

Inverclyde Local Review Body

Our Ref: 19/0197/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 66 Union Street, Greenock
 - Application for Review by McEwan Hainey, Planning & Development Consultants, on behalf of Mrs C Arhimandritis against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 19/0197/IC
 - Application Drawings: Drawing No. 17-036-PL-001 – Existing and Proposed Plans and Elevations
 - Date of Decision Notice: 23 March 2020
-

Decision

The ILRB reverses the determination reviewed by it and deletes condition No. 2 of planning permission 17/0136/IC.

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 deletion of condition No. 2 relative to planning permission 17/0136/IC for upgrading works to the outbuilding on the north-western side of the category “B” listed detached dwelling on the north-east side of Union Street, Greenock which has been subdivided into flats which condition reads “That the outbuilding shall not be occupied independently of the associated flatted property at any time”, the reason for the condition being “To control the use of the building in the interests of residential amenity”. The application was refused consent in terms of a decision letter dated 20 September 2019.

3. Preliminaries

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

- (i) Planning application dated 3 July 2019 together with plan;
- (ii) Appointed Officer’s report of handling dated 20 September 2019;
- (iii) Consultation response in relation to planning application;
- (iv) Representations in relation to planning application;
- (v) Decision notice dated 20 September 2019 issued by Head of Regeneration & Planning

- (vi) Notice of review form dated 16 December 2019 with supporting documentation from McEwan Hainey, Planning & Development Consultants;
- (vii) Further representations submitted following receipt of Notice of Review;
- (viii) Additional statement from McEwan Hainey, Planning & Development Consultants, in relation to further representations.

3.2 Having regard to the material produced 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. **Reasons**

4.1 The determining issues in this review are (1) the impact of the proposal on tourism (2) the impact on the Greenock West End Conservation Area.

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, all relevant material and planning considerations, and comments from the Legal Adviser and the Planning Adviser that the conditions suggested by the applicant's agent are not enforceable by the Council as Planning Authority, and following a vote, determined that the review application should be upheld and that condition No. 2 of planning permission 17/0136/IC granted in terms of the Decision Notice dated 12 June 2017 be deleted.

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.