

## Inverclyde Local Review Body

Our Ref: 18/0262/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Oak Mall Shopping Centre, Greenock
  - Application for Review by Montagu Evans LLP on behalf of Lunar Greenock Sarl against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 18/0262/IC
  - Application Drawings:
    - Aerial View downtakings – Drawing No. (20) 005
    - Level 00 Floor Plan as existing – Drawing No. (--) 001
    - Level 00 Floor Plan as proposed – Drawing No. (2-) 001
    - Level 00 Floor Plan as proposed – Drawing No. (2-) 004
    - Level 00 Floor Plan downtakings – Drawing No. (20) 001
    - Level 01 Floor Plan as existing – Drawing No. (--) 002
    - Level 01 Floor Plan as proposed – Drawing No. (2-) 002
    - Level 01 Floor Plan as proposed – Drawing No. (2-) 005
    - Level 01 Floor Plan downtakings – Drawing No. (20) 002
    - Existing Roof Plan – Drawing No. (--) 003
    - Roof Plan Proposed – Drawing No. (2-) 003
    - Roof Plan downtakings – Drawing No. (20) 003
    - Existing elevations A-A and B-B – Drawing No. (--) 004
    - Proposed elevations A-A, B-B and C-C – Drawing No. (2-) 006
    - Extent of demolitions elevations A-A and B-B – Drawing No. (20) 004
    - Indicative Masterplan layout showing potential future development – Drawing No (SK) 001
    - Location Plan – Drawing No. (PL) 001
  - Date of Review Decision Notice: 22 March 2019
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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 6 March 2019. The ILRB was constituted by Councillors J Clocherty, J Crowther, G Dorrian, D McKenzie, I Nelson, L Rebecchi and D Wilson (Chair).

## 2. **Proposal**

- 2.1 The application proposal is for planning permission for the partial demolition of the Oak Mall Shopping Centre, the section to be demolished extending east from beyond the unit occupied by Hallmark Cards to the southern side of Hamilton Way and the unit formerly occupied by Poundworld to the northern side of Hamilton Way, up to and including the existing entrance to Clyde Square. A new glazed entrance with mono-pitch overhang feature will be provided to the remainder of the shopping centre together with a new brick façade. A paved outside area will link the new entrance to Hunters Place. Beyond the entrance area, the remaining site will be cleared and enclosed with a 2.4m high plywood hoarding. The application was refused consent in terms of a decision letter dated 16 November 2018.

## 3. **Preliminaries**

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

- (i) Planning Application dated 11 September 2018 together with plans and location plan;
- (ii) Appointed Officer's site photographs together with location plan;
- (iii) Appointed Officer's Report of Handling dated 9 November 2018;
- (iv) Design and Access Statement dated 7 September 2018 submitted by applicant in support of planning application;
- (v) Consultation responses in relation to planning application;
- (vi) Decision Notice dated 16 November 2018 issued by Head of Regeneration & Planning;
- (vii) Letter dated 11 December 2018 from Montagu Evans LLP enclosing Notice of Review Form and supporting documentation;
- (viii) E-mail dated 11 January 2019 from Alan Fitzpatrick (Montagu Evans LLP) in relation to a new matter;
- (ix) Suggested conditions should planning permission be granted on review.

In addition, the ILRB at the meeting held on 6 March had regard to a new matter raised by the applicant in the form of a table "Oak Mall – Demolition Proposal – Tenant Relocations" within the Grounds of Appeal Statement document and were provided with copies of the relevant section of the Grounds of Appeal Statement document.

- 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 (1) where the existing retailers would be located, (2) what the vacant site would be used for, (3) the economic viability of the Oak Mall and (4) the impact of the proposal on the Category A listed Greenock Municipal Buildings and Cathcart Square/William Street 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, considered that the documentation submitted to it did not include sufficient evidence to reverse the appointed officer's decision, accepted the reasoning of the appointed officer and concluded that the application had been correctly refused for the reasons given in the Decision Notice dated 16 November 2018, namely:

- 1. The unjustified loss of retail floorspace within the town centre inclusive of 14 occupied retail units together with the creation of a large vacant site within the town centre with no proposals or timetable for redevelopment conflicts with the aims of Policy SDS6 in respect of promoting and safeguarding Greenock Town Centre.
- 2. The proposal is contrary to Policy HER4 of the 2014 Inverclyde Local Development Plan and Policy 29 of the Proposed 2018 Proposed Inverclyde Local Development Plan in that there would be a significant and unacceptable impact on the setting of the adjacent Category A listed Greenock Municipal Buildings.

3. The proposal is contrary to Policy HER1 of the 2014 Inverclyde Local Development Plan and Policy 28 of the Proposed 2018 Proposed Inverclyde Local Development Plan in that there would be a significant and unacceptable impact on the appearance and setting of the adjacent Conservation Area.
4. The proposal fails to have regard to the six qualities of successful places as required by Policy 1 of the 2018 Proposed Inverclyde Local Development Plan due to the creation of a large vacant site within the town centre and failure to create a high quality place giving a sense of arrival to the new eastern entrance of the shopping centre. The proposal is therefore also contrary to the placemaking aims of Policy SDS3 of the 2014 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.