

Inverclyde Local Review Body

Our Ref: 22/0189/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 38 Leapmoor Drive, Wemyss Bay
 - Application for Review by Mr Frank O'Neill against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 22/0189/IC
 - Application Drawings: Location and Block Plans (22.22 01)
Site Plans as Existing (22.22 02)
Site Plan as Existing - Topography (22.22 03)
Site Plan as Proposed (22.22 04)
Location Plan (22.22 LP)
 - Date of Decision Notice: 08/06/2023
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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 7 June 2023. The Review Body was constituted by Councillors Brooks, Clocherty, Crowther, Curley, McCabe, McGuire and McVey.

2. Proposal

- 2.1 The application is for a proposed detached dwellinghouse (planning permission in principle). The application was refused consent in terms of a decision letter dated 16 December 2022.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 22 July 2022 together with Location, Site and Block Plans
 - (ii) Planning Application – Supporting Statement from Q6 Design
 - (iii) Appointed Officer's Report of Handling dated 30 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) Representations in relation to Planning Application
- (x) Decision Notice dated 16 December 2022 issued by Head of Regeneration & Planning
- (xi) Notice of Review form dated 10 March 2023
- (xii) Suggested Conditions and Advisory Notes should Planning Permission be granted on review
- (xiii) 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 the open space, biodiversity, amenity, character and appearance of the surrounding 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 16 December 2022, namely:

(1) The proposed development results in the loss of open space which provides a positive contribution to the amenity, character and appearance of the surrounding area and is therefore contrary to Policy 35 of the adopted Inverclyde Local Development Plan and Policy 36 of the proposed Inverclyde Local Development Plan. There are no material planning considerations that outweigh the terms of these policies to allow approval of the proposed development.

(2) The proposed development 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 the proposed 2021 Inverclyde Local Development Plan, specifically as due to the elevated position of the dwellinghouse and proximity to Leapmoor Drive, it fails to reflect local architecture and urban form under the 'Distinctive' quality.

(3) The proposed development fails to demonstrate that it would conserve and enhance biodiversity and would be detrimental to the connectivity between established habitat areas, contrary to Policy 33 of both the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan.

(4) The proposed development results 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 surrounding residential and open space areas and therefore cannot be considered to be the right development in the right place as required by National Planning Framework 4.

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.