

## Inverclyde Local Review Body

Our Ref: 12/0220/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Gibshill Road, Greenock
  - Application for Review by Canata & Seggie, Chartered Architects on behalf of Chris Wright & Sons Limited against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 12/0220/IC
  - Application Drawings: Drawing No. 2165 - D - 001 Revision A Existing Site Layout Plan  
Drawing No. 2165 - D - 002 Revision A Proposed Site Layout Plan
  - Date of Review Decision Notice: 22 March 2013
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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 6 March 2013. The ILRB was constituted by Provost R Moran, Councillors G Dorrian, T Loughran and D Wilson (Chair).

#### **2. Proposal**

- 2.1 The application proposal is for planning permission to form a vehicular access onto Gibshill Road and spread demolition material, which has been imported to the site without the benefit of planning permission, to an approximate depth of 500 mm across the site. Thereafter it is proposed to bring the site into use as a demolition contractor's storage and distribution yard. The use of the yard is to be limited to the storage of plant and vehicles, with no storage or crushing of demolition material. The proposed access affords two way traffic for 35m of its length from the boundary with Gibshill Road. Six off street parking places are also proposed. The application was refused consent in terms of a decision letter dated 17 September 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) Consultation Responses in respect of the Planning Application;
- (iv) The Appointed Officer's Report of Handling dated 14 September 2012;
- (v) Decision Notice dated 17 September 2012;
- (vi) Notice of Review and supporting documents dated 14 December 2012; and
- (vii) 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 issues in this review were whether the application satisfied the requirements of the Council's Roads Development Guide and the Scottish Government's Designing Streets.

4.2 The ILRB noted that the sightline requirements set out in the Scottish Government's Designing Streets are more relaxed than the Council's Roads Development Guide but was of the view that the proposal would be unable to meet the sightline requirements of either Designing Streets or the Roads Development Guide.

4.3 Having regard to the whole circumstances, and taking the application on its individual merit, the ILRB concluded that the application had been correctly refused for the reason given in the decision notice dated 17 September 2012 namely:

The sightline requirement of the Council's Roads Development Guide and the Scottish Government's Designing Streets cannot be met at the proposed vehicular access onto Gibshill Road, to the detriment of road safety.

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.