

**LOCAL REVIEW BODY**

**4 MARCH 2020**

**PLANNING APPLICATION FOR REVIEW**

**MR R MASROOR**

**ERECTION OF 2.4M HIGH PALISADE FENCE TO CAR PARK AREA:  
CAR PARK OFF ORCHARD STREET, GREENOCK (19/0100/IC)**

**Contents**

- 1. Planning Application dated 29 April 2019 together with plan**
- 2. Appointed Officer's Site Photographs together with Location Plan**
- 3. Appointed Officer's Report of Handling dated 19 July 2019**

To view Inverclyde Local Development Plan see:

<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning/ldp>

To view Inverclyde Local Development Plan 2014 see:

<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning>

- 4. Consultation response in relation to planning application**
- 5. Representation in relation to planning application**
- 6. Decision Notice dated 12 September 2019 issued by Head of Regeneration & Planning**
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- 8. Further representation submitted following receipt of Notice of Review**
- 9. Suggested conditions should planning permission be granted on review**

**1. PLANNING APPLICATION DATED 29 APRIL 2019  
TOGETHER WITH PLAN**



# 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 100162558-001

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 to 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:          |                                 | You must enter a Building Name or Number, or both: * |                    |
| First Name: *         | Douglas                         | Building Name:                                       | Custom House       |
| Last Name: *          | Nicholson                       | Building Number:                                     | 1-01               |
| Telephone Number: *   | 01475 325025                    | Address 1 (Street): *                                | Custom House Place |
| Extension Number:     |                                 | Address 2:                                           |                    |
| Mobile Number:        |                                 | Town/City: *                                         | Greenock           |
| Fax Number:           |                                 | Country: *                                           | Scotland           |
|                       |                                 | Postcode: *                                          | PA15 1EQ           |
| 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:         |         | Building Name:                                       |                  |
| First Name: *        | Raja    | Building Number:                                     | 31               |
| Last Name: *         | Masroor | Address 1 (Street): *                                | Ingleston Street |
| Company/Organisation |         | Address 2:                                           |                  |
| Telephone Number: *  |         | Town/City: *                                         | Greenock         |
| Extension Number:    |         | Country: *                                           | Scotland         |
| Mobile Number:       |         | Postcode: *                                          | PA15 4UQ         |
| Fax Number:          |         |                                                      |                  |
| Email Address: *     |         |                                                      |                  |

## Site Address Details

Planning Authority:

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

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

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)

## 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)? \*

11

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: 29/04/2019

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: 29/04/2019

## Payment Details

Cheque: Nicholson McShane Chartered Architects Ltd., 000123

Created: 29/04/2019 09:19



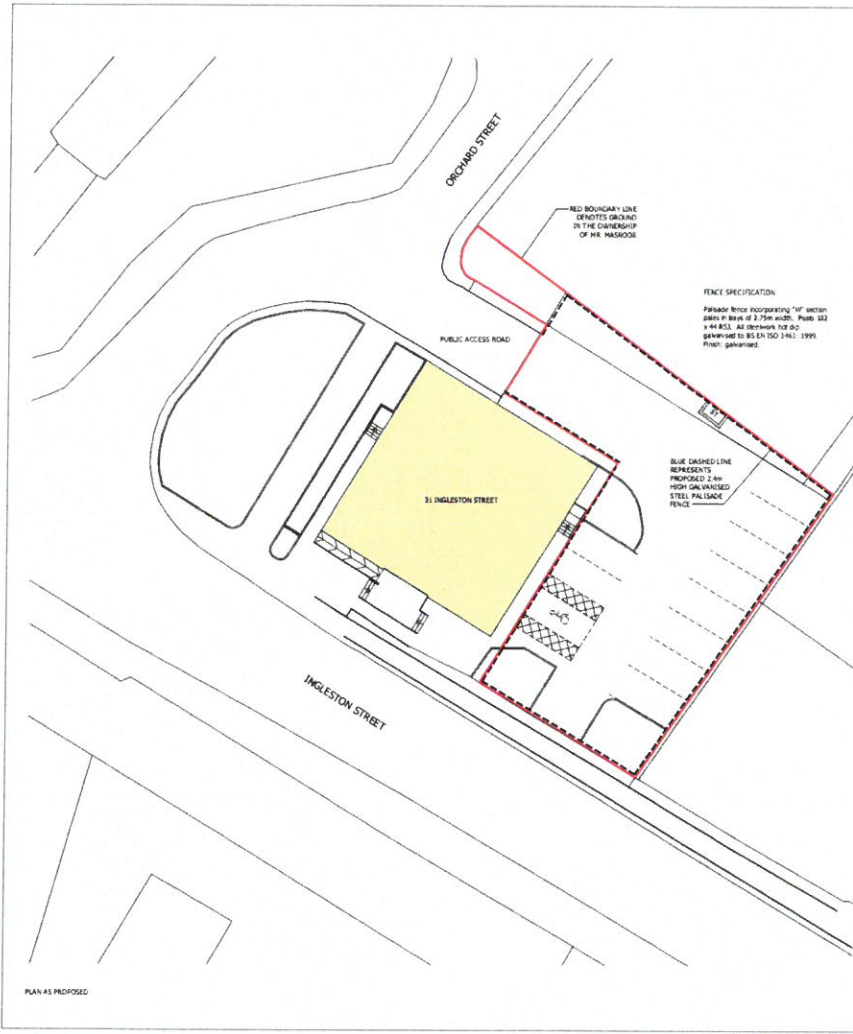


IMAGE SHOWING TYPICAL FENCE ARRANGEMENT



IMAGE SHOWING TYPICAL GATE ARRANGEMENT

| REVISION | DESCRIPTION                       | DATE     |
|----------|-----------------------------------|----------|
| A        | Amended in per planning comments  | 16-05-18 |
| B        | Description and proposals amended | 12-04-19 |
|          |                                   |          |
|          |                                   |          |
|          |                                   |          |

