

A meeting of the Local Review Body will be held on Wednesday 4 March 2020 at 4pm or following conclusion of the meeting of the Planning Board (if later) within the Municipal Buildings, Greenock.

GERARD MALONE
Head of Legal and Property Services

BUSINESS

1. Apologies, Substitutions and Declarations of Interest	Page
2. Planning Applications for Review (a) Mr R Masroor Erection of 2.4m high palisade fence to car park area: Car Park off Orchard Street, Greenock (19/0100/IC)	 p
(b) Mrs C Arhimandritis Removal of condition No. 2 of Planning Permission 17/0136/IC: 66 Union Street, Greenock (19/0197/IC)	p

Enquiries to - **Rona McGhee** - Tel 01475 712113

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**
- 7. Notice of Review Form dated 29 November 2019 with supporting documentation from Nicholson McShane Architects**
- 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

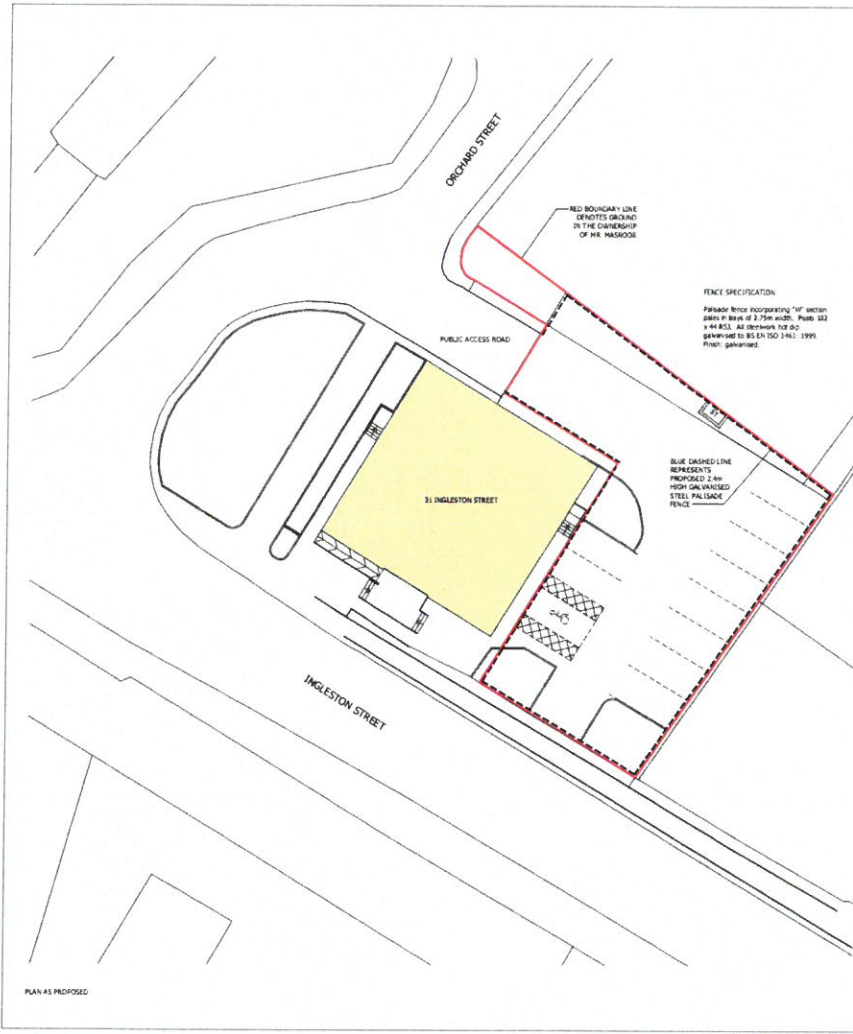


IMAGE SHOWING TYPICAL FENCE ARRANGEMENT



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 GROUP COMPANY LIMITED (INCORPORATED IN SCOTLAND)

**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

Premier
Convenience







PLASTERING - ROUGHCASTING
PLUMBING - JOINERY - ROOFING

T. HIGGINS
ELECTRICAL
Property Maintenance

th.maintenance@hotmail.co.uk

THINKERTY

CHAS

22

500

0141 445 5872 07817 881156





PLASTERING - ROUGHCASTING
PLUMBING - JOINERY - ROOFING



T. HIGGINS
Electrical

Property Maintenance

t.higgins@btinternet.com

CSCS

TRUSTPIL



0141 445 5872 07817 881156

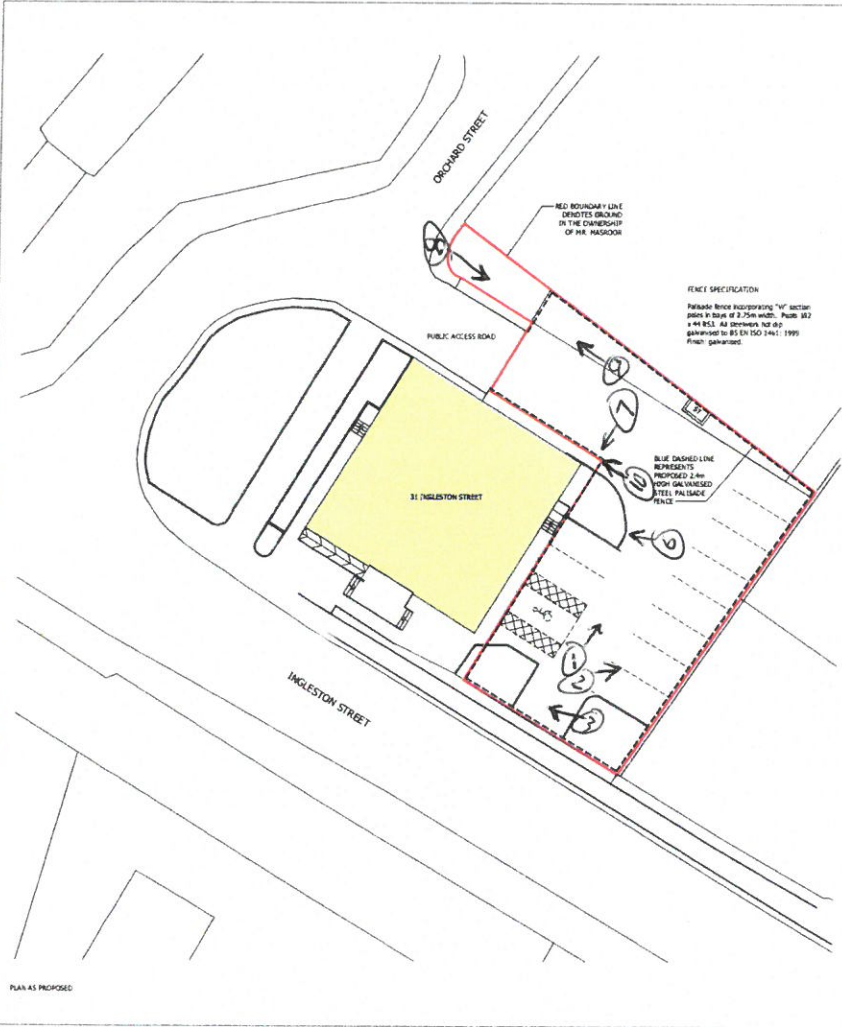


IMAGE SHOWING TYPICAL FENCE ARRANGEMENT



IMAGE SHOWING TYPICAL GATE ARRANGEMENT

REVISION	DESCRIPTION	DATE
A	Amended as per planning conditions	10-05-18
B	Description and proposals amended	11-06-18



UNIT 14 LADYBURN BUSINESS PARK,
POTTERY STREET, GREENOCK, PA15 2JH
E info@nicholsonmcshane.co.uk
T 01475 335025
W nicholsonmcshane.co.uk

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**

REPORT OF HANDLING

Report By: David Ashman

Report No: 19/0100/IC

**Contact
Officer:** 01475 712416

Date: 19th 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.

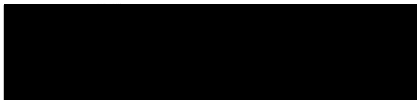
I consequently agree with the concerns of the objector that the proposed fencing will prevent direct access to the shop for staff, customers and service vehicles and that it would create conflict between pedestrians and vehicles for those still attempting to use the car park and access the shop. It is 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

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

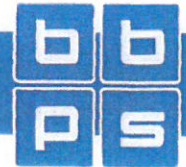
Construction Consent (S21)*	Not Required/ Required for all road works
Road Bond (S17)*	Not Required/ Required if building works are to be undertaken before roads are completed
Road Opening Permit (S56)*	Not Required/ Required for all works in the public road
Other	Not Required/ Section 50 agreement

*Relevant Section of the Roads (Scotland) Act 1984

Signed: [Redacted Signature]
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/>

Drawing No:	Version:	Dated:
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



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 19th 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: 19th 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

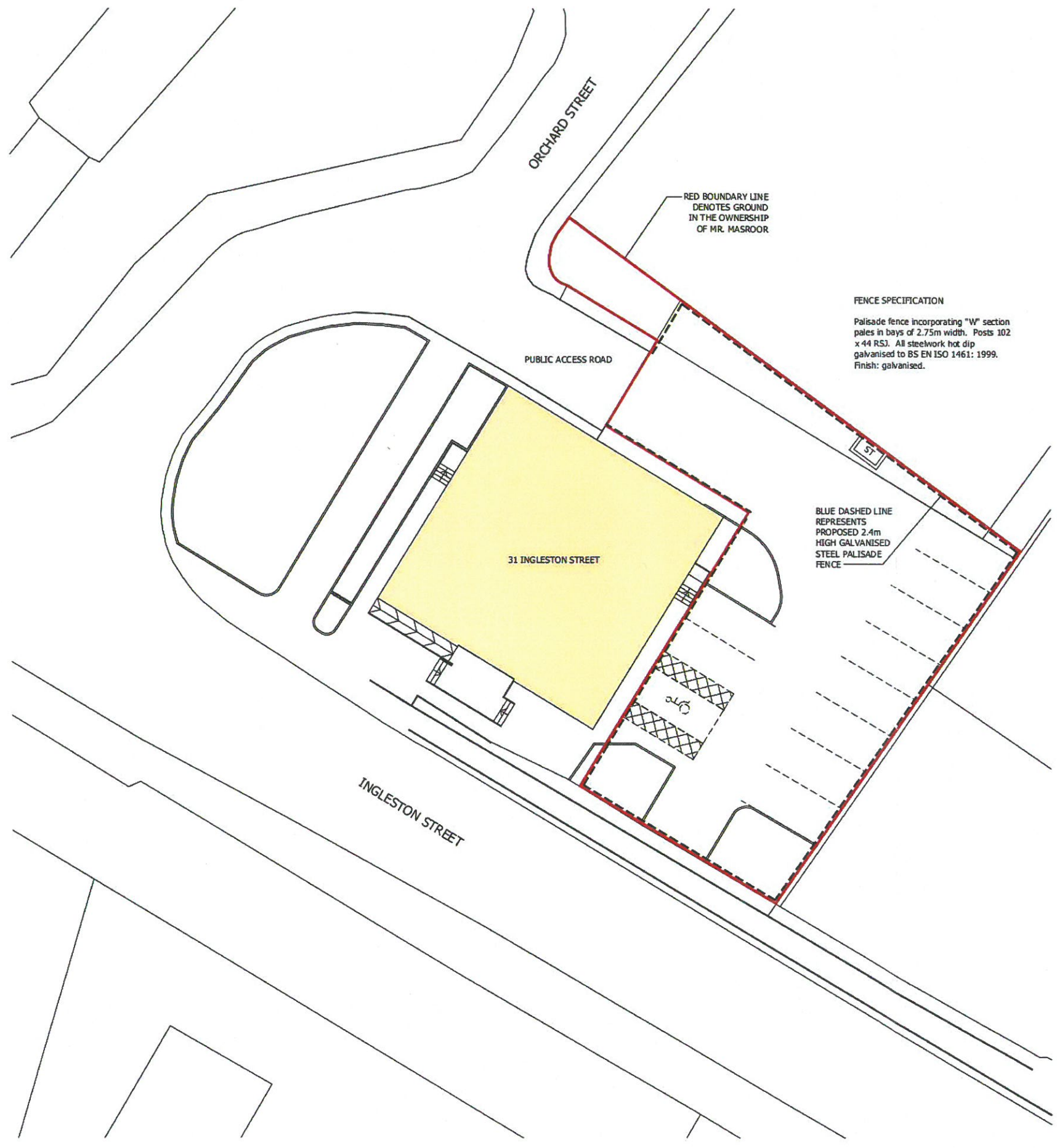


- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with 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



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.

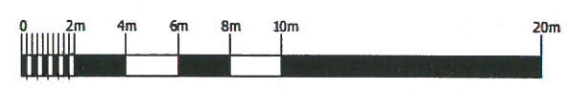
BLUE DASHED LINE REPRESENTS PROPOSED 2.4m HIGH GALVANISED STEEL PALISADE FENCE



IMAGE SHOWING TYPICAL FENCE ARRANGEMENT



IMAGE SHOWING TYPICAL GATE ARRANGEMENT



PLAN AS PROPOSED

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

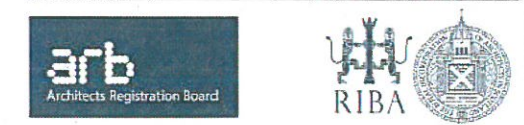
REVISION
 B

SCALE
 1:200

DATE
 02-03-18

DRAWN BY
 -

CHECKED BY
 -



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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,
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 off Orchard Street, Greenock

DRAWING TITLE Location Plan

DRAWING STATUS PLANNING	PAPER SIZE A3
-----------------------------------	-------------------------

DRAWING NUMBER 2371_LP	REVISION B
----------------------------------	----------------------

SCALE 1:500	DATE 09-03-18	DRAWN BY -	CHECKED BY -
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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.

LOCAL REVIEW BODY

4 MARCH 2020

PLANNING APPLICATION FOR REVIEW

MRS C ARHIMANDRITIS

**REMOVAL OF CONDITION NO. 2 OF PLANNING PERMISSION 17/0136/IC:
66 UNION STREET, GREENOCK (19/0197/IC)**

Contents

- 1. Planning Application dated 3 July 2019 together with plan**
- 2. Appointed Officer's Report of Handling dated 20 September 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>
- 3. Consultation response in relation to planning application**
- 4. Representations in relation to planning application**
- 5. Decision Notice dated 20 September 2019 issued by Head of Regeneration & Planning**
- 6. Notice of Review Form dated 16 December 2019 with supporting documentation from McEwan, Hainey, Planning & Development Consultants**
- 7. Further representations submitted following receipt of Notice of Review**
- 8. Additional Statement from McEwan Hainey, Planning & Development Consultants, in relation to further representations**

**1. PLANNING APPLICATION DATED 3 JULY 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 100175343-001

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.

Please give the application reference no. of the previous application and date when permission was granted.

