

Inverclyde Local Review Body

Our Ref: 22/0203/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 92 Newark Street, Greenock
 - Application for Review by Mr G Scott against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 22/0203/IC
 - Application Drawings: Location Plan (AL(0)01 Rev A)
Existing Site Plan (AL(0)02 Rev B)
Existing Plan (AL(0)03 Rev A)
Existing Elevations (AL(0)04 Rev B)
Existing Sections (AL(0)05 Rev A)
Proposed Site Plan (AL(0)07 Rev B)
Proposed Plans (AL(0)08 Rev B)
Proposed Plans (AL(0)09 Rev B)
Proposed Elevations (AL(0)10 Rev B)
Proposed Elevations (AL(0)11 Rev B)
Proposed Sections (AL(0)12 Rev B)
Land Deeds (137157)
 - Date of Decision Notice: 09/05/2023
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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 May 2023. The Review Body was constituted by Councillors Brennan, Brooks, Clocherty, Crowther, Curley, McCabe and MacVey.

2. Proposal

- 2.1 The application is for a proposed new build, 2 bedroom, one storey detached house (fronting Mews Lane) with associated hard and soft landscaping at 92 Newark Street, Greenock. The application was refused consent in terms of a decision letter dated 2 December 2022.

3. Preliminaries

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

- (i) Planning Application dated 12 August 2022 together with Location Plan and Existing and Proposed Plans and Elevations
- (ii) Planning Application – Supporting Statement from Quigley Architects
- (iii) Appointed Officer's Report of Handling dated 11 November 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 Notices Policy Extracts
- (vii) Scottish Planning Policy
- (viii) National Planning Framework 4 Policy Extracts
- (ix) Historic Environment Scotland – Managing Change in the Historic Environment Guidance Note on Setting
- (x) Historic Environment Scotland – Historic Environment Policy for Scotland
- (xi) Greenock West End Conservation Area Appraisal
- (xii) Representations in relation to Planning Application
- (xiii) Decision Notice dated 2 December 2022 issued by Head of Regeneration & Planning
- (xiv) Notice of Review form dated 1 March 2023 with Supporting Statement from Quigley Architects
- (xv) Further Representation
- (xvi) Submission by Quigley Architects in response to Further Representation
- (xvii) Suggested Conditions should Planning Permission be granted on Review
- (xviii) 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 the Conservation Area through sub-division of one of the original large plots which characterize this part of the conservation area and the introduction of an additional built form to the service lane, contrary to its historical and continued use.

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 2 December 2022, as updated at the meeting to reflect Scottish Planning Policy being superseded by National Planning Framework 4, namely:

(1) the proposals fails to have regard to sections d) and e) of Policy 7 of NPF4 as it does not protect the architectural and historic character of the area nor conform to the existing density, built form and layout of the Greenock West End Conservation Area;

(2) the proposal fails to accord with section b) of Policy 14 of NPF4 as it is not considered to be consistent with the 6 qualities of successful places as it fails to accord with the 'Pleasant' and 'Distinct' qualities of supporting attractive natural and built spaces and supporting attention to detail of local architectural styles.

(3) the proposal by virtue of the sub-division of one of the large plots which characterize this part of the Conservation Area and introduce an additional built form to Mews Lane contrary to its historic and continued development as a sparsely developed rear service lane, 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 proposed 2021 Inverclyde Local Development Plan;

(4) the proposals fails to have regard to the six qualities of successful places as required by Policy 1 of both the adopted 2019 Inverclyde Local Development Plan and proposed 2021 Inverclyde Local Development Plan, specifically as it fails to reflect local urban form and contribute positively to historic places under the 'Distinctive' heading; and

(5) 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, Digital
and Customer 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.