**nm a** nicholson mcschane architects

UNIT 10, LADYBURN BUSINESS PARK,  
POTTERY STREET, GREENOCK, PAIS 2UH  
e info@nicholsonmcschane.co.uk  
t 01475 335025  
w nicholsonmcschane.co.uk

CLIENT  
Mr Masroor

PROJECT TITLE  
Erection of 2.4m high palisade fence

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  
B

SCALE  
1:200

DATE  
02-03-18

DRAWN BY

CHECKED BY



NICHOLSON MCSCHANE ARCHITECTS IS THE TRADE NAME OF A NICHOLSON MEMBERSHIP COMPANY LIMITED. COMPANY NUMBER 02048188



**2. APPOINTED OFFICER'S SITE PHOTOGRAPHS  
TOGETHER WITH LOCATION PLAN**





PRIVATE PROPERTY

TRADE REFUSE SERVICE  
INVERCLYDE  
COUNCIL  
01475 714 750



REUSE REUSE REUSE  
INVERCLYDE  
COUNCIL  
01475 714 750



PRIVATE  
PARKING  
Customers Only







Premier  
Convenience

CHIP N PIN  
AND  
FREE TO USE ATM

HOT FOOD  
TO GO

we are  
open  
**6am**  
to  
**10pm**  
7 days a week



CSS

Community  
Circuit  
in town's  
etc



Premier  
Convenience



Premier













PLASTERING - ROUGHCASTING  
PLUMBING - JOINERY - ROOFING

**T. HIGGINS**  
ELECTRICAL  
Property Maintenance

th.maintenance@hotmail.co.uk

THINKERTY

CHAS

0141 445 5872 07817 881156







PLASTERING - ROUGHCASTING  
PLUMBING - JOINERY - ROOFING

**T. HIGGINS**  
Electrical  
Property Maintenance  
info@t.higgins-electrical.co.uk

TRUSTPILAR NICEIC CSCS HSE

0141 445 5872 07817 881156



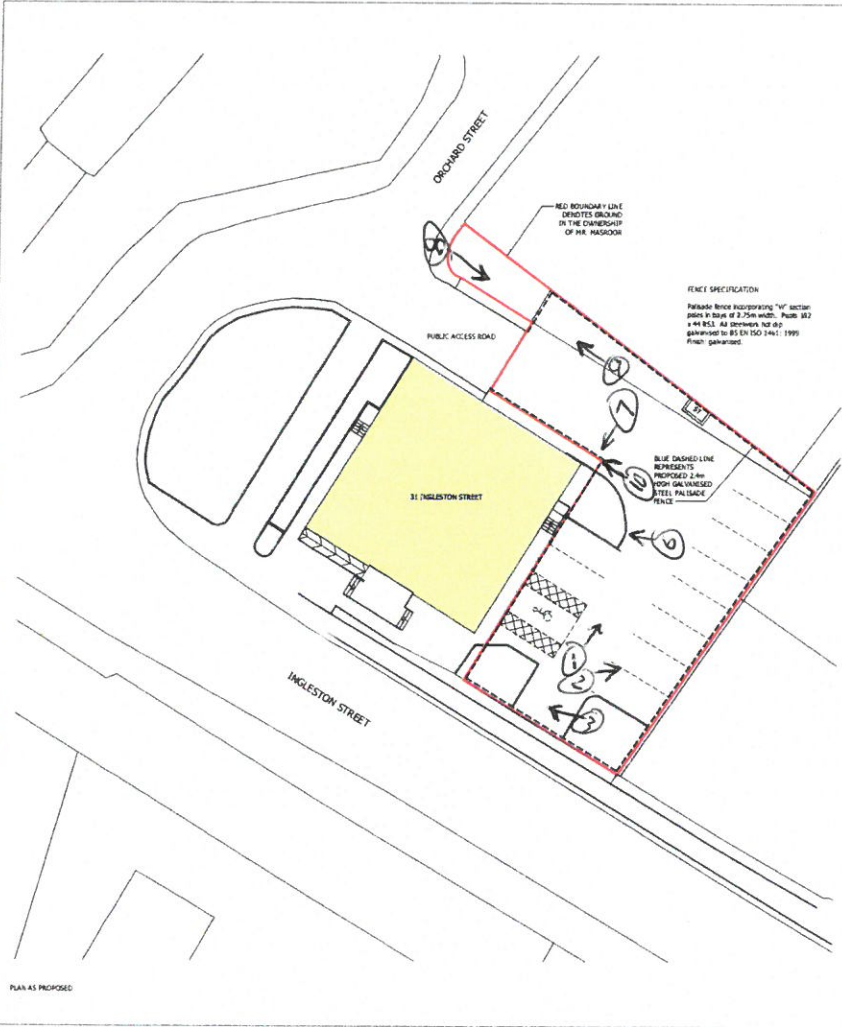


IMAGE SHOWING TYPICAL FENCE ARRANGEMENT



IMAGE SHOWING TYPICAL GATE ARRANGEMENT

| REVISION | DESCRIPTION                        | DATE     |
|----------|------------------------------------|----------|
| A        | Amended as per planning conditions | 10/05/18 |
| B        | Description and proposals amended  | 12/06/18 |
|          |                                    |          |
|          |                                    |          |
|          |                                    |          |



