

LOCAL REVIEW BODY

3 APRIL 2019

PLANNING APPLICATION FOR REVIEW

MR R MASROOR

ERECTION OF 2.4M HIGH PALISADE FENCE AND GATES AROUND FORMER CAR PARK AREA:

CAR PARK OFF ORCHARD STREET, GREENOCK (18/0084/IC)

Contents

- 1. Planning Application dated 14 March 2018 together with plans**
- 2. Appointed Officer's Report of Handling dated 6 June 2018**
- 3. Consultation responses in relation to planning application**
- 4. Representation in relation to planning application**
- 5. Decision Notice dated 6 July 2018 issued by Head of Regeneration & Planning**
- 6. Notice of Review Form dated 4 October 2018 with supporting documentation from Nicholson McShane Architects**

New matter referred to within the Statement of Review to the Local Review Body document not included with the papers in accordance with the criteria set out in Section 43B of the town & Country Planning (Scotland) Act 1997

- 7. Further representation submitted following receipt of Notice of Review**
- 8. Suggested condition should planning permission be granted on review**

**1. PLANNING APPLICATION DATED 14 MARCH 2018
TOGETHER WITH PLANS**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100087014-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of 2.4m high palisade fence and gates around former car park area.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Nicholson McShane Architects		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	Ladyburn Business Centre
Last Name: *	Nicholson	Building Number:	10
Telephone Number: *	01475 325025	Address 1 (Street): *	Pottery Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Greenock
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	PA15 2UH
Email Address: *	consents@nicholsonmcshane.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Raja	Building Number:	31
Last Name: *	Masroor	Address 1 (Street): *	Ingleston Street
Company/Organisation	c/o Premier Convenience Store	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Greenock
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	PA15 4UQ
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Inverclyde Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

675351

Easting

228604

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

572.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Car park serving convenience store.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Not applicable to this application.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Douglas Nicholson

On behalf of: Mr Raja Masroor

Date: 14/03/2018

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Douglas Nicholson

Declaration Date: 14/03/2018

Payment Details

Cheque: Nicholson McShane Chartered Architects, 000032

Created: 14/03/2018 16:14



REVISION	DESCRIPTION	DATE
A	Amended as per planning comments	16-05-18
-		



UNIT 10, LADYBURN BUSINESS PARK,
 POTTERY STREET, GREENOCK, PA15 2UH
 e info@nicholsonmcshane.co.uk
 t 01475 325025
 w nicholsonmcshane.co.uk

CLIENT
 Mr Masroor

PROJECT TITLE
 Erection of 2.4m high palisade fence and gates

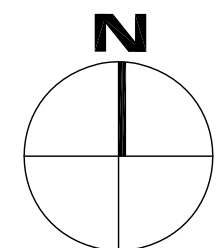
PROJECT ADDRESS
 Car park off Orchard Street, Greenock

DRAWING TITLE
 Location Plan

DRAWING STATUS PLANNING	PAPER SIZE A3
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DRAWING NUMBER 2371_LP	REVISION A
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SCALE 1:500	DATE 09-03-18	DRAWN BY -	CHECKED BY -
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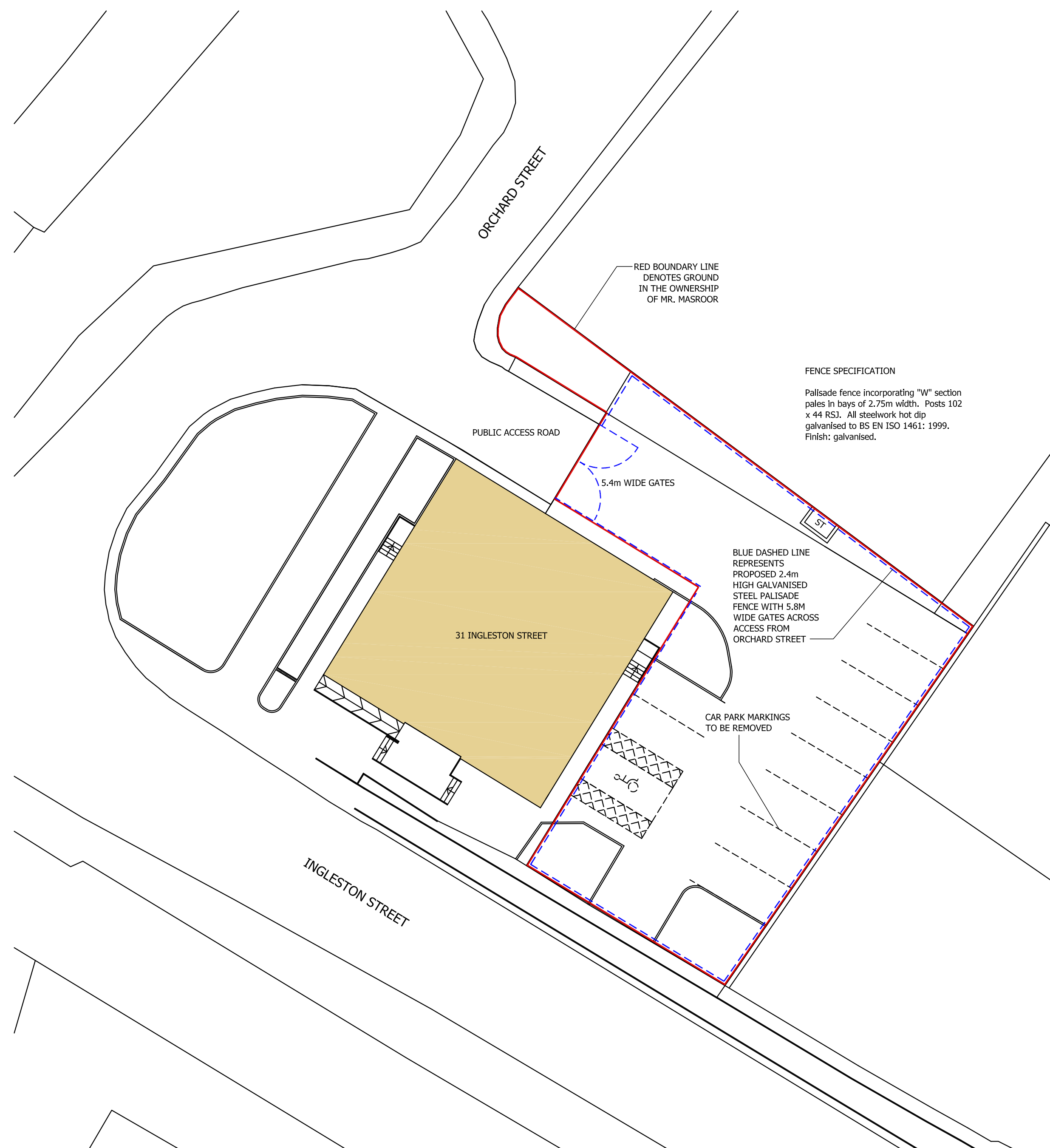
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LOCATION PLAN 1:500



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REVISION	DESCRIPTION	DATE
A	Amended as per planning comments	16-05-18
-		



RED BOUNDARY LINE DENOTES GROUND IN THE OWNERSHIP OF MR. MASROOR

FENCE SPECIFICATION
 Palisade fence incorporating "W" section pales in bays of 2.75m width. Posts 102 x 44 RSJ. All steelwork hot dip galvanised to BS EN ISO 1461: 1999. Finish: galvanised.

