

## **Inverclyde Local Review Body**

**Our Ref: 18/0260/IC**

### **REVIEW DECISION NOTICE**

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Site off Lithgow Way, Kingston Dock, Port Glasgow
  - Application for Review by McNally Associates Limited on behalf of Briar Homes against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 18/0260/IC
  - Application Drawing: Loc-01-Location Plan
  - Date of Decision Notice: 15 October 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 2 October 2019. The ILRB was constituted by Councillors R Moran, 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 in principle for a residential development on the site. No indicative layout was supplied. The application was refused consent in terms of a decision letter dated 18 June 2019.

### 3. Preliminaries

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

- (i) Planning Application dated 7 September 2018 together with Plan;
- (ii) Appointed Officer's Site Photographs together with Location Plan;
- (iii) Appointed Officer's Report of Handling dated 14 June 2019;
- (iv) 2017 Housing Land Supply submitted by Applicant in relation to Planning Application;
- (v) Scottish Government Directorate for Planning and Environmental Appeals Appeal Decision Notice dated 5 February 2014 in relation to planning application 13/0035/IC for residential development with associated access, open space and landscaping (in principle);
- (vi) Applicant's Flood Risk Assessment REV3;
- (vii) Consultation responses in relation to Planning Application;
- (viii) Representations in relation to Planning Application;
- (ix) Decision Notice dated 18 June 2019 issued by Head of Regeneration & Planning;
- (x) Notice of Review Form dated 1 August 2019 with supporting documentation from McInally Associates Ltd;
- (xi) Suggested conditions and advisory notes 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 (a) the planning history of the site, (b) the designation of open space within the Local Development Plan and (c) the value of the site to wildlife.

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 determined that planning permission should be refused for the following reasons:

- (i) the proposed development is contrary to Policy 35 of the Inverclyde Local Development Plan in that it involves the development of an area of open space designated within the Plan which is of value to the visual setting and pattern of development of the Port Glasgow Waterfront Area; and
- (ii) the proposed development site forms part of the wider public vista of the River Clyde which contributes to the creation of a successful place and, accordingly, the development of the site would erode this and would fail to have regard to the six qualities of successful places as required by Policy 1 of the Inverclyde Local Development Plan.

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.