UNIT 14 LADYBURN BUSINESS PARK,  
POTTERY STREET, GREENOCK, PA15 2JH  
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CLIENT  
Mr Masoor

PROJECT TITLE  
Erection of 2.4m high palisade fence

PROJECT ADDRESS  
Car park ground off Orchard Street, Greenock

DRAWING TITLE  
Plans as proposed and images of fence type

DRAWING STATUS  
PLANNING

PAPER SIZE  
A1

DRAWING NUMBER  
13371\_D.001

REVISION  
B

SCALE  
R200

DATE  
02/03/18

DRAWN BY

CHECKED BY



PLAN AS PROPOSED

**3. APPOINTED OFFICER'S REPORT OF HANDLING  
DATED 19 JULY 2019**

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**REPORT OF HANDLING**

**Report By:** David Ashman

**Report No:** 19/0100/IC

**Contact  
Officer:** 01475 712416

**Date:** 19<sup>th</sup> July 2019

**Subject:** Erection of 2.4m high palisade fence to car park area at  
Car Park Off Orchard Street, Greenock

**SITE DESCRIPTION**

The application 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 the 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 forms 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 thus establishing its indivisibility from the shop.

Planning permission was refused on appeal by the Local Review Body in April 2019 for the erection of a 2.4m high palisade fence and gates around the car park as 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, would result in the loss of off-street car parking (planning application 18/0084/IC). This would have encouraged on-street customer, staff and service vehicle parking to the detriment of road safety on Ingleston Street and Orchard Street.

In this revised proposal, the only differences are that the applicant has removed the gates which were going to be placed across the access road to control entry to the car park and car park markings are to remain.

**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**

The Proposed Plan has been through examination and the Reporter's recommended modifications were reported to the Council's Environment and Regeneration Committee on 2 May 2019. The Council is therefore in the process of moving to adopt the Proposed Plan. Reference to the Proposed Plan in this report incorporates the Reporter's recommended modifications and the non-notifiable modifications approved on the 2 May 2019.

### **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 Service – Roads and Transportation** – Comments provided as follows:

- Any gates to be open at all times during shop opening hours throughout the lifetime of this land use.
- Any gates shall open into the car park.
- Safe access to shop from the car park to be given via a gate close to the shop access.
- 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.
- Applicant to demonstrate how deliveries will access the shop from the car park.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 3rd May 2019 as there are no premises on neighbouring land.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

One objection has been received. The objector is concerned that:

- The proposal differs only from the previous refused proposal by deletion of the gates.
- The fencing will prevent direct access to the shop for staff, customers and service vehicles.
- It would create conflict between pedestrians and vehicles for those still attempting to use the car park and access the shop.
- The proposal seeks to break up the planning unit of the shop and car park.

## **ASSESSMENT**

Planning permission was recently refused for the erection of 2.4 metres high galvanised fencing in the same position as shown on the submitted plans. The only differences in the current proposal, as noted above, are that gates are not shown across the access road from Orchard Street and that the car park markings are to remain.

Planning application 18/0084/IC was refused on the grounds that "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 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." It therefore only remains to be considered whether or not the changes to the proposal address the reasons for refusal of the previous application. The material considerations to be addressed in this respect are the adopted and proposed Inverclyde Local Development Plans, the consultee reply and the objection.

Apart from location within a mainly residential area under Policies RES1 of the adopted Inverclyde Local Development Plan and 20 of the proposed Plan, there are no other policies of direct relevance to the proposal.

The Head of Service – Roads and Transportation raises five points of concern. I have attempted to resolve with the applicant what I consider to be the key issue of greatest concern with respect to the functioning of the associated shop unit, this being the provision a safe access to the shop from the car park via a gate close to the shop access. As presently proposed any delivery vehicles, staff or customers using the car park would only be able to access the shop by walking back along the access road. This potentially brings them into conflict with vehicles entering and leaving the car park, which would be detrimental to pedestrian and traffic safety. Furthermore, this potentially dangerous clash and the distance to be walked, particularly for delivery drivers carrying goods, leads me to conclude that it is extremely likely that the car park would become little used, with on-street customer, staff and service vehicle parking likely to occur to the detriment of road safety on Ingleston Street and Orchard Street. It was considered that this could be addressed by providing a gate opening in the fence close to the point of access to the shop. The applicant has, however, rejected this suggestion and requests that the application to be determined as submitted.

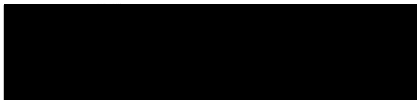
I consequently agree with the concerns of the objector that the proposed fencing will prevent direct access to the shop for staff, customers and service vehicles and that it would create conflict between pedestrians and vehicles for those still attempting to use the car park and access the shop. It is important that the integrity of the planning unit for the development granted planning permission in 2004 is defended in the interests of pedestrian and traffic safety.

## **RECOMMENDATION**

That the application be refused for the following reasons:

1. The proposed fencing, by reason of its positioning, will discourage use of the car park by customers, staff and delivery vehicles. This will encourage on-street customer, staff and service vehicle parking to the detriment of road safety on Ingleston Street and Orchard Street.
2. The proposed fencing, by reason of its position, would result in customers, staff and delivery vehicle drivers that do use the car park walking on the access road thus potentially coming into conflict with vehicles to the detriment of pedestrian and traffic safety.