Application Reference No: *

17/0136/IC

Date (dd/mm/yyyy): *

12/06/2017

Description of Proposal

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

Removal of Condition No.2

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:	Ryden		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ged	Building Name:	
Last Name: *	Hainey	Building Number:	130
Telephone Number: *	01412703107	Address 1 (Street): *	St Vincent Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G2 5HF
Email Address: *	ged.hainey@ryden.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Clare	Building Number:	66
Last Name: *	Arhimandritis	Address 1 (Street): *	Union Street
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	Greenock
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	PA168bl
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Inverclyde Council

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

Address 1:

66 UNION STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GREENOCK

Post Code:

PA16 8BL

Please identify/describe the location of the site or sites

Northing

677126

Easting

226941

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Discussed in general terms application process.

Title:

Mr

Other title:

Mr

First Name:

David

Last Name:

Ashman

Correspondence Reference
Number:

Date (dd/mm/yyyy):

10/07/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

100.00

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)

Short term residential holiday letting

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?

0

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.

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: Ged Hailey

On behalf of: Mrs Clare Arhimandritis

Date: 31/07/2019

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)

Planning Statement

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.

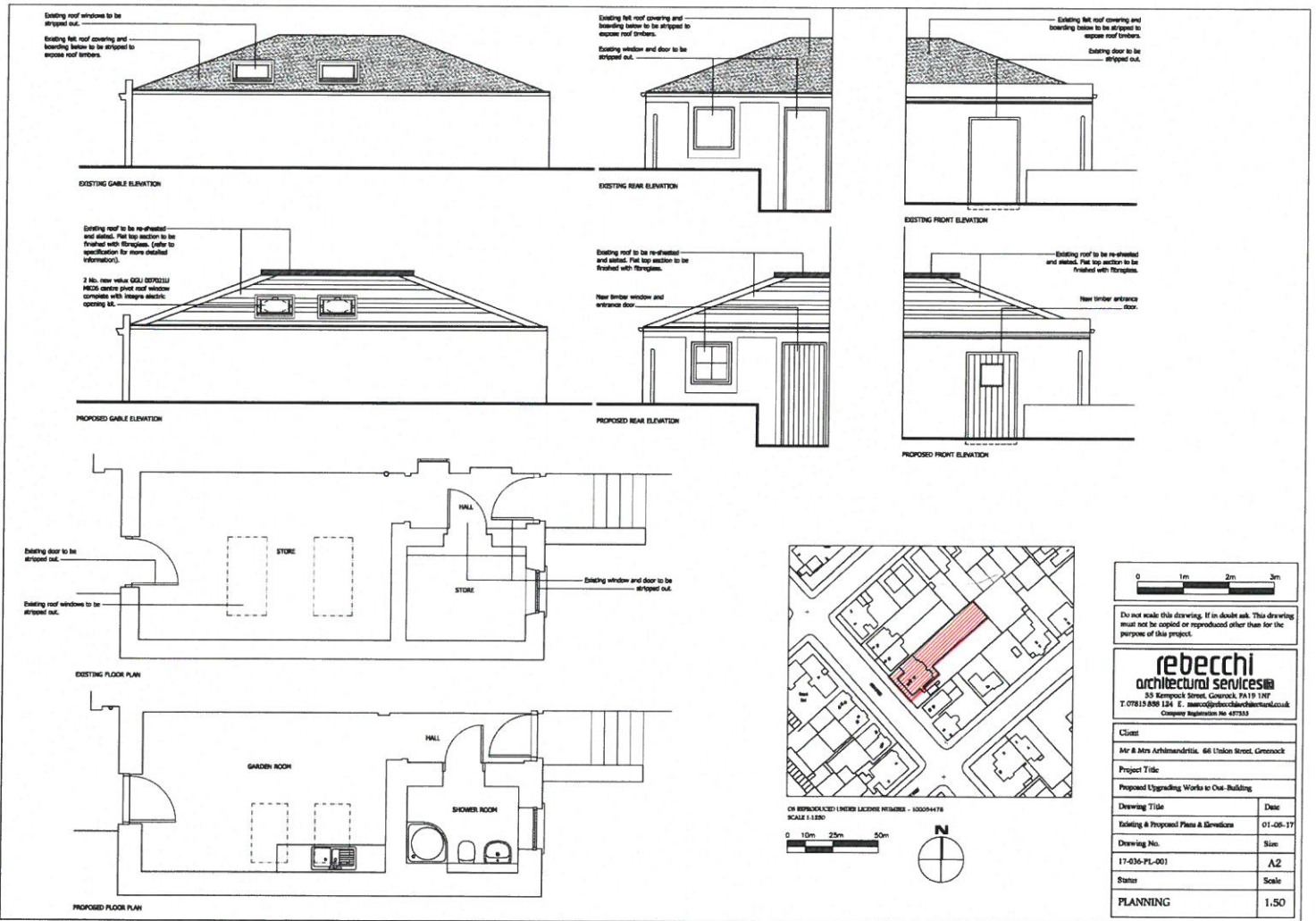
Declaration Name: Mr Ged Hainey

Declaration Date: 31/07/2019

Payment Details

Telephone Payment Reference:

Created: 31/07/2019 15:14



**2. APPOINTED OFFICER'S REPORT OF HANDLING
DATED 20 SEPTEMBER 2019**

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.

Policy 28 - Conservation Areas

Proposals for development within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

Policy 27 - Tourism Development

Proposals for change of use of tourism related facilities will only be supported where it can be demonstrated that they are no longer viable as a business in their current use.

Development of tourism related facilities will be supported in appropriate locations where:

- a it avoids adverse impact on the amenity and operation of existing and adjacent uses;
- b major trip-generating proposals can be accessed by sustainable means; and
- c it is appropriately designed for its location and avoids significant adverse impact on the green network and historic buildings and places.

2014 INVERCLYDE LOCAL DEVELOPMENT PLAN

At the time of application submission, the 2014 Inverclyde Local Development Plan formed part of the Development Plan against which planning applications required to be assessed.

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.

Policy HER1 - Development which Affects the Character of Conservation Areas

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

Policy ECN6 - Tourist Facilities and Accommodation

The provision of new or extended tourist facilities and accommodation, including caravan parks, will be assessed against the following criteria:

- (a) impact on amenity and landscape (adjoining properties, natural and built heritage and environmental resources);
- (b) standard of design;
- (c) impact of traffic generation, access, parking and road safety ;
- (d) accessibility by public transport; and
- (e) social and economic benefit.

CONSULTATIONS

Head of Service – Roads and Transportation – No objections.

PUBLICITY

The application was advertised in the Greenock Telegraph on 23rd August 2019.

SITE NOTICES

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

PUBLIC PARTICIPATION

Eleven representations were received from nine individuals, ten in support and one which makes several observations. The points in support of the application are that:

- The operation of the let is not causing parking or noise issues.
- Considerable investment was made by the applicants in the property.
- The operation supports local businesses and brings tourists to the town

The representation makes the following points:

- The person concerned was not approached about the proposal.
- Could a personal consent be granted to the applicant or could it operate for a 3 year period? If not, the following concerns apply:
 - The short term let operation could be purchased as a going concern and run by others. without an interest in control of who resides in the building.
 - Potential use of associated garden area for anti-social activity.
 - On-street parking spaces are at a premium at night.
 - The operation of a business activity detracts from the character of the Conservation Area.
 - Potential precedent for the use of former washhouses.
 - The letters of support have been prompted to support the present Airbnb operation and do not address the potential implications.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan (LDP), the consultation reply, the planning history of the site, the representations and the impact on residential amenity. Whilst noting the contents of the supporting statement and submissions in support of the proposal, it is important to remember that the application is specifically in respect of removing the condition tying the use of the outbuilding to the associated flatted dwelling. The Airbnb use of the outbuilding is unauthorised and potentially subject to enforcement action.

The application site is located within a mainly residential area under Policy 20 of the LDP. This policy requires that proposals for development within residential areas be assessed with regard to their impact on the amenity, character and appearance of the area. It is also located within a conservation area under Policy 28. This policy requires that proposals are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. The Greenock West End Conservation Area was subject to a Conservation Area Appraisal in March 2016. It recommended that new development should be in accord with the prevailing form of historic development, including the scale, massing and historic layout of buildings. Policy 1 requires proposals 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. Finally, Policy 27, which the applicant has referred to, addresses tourism proposals, setting criteria for their acceptability comprising of a. it avoids adverse impact on the amenity and operation of existing and adjacent uses; b. major trip-generating proposals can be accessed by sustainable means; and c. it is appropriately designed for its location and avoids significant adverse impact on the green network and historic buildings and places.

The determining factor is whether or not the condition should be removed, thus allowing the outbuilding to be occupied independently of the associated flat, and whether or not this would impact on the amenity, character and appearance of this part of the Conservation Area, and whether or not it would preserve or enhance its conservation area characteristics.

This part of the Conservation Area is defined by substantial buildings set within very generous garden grounds. A considerable number of the buildings which were substantial mansions, have been subdivided into flatted properties, with each having its own dedicated garden ground. These grounds, however, are still of substantial size relative to the more contemporary flatted developments.

This proposal seeks to divorce the outbuilding from the associated flatted dwelling, allowing it to be occupied as an independent unit. Approval of such a proposal would create a new planning unit of a wholly disproportionately smaller size to the established pattern of development within this part of the Conservation Area. Furthermore independent occupation of the outbuilding, for whatever use and by whatever party, would lead to an intensification of the use of the property and comings and goings beyond what is reasonably expected of the currently sub-divided former villa. This would be to the detriment of the amenity of existing neighbouring properties with respect to noise and activity. The current unauthorised Airbnb use is illustrative of what could occur. Although currently being run by the present occupier of the associated flatted property, a future owner could easily sell the business on as a going concern to others not resident in the flat who may have a less sympathetic approach to neighbouring proprietors.

I therefore consider that the proposal would be to the detriment of the amenity and character of the area were it to proceed, and that the proposal is thus contrary to the aims of Policies 20 and 28 of the LDP. It follows that it would not result in a successful place under Policy 1 as it could create conflict between adjacent uses, particularly in respect of noise.

It remains to be considered, however, if there are any other material considerations which suggest that planning permission should be granted, notwithstanding my conclusion in the assessment of the LDP. In this connection I firstly turn to the applicant's supporting statement.

Policy 27 of the LDP is mentioned by the applicant in support of the proposal. I regard this, however, as irrelevant to assessment of the merits of the proposal. Notwithstanding the present unauthorized operation, the application is not in respect of an Airbnb operation but rather the deletion of a condition tying the occupation of the outbuilding to the associated flatted dwelling. Other matters raised such as the perceived benefits to the local economy, the level of activity, the support of neighbours for the proposed use of the outbuilding, the outbuilding remaining with the title deeds of the associated flat, the management of the proposed operation and the Council's attitude to short term lets are also irrelevant. It is also claimed that there is ample on-street parking. Although this is not the view of one of the individuals who has written in connection with the application, I note that the Head of Service – Roads and Transportation has no objection to the proposal.

Turning to the representations and those points not already addressed, neither a personal nor a time limiting consent for the removal of the condition would be appropriate. If it is considered that separation of the outbuilding from the associated flatted dwelling is acceptable on these grounds then it would be perverse to even try to reinstate an association at some future point. I acknowledge the concerns over potential future use of the shared garden area. I also note concerns about a precedent being set for similar former washhouses and whilst I have some sympathy for this point of view each application has to be considered on merit.

Overall I find that there are no material considerations which suggest that there are grounds which support removal of the restrictive condition preventing the operation of the outhouse independent of the associated flatted dwelling. To lift the restriction could result in a level of activity not typically associated with the flatted dwelling and accordingly would have the potential to cause undue disturbance to neighbouring amenity, contrary to the aims of Policy 20 of the LDP. The creation of a new, wholly disproportionately smaller size planning unit in the context of the established pattern of development would neither preserve nor enhance the character and appearance of the Conservation Area and would therefore be contrary to the aims of Policy 28 of the LDP. It follows that it would not result in a successful place under Policy 1 due to the potential for conflict between adjacent uses, particularly in respect of noise and activity.

The above policy assessment continues the approach of the 2014 Local Development Plan in seeking to safeguard residential amenity under Policy RES1 and to achieve development sympathetic to the character, pattern of development and appearance of the area under Policy HER1.

RECOMMENDATION

That the application be refused for the following reasons:

1. That withdrawal of condition 2 of planning permission 17/0136/IC would result in a planning unit of disproportionately smaller size in the context of this part of the Greenock West End Conservation Area, to the detriment of the character of the area under Policy 28 of the Inverclyde Local Development Plan.
2. That the potential usage of this smaller planning unit, independent of the associated flatted dwelling, could result in the creation of additional activity, noise and on-street parking to the detriment of the residential amenity of the area, contrary to the aims of Policy 20 of the Inverclyde Local Development Plan.
3. That the proposal accordingly would not result in a successful place, contrary to the aims of Policy 1 of the Inverclyde Local Development Plan.

Signed:



Case Officer: David Ashman



Stuart Jamieson
Head of Regeneration and Planning

**3. CONSULTATION RESPONSE IN RELATION TO
PLANNING APPLICATION**

To: Head of Regeneration & Planning

From: Head of Roads & Transportation

Subject: Observations On Planning Application

Detail: Removal of Condition No. 2 of planning permission 17/0136/IC

Site: 66 Union Street, Greenock, PA16 8BL

Your Ref: 19/0197/IC

Our Ref: KM/14/04/19/0197/IC

Contact: K McMillan

Tel: (01475) 714841

PA Ref: 19/0197/IC

Dated: 14/08/2019

Received: 14/08/2019

Applicant: Mrs Clare Arhimandritis

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

Comments:

1.	Parking should be provided in accordance with the National Guidelines:	
	1 bedroom	1 parking space
	2-3 bedrooms	2 parking spaces
	4 bedrooms	3 parking spaces
The garden studio requires 1 additional parking space.		

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/ ***

*Relevant Section of the Roads (Scotland) Act 1984

Signed: 
Steven Walker, Service Manager (Roads)

Date: 21/10/2019

4. REPRESENTATIONS IN RELATION TO PLANNING APPLICATION

Comments for Planning Application 19/0197/IC

Application Summary

Application Number: 19/0197/IC

Address: 66 Union Street Greenock PA16 8BL

Proposal: Removal of Condition No. 2 of planning permission 17/0136/IC

Case Officer: David Ashman

Customer Details

Name: Mrs LYNSEY YOUNG

Address: 68a Union Street Greenock

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: We have no concerns with the proposed application by our neighbours and support their intention to use their outhouse as an airbnb property.

L Young



Sent: 14 August 2019 20:17

Subject: Re 66 Union st planning application 19/0197/IC

I support this application as my neighbour's are responsible people who have spent a lot of money restoring a dilapidated outbuilding a lot of money was spent on this project. It makes no impact to me as a neighbour at 70 Union st it does not effect parking or noise in the street.

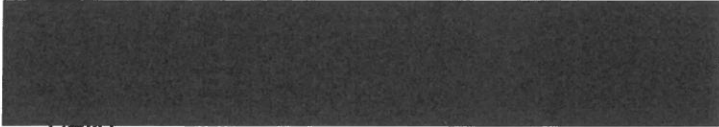
Regards
Claire and Danny McLaughlin

Ryden



Mr & Mrs P Arhimandritis 66 Union Street

1 message



9 July 2019 at 19:29

FRIEND,

I am writing to confirm that my husband and I support Mr & Mrs Arhimandritis's application to advertise their outbuilding on Airbnb. It has had no impact on anything what so ever, to the point that until recently, we didn't even realise that they had the outbuilding on Airbnb. There has been no noise or parking issues. I would recommend that their application be approved.

