

Local Review Body

3 March 2010

Planning Application for Review

Direct Paints

Installation of roller shutter (in retrospect):
37 Shore Street, Gourock (09/0305/IC)

Contents

- Planning Application and plan/photographs
- Report of handling dated 13 November 2009
- Decision notice dated 16 November 2009
- Letter dated 14 December 2009 from Canata and Seggie enclosing notice of review form and photographs
- Draft conditions

Planning and Housing
Development Management

Inverclyde
council

Head of Planning and Housing
Cathcart House
6 Cathcart Square
Greenock PA15 1LS

SERVICES

1 OCT 2009

0.3223

FOR OFFICIAL USE ONLY

Reference No. 09/0305/1C

Date of Receipt

Fee Paid £145.00

Date Fee Received 01.10.09

Date Valid

Receipt No. 271

PLANNING APPLICATION

Town & Country Planning (Scotland) Acts

The undersigned applicant hereby makes application for Planning Permission for the development described on this form and the accompanying plans.

see note 1

1. Particulars of Applicant	Particulars of Agent (if any) acting on applicants behalf:
Name Direct Paints	Name Canata & Seggie
Address 37 Shore Street, Gourock Postcode PA19 1RG	Address 7 Union Street, Greenock Postcode PA16 8JH
Telephone Number	Telephone Number 01475 784517
	Profession Chartered Architects

see note 2

2. Description of Development	
Retrospective application for the installation of roller shutter.	
Site Location 37 Shore Street Gourock	
Site Area (hectares) N/A	Number of dwellinghouses proposed N/A
	New gross floorspace (sq. metres) N/A

see note 3

3. Application Type (Tick appropriate boxes)	
(a) Planning Permission in Principle <input type="checkbox"/>	(c) Detailed Permission <input checked="" type="checkbox"/>
(b) Approval of Matters Specified by Condition <input type="checkbox"/>	(d) Change of Use of land/buildings <input type="checkbox"/>
(e) Other (please specify)	

see note 4

4. Applicants interest in site (Tick appropriate box)	
(a) Owner <input type="checkbox"/>	(c) Tenant <input checked="" type="checkbox"/>
(b) Lessee <input type="checkbox"/>	(d) Prospective Purchaser <input type="checkbox"/>
(e) Other (please specify)	

see note 5

5. Existing Uses

(a) Please state the existing use(s) of the land/buildings: Paint shop

(b) Was the original building erected before 1st July 1948? Yes / ~~No~~

Has the original building been altered or extended Not known Yes / No

If yes, please indicate nature of alteration / extension and if possible approximate dates..... NIA

If the land / buildings are vacant, please state last known use..... NIA

see note 6

6. Access Arrangements and Parking (Tick appropriate box/es)

(a) Not Applicable	<input checked="" type="checkbox"/>	(e) Number of existing on site parking places	<input type="checkbox"/>
(b) New vehicular access proposed	<input type="checkbox"/>	(f) Number of proposed on site parking places	<input type="checkbox"/>
(c) Existing vehicular access to be altered / improved	<input type="checkbox"/>	(g) Detail of any available off site parking	<input type="checkbox"/>
(d) Separate pedestrian access proposed	<input type="checkbox"/>		

see note 7

7. Drainage Arrangements (Tick appropriate box/es)

(a) Not Applicable	<input checked="" type="checkbox"/>	(c) Connection to existing public sewer	<input type="checkbox"/>
(b) Public Sewer	<input type="checkbox"/>	(d) Septic Tank	<input type="checkbox"/>

If (d), indicate method of disposal of effluent (e.g. soakaway, watercourse etc).....

see note 8

8. Water Supply (Tick appropriate box/es)

(a) Not Applicable	<input checked="" type="checkbox"/>	(c) Existing private supply	<input type="checkbox"/>
(b) Public Main	<input type="checkbox"/>	(d) Proposed private supply	<input type="checkbox"/>

If (c) or (d), please specify nature of supply source and proposed storage arrangements.....

see note 9

9. Building Materials (Complete as appropriate)

(a) Not Applicable	<input checked="" type="checkbox"/>	
(b) Outside Walls		Material..... Colour.....
(c) Roof Covering		Material..... Colour.....
(d) Windows		Material..... Colour.....
(e) Boundary Treatment		Material..... Colour.....

