

Local Review Body

5 August 2015

Planning Application for Review

Mr N Wilson

**Erection of cottage together with erection of storage shed:
South Craigmarnloch, Port Glasgow Road, Kilmacolm (15/0014/IC)**

Contents

- Planning Application and Plans
- Supporting statement submitted with planning application
- Site Photographs
- Report of Handling dated 6 March 2015
- Planning Application Advice Notes 8 and 9
- Consultation responses
- Decision Notice dated 11 March 2015
- Letter dated 7 May 2015 from Bryce Boyd Planning Solutions enclosing Notice of Review form and grounds of Notice of Review
(NB Production 3 (Press Report Greenock Telegraph) not included with the papers in accordance with the criteria set out in Section 43(B) of the Town & Country Planning (Scotland) Act 1997)
- Emails dated 25 and 29 May from Bryce Boyd Planning Solutions, in relation to new material
- Suggested conditions should planning permission be granted on review

PLANNING APPLICATION AND PLANS

Inverclyde council

Municipal Buildings Clyde Square Greenock PA15 1LY

Tel: 01475 712 406

Fax: 01475 712 468

Email: planning.dlm@inverclyde.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000108718-001

The online ref number 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: *

We strongly recommend that you refer to the help text before you complete this section.

- 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)

ERECTION OF COTTAGE TOGETHER WITH ERECTION OF STORAGE SHED

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

Have the works already been started 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:

Ref. Number:

First Name: *

Last Name: *

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

Other Title:

First Name:

Last Name:

Company/Organisation: *

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

Planning Authority:

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details

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)

AFTER DISCUSSION I INDICATED THAT I WAS LIKELY TO SUBMIT APPLICATION

Title:

Other title:

First Name:

Last Name:

Correspondence Reference Number:

Date (dd/mm/yyyy):

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:

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)

FARMLAND

Access and Parking

Are you proposing a new or 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 changes to public paths, public rights of way or affecting any public rights 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? *

0

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)? *

8

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, cycle spaces).

Water Supply and Drainage Arrangements

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

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
- No – proposing to make private drainage arrangements
- Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? *

- New/Altered septic tank.
- Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- Discharge to land via soakaway.
- Discharge to watercourse(s) (including partial soakaway).
- Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: * (Max 500 characters)

DRAINAGE ARRANGEMENTS WILL BE IN THE FORM OF A SEPTIC TANK WHICH WILL CONFORM TO ALL SEPA REQUIREMENTS.

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)

BIN WILL BE TAKEN DOWN TO THE MAIN ROAD FOR COLLECTION ON WEEKLY BASIS

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

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) REGULATIONS 2013

One Certificate must be completed and submitted along with this 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: BOUNDARIES

Date: 13/01/2015

Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County 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 principle 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 developments (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 County 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.

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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: bryce boyd
Declaration Date: 13/01/2015
Submission Date: 13/01/2015

Payment Details

Cheque: BOUNDARIES SCOTLAND LTD, 000237

Created: 13/01/2015 12:30

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LOCATION PLAN 1/2000

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 Supplied by : Loy Surveys.
 Reference : 01716460
 Centre Co ordinates : 234573 671399

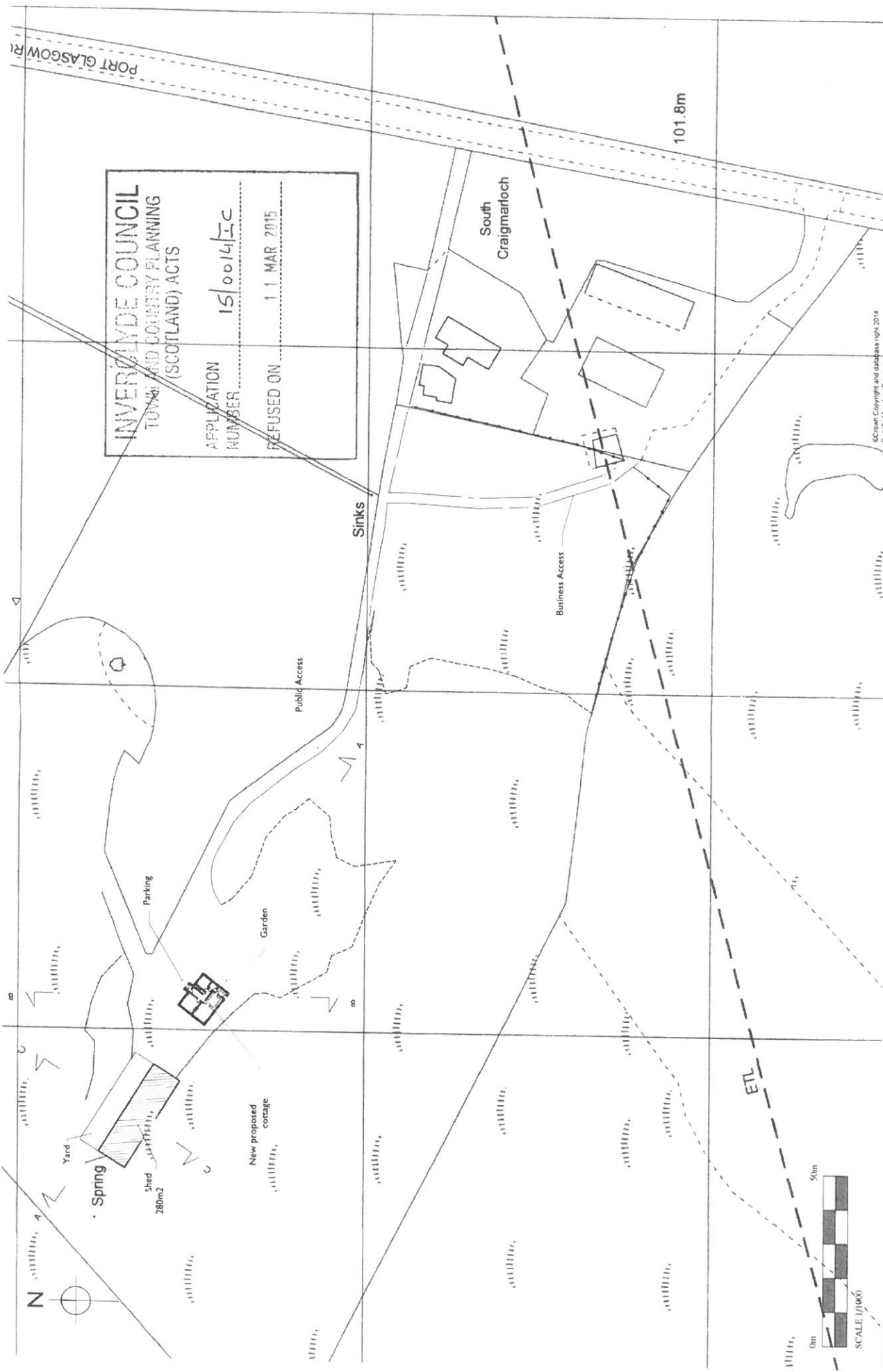
SCALE 1/2000

revisions & notes

client: MR WILSON	project: COTTAGE & STORAGE SHED, CRAIGMARLOCH FARM
Job no. 573	drawing size - A3
drg. no. LOC.	drawn: MM checked: PKR

rdp - architecture

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 (SCOTLAND) ACTS
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 REFUSED ON: 11 MAR 2015

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 Supplied by Ordnance Survey
 Centre Co-ordinates: 234973 671399

SITE PLAN AS PROPOSED 1/1000

Revisions & notes:
 a - Oct 14 - update to house & shed position, provision of further sections
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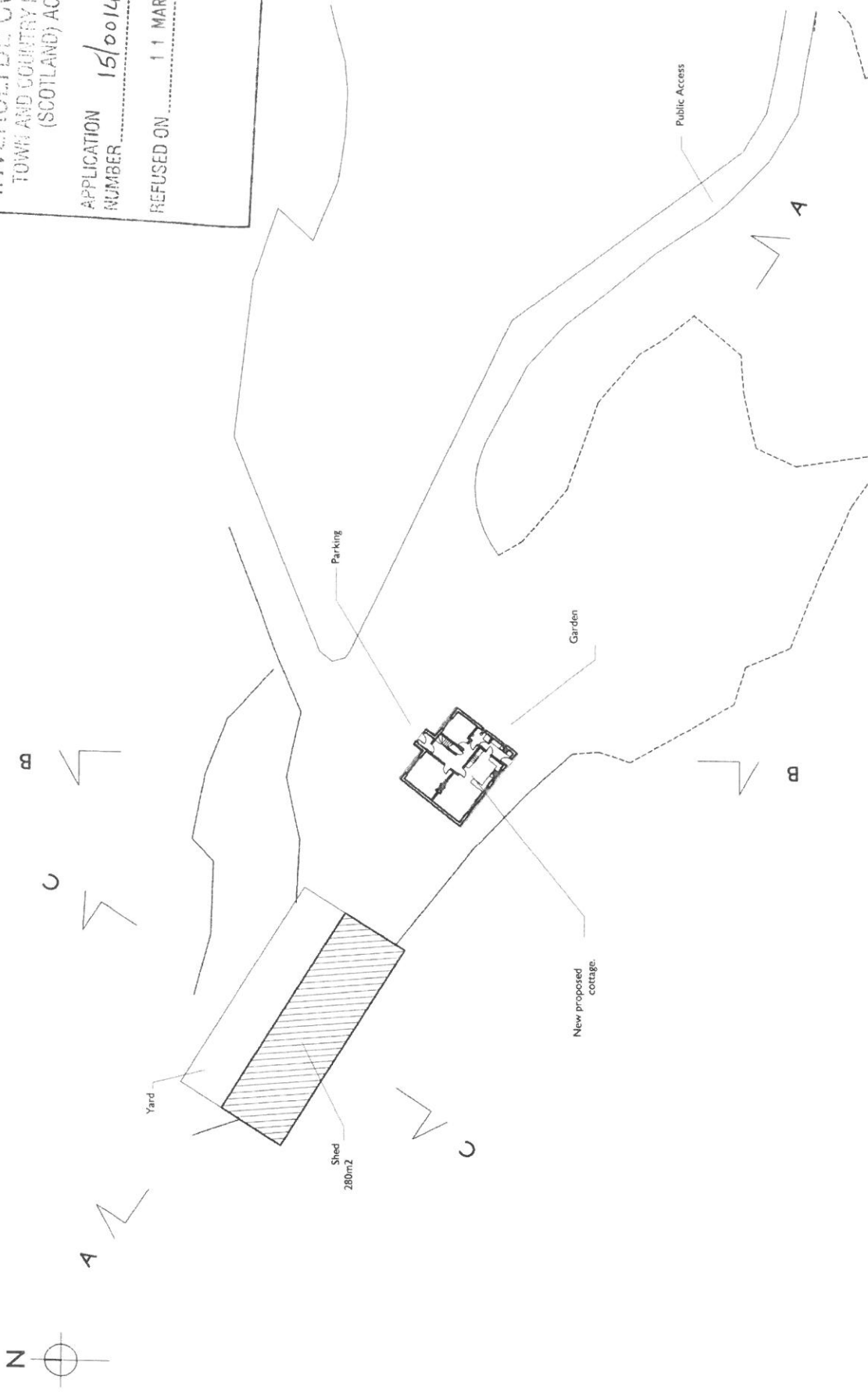
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client: MR WILSON
 Job no. 573 dfg. no. 02
 project: COTTAGE & STORAGE SHED, CRAIGMARLOCH FARM
 drawing size - A3 drawn: MM checked: PKR

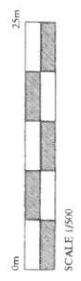
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APPLICATION NUMBER 15/0014/IC

REFUSED ON 11 MAR 2015



SITE PLAN AS PROPOSED 1/500



revisions & notes
 a - Oct 14 - update to house & shed position, provision of further sections.

