

Inverclyde Local Review Body

Our Ref: 14/0223/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 42 Caledonia Drive, Greenock
 - Application for Review by Mrs M Halliday against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 14/0223/IC
 - Application Drawings: Photograph 1
 Ordnance Survey Extract
 - Date of Decision Notice: 17 February 2015
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission. 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 2013.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 4 February 2015. The Review Body was constituted by Councillors G Dorrian, T Loughran, I Nelson, I Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for planning permission in retrospect for the erection of an approximately 4.25m high flagpole in the rear garden at 42 Caledonia Drive, Greenock. The application was refused consent in terms of a decision letter dated 15 September 2014.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application and plans;
 - (ii) Site Photograph;
 - (iii) The Appointed Officer's Report of Handling dated 12 September 2014;
 - (iv) Decision Notice dated 15 September 2014;
 - (v) Letter dated 1 December 2014 enclosing Notice of Review form and supporting documentation;
 - (vi) Email dated 5 January 2015 from applicant in relation to new material; and

(vii) Copies of the full text of the applicant's letter of 10 November 2014 together with copies of Decision Notices and Reports of Handling in respect of planning applications for erection of flagpoles at 1 Benview, Port Glasgow and 41 Duthie Road, Gourrock.

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 2013.

4. **Reasons**

4.1 The determining issue in this review is the impact of the flagpole on the character and amenity of the area, in particular visual amenity.

4.2 The application had been refused as the 4.25m high flagpole introduces an unexpected and dominant feature into the outlook from the rear of adjoining houses in Orchard Crescent and Scott Way, it is incompatible with the character and amenity of the area and is therefore contrary to policy RES1 of the Local Development Plan.

4.3 The ILRB noted that no objections to the flagpole had been received from members of the public. The ILRB also had regard to new material in its determination of the matter comprising the full text of the applicant's letter of 10 November 2014 together with copies of Decision Notices and Reports of Handling in respect of planning applications for erection of flagpoles at Benview, Port Glasgow and 41 Duthie Road, Gourrock.

4.4 Having regard to the whole circumstances, the ILRB determined that the review application should be upheld and that planning permission be granted.

Signed _____

Head of Legal & Property 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.