

## Inverclyde Local Review Body

Our Ref: 13/0026/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Bute Avenue, Port Glasgow
  - Application for Review by Canata & Seggie, Chartered Architects, on behalf of Mr Rajinder Samrai against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 13/0026/IC
  - Application Drawings: 2245\_LP - Location Plan  
2245\_C.002 - Rear Elevation, Side Elevation and Part-Section  
2245\_C.001 - Floor Plan and Street Elevation as Existing and Proposed
  - Date of Review Decision Notice: 18 September 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 firstly at a meeting held on 4 September 2013. 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 planning permission to change the use of a disused store on the south side of Bute Avenue, Port Glasgow, at its junction with Arran Avenue, to a hot food take away together with alterations comprising the installation of steps and a disabled access across the frontage, conversion of a window to a door, installation of roller shutters, formation of a fascia and the erection of a rear flue along with the provision of a mechanical extract ventilation flue on the rear elevation. The application was refused consent in terms of a decision letter dated 9 April 2013.

### 3. Preliminaries

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

- (i) Planning Application and plans specified above;
- (ii) Site Photograph;
- (iii) Letters of representation and Consultation Responses in respect of the Planning Application;
- (iv) The Appointed Officer's Report of Handling dated 5 April 2013;
- (v) Decision Notice dated 9 April 2013;
- (vi) Notice of Review and supporting documents dated 7 June 2013;
- (vii) E mail dated 20 June 2013 from Canata & Seggie on new material submitted with Notice of Review;
- (viii) Further representations;
- (ix) 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 the impact on residential amenity and character. The ILRB was of the view that the proposal would result in increased pedestrian and vehicular movements and that the associated noise and disturbance would be harmful to residential amenity and character.

4.2 Having regard to the whole circumstances, the ILRB concluded that the application had been correctly refused for the reasons given in the Decision Notice dated 9 April 2013, namely that the proposal shall introduce late night noise and activity into a residential street, to the detriment of residential amenity and character and contrary to Policy H1 of the Local Plan.

4.3 The Review Application was accordingly dismissed.

Signed \_\_\_\_\_

Proper Officer  
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.