

## Inverclyde Local Review Body

Our Ref: 16/0184/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Lukeston Farm, Branchal Road, Quarriers Village
  - Application for Review by MBM Planning & Development on behalf of Mr I Graham against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 16/0184/IC
  - Application Drawings: Drawing No. PO1 – site plans as existing  
Drawing No. PO2 – site plans proposed  
Drawing No. PO3 – new dwellinghouse plans, sections and elevations  
Location plans
  - 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 this 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 2016 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 the construction of an approximately 176m<sup>2</sup> L-shaped three bedroom bungalow, to serve as a farm worker's house, approximately 75m to the south-west of a recently completed farm house which incorporates a flat. The proposed house is set into the edge of a small wood with access via existing farm roads. The proposed external finishes are natural slate to the roof and vertical timber boarding to the walls. An existing mix of post and mesh and post and wire fencing and hedging are to be retained as boundary treatments. The application was refused consent in terms of a decision letter dated 8 November 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 4 November 2016
- (iv) Consultation Responses
- (v) Decision Notice dated 8 November 2016
- (vi) Notice of Review form dated 12 December 2016 and supporting documentation
- (vii) Email dated 20 December 2016 from MBM Planning & Development in relation to Notice of Review Appeal Statement, Client Statement in support of the Application and Labour Requirement Report
- (viii) 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) whether or not the proposed dwellinghouse is required to serve as a farm worker's house and (b) the impact of the proposal on the landscape at this location.
- 4.2 Having regard to the whole circumstances, including the site inspection, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, following a vote, determined that the review application be upheld.
- 4.3 It was also agreed by the ILRB that the conditions and advisory notes listed at paragraph 5 below be placed on the planning permission for the reasons specified.

## 5 **Conditions**

1. That before their use, samples of facing materials shall be submitted to and approved in writing by the Planning Authority: the approved materials shall thereafter be used unless any variation is approved in writing by the Planning Authority.
2. That prior to the commencement of development details shall be provided of a broad leaved and native species re-planting scheme to compensate for the trees to be removed by the proposed development.
3. The driveway gradient shall not exceed 10%.
4. All surface water must be contained within the site. Drainage arrangements should be submitted prior to the commencement of development to demonstrate how this will be achieved.

5. That the dwellinghouse hereby approved shall only be occupied by a person or persons locally employed in agriculture.

### **Reasons**

1. In the interests of visual amenity.
2. In the interests of ecology.
3. To ensure usability of the driveway.
4. In the interests of public safety.
5. To define the permission and in the interests of avoiding sporadic development of housing in the countryside.

### **Advisory Notes**

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.
2. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".
3. The sound insulation should have regard to advice and standards contained in the current Scottish Building Regulations.
4. Site Drainage: Suitable and sufficient measures for the effective collection and disposal of surface water should be implemented during the construction phase of the project as well as within the completed development to prevent flooding within this and nearby property.
5. Rats, drains and sewers: Prior to the construction phase it is strongly recommended that any existing, but redundant, sewer/drainage connections should be sealed to prevent rat infestation and inhibit the movement of rats within the area via the sewers/drains.
6. The applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and their implications on client duties etc.
7. Surface Water: Any SUDS appraisal must give appropriate weight to not only any potential risk of pollution to watercourses but to suitable and sufficient measures for the effective collection and disposal of surface water to prevent flooding. Measures should be implemented during the construction phase of the project as well as within the completed development to prevent flooding within the application site and in property/land nearby. It is also recommended that a long term maintenance plan should be developed prior to the commencement of the proposed development.
8. 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.

9. Design and Construction of Buildings - Gulls: It is very strongly recommended that appropriate measures be taken in the design of all buildings and their construction, to inhibit the roosting and nesting of gulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the development.

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.