

Inverclyde Local Review Body

Our Ref: 21/0080/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Flat 2, 17 Union Street, Greenock, PA16 8UL.
 - Application for Review by Nicholson McShane Architects on behalf of John Seggie against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 21/0080/IC
 - Application Drawings: Plans and Elevations as Existing and Proposed (20035_D.001 Rev A)

Location Plan (2235_LP)
 - Date of Decision Notice: 06/10/2021
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below.

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 6 October 2021. The Review Body was constituted by Councillors Clocherty, Crowther, McKenzie, Nelson, Rebecchi and Wilson.

2. Proposal

- 2.1 The application proposal is for a new dormer window arrangement to an upper floor flat. The application was refused consent in terms of a decision letter dated 14 May 2021.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 17 March 2021
 - (ii) Location Plan, Existing & Proposed Plans and Elevations.
 - (iii) Appointed Officer's Report of Handling dated 30 April 2021.
 - (iv) Inverclyde Local Development Plan Policy Extract.

- (v) Inverclyde Local Development Plan 2019 Map Extract.
- (vi) Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extract.
- (vii) Historic Environment Scotland – Historic Environment Policy for Scotland.
- (viii) Historic Environment Scotland – Managing Change in the Historic Environment Guidance note on Roofs.
- (ix) Decision Notice dated 14 May 2021 issued by Head of Regeneration & Planning.
- (x) Notice of Review dated 12 August 2021 with supporting statement and design statement from Nicholson McShane Architects.
- (xi) Suggested Conditions should planning permission be granted on review.
- (xii) The Inverclyde Proposed Local Development Plan 2021.

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 issue in this review is that the proposed development would not have a detrimental impact on either the Listed Building or the 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 and all relevant material and planning considerations determined that the review application should be upheld.
- 4.3 It was also agreed by the ILRB that the condition listed at paragraph 5 below be attached to the planning permission for the reasons specified.

5 **Conditions**

- 1. That the development to which this permission relates must be begun within three years from the date of this permission.
- 2. That prior to the commencement of works on site, full details of all external materials including balustrade (inclusive of samples where required) shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is otherwise first agreed in writing by the Planning Authority.

Reasons

- 1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
- 2. To ensure the external materials are appropriate in the interests of the visual appearance of the building within the Conservation Area.

Signed _____

Interim Head of Legal 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.