

LOCAL REVIEW BODY

7 FEBRUARY 2018

CONTINUED PLANNING APPLICATION FOR REVIEW

MR S HUGHES

**CHANGE OF USE TO VEHICLE REPAIR WORKSHOP AND EXTERNAL WORKS (IN
RETROSPECT):**

32 MEARNS STREET, GREENOCK (17/0180/IC)

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**1. PLANNING APPLICATION DATED 16 JUNE 2017
TOGETHER WITH LOCATION PLAN AND
PHOTOGRAPHS**

Head of Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

PA 14/06 PLU?

FOR OFFICIAL USE ONLY

Reference No. 17/0180/IC
Date of Receipt
Fee Paid
Date Fee Received
Date Valid
Receipt No.

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 <u>STEVEN HUGHES</u> Address <u>53 BUCHANAN ST</u> <u>GREENOCK</u> Postcode <u>PA6 7JS</u> Telephone Number <u>[REDACTED]</u>	Name Address Postcode Telephone Number Profession

see note 2

2. Description of Development	
<u>CHANGE OF USE TO VEHICLE REPAIR WORKSHOP</u> <u>AND EXTERNAL WORKS</u>	
Site Location <u>32 MEARNS STREET, GREENOCK</u>	
Site Area (hectares) <u> </u>	Number of dwellinghouses proposed <u> </u>
	New gross floorspace (sq. metres) <u> </u>

see note 3

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

see note 4

4. Applicants interest in site (Tick appropriate box)			
(a) Owner	<input checked="" type="checkbox"/>	(c) Tenant	<input 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: VEHICLE WORKSHOP

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

Has the original building been altered or extended Yes No

If yes, please indicate nature of alteration / extension and if possible approximate dates. REFURBISHMENT COMPLETED 2012

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

see note 6

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

(a) Not Applicable (e) Number of existing on site parking places

(b) New vehicular access proposed (f) Number of proposed on site parking places

(c) Existing vehicular access to be altered / improved (g) Detail of any available off site parking

(d) Separate pedestrian access proposed

see note 7

7. Drainage Arrangements (Tick appropriate box/es)

(a) Not Applicable (c) Connection to existing public sewer

(b) Public Sewer (d) Septic Tank

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 (c) Existing private supply

(b) Public Main (d) Proposed private supply

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

(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

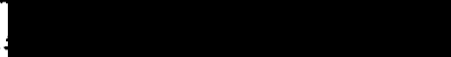
What is the estimated costs of any works to be carried out?

£.....

see note 12

12. Confirmation

Signature of applicant/agent.....



on behalf of.....

Date 16-6-17

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 D

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: STEVEN HUGHES

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)

.....

.....

.....

.....

.....

.....

.....

.....

.....

* 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)

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

CERTIFICATED

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

On behalf of

Date

16-6-17

see note 15

CHECKLIST - The following documentation should be submitted:

please tick all boxes

TWO APPLICATION FORMS

TWO SETS OF PLANS

FEE (Where appropriate)

DESIGN & ACCESS STATEMENT
(National and Major applications only)

PRE-APPLICATION CONSULTATION REPORT
(National and Major applications only)