see note 10

10. Landscaping

Is a landscaping/tree planting scheme proposed? Yes No

Are any trees/shrubs to be cleared on site? Yes No

If yes, please show details of scheme on a SITE PLAN

see note 11

11. Costings

What is the estimated costs of any works to be carried out? £ 1000-00

see note 12

12. Confirmation

Signature of applicant/agent: [Redacted] (Cairns & Seggie)

on behalf of: Direct Points Date: 30th September 2009

see note 13

CERTIFICATES UNDER ARTICLE 15 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(SCOTLAND) REGULATIONS 2008

Either certificate A, B or C must be completed together with certificate E

CERTIFICATE A (To be completed where the applicant is owner of the whole application site including any access visibility splays and land required for drainage systems or water connections)

I hereby certify that:

No person other than * myself/the applicant was an owner (refer to note (a)) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application

CERTIFICATE B (To be completed where the applicant does not own the whole application site including any access visibility splays and land required for drainage systems or water connections)

I further certify that:

* I have/the applicant has given the requisite notice (Notice No.1) to all persons other than * myself / the applicant who at the beginning of the period of 21 days ending with the date of the accompanying application were (refer to note (a)) owners of any part of the land to which the application relates.

Name(s) of Owner	Address(es)	Date of Service of Notice(s)
Garrowack Property Company Ltd, Per McTavish & Co	18 Nicolson Street, Greenock PA15 1JU	30/9/2009

* Delete whichever is inappropriate

NOTE (a) Any person who in respect of any part of the land is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than 7 years remains unexpired.

CERTIFICATE C (To be completed in EVERY CASE)

I further certify that:

* (1) None of the land to which the application relates constitutes or forms part of an agricultural holding

* (2) I have/the applicant has given the requisite notice to every person other than myself/himself who at the beginning of the period of 21 days ending with the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates

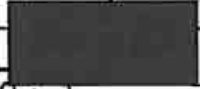
These persons are:

Name(s)	Address(es)	Date of Service of Notice(s)
.....
.....
.....

CERTIFICATE D

I confirm that I have been unable to notify all parties under Certificates A, B and C

* Delete whichever is inappropriate

Signature of Applicant/Agent  (Canata & Seagie)
On behalf of Direct Points
Date 30th September 2009

see note 15

CHECKLIST - The following documentation should be submitted:

please tick all boxes

- TWO APPLICATION FORMS
- FOUR SETS OF PLANS
- FEE (Where appropriate)
- DESIGN & ACCESS STATEMENT (National and Major applications only)
- PRE-APPLICATION CONSULTATION REPORT (National and Major applications only)

WARNING
If any person issues a certificate which purports to comply with the requirements of Section 35 of The Town and County Planning (Scotland) Acts, and contains a statement which he knows to be false or misleading in a material particular or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

REPORT OF HANDLING

Report By: James McColl

Report No:

09/0305/IC

Local Application
Development

**Contact
Officer:** 01475 712462

Date:

13th November 2009

Subject: Installation of roller shutter (in retrospect) at
37 Shore Street Gourock PA19 1RG

SITE DESCRIPTION

The application relates to a ground floor shop unit within a three storey tenemental building located on the southern side of Shore Street, Gourock. The property lies within the identified Gourock Town Centre area.

PROPOSAL

Roller shutters have been installed on the shopfront without the benefit of planning permission. The shutters are solid galvanised steel with a central section of perforated slats together with the shutter box on the outside of the shopfront projecting from the shopfront. The application is considered in retrospect.

LOCAL PLAN POLICIES

Local Plan Policy R1- Designated Centres

The following Centres are designated:

1. Town Centres, as defined on the Proposals Map:

- (a) Greenock, subdivided into a 'Central Shopping Area' and 'Outer Mixed/Commercial Area';
- (b) Port Glasgow ;
- (c) Gourock ; and

2. Local Centres, as defined or indicated on the Proposals Map:

- (a) Kilmacolm (defined);
- (b) Dubbs Road, Port Glasgow (defined);
- (c) Sinclair Street, Greenock;
- (d) Belville Street, Greenock;
- (e) Lynedoch Street, Greenock;
- (f) Barrs Cottage (Inverkip Road/ Dunlop Street), Greenock;
- (g) Ravenscraig (Cumberland Walk), Greenock;

- (h) Cardwell Road, Gourock (defined);
- (i) Main Street, Inverkip
- (j) Ardgowan Road, Wemyss Bay
- (k) By Station/Pier, Wemyss Bay

Inverclyde Council, as Planning Authority, will seek to assist urban regeneration and sustainable travel patterns. This will be achieved by encouraging each Centre to serve its own retail and service catchments without detriment to other Centres and to the overall roles of Greenock, Port Glasgow and Gourock as the principal Centres serving the Authority.