BLUE DASHED LINE REPRESENTS PROPOSED 2.4m HIGH GALVANISED STEEL PALISADE FENCE WITH 5.8M WIDE GATES ACROSS ACCESS FROM ORCHARD STREET

5.4m WIDE GATES

CAR PARK MARKINGS TO BE REMOVED

31 INGLESTON STREET

ORCHARD STREET

INGLESTON STREET

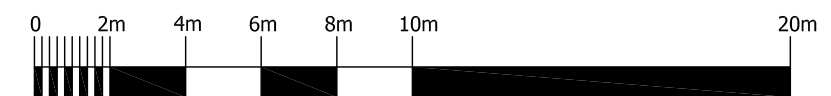
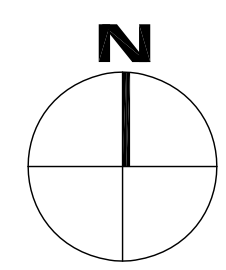
PLAN AS PROPOSED



IMAGE SHOWING TYPICAL FENCE ARRANGEMENT



IMAGE SHOWING TYPICAL GATE ARRANGEMENT



UNIT 10, LADYBURN BUSINESS PARK,
 POTTERY STREET, GREENOCK, PA15 2UH
 e info@nicholsonmcshane.co.uk
 t 01475 325025
 w nicholsonmcshane.co.uk

CLIENT
 Mr Masroor

PROJECT TITLE
 Erection of 2.4m high palisade fence and gates

PROJECT ADDRESS
 Car park ground off Orchard Street, Greenock

DRAWING TITLE
 Plan as proposed and images of fence type

DRAWING STATUS
 PLANNING

PAPER SIZE
 A1

DRAWING NUMBER
 2371_D.001

REVISION
 A

SCALE
 1:200

DATE
 02-03-18

DRAWN BY
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CHECKED BY
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**2. APPOINTED OFFICER'S REPORT OF HANDLING
DATED 6 JUNE 2018**

REPORT OF HANDLING

Report By: Guy Phillips

Report No: 18/0084/IC

Local Application
Development

Contact
Officer: 01475 712422

Date: 6th June 2018

Subject: Erection of 2.4m high palisade fence and gates around car park area at
31 Ingleston Street, Greenock

SITE DESCRIPTION

The site is the car park of the retail unit located at 31 Ingleston Street, Greenock. The car park is located to the east of the building and access is gained from site entrance off Orchard Street. Immediately east of the site are an area of open space and a sports/games area.

PROPOSAL

The car park formed part of the planning unit granted planning permission in 2004 under application reference IC/04/373. Condition 2 of the planning permission required the completion of the car park prior to the premises opening as a shop.

It is now proposed to separate the car park from the retail unit. This is to be done by erecting a 2.4 metre high galvanised steel palisade fence around the car park, with a 5.8 metre wide gate across the entrance from Orchard Street. It is also proposed to remove the car park markings.

DEVELOPMENT PLAN POLICIES

Policy RES1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

PROPOSED DEVELOPMENT PLAN POLICIES

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 20 - Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

CONSULTATIONS

Head of Environmental and Commercial Services – the original application for the conversion of the site to a shop required parking and this still remains the case. As the car park is proposed to be removed it is recommended that the application be refused unless a condition is placed on the application decision to ensure the car park remains open during the opening hours of the shop; the reason being to prevent parking on Ingleston Street and Orchard Street as this would be detrimental to road safety.

PUBLICITY

The application was advertised as there are no premises on neighbouring land.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

One letter of objection has been received. If the site is fenced off and the gates closed the shop premises will be denied access to parking. This will create difficulties for customers and servicing, with vehicles being forced to park on Ingleston Street, which is a main route into Greenock town centre.

Objection was also received on the basis of an incorrectly drawn site boundary, however this has now been corrected.

ASSESSMENT

There are no Development Plan or proposed Development Plan policies directly applicable to this application. The application therefore requires to be assessed with reference to the planning history, with the determining factors being:

- Is the principle of erecting a fence around this site acceptable; and
- If so, are the details as submitted acceptable?

In 2004 the car park was seen as an integral part of permitting the development of the site of what was a public house as a retail unit. The shop, by virtue of location on a busy road, was anticipated as attracting a high level of passing vehicular trade. This has been the case, and the car park remains an integral part of how the premises operate.

It is noted that the Head of Environmental and Commercial Services recommends that the application be refused unless a condition is placed on the application decision to ensure the car park remains open during the opening hours of the shop; the reason being to prevent parking on Ingleston Street and Orchard Street as this would be detrimental to road safety. The objection stresses the importance of the car park to how the premises operate and the concerns over the impact from on-street car and service vehicle parking.

In considering the application ownership is not a determining factor. Even though ownership is split, the car park remains part of the planning unit and as is noted from the comments of the Head of Environmental and Commercial Services that it remains a requirement in the interests of road safety. While the enclosure of the car park alone is not unacceptable in principle, it is clear that the applicant's intent is to split the site from the retail unit with the proposal including removal of the car park markings. It is therefore not appropriate to consider a condition is placed on the application decision to ensure the car park remains open during the opening hours of the shop.

Moving on to the design of the fence, it is noted that there are examples of similar fence in the general locality. This does not, however, over-ride concerns relating to the loss of the facility and the road safety implications.

RECOMMENDATION

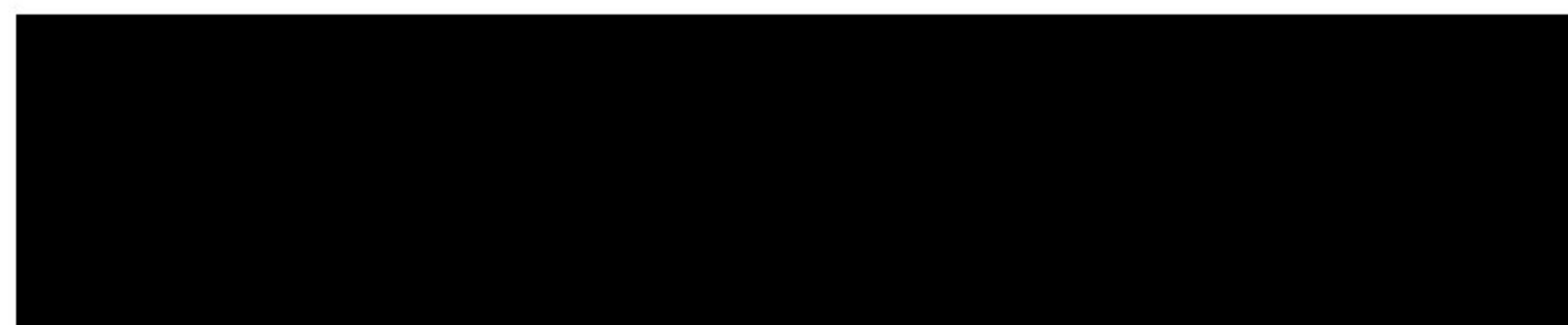
That the application be refused for the following reason:

The separation of the car park from the functioning of the adjacent retail unit, by the erection of fencing and gates and the removal of the car park markings, will result in the loss of off-street car parking. This will encourage on-street customer, staff and service vehicle parking to the detriment of road safety on Ingleston Street and Orchard Street.

Signed:



Guy Phillips
Case Officer



Stuart Jamieson
Head of Regeneration and Planning

3. CONSULTATION RESPONSES IN RELATION TO PLANNING APPLICATION

Audrey-Alaria Lever

From: David Ashman on behalf of Devcont Planning
Sent: 05 April 2018 11:25
To: Laura Graham
Subject: FW: (No Classification) Consultation Request - Car Park Off Orchard Street, Greenock

From: Nicholas McLaren
Sent: 05 April 2018 09:40
To: Devcont Planning
Subject: RE: (No Classification) Consultation Request - Car Park Off Orchard Street, Greenock

Building warrant not required.