Signed:



Case Officer: David Ashman



Stuart Jamieson  
Head of Regeneration and Planning

## **4. CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION**



**RECEIVED**  
 23 MAY 2019

|                                                                                               |                                                        |                   |                     |
|-----------------------------------------------------------------------------------------------|--------------------------------------------------------|-------------------|---------------------|
| <b>To:</b>                                                                                    | Head of Regeneration & Planning                        | <b>Your Ref:</b>  | 19/0100/IC          |
|                                                                                               |                                                        | <b>Our Ref:</b>   | KM/14/04/19/0100/IC |
| <b>From:</b>                                                                                  | Head of Roads & Transportation                         | <b>Contact:</b>   | K McMillan          |
|                                                                                               |                                                        | <b>Tel:</b>       | (01475) 714841      |
| <b>Subject:</b>                                                                               | Observations On Planning Application                   | <b>PA Ref:</b>    | 19/0100/IC          |
| <b>Detail:</b>                                                                                | Erection of 2.4m high palisade fence to car park area. | <b>Dated:</b>     | 30/04/2019          |
|                                                                                               |                                                        | <b>Received:</b>  | 03/05/2019          |
| <b>Site:</b>                                                                                  | Car Park Off Orchard Street, Greenock                  | <b>Applicant:</b> | Mr Raja Masroor     |
| <b>Type of Consent:</b> Detailed Permission/ In-Principle/ Approval of Matters/ Change of Use |                                                        |                   |                     |

**Comments:**

|    |                                                                                                                                                              |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Gates to be open at all times during shop opening hours throughout the lifetime of this land use.                                                            |
| 2. | The gates shall open into the car park.                                                                                                                      |
| 3. | Safe access to shop from the car park to be given via a gate close to the shop access.                                                                       |
| 4. | 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. |
| 5. | Applicant to demonstrate how deliveries will access the shop from the car park.                                                                              |
|    |                                                                                                                                                              |
|    |                                                                                                                                                              |
|    |                                                                                                                                                              |
|    |                                                                                                                                                              |
|    |                                                                                                                                                              |

**Notes For Intimation To Applicant**

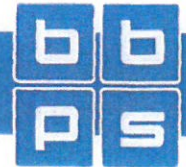
|                             |                                                                                          |
|-----------------------------|------------------------------------------------------------------------------------------|
| Construction Consent (S21)* | Not Required/ Required 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 50 agreement                                                       |

\*Relevant Section of the Roads (Scotland) Act 1984

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

Date: 17/05/2019

**5. REPRESENTATION IN RELATION TO PLANNING APPLICATION**



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

7 May 2019

Dear Sirs

**OBJECTION TO PLANNING APPLICATION REF: 19/0100/IC  
ERECTION OF 2.4 M PALISADE FENCING TO 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.

As you are aware Mr Masroor has previously submitted a similar planning application to the Council, Ref: 18/0084/IC, which was refused planning permission in July 2018. The reason for Refusal indicated that:

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 on-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.

A submission was made to the Local Review Body of Inverclyde Council by the Applicant, in respect of this refusal of planning permission, and on the 3 April 2019, after careful consideration, the Review Body dismissed the Review Application and accepted that the application had been correctly refused by the appointed officer for the reasons outlined on the Decision Notice.

This new application, submitted only 26 days after the decision of the Review Body had been taken differs from the previous application in substance, only by the deletion of the proposed gates into the car park area.

The erection of the fencing round the car park, in particular the fencing along the west side of the car park, will prevent direct access to the shop for customer, staff and service vehicles.

This new application, albeit with the deletion of the gates into the car park area, will have exactly the same impact as would the previous proposal as the direct line of access from the car park to the shop would be prohibited by the proposed fencing.

The Report of Handling relating to the previous application confirmed that the "Planning Unit" comprised the shop and the car parking area, this view was supported by the Local Review Body.

This new application is merely a variation to the previous consent and yet another attempt to break up the "Planning Unit" by making the journey for pedestrians from the car park to the shop so circuitous and inconvenient as to render the car park unusable.

An additional consideration in respect of the proposal is that by erecting the 2.4 fencing round the site would, for those patrons to the premises attempting to make use of the car parking area would be forced to walk round the back of the premises through the traffic entering and leaving the car parking area to the detriment of their safety.

My client therefore wishes to reiterate his strongest possible objection to this new proposal which is merely a variation on the previous application refused by the Local Planning Authority and Local Review Body.

Yours sincerely

A black rectangular redaction box covering the signature of J Bryce Boyd.

**J BRYCE BOYD**

**6. DECISION NOTICE DATED 12 SEPTEMBER 2019  
ISSUED BY HEAD OF REGENERATION &  
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: 19/0100/IC

Online Ref:100162558-001

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

Mr Raja Masroor  
31 Ingleston Street  
GREENOCK  
PA15 4UQ

Nicholson McShane Architects  
Douglas Nicholson  
Suite 1-01  
Custom House  
Custom House Place  
GREENOCK  
PA15 1EQ

With reference to your application dated 29th April 2019 for planning permission under the above mentioned Act and Regulation for the following development:-

**Erection of 2.4m high palisade fence to 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 proposed fencing, by reason of its positioning, will discourage use of the car park by customers, staff and delivery vehicles. This will encourage on-street customer, staff and service vehicle parking to the detriment of road safety on Ingleston Street and Orchard Street.
2. The proposed fencing, by reason of its position, would result in customers, staff and delivery vehicle drivers that do use the car park walking on the access road thus potentially coming into conflict with vehicles to the detriment of pedestrian and traffic safety.

