

Inverclyde Local Review Body

Our Ref: 15/0014/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: South Craigmarnloch, Port Glasgow Road, Kilmacolm
 - Application for Review by Bryce Boyd Planning Solutions on behalf of Mr N Wilson against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 15/0014/IC
 - Application Drawings: Drg. No. LOC.
Drg. No. 02
Drg. No. 03
Drg. No. 04
Drg. No. 05
Drg. No. 06
Drg. No. 07
Drg. No. 08
Drg. No. 09
 - Site Inspection took place on 10 September 2015
 - Date of Decision Notice: 22 October 2015
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the condition(s) listed below. Attention is also drawn to the Advisory Notice at the end of this Review Decision Notice.

1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the ILRB firstly at a meeting held on 5 August 2015. The ILRB was constituted by Councillors G Dorrian, T Loughran, I Nelson, L Rebecchi and D Wilson. At that meeting, the Members of the ILRB decided that they wished to carry out an unaccompanied site inspection before making a decision in respect of this matter. The meeting was adjourned to allow the site inspection to be carried out and said site inspection attended by Councillors G Dorrian, I Nelson, L Rebecchi and D Wilson took place on 10 September 2015.

The ILRB re-convened on 7 October 2015 to determine the matter. The ILRB on 7 October 2015 was constituted by Councillors G Dorrian, I Nelson, L Rebecchi and D Wilson (Chair).

2. **Proposal**

- 2.1 The application proposal is for the construction of a new dwellinghouse and barn together with access track from the existing property at South Craigmarloch. The new dwelling will be one and a half storeys 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 rooflight windows to the front slope and three to the rear, together with a chimney. The window frames will be white UPVC with smooth render banding around the window openings. The new barn is to be located to the west to northwest of the proposed house. The barn will be 5.75m in height and all external surfaces will be finished in dark green UPVC cladding.

3. **Preliminaries**

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

- (i) Planning Application, plans and supporting statement;
- (ii) Site photographs;
- (iii) The Appointed Officer's Report of Handling dated 6 March 2015;
- (iv) Planning Application Advice Notes 8 and 9;
- (v) Consultation responses in respect of the planning application;
- (vi) Decision Notice dated 11 March 2015;
- (vii) Letter dated 7 May 2015 from Bryce Boyd Planning Solutions enclosing Notice of Review Form and grounds of Notice of Review;
- (viii) Emails dated 25 and 29 May 2015 from Bryce Boyd Planning Solutions in relation to new material;
- (ix) New Material (Production 3 Press Report Greenock Telegraph) considered by the Local Review Body at its meeting on 5 August 2015; and
- (x) Suggested conditions should planning permission be granted on review.

- 3.2 Having regard to the material produced the ILRB resolved that the Review Application could be determined without any further procedure allowed in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

4. **Reasons**

- 4.1 The determining issue in this review is the siting of the proposal within the countryside, Local Development Plan Policy RES7 which advises on the development of new dwellings in the Greenbelt and the requirement for the cottage for the purposes of agriculture in terms of Local Development Plan Policy ENV2. Having regard to the whole circumstances, including the site inspection, the ILRB, following a vote, determined that the review application should be upheld, subject to the conditions listed at paragraph 5 below.

5. **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.

Signed _____

Head of Legal & Property Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.