From: Grant Kennedy **On Behalf Of** Devcont Planning
Sent: 26 March 2018 12:13
To: Building Standards; Roads
Subject: (No Classification) Consultation Request - Car Park Off Orchard Street, Greenock

Classification: No Classification

Consultation Request - Planning Application Ref - 18/0084/IC
Please can you comment on the application detailed in the attachment.
Could you reply at devcont.planning@inverclyde.gov.uk

To:	Head of Regeneration & Planning	Your Ref:	18/0084/IC
		Our Ref:	EP/14/04/18/0084/IC
From:	Head of Environmental & Commercial Services	Contact:	E Provan [REDACTED]
		Tel:	(01475) 714814
Subject:	Observations On Planning Application	PA Ref:	18/0084/IC
Detail:	Erection of 2.4m high pallisade fence and gates around former car park area	Dated:	26/03/2018
		Received:	27/03/2018
Site:	Car Park, Off Orchard Street, Greenock	Applicant:	Premier Convenience Store

Type of Consent: Detailed Permission/ ~~In Principle/ Approval of Matters/ Change of Use~~

Comments:

1.	The gates of shall open into the car park.
2.	The applicant shall demonstrate that a visibility of 2.4m by 43.0m can be maintained from the access onto Orchard Street when looking right from the access.

Notes For Intimation To Applicant

Construction Consent (S21)*	Not Required/ Required for all road works
Road Bond (S17)*	Not Required/ Required if building works are to be undertaken before roads are completed
Road Opening Permit (S56)*	Not Required/ Required for all works in the public road
Other	Not Required/ Section 59 agreement

*Relevant Section of the Roads (Scotland) Act 1984

Signed: [REDACTED]
Steven Walker, Service Manager (Roads)

Date: 22/04/2018



Audrey-Alaria Lever

From: Elaine Provan
Sent: 26 April 2018 09:24
To: James McColl
Cc: Gordon Leitch
Subject: RE: Planning application 18/0084/IC - Orchard Street, Greenock

Hi James

We discussed this further and I know have clarification that the applicant proposes to close the car park to prevent its use by shop customers.

The original application for the conversion of the site to a shop required parking and this still remains the case. As the car park is proposed to be removed I recommend refusal of the application unless a condition is placed on the application decision to ensure the car park remains open during the opening hours of the shop.

The reason being to prevent parking on Ingleston Street and Orchard Street as this would be detrimental to road safety.

Kind regards

Elaine

From: James McColl
Sent: 25 April 2018 09:17
To: Elaine Provan
Subject: RE: Planning application 18/0084/IC - Orchard Street, Greenock

Elaine,

Yes, I understand the intention is to both secure the car park and take it out of use, thus preventing use by customers.

[REDACTED]

Regards

James

From: Elaine Provan
Sent: 24 April 2018 16:38
To: James McColl
Subject: RE: Planning application 18/0084/IC - Orchard Street, Greenock

Hi James

I realise it is for a fence and gate but I thought this was to secure the car park when the shop was closed.

If its intended to prevent customers using the car park then our response would be very different. Can you please confirm and I will review my response?

Kind regards

Elaine

From: James McColl
Sent: 24 April 2018 16:30
To: Elaine Provan
Subject: Planning application 18/0084/IC - Orchard Street, Greenock

Elaine,

I have your consultation response in respect of the above.

In case you hadn't picked this up from the submission, the description describes the fence and gates as being around the former car park area. This is because the intention is that the fence and gates will close the car park and no longer make it available for shop customers and deliveries.

Presumably this might concern you?

It concerns me....!

Regards

James McColl BSc (Hons) MRTPI
Senior Planner


**Development Management
Regeneration and Planning
Inverclyde Council**
Municipal Buildings
24 Clyde Square
Greenock
PA15 1LY

Phone – 01475 712462

Inverclyde Council website – www.inverclyde.gov.uk

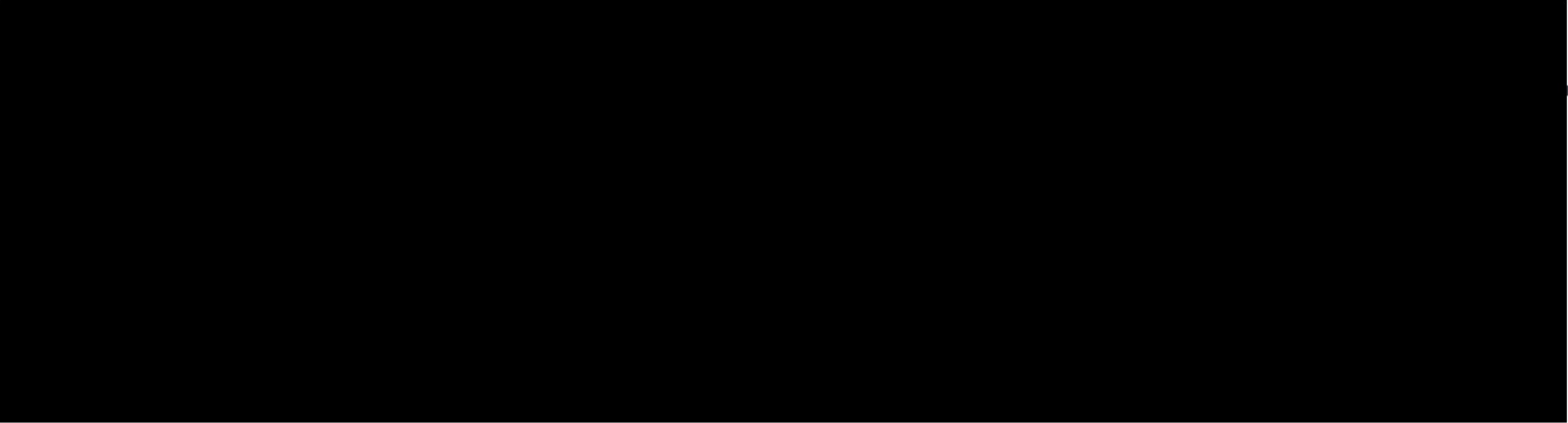
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Inverclyde Council - Best Government Services Employer in the UK 2016 – Bloomberg Business Best Employer Awards 2016

 **SAVE PAPER** - Do you really need to print this email?

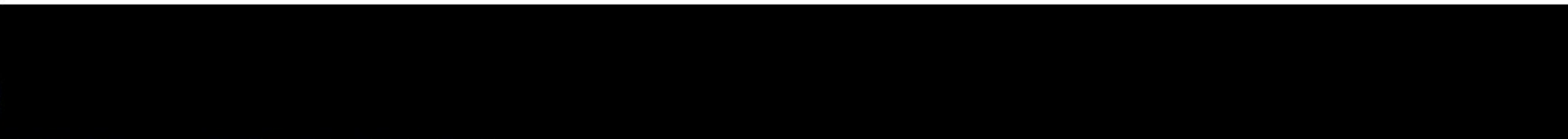
Let us know how satisfied you are with the service received from our Development Management section by completing our customer survey at [Survey Monkey - Development Management](#)

4. REPRESENTATION IN RELATION TO PLANNING APPLICATION



From: James McColl
Sent: 03 May 2018 10:30
To: Devcont Planning
Subject: FW: 18/0084/IC

Objection for 18/0084/IC

From: 
Sent: 03 May 2018 10:16
To: James McColl
Subject: 18/0084/IC

James,

I refer to our telephone conversation and attach for your attention a letter of objection to the proposal from by client, Mr Benning.