Kind regards,

*Moira & Bryn Hopper
68b Union Street
Greenock
PA16 8BL*

Dear Sir,

We, Mr and Mrs Raphaël Albarracin residing at 66a Union Street , would like to express our support for the use of the former outbuilding at No 66 Union Street as a rented property targeting visitors/tourists.

We know the property has been let out for around six months. During that time, there has been absolutely no impact on us. As a courtesy, Mr and Mrs Arhimandritis asked us if we would mind the property being let out. Even as the only neighbours who could be directly affected by this, we had absolutey no problem with them letting the property out. On the contrary, we were both 100% supportive. It has had no negative impact on us whatsoever and we have in fact very much enjoyed talking with many of their guests.

I fail to understand how any one could be against this type of venture as we all should embrace this type of activity to help stimulate the local economy, bring tourists and visitors to the town to support local businesses.

We very much hope that the Council will look favourably on their application and support this business venture.

Yours faithfully

Mr and Mrs Albarracin

Comments for Planning Application 19/0197/IC

Application Summary

Application Number: 19/0197/IC

Address: 66 Union Street Greenock PA16 8BL

Proposal: Removal of Condition No. 2 of planning permission 17/0136/IC

Case Officer: David Ashman

Customer Details

Name: Mrs lisa albarracin

Address: 66A UNION STREET GREENOCK

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: My husband and I would like to express our full support for this planning application. As the only neighbours who could be directly affected by this, we have absolutely no problem with this planning application. On the contrary, we are both 100% supportive. It has had no negative impact on us whatsoever and we have in fact very much enjoyed talking with many of their guests.

We all should embrace this type of activity to help stimulate the local economy, bring tourists and visitors to the town to support local businesses.

Inverclyde Council
Regeneration and Planning
Municipal Buildings
GREENOCK
PA15 1LY



64 Union Street
GREENOCK
PA16 8BL

29 August 2019

FAO: Mr David Ashman
Private and Confidential

Dear Sir

Application Number 19/0197/IC – 66 Union Street

I am the owner/occupier of 64 Union Street, which forms the top flat above number 66 and the properties have parallel gardens separated by a fence. The dwelling is a category "B" listed former villa in the Greenock West End Conservation Area. With reference to the Neighbour Notification regarding the above application for planning permission, I wish to submit the following comments:-

1. For the record the Planning Statement in Support of the Planning Application, submitted by Ryden, states in the Background paragraph that "prior to letting out the property, my clients sought permission from their direct neighbours in advance of listing the outhouse and without exception, all expressed their support". In my case this is not true, I had no prior discussions with my neighbours regarding the short term letting of their outhouse. Mr and Mrs Arhimandritis have now apologised to me and explained that each thought the other had spoken to me, following their request that I provide some supportive comments to their application.
2. I have now discussed the management of the property and how it is currently let on Airbnb with my neighbours and they have advised me that they intend to let the outbuilding for maximum period of 3 years, to recoup some of the money spent on the refurbishment, after which it will revert to a family room. While I acknowledge that there have been no issues to date arising from the short term letting of the outbuilding, I have expressed some concerns regarding the implications for the longer term, if the application is granted. Namely, that if my neighbours sell their home and business then subsequent owners may not operate it to the same high standards, which could lead to problems of an anti-social behaviour nature. My neighbours have consulted Ryden and they have advised that planning permission could be either granted for a fixed period of 3 years or exclusively in the name of Mr and Mrs Arhimandritis to operate short term lets. If Condition Number 2 could be amended to be exclusively in the name of Mr and Mrs Arhimandritis, to operate short term lets for a maximum period of 3 years and the outbuilding remains within the title deeds of the main door flat at 66 Union Street, then I would support my neighbour's proposal. If it is not possible to thus amend Condition Number 2, then the following paragraphs outline my concerns if it is removed.
3. It is my understanding from the Decision Notice that Condition Number 2 of Planning Permission was imposed to control the use of the building in the interests of residential amenity. The removal of this condition could allow the title to the outbuilding to be separated from the associated property and subsequently sold as a short term letting business. If this happened then it could be purchased as a business opportunity by an absentee landlord, operated with a key safe and maintained using local housekeeping services. This scenario would certainly not be in the interests of the local residents. In the event of nuisance and anti-social behaviour it would be difficult, if not impossible for the neighbours or Community Wardens to make contact with the landlord. Anti-social behaviour could include noise and disturbance, destructive acts and littering by guests. There could also be an associated loss of privacy for the residents.

4. If the outbuilding was sold as a short term letting business, then it is possible that part of the large garden belonging to my neighbours could be included in the sale. Indeed, on Airbnb the garden is currently advertised as a perfect place to "relax at the end of the day with a glass of vino". Some guests could be visiting family or friends in the area and may see this as a perfect place to host a garden party, with the potential of damage to the fence separating the gardens or residents property.
5. The Planning Statement in Support of the Planning Application states that "there is ample on-street parking on Union Street". Due to the number of properties in the area, with a large number of flatted properties, parking places are at a premium especially at night after office hours.
6. Conservation Areas are "areas of special or historic interest the character or appearance of which it is desirable to preserve or enhance". The operation of business activities from private dwelling houses distracts from the distinct character of the Conservation Area. Due to the nature of the properties in the Greenock West End Conservation Area many will have similar outbuildings. Indeed, my neighbour's outbuilding is the former washhouse of the villa, when it was occupied as one house. If the removal of Condition Number 2 of Planning Permission is granted for this outbuilding, then it may encourage other property owners to apply for permission to convert their outbuildings and subsequently sell them as a short term letting business. This could lead to the operation of numerous short term letting businesses being run by absentee landlords, with associated nuisance and anti-social behaviour problems, which would destroy the character of this unique conservation area.
7. As I advised in Point Number 1 above, my neighbours requested that I provide some supportive comments to their application and indeed the Planning Statement in Support of the Planning Application indicates that there are a number of letters of support from neighbours attached as part of the application. Indeed, it also contains a letter of support from a local businessman, Antony Bonatti, Director of Tonino's Pizzeria Ltd. This concentrates on the tourism aspects and the current well run operation of the Airbnb. It is my view that neighbours and businesses have simply been asked to support the operation of the Airbnb and they do not appreciate or have not investigated what the potential implications are, as I have listed above, of the removal of Condition Number 2 of Planning Permission.

I am happy to be contacted if you require any further information or wish to clarify any of the comments made.

Yours faithfully

[Redacted signature block]

Miss Eleanor Di Murro

781210
[Redacted contact information]

**5. DECISION NOTICE DATED 20 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: 19/0197/IC

Online Ref:100175343-001

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

Mrs Clare Arhimandritis
66 Union Street
GREENOCK
PA16 8BL

Ryden
Ged Hainey
130 St Vincent Street
GLASGOW
G2 5HF

With reference to your application dated 1st August 2019 for planning permission under the above mentioned Act and Regulation for the following development:-

Removal of Condition No. 2 of planning permission 17/0136/IC at

66 Union 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. That withdrawal of condition 2 of planning permission 17/0136/IC would result in a planning unit of disproportionately smaller size in the context of this part of the Greenock West End Conservation Area, to the detriment of the character of the area under Policy 28 of the Inverclyde Local Development Plan.
2. That the potential usage of this smaller planning unit, independent of the associated flatted dwelling, could result in the creation of additional activity, noise and on-street parking to the detriment of the residential amenity of the area, contrary to the aims of Policy 20 of the Inverclyde Local Development Plan.
3. That the proposal accordingly would not result in a successful place, contrary to the aims of Policy 1 of the Inverclyde Local Development Plan.

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



Dated this 20th 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/>

Drawing No:	Version:	Dated:
17-036-PL-001		01.05.2017

**6. NOTICE OF REVIEW FORM DATED 16
DECEMBER 2019 WITH SUPPORTING
DOCUMENTATION FROM MCEWAN, HAINEY,
PLANNING & DEVELOPMENT CONSULTANTS**

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 100217206-001

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.

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:	Mcewan Hainey		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ged	Building Name:	
Last Name: *	Hainey	Building Number:	5
Telephone Number: *	07730929568	Address 1 (Street): *	Arnothill
Extension Number:		Address 2:	
Mobile Number:	07730929568	Town/City: *	falkirk
Fax Number:		Country: *	Scotland
		Postcode: *	FK1 5RZ
Email Address: *	ged.hainey@mcewanhainey.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Clare & Panos"/>	Building Number:	<input type="text" value="5"/>
Last Name: *	<input type="text" value="Arhimandritis"/>	Address 1 (Street): *	<input type="text" value="Arnohill"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Falkirk"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="██████████"/>	Postcode: *	<input type="text" value="FK1 5RZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="ged.hainey@mcewanhainey.com"/>		

Site Address Details

Planning Authority:	<input type="text" value="Inverclyde Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="66 UNION STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GREENOCK"/>
Post Code:	<input type="text" value="PA16 8BL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="677126"/>	Easting	<input type="text" value="226941"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Removal of Condition No 2 from Planning Consent 17/0136/IC (See supporting statement)

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Supporting Statement submitted as part of Notice

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

NOTICE OF REVIEW APPLICANT'S LIST OF DOCUMENTS & EVIDENCE (PAPER APART) Principal Documents ARH 1 Planning Application Form (Ref 9/0197/IC) ARH 2 Planning Consent (Ref 17/0136/IC) ARH 3 Location Plan and Existing & Proposed Plans and Elevations ARH 4 Planning Statement ARH 5 Planning Authority Decision Notice dated 20 September 2019 Related Supporting Documents ARH 6 Report of Handling by Case Officer (Dated 20th September 2019)

Application Details

Please provide details of the application and decision.

What is the application reference number? *

Ref 19/0197/IC

What date was the application submitted to the planning authority? *

01/08/2019

What date was the decision issued by the planning authority? *

20/09/2019

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Gate locked

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr GED HAINEY

Declaration Date: 16/12/2019

Notice of Review Site: Site at 66 Union Street, Greenock

**Notice of Review Proposal: Removal of Condition 2 No. 2 of
Planning Permission 17/0136/IC**

Applicant for Notice of Review: Panos and Clare Arhimandritis

Agent: McEwan Hainey, Planning & Development Consultants

LPA Ref: 19/0197/IC

NOTICE OF REVIEW APPLICANT'S STATEMENT (PAPER APART)

(This document extends to 7 pages)

1. Introduction

McEwan Hainey, Planning & Development Consultants act on behalf of Mr & Mrs Arhimandritis, owners of the subject property, 66 Union Street, Greenock. In this capacity, we are submitting a Notice of Review to Inverclyde's Local Review Board. This is against the decision of the Council's Planning Service under delegated power's to refuse a planning application(Planning Ref 19/0197/IC) under Section 42 of the act to remove a restrictive condition from a planning consent (Planning Ref 17/0136/IC).

2. The Application Site

There are a range of flatted properties in the vicinity, both subdivided former villas and more modern purpose-built flats. The property sits within the wider Greenock West End Conservation Area.

The subject site comprises of a category "B" listed detached dwelling which has been subdivided into flats. The appellants' own and live in the main door flat and also own a small outbuilding, attached to the north-western side elevation of the main house. This cannot be seen from Union Street, as it is located to the rear of a high stone wall and gate.

The outbuilding sits low relative to street level and comprises a stone built structure with two roof lights on the north-west facing roof slope. The building benefits from having a designated access gate from Union Street leading to the property's front door. There is also a door to the rear garden.

Internally, the accommodation consists of only one bedroom and shower room.

3. Planning History

The property has been the subject of various planning and listed building applications. Those pertinent to this case are:

Removal of Condition No. 2 of planning permission 17/0136/IC | 66 Union Street Greenock PA16 8BL (see Document ARH 1 Planning Application (Ref 19/0197/IC)

Proposed upgrading works to outbuilding at 66 Union Street, Greenock (see Document ARH 2 – Planning Consent (Ref 17/0136/IC)).

4. Background

The applicants' have lived and owned the subject property since 2006.

In 2017/2018 the applicants' secured consent for and implemented a £25k project to refurbish the outbuilding which is the subject of this review. Their restoration of this part of the listed building (which is located within a conservation area) protects the building for future generations. In exercising a duty of care to their home (through this work) the applicants' have clearly demonstrated that they are responsible home owners. The outbuilding will remain within the title deeds of the main door flat at 66 Union St.

Prior to letting out the property, the applicant's sought permission from their direct neighbours in advance of listing the outhouse, and without exception, all expressed their support. This is confirmed by the number of letters of support attached as part of the application. To recap, there were 11 representations, 10 of which were wholly positive, and only one representation made providing a number of 'observations'.

These observations included the comments on parking, potential for noise and antisocial behaviour etc. All of these points have been considered by the applicants' and through appropriate and robust management no detriment will result as a consequence of the removal of condition No 2 and use of the property for short term lets. Concern was raised about the option of selling the outbuilding as a separate business and this is discussed below.

The appellants' listed the outbuilding on Airbnb on 1 Feb 2019, and have hosted a number of visitors without any issues.

The applicants' now wish to regularise the planning matters relating to this property to allow them to continue with their Airbnb listing because they have enjoyed sharing their home and garden with guests from as far afield as Australia and India.

5. Applicant's Reasons for submitting a Notice of Review

The reasons for refusal set out within the Decision Notice, (Document ARH 5 Decision Notice) and the terms of the case officer's Report of Handling, (Document ARH 6 Report of Handling) show that there are no technical objections or obstacles to the approval of the proposal.

The reasons for refusal are founded on the following matters (summarised here), all of which involve the exercise of judgement:

- That the proposed development is contrary to the planning policies relating to the Greenock West End Conservation Area,
- Impact on residential amenity, and
- The proposal would not result in a successful place.

The applicants' submits that the Local Review Body is entitled to apply different judgement and therefore to reach a decision different to that of the case officer.

The applicants believe that there is sufficient supporting evidence for that view. That evidence is set out in the next section.

6. Supporting evidence

6.1 Reason for Refusal 1

That withdrawal of condition 2 of planning permission 17/0136/IC would result in a planning unit of disproportionately smaller size in the context of this part of the Greenock West End Conservation Area, to the detriment of the character of the area under Policy 28 of the Inverclyde Local Development Plan

Applicant's Response

Reason 1 for refusal notes the proposal would "*result in a planning unit of disproportionately smaller size in the context of this part of the Greenock West end Conservation Area...*" We would suggest that the planning unit is a somewhat academic notion when applied to the case in hand. The facts here are that there is a former outbuilding attached to a larger Victorian residential property. The outbuilding comprises one bedroom and shower room, and can be used for living in. The size of the planning unit really has no bearing here

In any case, what material impact does the size of a planning unit have? For example, a single detached domestic garage within the Greenock West End Conservation Area may be relatively small when compared to the large existing Victorian villas, but is not unacceptable simply because of its modest scale.

6.2 Reason for Refusal 2

That the potential usage of this smaller planning unit , independent of the associated flatted dwelling could result in the creation of additional activity, noise and on-street parking to the detriment of the residential amenity of the area, contrary to the aims of Policy of Policy 1 of the Inverclyde Local Development plan.

