

Inverclyde Local Review Body

Our Ref: 22/0090/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Plot to North East of 22 and 24 Dunvegan Avenue, Gourrock
 - Application for Review by Richard Robb Architects on behalf of Mr David Middlesworth against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 22/0090/IC
 - Application Drawings: Block Plan (1006/BP/01)
Location Plan (1006/LOC/01)
 - Date of Decision Notice: 18/01/2023
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Decision

The ILRB upholds the decision to refuse planning permission for the reason 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 12 January 2023. The Review Body was constituted by Councillors Brooks, Clocherty, Crowther, Curley, McCabe, McGuire and MacVey.

2. Proposal

- 2.1 The application is for a proposed dwelling house and detached garage. The application was refused consent in terms of a decision letter dated 22 July 2022.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 11 April 2022 together with Location and Block Plans
 - (ii) Planning Application – Miscellaneous files relating to Bees, Flowers, Plants, Pollinators and Trees
 - (iii) Appointed Officer's Report of Handling dated 12 July 2022
 - (iv) Inverclyde Local Development Plan 2019 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) Representations in relation to Planning Application
- (ix) Decision Notice dated 22 July 2022 issued by Head of Regeneration and Planning
- (x) Notice of Review Form dated 21 October 2022 with Supporting Statement from Richard Robb Architects
- (xi) Further Representations submitted following receipt of Notice of Review
- (xii) Documents submitted by Richard Robb Architects in response to Further Representations
- (xiii) Suggested Conditions 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. Findings and Conclusions

4.1 The determining issue in this review is whether the proposed development would have a detrimental impact on open space in the 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, 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 22 July 2022, namely:

(a) The proposal cannot be considered to be the right development in the right place as required by Scottish Planning Policy 2014.

(b) The proposed development would result in the loss of open space which is of quality and value in terms of its contribution to the amenity, character and appearance of the wider area and to the community. It is therefore contrary to Policy 35 of the adopted Inverclyde Local Development Plan 2019 and Policies 20 and 36 of the proposed Inverclyde Local Development Plan 2021.

(c) The proposal fails to retain this amenity open space - a locally distinct feature - which contributes to the amenity, character and distinctive urban form of the wider development. The proposal is therefore unacceptable with reference to being "Distinctive" and does not fulfil the aims and requirements of Policy 1 within both the adopted and proposed Local Development Plans.

(d) The site is not considered appropriate for residential development, contrary to Policy 18 of both the adopted and proposed Inverclyde Local Development Plans. The site is a valued amenity space which defines the character and form of the wider residential development and therefore presents a conflict with the principle of both adopted and draft PAAN2 and PAAN3.

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.