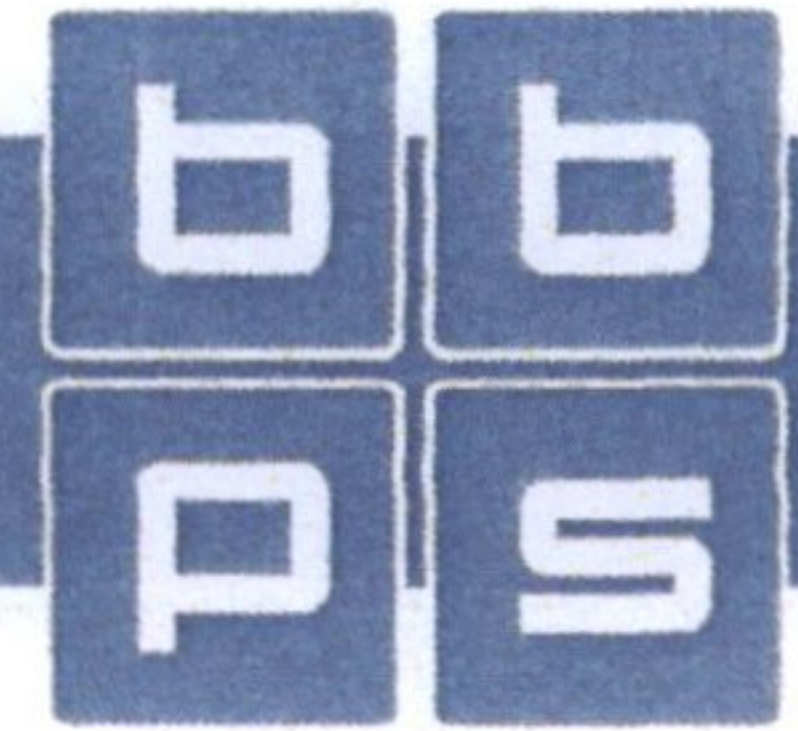
If you require any further information or clarification just let me know.

Bryce.

.....

Bryce Boyd
Bryce Boyd Planning Solutions
Ellersleigh
Castlehill Road
Kilmacolm
PA13 4EL





Development Control
Planning Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LY

3 May 2018

Dear Sirs

**OBJECTION TO PLANNING APPLICATION REF: 18/0084/IC
ERECTION OF 2.4 M HIGH FENCING AND GATES ROUND CAR PARK
AREA ADJACENT TO SHOP OFF ORCHARD STREET GREENOCK**

On behalf of my client, Mr Sarbjit Singh Benning, I wish to offer the following objections to the above planning application.

Mr Benning is the owner of the shop premises adjacent to the car park area which has provided the off street car parking facilities for the business since the property obtained planning permission as a shop in 2005.

In 2004/2005, during pre-application discussions with planning officials in respect of the planning application for the shop it was ascertained, at an early date, that the premises required off street parking and servicing facilities for favourable consideration to be given to the application by the Planning Authority.

Mr Benning then entered into discussions/negotiations with the Council, as the land which was required to provide the parking/servicing area was owned by the Council.

Mr Benning was successful in his negotiations with the Council and the land to provide the parking and servicing facilities was sold to him in 2005. As detailed above, this land has provided the parking facilities for the shop since that date.

Owing to financial problems, Mr Benning lost the ownership of the car park area and it has now been acquired by the applicant for the current planning application, Mr Raja Masroor.

If the planning application for the fencing and gates is approved by the Planning Authority and the gates closed, the shop premises will be denied access to the parking area and patrons to the shop will have no where to park and additionally difficulties will also occur in respect to the servicing of the shop.

Patrons and servicing vehicles will then have no option other than to park on Ingleston Street thereby causing congestion on this main route into Greenock town centre.

It was to avoid this congestion on the main road that my client had to include the car parking area on the planning submission made in 2004. (Ref: IC/04/ 373)



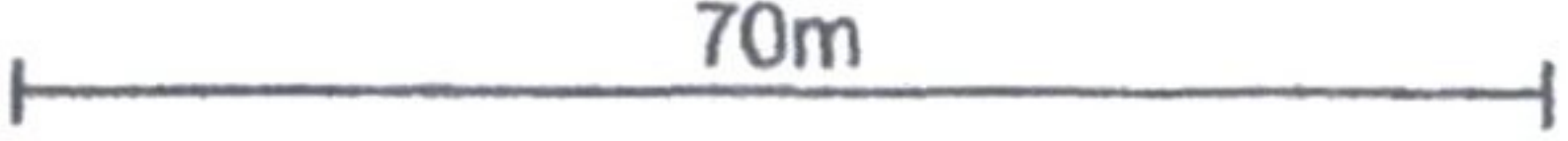
Obviously the erection of the fencing and gates at the site has the potential to prohibit the use of the car parking area by the shop and my client wishes to lodge the strongest possible objection to the proposal which is contrary to the terms of the previous planning consent and will lead to severe congestion on Ingleston Street.

My client also notes that the red line round the site claimed to be in the ownership of the applicant is incorrect. The red line is drawn immediately adjacent to the shop unit along part of the northern shop elevation. In fact the correct title boundary is approximately 1 metre off the wall of the shop. I attach a copy of the plan outlining my client's title for your information.

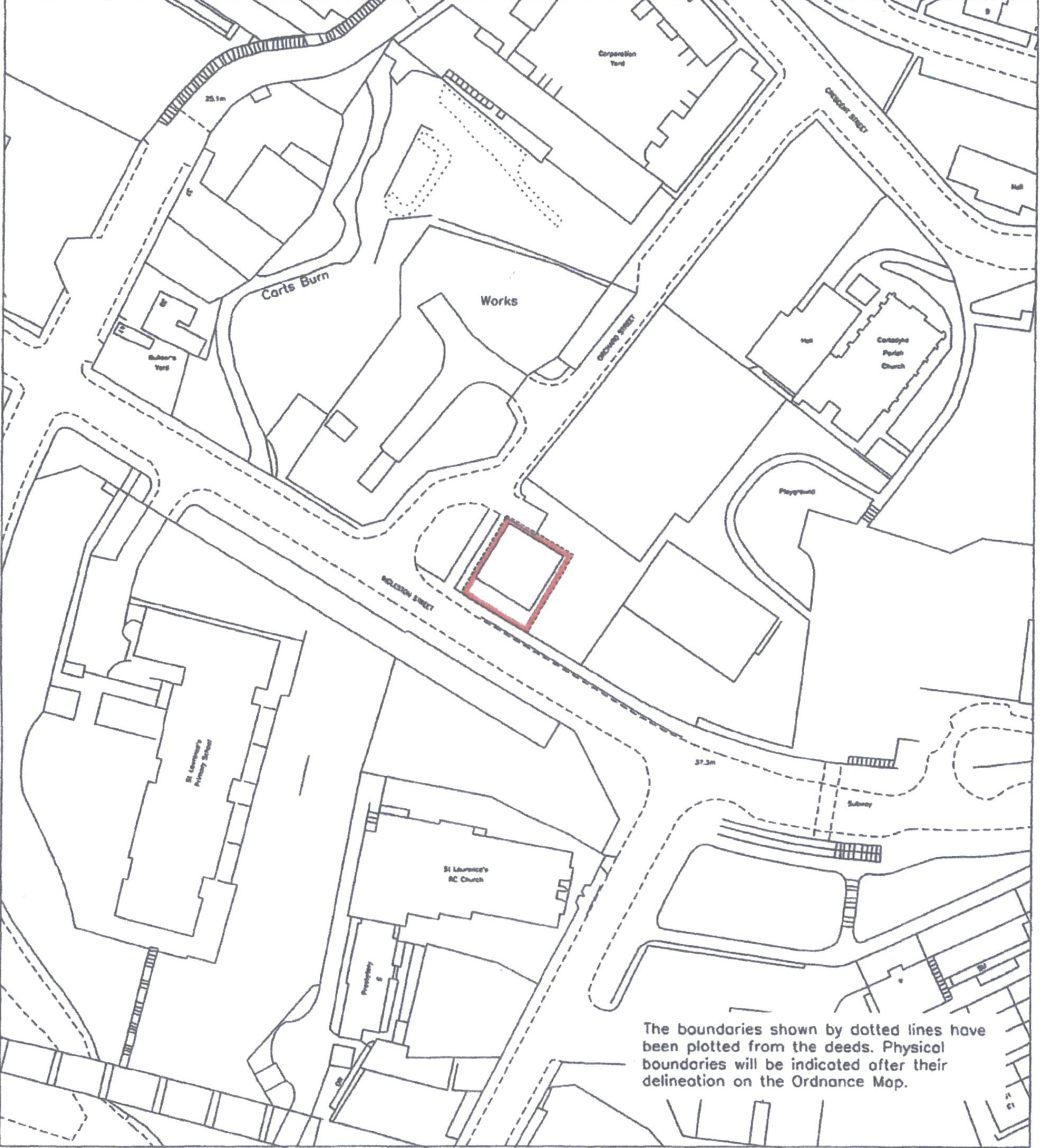
Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

J BRYCE BOYD

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	3305 24/8/2011	REN52477
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	 70m	
	Survey Scale 1/1250	
NS2875SW NS2875SE NS2875NW NS2875NE		

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The boundaries shown by dotted lines have been plotted from the deeds. Physical boundaries will be indicated after their delineation on the Ordnance Map.