Local Plan Policy DC1 - Development Control Advice

Inverclyde Council, as Planning Authority, will support applications for planning, listed building and advertisement consent, where applicable, which accord with the principles established in the Council's Planning Practice Advice Notes.

PPAN12 - Shopfront Design applies.

CONSULTATIONS

None required.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

The application was subject of neighbour notification. No representations were received.

ASSESSMENT

The material considerations in the assessment of this application are the development plan, and the impact on the existing building and wider streetscape.

This alteration to a shop premises within an identified town centre presents no direct conflict with policy R1 of the Local Plan. Policy DC1 supports applications which accord with the guidance contained within the Councils Planning Practice Advice Note (PPAN) Number 12 on Shopfront Design. PPAN 12 advises that roller shutters to protect glazing will be permitted providing the shutter is latticed grilled and the shutter box is recessed behind the shopfront or appropriately designed sub-facia. Only on isolated shop units and in exceptional circumstances would solid shutters be permissible. Shutters should be painted to match the shopfront.

Assessing the shutters installed, I note that the shutter box is mounted externally and projects 300 mm from the shopfront. The use of a shutter with an external box has a harmful impact on the visual appearance of the shop front to the detriment of the wider streetscape. Additionally the roller shutter is solid and finished in galvanised steel. Lattice shutters with a high degree of transparency would allow light from inside the shop to project onto the street even when the shop is closed, with

any window display still being visible, encouraging passers-by into the area by contributing to the creation of an attractive environment. Whilst I appreciate the concerns of retailers with regard to security it remains that the shopping areas within Inverclyde are attractive and welcoming when the shops are closed. Shore Street is an important local shopping street within the Gourock Town Centre. The use of solid steel roller shutters with a central section of perforated slats, especially when left with a bare galvanised finish, creates a depressing and hostile appearance to the detriment of the existing building and wider streetscape.

To conclude, the provision of a primarily solid galvanised roller shutter with external shutter box has a detrimental impact on the appearance of the shopfront and wider streetscape and is at odd with the guidance contained within the Council's PPAN 12 and there are no exceptional circumstances which would merit a departure from this guidance. As such, I am unable to support the application.

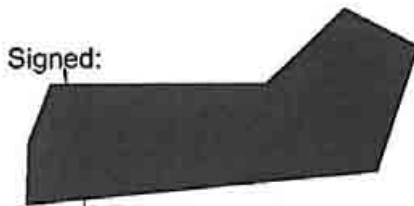
DECISION

That the application be refused

Reasons

1. The use of solid steel roller shutters creates a depressing and hostile appearance to the detriment of the existing building and wider streetscape.
2. The use of a shutter with an external box has a harmful impact on the visual appearance of the shop front to the detriment of the wider streetscape.
3. The shutter installed is contrary to the design guidance contained within the Council Planning Practice Advice Note Number 12 on Shopfront Design.

Signed:

A large, irregular black redaction box covering the signature of James McColl.

Case Officer: James McColl

F. K WILLIAMSON

A solid black rectangular redaction box covering the name of F. K Williamson.

Head of Planning and Housing

DECISION NOTICE

Inverclyde
council

Refusal of Planning Permission

Planning and Housing
6 Cathcart Square
Greenock PA15 1LS

09/0305/IC

*TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008*

Direct Paints
37 Shore Street
Gourock
PA19 1RG

Canata & Seggie
Chartered Architects
7 Union Street
Greenock
PA16 8JH

With reference to your application dated 1st October 2009 for planning permission under the above mentioned Act and Regulation for the following development:-