Applicant's Response:

Reason no 2 is based on a false premise, the proposal has never been to have the existing outbuilding independently operating for the associated flat located in the adjacent main house.

Reason No 2 notes that the proposal "could result in the creation of additional activity, noise and on-street parking to the detriment of the residential amenity of the area, contrary to the aims of Policy of Policy 1 of the Inverclyde Local Development plan." However, the actual occupation of the property, whether by a visitor travelling on business; a tourist visiting the town; or a member of the appellants'/owners' families who occupy the property is irrelevant. The impact of any of those occupiers, occupying on a temporary or indeed permanent basis, would be minimal.

It is worth highlighting that to date there has been no record of any detriment whatsoever to the residential amenity currently enjoyed by adjacent occupiers.

Indeed, a number of the applicants' neighbours have written in support of the proposal. This suggests that there is no issue here.

There is ample on-street parking on Union Street and it is worth mentioning that the Council's own Transportation Service has no objection to the proposal.

Visiting members of the applicants' family/friends could visit Greenock by car, park on Union Street and use the available living accommodation located within the annex to the main building without any consents required. In our view, this suggested visiting by members of the applicant's family/friends and the proposed operation as detailed in the planning application and subsequent review, are to all intents and purposes the same thing.

The notion of the property being independent from the main house does not bear scrutiny. The short term letting of the property will be managed and monitored by the applicants' who live in the adjacent flat. The property will remain in the same ownership. There is no proposal for the annex building, which is the subject of this application, to be wholly independent or to form completely separate living accommodation detached from the adjacent flat.

6.2 Reason for Refusal 3

That the proposal accordingly would not result in a successful place, contrary to the aims of Policy 1 of the Inverclyde Local Development Plan.

Applicant's Response

The proposal will result in no significant detrimental impact to the residential amenity currently enjoyed by residents in the vicinity of the subject property. The applicants' believe the proposal is in accordance with Policy I of the Inverclyde Local Development Plan.

7. Observations on Report of Handling

It is important to note that the proposed use of the building will in no way alter or change the physical character of the annex building, the adjacent Victorian mansion house nor the wider conservation area. The applicants' have already invested heavily in the property, bringing back into active use a disused, semi derelict annex building. The size of gardens will remain as is and there will be no change to the buildings fabric. Against this background, the applicants' do not consider that there is a downside to this proposal, rather, it will only have positive consequences.

Within the Report of handling, it is suggested that the proposal would result in an intensification of use. However, as shown above, the annex building can already be used by members of the applicants' extended families without limit or consent being required. The minimal impact of that category of occupier would be similar to that if the annex was being let on a short term basis to tourists or business visitors.

Furthermore, it is important to highlight the very strict management of the property and in particular the imposed house rules including:-

- 2 people max,
- No children/infants/pets,
- No parties,
- No smoking, and
- Quiet hours after 9pm.

With the applicants'/owners' also being on hand 24/7 it is highly unlikely to have any form of detrimental impact.

The current Local Development Plan was adopted 26 August 2019 and provides an updated policy context within which developments are assessed. With this in mind, the report of handling notes Policy 27 Tourism Development is irrelevant. However, the facts of the matter are that, as a consequence of the removal of condition No. 2, the applicant would aim to secure consent for use of the property as a short term let. The latter proposal cannot proceed without the removal of condition No 2. On the removal of condition No. 2, and subsequent approval to let on a short term basis to business visitors and tourists, there would be a positive impact on tourism in Greenock. The applicant's' believe this approach is consistent with the key aims of policy 27 – Tourism Development and indeed its corresponding policy in the current adopted local development plan.

The report of handling, on the one hand makes reference to the disproportionately smaller planning unit in comparison to the established Victorian houses. On the other hand the notion that separation from the main house, in planning use terms, would have a significant detrimental impact would appear to be inconsistent and unreasonable.

8. Request for Removal of Condition.

Given the full and robust case provided above, the appellants believe that there is no justification for condition No 2 and it is therefore requested that condition No 2 be removed.

9. Potential Alternative Conditions

The Planning officer's justification for Condition No 2 is to prevent the separation of or attempt to sell the outbuilding as a business. As a potential alternative, the appellant suggests a revised condition may be appropriate. For example –

“The outbuilding shall remain, in planning use terms, as part of the larger planning unit comprising No 66 (Main Door Flat) Union Street and

associated outbuilding and within the title deeds of the main flat and cannot be separated or sold as an independent unit."

The appellant would be willing to enter into legal agreement to support such a condition.

Also, given that there is already in place strict house rules regarding the number of people who can use the room, the applicant's suggest, to give further safeguards, a condition could be attached to any consent along the following lines: -

"The subject property will not be used by more than two people at any given time."

10. Conclusion

Removal of Condition No. 2 will provide much needed short term accommodation (and investment) within an area well suited to this type of use.

The scale of the proposed use within its built environment sits well within its varied urban context; adding further short term accommodation to the area; boosting the areas appeal to visitors and tourists; and boosting the local economy. Quality short term accommodation in this area is at present somewhat lacking in this regard.

The proposals will have no significant detrimental impact on adjacent neighbours, as amply demonstrated by the level of local support for the proposals. An acceptable level of residential amenity will be enjoyed by future visitors.

For those reasons, the applicants' respectfully request that the Local Review Body, having reviewed all relevant matters, conclude that the applicant's proposal is reasonable and accordingly grant planning permission for Application 19/0197/IC

Ged Hainey

McEwan Hainey

Planning & Development Consultants

(END OF STATEMENT)

Notice of Review Site: Site at 66 Union Street, Greenock

Notice of Review Proposal: Removal of Condition No. 2 of Planning Permission 17/0136/IC

Applicant for Notice of Review: Panos and Clare Arhimandritis

Agent: McEwan Hainey

LPA Ref: 19/0197/IC

NOTICE OF REVIEW

APPLICANT'S LIST OF DOCUMENTS & EVIDENCE (PAPER APART)

Principal Documents

ARH 1 Planning Application Form (Ref 19/0197/IC)

ARH 2 Planning Consent (Ref 17/0136/IC))

ARH 3 Location Plan and Existing & Proposed Plans and Elevations

ARH 4 Planning Statement

ARH 5 Planning Authority Decision Notice dated 20 September 2019

Related Supporting Documents

ARH 6 Report of Handling by Case Officer (Dated 20th September 2019)

(End of Paper Apart)

16 December 2019

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 100175343-001

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.

Please give the application reference no. of the previous application and date when permission was granted.

Application Reference No: *

17/0136/IC

Date (dd/mm/yyyy): *

12/06/2017

Description of Proposal

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

Removal of Condition No.2

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

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:	<input type="text" value="Ryden"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ged"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Hailey"/>	Building Number:	<input type="text" value="130"/>
Telephone Number: *	<input type="text" value="01412703107"/>	Address 1 (Street): *	<input type="text" value="St Vincent Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="G2 5HF"/>
Email Address: *	<input type="text" value="ged.hailey@ryden.co.uk"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Clare"/>	Building Number:	<input type="text" value="66"/>
Last Name: *	<input type="text" value="Arhimandritis"/>	Address 1 (Street): *	<input type="text" value="Union Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Greenock"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA168bl"/>
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:

66 UNION STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GREENOCK

Post Code:

PA16 8BL

Please identify/describe the location of the site or sites

Northing

677126

Easting

226941

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Discussed in general terms application process.

Title:

Mr

Other title:

Mr

First Name:

David

Last Name:

Ashman

Correspondence Reference
Number:

Date (dd/mm/yyyy):

10/07/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

100.00

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)

Short term residential holiday letting

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?

0

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.

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: Ged Hainey

On behalf of: Mrs Clare Arhimandritis

Date: 31/07/2019

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)

Planning Statement

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 Ged Hainey

Declaration Date: 31/07/2019

Payment Details

Telephone Payment Reference:

Created: 31/07/2019 15:14

DECISION NOTICE

Conditional Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 17/0136/IC

Online Ref:100050509-001

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

Mrs Clare Arhimandritis
66 Union Street
GREENOCK
PA16 8BL

Rebecchi Architectural Services Ltd
55 Kempock Street
GOUROCK
PA19 1NF

With reference to your application dated 02.05.2017 for planning permission under the abovementioned Act and Regulation for the following development:-

Proposed upgrading works to outbuilding at

66 Union Street, Greenock

Category of Application: Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby grant planning permission for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application.

In compliance with Section 58 of the Town and Country Planning (Scotland) Act, 1997 this permission is granted subject to the condition that the development to which it relates must be begun not later than the expiration of 3 years beginning with the date of this permission.

Permission is issued subject to the following conditions:

1. That prior to the commencement of development, confirmation shall be submitted to and approved in writing by the Planning Authority of the colour of the fibreglass section of the roof, the doors and the window frames.
2. That the outbuilding shall not be occupied independently of the associated flatted property at any time.

The foregoing conditions are imposed by the Council for the following reasons:-

1. In the interests of the character of the listed building.
2. To control the use of the building in the interests of residential amenity.

The reason why the Council made this decision is as follows:

The development is considered to comply with Development Plan policies.

Dated this 12th day of June 2017



Head of Regeneration and Planning

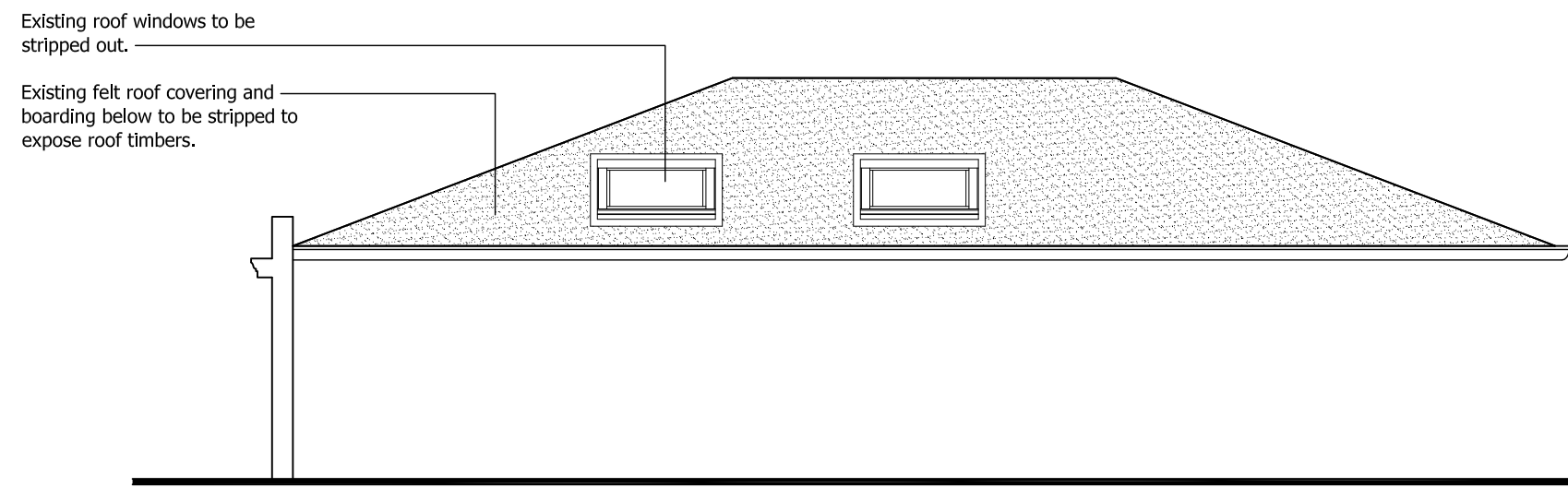
- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with 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.

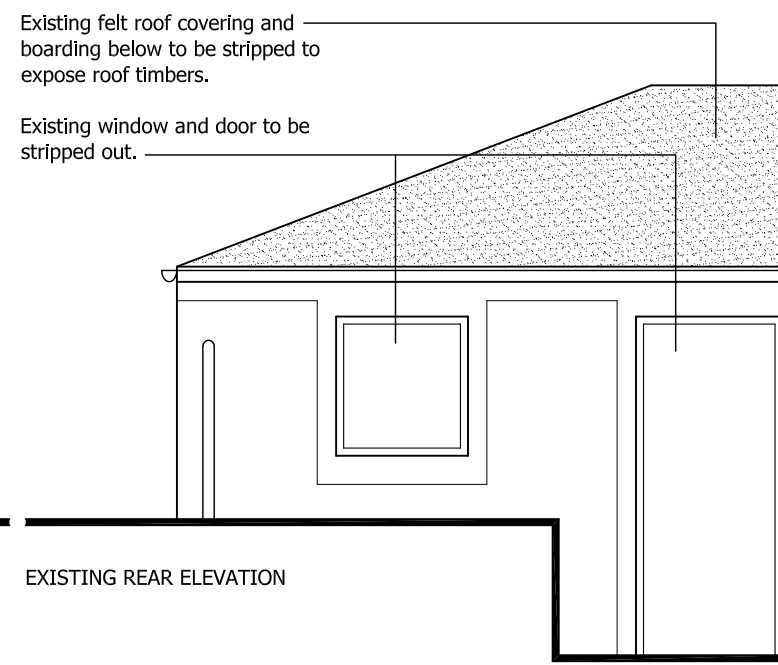
Approved Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
17-036-PL-002		01.05.2017
17-036-PL-001		01.05.2017

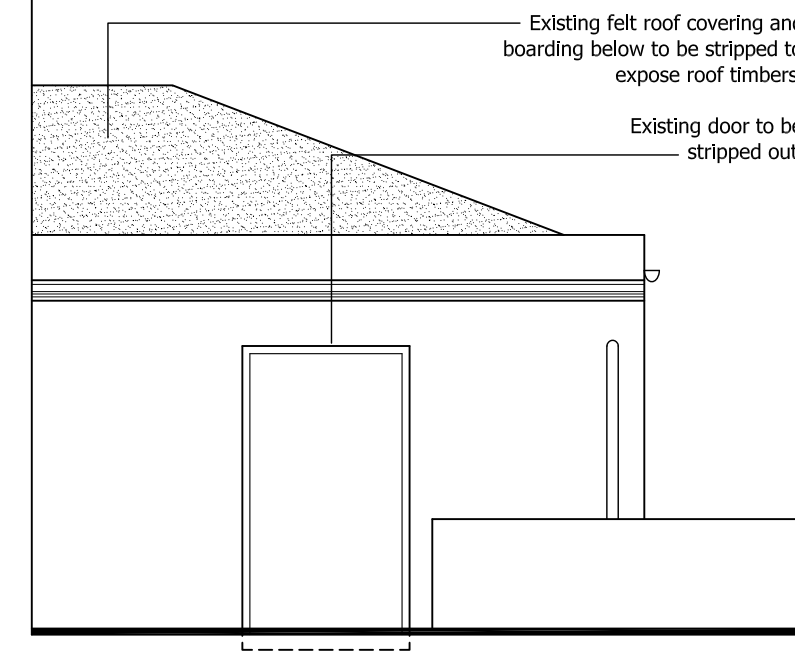
Appended to this decision notice are two forms: a "commencement of development form" and a "completion of development form". You are required to submit the former notice before starting work. Failure to do so is a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997. You are required to submit the latter notice as soon as practicable after completion of the development. If a third form has been appended, a "form of notice to be displayed while development is in progress" you are required to display this in a prominent place at or in the vicinity of the site of the development; it must be readily visible to the public, and it must be printed on durable material. It is a breach of planning control not to display such a notice if required.