**5. DECISION NOTICE DATED 6 JULY 2018 ISSUED
BY HEAD OF REGENERATION & PLANNING**

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 18/0084/IC

Online Ref:100087014-001

***TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND)REGULATIONS 2013***

Premier Convenience Store
Mr Raja Masroor
31 Ingleston Street
GREENOCK
PA15 4UQ

Nicholson McShane Architects
Douglas Nicholson
Unit 10
Ladyburn Business Park
Pottery Street
GREENOCK
PA15 2UH

With reference to your application dated 14th March 2018 for planning permission under the above mentioned Act and Regulation for the following development:-

Erection of 2.4m high palisade fence and gates around former car park area at

Car Park Off Orchard Street, Greenock

Category of Application Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The separation of the car park from the functioning of the adjacent retail unit, by the erection of fencing and gates and the removal of the car park markings, will result in the loss of off-street car parking. This will encourage on-street customer, staff and service vehicle parking to the detriment of road safety on Ingleston Street and Orchard Street.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 6th day of July 2018



Head of Regeneration and Planning

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
2371_LP	Rev A	16.05.2018
2371 D.001	Rev A	16.05.2018

**6. NOTICE OF REVIEW FORM DATED 4 OCTOBER
2018 WITH SUPPORTING DOCUMENTATION
FROM NICHOLSON MCSHANE ARCHITECTS**



NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

REFER TO SEPARATE STATEMENT OF REVIEW TO THE LOCAL REVIEW BODY

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

STATEMENT OF REVIEW TO THE LOCAL REVIEW BODY

APPLICATION FORM
 REPORT OF HANDLING
 DECISION NOTICE
 REFUSED LOCATION PLAN
 REFUSED PLAN (REDUCED SCALE)
 SEPA LETTER
 SOLICITOR'S LETTER

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed


 FOR NICHOLSON M'JANE ARCHITECTS

Date

4 OCTOBER 2018

Data Protection: Inverclyde Council is obliged to comply with current Data Protection Laws and will use this information for the purpose of The Town and Country Planning (Scotland) Act 1997 and related purposes, legislation and regulation.

Further information can be found at www.inverclyde.gov.uk/privacy



Erection of 2.4m high palisade fence and gates around car park area at 31 Ingleston Street, Greenock; 18/0084/IC; Statement of Review to the Local Review Body

Introduction

1. The applicant is the owner of a parcel of ground to the north and east of the retail unit located at 31 Orchard Street, Greenock. This ground was purchased by the applicant on 1st June 2017 when the site and the adjacent retail unit were sold as separate lots by the administrator of a previous owner.
2. Planning application 18/0084/IC requested permission for the applicant to secure his ground by means of a fence and gates.
3. Our application was refused under delegated powers on 6th July 2018. Our request for a review to the Local Review Body is in respect of this refusal.

Reason for Refusal

4. The reason for refusal set out in the decision notice is as follows:
“The separation of car park from the functioning of the adjacent retail unit, by the erection of fencing and gates and the removal of the car park markings, will result in the loss of off-street car parking. This will encourage on-street customer, staff and service vehicle parking to the detriment of road safety on Ingleston Street and Orchard Street”.

Analysis of Report of Handling and Reason for Refusal

5. The Reason for Refusal takes the view that the ground is, in Planning terms, tied to the adjoining retail unit (“the car park remains part of the planning unit”). Our client has no interest in the functioning or operation of the retail unit; indeed at the time he purchased the application site it was unclear whether the retail unit would continue trading.
6. Our client purchased the ground in good faith and on the basis that, in the fullness of time, he would be able to explore alternative uses for his ground. In this regard, the applicant's



solicitor has confirmed that there are no burdens attached to the title which tie it to the adjacent shop (letter attached as Appendix A). The Report of handling states that the “applicant's intent is to split the site from the retail unit”. This is incorrect; the site was already split by dint of the application site and retail unit being sold separately.

7. The Report of Handling finds the enclosure of the car park “not unacceptable in principle” yet goes on to recommend refusal of the application on the basis of the loss of the use of the ground to the adjoining retail unit. Presumably, then, this attitude will apply to any proposal put forward to Planning which removes the ground from the use of the adjacent retail unit. This places our client in a position where, despite having purchased a piece of ground with no title restrictions as to its use, he is compelled by the local authority to allow it to be used by the owners of the adjacent retail unit in perpetuity. The refusal of Planning Permission penalises our client and robs him of any ability to gain a commercial return or explore other beneficial uses for the ground.
8. Since the refusal of Planning Permission, fly tipping has taken place on the application site and this is resulting in the applicant being put to considerable expense. [REDACTED]

Summary

9. The applicant purchased the application site in good faith in 2017 when this ground and the adjacent retail unit were sold separately. Our client has no interest in the retail unit and believes that, should the loss of car parking result in traffic problems, this should be for the owners of the retail unit to address and rectify as they see fit. Indeed our client believes that the Planning decision is grossly unfair and contrary to natural justice as it seeks to tie his independently owned ground in perpetuity to the adjoining site, making it a liability rather than an asset.

DN

Nicholson McShane Architects

9th September 2018



Appendix A – Letter from Solicitor

Appendix B – Email from SEPA

Inverclyde council

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email:
devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100087014-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of 2.4m high palisade fence and gates around former car park area.

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Nicholson McShane Architects		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	Ladyburn Business Centre
Last Name: *	Nicholson	Building Number:	10
Telephone Number: *	01475 325025	Address 1 (Street): *	Pottery Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Greenock
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	PA15 2UH
Email Address: *	consents@nicholsonmcshane.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Raja	Building Number:	31
Last Name: *	Masroor	Address 1 (Street): *	Ingleston Street
Company/Organisation	c/o Premier Convenience Store	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Greenock
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	PA15 4UQ
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Inverclyde Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

675351

Easting

228604

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

572.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Car park serving convenience store.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

11

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Not applicable to this application.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Douglas Nicholson

On behalf of: Mr Raja Masroor

Date: 14/03/2018

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Douglas Nicholson

Declaration Date: 14/03/2018

Payment Details

Cheque: Nicholson McShane Chartered Architects, 000032

Created: 14/03/2018 16:14

REPORT OF HANDLING

Report By: Guy Phillips

Report No: 18/0084/IC

**Local Application
Development**

**Contact
Officer:** 01475 712422

Date: 6th June 2018

Subject: Erection of 2.4m high palisade fence and gates around car park area at
31 Ingleston Street, Greenock

SITE DESCRIPTION

The site is the car park of the retail unit located at 31 Ingleston Street, Greenock. The car park is located to the east of the building and access is gained from site entrance off Orchard Street. Immediately east of the site are an area of open space and a sports/games area.

PROPOSAL

The car park formed part of the planning unit granted planning permission in 2004 under application reference IC/04/373. Condition 2 of the planning permission required the completion of the car park prior to the premises opening as a shop.

It is now proposed to separate the car park from the retail unit. This is to be done by erecting a 2.4 metre high galvanised steel palisade fence around the car park, with a 5.8 metre wide gate across the entrance from Orchard Street. It is also proposed to remove the car park markings.

