

Inverclyde Local Review Body

Our Ref: 16/0196/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 3 Madeira Street, Greenock
 - Application for Review by Mr S Leslie-Carter against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 16/0196/IC
 - Site Inspection took place on 30 March 2017
 - Date of Decision Notice: 12 April 2017
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission. 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 March 2017. The ILRB was constituted by Provost R Moran and Councillors K Brooks, G Dorrian, V Jones, T Loughran, J McColgan, I Nelson, L Rebecchi 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 Councillors K Brooks, G Dorrian, V Jones, I Nelson, L Rebecchi and D Wilson took place on 30 March 2017. The ILRB reconvened on 5 April 2017 to determine the matter. The ILRB on 5 April 2017 was constituted by Councillors K Brooks, G Dorrian, V Jones, I Nelson, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application, in retrospect, is for the painting of the southern (rear) elevation of the building in a dark cream together with a sage colour to the banding. The application was refused consent in terms of a decision letter dated 3 October 2016.

3. Preliminaries

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

- (i) Planning Application dated 22 July 2016;
- (ii) Appointed Officer's Site Location Plan and Photographs taken on 30 August 2016;
- (iii) Appointed Officer's Report of Handling dated 3 October 2016;
- (iv) Historic Environment Scotland's Managing Change in the Historic Environment Guidance Note on External Walls referred to in the Report of Handling;
- (v) Historic Environment Scotland Policy Statement June 2016 referred to in the Report of Handling;
- (vi) Planning Advice Note No. 71 on Conservation Area Management referred to in the Report of Handling;
- (vii) Supporting Letter, Photographs and Location Plan submitted by the applicant along with the planning application;
- (viii) Representations in relation to planning application;
- (ix) Decision Notice dated 3 October 2016;
- (x) Letter dated 23 December 2016 and letter dated 12 January 2017 enclosing Notice of Review Form from Mr Leslie-Carter.

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 impact on the streetscape and the Greenock West End Conservation Area.

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 following a vote that the review application should be upheld and planning permission granted.

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.