

## Inverclyde Local Review Body

Our Ref: 19/0100/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Car Park off Orchard Street, Greenock
  - Application for Review by Nicholson McShane Architects on behalf of Mr R Masroor against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 19/0100/IC
  - Application Drawings: Drawing No. 2371\_D.001 Revision B – Plan as proposed and images of fence type
  - Date of Review Decision Notice: 23 March 2020
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### **Decision**

The ILRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review. Attention is also drawn to the Advisory Notice at the end of this Review Decision Notice.

#### **1. Introduction**

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 4 March 2020. The ILRB was constituted by Councillors J Clocherty, J Crowther, G Dorrian, D McKenzie, I Nelson, L Rebecchi and D Wilson (Chair).

#### **2. Proposal**

- 2.1 The application proposal is for the erection of a 2.4m high palisade fence around the car park at the east of the retail unit located at 31 Ingleston Street, Greenock with access from the site entrance off Orchard Street. The car park forms part of planning unit granted planning permission in 2004, reference IC/04/373. The application was refused consent in terms of a decision letter dated 12 September 2019.

#### **3. Preliminaries**

- 3.1 The ILRB members were provided with copies of the following:
  - (i) Planning application dated 29 April 2019 together with plan;
  - (ii) Appointed Officer's site photographs together with location plan;
  - (iii) Appointed Officer's report of handling dated 19 July 2019;
  - (iv) Consultation response in relation to planning application;
  - (v) Representation in relation to planning application;

- (vi) Decision Notice dated 12 September 2019 issued by Head of Regeneration & Planning;
- (vii) Notice of Review Form dated 29 November 2019 with supporting documentation from Nicholson McShane Architects;
- (viii) Further representation submitted following receipt of Notice of Review;
- (ix) Suggested conditions should planning permission be granted on review.

3.2 Having regard to the material before the ILRB, the ILRB resolved that the Review Application could be determined without any further procedure allowed in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

#### 4. Findings and Conclusions

4.1 The determining issues in this review were the impact of the proposal on road safety and parking.

4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, considered that no evidence had been submitted within the documentation submitted to it sufficient to reverse the Appointed Officer's decision, accepted the reasoning of the Appointed Officer and, following a vote, determined that planning permission should be refused for the following reasons given in the Decision Notice dated 12 September 2019:

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; and
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.

4.3 The Review Application was accordingly dismissed.

Signed \_\_\_\_\_

Head of Legal & Property Services  
Inverclyde Council  
Municipal Buildings  
Greenock  
PA15 1LX

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

### **Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)**

#### **Notice under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013**

1. If the applicant is aggrieved by the decision of the planning authority -
  - (a) to refuse permission for the proposed development;
  - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
  - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.