DEVELOPMENT PLAN POLICIES

Policy RES1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

PROPOSED DEVELOPMENT PLAN POLICIES

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 20 - Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

CONSULTATIONS

Head of Environmental and Commercial Services – the original application for the conversion of the site to a shop required parking and this still remains the case. As the car park is proposed to be removed it is recommended that the application be refused unless a condition is placed on the application decision to ensure the car park remains open during the opening hours of the shop; the reason being to prevent parking on Ingleston Street and Orchard Street as this would be detrimental to road safety.

PUBLICITY

The application was advertised as there are no premises on neighbouring land.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

One letter of objection has been received. If the site is fenced off and the gates closed the shop premises will be denied access to parking. This will create difficulties for customers and servicing, with vehicles being forced to park on Ingleston Street, which is a main route into Greenock town centre.

Objection was also received on the basis of an incorrectly drawn site boundary, however this has now been corrected.

ASSESSMENT

There are no Development Plan or proposed Development Plan policies directly applicable to this application. The application therefore requires to be assessed with reference to the planning history, with the determining factors being:

- Is the principle of erecting a fence around this site acceptable; and
- If so, are the details as submitted acceptable?

In 2004 the car park was seen as an integral part of permitting the development of the site of what was a public house as a retail unit. The shop, by virtue of location on a busy road, was anticipated as attracting a high level of passing vehicular trade. This has been the case, and the car park remains an integral part of how the premises operate.

It is noted that the Head of Environmental and Commercial Services recommends that the application be refused unless a condition is placed on the application decision to ensure the car park remains open during the opening hours of the shop; the reason being to prevent parking on Ingleston Street and Orchard Street as this would be detrimental to road safety. The objection stresses the importance of the car park to how the premises operate and the concerns over the impact from on-street car and service vehicle parking.

In considering the application ownership is not a determining factor. Even though ownership is split, the car park remains part of the planning unit and as is noted from the comments of the Head of Environmental and Commercial Services that it remains a requirement in the interests of road safety. While the enclosure of the car park alone is not unacceptable in principle, it is clear that the applicant's intent is to split the site from the retail unit with the proposal including removal of the car park markings. It is therefore not appropriate to consider a condition is placed on the application decision to ensure the car park remains open during the opening hours of the shop.

Moving on to the design of the fence, it is noted that there are examples of similar fence in the general locality. This does not, however, over-ride concerns relating to the loss of the facility and the road safety implications.

RECOMMENDATION

That the application be refused for the following reason:

The separation of the car park from the functioning of the adjacent retail unit, by the erection of fencing and gates and the removal of the car park markings, will result in the loss of off-street car parking. This will encourage on-street customer, staff and service vehicle parking to the detriment of road safety on Ingleston Street and Orchard Street.

Signed:



rr Guy Phillips
Case Officer



Stuart Jamieson
Head of Regeneration and Planning

DECISION NOTICE

Inverclyde
council

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 18/0084/IC

Online Ref:100087014-001

*TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND)REGULATIONS 2013*

Premier Convenience Store
Mr Raja Masroor
31 Ingleston Street
GREENOCK
PA15 4UQ

Nicholson McShane Architects
Douglas Nicholson
Unit 10
Ladyburn Business Park
Pottery Street
GREENOCK
PA15 2UH

With reference to your application dated 14th March 2018 for planning permission under the above mentioned Act and Regulation for the following development:-

Erection of 2.4m high palisade fence and gates around former car park area at

Car Park Off Orchard Street, Greenock

Category of Application Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The separation of the car park from the functioning of the adjacent retail unit, by the erection of fencing and gates and the removal of the car park markings, will result in the loss of off-street car parking. This will encourage on-street customer, staff and service vehicle parking to the detriment of road safety on Ingleston Street and Orchard Street.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 6th day of July 2018


Head of Regeneration and Planning



- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
2371_LP	Rev A	16.05.2018
2371_D.001	Rev A	16.05.2018



Officer's ID / Date

TITLE NUMBER

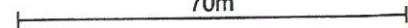
2908
17/12/2007

REN122299



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

70m

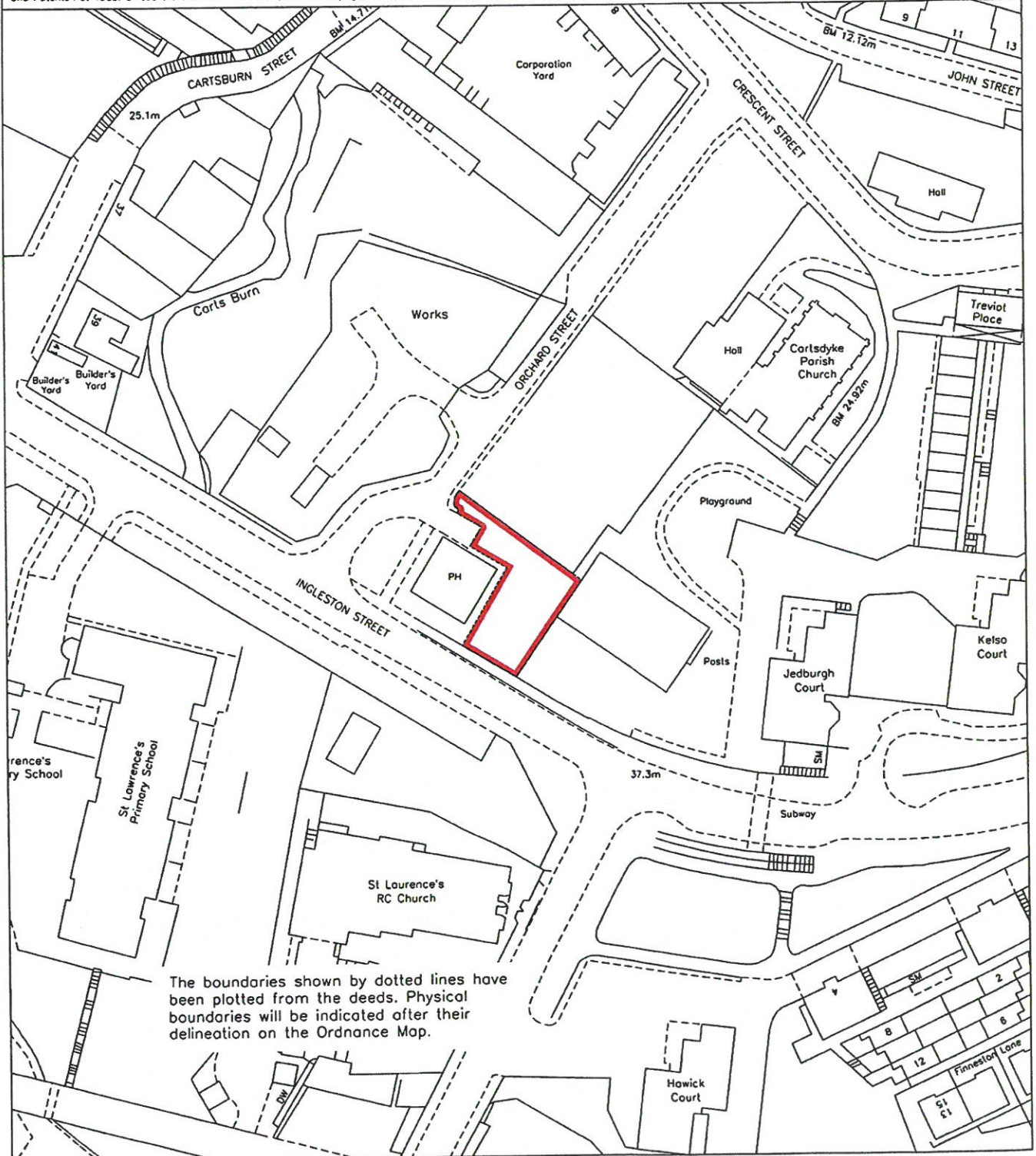


NS2875SW NS2875SE NS2875NW NS2875NE

Survey Scale

1/1250

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The boundaries shown by dotted lines have been plotted from the deeds. Physical boundaries will be indicated after their delineation on the Ordnance Map.