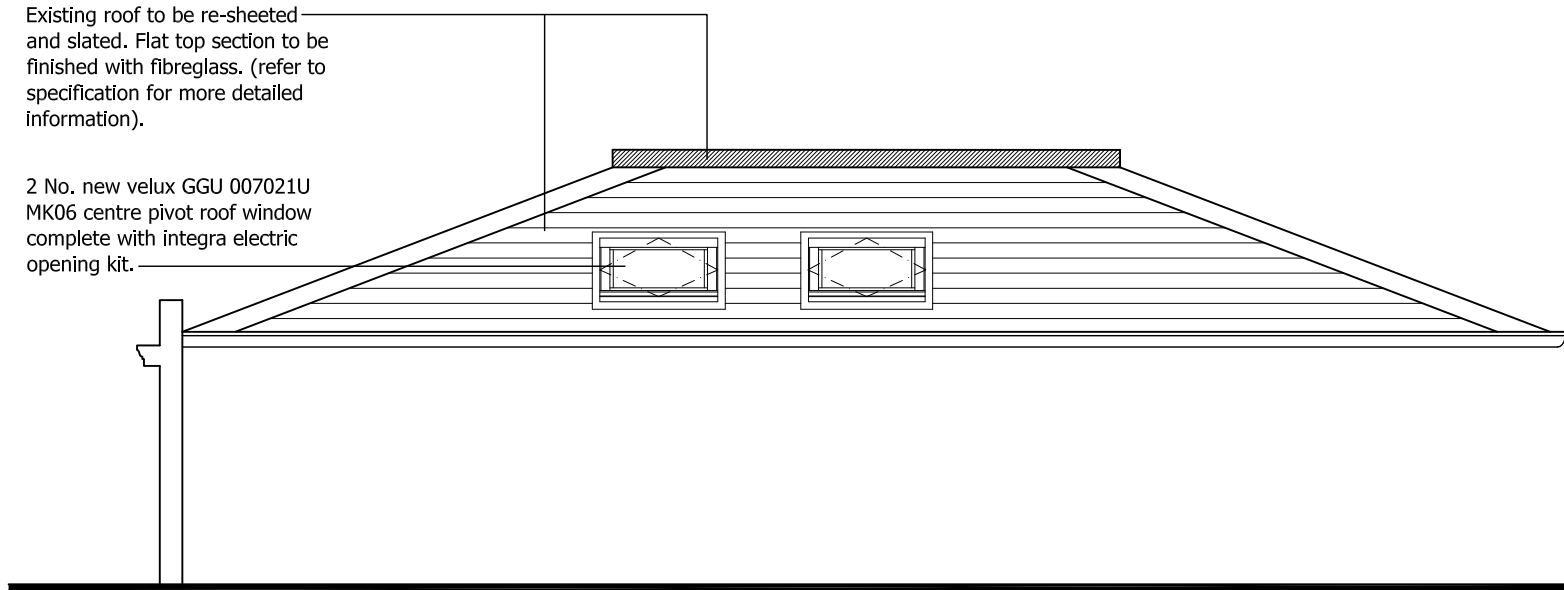
EXISTING GABLE ELEVATION



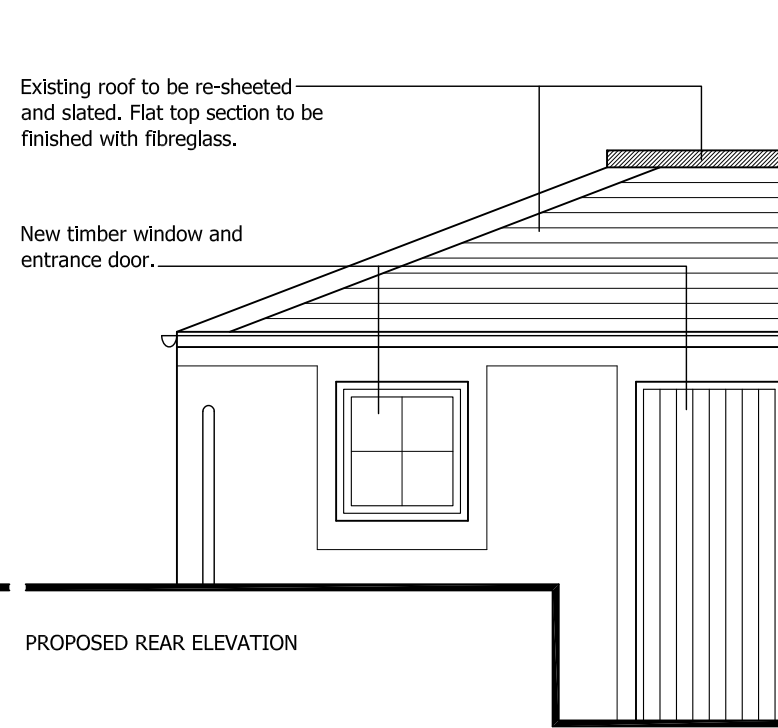
EXISTING REAR ELEVATION



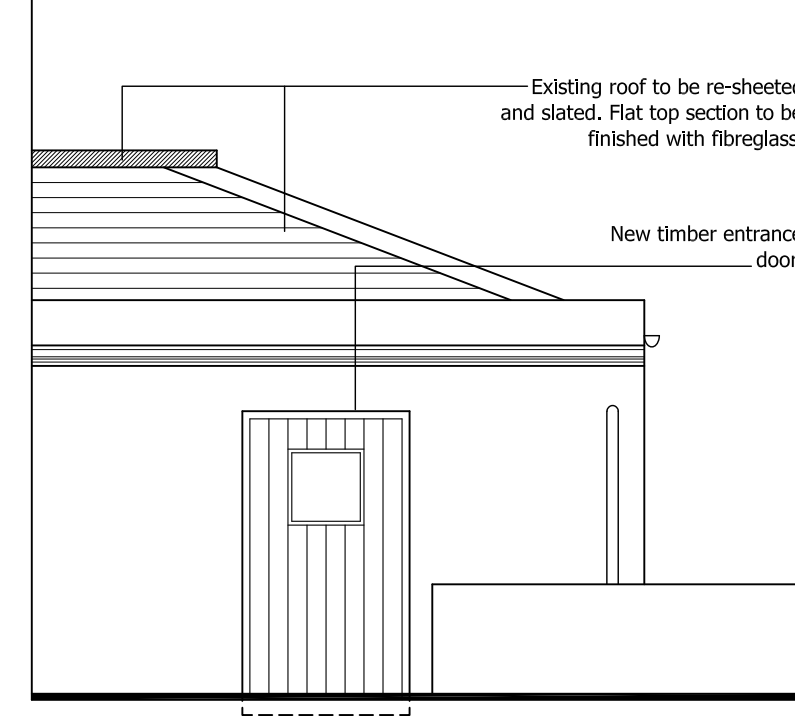
EXISTING FRONT ELEVATION



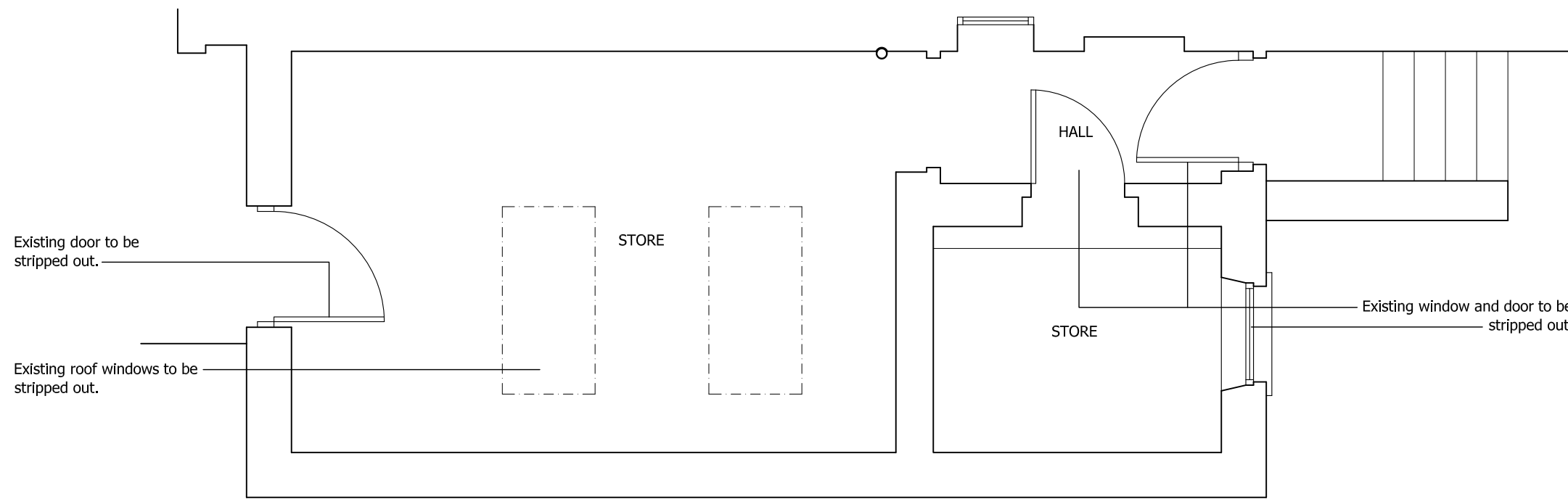
PROPOSED GABLE ELEVATION



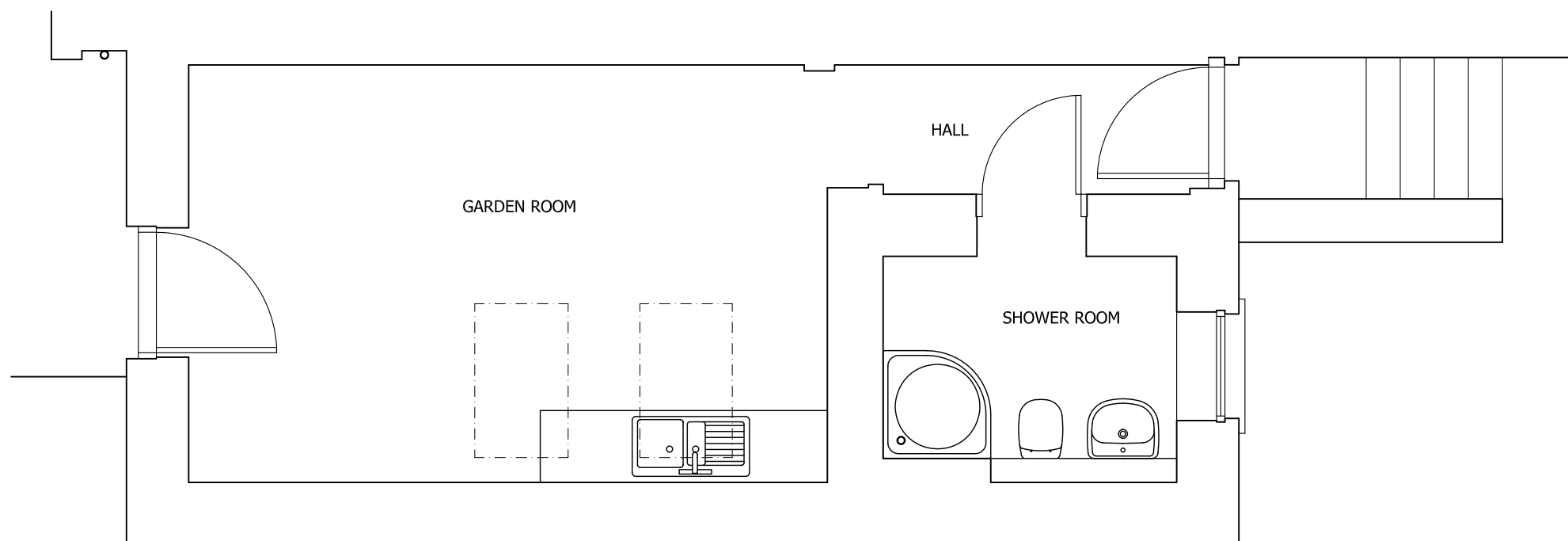
PROPOSED REAR ELEVATION



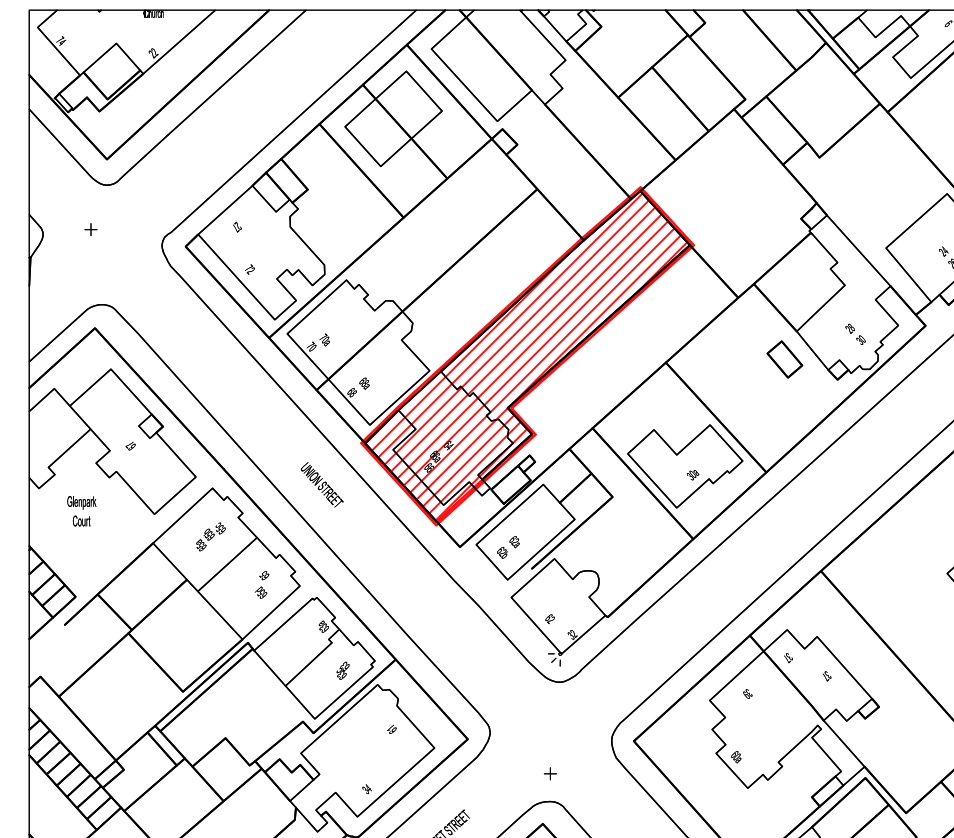
PROPOSED FRONT ELEVATION



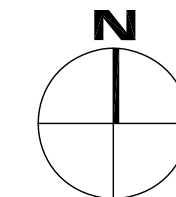
EXISTING FLOOR PLAN



PROPOSED FLOOR PLAN



OS REPRODUCED UNDER LICENSE NUMBER - 100054476
SCALE 1:1250



Do not scale this drawing. If in doubt ask. This drawing must not be copied or reproduced other than for the purpose of this project.

rebecchi
architectural services ltd
55 Kempock Street, Gourock, PA19 1NF
T. 07813 858 124 E. marco@rebecchiarchitectural.co.uk
Company Registration No. 457333

Client	
Mr & Mrs Arhimandritis, 66 Union Street, Greenock	
Project Title	
Proposed Upgrading Works to Out-Building	
Drawing Title	Date
Existing & Proposed Plans & Elevations	01-05-17
Drawing No.	Size
17-036-PL-001	A2
Status	Scale
PLANNING	1:50

Planning Statement in Support of Planning Application (Under Section 42 of the Act) to Use Out Building as Short Term Rented Accommodation (Retrospective)

Site: 66 Union Street, Greenock

Client: Panos and Clare Arhimandritis

Introduction

Ryden acts on behalf of Mr & Mrs Arhimandritis, owners of the subject property, 66 Union Street, Greenock. In this capacity, we are submitting a planning application under Section 42 of the act to remove a restrictive condition from a planning consent (Planning Ref 17/0136/IC).

