

Inverclyde Local Review Body

Our Ref: 21/0195/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 4 Orchard Grove, Kilmacolm
 - Application for Review by Bryce Boyd Planning Solutions on behalf of Ms Claire Clarke against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 21/0195/IC
 - Application Drawings: Location Plan (100054135)
Existing and Proposed Ground Floor Plan (01 PL)
 - Date of Decision Notice: 06/04/2022
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the condition 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 April 2022. The Review Body was constituted by Councillors Clocherty, Crowther, McVey, Nelson, Rebecchi and Wilson.

2. Proposal

- 2.1 The application proposal is for the change of use of part of domestic garage to beauty salon (sui generis). The application was refused consent in terms of a decision letter dated 22 October 2021.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 23 June 202 July 2021 together Location and Floor Plans
 - (ii) Planning Application Supporting Statement and Site Photographs
 - (iii) Appointed Officer's Report of Handling dated 15 September 2021
 - (iv) Inverclyde Local Development Plan 2019 Policy Extracts
 - (v) Inverclyde Local Development Plan 2019 Map Extract
 - (vi) Representation in relation to Planning Application

- (vii) Decision Notice dated 22 October 2021 issued by Head of Regeneration & Planning
- (viii) Notice of Review Form dated 12 January 2021 with Supporting Statement from Bryce Boyd Planning Solutions
- (ix) Suggested Condition should Planning Permission be Granted on Review
- (x) 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. Findings and Conclusions

4.1 The determining issue in this review was the economic impact of the proposed development, including the impact of the Covid-19 pandemic on home working.

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, decided 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. Condition

1. This permission hereby granted shall enure solely for the benefit of the applicant.

6. Reason

1. In the interests of preserving the residential amenity of houses adjoining the site.

Signed _____

Head of Legal & Democratic 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.