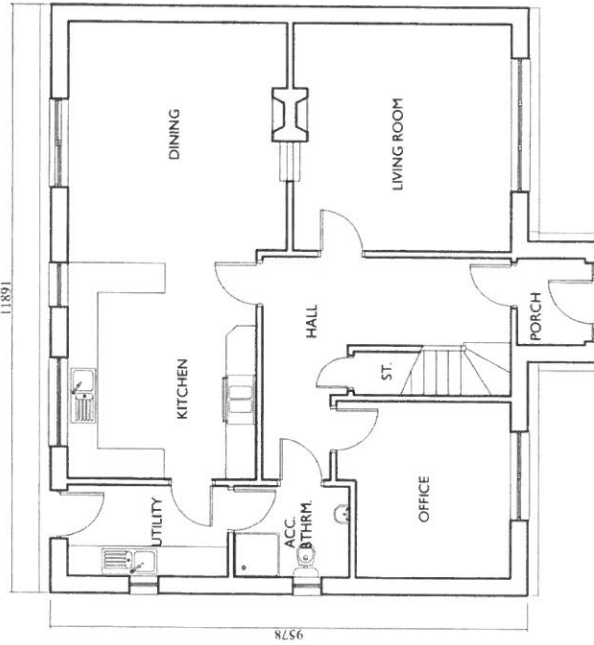
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 Job no. 573 dfg. no. 03

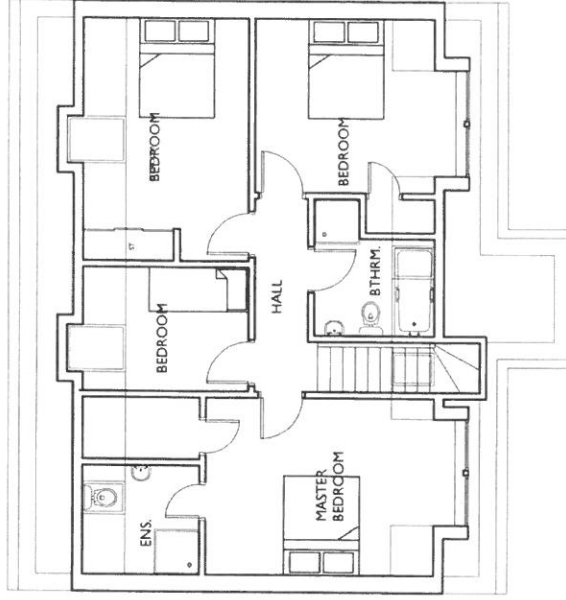
project: COTTAGE & STORAGE SHED, CRANIGMARLOCH FARM
 drawing size - A3 drawn: MM checked: PKR

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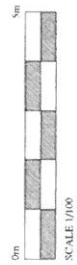
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 (SCOTLAND) ACTS
 APPLICATION NUMBER 15/0014/IC
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GROUND FLOOR PLAN AS PROPOSED 1/100



UPPER FLOOR PLAN AS PROPOSED 1/100



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Job no.	573	drawing size -	A3
drawn:	MM	checked:	PKR

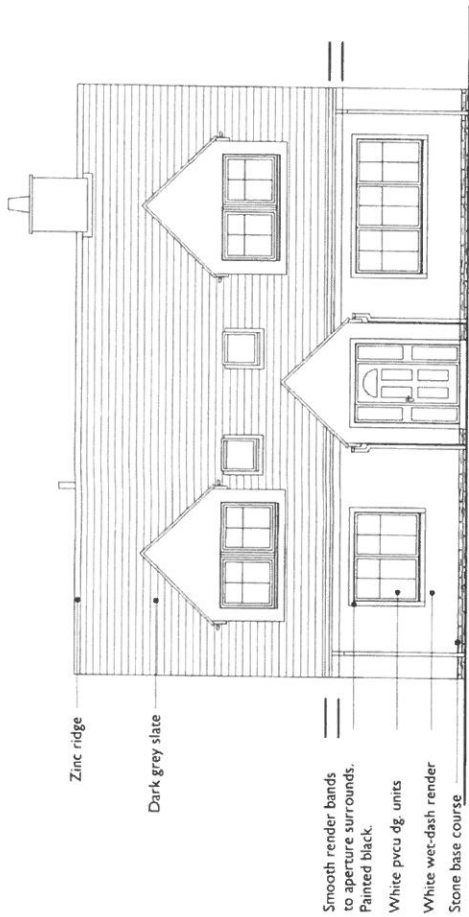
project: COTTAGE & STORAGE SHED, CRAIGMARLOCH FARM

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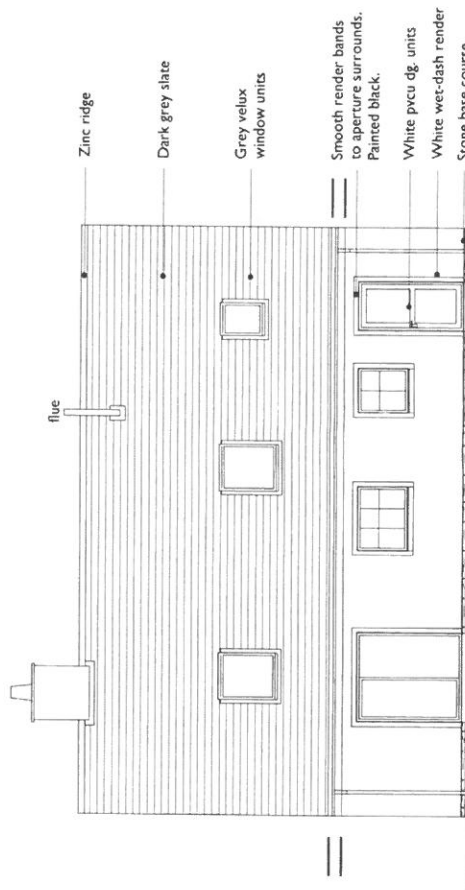
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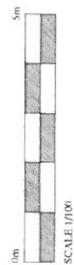
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ENTRANCE ELEVATION AS PROPOSED 1/100



REAR ELEVATION AS PROPOSED 1/100



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Job no. 573

orig. no. 05

project: COTTAGE & STORAGE SHED, CRAIGMARLOCH FARM

drawing size - A3

drawn: MM

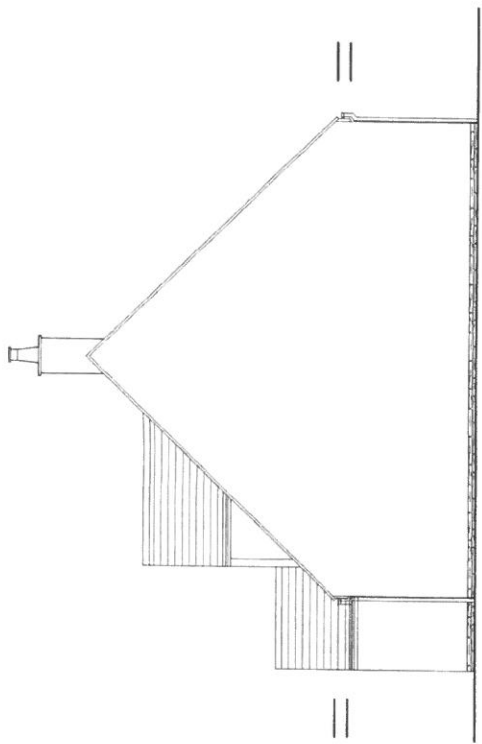
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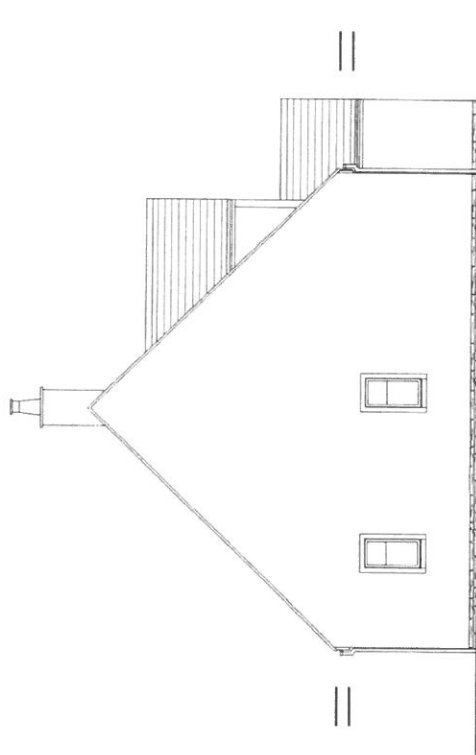
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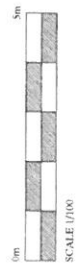
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NORTH SIDE ELEVATION AS PROPOSED 1/100



SOUTH SIDE ELEVATION AS PROPOSED 1/100



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Job no. 573	drawing size - A3
drawn: MM	checked: PKR

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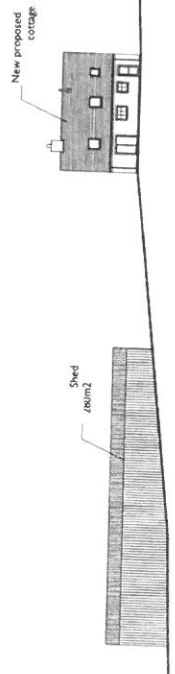
project: COTTAGE & STORAGE SHED, CRAIGMARLOCH FARM

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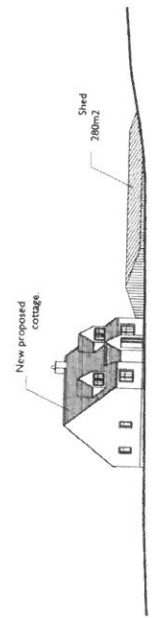
APPLICATION
NUMBER