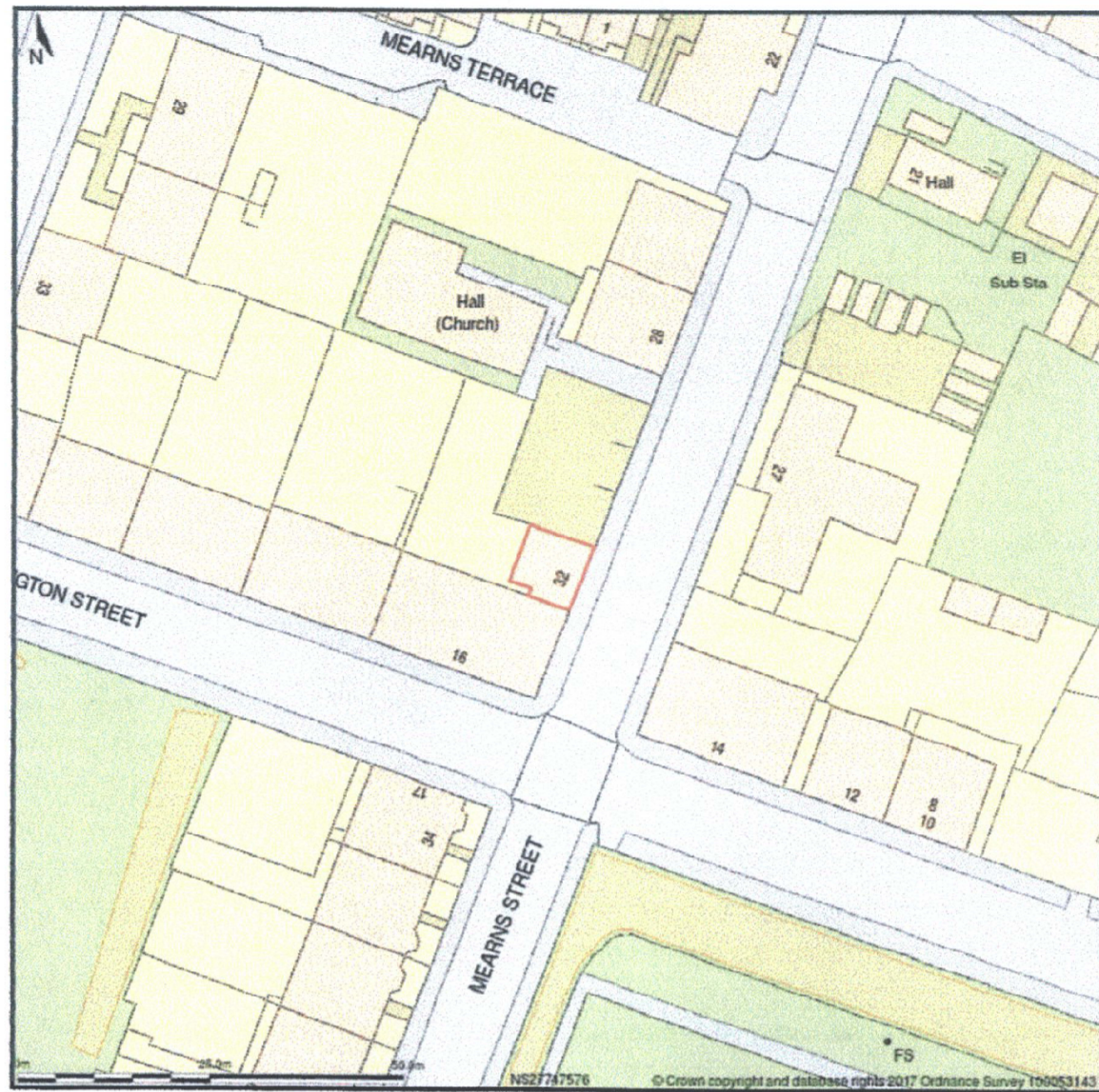
WARNING

If any person issues a certificate which purports to comply with the requirements of Section 35 of The Town and Country 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.

Revision 'A' - November 2008
Revision 'B' - December 2008
Revision 'C' - July 2009
Revision 'D' - October 2009
Revision 'E' - October 2011

32 MEARNS STREET, GREENOCK

MARKED IN RED



Site Plan shows area bounded by: 227677.29, 675697.29 227818.71, 675838.71 (at a scale of 1:1250), OSGridRef: NS27747576. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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MEARN'S STREET WORKSHOP.



MEARNS STREET



2

MEARNS STREET



3

**2. APPOINTED OFFICER'S REPORT OF HANDLING
DATED 11 AUGUST 2017**

REPORT OF HANDLING

Report By: James McColl

Report No: 17/0180/IC

**Local Application
Development**

**Contact
Officer:** 01475 712462

Date: 11th August 2017

Subject: Change of use to vehicle repair workshop and external works (in retrospect) at
32 Mearns Street, Greenock

SITE DESCRIPTION

The application relates to a single storey building situated on the western side of Mearns Street, Greenock. Externally, the building is finished in grey render, a dark tiled roof and has two roller shutter doors. A variety of residential flats lie adjacent to the site on Mearns Street and Wellington Street. A church premises and associated parking area adjoins to the north.

PROPOSAL

The premises are being used as a vehicle repair workshop. Alterations have also been undertaken to the building including the provision of the two large roller shutter doors to provide access to Mearns Street together with new grey render and a new tiled roof.