Installation of roller shutter (in retrospect) at

37 Shore Street, Gourock, PA19 1RG,

Category of Application Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The use of solid steel roller shutters creates a depressing and hostile appearance to the detriment of the existing building and wider streetscape.
2. The use of a shutter with an external box has a harmful impact on the visual appearance of the shop front to the detriment of the wider streetscape.
3. The shutter installed is contrary to the design guidance contained within the Council Planning Practice Advice Note Number 12 on Shopfront Design.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 16th day of November 2009

[Redacted Signature]

Head of Planning and Housing



NATIONAL AND MAJOR APPLICATIONS AND LOCAL APPLICATIONS DETERMINED BY THE PLANNING BOARD

1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Scottish Government under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The appeal should be addressed to **The Scottish Government, Directorate for Planning and Environmental Appeals, Unit 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk FK1 1XR.**
2. If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Government, 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.
3. In certain circumstances, a claim may be made against the planning authority for compensation, where permission is refused or granted subject to conditions by the Scottish Government on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Scottish Executive Circular 6/1990.

LOCAL APPLICATIONS DETERMINED UNDER DELEGATED POWERS

1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months from the date of this notice. The request for review shall be addressed to the **Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.**
2. If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Government, 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Refused Plans:

Drawing No:

1934-001

Version:

A

Dated:

29.09.2009

Canata / Seggie

CHARTERED ARCHITECTS

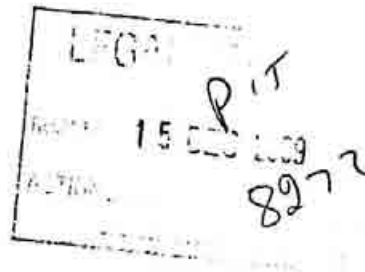
7 UNION STREET • GREENOCK • PA16 8JH • tel: 01475 784517 • fax: 01475 888344

1934/MGR

INVERCLYDE COUNCIL
HEAD OF LEGAL & ADMINISTRATION
MUNICIPAL BUILDINGS
GREENOCK
PA15 1LY

14th December 2009

Dear Sir(s)



ROLLER SHUTTER INSTALLATIONS AT DIRECT PAINTS, 37 SHORE STREET, GOUROCK – 09/0305/IC

We enclose our Notice of Review Form along with our supporting documentation and trust that you find everything in order.

Yours faithfully,



MARCO REBECCHI ACIAT
Director

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INVESTOR IN PEOPLE

e-mail: info@canseg.co.uk

web: www.canseg.co.uk

INTERIOR DESIGNERS • PROJECT MANAGERS • CDM CO-ORDINATORS

Canata and Seggie Chartered Architects is the trading name of Canseg Ltd Registered in Scotland No 251859



THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

THE TOWN AND COUNTRY PLANNING (SCHEMES OF
DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND)
REGULATIONS 2008

Notice of Review Form

1. Name and Address of Applicant	DIRECT PAINTS. 37 SHORE STREET, GREENOCK
2. Name and Address of Agent	CANATA & SEEGIE ARCHITECTS 7 UNION STREET, GREENOCK
3. Do you wish correspondence on the appeal to be addressed to the agent?	*Yes/No
4. Planning Application Reference Number	CA1030511C
5. Date of Planning Authority Decision on Application	16th November 2009
6. Reason(s) for Seeking Review (continue on separate sheet if necessary)	SEE ATTACHED

*delete as applicable

Reason for Appeal

We wish to appeal the refusal of planning permission for the retrospective installation of roller shutters on the following grounds:-

1. There are numerous solid steel roller shutters with surface mounted shutter boxes within the Gourock, Greenock & Port Glasgow Town Centres. Please see attached photographs.
2. The council's planning practice advice note number 12 states that the "shutter box should be recessed behind the fascia". To recess the shutter box in an existing shop front would have been prohibitively expensive.
3. Whilst a roller shutter with a recessed box would be preferable the style of roller shutter installed provides better security than no roller shutter.

We would also point out that Planning Practice Advice Note No 12 is advice and is open to compromise.



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1. That within 4 weeks of the date of this consent, details of a painted finish to the roller shutters coloured appropriately for the shopfront be submitted to and approved by the planning authority. The roller shutters shall then be finished in the approved colour within 8 weeks of the date of this consent and shall be maintained in this colour or any other colour as deemed appropriate in writing by the planning authority at all times thereafter

Reasons

1. To ensure the roller shutters are finished in an appropriate colour, in terms of the visual amenity of Shore Street.