15/0014/IC

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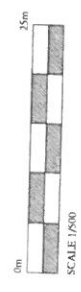
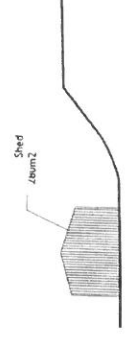


CROSS SECTION A-A AS PROPOSED 1/500



CROSS SECTION B-B AS PROPOSED 1/500

CROSS SECTION C-C AS PROPOSED 1/500

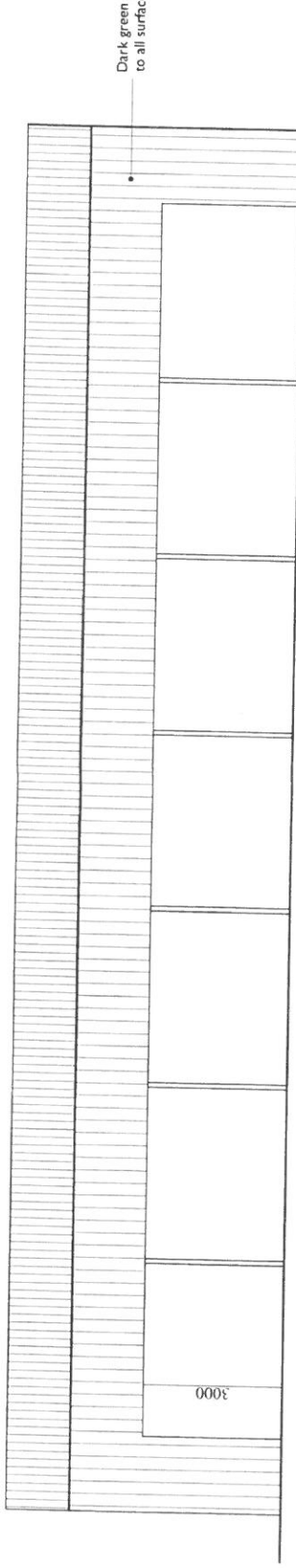


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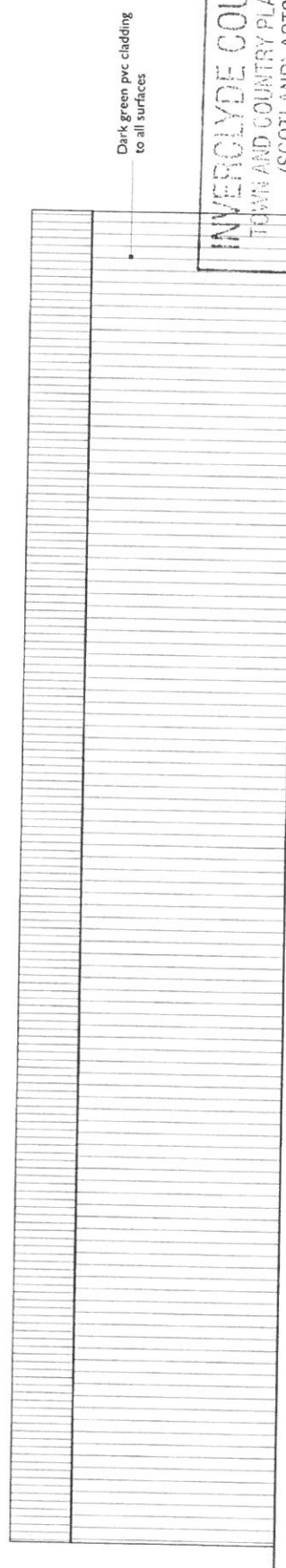
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drg. no.	07	drawn:	MM
		checked:	PKR

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SOUTH SIDE ELEVATION AS PROPOSED 1/100

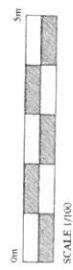


NORTH SIDE ELEVATION AS PROPOSED 1/100

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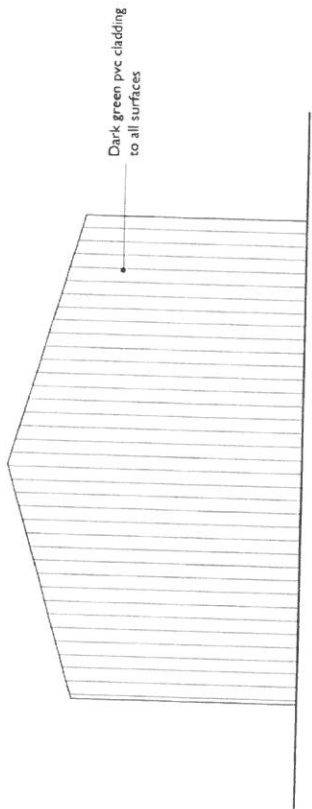


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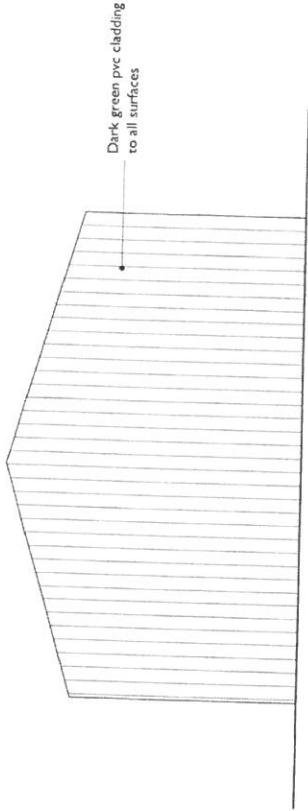
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drg. no. 08	drawn: MM checked: PKR

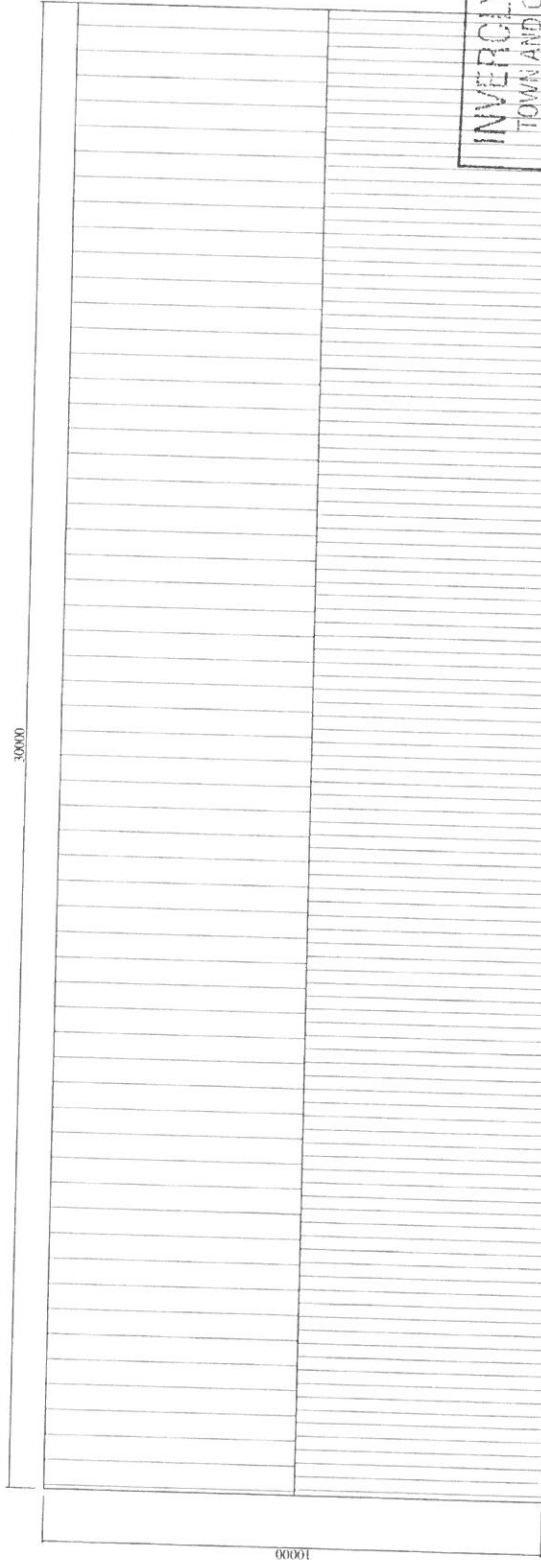
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EAST SIDE ELEVATION AS PROPOSED 1/100



WEST SIDE ELEVATION AS PROPOSED 1/100

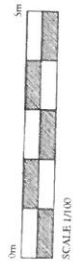


SHED ROOF PLAN AS PROPOSED 1/100

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drg no.	09
drawing size - A3	drawn: MM checked: PKR

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tel: 01475 637165 e-mail: rdparch@hotmail.co.uk

SUPPORTING STATEMENT SUBMITTED WITH PLANNING APPLICATION



Development Control
Planning Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LY

13 January 2015

Dear Sirs

PLANNING APPLICATION - ERECTION OF COTTAGE TOGETHER WITH STORAGE SHED ON SITE TO THE WEST OF SOUTH CRAIGMARLOCH PORT GLASGOW ROAD KILMACOLM

I enclose for your attention a copy of a planning application in respect of the above proposed development.

As the Planning Authority is aware, the premises at South Craigmarloch has been utilised as the base for many years by the Wilson family for providing service to the agricultural and wider community. Two separate companies now operate from the premises run by the two Wilson brothers, albeit that they have a very close working relationship.

Boundaries share the premises with Caledonian Tree Services, two established and expanding local companies. Colin Wilson, Director of Caledonian Tree Services has recently moved into the former farmhouse at South Craigmarloch which lies adjacent to the yard and storage sheds utilised by both companies. Neil Wilson, Director of Boundaries, is now seeking planning permission for the erection of a cottage and storage shed on adjoining land to enable both companies to expand while still enabling them to continue their close working relationships on the many joint venture contracts which the companies are able to offer to the agricultural community.

Boundaries provides an essential service to the local agricultural community, the main focus of the business being in the repair and maintenance of fencing for the farming community. The business requires extensive storage facilities for materials, fencing, specialised machinery etc. The company currently has three employees.

Caledonian Tree Services also provides a wide range of services to the local agricultural and arboricultural community, including woodland and tree maintenance, tree clearance, tree surgery, timber extraction and hedge maintenance. The company currently has ten employees.

South Craigmarloch is central to Boundaries client base. The Company has provided a 15 year service to the surrounding agricultural community , local businesses, domestic clients and local Councils. The Company's clients are familiar with the location of the business and it is easily accessible to the farming community.

The current storage and yard facilities are no longer adequate for both businesses and permitting Boundaries to have its own dedicated base, adjacent to South Craigmarloch, would permit both Companies to operate more effectively and enable both to expand and increase staff levels.

The provision of a cottage adjacent to the proposed yard and storage shed would provide security and a presence on site which is essential to the effective operation of the business. Boundaries is constantly visited by people from the farming community requiring emergency supplies or services at out of hour times. Having a cottage at the site will enable service to be provided on a 24 hour basis.