Site Description

There are a range of flatted properties in the vicinity, both subdivided former villas and purpose-built more modern flats. The property sits within the wider Greenock West End Conservation Area.

The application site comprises a category “B” listed detached dwelling which has been subdivided into flats. The applicants own and live in the main door flat and also own a small outbuilding, attached to the north-western side elevation of the main house. This cannot be seen from Union Street, as it is located to the rear of a high stone wall and gate.

The outbuilding sits low relative to street level and comprises a stone built structure with two rooflights on the north-west facing roof slope. The building benefits from having a designated access gate from Union Street leading to the property’s front door. There is also a door to the rear garden.

Internally, the accommodation consists of only a bedroom and shower room.

Planning History

The property has been the subject of various planning and listed building applications. Those pertinent to this case are:

- Proposed upgrading works to outbuilding at 66 Union Street, Greenock (Planning Ref 17/0136/IC) (see Appendix 1 – Planning Consent).

Background

My clients have lived and owned the subject property since 2006.

In 2017/2018 my clients spent £25k on the refurbishment of the outbuilding which is the subject of this application. My clients' restoration of this part of their listed building (which is located within a conservation area) protects the building for future generations. Importantly, this work demonstrates my clients are very responsible home owners and have exercised a duty of care to their home. The outbuilding will remain within the title deeds of the main door flat at 66 Union St.

Prior to letting out the property, my clients sought permission from their direct neighbours in advance of listing the outhouse, and without exception, all expressed their support. This is confirmed by the number of letters of support attached as part of this application. My clients listed the outbuilding on Airbnb on 1 Feb 2019, and in the last 6 months have hosted a number of visitors and have experienced no negative issues.

My clients wish to continue with their Airbnb listing because they have enjoyed sharing their home and garden with guests from as far afield as Australia and India.

Proposal – Use of Property as Short Term Let.

This application, under Section 42 of the act, seeks to remove the restriction placed on the use of the outbuilding by Condition 2 of the consent, which states:

Condition 2

“That the outbuilding shall not be occupied independently of the associated flatted property at any time”.

The reason for the imposition of the condition 2 was:

“To control the use of the building in the interests of residential amenity”.

My clients have inadvertently let the property, unaware of the implications of the restrictive condition. This application, if approved, will regularise the use of the outbuilding for short term tourist lets.

Tourist Visitors to Property

As background, since the property has been let, a range of visitors from various places, including **Glasgow, Edinburgh, England, France, Germany, India and Australia have visited Greenock**. Table 1 below details the date, number of bookings and number of visitor days.

Table 1 - Visitors

Month	No of Bookings	No of Days
Feb	6 bookings	11 days
Mar	5 bookings	9 days
Apr	4 bookings	14 days
May	10 bookings	26 days
Jun	11 bookings	23 days

As can be seen from the table above, the continued use of the property as a short term tourist let will bring additional tourists to Greenock, which in turn will benefit the local economy and support local tourist attractions and businesses.

Quality of Service

From a total of thirty six bookings between Feb-Jun 2019, there has been thirty five 5 star reviews. Sample reviews are noted below –

Review 1

“This is a hidden gem! Spotlessly clean and presented to such a high standard. Hands down one of the best Airbnb’s we’ve stayed at. The hosts are lovely people, both Panos and Clare made us feel incredibly welcome offering suggestions of places to eat and things to see. Would love to come back and visit again x”

Review 2

“Clare and Panos' place is lovely. The Garden Room is a beautiful studio - spotlessly clean, really nicely decorated and so cosy. It has everything you need really - cooking facilities (there's no hob, but with an oven and a microwave we managed perfectly fine), storage space, comfy furniture (especially the bed) - it's perfect for a 2-person getaway. Also the shower is AMAZING - honestly one of the best showers I've ever had, no exaggeration. I'd definitely recommend the Garden Room as a place to stay - cosy, comfy, clean, well-equipped and only an hour or so from beautiful Loch Lomond and the Trossachs. Clare and Panos are both lovely, really cool people to hang out with. They were so welcoming and helpful and gave us some great tips for places to eat and things to do. Thank you so much, we had a brilliant time :)”

Review 3

“Perfect little place to stay. Clare and Panos were just Fab hosts, the place was clean, beautifully decorated, simple yet had everything we needed and the garden was just breathtaking. Home away from home, lovely neighbourhood with the sea just 3 mins walk way, shops and local restaurants near by. We absolutely loved this place and will be back for sure :)”

Review 4

“Panos and Clare’s garden room is a real treasure! Can you see that the hosts (Clare and Panos) take true pride in turning a house into a home. From the moment we walked in we were welcomed into their home and their lives! An absolutely unforgettable stay here! Thank you! P.s Give Ollie a big head scratch for us!”

Review 5

“We had the most amazing stay at Panos & Clare’s home. It was so relaxing and calming, it was perfect before we got married a few days later! Amazing hospitality! Thank so much for letting us stay in your home! Cheers!!!”

Review 6

“You will find this place hard to beat. The stay at Panos & Clare’s lovey Home was just amazing. Every attention to detail was done to a very high standard. The home comforts Left nothing to be desired. Comfy bed/Loads of extra cushions & pillows. Everything you need in the kitchen area. An absolutely stunning Garden with superb privacy & Panos & Clare are on hand to help or advise on any aspect of your stay. They fully deserve a rating of super Hosts. Thank you so much for making us feel so welcome Panos & Clare. See you again soon..”

Review 7

“Thanks ever so much guys for looking after us, The place is amazing, we both agreed that yours is the best Airbnb we have stayed at. And Panos that breakfast was amazing thanks very much for doing that as a special. It was almost like we had our own little flat but with an amazing garden. The decor is so homely and all the touches are amazing!!! I don’t want to spoil it too much as it really does have that wow factor!! Anyone who stays there will be more than happy!!!! Thanks again”

Management of Property

The owners of the property (who live within the main door flat at No 66 Union Street adjacent to the property) have extensive experience in the hospitality industry. A robust management regime is implemented when letting the property. As part of this management regime, a number of key points, all aimed to ensure the smooth operation of the letting and minimise impact, are worth highlighting –

- The owners of the property are always on hand (24/7) when letting out the property.
- The owners have adopted a **“hands on” management approach,**
- **The accommodation is designed to cater for higher end, short stay tourist visitors.**
- The owners engage with their guests **(to the extent that visitors can eat with the occupier as guests).**
- The property is **only let to a maximum of two people at any given time;**
- All guests are **met on arrival and briefed on “house rules”,** which are noted in Table 2 below.

Table 2 – House Rules - Restrictions

House Rule	Restriction
1	2 adults max
2	No pets
3	No children
4	No parties/events
5	Quiet hours after 9pm
6	Respect the neighbours and property

My clients have experienced 100% compliance with these rules and have achieved 100% 5 star reviews from all their guests.

Characteristics of Property

The scale and character of the property lends itself to short term letting. A number of factors pertinent to this case are worth highlighting -

- The building has its own **dedicated access** from the street;
- The building benefits from having both **private and shared garden ground/amenity space**;
- The use generates a minimum level of activity, and
- Increase in parking space demand will be minimal. There is ample on-street parking on Union Street.

Planning Policy Context

Section 25 of the Act requires that proposals are assessed against the relevant planning policies detailed in the adopted Local Development Plan. Mindful that the Inverclyde Council Local Development Plan, June 2019 (As intended to adopt, as modified following receipt of Examination Report), will be adopted imminently, we have focussed on policies within this document. For ease of reference, the relevant council policies are noted followed by our considered response.

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. These are 1) Distinctive, 2) Adaptable, 3) Resource efficient, 4) Easy to move around, 5) Safe and pleasant, and 6) Welcoming. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance. These six factors are considered in detail below.

Distinctive

The policy requires that proposals contribute positively to historic buildings.

Response

The proposed use of part of the listed building will contribute positively to the historic building and conservation area by bringing it into active use part of a large detached listed property. The income generated will help maintain the listed building.

Adaptable

The policy aims to “ensure buildings and spaces can be adapted for a range of uses” and to “avoid creating buildings or spaces that will become neglected or obsolete.”

Response

Whilst the proposal does not involve the physical alteration of a building, the use does demonstrate that the building can be adapted for a range of uses. By introducing a new compatible use of the outbuilding, this will in turn bring into active use part of the building which otherwise will be void. It is reasonable to assert the proposal to use the property as a

short term holiday is entirely consistent with the key aims of Policy 1 – Creating Successful Places.

Resource Efficient

The policy supports the use of existing buildings, built at higher density in towns and to provide space for the separation and collection of waste.

Response

The proposal brings back into active use part of a building, located within an urban setting and is therefore wholly consistent with the aims of being resource efficient.

Easy to Move Around

The relevant part of this section notes that proposals should be well connected.

Response

The proposal will utilise existing footpath networks and is therefore consistent with the key aim of being well connected.

Safe and Pleasant

The policy seeks to avoid conflict between adjacent uses.

Response

The use, which has operated successfully for the last 6 months, has and will continue to have no significant detrimental impact and is wholly compatible with adjacent uses.

This is demonstrated by the letters of support (see Appendix 1 – letters of support).

Welcoming

The proposal seeks to integrate new development into existing communities.

Response

The use of the property for short term lets has been integrated into the community. Visitors do/will use existing local services and engage with the local community, on both a business basis (visiting restaurants etc) but also on a personal level. This engagement enhances the local community.

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.

Response

The proposals have had and will continue to have no significant detrimental impact on the amenity of the area. Again, this assertion is supported by the level of supporting letters supplied by nearby/adjacent residents.

Policy 27 – Tourism Development

Proposals for change of use of tourism related facilities will only be supported where it can be demonstrated that they are no longer viable as a business in their current use.

Development of tourism related facilities will be supported in appropriate locations where:

- a) It avoids adverse impact on the amenity and operation of existing and adjacent uses;
- b) Major trip-generating proposals can be accessed by sustainable means; and
- c) It is appropriately designed for its location and avoids significant adverse impact on the green network and historic buildings and places.

Response

Policy 27 – Tourism and Development supports tourism related proposals provided it avoids adverse impact on the amenity and operation of existing and adjacent uses. Again, as demonstrated by the level of local support, we would suggest that the continued use of the property as a short terms tourist let is consistent with the key aim of Policy 27 Tourism Development.

Letter of Support from Local Business

Antony Bonatti, Director of Tonino's Pizzeria Ltd stated –

“Tourism is a great boost to my business and I consider it very much dependent on the tourism industry, with business from other hotels and airbnbs locally as well as holidaymakers visiting from cruise ships docked locally all through the summer season.

I met Clare and her husband Panos shortly after opening my pizzeria and am now lucky enough to consider them good friends, continually supporting my business and bringing friends to dine. I discovered they had started 'Airbnb' from their home when a number of guests to my restaurant told me they were sent by Panos and Clare as they were staying there and it was not a long distance to travel, also encouraged by rave reviews of my food!

I have visited the house and garden that Panos and Clare share with their guests and feel it is the epitome of a dream Airbnb getaway, furnished and decorated to a fantastically high standard.

I am sure that they would not wish to host any guests that may seem unattractive to the area, but can honestly say it's unlikely to be the target of groups of teens or party seeking

tenants who would more likely head to Glasgow for clubbing etc. Frankly, it's not why people come to this area.

I would love them to continue to host there home and look forward to sharing my restaurant with them and their guests for the future.”

Other Material Considerations

Support of Adjacent Occupiers

Adjacent occupiers have submitted letters of support. These letters are clear and to the point, the use of the property as a short term let for tourists has no negative impact on the residential amenity currently enjoyed by residents. These letters support the assertion that the use of the property for short term holiday lets has no significant, material impact on the residential amenity currently enjoyed by the existing residents who occupy adjacent and nearby properties.

Short Term Tourist Lets and Property in Greenock

The restrictive condition relates to only the outbuilding being used “*independently*”. However, it is worth noting that the use of the whole property as a holiday let would be permitted. Therefore, the principle of letting properties in this location is acceptable to Inverclyde Council, from a planning policy perspective.

Occupied Independently?

Condition No 2 states “*the outbuilding shall not be occupied independently of the associated flatted property at any time.*” With this in mind, it is important to note the outbuilding will remain in the applicant’s ownership. It is also worth reiterating the owner’s reside in the main door flat of No 66 Union Street.

Furthermore, as noted above, a hands on management regime has been in place and will continue to be implemented when letting out the property. Against this background, it is questionable whether the proposal actually results in the property being occupied wholly independently. It could be argued that the property, if occupied by the owner’s family, could potentially be subject to less management and more independent in nature.

Regarding the proposed short term lets and the restrictive planning Condition No 2, it does seem perverse that my clients could let out part of their main door flat or indeed their whole property on a short term let basis, yet they cannot let out a very small part of their property on a short term.

Greenock’s Airbnb Listings

There are a multitude of other properties listed on Airbnb located within Greenock and indeed within the vicinity of the subject property. It would appear from the listings that many of these short terms lets are located within subdivided properties.

The proposal, which forms the basis of this application, is very similar in character and scale to those other short term lets. My clients’ are therefore not asking to do anything which is different to what many other home owners in Greenock are doing.

Conclusion

The use of the existing building as a short term tourist let has been in operation for around 6 months. During this time, there has been no significant detrimental impact on adjacent or nearby residents. On the contrary, a number of neighbours are fully supportive of the continued use of the building for short term lets to tourists.

The proposal is fully compliant with all relevant planning policies and its use as a short term holiday let will help support local businesses in Greenock and the wider Inverclyde area and will help promote Inverclyde as a tourist destination.

Given all of the above, it is safe to conclude the proposal is fully policy compliant and will make a positive contribution to the local economy and tourist industry within Greenock and the wider Inverclyde area.

We therefore respectfully request that this application to remove condition No 2 of the planning consent (Planning Ref 17/0136/IC) be approved.

