

Inverclyde Local Review Body

Our Ref: 11/0166/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Land adjacent to 6 Carron Road, Wemyss Bay
 - Application for Review by Mrs J Weston against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 11/0166/IC
 - Application Drawings: AL/001/PL Rev. B – Proposed Plans, Elevations and Block Plan
AL/002/PL Rev. B – Proposed House Plot/Drainage Plans
AL/003/PL Rev. A – Proposed Street Elevation & Existing Block Plan & Section A-A
 - Date of Review Decision Notice: 13 March 2012
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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 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 7 March 2012. The ILRB was constituted by Councillors D Wilson (Chair), K Brooks, G Dorrian, T Fyfe, T Loughran, C McCallum, R Moran, I Nelson, L Rebecchi and G White.

2. Proposal

- 2.1 The application proposal is for planning permission for the construction of two detached dwellinghouses on land adjacent to 6 Carron Road, Wemyss Bay. The application was refused consent in terms of a decision letter dated 14 November 2011.

3. Preliminaries

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

- (i) Planning Application and plans specified above;
- (ii) Site Photographs
- (iii) Letters of representation and Consultation Responses in respect of the Planning Application;
- (iv) The Appointed Officer's Report of Handling dated 14 November 2011;
- (v) Decision Notice dated 14 November 2011;
- (vi) Notice of Review and supporting documents dated 22 December 2011; and
- (vii) Draft conditions should the ILRB be minded to grant planning permission;

3.2 Having regard to the material before the ILRB, the ILRB resolved that the Application for Review 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. Findings and Conclusions

4.1 The determining issue in this review was the impact the proposal would have on the character and residential amenity of the area when considered in the context of the Policies H1 and LR1 of the Inverclyde Local Plan.

4.2 Having regard to the whole circumstances, the ILRB determined that the proposal did not conform to Local Plan policies H1 and LR1. The ILRB were of the view that the area of public open space and woodland in question adds quality and value to the amenity of the residential area. To develop this area would be a loss to and would have an adverse effect on the residential amenity of the area.

4.3 The ILRB concluded that the application had been correctly refused for the reasons given in the Decision Notice dated 14 November 2011; namely:

- 1. The loss of the area of public open space and woodland would be severely detrimental to both the appearance of the residential area, and the open and spacious nature of the locality, contrary to Local Plan policies H1 and LR1.

4.4 The Review Application was accordingly dismissed.

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.