The design of the cottage is in keeping with the other agricultural cottages in the area and indeed is similar to two recently approved farmworkers cottages within Inverclyde.

Please do not hesitate to contact me if you require any further information or clarification in respect of this application.

Find enclosed the appropriate planning fee in respect of the application.

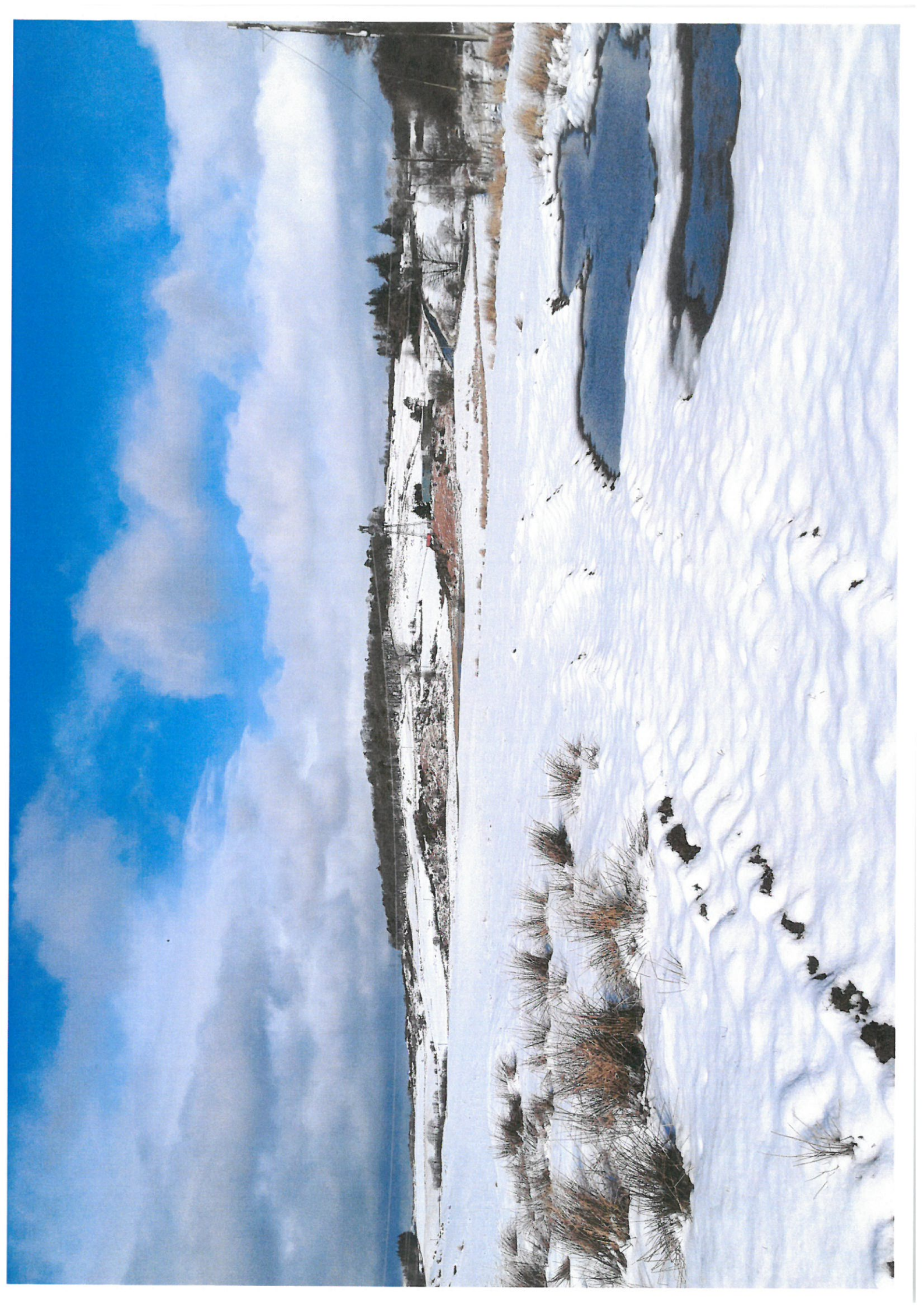
Yours sincerely

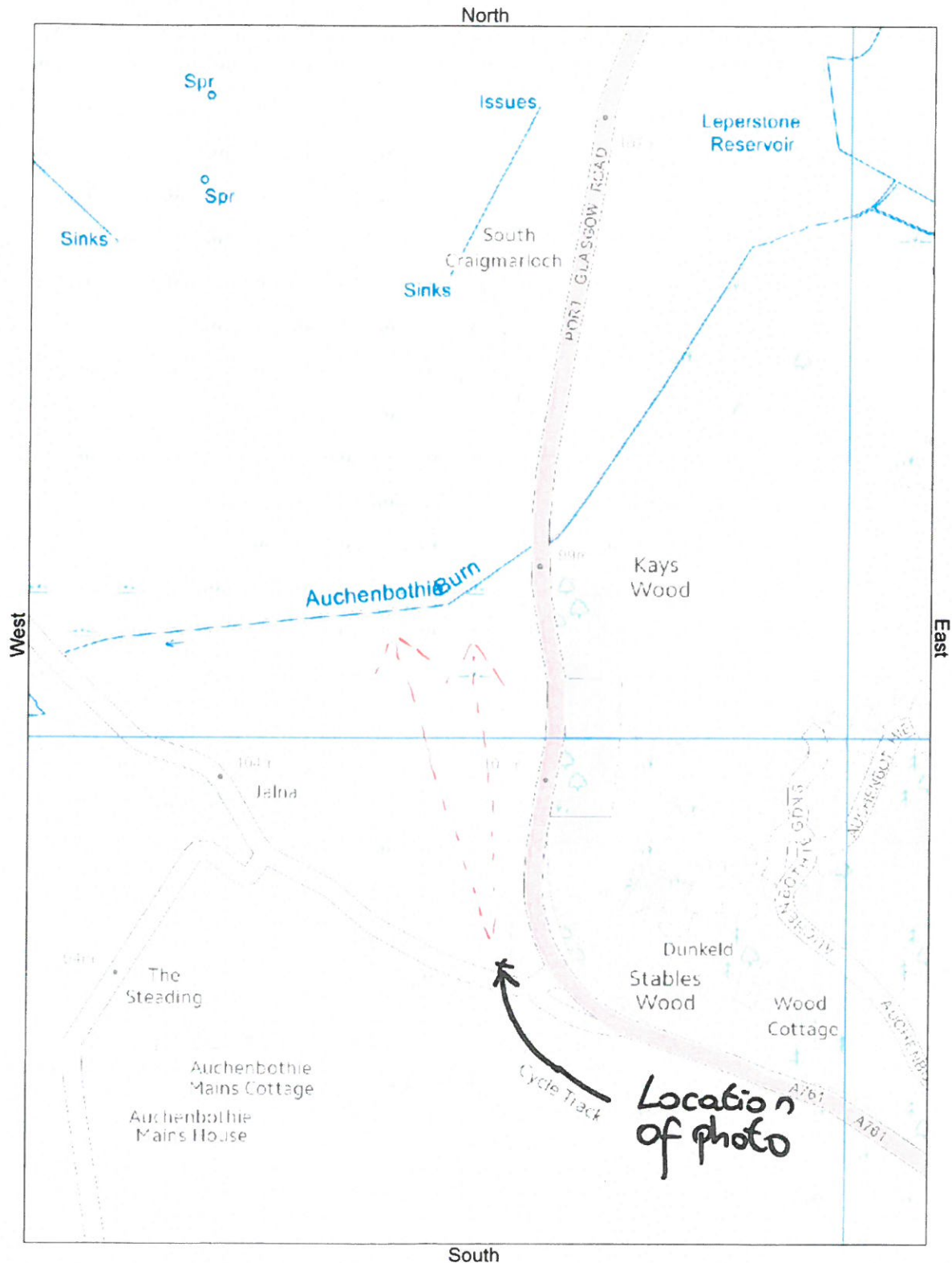
J BRYCE BOYD

SITE PHOTOGRAPHS

(photographs taken 3 March 2015 with iPhone 4S)







Page SheetN_of_NN



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REPORT OF HANDLING DATED 6 MARCH 2015

REPORT OF HANDLING

Report By: James McColl

Report No:

15/0014/IC

**Local Application
Development**

**Contact
Officer:** 01475 712462

Date:

6th March 2015

Subject: Erection of cottage together with erection of storage shed at
South Craigmarnloch, Port Glasgow Road, Kilmacolm

SITE DESCRIPTION

The application site comprises an area of open ground located approximately 170 metres to the rear of South Craigmarnloch, Kilmacolm. The site is accessed via a new track adjoining the existing access tracks from the public road into South Craigmarnloch. South Craigmarnloch 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 Craigmarnloch, approximately 400 metres to the north-east of the application site.

PROPOSAL

It is proposed to construct a new dwellinghouse and barn together with access track from the existing property at South Craigmarnloch. The new dwelling will be one and a half storey and finished externally in wetcast render and a slate roof with two dormer windows and entrance porch to the front elevation. The roof will also feature two roof light windows to the front slope and three to the rear, together with a chimney. Windows frames will be white uPVC with smooth render banding around the window openings.

The new barn is to be located to the west to north-west of the proposed house and will extend to a floor area of 280 square metres. The barn will be to a height of 5.75 metres and all external surfaces will be finished in dark green uPVC cladding.

A supporting letter has been submitted and this details that the new dwelling and barn are required in connection with the operation of a business at the location.

LOCAL DEVELOPMENT PLAN POLICIES

Policy SDS8 - Green Belt and the Countryside

There will be a presumption against the spread of the built-up area into the designated Green Belt and careful management to prevent sporadic development in the designated Countryside, as identified on the Proposals Map.

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

Development in the Green Belt will only be considered favourable 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.

Policy RES7 : Residential Development in the Green Belt and Countryside

The development of new dwellings in the Green Belt and Countryside, identified on the Proposals Map, will be supported only if the proposal is for either

- (1) a single or small group of dwellings not adjoining the urban area; or
- (2) the conversion of redundant non-residential buildings, that are for the most part intact and capable of conversion for residential use without recourse to substantial demolition and rebuilding.

In addition, all proposals must fall within one of the following categories:

- (a) demolition and replacement of habitable dwellings which cannot otherwise be brought up to acceptable building standards and where the proposed building reflects the scale of the existing building and is sympathetic to the character, pattern of development and appearance of the area; or
- (b) sub-division of an existing dwelling house(s) for the provision of one or more additional units where any new build element is clearly ancillary to the completed building; or
- (c) conversion of redundant, non-residential buildings, where the proposal requires to be supported by proof of the building's redundancy to demonstrate that it no longer meets its original purpose, as

well as a structural survey indicating that the building may be utilised for the proposed use substantially in its current form, and that any proposed extensions to existing building(s) or ancillary new build element will need to be proven to be required to make the development financially viable, with details of costs to be submitted; or

(a) is justified by the operational needs of farms or other businesses or activities which are inherently rural in nature and where the applicant will be required to make a land management or business case to the satisfaction of the Council: or

(b) is part of an integrated project with significant employment and/or economic benefits which is in accordance with other policies of the Local Development Plan and where the Council is satisfied that the dwelling(s) are essential to ensure the implementation of the whole development and that such considerations are of sufficient weight to merit support.

