

Inverclyde Local Review Body

Our Ref: 23/0179/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 58 Esplanade, Greenock
 - Application for Review by Nicholson McShane Architects on behalf of Mr Kenneth O'Donnell against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 23/0179/IC
 - Application Drawings: Plans and visual for information purposes only (23023_D.001)
Location Plan (23023_LP Reb B)
 - Date of Decision Notice: 12/03/2024
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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 6 March 2024. 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 new dwellinghouse in curtilage of existing dwelling (planning permission in principle) at 58 Esplanade, Greenock. The application was refused consent in terms of a decision letter dated 12 October 2023.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 17 August 2023 together with Design Statement, Photographs, Drawings and Plans
 - (ii) Appointed Officer's Report of Handling dated 5 October 2023

- (iii) Inverclyde Local Development Plan 2019 Policy Extract
- (iv) Inverclyde Local Development Plan 2019 Map Extract
- (v) Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extracts
- (vi) National Planning Framework 4
- (vii) Historic Environment Scotland – Managing Change in the Historic Environment Guidance Note on Setting
- (viii) Historic Environment Scotland – Historic Environment Policy for Scotland
- (ix) Greenock West End Conservation Area Appraisal
- (x) Representations in relation to Planning Application
- (xi) Decision Notice dated 12 October 2023 issued by Head of Regeneration & Planning
- (xii) Notice of Review form dated 9 November 2023 together with Statement of Appeal
- (xiii) Further Representations submitted following receipt of Notice of Review
- (xiv) Submission by Nicholson McShane Architects in response to Further Representations
- (xv) Suggested Conditions should Planning Permission be granted on Review
- (xvi) 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 impact on the amenity, character and appearance of the Greenock West End Conservation 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 12 October 2023, namely:

(1) the proposed development does not accord with the six factors contributing to successful places of Policy 1 of both the adopted and proposed Inverclyde Local Development Plans, in that it fails to meet the quality of being 'Distinctive' by not reflecting the urban form or character of the surrounding area;

(2) the proposed development would not contribute to the amenity, character and appearance of the surrounding residential area, to justify support for the application under the provisions of Policy 14 c) of National Planning Framework 4;

(3) the subdivision of the large plot which characterise the north-west character area of the Greenock West End Conservation Area would introduce an additional built form to the rear of the property which would fail to preserve or enhance the conservation area, contrary to Policy 7 of National Planning Framework 4 and Policy 28 of both the adopted and proposed Inverclyde Local Development Plans; and

(4) the proposed development does not meet the guidance of the Greenock West End Conservation Area Appraisal which has a presumption against development within the original plots.

4.3 The Review Application was accordingly dismissed.

Signed _____

Interim 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.