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

**Dated this 12th day of September 2019**

  
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/>**

| <b>Drawing No:</b> | <b>Version:</b> | <b>Dated:</b> |
|--------------------|-----------------|---------------|
| 2371_LP            | Rev B           | 12.04.2019    |
| 2371_D.001         | Rev B           | 12.04.2019    |

**7. NOTICE OF REVIEW FORM DATED 29  
NOVEMBER 2019 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)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

### Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

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 checked="" type="checkbox"/> | <input 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 ' DOCUMENT.

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  
 COMPLETED FORM  
 EMAIL CORRESPONDENCE RE PREVIOUS APPLICATION (18/0084/1C)  
 DECISION NOTICE  
 REPORT OF HANDLING  
 REFUSED PLAN (REDUCED SCALE)  
 REFUSED LOCATION PLAN.

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



Date

29 NOVEMBER 2019.

**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](http://www.inverclyde.gov.uk/privacy)





## Erection of 2.4m high palisade fence to car park area at Orchard Street, Greenock (19/0100/IC)

### Statement of Review to the Local Review Body

#### Introduction

1. Planning Application 19/0100/IC, was refused under delegated powers on 19<sup>th</sup> July 2019. Our request for a review to the Local Review Body is in respect of this refusal.
2. This latest application for Planning Permission followed the refusal under delegated powers and the dismissal of a review by the LRB of an application for the erection of a fence and gates at the same site (18/0084/IC). This new application sought to address the concerns raised in the Report of Handling of the previous application.

#### Reasons for Refusal

3. The reasons for refusal set out in the decision notice is as follows:
  1. “The proposed fencing, by reason of its positioning, will discourage use of the car park by customers, staff and delivery vehicles. This will encourage on-street customer, staff and service vehicle parking to the detriment of road safety on Ingleston Street and Orchard Street”.
  2. “The proposed fencing, by reason of its position, would result in customers, staff and delivery vehicle drivers that do use the car park walking on the access road thus potentially coming into conflict with vehicles to the detriment of pedestrian and traffic safety”.

#### Analysis of Report of Handling and Reason for Refusal

4. The applicant believed that the application documents reflected the express requirements of the planning officer and the Roads and Transportation as stated during the processing of the original application. In an email dated 26 April 2018 regarding this application, the processing officer states “A condition can be imposed to ensure that the gates are open and the car park



available for use by customers and deliveries at all times the shop is open. I would be grateful if you could confirm if your client would accept such a condition. Without such a condition, the application could not be recommended for approval". (Refer to attachment). Our client, therefore, believed that a re-application based on a similar fencing layout but omitting the gates would gain the approval of the department.

5. We disagree with the concerns raised by Roads and Transportation, as follows:
  - a. Goods are delivered to the elevation of the unit adjacent to the car park; there will be no tendency for delivery vehicles to park "on street".
  - b. Ingleston Street has pedestrian barriers over the frontage of the unit which will make "on street" parking impractical over most of the frontage of the unit.
  - c. There are pedestrian footways on Orchard Street and Ingleston Street giving direct safe access to the unit. Within the site, pedestrian access is no different to walking across the car park of any of the local supermarkets.
  - d. For staff, the relationship between the parking and retail unit will still be significantly more convenient than for many local shops.

### **Summary**

6. The applicant has responded to the Planning requirement expressed during the consideration of the previous planning application to maintain the car park as an operational component of the "planning unit" of the shop. Despite confirmation that the omission of gates would result in the situation being viewed favourably, however, it would appear that there has been a change in attitude which has resulted in a further refusal of Planning Permission. The applicant believes that the reasons for refusal do not stand up to critical analysis and that Planning Permission should therefore be granted.

Nicholson McShane Architects



Douglas Nicholson <douglas@nicholsonmcshane.co.uk>

---

## Planning application 18/0084/IC - Orchard Street, Greenock

1 message

---

James McColl <James.McColl@inverclyde.gov.uk>  
To: "douglas@nicholsonmcshane.co.uk" <douglas@nicholsonmcshane.co.uk>

26 April 2018 at 10:55

Douglas,

Further to the above planning application, planning permission was granted in 2005 for the change of use of the public house to a retail shop. Integral to this permission was the formation of the car park accessed from Orchard Street to ensure that suitable parking existed for the shop, given its position on a busy local distributor road and in accordance with the Council's adopted roads guidance.

The Head of Environmental and Commercial Services has raised concern in their consultation response regarding the possible loss of the car park. The loss of the car park would result in parking on Ingleston Street and Orchard Street, to the detriment of road safety. I concur with these concerns.

Visually, I have no concerns regarding the fence and gates in the context of the location. A condition can be imposed to ensure that the gates are open and the car park available for use by customers and deliveries at all times the shop is open. I would be grateful if you could confirm if your client would accept such a condition.

Without such a condition, the application could not be recommended for approval.

You also describe the proposal in the application as the "erection of 2.4m high palisade fence and gates around former car park area." The area is a car park, it is in use as a car park (I drive past it twice a day to and from the office) and you are not applying to change the use to anything other than an car park. Given this, I would be grateful if you could confirm how it can be described as a "former car park"

I look forward to hearing from you.

Regards

**James McColl** BSc (Hons) MRTPI

**Senior Planner**

**Development Management**

**Regeneration and Planning**  
**Inverclyde Council**  
Municipal Buildings

24 Clyde Square

Greenock



## REPORT OF HANDLING

Report By: David Ashman

Report No: 19/0100/IC

Contact  
Officer: 01475 712416

Date: 19<sup>th</sup> July 2019

Subject: Erection of 2.4m high palisade fence to car park area at  
Car Park Off Orchard Street, Greenock

## SITE DESCRIPTION

The application 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 the 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 forms 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 thus establishing its indivisibility from the shop.