Further detailed policy relating to this type of development is contained in the Supplementary Guidance on Planning Application Advice Notes

Planning Application Advice Note (PAAN)8 on "Siting and Design of New Houses in the Countryside" applies.

Planning Application Advice Note (PAAN)9 on "Siting and Design of New Farm Buildings" applies.

CONSULTATIONS

Head of Environmental and Commercial Services – No objections.

Head of Safer and Inclusive Communities – No objections to the proposal. Conditions relating to contamination, importation of materials and bins storage are recommended.

Greenspace Manager - No impact on local biodiversity issues.

PUBLICITY

The application was advertised in the Greenock Telegraph on 30th January 2015 as there are no premises on neighbouring land and as the development is contrary to the development plan.

SITE NOTICES

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

PUBLIC PARTICIPATION

No representations were received.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan, PAAN 8 and 9 on the Siting and Design of New Houses in the Countryside and the Siting and Design of New Farm Buildings respectively, the visual impact of the proposed development, the consultation responses and the applicant's supporting letter.

The application site is located in the Green Belt and policy SDS8 of the Local Development Plan advises there will be a presumption against the spread of the built up area into the Green Belt. Policy RES7 advises on the development of new dwellings in the Green Belt. This proposal is for a single dwellinghouse which does not adjoin the urban area and policy RES7 sets out the categories that such development require to fall within. The proposal does not involve the demolition and replacement of a habitable dwelling which cannot otherwise be brought up to acceptable building

standards (category (a)), it does not involve the sub-division of an existing dwellinghouse (category (b)) and it does not involve the conversion of an existing redundant building (category (c)). The proposal does not form part of a larger integrated project (category (e)). The final category for assessment is category (d). This category supports proposals where they are justified by the operational needs of a farm or other business or activity which are inherently rural in nature and the applicant has made a business case to the satisfaction of the Council. To establish this, an assessment of the business which the new dwellinghouse will support and provide security for requires to be undertaken noting that policy ENV2 advises that development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances.

The applicant has submitted a letter of support to justify the construction of the new dwellinghouse and associated barn at this Green Belt location. It is advised that two companies (a tree services business and a fencing business) currently operate from South Craigmarloch. Planning permission is sought for the new house and barn which would allow the fencing business to move to the new adjacent site and this would allow both companies to expand. The proximity of the new premises would allow the two businesses to continue their close working relationships on the many joint ventures offered to the agricultural community. Nothing has been advanced, however, indicating any link between the two businesses or any details regarding joint venture contracts the two businesses are regularly involved with, thus necessitating the businesses being located adjacent to each other. Moreover, the supporting letter actually highlights the very different services offered by the two businesses rather than any links between them.

It is further stated that the business provides an essential service to the local agricultural community with the main focus being in the repair and maintenance of fencing for the farming community. Nothing is provided to substantiate this. Whilst many clients may be from the agricultural community, there is nothing inherently rural in nature about the existing business and there is nothing to suggest why the business or activities and any associated storage of material or machinery could not be based and co-ordinated from an alternative location. Additionally, the supporting letter further advises that in addition to the agricultural community, services are provided to other local business, domestic clients and local councils.

Whilst I appreciate that operating the business from South Craigmarloch for the 15 year period stated, would result in clients becoming familiar with the location, business relocation when new premises are required is not uncommon. There is nothing to suggest that operating the business from new premises would cause difficulty for either existing or new clients particularly given that the very nature of a fencing business would result in the majority of any work being undertaken at the client property. I note the contention that the site is easily accessible for the farming community and that the premises is constantly visited by the farming community requiring emergency supplies or services at out of hours times. However, nothing is advanced to suggest whether the majority of clients are local to the premises, how often they would visit, what emergency supplies the business offers and why clients seeking emergency fencing services would visit the premises rather than utilising the telephone.

Notwithstanding this however, there is an existing house at South Craigmarloch. The supporting letter also makes it clear that this house is occupied by the proprietor of the tree services business rather than the fencing contractor. A co-ordinated approach to visits by clients therefore already exists between both businesses, particularly with out of hours visits to the current premises. The application submission indicates that the premises at South Craigmarloch, including the existing dwellinghouse, is under the ownership of the applicant. Subject to design and siting, it may be that the proposed new barn could be provided within existing the grouping of buildings at Craigmarloch thus allowing both businesses to operate from the site thus allowing them to develop and expand. The existing house would continue to provide a 24 hour presence on site for the purposes of security, and the current joint approach to visits by clients could continue to be provided at the current location, with no requirement for a new dwellinghouse within the Green Belt. The close working relationships between the two businesses are highlighted in the supporting letter would therefore continue. It also remains, however, that the case is not made as to why the business could not be operated from a premises within an existing business or industrial area within

Inverclyde, thus allowing the business to expand and develop within a new suitable and accessible location.

There are no exceptional or mitigating circumstances for the development within the Green Belt and the proposal would thus be contrary to policy ENV2. It follows that there is no requirement for a new dwellinghouse and it cannot therefore be justified with reference to category (d) of policy RES7. The proposal is also contrary to policy SDS8 which advises there will be a presumption against the spread of the built up area into the Green Belt.

Notwithstanding the above, it is nevertheless appropriate to further consider the general design and siting of the new buildings within this rural location. PAAN8 provides advice on the siting and design of the new houses in the countryside and PAAN9 provides advice on the siting and design of new farm buildings. Whilst there are some minor variances from the guidance with respect to design overall, I am satisfied that the design of the dwelling would be appropriate with reference to PAAN8 and the design follows that of other rural dwellings where justified. Considering siting, the new dwelling would not be prominent on the skyline nor would it unacceptably break the landform from the principle viewpoints. However, PAAN8 favours sites adjacent to or within groups of other buildings. The new dwelling is located away from the nearest adjacent buildings and some distance back from the public road. This will give the appearance of sporadic development within the Green Belt and not accord with the guidance within PAAN8.

Whilst not a farm building, the advice within PAAN9 provides an appropriate assessment criteria for the design of the proposed barn. The barn has a modern agricultural appearance, typical of that found within farm steadings and the design accords with the guidance within PAAN9. However, like the advice relating to the dwellinghouse, PAAN9 favours sites adjacent to or within groups of other buildings. The proposed barn will further contribute to the appearance of sporadic development within the Green Belt and not accord with the guidance within PAAN9.

Considering the consultation responses, the Head of Safer and Inclusive Communities offers no objections to the proposal subject to conditions relating to contamination, importation of materials and bins storage are suggested. The Head of Environmental and Commercial Services offers no objections on the ground of road safety or access arrangements and finally, the Greenspace Manager advises no impact on local biodiversity would likely occur.

There are no records of archaeology within the site, however records do exist nearby. The requirement for an archaeological watching brief could be applied to any permission if required.

In conclusion, there is nothing inherently rural in nature about the existing business nor has any locational requirement for the Green Belt site been demonstrated. There are no exceptional or mitigating circumstances for the development within the Green Belt and the proposal would be contrary to policies ENV2 and SDS8 of the Local Development Plan. It follows that the new dwellinghouse would also be contrary to policy RES7 of the Local Development Plan. Both the proposed dwellinghouse and barn would be located away from the nearest adjacent buildings and some distance back from the public road. This will give the appearance of sporadic development within the countryside and not accord with the guidance within PAAN8 and PAAN9. Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 as amended require that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. There are no material considerations which suggest that a departure from policies SDS8, ENV2 and RES7 can be justified. Planning permission should therefore be refused.

RECOMMENDATION

That the application be refused.

Reasons

1. The applicant has not demonstrated any operational need or any exceptional or mitigating circumstances that would justify the erection of a new dwellinghouse and barn in this Green Belt location. The proposal is therefore contrary to policies SDS8, ENV2 and RES7 of the 2014 Inverclyde Local Development Plan.
2. The proposed dwellinghouse and barn are located away from the nearest adjacent buildings and some distance back from the public road. This will give the appearance of sporadic development within the countryside and not accord with the guidance within PAAN8 and PAAN9.

Signed:

Case Officer: James McColl

Stuart Jamieson
Head of Regeneration and Planning

PLANNING APPLICATION ADVICE NOTES 8 AND 9

Planning Application Advice Note No. 8

SITING and DESIGN of NEW HOUSES in the COUNTRYSIDE

Inverclyde's countryside is a valuable resource. Much of it is within the Clyde Muirshiel Country Park and, in general, development is sparse. It is important that the character of the countryside is retained and that where development occurs it merges into the landscape.

Siting of New Housing:

- Prominent positions on skylines, ridgelines and hill tops and, where in silhouette the buildings will break the landform, are inappropriate.
- Buildings should be set into the landform with excavation or infill minimised.
- Sites adjacent to or within groups of other buildings will be favoured.
- Tree belts and wooded areas can be used as a backdrop to a house to minimise the visual impact.

Design of New Housing:

EXTERNAL WALL FINISH

- Natural stone or wet dash render are traditional to the Inverclyde countryside and should be used.

BASECOURSES

- Where a traditional wet dash finish is used, it is expected that this will be applied down to ground level.
- Where a basecourse is used, this should be minimal and finished in a smooth cement render.

UNDERBUILDING

- Excessive underbuilding should be avoided.

WINDOWS AND DOORS

- All windows should have a vertical emphasis and be surrounded by a smooth cement margin.
- Doors should similarly be surrounded by a cement margin.

ROOF

- A minimum pitch of 35 degrees should be achieved.
- The roof should be finished in natural slate or a synthetic slate look-a-like tile which reflects the size, colour and edge detail of a natural slate.

EAVES / SKEWS

- Boxed eaves, with large fascia boards and barge boards should be avoided.

ROOFLIGHTS

- When required, they should be located at the rear roof plane, have a vertical emphasis and be flush fitted with secret guttering.

DORMERS

- The design of dormer windows should accord with the design guidance contained in **Planning Application Advice Note No. 6** on dormer windows. They should be positioned on the roof to vertically line with windows and / or doors on the facade below and be symmetrical.

PORCHES

- If required, these should be designed as an integral part of the building.
- Wall finishes, windows, roofs and eaves / skews should reflect the remainder of the building.

