

Inverclyde Local Review Body

Our Ref: 23/0086/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 60 Bawhirley Road, Greenock
 - Application for Review by Mr Alistair Anderson against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 23/0086/IC
 - Application Drawings: Proposed Site Plan
 - Date of Decision Notice: 16/01/2024
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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 10 January 2024. The Review Body was constituted by Councillors Brooks, Clocherty, Crowther, Curley, McCabe, McGuire and McVey.

2. Proposal

- 2.1 The application is for proposed excavation and building works within the front curtilage to form a driveway at 60 Bawhirley Road, Greenock. The application was refused consent in terms of a decision letter dated 21 August 2023.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 24 April 2023 together with Site Plan
 - (ii) Appointed Officer's Report of Handling dated 27 July 2023
 - (iii) Inverclyde Local Development Plan 2019 Policy Extract
 - (iv) Inverclyde Local Development Plan 2019 Map Extract
 - (v) National Planning Framework 4
 - (vi) Representations in relation to Planning Application
 - (vii) Decision Notice dated 21 August 2023 issued by Head of Regeneration & Planning
 - (viii) Notice of Review form dated 6 November 2023
 - (ix) Further Representations submitted following receipt of Notice of Review

- (x) Submission by the Applicant in response to Further Representation
- (xi) Suggested Conditions should Planning Permission be granted on Review
- (xii) The Inverclyde Proposed Local Development Plan 2021

3.2 Having regard to the material provided, 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 issues in this review are whether the proposed development would have a detrimental visual impact on the urban form and an adverse impact on road safety and parking.

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 August 2023, namely:

(1) the proposal 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 proposed design, it fails to reflect the urban form of the area, contrary to the "Distinctive" quality;

(2) the proposal fails to have regard to the six qualities of successful places are required by Policy 1 of both the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan, specifically as the proposal would result in a reduction in available parking space available along Bawhirley Road, it fails to minimize the impact of traffic and parking on the street scene, contrary to the "Safe and Pleasant" quality;

(3) the proposal would adversely affect the efficient operation of the transport and active travel network, contrary to Policy 11 of the adopted 2019 Inverclyde Local Development Plan and Policy 12 of the proposed 2021 Inverclyde Local Development Plan; and

(4) the proposed design would harm the character and appearance of the street frontage, contrary to Policy 20 of the proposed 2021 Inverclyde Local Development Plan.

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.