

## Inverclyde Local Review Body

Our Ref: 21/0243/IC

### REVIEW DECISION NOTICE

---

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 13 Kelly Street, Greenock.
  - Application for Review by Nicholson McShane Architects on behalf of Dorothy McMenemie against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 21/0243/IC
  - Application Drawings: Existing and proposed site and layout plans (20053\_D.001 Rev A)  
  
Location Plan (20053\_LP Rev A)  
  
Proposed Elevations (20053\_C.002)
  - Date of Decision Notice: 03/08/2022
- 

### **Decision**

The ILRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review. Attention is 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 3 August 2022. The Review Body was constituted by Councillors Clocherty, Crowther, Curley, McVey, Moran and Wilson.

#### **2. Proposal**

- 2.1 The application proposal is for proposed new build 4-storey block of 4 flats. The application was refused consent in terms of a decision letter dated 21 December 2021.

#### **3. Preliminaries**

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

- (i) Planning Application dated 16 August 2021 together with Location, Elevation and Site Plans.
- (ii) Planning Application Design Statement.
- (iii) Appointed Officer's Report of Handling dated 8 December 2021.
- (iv) Inverclyde Local Development Plan Policy Extracts.
- (v) Inverclyde Local Development Plan 2019 Map Extract.
- (vi) Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extracts.
- (vii) Scottish Planning Policy.
- (viii) Historic Environment Scotland – Policy for Scotland.
- (ix) Historic Environment Scotland – Managing Change in the Historic Environment Guidance Note Series.
- (x) Representations in relation to Planning Application.
- (xi) Decision Notice dated 21 December 2021 issued by Head of Regeneration & Planning.
- (xii) Notice of Review Form dated 13 March 2022 with supporting statement from Nicholson McShane Architects.
- (xiii) Suggested Conditions and Advisory Notes should planning permission be granted on review.
- (xiv) 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 issues in this review were (a) whether the proposed development would accord with the Local Development Plan; (b) whether it would have a detrimental impact on the built environment due to the plot size; (c) traffic congestion; and (d) parking provision.

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 documentation submitted to it did not include sufficient evidence to reverse the appointed officer's decision, accepted the reasoning of the appointed officer and determined that planning permission should be refused, concluding that the application had been correctly refused for the reasons given in the Decision Notice dated 21 December 2021, namely:

1. The proposal fails to accord with the principles set out in paragraph 29 of Scottish Planning Policy and it cannot be concluded that the proposal constitutes sustainable development and is the right development in the right place;
2. the proposal by virtue of the detail of the design approach and use of materials at this location fails to preserve or enhance the Greenock West End Conservation Area contrary to the requirements of Policy 28 of both the 2019 adopted Inverclyde Local Development Plan and the 2021 proposed Inverclyde Local Development Plan;
3. by developing the original rear curtilage of the existing building fronting Union Street the proposal would be to the detriment of the setting of the listed building it is also not supported by Policy 29 of both the 2019 adopted Inverclyde Local Development Plan and the 2021 proposed Inverclyde Local Development Plan;
4. the proposal fails to have regard to the six qualities of successful places as required by Policy 1 of both the 2019 Inverclyde Local Development Plan and 2021 proposed Inverclyde Local Development Plan, specifically as it fails to reflect local architecture and urban form and contribute positively to historic places under the 'Distinctive' heading and fails to avoid conflict in respect of window to window privacy under the 'Safe and Pleasant' heading;

5. no off-street parking is provided and the proposal does not therefore meet with the requirements of Policy 11 of the 2019 adopted Inverclyde Local Development Plan and Policy 12 of the 2021 proposed Inverclyde Local Development Plan; and
6. the proposal fails to follow the advice and guidance within paragraph 8.2 of the Greenock West End Conservation Area Appraisal which highlights a presumption against development within the original plots in the Conservation Area.

4.3 The Review Application was accordingly dismissed.

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.