

Inverclyde Local Review Body

Our Ref: 17/0180/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 32 Mearns Street, Greenock
 - Application for Review by Mr S Hughes against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 17/0180/IC
 - Application Drawings: Location plan
 Photo of workshop
 Photo of rear of workshop
 Photo of inside of workshop
 - Date of Decision Notice: 22 February 2018
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the condition listed below. 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 7 February 2018. The Review Body was constituted by Councillors J Clocherty, J Crowther, G Dorrian, D McKenzie, I Nelson, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal, which is in retrospect, is for use as a vehicle repair workshop. Alterations have been undertaken to the building including the provision of two large roller shutter doors to provide access to Mearns Street together with new grey render and a new tiled roof. The application was refused consent in terms of a decision letter dated 14 August 2017.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 16 June 2017 together with location plan and photographs;
 - (ii) Appointed Officer's Report of Handling dated 11 August 2017;
 - (iii) Applicant's supporting statement in relation to planning application;
 - (iv) Consultation responses in relation to planning application;
 - (v) Representation in relation to planning application;

- (vi) Decision Notice dated 14 August 2017 issued by the Head of Regeneration & Planning;
- (vii) Letter dated 26 November 2017 from Mr Hughes enclosing Notice of Review Form;
- (viii) Suggested condition should planning permission be granted on review.

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 vehicle repair workshop on the amenity of the area. The ILRB was satisfied that it was possible for a vehicle repair workshop to operate in a residential area with a condition to limit hours of operation.

4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, determined that the review application should be upheld.

4.3 It was also agreed by the ILRB that the condition listed at paragraph 5 below be placed on the planning permission for the reason specified.

5 **Condition**

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

Reason

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

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.