

## Inverclyde Local Review Body

Our Ref: 09/0214/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Former Water Treatment Works, Langhill, Inverkip
  - Application for Review by Alistair McIntyre against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 09/0214/IC for change of use of water storage tanks to green waste treatment station and construction of buildings to accommodate storage and composting operations.
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  - Application Drawings: Ref: 1915 – LP - 1:1250 @ A4 Location Plan  
Ref: 1915 - 003 - Existing Site Plan  
Ref: 1915 004 - Existing Site Plan showing roof  
Ref: 1915 - SK - 001 - Proposed Site Plan  
Ref: 1915 - SK - 002 - Proposed Roof Plan  
Ref: 1915 - SK - 003 - Existing and Proposed Sections  
Ref: 1915 - SK - 004 - Proposed Elevations
  - Date of Decision Notice: 1 April 2010
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### Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below at paragraph 5. 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 3 March 2010. The Review Body was constituted by Councillor D Wilson (Chair), Councillor K Brooks, Councillor G Dorrian, Councillor T Fyfe, Councillor T Loughran, Councillor R Ahlfeld, Councillor I Nelson and Councillor L Rebecchi.

#### 2. Proposal

- 2.1 The application proposal is to change the use of the site to use as a treatment centre for green waste. The tank itself will be utilised as a delivery area and would house the treatment vessels. Access would be taken via new roller doors to the rear following the exposition of the rear tank wall. A new steel portal framed building together with greenhousing will be erected on top of the existing tank. This building is approximately 5 metres high and has a floor area of approximately 710 square metres. It covers approximately half of the roof of the tank.

Access will be taken from an existing private road connecting with the single track Millhouse Road, to the east of Inverkip.

### **3. Preliminaries**

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

- (i) Planning Application and drawings specified above;
- (ii) The Appointed Officer's Report of Handling dated 13 November 2009;
- (iii) Letters of representation in respect of the Planning Application;
- (iv) Notice of Review dated 15 December 2009;
- (v) Draft conditions should the ILRB be minded to grant planning permission.

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 2008.

### **4. Reasons**

4.1 The determining issue in this review is that of road safety associated with the proposed new use.

4.2 The application had been refused as the access roads to the site are narrow and substandard and the increase of large vehicles utilising these roads would compromise road safety.

4.3 In the notice of review, the applicant stated that the proposal will have no significant vehicular impact on road safety and will represent a reduction of the volume of vehicular traffic generated by previous uses of the road. The notice of review included statistical information in respect of traffic deliveries and photographic evidence indicating passing places and road widths in support of the applicant's case.

4.4 The ILRB considered the road safety issues associated with the proposed new use of the existing access road to the site as raised by both the roads authority and the applicant and were of the view that the applicant had demonstrated significant persuasive evidence in support of his case. Further the applicant had satisfactorily illustrated that the volume of vehicular traffic would not increase significantly from what it was previously when the local dairy farms were active.

4.5 The ILRB agreed that the proposed change of use would not compromise road safety and that the proposal is consistent with the relevant provisions of the Development Plan.

### **5 Conditions**

1. The development to which this permission relates must be begun within three years of the date of this permission.

2. That prior to the commencement of work on site, samples, including colour, of the external finish to the proposed new building hereby permitted be submitted to and approved in writing by the planning authority. Work shall then proceed as approved and the building shall be maintained in the approved colour at all times thereafter.

3. That prior to the commencement of work on site, full details of all soft landscaping works contained within the proposed landscaping strip including a schedule of plants to comprise species, plant sizes and density together with a programme for completion and future maintenance be submitted to and approved in writing by the planning authority. Landscaping works shall then proceed and be maintained as approved.

4. No tree felling, lopping or scrub clearance shall take place during the bird breeding season of March to July inclusive.

5. Prior to the commencement of works on site, a badger survey shall be undertaken by a suitably qualified person and submitted to the planning authority for consideration. Work shall not proceed on site until the written agreement of the planning authority is gained.

**Reasons:**

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure the proposed materials are acceptable in terms of visual amenity.
3. To ensure the provision of an appropriate landscaping scheme providing screening of the new development in the landscape.
4. To ensure species protection and to comply with the requirements of the Nature Conservation (Scotland) Act 2004.
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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.