REVISION	DESCRIPTION	DATE
A	Amended as per planning comments	16-05-18
-		



UNIT 10, LADYBURN BUSINESS PARK,
 POTTERY STREET, GREENOCK, PA15 2UH
 e info@nicholsonmcshane.co.uk
 t 01475 325025
 w nicholsonmcshane.co.uk

CLIENT
 Mr Masroor

PROJECT TITLE
 Erection of 2.4m high palisade fence and gates

PROJECT ADDRESS
 Car park off Orchard Street, Greenock

DRAWING TITLE
 Location Plan

DRAWING STATUS
 PLANNING

PAPER SIZE
 A3

DRAWING NUMBER
 2371_LP

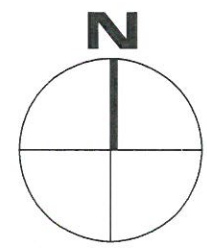
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SCALE
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DATE
 09-03-18

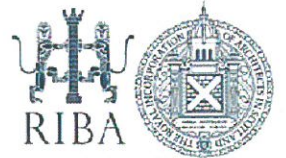
DRAWN BY
 -

CHECKED BY
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LOCATION PLAN 1:500



NICHOLSON McSHANE ARCHITECTS IS THE TRADING NAME OF NICHOLSON McSHANE CHARTERED ARCHITECTS LTD. COPYRIGHT RESERVED

REVISION	DESCRIPTION	DATE
A	Amended as per planning comments	16-05-18
-		

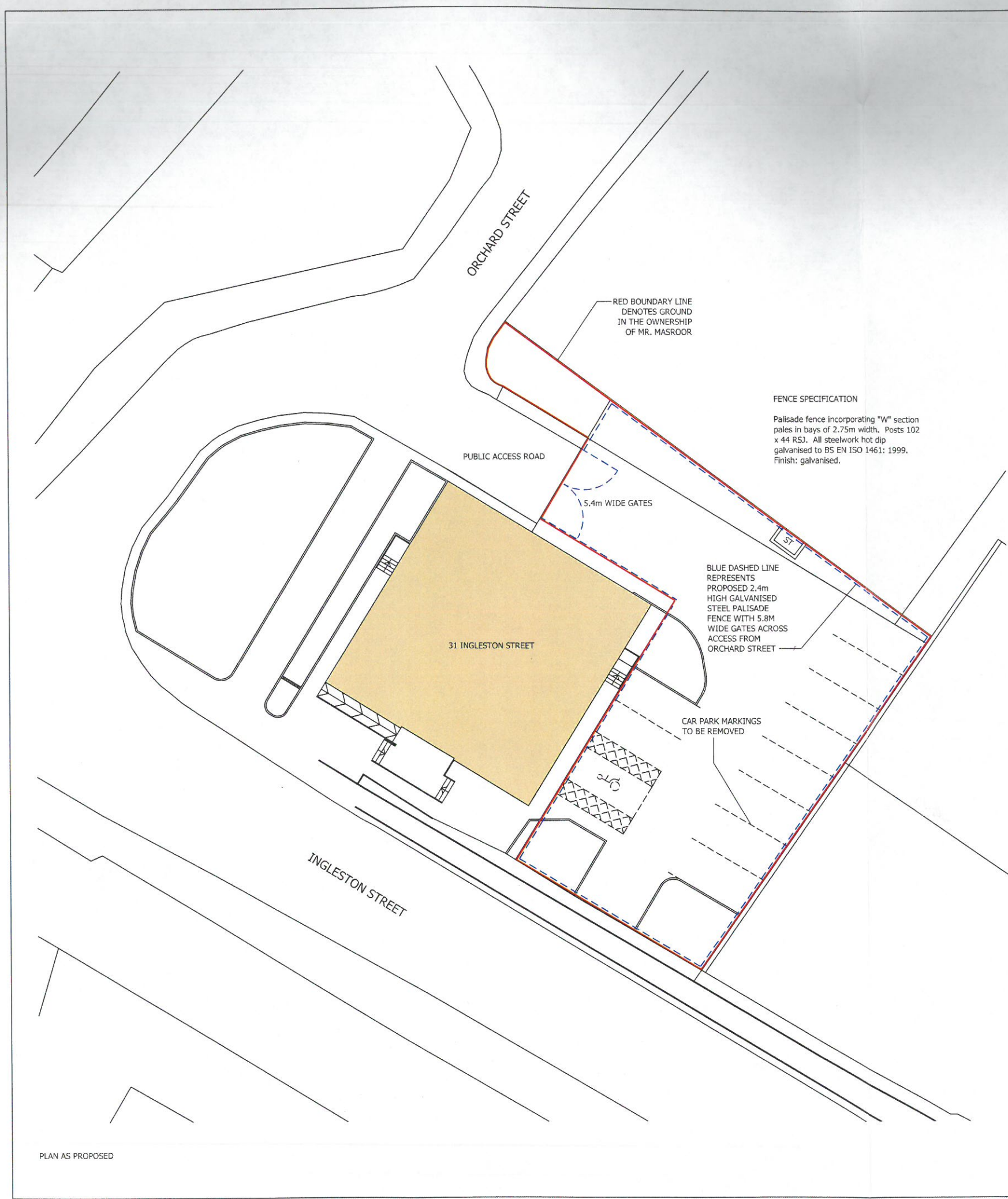
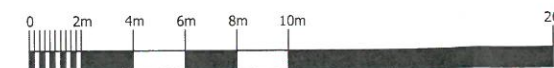