As the above works have already been undertaken and the use as a vehicle repair workshop has commenced, the application is considered in retrospect.

The applicant has submitted a statement in support of the application.

DEVELOPMENT PLAN POLICIES

Policy RES1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

Policy RES6 - Non-Residential Development within Residential Areas

Proposals for uses other than residential development in residential areas, including schools, recreational and other community facilities will be acceptable subject to satisfying where appropriate, the following criteria:

- (a) compatibility with the character and amenity of the area
- (b) impact on designated and locally valued open space;
- (c) impact of the volume, frequency and type of traffic likely to be generated;
- (d) infrastructure availability;
- (e) social and economic benefits; and
- (f) the cumulative impact of such a use or facilities on an area.

Policy ECN4 : Business and Industrial Proposals Outwith Designated Areas

Proposals for new or expanded business or industrial development on sites outwith the identified Business and Industrial Areas on the Proposals Map, will require to be assessed against the following criteria:

- (a) compatibility with neighbouring uses;
- (b) economic and social benefit; and
- (c) range and suitability of available sites identified in the Local Development Plan as being suitable for the proposed development.

CONSULTATIONS

Head of Environmental and Commercial Services – The National Roads Development Guide states that this type of development requires 1 parking space per 50 square metres of floor area. It appears that the road adjacent to the building is quiet during the times of operation and it is accepted that no additional parking will be provided.

The kerbs at the entrances to the garage should be lowered to form footway crossovers. This will require a Section 56 Agreement.

Head of Safer and Inclusive Communities – No objections to the proposal. Conditions relating to bin provision, external lighting and the hours of deliveries and collections to the premises are recommended.

PUBLICITY

The application was advertised in the Greenock Telegraph on 30th June 2017 as a Schedule 3 development.

SITE NOTICES

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

PUBLIC PARTICIPATION

One objection was received. The concerns raised can be summarised as follows:

- The use should not be permitted within a residential area.
- The garage premises opened without planning permission.
- The applicant suggests that the garage will not be used as a business, contrary to what is advertised on the sign on the premises.

I will consider these concerns in my assessment.

ASSESSMENT

The material considerations in the assessment of this application are the Inverclyde Local Development Plan, the impact on neighbouring amenity, the consultation responses, the applicant's supporting statement and representation received.

The application site lies within a residential area as defined by the Inverclyde Local Development Plan and Policy RES1 seeks to ensure that the character and amenity of residential areas is safeguarded and where practicable, enhanced. Policy RES6 advises on the development of non-residential uses within residential areas and sets out the criteria for the assessment of such proposals. Policy ECN4 advises on proposals for new or expanded business or industrial development on sites outwith the identified Business and Industrial Areas on the Proposals Map and sets out the criteria for the assessment of such proposals.

In first considering the external alterations to the premises, I am aware that prior to these being undertaken, the building was in a poor state of repair. I consider the works undertaken as appropriate for the building and have no unacceptable visual impact. With regard to the potential impact on residential amenity, whilst a church premises lies adjacent the area is predominantly residential in character. There is no recent planning history associated with the premises, however, the valuation role notes that it has been used as a store. It therefore rests to consider the acceptability of the vehicle repair use now operating.

Policy RES1 identifies this as being within a residential area where the character and amenity will be safeguarded and where practicable, enhanced. Criterion (a) of Policy RES6 requires non-residential uses to be compatible with the character and amenity of the area and criterion (a) of Policy ECN4 requires business and industrial uses outwith the designated business and industrial locations to be compatible with neighbouring uses. Adjacent residential accommodation is characterised by higher density tenement style flats and the application premises physically adjoins the flatted block on the corner of Mearns Street and Wellington Street. The very nature of a vehicle repair workshop will result in the use generating noise and activity, beyond that which would reasonably be expected within a predominantly residential area. There is an already established level of amenity at this location and with the potential for undue noise and disturbance to residential property, the development of a vehicle repair workshop attached to an existing residential building cannot be considered compatible with residential character. The proposal cannot therefore be considered acceptable with reference to Policies RES1, RES6 (a) and ECN4 (a).

