

Inverclyde Local Review Body

Our Ref: 17/0108/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Flat Ground-1, 29 Robert Street, Port Glasgow
 - Application for Review by Richard Robb Architects on behalf of Mr David Smith (PGTI) against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 17/0108/IC
 - Application Drawings: Ground floor plan as existing
Ground floor plan as proposed
Location plan
 - Date of Review Decision Notice: 20 November 2017
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Decision

The ILRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review. 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 at a meeting held on 1 November 2017. The ILRB was constituted by Councillors J Clocherty, J Crowther, G Dorrian, D McKenzie, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for planning permission for change of use of the premises to a foodbank with associated office, with two bedrooms being used for storage and collection and the third bedroom and lounge being used for office and administration purposes. Access to the premises will be via the existing front door to the common close. The application was refused consent in terms of a decision letter dated 12 June 2017.

3. Preliminaries

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

1. Planning Application dated 4 April 2017 together with plans
2. Appointed Officer's Site Photographs
3. Appointed Officer's Report of Handling dated 9 June 2017
4. Inverclyde Local Development Plan 2014
Supplementary Guidance on Local Development Frameworks
5. Consultation responses in relation to the planning application
6. Representation in relation to the planning application
7. Decision Notice dated 12 June 2017 issued by the Head of Regeneration & Planning
8. Notice of Review Form dated 11 September 2017 together with plans

3.2 Having regard to the material before the ILRB, 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. Findings and Conclusions

4.1 The determining issues in this review were (a) the operation of a foodbank from residential accommodation, in respect of which the ILRB noted that Robert Street was a particularly quiet residential area, and (b) the potential impact on the regeneration of the 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, considered that no evidence had been submitted within the documentation submitted to it sufficient to reverse the appointed officer's decision, accepted the reasoning of the appointed officer and concluded, following a vote, that the application had been correctly refused for the reasons given in the Decision Notice dated 12 June 2017, namely:

1. the proposal is not considered compatible with the residential use of the building within this established residential area and would result in noise, activity and traffic movements to the detriment of residential amenity contrary to Policies RES1 and RES6 (a) and (c) of the Inverclyde Local Development Plan; and
2. the change of use of an individual site within the designated Area of Potential Change would not be consistent with the aims of this designation or the supplementary guidance on Local Development Frameworks and could potentially jeopardise the long term redevelopment of the wider Area of Potential Change in a coordinated manner in accordance with Policy APC2 of the Inverclyde Local Development Plan.

4.3 The Review Application was accordingly dismissed.

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.