

## Inverclyde Local Review Body

Our Ref: 18/0084/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Car Park Off Orchard Street, Greenock
  - Application for Review by Nicholson McShane Architects on behalf of Mr R Masroor against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 18/0084/IC
  - Application Drawings: Drawing No. 2371\_LP Rev A – Location Plan  
Drawing No. 2371\_D.001 Rev A – Plan as proposed and images of fence type
  - Date of Review Decision Notice: 16 April 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 3 April 2019. The ILRB was constituted by Councillors J Clocherty, J Crowther, R Moran, D McKenzie, I Nelson, L Rebecchi and D Wilson (Chair).

#### **2. Proposal**

- 2.1 The application proposal is for planning permission to separate the car park from the retail unit. The car park formed part of the planning unit granted planning permission in 2004 (application reference IC/04/373), with condition 2 of the planning permission requiring the completion of the car park prior to the premises opening as a shop. The separation is to be effected by erecting at 2.4m high galvanised palisade fence around the car park, with a 5.8m wide gate across the entrance from Orchard Street. It is also proposed to remove the car park markings. The application was refused consent in terms of a decision letter dated 6 July 2018.

### 3. Preliminaries

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

- (i) Planning Application dated 14 March 2018 together with plans;
- (ii) Appointed Officer's Report of Handling dated 6 June 2018;
- (iii) Consultation responses in relation to planning application;
- (iv) Representation in relation to planning application;
- (v) Decision Notice dated 6 July 2018 issued by Head of Regeneration & Planning;
- (vi) Notice of Review Form dated 4 October 2018 with supporting documentation from Nicholson McShane Architects;
- (vii) Further representation submitted following receipt of Notice of Review;
- (viii) Suggested condition should planning permission be granted on review.

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) the loss of off-street car parking and (2) the consequent impact on road safety.

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 that the application had been correctly refused for the reason given in the Decision Notice dated 6 July 2018 namely:

- 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.

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.