In further assessing the proposal, both criterion (e) of Policy RES6 and criterion (b) of Policy ECN4 require the economic and social benefit of the proposed use to be considered. I do not consider there to be any social benefits resulting from a vehicle repair garage at this location and the scale of the operation would only result in very limited employment. Furthermore, nothing has been advanced by the applicant in respect of why this use requires to be at this location. Criterion (c) of Policy ECN4 requires an assessment of the range and suitability of available sites identified in the Local Development Plan as being suitable for the proposed development. There has been no assessment of whether there are any suitable premises or sites within the business and industrial locations identified in the Local Development Plan and nothing to suggest why this use could not be accommodated at a more suitable location. The proposal thus fails to accord with Policy ECN4 (c).

It therefore rests to consider whether there are other material considerations to suggest that planning permission may be granted contrary to the development plan. The applicant, in his supporting statement, highlights that the tenant will work with local residents in respect of matters relating to noise and parking. Furthermore, it is stated that the premises has been used as a vehicle repair workshop for around the last 4 years, although it did not operate as a business. There is nothing which substantiates this however. Two similar examples of vehicle repair workshops are also cited in support of the proposal at South Street and George Square both of

which have residential property adjoining. It is also highlighted that a garage premises previously operated within Mearns Street. The examples at South Street and George Square differ in that they are located within the Outer Area of Greenock Town Centre, as defined by the Local Development Plan, rather than a predominantly residential area. In such areas, a greater mix of uses is to be expected and the same degree of quietude as would be experienced within a wholly residential area would not be expected. Equally, in respect of the two garages uses adjoining residential property highlighted, these are long established. It is not considered that what may have occurred historically necessarily provides a good pointer to what may be acceptable today. I find nothing submitted by the applicant that leads me to conclude that a position contrary to the Local Development Plan should be taken.

With respect to other considerations, the Head of Environmental and Commercial Services notes that the road adjacent to the building is quiet during the times of operation and it is accepted that no additional parking will be provided. He therefore offers no objection to the proposal (criterion (c) of Policy RES6). The requirement for a dropped kerb is a matter for the Head of Environmental and Commercial Services to address via a separate legislation. The matters raised by the Head of Safer and Inclusive Communities can be addressed by condition or advisory note if required. With regard to the outstanding criteria within Policy RES6, the proposal has no impact on any designated and locally valued open space (criterion (b)) and raises no concerns regarding either infrastructure availability (criterion (d)) or cumulative impact (criterion (f)).

Finally, with regard to the objection received, it is acknowledged that the use has commenced on site in the absence of planning permission. Whilst I share the objector's concerns, this can have no bearing on the outcome of the planning application.

In conclusion, the vehicle repair garage is an industrial use which has the potential for undue noise and disturbance to residential property. This would be to the detriment of the amenity of adjacent residents and cannot be considered compatible with residential character. There has also been no assessment of whether there are any suitable premises or sites within the business and industrial locations identified in the Local Development Plan, and nothing to suggest why this use could not be accommodated at a more suitable location. Notwithstanding the content of the applicant's supporting statement, having taking into account all material planning considerations together with the previous similar appeal decision the proposal does not accord with Policies RES1, RES6 (a), and Policy ECN4 (a) and (c). Planning permission should therefore be refused.

RECOMMENDATION

That the application be refused for the following reasons:

1. The vehicle repair workshop use would have a detrimental effect on the amenity within the established residential area and to the residents living adjacent to the premises in terms of noise and activity. The use is thus considered incompatible with the residential character of the area, contrary to Policies RES1, RES6 (a) and ECN4 (a) of the Inverclyde Local Development Plan.
2. There has been no assessment of whether there are any suitable premises or sites within the business and industrial locations identified in the Inverclyde Local Development Plan, and the applicant fails to demonstrate that this use could not be accommodated in such a location, contrary to Policy ECN4(c) of the Inverclyde Local Development Plan.

Signed:



Case Officer: James McColl



Stuart Jamieson
Head of Regeneration and Planning

**3. APPLICANT'S SUPPORTING STATEMENT IN
RELATION TO PLANNING APPLICATION**

Ref
32 Mearns St
Greenock

16-6-17

To Whom It May Concern

In support of my application for a change of use to a small vehicle repair workshop at 32 Mearns St Greenock, this workshop has only space for two cars therefor does not generate the noise that a multi car garage would produce.

