

Inverclyde Local Review Body

Our Ref: 12/0060/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 10 Cromdale Road, Port Glasgow
 - Application for Review by Taylor Haggarty Design on behalf of Mr A Ghaffar against the decision by an appointed officer of Inverclyde Council
 - Application Ref 12/0060/IC
 - Application Drawings: Drawing No 1007.01 - Existing Plans
Drawing No 1007.02 - Proposed Plans
 - Date of Review Decision Notice: 17 August 2012
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Decision

The ILRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review. 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 1 August 2012. The ILRB was constituted by Provost R Moran, Councillors D Wilson (Chair), G Dorrian, T Loughran and I Nelson.

2. Proposal

- 2.1 The application proposal is for the change of use of the property to a hot food takeaway, opening between the hours of 10 am to 10 pm. The application was refused consent in terms of a decision letter dated 3 April 2012.

3. Preliminaries

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

- (i) Planning Application and plans specified above;
- (ii) Site Photographs
- (iii) Letters of Representation and Consultation Responses in respect of the Planning Application;
- (iv) The Appointed Officer's Report of Handling dated 30 March 2012;
- (v) Decision Notice dated 3 April 2012;
- (vi) Notice of Review and supporting documents dated 23 April 2012;
- (vii) Further representations;
- (viii) Draft conditions should the ILRB be minded to grant planning permission.

3.2 Having regard to the material before the ILRB, 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. Findings and Conclusions

4.1 The determining issue in this review is the impact of the proposal on the character and residential amenity of the area when considered in the context of Policies H1 and H9 of the Inverclyde Local Plan.

4.2 Having regard to the whole circumstances, the ILRB determined that the proposal did not conform to Local Plan Policies H1 and H9. The ILRB were of the view that, given the close proximity of residential properties, the potential increase in noise disturbance would be detrimental to residential amenity during opening hours, particularly into the evening, and that the car park to the side and rear of the premises may encourage customers to linger within the area to the further detriment of residential amenity.

4.3 The ILRB concluded that the application had been correctly refused for the reasons given in the Decision Notice dated 3 April 2012, namely:

- 1. The proposal would have a detrimental effect on the amenity of the residents living adjacent to the premises in terms of noise and activity, as the proposed changes made generate an unacceptable level of noise and activity particularly late into the evening. Accordingly, the development is contrary to Inverclyde Local Plan Policies H1 and H9.

4.4 The Review Application was accordingly dismissed.

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.