Roof minimum 35 degree pitch

Dormer lines up with windows below

Windows & doors with vertical emphasis and smooth cement margins

Natural stone or wet dash render

Traditional porch

No doorstep

No basecourse

PLANNING APPLICATION ADVICE NOTES

Converting Buildings to Residential Use:

The conversion or re-use of existing buildings in the countryside for residential use will be acceptable subject to the following :-

- The building should be structurally sound, largely intact and capable of conversion without substantial demolition and rebuild.
- A structural survey of the property may require to be submitted to accompany any planning application.
- The original scale, character, proportion and architectural integrity of the building shall remain intact and any extension shall require, at all times, to be subsidiary to the original building.
- Where a traditional building, the detail of design shall follow the criteria specified previously under the heading "Design of New Housing".

Extending Existing Residential Buildings:

Residential buildings are of a variety of shapes and sizes and it is important that alterations to such buildings ensure that their original character is maintained. In this respect, any extension to an existing residential building shall require the following:

- To be subsidiary in scale and position to the original dwellinghouse
- To follow the design details specified in the "Design of New Houses" in the case of traditional buildings.

Planning Application Advice Note No. 9

SITING and DESIGN of NEW FARM BUILDINGS

Inverclyde's countryside is a valuable resource. Much of it is within the Clyde Muirshiel Country Park and, in general, development is sparse. It is important that the character of the countryside is retained and that where development occurs it merges into the landscape.

Siting of New Buildings:

- Prominent positions on skylines, ridgelines and hill tops and, where in silhouette the buildings will break the landform, are inappropriate.
- Buildings should be set into the landform with excavation or infill minimised.
- Sites adjacent to or within groups of other buildings will be favoured.
- Tree belts and wooded areas can be used as a backdrop to a house to minimise the visual impact.

Design of New Buildings:

ROOFS

- Where traditional roofing material is proposed a minimum 35 degree pitch should be achieved using a natural slate or a synthetic slate look-a-like tile which reflects the size, colour and edge detail of a natural slate. On large buildings requiring wide roof spans, high pitch roofs would have a

significant impact. Also many buildings, for economic reasons, will propose the use of modern materials. Under such circumstances roofs should be finished in a colour to match the farm buildings in the immediate vicinity and seek to blend with the landscape. Where large buildings use modern materials a low pitch roof should be used. Flat roofs are not appropriate.

WALLS

- Natural stone or wet dash render are traditional to the Inverclyde countryside and are acceptable. Where steel framed buildings are proposed, they should be finished in a colour to match other farm buildings in the immediate vicinity and seek to blend with the landscape.

CONSULTATION RESPONSES

Memorandum Safer Communities Planning Application Consultation Response	
To: Planning Services For the Attention of James McColl	
From: Safer and Inclusive Communities	Date of Issue to Planning: 9.2.15

Lead Officer: JIM BLAIR	
Tel: 01475 71 4305	Email: jim.blair@inverclyde.gov.uk

Safer Communities Reference (optional):	
Planning Application Reference:	15/0014/IC
Planning Application Address:	South Craigmarnloch Port Glasgow Road Kilmacolm PA13 4SG
Planning Application Proposal:	Erection of cottage together with erection of storage shed

Team	Officer	Date
Food & Health	Michael Lapsley	
Environment & Safety & <i>Contaminated Land</i>	Sharon Lindsay	09.01.15
Public Health & Housing	Jim Blair	27.1.15
Environment and Enforcement	Stewart Mackenzie	06.02.15

Amend table entries as appropriate and insert date when each officer review is completed.

Recommended Conditions:

It is recommended that the undernoted conditions be placed on any consent the council may grant:

Delete or amend as appropriate

Food & Health

No Comments

Environment & Safety

No Comments

Contaminated Land

1. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential requirements for remediation work shall not be implemented unless a Remediation Strategy Report has been submitted to and approved, in writing by the Planning Authority.

Reason: To ensure that all contamination issues are recorded and dealt with appropriately.

2. The use of the development shall not commence until the applicant has submitted a completion report for approval, in writing by the Planning Authority detailing all fill and landscaping material imported onto the site. This report shall contain information of the materials source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc) with plans delineating placement and thickness.

Reason: To protect receptors from the harmful effects of imported contamination.

Public Health & Housing

1. 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.

Reason: To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.

2. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".

Reason: To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.

Environment and Enforcement

No Comments

Recommended Advisory Notes

It is strongly recommended that the undernoted Advisory Notes be placed on any consent the Council may grant:

- i. The applicant should be fully aware of the **Construction (Design & Management) Regulations 2007 (CDM 2007)** and its implications on client duties etc.
- ii. **Septic Tanks:** Should the premises be served by a septic tank, it will be necessary to ensure that the capacity of the tank is sufficient to deal with any additional demand and that the maintenance and emptying regime is modified accordingly.

James McColl

From: Charlie Cairns
Sent: 04 March 2015 13:09
To: James McColl
Subject: South Craigmarnloch 15/0014/IC

James

Just to confirm, no impact I can see on local biodiversity issues.

Charlie

*Charlie Cairns
Area Manager - Lower Clyde Greenspace
tel 01475 712464*

LOWER CLYDE GREENSPACE IS A PARTNERSHIP BETWEEN INVERCLYDE AND ARGYLL & BUTE COUNCILS

DECISION NOTICE DATED 11 MARCH 2015

DECISION NOTICE

Inverclyde
council

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 15/0014/IC

Online Ref:000108718-001

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

Boundaries
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 13th January 2015 for planning permission under the above mentioned Act and Regulation for the following development:-

Erection of cottage together with erection of storage shed at

South Craigmarloch, Port Glasgow Road, Kilmacolm, PA13 4SG

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 operational need or any exceptional or mitigating circumstances that would justify the erection of a new dwellinghouse and barn in this Green Belt location. The proposal is therefore contrary to policies SDS8, ENV2 and RES7 of the 2014 Inverclyde Local Development Plan.
2. The proposed dwellinghouse and barn are located away from the nearest adjacent buildings and some distance back from the public road. This will give the appearance of sporadic development within the countryside and not accord with the guidance within PAAN8 and PAAN9.

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

Dated this 11th day of March 2015

Head of Regeneration and Planning



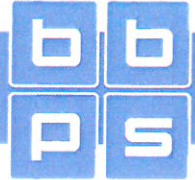
- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with 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:
LOC		
02		
03 - 09		

**LETTER DATED 7 MAY 2015 FROM
BRYCE BOYD PLANNING SOLUTIONS ENCLOSING
NOTICE OF REVIEW FORM AND GROUNDS OF
NOTICE OF REVIEW**



Committee Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LY



7 May 2015

Dear Sirs

**NOTICE OF REVIEW SUBMISSION IN RESPECT OF REFUSAL OF
PLANNING PERMISSION FOR ERECTION OF COTTAGE TOGETHER
WITH STORAGE SHED ON SITE TO THE WEST OF SOUTH
CRAIGMARLOCH PORT GLASGOW ROAD KILMACOLM REF: 15/0014/IC**

I enclose for your attention a copy of a Notice of Review Submission in respect of the above planning application recently refused permission by the Head of Planning.

I trust that all is in order. Please do not hesitate to contact me if you require any further information or clarification.

Yours sincerely

J BRYCE BOYD

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

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.

Grounds of Notice of Review

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

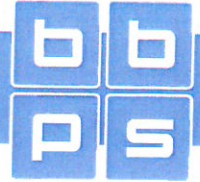
Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number,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

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

GROUNDS OF NOTICE OF REVIEW

**SUBMISSION AGAINST REFUSAL OF PLANNING PERMISSION BY
INVERCLYDE COUNCIL FOR THE ERECTION OF COTTAGE
TOGETHER WITH ERECTION OF STORAGE SHED AT SOUTH
CRAIGMARLOCH, PORT GLASGOW ROAD, KILMACOLM.**

REF: 15/0014/IC

BACKGROUND

The Planning Application submitted to the Council in January 2015 was accompanied by a Supporting Statement outlining the unique nature of the business based at South Craigmarnloch, their links to the agricultural community and the wish for the business to expand and continue to offer essential service to the rural economy.

A copy of this submission is attached.

Production 1- Supporting Statement

REFUSAL NOTICE & OFFICER REPORT

On 11 March 2015 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 operational need or any exceptional or mitigating circumstances that would justify the erection of a new dwellinghouse and barn in this Green Belt location. The proposal is therefore contrary to policies SDS8, ENV2 and RES7 of the 2014 Inverclyde Local Development Plan.
2. The proposed dwellinghouse and barn are located away from the nearest adjacent buildings and some distance back from the public road. This will give the appearance of sporadic development within the countryside and not accord with the guidance within PAAN8 and PAAN9.

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

GROUNDS 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 both reasons for refusal, that the development is contrary to the provisions of the Local Development Plan.

In reaching a decision to refuse planning permission, it is submitted that the planning officials did not carefully and fully consider the 'material considerations' in respect of the planning application prior to reaching a decision to refuse the permission based purely on the development plan policies.

ANALYSIS OF APPLICATION

As outlined above the planning application was accompanied by a Supporting Statement, *Production 1*, which detailed the family background of Mr Wilson and the circumstances which lead to the application being submitted.

The supporting statement outlined the justification for the development at this location within the greenbelt, highlighting the unique circumstances surrounding the application, the nature of the business and security implications.

In regard to the Local Development Plan Policies referred to in the grounds of refusal, Policy SDS8 is a broad brush policy which outlines a general presumption against development in the green belt, however the Local Development Plan then goes on, through other policies, to identify when development will accord with the Local Development Plan.

As detailed in the submission, the business, Boundaries, owned and operated on the family-owned land by Mr Neil Wilson, provides essential services to the local agricultural community in the repair, replacement and provision of new fencing, gates etc. to the local farms in the Inverclyde and Renfrewshire areas which complements the business, Caledonian Tree Services (CTS), owned by his brother, Colin Wilson, also operated on the land. The Wilson family has been providing these services for

many years and the family is well-integrated and wholly committed to the local community, providing much needed employment opportunities in the area. The modest expansion of Mr N Wilson's business, Boundaries, upon which this proposal is predicated, has the potential, along with CTS, to facilitate further rural employment opportunities thus making a positive contribution to the local economy. Through these two small local businesses, the Wilson Brothers are providing a comprehensive range of support services to local agricultural communities both in Inverclyde and neighbouring council areas.

The business is already successfully located in the rural environment and, importantly, is readily accessible to the farming community with no adverse impact on neighbouring villages. Natural expansion has occurred in local commercial and domestic markets, fuelled by word of mouth and recommendations on the service provided but this remains an adjunct to the main field of the business, ie, the agricultural sector which makes up some 90% of the business profile. The business requires to be based in the countryside to be easily accessible to the farming community.

The suggestion that it should be relocated to an industrial, urban location brings with it a considerable reputational risk to both businesses which could result in a loss of confidence from rural customers. This is a rural business, operated within a rural environment, and its continuing success and expansion will be greatly enhanced by this Proposal.