This would be operated from 9am to 5pm Monday to Friday and the tenant would work in harmony with local residents with noise and parking in mind.

I have owned this premises for approx 16 years and used it as a car repair for the last approx 4 years for family and friends to use when required but not as a business.

As to the location of this property the Co-operative had its main garage repair shop for a number of years in Mearns Street.

The car club next to 4 South St Greenock is a Council property much larger than mine and is used quite often day and night, and the George Square garage which is even larger. Both these garages has residential property adjoining it.

I hope you look at my application favourably and grant me the change of use which I need going forward and look forward to hearing from you.

Yours faithfully

Steven Hughes

TRANSCRIBED FROM ORIGINAL



LARGE VEHICLE REPAIR WORKSHOP
GEORGE SQUARE
GREENOCK

THIS VEHICLE WORKSHOP IMMEDIATELY
ADJOINS A RESIDENTIAL PROPERTY'S
AT GEORGE SQUARE.

VEHICLE REPAIR WORKSHOP
SOUTH STREET
GREENOCK

THIS VEHICLE WORKSHOP IMMEDIATELY
ADJOINS A RESIDENTIAL PROPERTY
OF 4 SOUTH STREET



4. CONSULTATION RESPONSES IN RELATION TO PLANNING APPLICATION

To: Head of Regeneration & Planning Your Ref: 17/0180/IC
 Our Ref: EP/14/04/17/0180/IC
 From: Head of Environmental & Commercial Services Contact: E Provan
 Tel: (01475) 714814
 Subject: Observations On Planning Application PA Ref: 17/0180/IC
 Detail: Change of use to vehicle repair workshop and external works (in retrospect) Dated: 28/06/2017
 Received: 28/06/2017
 Site: 32 Mearns Street, Greenock, PA15 4QA Applicant: Mr Steven Hughes
 Type of Consent: Detailed Permission/ ~~In Principle/ Approval of Matters/ Change of Use~~

Comments:

1.	The National Roads Development Guide states that this type of development requires 1 parking space per 50sqm. It appears that the road adjacent to the building is quiet during the times of operation, it is accepted that no additional parking will be provided.
2.	The kerbs at the entrances to the garages should be lowered to form footway crossovers. This will require a Section 56 Agreement.

Notes For Intimation To Applicant

Construction Consent (S21)*	Not Required/ Required for all road works
Road Bond (S17)*	Not Required/ Required if building works are to be undertaken before roads are completed
Road Opening Permit (S56)*	Not Required/ Required for all works in the public road
Other	Not Required/ ***

*Relevant Section of the Roads (Scotland) Act 1984

Signed: 
 Steven Walker, Service Manager (Roads)

Date: 26/07/17

Memorandum

Safer Communities Planning Application Consultation Response

To: **Planning Services**

For the Attention of James McColl

From: **Safer and Inclusive Communities**

Date sent to Planning: 4th July 2017

Lead Officer: **Sharon Lindsay**

Tel: **01475 714 205**

Email: sharon.lindsay@inverclyde.gov.uk

Safer Communities Reference (optional):	
Planning Application Reference:	17/0180/IC
Planning Application Address:	32 Mearns Street Greenock PA15 4QA
Planning Application Proposal:	Change of use to vehicle repair workshop and external works (in retrospect)

Team	Officer	Date
Food & Health	Michael Lapsley	
Air Quality <i>Contaminated Land</i>	Sharon Lindsay Roslyn McIntosh	4.7.17 30/06/2017
Public Health & Housing	Jim Blair	4.7.17
Noise	Sharon Lindsay	4.7.17

Amend table entries as appropriate and insert date when each officer review is completed.



Recommended Conditions:

It is recommended that the undernoted conditions be placed on any consent the council may grant:

Delete or amend as appropriate

Food & Health
No Comments
Air Quality
No Comments
<i>Contaminated Land</i>
No Comments

Public Health & Housing
1. The applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The authorised use of the development shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place. Reason: To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.
2. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption". Reason: To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.
Noise
3. Deliveries or collections to and from the site shall not be carried out between the hours of 23:00 and 07:00. Reason: To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

Recommended Advisory Notes

No comments.

