

Inverclyde Local Review Body

Our Ref: 23/0108/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Inverkip Hotel, Main Street, Inverkip, PA16 0EZ
 - Application for Review by Mr Richard Dunn against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 23/0108/IC
 - Application Drawings: Location Plan
Site Plan
 - Date of Decision Notice: 11/12/2023
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below.

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 6 December 2023. The Review Body was constituted by Councillors Brooks, Clocherty, Crowther, Curley, McCabe, McGuire and McVey.

2. Proposal

- 2.1 The application is for the continued use of an outdoor seating/dining area at the rear of the hotel. The application was granted consent, subject to conditions, in terms of a decision letter dated 14 August 2023.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 18 May 2023 together with Location and Site Plans
 - (ii) Appointed Officer's Report of Handling dated 7 July 2023
 - (iii) Inverclyde Local Development Plan 2019 Policy Extract
 - (iv) Inverclyde Local Development Plan 2019 Map Extract
 - (v) National Planning Framework 4
 - (vi) Representations in relation to Planning Application
 - (vii) Decision Notice dated 14 August 2023 issued by Head of Regeneration & Planning

- (viii) Notice of Review form dated 10 September 2023
- (ix) Further Representations Submitted following receipt of Notice of Review
- (x) Submission by the Applicant in response to Further Representation
- (xi) Suggested Condition should Planning Permission be granted on review
- (xii) The Inverclyde Proposed Local Development Plan 2021

3.2 Having regard to the material provided, 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. Findings and Conclusions

4.1 The determining issue in this review is whether music from the proposed development would have an excessive noise impact on the surrounding residential properties.

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, decided that the review application should be upheld, with condition 2 as detailed on the Decision Notice of 14 August 2023 being deleted and replaced with the condition listed at item 5.

5. Condition

Condition

- 2. that acoustic/amplified music from the outdoor seating/dining area shall not be at a level that can be heard, when measured subjectively by authorised officers, within any dwelling or noise sensitive building with windows closed.

Reason

- 2. to protect the occupiers of dwellings or noise sensitive buildings from excessive noise.

Signed 

Head of Legal, Democratic, Digital
and Customer 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.