The proposed cottage will provide security and a presence on site which enable the service to the agricultural community to be provided on a 24 hour basis. The Wilson Family has had major security issues with regard to materials stored in off-site locations resulting in major criminal damage and loss to the business.

The Report of Handling makes no reference to security matters in its examination of the proposal, however this is a real concern for the applicant as major loss was sustained by the Wilson Family in respect of wilful fire raising at a storage facility on a remote site in October of last year.

Production 3 - Press Report from Greenock Telegraph

Mr Wilson's brother, Colin, already resides in the existing dwelling house on the land and it is our contention that the Wilson family businesses as a whole would benefit from Mr Wilson also being able to reside insitu. This is a genuine and well established local enterprise from a family with long connections to the area.

As can be seen from the submission the proposal is required for the purposes of agriculture and is therefore in conformity with Policy ENV2 (a).

Turning to Policy Res7, paragraph (1) of this policy indicates that development within the green belt will be supported if it constitutes a single or small group of dwellings not adjoining the urban area. The proposal is therefore clearly in accord with this aspect of the Policy.

Paragraph (d) goes on to confirm that the development of residential accommodation within the countryside is justified by the operational needs of farms and other rural, agriculturally and environmentally-related businesses.

As was outlined in the supporting statement submitted with the Planning Application, and as further detailed above, the services provided by the business are almost exclusively provided to the farming community and is an essential service within the rural area. Without a local, onsite, business providing this service on a 24 hour basis, the local farming community would experience delays relating to emergency repairs to fencing which will obviously lead to severe travel disruption if sheep and cattle enter onto rural roadways which, by their nature, are often single or narrow roadways adjacent to villages with school and commercial interests. It is not tenable to suggest that this could be provided as effectively from an industrial location from elsewhere in Inverclyde, given the amount of traffic and difficulties of access to the rural locale.

It is clear, therefore, that the proposal is in conformity with Policy RES7.

Turning to Planning Application Advice Notes 8 and 9 it is noted that in the Report of Handling on the application the Head of Regeneration and Planning acknowledges that the proposed development is in accord with all the criteria set out in the two Advice Notes with the exception of the fact that the proposal proposed cottage and barn are not close to other buildings.

Both Advice Notes indicate that, "sites adjacent to or within groups of other buildings will be favoured". It is, therefore, inaccurate to conclude that the proposed development is not in accord with the Advice Notes. The Notes, as outlined above merely indicate that developments adjacent to other buildings will be favoured, it does not exclude such development. Given that the land is within the ownership of the Applicant and his family, the site proposed for the development is entirely appropriate and will mirror the pattern of development within this rural area.

The Report of Handling notes that building on the proposed site will not have a significant impact on the surrounding landscape and would have minimal visibility from roadways. It notes, also, that the design is appropriate to the natural setting. Further, it would not be visible from neighbouring village locations. None of the relevant consultees nor members of the public have raised any objections. The cottage and barn would co-exist with other developments in the surrounding rural locale where indeed farm buildings and other residential properties are spread throughout the rural area and not found in "clusters". The proposal is therefore, in design and locational terms entirely in keeping the pattern of recent rural development within this area of Inverclyde.

Mr Wilson is a well respected member of the local community and, with his family, wants to remain living and working to build his business within the local environment where he has lived all his life. The proposed cottage and storage would enable him to continue to contribute to the local rural economy.

CONCLUSIONS

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

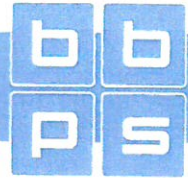
For all of the reasons detailed above it is requested that the Local Review Body overturn the decision of the Planning Officials and grant planning permission for the erection of cottage together with erection of storage shed at South Craigmarnloch, Port Glasgow Road, Kilmacolm.

BBPS

MAY 2015

PRODUCTION 1

Supporting Statement



Development Control
Planning Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LY

13 January 2015

Dear Sirs

**PLANNING APPLICATION - ERECTION OF COTTAGE TOGETHER WITH
STORAGE SHED ON SITE TO THE WEST OF SOUTH CRAIGMARLOCH
PORT GLASGOW ROAD KILMACOLM**

I enclose for your attention a copy of a planning application in respect of the above proposed development.

As the Planning Authority is aware, the premises at South Craigmarloch has been utilised as the base for many years by the Wilson family for providing service to the agricultural and wider community. Two separate companies now operate from the premises run by the two Wilson brothers, albeit that they have a very close working relationship.

Boundaries share the premises with Caledonian Tree Services, two established and expanding local companies. Colin Wilson, Director of Caledonian Tree Services has recently moved into the former farmhouse at South Craigmarloch which lies adjacent to the yard and storage sheds utilised by both companies. Neil Wilson, Director of Boundaries, is now seeking planning permission for the erection of a cottage and storage shed on adjoining land to enable both companies to expand while still enabling them to continue their close working relationships on the many joint venture contracts which the companies are able to offer to the agricultural community.

Boundaries provides an essential service to the local agricultural community, the main focus of the business being in the repair and maintenance of fencing for the farming community. The business requires extensive storage facilities for materials, fencing, specialised machinery etc. The company currently has three employees.

Caledonian Tree Services also provides a wide range of services to the local agricultural and arboricultural community, including woodland and tree maintenance, tree clearance, tree surgery, timber extraction and hedge maintenance. The company currently has ten employees.

South Craigmarnloch is central to Boundaries client base. The Company has provided a 15 year service to the surrounding agricultural community , local businesses, domestic clients and local Councils. The Company's clients are familiar with the location of the business and it is easily accessible to the farming community.

The current storage and yard facilities are no longer adequate for both businesses and permitting Boundaries to have its own dedicated base, adjacent to South Craigmarnloch, would permit both Companies to operate more effectively and enable both to expand and increase staff levels.

The provision of a cottage adjacent to the proposed yard and storage shed would provide security and a presence on site which is essential to the effective operation of the business. Boundaries is constantly visited by people from the farming community requiring emergency supplies or services at out of hour times. Having a cottage at the site will enable service to be provided on a 24 hour basis.

The design of the cottage is in keeping with the other agricultural cottages in the area and indeed is similar to two recently approved farmworkers cottages within Inverclyde.

Please do not hesitate to contact me if you require any further information or clarification in respect of this application.

Find enclosed the appropriate planning fee in respect of the application.

Yours sincerely

J BRYCE BOYD

PRODUCTION 2

Report of Handling

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

Development in the Green Belt will only be considered favourable 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.

Policy RES7 : Residential Development in the Green Belt and Countryside

The development of new dwellings in the Green Belt and Countryside, identified on the Proposals Map, will be supported only if the proposal is for either

- (1) a single or small group of dwellings not adjoining the urban area; or
- (2) the conversion of redundant non-residential buildings, that are for the most part intact and capable of conversion for residential use without recourse to substantial demolition and rebuilding.

In addition, all proposals must fall within one of the following categories:

- (a) demolition and replacement of habitable dwellings which cannot otherwise be brought up to acceptable building standards and where the proposed building reflects the scale of the existing building and is sympathetic to the character, pattern of development and appearance of the area; or
- (b) sub-division of an existing dwelling house(s) for the provision of one or more additional units where any new build element is clearly ancillary to the completed building; or
- (c) conversion of redundant, non-residential buildings, where the proposal requires to be supported by proof of the building's redundancy to demonstrate that it no longer meets its original purpose, as

well as a structural survey indicating that the building may be utilised for the proposed use substantially in its current form, and that any proposed extensions to existing building(s) or ancillary new build element will need to be proven to be required to make the development financially viable, with details of costs to be submitted; or

(a) is justified by the operational needs of farms or other businesses or activities which are inherently rural in nature and where the applicant will be required to make a land management or business case to the satisfaction of the Council: or

(b) is part of an integrated project with significant employment and/or economic benefits which is in accordance with other policies of the Local Development Plan and where the Council is satisfied that the dwelling(s) are essential to ensure the implementation of the whole development and that such considerations are of sufficient weight to merit support.

Further detailed policy relating to this type of development is contained in the Supplementary Guidance on Planning Application Advice Notes

Planning Application Advice Note (PAAN)8 on "Siting and Design of New Houses in the Countryside" applies.

Planning Application Advice Note (PAAN)9 on "Siting and Design of New Farm Buildings" applies.

CONSULTATIONS

Head of Environmental and Commercial Services – No objections.

Head of Safer and Inclusive Communities – No objections to the proposal. Conditions relating to contamination, importation of materials and bins storage are recommended.

Greenspace Manager - No impact on local biodiversity issues.

PUBLICITY

The application was advertised in the Greenock Telegraph on 30th January 2015 as there are no premises on neighbouring land and as the development is contrary to the development plan.

SITE NOTICES

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

PUBLIC PARTICIPATION

No representations were received.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan, PAAN 8 and 9 on the Siting and Design of New Houses in the Countryside and the Siting and Design of New Farm Buildings respectively, the visual impact of the proposed development, the consultation responses and the applicant's supporting letter.

The application site is located in the Green Belt and policy SDS8 of the Local Development Plan advises there will be a presumption against the spread of the built up area into the Green Belt. Policy RES7 advises on the development of new dwellings in the Green Belt. This proposal is for a single dwellinghouse which does not adjoin the urban area and policy RES7 sets out the categories that such development require to fall within. The proposal does not involve the demolition and replacement of a habitable dwelling which cannot otherwise be brought up to acceptable building

standards (category (a)), it does not involve the sub-division of an existing dwellinghouse (category (b)) and it does not involve the conversion of an existing redundant building (category (c)). The proposal does not form part of a larger integrated project (category (e)). The final category for assessment is category (d). This category supports proposals where they are justified by the operational needs of a farm or other business or activity which are inherently rural in nature and the applicant has made a business case to the satisfaction of the Council. To establish this, an assessment of the business which the new dwellinghouse will support and provide security for requires to be undertaken noting that policy ENV2 advises that development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances.

The applicant has submitted a letter of support to justify the construction of the new dwellinghouse and associated barn at this Green Belt location. It is advised that two companies (a tree services business and a fencing business) currently operate from South Craigmarloch. Planning permission is sought for the new house and barn which would allow the fencing business to move to the new adjacent site and this would allow both companies to expand. The proximity of the new premises would allow the two businesses to continue their close working relationships on the many joint ventures offered to the agricultural community. Nothing has been advanced, however, indicating any link between the two businesses or any details regarding joint venture contracts the two businesses are regularly involved with, thus necessitating the businesses being located adjacent to each other. Moreover, the supporting letter actually highlights the very different services offered by the two businesses rather than any links between them.

It is further stated that the business provides an essential service to the local agricultural community with the main focus being in the repair and maintenance of fencing for the farming community. Nothing is provided to substantiate this. Whilst many clients may be from the agricultural community, there is nothing inherently rural in nature about the existing business and there is nothing to suggest why the business or activities and any associated storage of material or machinery could not be based and co-ordinated from an alternative location. Additionally, the supporting letter further advises that in addition to the agricultural community, services are provided to other local business, domestic clients and local councils.