Planning permission was refused on appeal by the Local Review Body in April 2019 for the erection of a 2.4m high palisade fence and gates around the car park as 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, would result in the loss of off-street car parking (planning application 18/0084/IC). This would have encouraged on-street customer, staff and service vehicle parking to the detriment of road safety on Ingleston Street and Orchard Street.

In this revised proposal, the only differences are that the applicant has removed the gates which were going to be placed across the access road to control entry to the car park and car park markings are to remain.

## 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**

The Proposed Plan has been through examination and the Reporter's recommended modifications were reported to the Council's Environment and Regeneration Committee on 2 May 2019. The Council is therefore in the process of moving to adopt the Proposed Plan. Reference to the Proposed Plan in this report incorporates the Reporter's recommended modifications and the non-notifiable modifications approved on the 2 May 2019.

### **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 Service – Roads and Transportation** – Comments provided as follows:

- Any gates to be open at all times during shop opening hours throughout the lifetime of this land use.
- Any gates shall open into the car park.
- Safe access to shop from the car park to be given via a gate close to the shop access.
- 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.
- Applicant to demonstrate how deliveries will access the shop from the car park.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 3rd May 2019 as there are no premises on neighbouring land.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

One objection has been received. The objector is concerned that:

- The proposal differs only from the previous refused proposal by deletion of the gates.
- The fencing will prevent direct access to the shop for staff, customers and service vehicles.
- It would create conflict between pedestrians and vehicles for those still attempting to use the car park and access the shop.
- The proposal seeks to break up the planning unit of the shop and car park.

## **ASSESSMENT**

Planning permission was recently refused for the erection of 2.4 metres high galvanised fencing in the same position as shown on the submitted plans. The only differences in the current proposal, as noted above, are that gates are not shown across the access road from Orchard Street and that the car park markings are to remain.

Planning application 18/0084/IC was refused on the grounds that "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 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." It therefore only remains to be considered whether or not the changes to the proposal address the reasons for refusal of the previous application. The material considerations to be addressed in this respect are the adopted and proposed Inverclyde Local Development Plans, the consultee reply and the objection.

Apart from location within a mainly residential area under Policies RES1 of the adopted Inverclyde Local Development Plan and 20 of the proposed Plan, there are no other policies of direct relevance to the proposal.

The Head of Service – Roads and Transportation raises five points of concern. I have attempted to resolve with the applicant what I consider to be the key issue of greatest concern with respect to the functioning of the associated shop unit, this being the provision a safe access to the shop from the car park via a gate close to the shop access. As presently proposed any delivery vehicles, staff or customers using the car park would only be able to access the shop by walking back along the access road. This potentially brings them into conflict with vehicles entering and leaving the car park, which would be detrimental to pedestrian and traffic safety. Furthermore, this potentially dangerous clash and the distance to be walked, particularly for delivery drivers carrying goods, leads me to conclude that it is extremely likely that the car park would become little used, with on-street customer, staff and service vehicle parking likely to occur to the detriment of road safety on Ingleston Street and Orchard Street. It was considered that this could be addressed by providing a gate opening in the fence close to the point of access to the shop. The applicant has, however, rejected this suggestion and requests that the application to be determined as submitted.

I consequently agree with the concerns of the objector that the proposed fencing will prevent direct access to the shop for staff, customers and service vehicles and that it would create conflict between pedestrians and vehicles for those still attempting to use the car park and access the shop. It is important that the integrity of the planning unit for the development granted planning permission in 2004 is defended in the interests of pedestrian and traffic safety.

## **RECOMMENDATION**

That the application be refused for the following reasons:

1. The proposed fencing, by reason of its positioning, will discourage use of the car park by customers, staff and delivery vehicles. This will encourage on-street customer, staff and service vehicle parking to the detriment of road safety on Ingleston Street and Orchard Street.
2. The proposed fencing, by reason of its position, would result in customers, staff and delivery vehicle drivers that do use the car park walking on the access road thus potentially coming into conflict with vehicles to the detriment of pedestrian and traffic safety.



Signed:



Case Officer: David Ashman



↑ 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: 19/0100/IC

Online Ref:100162558-001

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

Mr Raja Masroor  
31 Ingleston Street  
GREENOCK  
PA15 4UQ

Nicholson McShane Architects  
Douglas Nicholson  
Suite 1-01  
Custom House  
Custom House Place  
GREENOCK  
PA15 1EQ

With reference to your application dated 29th April 2019 for planning permission under the above mentioned Act and Regulation for the following development:-

**Erection of 2.4m high palisade fence to 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 proposed fencing, by reason of its positioning, will discourage use of the car park by customers, staff and delivery vehicles. This will encourage on-street customer, staff and service vehicle parking to the detriment of road safety on Ingleston Street and Orchard Street.
2. The proposed fencing, by reason of its position, would result in customers, staff and delivery vehicle drivers that do use the car park walking on the access road thus potentially coming into conflict with vehicles to the detriment of pedestrian and traffic safety.

