

Inverclyde Local Review Body

Our Ref: 16/0152/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Flatterton Farm, Flatterton Road, Greenock
 - Application for Review by James Harper, Architect, on behalf of Mr and Mrs McIntyre against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 16/0152/IC
 - Application Drawings: Location plan – E 00a
 Drawing No. 1510 PL00 – site plan
 Drawing No. 1510 PL01A – block plan
 - Site Inspection took place on 13 February 2017 and 16 February 2017
 - Date of Decision Notice: 16 March 2017
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions 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 1 February 2017. The ILRB was constituted by Provost R Moran and Councillors K Brooks, G Dorrian, V Jones, J McColgan and D Wilson (Chair). 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 the matter. The meeting was adjourned to allow the site inspection to be carried out and said site inspection attended by Provost R Moran and Councillors K Brooks, V Jones and D Wilson took place on 13 February 2017 and by Councillors G Dorrian and J McColgan on 16 February 2017.

The ILRB reconvened on 1 March 2017 to determine the matter. The ILRB on 1 March 2017 was constituted by Provost R Moran and Councillors K Brooks, G Dorrian, V Jones, J McColgan and D Wilson (Chair).

2. **Proposal**

- 2.1 The application proposal is for planning permission, in principle, for the construction of a dwellinghouse for an agricultural worker. As the application is in principle, no details have been provided. The application was refused consent in terms of a decision letter dated 9 August 2016.

3. **Preliminaries**

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

- (i) Planning Application and Plans
- (ii) Site Photographs
- (iii) Report of Handling dated 5 August 2016
- (iv) Planning Application Advice Note No. 3 (Private and Public Open Space Provision in new Residential Development)
- (v) Planning Application Advice Note No. 8 (Siting and Design of New Houses in the Countryside)
- (vi) Agricultural Report
- (vii) Supplementary Agricultural Report
- (viii) Planning Support Statement
- (ix) Consultation Responses
- (x) Decision Notice dated 9 August 2016
- (xi) Letter dated 3 November 2016 from James Harper, Architect, enclosing Notice of Review Form and supporting documents
- (xii) Email dated 16 December 2016 from James Harper, Architect, in relation to Agricultural Report and Supplementary Agricultural Report
- (xiii) 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 issues in this review were (a) the operational needs of the farm and (b) the impact of the proposal on the location in the countryside.
- 4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, and having undertaken a site visit, determined that the review application should be upheld.
- 4.3 It was also agreed by the ILRB that the conditions listed at paragraph 5 below be placed on the planning permission for the reasons specified.

5. **Conditions**

1. In compliance with Section 59 of the Town and Country Planning (Scotland) Act 1997 the development granted may not commence until matters required to be approved by conditions imposed have been so by the Planning Authority or, as the case may be, the Scottish Ministers.

2. The application for the approval of those matters referred to in condition 1 (the requisite approval) must be made before whichever is the latest of the following:-
 - (i) the expiration of 3 years from the date of the grant of the permission,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, and
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed and may be made for
 - (a) different matters, and
 - (b) different parts of the development, at different times. But, in relation to any matter, only one application may be made by virtue of (ii) and (iii) after the expiration of the 3 year period mentioned in (i) above.
3. Planning Permission in Principle lapses on the expiration of 2 years from the requisite approval being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
4. That prior to their use, samples of all facing materials shall be submitted to and approved in writing by the Planning Authority.
5. That the access shall be a minimum of 25 metres from the junction of Flatterton Road and the private road.
6. That the minimum kerb radius for the access shall be 4 metres.
7. In the event that the site access is from the private road the minimum visibility splay shall be 43 metres by 2.4 metres by 1.05 metres and shall be provided prior to occupation of the dwellinghouse hereby approved and shall be maintained thereafter.
8. The driveway shall cater for a minimum of 3 cars and shall be a minimum of 4.8 metres wide to allow to 2 vehicles to pass.
9. The driveway shall be paved for a minimum of 2 metres from the connection to the road.
10. The driveway gradient shall not exceed 10%.
11. That prior to the commencement of development the applicant shall demonstrate that vehicles can enter and leave the site in forward gear.
12. That prior to the commencement of development details shall be provided and approved in writing by the Planning Authority of all boundary treatment.
13. That prior to the commencement of development details shall be provided and approved in writing by the Planning Authority of sewerage arrangements.
14. That all surface water run-off shall be intercepted within the application site.

Reasons

1. To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
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4. To ensure the acceptability of finishes to the dwellinghouse.
5. In the interests of vehicular safety.
6. In the interests of vehicular safety.
7. In the interests of vehicular safety.
8. In the interests of vehicular safety.
9. In the interests of vehicular safety.
10. In the interests of vehicular safety.
11. In the interests of vehicular safety.
12. In the interests of visual amenity.
13. To ensure the provision of adequate facilities.
14. In the interests of public safety.

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.