Whilst I appreciate that operating the business from South Craigmarloch for the 15 year period stated, would result in clients becoming familiar with the location, business relocation when new premises are required is not uncommon. There is nothing to suggest that operating the business from new premises would cause difficulty for either existing or new clients particularly given that the very nature of a fencing business would result in the majority of any work being undertaken at the client property. I note the contention that the site is easily accessible for the farming community and that the premises is constantly visited by the farming community requiring emergency supplies or services at out of hours times. However, nothing is advanced to suggest whether the majority of clients are local to the premises, how often they would visit, what emergency supplies the business offers and why clients seeking emergency fencing services would visit the premises rather than utilising the telephone.

Notwithstanding this however, there is an existing house at South Craigmarloch. The supporting letter also makes it clear that this house is occupied by the proprietor of the tree services business rather than the fencing contractor. A co-ordinated approach to visits by clients therefore already exists between both businesses, particularly with out of hours visits to the current premises. The application submission indicates that the premises at South Craigmarloch, including the existing dwellinghouse, is under the ownership of the applicant. Subject to design and siting, it may be that the proposed new barn could be provided within existing the grouping of buildings at Craigmarloch thus allowing both businesses to operate from the site thus allowing them to develop and expand. The existing house would continue to provide a 24 hour presence on site for the purposes of security, and the current joint approach to visits by clients could continue to be provided at the current location, with no requirement for a new dwellinghouse within the Green Belt. The close working relationships between the two businesses are highlighted in the supporting letter would therefore continue. It also remains, however, that the case is not made as to why the business could not be operated from a premises within an existing business or industrial area within

Inverclyde, thus allowing the business to expand and develop within a new suitable and accessible location.

There are no exceptional or mitigating circumstances for the development within the Green Belt and the proposal would thus be contrary to policy ENV2. It follows that there is no requirement for a new dwellinghouse and it cannot therefore be justified with reference to category (d) of policy RES7. The proposal is also contrary to policy SDS8 which advises there will be a presumption against the spread of the built up area into the Green Belt.

Notwithstanding the above, it is nevertheless appropriate to further consider the general design and siting of the new buildings within this rural location. PAAN8 provides advice on the siting and design of the new houses in the countryside and PAAN9 provides advice on the siting and design of new farm buildings. Whilst there are some minor variances from the guidance with respect to design overall, I am satisfied that the design of the dwelling would be appropriate with reference to PAAN8 and the design follows that of other rural dwellings where justified. Considering siting, the new dwelling would not be prominent on the skyline nor would it unacceptably break the landform from the principle viewpoints. However, PAAN8 favours sites adjacent to or within groups of other buildings. The new dwelling is located away from the nearest adjacent buildings and some distance back from the public road. This will give the appearance of sporadic development within the Green Belt and not accord with the guidance within PAAN8.

Whilst not a farm building, the advice within PAAN9 provides an appropriate assessment criteria for the design of the proposed barn. The barn has a modern agricultural appearance, typical of that found within farm steadings and the design accords with the guidance within PAAN9. However, like the advice relating to the dwellinghouse, PAAN9 favours sites adjacent to or within groups of other buildings. The proposed barn will further contribute to the appearance of sporadic development within the Green Belt and not accord with the guidance within PAAN9.

Considering the consultation responses, the Head of Safer and Inclusive Communities offers no objections to the proposal subject to conditions relating to contamination, importation of materials and bins storage are suggested. The Head of Environmental and Commercial Services offers no objections on the ground of road safety or access arrangements and finally, the Greenspace Manager advises no impact on local biodiversity would likely occur.

There are no records of archaeology within the site, however records do exist nearby. The requirement for an archaeological watching brief could be applied to any permission if required.

In conclusion, there is nothing inherently rural in nature about the existing business nor has any locational requirement for the Green Belt site been demonstrated. There are no exceptional or mitigating circumstances for the development within the Green Belt and the proposal would be contrary to policies ENV2 and SDS8 of the Local Development Plan. It follows that the new dwellinghouse would also be contrary to policy RES7 of the Local Development Plan. Both the proposed dwellinghouse and barn would be located away from the nearest adjacent buildings and some distance back from the public road. This will give the appearance of sporadic development within the countryside and not accord with the guidance within PAAN8 and PAAN9. Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 as amended require that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. There are no material considerations which suggest that a departure from policies SDS8, ENV2 and RES7 can be justified. Planning permission should therefore be refused.

RECOMMENDATION

That the application be refused.

Reasons

1. The applicant has not demonstrated any operational need or any exceptional or mitigating circumstances that would justify the erection of a new dwellinghouse and barn in this Green Belt location. The proposal is therefore contrary to policies SDS8, ENV2 and RES7 of the 2014 Inverclyde Local Development Plan.
2. The proposed dwellinghouse and barn are located away from the nearest adjacent buildings and some distance back from the public road. This will give the appearance of sporadic development within the countryside and not accord with the guidance within PAAN8 and PAAN9.

Signed:

~~Case Officer~~: James McColl

Stuart Jamieson
Head of Regeneration and Planning

**EMAILS DATED 29 AND 25 MAY FROM
BRYCE BOYD PLANNING SOLUTIONS IN
RELATION TO NEW MATERIAL**

Rona McGhee

From: BBoydPlanning@aol.com
Sent: 29 May 2015 14:24
To: Rona McGhee
Subject: Re: FW: Review of Decision to Refuse Planning Permission - South Craigmarloch...

Rona,

As outlined in my previous email the only justification for including the new material was as an expansion to the comment on security mentioned in the letter of support submitted with the planning application.

Strictly in terms of section 43B of the Act I an of the view that it can not be justified.

Bryce.

Bryce

.....
Bryce Boyd
Bryce Boyd Planning Solutions
Ellersleigh
Castlehill Road
Kilmacolm
PA13 4EL

T: 01505 874 489
M: 07974 469 476

In a message dated 26/05/2015 11:05:34 GMT Daylight Time, Rona.McGhee@inverclyde.gov.uk writes:

Bryce

I refer to your email of yesterday's date in connection with Production 3.

As indicated to in my email of 19 May, I should be obliged if you would explain why, in terms of Section 43B of the Town & Country Planning (Scotland) Act 1997, Elected Members should consider this new material by either demonstrating that (i) this material could not have been introduced earlier in the process, or (ii) that it arises as a consequence of exceptional circumstances.

In this regard, I should be pleased to hear from you by 2 June

Regards,

Rona

Rona McGhee

Senior Administration Officer

Legal & Property Services

Inverclyde Council

Municipal Buildings

Greenock

PA15 1LX

Tel: 01475 712113

Fax: 01475 712137

From: Rona McGhee

Sent: 25 May 2015 16:36

To: 'BBoydPlanning@aol.com'

Subject: RE: Review of Decision to Refuse Planning Permission - South Craigmarloch, Po...

Bryce

Thanks for your email below. I confirm I'll be in touch with you on your comments in due course.

Regards,

Rona

Rona McGhee

Senior Administration Officer

Legal & Property Services

Inverclyde Council

Municipal Buildings

Greenock

PA15 1LX

Tel: 01475 712113

Fax: 01475 712137

From: BBoydPlanning@aol.com [mailto:BBoydPlanning@aol.com]
Sent: 25 May 2015 15:28
To: Rona McGhee
Subject: Re: Review of Decision to Refuse Planning Permission - South Craigmarloch, Po...

Rona,

I refer to your email dated 19 May 2015 in which you have indicated that the Production 3 is considered as new material in respect of the submission to the Review Board.

I had thought, as the Supporting Statement which was submitted with the original application, Production 1, indicated in the third paragraph of the second page "The provision of a cottage adjacent to the proposed storage shed would provide security" that the example outlined, relating to the family business, would have been considered by the Planning Authority as an extension or expansion on the Supporting Statement.

I look forward to hearing from you further in respect of the above.

If the submission remains unacceptable to the Planning Authority I would would be grateful to learn what steps you wish me to take to remedy the matter.

Bryce.

.....
Bryce Boyd
Bryce Boyd Planning Solutions
Ellersleigh
Castlehill Road
Kilmacolm
PA13 4EL

T: 01505 874 489
M: 07974 469 476

In a message dated 19/05/2015 12:05:19 GMT Daylight Time, Rona.McGhee@inverclyde.gov.uk writes:

Bryce

I refer to Notice of Review that you served on Inverclyde Council's Local Review Body on 7 May 2015.

I acknowledge receipt of the Notice and supporting documentation. As you may be aware, Section 43B of the Town & Country Planning (Scotland) Act 1997 restricts the introduction of material which was not before the planning officer at the time of the determination now under review (or at the time of the expiry of the period of determination). New material will only be permitted where the applicant can demonstrate that it could not have been introduced earlier in the process, or that it arises as a consequence of exceptional circumstances. Having reviewed the new material submitted with the Notice of Review, I would advise that Production 3, press report from the Greenock Telegraph, which has been submitted with the Notice of Review is new material.

In the circumstances, I should be obliged if you would either (i) demonstrate that the above material could not have been introduced earlier in the process, or (ii) that it arises as a consequence of exceptional circumstances. In this regard, I should be pleased to hear from you within 14 days of the date of this email.

The Local Review Body is required to notify all those who submitted comment on the planning application, giving 14 days to make any further representation. Should any representations be received I shall write to you providing copy of any correspondence and allow you the opportunity to make comment.

I look forward to hearing from you.

Regards,

Rona

Rona McGhee

Senior Administration Officer

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Inverclyde
Council

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**SUGGESTED CONDITIONS SHOULD
PLANNING PERMISSION BE GRANTED ON REVIEW**

ERECTION OF COTTAGE TOGETHER WITH ERECTION OF STORAGE SHED AT SOUTH CRAIGMARLOCH, PORT GLASGOW ROAD, KILMACOLM (15/0014/IC)

Suggested conditions should planning permission be granted on review

Conditions:-

1. That prior to the commencement of works on site, samples of all external materials to be used in construction be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is agreed in writing by the Planning Authority.
2. 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.
3. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential requirements for remediation work shall not be implemented unless a Remediation Strategy Report has been submitted to and approved, in writing by the Planning Authority
4. The use of the development shall not commence until the applicant has submitted a completion report for approval, in writing by the Planning Authority, detailing all fill and landscaping material imported onto the site. This report shall contain information of the material's source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc) with plans delineating placement and thickness.
5. That prior to the occupation of the dwellinghouse hereby permitted, the specification of waste and recycling containers together with details of the areas where such containers are to be located shall be submitted to and approved in writing by the Planning Authority.

Reasons:-

1. To ensure the proposed materials are acceptable.
2. To allow for recording and recovery of antiquity.
3. To ensure that all contamination issues are recorded and dealt with appropriately.
4. To protect receptors from the harmful effects of imported contamination.
5. To ensure suitable bin and recycling provision for the dwellinghouse.