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

Dated this 12th day of September 2019

[REDACTED]  
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 B    | 12.04.2019 |
| 2371_D.001  | Rev B    | 12.04.2019 |

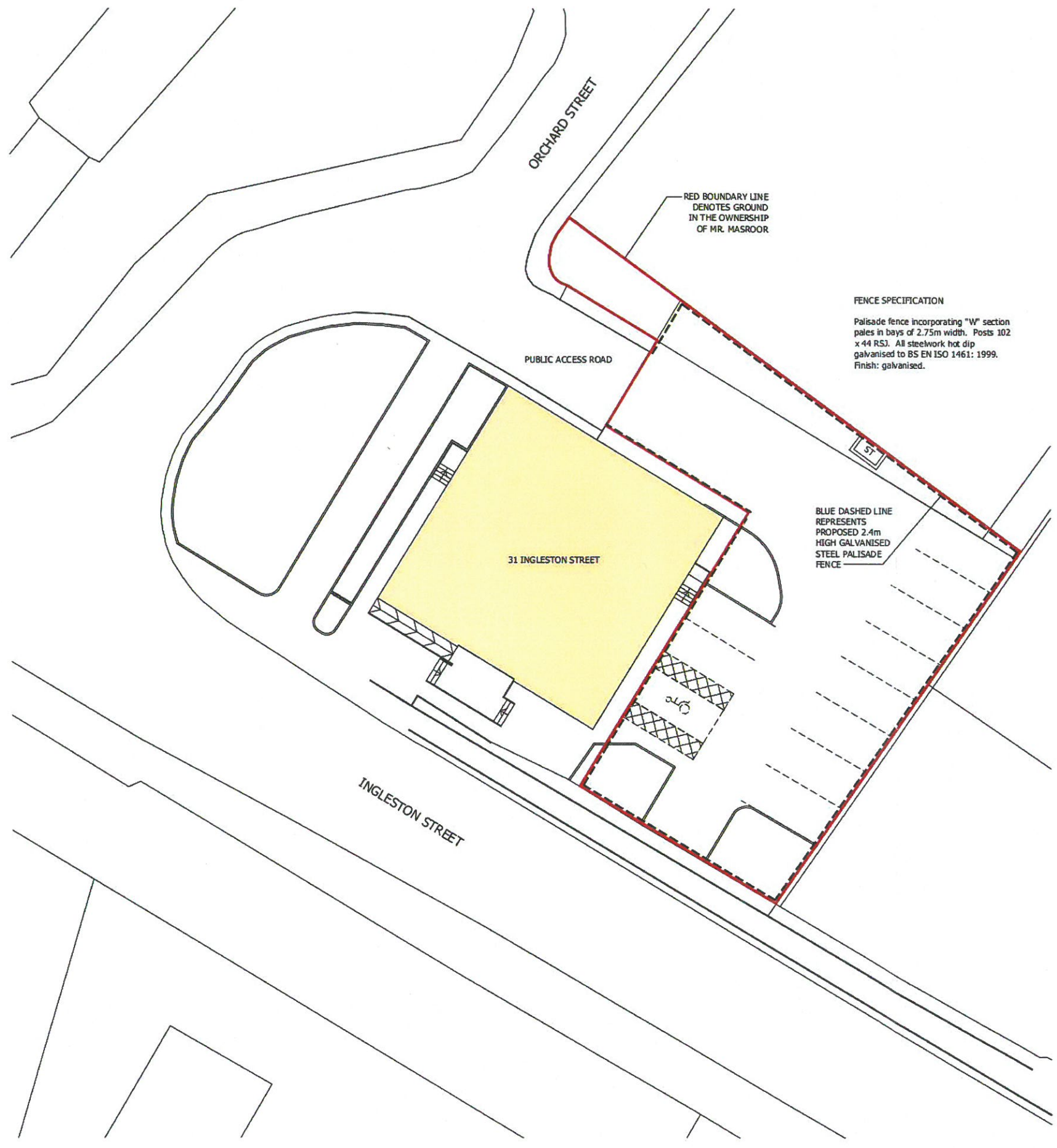
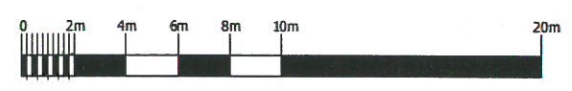


IMAGE SHOWING TYPICAL FENCE ARRANGEMENT



IMAGE SHOWING TYPICAL GATE ARRANGEMENT



| REVISION | DESCRIPTION                       | DATE     |
|----------|-----------------------------------|----------|
| A        | Amended as per planning comments  | 16-05-18 |
| B        | Description and proposals amended | 12-04-19 |
|          |                                   |          |
|          |                                   |          |
|          |                                   |          |
|          |                                   |          |



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

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

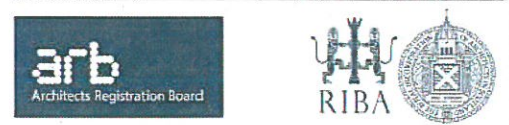
REVISION  
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DATE  
02-03-18

DRAWN BY  
-

CHECKED BY  
-



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PLAN AS PROPOSED





| REVISION | DESCRIPTION                      | DATE     |
|----------|----------------------------------|----------|
| A        | Amended as per planning comments | 16-05-18 |
| B        | Description amended              | 12-04-19 |
|          |                                  |          |
|          |                                  |          |
|          |                                  |          |
|          |                                  |          |