5. REPRESENTATION IN RELATION TO PLANNING APPLICATION



Obj

17/0180/IC


From: [REDACTED]
Sent: 07 July 2017 10:50
To: Devcont Planning
Subject: Garage 32 Mearns Street greenock.

Iam alex robertson 4 Glenview terrace greenock pa15 4sh.

It was myself informed the planning about the garage that opened without planning permission.
I request that planning permission be refused.
My reason being,I don't think this would be allowed on a residential street.

Secondly I do no believe,the applicant,when he says it will not be used as a business,when they have put up a big sign advertising, service and repair .

Yours sincerely
Alex robertson.



**6. DECISION NOTICE DATED 14 AUGUST 2017
ISSUED BY HEAD OF REGENERATION &
PLANNING**

DECISION NOTICE

Inverclyde
council

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 17/0180/IC

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013

Mr Steven Hughes
53 Buchanan Street
GREENOCK
PA16 7JS

With reference to your application dated 16th June 2017 for planning permission under the above mentioned Act and Regulation for the following development:-

Change of use to vehicle repair workshop and external works (in retrospect) at

32 Mearns Street, Greenock

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 vehicle repair workshop use would have a detrimental effect on the amenity within the established residential area and to the residents living adjacent to the premises in terms of noise and activity. The use is thus considered incompatible with the residential character of the area, contrary to Policies RES1, RES6 (a) and ECN4 (a) of the Inverclyde Local Development Plan.
2. There has been no assessment of whether there are any suitable premises or sites within the business and industrial locations identified in the Inverclyde Local Development Plan, and the applicant fails to demonstrate that this use could not be accommodated in such a location, contrary to Policy ECN4(c) of the Inverclyde Local Development Plan.

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

Dated this 14th day of August 2017



Head of Regeneration and Planning



- 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 beginning with 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, 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: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
100053143		12.06.2017
1		
2		
3		

7. LETTER DATED 26 NOVEMBER 2017 FROM MR HUGHES ENCLOSING NOTICE OF REVIEW FORM

Mr Steven Hughes
3B Lemmon St.
Greenock
PA15 4HT

26 November 2017

Your Planning Ref No: 17/0180/IC

I am writing in relation to the change of use to the vehicle repair workshop and external works at 32 Mearns street Greenock.

Planning permission was initially refused on the grounds that

- The workshop would have a detrimental effect on the amenity within the residential area.

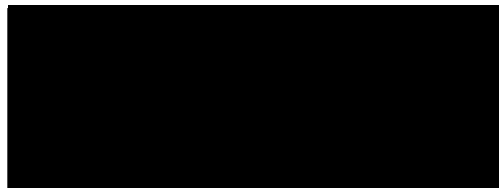
I would like to propose that this refusal is unfair and that retrospective planning permission should be granted on the following considerations.

- Historically Mearns street and the surrounding area has been the location of numerous successful businesses including those in the commercial vehicle repair trade, and in a far larger scale than my own without having an adverse effect on the residents living nearby.
- The business would be operating Monday to Friday between the hours of 09:00 am and 17:00 pm, thus minimising any noise.
- The premises are secure and have the added value of CCTV in operation.
- The business is a valuable and much needed service for the local area ~~but~~ given the closure of many small businesses in recent years.

Additionally investment has been made to ensure that the premises are fit for purpose and in keeping with the character of the surrounding area.

Given all of the above I would appreciate if you could look in favour of granting the planning permission / change of use, and see the business as having a positive impact.

Yours sincerely



Steven Hughes



Previous and current businesses in Mearns Street.

- H.L Friel & Sons Haulage contractor
- Cooperative commercial garage.
- Cooperative bakery.
- Petrol station and garage (currently being used as a car wash)
- Armadale Autos.
- H.L. Friel (Public House).

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE ATTACHED LETTER

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

24/11/17

**8. SUGGESTED CONDITION SHOULD PLANNING
PERMISSION BE GRANTED ON REVIEW**

CHANGE OF USE TO VEHICLE REPAIR WORKSHOP AND EXTERNAL WORKS (IN RETROSPECT), 32 MEARN'S STREET, GREENOCK (17/0180/IC)

Suggested condition should planning permission be granted on review

Condition:

1. The premises shall not operate, inclusive of deliveries or collections, between the hours of 2300 and 0700.

Reason

2. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.