Ged Hainey

31 July 2019

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 19/0197/IC

Online Ref:100175343-001

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

Mrs Clare Arhimandritis
66 Union Street
GREENOCK
PA16 8BL

Ryden
Ged Hainey
130 St Vincent Street
GLASGOW
G2 5HF

With reference to your application dated 1st August 2019 for planning permission under the above mentioned Act and Regulation for the following development:-

Removal of Condition No. 2 of planning permission 17/0136/IC at

66 Union 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. That withdrawal of condition 2 of planning permission 17/0136/IC would result in a planning unit of disproportionately smaller size in the context of this part of the Greenock West End Conservation Area, to the detriment of the character of the area under Policy 28 of the Inverclyde Local Development Plan.
2. That the potential usage of this smaller planning unit, independent of the associated flatted dwelling, could result in the creation of additional activity, noise and on-street parking to the detriment of the residential amenity of the area, contrary to the aims of Policy 20 of the Inverclyde Local Development Plan.
3. That the proposal accordingly would not result in a successful place, contrary to the aims of Policy 1 of the Inverclyde Local Development Plan.

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



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:
17-036-PL-001		01.05.2017

REPORT OF HANDLING

Report By: David Ashman

Report No: 19/0197/IC

**Local Application
Development**

**Contact
Officer:** 01475 712416

Date: 20th September 2019

Subject: Removal of Condition No. 2 of planning permission 17/0136/IC at
66 Union Street, Greenock

SITE DESCRIPTION

The application site comprises a category "B" listed detached dwelling which has been subdivided into flats on the north-east side of Union Street in Greenock. It focuses, in particular, on the attached outbuilding on the north-western side elevation of the building. The outbuilding cannot be seen from Union Street, being located to the rear of a high stone wall and gate, but the latter does provide an independent access. The outbuilding would seem to have historically been a washhouse associated with the former villa.

There are a range of flatted properties in the vicinity, both subdivided former villas and purpose-built modern flats. It sits within the wider Greenock West End Conservation Area.

PROPOSAL

The application site has been the subject of a series of planning permissions and listed building consents in recent years. These were in respect of upgrading works to the outbuilding and subsequent amendments thereafter. The key planning permission is 17/0136/IC which was the first one to address the upgrading works. This was granted planning permission, subject to two conditions, the second of which read as follows: "That the outbuilding shall not be occupied independently of the associated flatted property at any time". The reason for the condition was: "To control the use of the building in the interests of residential amenity".

The applicant has been using the outbuilding independently of the associated flatted property as an "Airbnb" facility and now seeks the removal of the condition to address the breach of planning control which has occurred.

The application is backed by a supporting statement. In this the applicant claims that allowing the use of the outbuilding as an Airbnb will benefit the local economy and support local tourist attractions and businesses. It is claimed that all direct neighbours were consulted before the use started and that all expressed their support (letters in support of the application are referred to). The statement sets out how the property is managed and notes that there is shared garden ground with the applicant's property, that there is a minimum level of activity and that there is ample on-street parking on Union Street. It is considered the use accords with the Development Plan and that there is some doubt that the building is occupied independently given continued ownership by the applicant. Reference is also made to Policy 27 of the Inverclyde Local Development Plan in respect of tourism development.

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.

Policy 28 - Conservation Areas

Proposals for development within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

Policy 27 - Tourism Development

Proposals for change of use of tourism related facilities will only be supported where it can be demonstrated that they are no longer viable as a business in their current use.

Development of tourism related facilities will be supported in appropriate locations where:

- a it avoids adverse impact on the amenity and operation of existing and adjacent uses;
- b major trip-generating proposals can be accessed by sustainable means; and
- c it is appropriately designed for its location and avoids significant adverse impact on the green network and historic buildings and places.

2014 INVERCLYDE LOCAL DEVELOPMENT PLAN

At the time of application submission, the 2014 Inverclyde Local Development Plan formed part of the Development Plan against which planning applications required to be assessed.

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.

Policy HER1 - Development which Affects the Character of Conservation Areas

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

Policy ECN6 - Tourist Facilities and Accommodation

The provision of new or extended tourist facilities and accommodation, including caravan parks, will be assessed against the following criteria:

- (a) impact on amenity and landscape (adjoining properties, natural and built heritage and environmental resources);
- (b) standard of design;
- (c) impact of traffic generation, access, parking and road safety ;
- (d) accessibility by public transport; and
- (e) social and economic benefit.

CONSULTATIONS

Head of Service – Roads and Transportation – No objections.

PUBLICITY

The application was advertised in the Greenock Telegraph on 23rd August 2019.

SITE NOTICES

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

PUBLIC PARTICIPATION

Eleven representations were received from nine individuals, ten in support and one which makes several observations. The points in support of the application are that:

- The operation of the let is not causing parking or noise issues.
- Considerable investment was made by the applicants in the property.
- The operation supports local businesses and brings tourists to the town

The representation makes the following points:

- The person concerned was not approached about the proposal.
- Could a personal consent be granted to the applicant or could it operate for a 3 year period? If not, the following concerns apply:
 - The short term let operation could be purchased as a going concern and run by others. without an interest in control of who resides in the building.
 - Potential use of associated garden area for anti-social activity.
 - On-street parking spaces are at a premium at night.
 - The operation of a business activity detracts from the character of the Conservation Area.
 - Potential precedent for the use of former washhouses.
 - The letters of support have been prompted to support the present Airbnb operation and do not address the potential implications.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan (LDP), the consultation reply, the planning history of the site, the representations and the impact on residential amenity. Whilst noting the contents of the supporting statement and submissions in support of the proposal, it is important to remember that the application is specifically in respect of removing the condition tying the use of the outbuilding to the associated flatted dwelling. The Airbnb use of the outbuilding is unauthorised and potentially subject to enforcement action.

The application site is located within a mainly residential area under Policy 20 of the LDP. This policy requires that proposals for development within residential areas be assessed with regard to their impact on the amenity, character and appearance of the area. It is also located within a conservation area under Policy 28. This policy requires that proposals are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. The Greenock West End Conservation Area was subject to a Conservation Area Appraisal in March 2016. It recommended that new development should be in accord with the prevailing form of historic development, including the scale, massing and historic layout of buildings. Policy 1 requires proposals 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. Finally, Policy 27, which the applicant has referred to, addresses tourism proposals, setting criteria for their acceptability comprising of a. it avoids adverse impact on the amenity and operation of existing and adjacent uses; b. major trip-generating proposals can be accessed by sustainable means; and c. it is appropriately designed for its location and avoids significant adverse impact on the green network and historic buildings and places.

The determining factor is whether or not the condition should be removed, thus allowing the outbuilding to be occupied independently of the associated flat, and whether or not this would impact on the amenity, character and appearance of this part of the Conservation Area, and whether or not it would preserve or enhance its conservation area characteristics.

This part of the Conservation Area is defined by substantial buildings set within very generous garden grounds. A considerable number of the buildings which were substantial mansions, have been subdivided into flatted properties, with each having its own dedicated garden ground. These grounds, however, are still of substantial size relative to the more contemporary flatted developments.

This proposal seeks to divorce the outbuilding from the associated flatted dwelling, allowing it to be occupied as an independent unit. Approval of such a proposal would create a new planning unit of a wholly disproportionately smaller size to the established pattern of development within this part of the Conservation Area. Furthermore independent occupation of the outbuilding, for whatever use and by whatever party, would lead to an intensification of the use of the property and comings and goings beyond what is reasonably expected of the currently sub-divided former villa. This would be to the detriment of the amenity of existing neighbouring properties with respect to noise and activity. The current unauthorised Airbnb use is illustrative of what could occur. Although currently being run by the present occupier of the associated flatted property, a future owner could easily sell the business on as a going concern to others not resident in the flat who may have a less sympathetic approach to neighbouring proprietors.

I therefore consider that the proposal would be to the detriment of the amenity and character of the area were it to proceed, and that the proposal is thus contrary to the aims of Policies 20 and 28 of the LDP. It follows that it would not result in a successful place under Policy 1 as it could create conflict between adjacent uses, particularly in respect of noise.

It remains to be considered, however, if there are any other material considerations which suggest that planning permission should be granted, notwithstanding my conclusion in the assessment of the LDP. In this connection I firstly turn to the applicant's supporting statement.

Policy 27 of the LDP is mentioned by the applicant in support of the proposal. I regard this, however, as irrelevant to assessment of the merits of the proposal. Notwithstanding the present unauthorized operation, the application is not in respect of an Airbnb operation but rather the deletion of a condition tying the occupation of the outbuilding to the associated flatted dwelling. Other matters raised such as the perceived benefits to the local economy, the level of activity, the support of neighbours for the proposed use of the outbuilding, the outbuilding remaining with the title deeds of the associated flat, the management of the proposed operation and the Council's attitude to short term lets are also irrelevant. It is also claimed that there is ample on-street parking. Although this is not the view of one of the individuals who has written in connection with the application, I note that the Head of Service – Roads and Transportation has no objection to the proposal.

Turning to the representations and those points not already addressed, neither a personal nor a time limiting consent for the removal of the condition would be appropriate. If it is considered that separation of the outbuilding from the associated flatted dwelling is acceptable on these grounds then it would be perverse to even try to reinstate an association at some future point. I acknowledge the concerns over potential future use of the shared garden area. I also note concerns about a precedent being set for similar former washhouses and whilst I have some sympathy for this point of view each application has to be considered on merit.

Overall I find that there are no material considerations which suggest that there are grounds which support removal of the restrictive condition preventing the operation of the outhouse independent of the associated flatted dwelling. To lift the restriction could result in a level of activity not typically associated with the flatted dwelling and accordingly would have the potential to cause undue disturbance to neighbouring amenity, contrary to the aims of Policy 20 of the LDP. The creation of a new, wholly disproportionately smaller size planning unit in the context of the established pattern of development would neither preserve nor enhance the character and appearance of the Conservation Area and would therefore be contrary to the aims of Policy 28 of the LDP. It follows that it would not result in a successful place under Policy 1 due to the potential for conflict between adjacent uses, particularly in respect of noise and activity.

The above policy assessment continues the approach of the 2014 Local Development Plan in seeking to safeguard residential amenity under Policy RES1 and to achieve development sympathetic to the character, pattern of development and appearance of the area under Policy HER1.

RECOMMENDATION

That the application be refused for the following reasons:

1. That withdrawal of condition 2 of planning permission 17/0136/IC would result in a planning unit of disproportionately smaller size in the context of this part of the Greenock West End Conservation Area, to the detriment of the character of the area under Policy 28 of the Inverclyde Local Development Plan.
2. That the potential usage of this smaller planning unit, independent of the associated flatted dwelling, could result in the creation of additional activity, noise and on-street parking to the detriment of the residential amenity of the area, contrary to the aims of Policy 20 of the Inverclyde Local Development Plan.
3. That the proposal accordingly would not result in a successful place, contrary to the aims of Policy 1 of the Inverclyde Local Development Plan.

Signed:



Case Officer: David Ashman



Stuart Jamieson
Head of Regeneration and Planning

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

Rona McGhee

From: Lisa Albarracin [REDACTED]
Sent: 23 December 2019 14:58
To: Rona McGhee
Subject: Re: (Official) Review of Decision to Refuse Planning Permission - Removal of Condition No. 2 of Planning Permission 17/0136/IC, 66 Union Street, Greenock (19/0197/IC)

Hi

I am Lisa Albarracin who resides at 66a Union Street. I know I have already given my full support for Claire and Panos to run their Air BnB but would just like to reiterate this.

We are their direct neighbours and have no objection whatsoever to their proposals. In fact we are fully supportive and cannot believe that Inverclyde council rejected the initial proposal. Bringing tourism to the area can only be a positive thing both economical but also to encourage more visitors from all over the world to Greenock.

I can see no reason why this proposal should not be granted and both my husband and I back this 100%. Please do not hesitate to contact me for any additional comments.

Kind regards

Mrs. L.G. Albarracin

[REDACTED]

From: Rona McGhee <Rona.McGhee@inverclyde.gov.uk>
Sent: Friday, December 20, 2019 9:35:36 AM
To: Rona McGhee <Rona.McGhee@inverclyde.gov.uk>
Cc: Lindsay Carrick <Lindsay.Carrick@inverclyde.gov.uk>
Subject: (Official) Review of Decision to Refuse Planning Permission - Removal of Condition No. 2 of Planning Permission 17/0136/IC, 66 Union Street, Greenock (19/0197/IC)

Classification: Official

Inverclyde Council is in receipt of a notice requesting review of the decision to refuse the above planning application and I note that you submitted representations that were considered as part of the assessment process.

The decision is to be reviewed by Inverclyde Council's Local Review Body. I write to advise you that your representations will be considered by the Local Review Body in the review of the decision. Should you wish to make further comment you may do so to me **by Friday 10 January 2020**. Should you make further representations, these will be copied to the applicant who will be given the chance to respond.

Your representations and any further representations you submit will form part of the agenda papers for the Local Review Body meeting at which the review of the decision to refuse planning permission is considered. The agenda will be published on the Council's website and hard copies will be available at the Local Review Body meeting. Should you consider that any of the comments contained in your representations, or any further representations you may submit, should be removed prior to publication please notify me **by Friday 10 January 2020** otherwise I will assume that you have no objection to any of your comments being made publicly available. For your information, I would confirm that signatures will be removed prior to publication.

All information relating to the Review will be available for inspection at the office of the Council's Regeneration and Planning Service, Municipal Buildings, Clyde Square, Greenock during advertised opening hours.

The Local Review Body meets in public and I shall write to you in due course with arrangements should you wish to attend.

Regards,
Rona

Rona McGhee
Senior Committee Officer
Legal & Property Services
Inverclyde Council
Municipal Buildings
Clyde Square
Greenock
Inverclyde
PA15 1LX

Phone – 01475 712113

e-mail – rona.mcghee@inverclyde.gov.uk

Inverclyde Council website – www.inverclyde.gov.uk

Inverclyde on Twitter – twitter.com/inverclyde

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

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Rona McGhee

From: Claire Mclaughlin [REDACTED]
Sent: 04 January 2020 13:01
To: Rona McGhee
Subject: Re: (Official) Review of Decision to Refuse Planning Permission - Removal of Condition No. 2 of Planning Permission 17/0136/IC, 66 Union Street, Greenock (19/0197/IC)

Regarding this matter i have no objections what so ever there is no difference to parking or noise in the Street.

I support application for Panos and Clare cannot understand who would object as you would never know when property is being used as never has there been any disruption or noise from 66 Union st.

Regards Claire

On Fri, 20 Dec 2019, 09:36 Rona McGhee, <Rona.McGhee@inverclyde.gov.uk> wrote:

Classification: Official

Inverclyde Council is in receipt of a notice requesting review of the decision to refuse the above planning application and I note that you submitted representations that were considered as part of the assessment process.

The decision is to be reviewed by Inverclyde Council's Local Review Body. I write to advise you that your representations will be considered by the Local Review Body in the review of the decision. Should you wish to make further comment you may do so to me **by Friday 10 January 2020**. Should you make further representations, these will be copied to the applicant who will be given the chance to respond.

Your representations and any further representations you submit will form part of the agenda papers for the Local Review Body meeting at which the review of the decision to refuse planning permission is considered. The agenda will be published on the Council's website and hard copies will be available at the Local Review Body meeting. Should you consider that any of the comments contained in your representations, or any further representations you may submit, should be removed prior to publication please notify me **by Friday 10 January 2020** otherwise I will assume that you have no objection to any of your comments being made publicly available. For your information, I would confirm that signatures will be removed prior to publication.

All information relating to the Review will be available for inspection at the office of the Council's Regeneration and Planning Service, Municipal Buildings, Clyde Square, Greenock during advertised opening hours.