**nicholson  
mcshane  
architects**

UNIT 10, LADYBURN BUSINESS PARK,  
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|                             |
|-----------------------------|
| <b>CLIENT</b><br>Mr Masroor |
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|                                                              |
|--------------------------------------------------------------|
| <b>PROJECT TITLE</b><br>Erection of 2.4m high palisade fence |
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|-----------------------------------------------------------------|
| <b>PROJECT ADDRESS</b><br>Car park off Orchard Street, Greenock |
|-----------------------------------------------------------------|

|                                       |
|---------------------------------------|
| <b>DRAWING TITLE</b><br>Location Plan |
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| <b>DRAWING STATUS</b><br>PLANNING | <b>PAPER SIZE</b><br>A3 |
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| <b>DRAWING NUMBER</b><br>2371_LP | <b>REVISION</b><br>B |
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| <b>SCALE</b><br>1:500 | <b>DATE</b><br>09-03-18 | <b>DRAWN BY</b><br>- | <b>CHECKED BY</b><br>- |
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LOCATION PLAN 1:500



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



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

3 January 2020

Dear Sirs

**FURTHER COMMENTS RELATING TO PLANNING APPLICATION REF:  
19/0100/IC AND SUBSEQUENT NOTICE OF REVIEW SUBMITTED BY  
APPLICANT  
ERECTION OF 2.4 M PALISADE FENCING TO 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 12 September 2019.

As Members of the Review Board are aware this new Planning Application is merely the re-submission of a previous application (Ref: 18/0084/IC), see below.

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.

As detailed above, Mr Masroor has previously submitted a similar planning application to the Council, Ref: 18/0084/IC, which was refused planning permission in July 2018. The reason for Refusal indicated that:

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 on-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.

A submission was made to the Local Review Body of Inverclyde Council by the Applicant, in respect of this refusal of planning permission, and on the 3 April 2019, after careful consideration, the Review Body dismissed the Review Application and accepted that the application had been correctly refused by the Appointed Officer for the reasons outlined on the Decision Notice.

This new application, submitted only 26 days after the decision of the Review Body had been taken, differs from the previous application in substance, only by the deletion of the proposed gates into the car park area and additionally that the fencing now blocks the pedestrian exit from the car park which provides direct access to the shop entrance.

The erection of the fencing round the car park, in particular the fencing along the west side of the car park, will prevent direct access to the shop for customer, staff and service vehicles.

This new application, albeit with the deletion of the gates into the car park area, will have exactly the same impact as would the previous proposal as the direct line of access from the car park to the shop would be prohibited by the proposed fencing.

The Reports of Handling relating to both this application and the previous application confirm that the "Planning Unit" comprises the shop and the car parking area, this view was supported by the Local Review Body in the previous application.

This new application is merely a variation to the previous consent and yet another attempt to break up the "Planning Unit" by making the journey for pedestrians from the car park to the shop so circuitous and inconvenient as to render the car park unusable.

The proposed 2.4m fencing round the site would, for those patrons to the premises attempting to make use of the car parking area, force them to walk round the back of the premises through the traffic entering and leaving the car parking area to the detriment of their safety.

The reasons for Refusal in respect of the current application were:

1. The proposed fencing, by reason of its positioning, will discourage use of the car park by customers, staff and delivery vehicles. This will encourage on-street customer, staff and service vehicle parking to the detriment of road safety on Ingleston Street and Orchard Street.
2. The proposed fencing, by reason of its position, would result in customers, staff and delivery vehicle drivers that do not use the car park walking on the access road thus potentially coming into conflict with vehicles to the detriment of pedestrian and traffic safety.



In the Grounds of Review submitted to the Review Body the Appellant has made reference to an email obtained from the Planning Authority in respect of the previous Planning Application, which pre dates the determination of the previous application. The relevance of this historic exchange with a planning officer has absolutely no relevance to this current application.

In regard to the other four points highlighted by the Appellant in his submission, none of these address the grounds of refusal issued by the Planning Authority in that the erection of the fencing round the car park area would prohibit direct access to the shop from the car parking area.

[REDACTED] the barriers along part of the frontage do not deter potential parking on the street and it is possible to park at least three cars [REDACTED] at this location, all to the detriment of traffic safety, if the proposed fencing is erected round the car parking area.

Point c, suggests that pedestrian access would be no different than other local supermarkets, i.e. forcing pedestrians to walk along the main access road into the car parking area with the associated vehicular/pedestrian conflict to gain access to the supermarket rather than safely use the existing safe pedestrian access. Again this statement is laughable.

The comments in point d. in regard to staff car parking appear absurd, bearing in mind the existing completely safe parking provision and access arrangements.

The facts of the matter are that if the fencing is erected then there will be no direct access from the car parking area to the shop and will be of severe detriment to the "planning unit" and to road safety.

The Appellant has failed to submit any justifiable grounds of Appeal to the Review Body, and as such the Board has no option other than to dismiss this submission and Uphold the decision of the Head of Planning to Refuse Planning Permission for the erection of the fencing.

Yours sincerely

[REDACTED]  
**J BRYCE BOYD**

**9. SUGGESTED CONDITIONS SHOULD PLANNING  
PERMISSION BE GRANTED ON REVIEW**



**ERECTION OF 2.4M HIGH PALISADE FENCE TO CAR PARK:  
CAR PARK OFF ORCHARD STREET, GREENOCK (19/0100/IC)**

**Suggested conditions should planning permission be granted on review**

**Conditions:**

1. That the development hereby permitted shall be commenced no later than three years from 4 March 2020.
2. That prior to the fencing hereby permitted being erected means of a pedestrian access through the fencing, completely separate from the vehicular access and located to the south-west of the application site, shall be submitted to and approved in writing by the Planning Authority. The means of access shall be provided upon erection of the fencing and shall be maintained unobstructed at all times thereafter that the adjacent store is in use.

**Reasons:**

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In the interests of the safety of pedestrians.