

Inverclyde Local Review Body

Our Ref: 09/0083/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 18 Pottery Street, Greenock
- Application for Review by Riverside Inverclyde against the decision by an appointed officer of Inverclyde Council
- Application Ref: 09/0083/IC for change of use from office to café with extension to building, construction of chimney and erection of bin enclosure

Application Drawings: (EX) 01 - Location Plan
(EX) 02 - Plan as Existing
(EX) 03 - Elevations/sections existing
(PL) 01 - Site Layout
(PL) 03 - Plan as proposed
(EL) 01 - Elevations/sections proposed

- Date of Decision Notice: 1 April 2010
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, for the construction of the chimney, subject to the addition of the condition listed at paragraph 5 below on the grant of planning permission 09/0083/IC. Attention is also 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 2008.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 3 March 2010. The Review Body was constituted by Councillor T Fyfe (Chair), Councillor K Brooks, Councillor G Dorrian, Councillor T Loughran, Councillor R Ahlfeld, Councillor I Nelson and Councillor L Rebecchi.

2. Proposal

- 2.1 The application proposal is for the introduction of a "feature chimney" in place of the existing chimney stack, consisting of a 2.5 metres high zinc clad structure. The chimney is to be 1.8 metres wide by 0.55 metres deep.
- 2.2 Planning permission for the chimney was refused consent in terms of Condition 2 of a grant of planning permission in terms of a decision letter dated 28 October 2009.

3. Preliminaries

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

- (i) Planning Application and plans/photographs specified above;
- (ii) The Appointed Officer's Report of Handling dated 28 October 2009;
- (iii) Decision Notice dated 28 October 2009;
- (iv) Draft Condition should the ILRB be minded to grant planning permission.

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 2008.

4. **Reasons**

4.1 The determining issue in this review is the impact the construction of the chimney would have on the visual appearance of the existing building and wider streetscene, having regard to the provisions of the development plan.

4.2 The decision to impose condition 2 - that permission is not given for the chimney shown on the approved plans - on the grant of planning permission 09/0083/IC was made as the chimney, by reason of its disproportionate height and finish, would form an incongruous feature in the streetscene, would be detrimental to the character of the building and would visually compete with the recently erected sculpture adjacent to the site, to the detriment of the visual importance of the sculpture in signifying the regeneration of the area.

4.3 In the notice of review the applicants stated that the feature chimney, while making reference to the historical industrial use of the site, also provides a distinctive, innovative and attractive design solution. The chimney design would deal with mechanical extraction from the cooker hood by concealing the cooker hood extract and air inlet. The notice of review included various plans and photographic evidence in support of the applicants' case.

4.4 The ILRB was of the view that the applicants had demonstrated significant persuasive evidence in support of their case. In particular, in looking at the position of the building, the proposed chimney would serve the purpose of signposting the building as a landmark. The ILRB determined that the construction of the chimney would not have a detrimental impact on the character of the building or wider area in accordance with Policy B2 (Mixed (Business) Use Areas) of the Inverclyde Local Plan.

5 **Conditions**

1. That the zinc cassette panels hereby permitted shall match in colour the zinc cladding to be used on the extension to the building already permitted under the terms of planning permission 09/0083/IC.

Reason:

- 1 To ensure coordination between the facing materials in the interests of visual amenity.

Signed _____

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 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2008

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval 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.