IMAGE SHOWING TYPICAL FENCE ARRANGEMENT



IMAGE SHOWING TYPICAL GATE ARRANGEMENT



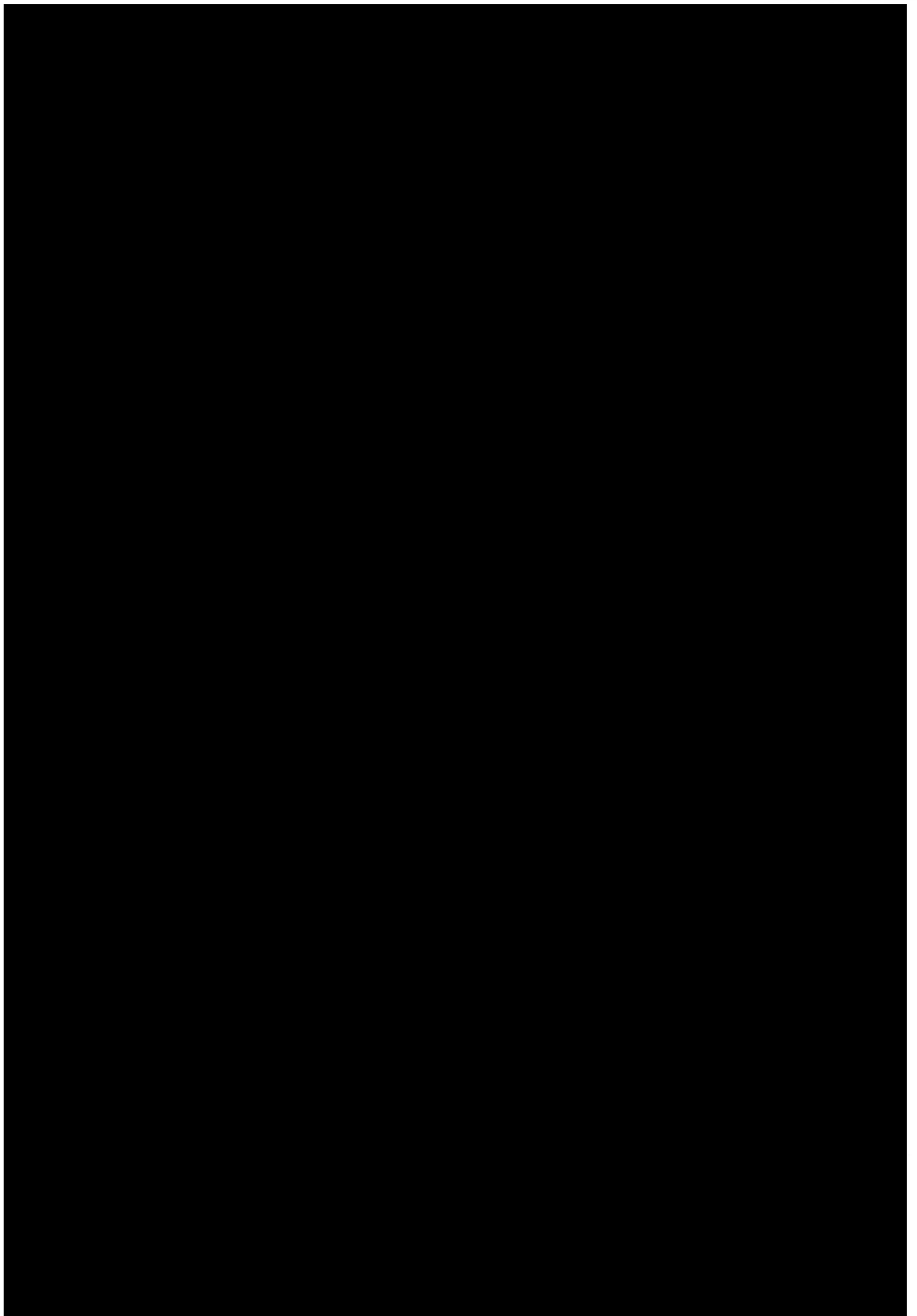
PLAN AS PROPOSED



UNIT 10, LADYBURN BUSINESS PARK,
 POTTERY STREET, GREENOCK, PA15 2UH
 e info@nicholsonmcshane.co.uk
 t 01475 325025
 w nicholsonmcshane.co.uk

CLIENT Mr Masroor	
PROJECT TITLE Erection of 2.4m high palisade fence and gates	
PROJECT ADDRESS Car park ground off Orchard Street, Greenock	
DRAWING TITLE Plan as proposed and images of fence type	
DRAWING STATUS PLANNING	PAPER SIZE A1
DRAWING NUMBER 2371_D.001	REVISION A
SCALE 1:200	DATE 02-03-18
DRAWN BY -	CHECKED BY -





MELLICKS

INCORPORATING
NAFTALIN DUNCAN & CO
SOLICITORS & NOTARIES

160 HOPE STREET • GLASGOW G2 2TL • DX GW23
TELEPHONE 0141 332 0902 OR 0141 332 0979 • COURT FAX 0141 353 3190 • GENERAL FAX 0141-333 9125
Email: mail@mellicks.co.uk web site: www.mellicks.co.uk

Nicholson McShane,
Architects,
Unit 10,
Ladyburn Business Park,
Pottery Street,
Greenock,
PA15 2UH

Our Ref: SK/JC/BENN19/2

27 August 2018

Dear Sirs,

Car Park adjacent to Orchard Street/Ingleston Street, Greenock

I have been asked to write to you in connection with the above. I acted in the purchase of this car park and attach copy of the title. The property was purchased by Masroor Hussain Raja on 1st June 2017.

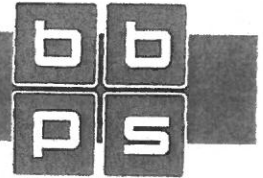
I can confirm there are no burdens attached to the title which tie it to the adjacent shop. There are no rights of way over the ground specified within the title and no public rights of way out with the title as far as I am aware. I trust this is sufficient for your purposes.

Yours sincerely,



Contact: Steven Kane
steven.kane@mellicks.co.uk

**7. FURTHER REPRESENTATION SUBMITTED
FOLLOWING RECEIPT OF NOTICE OF REVIEW**



Development Control
Planning Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LY

28 January 2019

Dear Sirs

**FURTHER COMMENTS RELATING TO PLANNING APPLICATION
18/0084/IC AND SUBSEQUENT NOTICE OF REVIEW SUBMITTED BY
APPLICANT
ERECTION OF 2.4 M HIGH FENCING AND GATES ROUND CAR PARK
AREA ADJACENT TO SHOP OFF ORCHARD STREET GREENOCK**

On behalf of my client, Mr Sarbjit Singh Benning, I wish to offer the following comments on the Notice of Review submitted in respect of the above Planning Application which was Refused Planning Permission on 6 July 2018.

Objections to the above planning application were previously submitted by my client, Mr Benning, in a letter to the Council dated 3 May 2018. My client understands that his original letter of objection will be included in the papers presented to the Review Body.

The Notice of Review submitted on behalf of the Applicant outlines the basis of their Grounds of Review in paragraphs 5 to 8 of the submission.

Paragraph 5 to 7 all, in slightly differing ways, indicate that that the applicant has no interest in the functioning or operation of the retail unit, is now the owner of the car parking and servicing area, confirms that there are no burdens in the title tying the car park and servicing area to the adjacent site and, as such, as the owner of the site, should be permitted to erect fencing to prevent the use of the area as a car park and servicing area.

All of the submissions in these three paragraphs ignore the fundamental principle of Town Planning Law that Planning Permission is vested on the land itself and not the landowner. The Planning Permission granted in respect of the "Planning Unit" included the car parking area and the shop. The Planning Authority in 2005 granted Planning Permission for the change of use of the unit to a shop. The planning application included the parking and servicing area as part of the planning application. i.e. The "Planning Unit" is the shop (which is in effect a small supermarket) together with the car park and servicing area.

The fact that the car parking area is now in a different ownership is not, in Town Planning Terms, a material consideration in the determination of a planning

application. Case Law is clear that the ownership of land does not have a bearing on what constitutes a "Planning Unit".

As outlined previously, the "Planning Unit" in this case is the large shop unit and the car parking and servicing area to serve the shop. When approaches were made to the Council in 2004 to discuss the change of use of the vacant unit to a shop the Planning Authority made it clear that parking and servicing facilities would require to be provided to service the shop. i.e. The building on its own would not have been granted planning permission, it had to have the parking and serving areas provided as part of the planning application.

It is clear therefore that this application for the erection of fencing round the car park and servicing area of the shop would be completely contrary to the previous decision of the Planning Authority and the proposed erection of fencing and gates would have a detrimental affect on the "Planning Unit".

Paragraph 8 of the Notice of Review infers that "Fly Tipping" has been occurring at the site as a justification for the erection of the fencing and a copy of a letter from SEPA is attached.

The letter from SEPA, in fact, confirms that the material which has been dumped at the site was in fact arranged by a Mr Surjit Benning who appears, in terms of the letter sent from SEPA, to be some form of business partner with the Applicant. It is clear therefore that it is not "Fly Tipping" which has occurred rather a planned dumping of materials of which the applicant was fully aware. There is therefore no question of "Fly Tipping" occurring at the site.

In conclusion it is submitted that this Notice of Review should be dismissed by the Review Body. The ownership of land is not a determining matter in the determination of a planning application, the "Planning Unit" in this case is the shop, together with the car park and servicing area and has to be dealt with as a single unit in planning terms. The car park and servicing area is integral to the "Planning Unit"

Yours sincerely



J BRYCE BOYD

**8. SUGGESTED CONDITION SHOULD PLANNING
PERMISSION BE GRANTED ON REVIEW**

**ERECTION OF 2.4m PALISADE FENCE AND GATES AROUND FORMER CAR PARK
AREA:
CAR PARK OFF ORCHARD STREET, GREENOCK (18/0084/IC)**

Suggested condition should planning permission be granted on review

Condition:

That the permission hereby granted shall be implemented with 3 years of the date of this permission.

Reason:

To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.