The Local Review Body meets in public and I shall write to you in due course with arrangements should you wish to attend.

Regards,

Rona

Rona McGhee

**Senior Committee Officer
Legal & Property Services
Inverclyde Council
Municipal Buildings
Clyde Square
Greenock
Inverclyde
PA15 1LX**

Phone – 01475 712113

e-mail – rona.mcghee@inverclyde.gov.uk

Inverclyde Council website – www.inverclyde.gov.uk
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Rona McGhee

From: Lynsey Young [REDACTED]
Sent: 13 January 2020 10:14
To: Rona McGhee
Cc: Lindsay Carrick; Clare Arhimandritis
Subject: Re: FW: (Official) Review of Decision to Refuse Planning Permission - Removal of Condition No. 2 of Planning Permission 17/0136/IC, 66 Union Street, Greenock (19/0197/IC)

Hi Rona

Many thanks for your recent email advising of the date being extended to 17th January 2020 for further comments to be submitted in relation to (Official) Review of Decision to Refuse Planning Permission - Removal of Condition No. 2 of Planning Permission 17/0136/IC, 66 Union Street, Greenock (19/0197/IC)

We would like to reiterate that our home is directly beside the property and that as close neighbours we have no concerns, or issue, with the permission being granted and for the building to be used as an Airbnb property. During the previous 12 months we have experienced no difficulties with noise, anti-social behaviour or parking and are confident that Mr and Mrs Arhimandritis would not allow such matters to become a problem.

We trust our support will be noted and hope this is considered when making your decision.

Kind regards
Lynsey and Michael Young
68A Union Street, Greenock

On Mon, 6 Jan 2020 at 11:07, Rona McGhee <Rona.McGhee@inverclyde.gov.uk> wrote:

Classification: Official

I refer to my email of 20 December 2019, below, and write to advise that, as the review papers were not available on the Council's website at that time but have now been made available, the deadline for submission of further representations will now be **Friday 17 January**. Accordingly, should you wish to make further comment, please do so by this date. Should you make further representations, these will be copied to the applicant who will be given the chance to respond.

I will be in touch with you again in due course.

Regards,

Rona

Rona McGhee

Senior Committee Officer
Legal & Property Services
Inverclyde Council
Municipal Buildings
Clyde Square
Greenock
Inverclyde
PA15 1LX

Phone – 01475 712113

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From: Rona McGhee

Sent: 20 December 2019 09:36

To: Rona McGhee <Rona.McGhee@inverclyde.gov.uk>

Cc: Lindsay Carrick <Lindsay.Carrick@inverclyde.gov.uk>

Subject: (Official) Review of Decision to Refuse Planning Permission - Removal of Condition No. 2 of Planning Permission 17/0136/IC, 66 Union Street, Greenock (19/0197/IC)

Classification: Official

Inverclyde Council is in receipt of a notice requesting review of the decision to refuse the above planning application and I note that you submitted representations that were considered as part of the assessment process.

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The Local Review Body meets in public and I shall write to you in due course with arrangements should you wish to attend.

Regards,

Rona

Rona McGhee

**Senior Committee Officer
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Inverclyde Council
Regeneration and Planning Services
Municipal Buildings
GREENOCK
PA15 1LY

64 Union Street
GREENOCK
PA16 8BL

16 January 2020

FAO: Mrs Rona McGhee

Dear Madam

Application Number 19/0197/IC – 66 Union Street

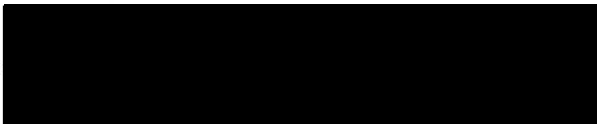
Further to my letter of 29 August 2019 regarding the planning application relating to the above property, I wish to submit the following further comments in relation to the Notice of Review request:-

1. Paragraph Number 1 of my letter of 29 August 2019 states *"For the record the Planning Statement in Support of the Planning Application, submitted by Ryden, states in the Background paragraph that "prior to letting out the property, my clients sought permission from their direct neighbours in advance of listing the outhouse and without exception, all expressed their support". In my case this is not true, I had no prior discussions with my neighbours regarding the short term letting of their outhouse. Mr and Mrs Arhimandritis have now apologised to me and explained that each thought the other had spoken to me, following their request that I provide some supportive comments to their application"*. I am therefore somewhat surprised and very disappointed that McEwan Hainey have repeated this inaccurate paragraph. Both my neighbours and their Agent must be aware that I raised this matter in my previous letter as the Report of Handling, completed by the Head of Regeneration and Planning on 20 September 2019, clearly states under the public participation section that there was one letter of representation which made several observations and *"the person concerned was not approached about the proposal"*. In my view the importance of consistent accuracy is imperative in order to allow the Members' of the Local Review Body to have the correct facts before reaching a conclusion. Otherwise, it could be considered that my previous letter contains inaccurate statements, which in turn may cast doubt over the validity of my other comments and observations. I understand that this letter will be copied to the applicants who will be given the opportunity to respond. I would therefore request that Mr and Mrs Arhimandritis confirm what actually took place prior to the letting of the outhouse.
2. Paragraph Number 2 of my letter of 29 August 2019 details the discussions I had with my neighbours regarding the management of the property and how it is currently let on Airbnb. I was given to understand from my neighbours that they intended to let the outbuilding for maximum period of 3 years, to recoup some of the money spent on the refurbishment, after which it will revert to a family room. I note from the Notice of Review request that there is no mention of a maximum period for operating short term lets and in Section 7 it states that *"as a consequence of the removal of Condition No. 2, the applicant would aim to secure consent for the use of property as a short term let"*. This suggests to me that the intention is to use the outbuilding permanently for short term letting and that there is no plan to revert it to a family room, which was the original purpose of refurbishing the outbuilding. Therefore, the concerns I raised in paragraph Numbers 3 to 7 in my original letter are still valid.

3. The Notice of Review request is very dismissive of the observations I submitted regarding the planning application. It states in the Section 4 that "*there were 11 representations, 10 of which were wholly positive and only one representation made providing a number of 'observations'*". Again, in Section 10 it states that "*the proposals will have no significant detrimental impact on adjacent neighbours, as amply demonstrated by the level of local support for the proposals*". I have not seen the 10 representations which supported the application, so I have no knowledge of where their properties reside in relation to 66 Union Street, so I am unable to determine how "*adjacent*" they are. For the avoidance of doubt, the former villa is divided into 3 properties and I reside above number 66, therefore I am an immediate neighbour, with valid concerns and not just an "*adjacent neighbour*". Paragraph Number 7 of my original letter details my view that these supportive comments were provided following representations from my neighbours for their Airbnb and that those who made them do not appreciate the potential implications of this planning application.
4. Section 9 of the Notice of Review suggests some potential alternative conditions. While such conditions may stop the title to the outbuilding being separated from the associated property and subsequently sold as a short term letting business, it would mean that in the future when 66 Union Street is sold it would be as the main door flat and associated business. There would be nothing to stop a future owner from continuing the use of the outhouse for short term letting and also using the main door flat for short term letting. There is no guarantee that any future owner of this property, whether residing in the property or an absentee landlord, would operate the same very strict management rules, which are detailed in the Notice of Review. I appreciate that any house owner could let out their property, however this is usually done on a longer term lease basis which provides some stability for all occupiers. With short term letting there is always the potential for nuisance and anti-social behavioural problems.

In conclusion, I am still of the view that the operation of business activities from private dwelling houses distracts from the distinct character of the Greenock West End Conservation Area and the granting of planning permission could lead to a proliferation of short term letting business within this unique area.

Yours faithfully

A solid black rectangular box redacting the signature of Miss Eleanor Di Murro.

Miss Eleanor Di Murro

**8. ADDITIONAL STATEMENT FROM MCEWAN
HAINEY, PLANNING & DEVELOPMENT
CONSULTANTS, IN RELATION TO FURTHER
REPRESENTATIONS**



**NOTICE OF REVIEW APPLICANT'S ADDITIONAL STATEMENT IN
RESPONSE TO THIRD-PARTY SUBMISSIONS**

Notice of Review Site: Site at 66 Union Street, Greenock

**Notice of Review Proposal: Removal of Condition No. 2 of Planning
Permission 17/0136/IC**

Applicant for Notice of Review: Panos and Clare Arhimandritis

Agent: McEwan Hainey, Planning & Development Consultants

LPA Ref: 19/0197/IC

(This document extends to 6 pages)

1. Introduction

I refer to the Council's request for clarification regarding Mr Bonatti's submission and four submissions submitted by Lisa Albarracin; Claire McLaughlin; Lynsey and Michael Young; and Eleanor Di Murro.

In response, it is worthwhile providing further context to the proposal and then responding to the request for clarification and additional submissions in turn.

2. Further Context to Proposal

The applicant does not wish to divorce the outbuilding from the main flatted property nor create a separate, distinct planning unit. That was never their intention. The original application was based on advice received from the Council's Planning Service and in hindsight, this has proved to be unhelpful.

It is worth reiterating that the applicant had received planning consent to renovate a dilapidated, damp ridden outbuilding, attached to the main flatted property, creating an additional living space. As a family, this space has and will continue to be used as a spare room, as a study or to provide sleeping accommodation for visiting family and friends. The property will be used for the same purposes as if it were used for paying, visiting guests. The Airbnb listing does not create any significant 'additional activity, noise, on-street parking' over and above what visiting friends and family create. The same level of, and indeed potentially more activity could be caused by listing a larger room located within the main flat

It is worth noting that the Planning Service has very recently confirmed to the applicant planning consent is not required to list a spare room on Airbnb. This does raise interesting questions from a procedural process adopted in this case.

The outhouse conversion will remain part of and connected to the main flatted property. This means that the outbuilding should be viewed as a spare room by planning as that is why the applicant renovated it, and that is how it is used.

3. Submission by Mr Bonatti

Mr Bonatti has confirmed that he agrees to his presentations being made public. To confirm, Mr Bonatti states -;

"More than happy to support the argument for continued Airbnb hosting at The Arhimandritis house.

Inverclyde lacks decent accommodation for the number of tourists it receives, and Airbnb offers a solution.

Tourism is a great boost to my business and I consider it very much dependent on the tourism industry, with business from other hotels and

airbnbs locally as well as holidaymakers visiting from cruise ships docked locally all through the summer season.

I met Clare and her husband Panos shortly after opening my pizzeria and am now lucky enough to consider them good friends, continually supporting my business and bringing friends to dine. I discovered they had started 'Airbnb' from their home when a number of guests to my restaurant told me they were sent by Panos and Clare as they were staying there and it was not a long distance to travel, also encouraged by rave reviews of my food!

I have visited the house and garden that Panos and Clare share with their guests and feel it is the epitome of a dream Airbnb getaway, furnished and decorated to a fantastically high standard.

I am sure that they would not wish to host any guests that may seem unattractive to the area, but can honestly say it's unlikely to be the target of groups of teens or party seeking tenants who would more likely head to Glasgow for clubbing etc. Frankly, it's not why people come to this area.

I would love them to continue to host there home and look forward to sharing my restaurant with them and their guests for the future.

Thanks,

Antony Bonatti

Director"

4. Submissions by Lisa Albarracin, Claire McLaughlin and Lynsey & Michael Young

These submissions fully support the proposal and are welcomed.

It is worthwhile highlighting the key points made in these submissions. The proposal has not had and will continue to have no significant detrimental impact on the residential amenity currently by nearby residents.

5. Submission by Eleanor Di Murro.

Ms Di Murro makes several observations regarding procedural matters and the proposal itself. Dealing with the procedural matters,

Procedural Matters

Ms Di Murro is correct in that the applicants did not initially ask her permission, and when the applicants became aware of the oversight, they apologised. To clarify, the applicants sought permission or acceptance from all neighbours who would be in any way affected by the proposal, prioritising the downstairs neighbours who live through the wall from the outbuilding, and the neighbouring property, who's garden sits directly beside the outbuilding. These initial conversations did not include the upstairs neighbour, Ms Di Murro, which was an over-sight at the time. When the applicants became aware of the oversight (one believing the other had spoken with her), they met with her and offered an unreserved apology.

It is worth quoting the Council's own report of handing states; -

"Eleven representations were received from nine individuals, ten in support and one which makes several observations". This would indicate that there were no objections to the proposal."

Now, to focus on the merits of the proposal I make the additional observations.

Time Period of use of Room

It was the applicant's intention to list the outbuilding on Airbnb for approx. 3 years, or until they had recouped the £25,000 (Twenty-Five Thousand Pounds) spent on the refurbishment of the dilapidated building. It was expected to achieve this in the next 3 years. The applicants had not detailed this point because they had not expected this detail to be of interest to the review board. However, since this point is of particular interest to Ms Di Murro, the applicants are happy to confirm, as we did on the original application, that this could be a temporary arrangement and an appropriately worded condition attached to any consent would be acceptable.

Letters of Support

It is reasonable to state that all the neighbours who have submitted comments/support are indeed direct neighbours.

Further Legal Potential Safeguard.

The applicants have suggested placing a burden on the title deeds to ensure that the property is not split.

Future Owners

In terms of the point Ms Di Murro makes with regards to future owners of 66 Union St, no homeowner can provide guarantees regards who will and will not rent out their property. Indeed, the same could be said for the applicant's neighbours, including Ms Di Murro, who could potentially rent out their own properties or sell to future owners who would do the same. We see this point as being irrelevant to the application as each application must be considered on its own merits.

What can be said is the applicants and current owners manage their accommodation very professionally. The vast majority of neighbours agree, the property is well managed with strict rules in place to safeguard residential amenity. A full list of house rules was included in the original proposal, but we would like to reiterate a few of these to the review board;

- Only 2 guests are permitted to stay at any one time
- The owners/applicants are on hand 24/7
- No children or pets are permitted
- No events/parties are permitted
- Quiet hours after 9pm, in respect of our neighbours

Impact on Conservation Area

The statement that 'the operation of a business detracts from the character of the conservation area' does not stand up to scrutiny. There are various businesses in operation in close proximity to the subject property, including a solicitor and a B&B, which will likely generate significantly more traffic and activity than the proposed use of the room as an Arbnb. Also, the applicants have injected in excess of £25k into the renovation of their outbuilding, which has enhanced the area and protected the building for decades to come.

Option for Condition

Rather than **delete** the clause, it could be changed to' **the refurbished outbuilding cannot be sold as a separate unit from the main flatted property'**. In other words, the applicants continue to use as a spare room, but the current and future owner would be prohibited from selling the outbuilding as a separate entity.

6. Conclusion

The proposal, which is very modest in scale, will have no significant detrimental impact on either residential amenity or the conservation area.

The applicants are one of many homeowners who choose to use their property as a short term let. We are not asking to do anything different to what many other residents are doing.

A review of all the Airbnb listings for Greenock West End, **the applicants listing is the only Superhost listing with 100% 5-star ratings.**

We invite the review board to inspect the property and to take a look at the relevant listing to see for themselves the quality of the accommodation and the plethora of 5 star reviews from guests from all over the world, who have chosen to visit Greenock.

Against this background, we respectfully request that the Review Board grant consent.

Ged Hainey

McEwan Hainey

Planning and Development

(End)