dealt with as part of the Green Belt review being undertaken as part of the review of the Local Plan.

5. Reason for Refusal

5.1 Having regard to the whole circumstances, the ILRB determined that planning permission should be refused on the issue of development in the Green Belt.

5.2 The ILRB concluded that the application had been correctly refused for reason 1 given in the Decision Notice dated 2010; namely:

- 1. The proposal fails to provide a justification for development in the Green Belt against the criteria in Policies DS10 and H4 and, as such, is contrary to Policy DS8 of the Inverclyde Local Plan.

5.3 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 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2008

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval 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.