

Local Review Body

3 December 2014

Continued Planning Application for Review

Resume consideration of a request for review of planning permission which the Local Review Body at the meeting held on 1 October 2014 decided to continue for further information on the planning history of the site with particular regard to car valeting.

Ms D MacLean

Change of use of garage to a garage and car valeting operating together with the siting of a hot food van:

Sunnybank Garage, Glasgow Road, Port Glasgow (13/0336/IC)

Contents

- Planning Application and plans
- Site Photograph
- Report of Handling dated 2 May 2014
- Consultation Responses
- Representations
- Decision Notice dated 2 May 2014
- Notice of Review dated 28 July 2014 together with letter from applicant received on 10 September 2014
- Further Representation
- Suggested conditions should planning permission be granted on review
- Email dated 2 October 2014 to Head of Regeneration & Planning requesting further information by means of a written submission
- Email dated 7 October 2014 from Mr G Phillips, Regeneration & Planning
- Letter from Ms D Maclean in response to Mr Phillips's email

PLANNING APPLICATION AND PLANS

Regeneration and Planning
Development Control & Conservation
Inverclyde
council

Head of Planning and Housing
Cathcart House
6 Cathcart Square
Greenock PA15 1LS

FOR OFFICIAL USE ONLY	
Reference No.	13/0336/IC
Date of Receipt	
Fee Paid	Application fee 12 months 12/0336/IC
Date Fee Received	
Date Valid	
Receipt No.	

PLANNING APPLICATION

Town & Country Planning (Scotland) Acts

The undemoted applicant hereby makes application for Planning Permission for the development described on this form and the accompanying plans.

see note 1

1. Particulars of Applicant	Particulars of Agent (if any) acting on applicants behalf:
Name <u>DONNA MACLEAN</u>	Name
Address <u>S CRANSTON STREET</u>	Address
<u>FLAT 0-1</u> Postcode <u>G3 8GG</u> Postcode
Telephone Number	Telephone Number
	Profession

see note 2

2. Description of Development	
<u>CHANGE OF USE OF GARAGE TO A GARAGE AND CAR VALETING OPERATION TOGETHER WITH THE SITING</u>	
Site Location <u>SUNNYBANK GARAGE</u>	<u>OF A HOT FOOD VAN</u>
Site Area (hectares) <u>GLASGOW ROAD</u>	Number of dwellinghouses proposed
<u>PORT GLASGOW PA14 6RS</u>	New gross floorspace (sq. metres)

see note 3

3. Application Type (Tick appropriate box/es)	
(a) Permission in Principle <input type="checkbox"/>	(c) Detailed Permission <input type="checkbox"/>
(b) Approval of Matters specified by conditions <input type="checkbox"/>	(d) Change of Use of land/buildings <input checked="" type="checkbox"/>
(e) Other (please specify)	

see note 4

4. Applicants interest in site (Tick appropriate box)	
(a) Owner <input type="checkbox"/>	(c) Tenant <input checked="" type="checkbox"/>
(b) Lessee <input type="checkbox"/>	(d) Prospective Purchaser <input type="checkbox"/>
(e) Other (please specify)	

see note 5

5. Existing Uses

(a) Please state the existing use(s) of the land/buildings: REPAIR GARAGE AND CAR SALES

(b) Was the original building erected before 1st July 1948? Yes / No

Has the original building been altered or extended Yes / No

If yes, please indicate nature of alteration / extension and if possible approximate dates.....

If the land / buildings are vacant, please state last known use.....

see note 6

6. Access Arrangements and Parking (Tick appropriate box/es)



(a) Not Applicable (e) Number of existing on site parking places

(b) New vehicular access proposed (f) Number of proposed on site parking places

(c) Existing vehicular access to be altered / improved (g) Detail of any available off site parking

(d) Separate pedestrian access proposed

see note 7

7. Drainage Arrangements (Tick appropriate box/es)

(a) Not Applicable (c) Connection to existing public sewer

(b) Public Sewer (d) Septic Tank

If (d), indicate method of disposal of effluent (e.g. soakaway, watercourse etc).....

see note 8

8. Water Supply (Tick appropriate box/es)

(a) Not Applicable (c) Existing private supply

(b) Public Main (d) Proposed private supply

If (c) or (d), please specify nature of supply source and proposed storage arrangements.....

see note 9

9. Building Materials (Complete as appropriate)

(a) Not Applicable

(b) Outside Walls Material.....
Colour.....

(c) Roof Covering Material.....
Colour.....

(d) Windows Material.....
Colour.....

(e) Boundary Treatment Material.....
Colour.....

see note 10

10. Landscaping

Is a landscaping/tree planting scheme proposed?

Yes No

Are any trees/shrubs to be cleared on site?

Yes No

If yes, please show details of scheme on a SITE PLAN

see note 11

11. Costings

What is the estimated costs of any works to be carried out?

£5,000

see note 12

12. Confirmation

Signature of applicant/agent.....

on behalf of.....

Date 14.11.13

see note 13

CERTIFICATES UNDER ARTICLE 15 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(SCOTLAND) REGULATIONS 2008

Either certificate A, B or C must be completed together with certificate D

CERTIFICATE A (To be completed where the applicant is owner of the whole application site including any access visibility splays and land required for drainage systems or water connections)

I hereby certify that:

No person other than * myself/the applicant was an owner (refer to note (a)) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application

CERTIFICATE B (To be completed where the applicant does not own the whole application site including any access visibility splays and land required for drainage systems or water connections)

I further certify that:

* I have/the applicant has given the requisite notice (Notice No.1) to all persons other than * myself / the applicant who at the beginning of the period of 21 days ending with the date of the accompanying application were (refer to note (a)) owners of any part of the land to which the application relates.

Name(s) of Owner

Address(es)

Date of Service of Notice(s)

GRAEME AULD

SUNNYBANK GARAGE

GLASGOW ROAD

14/11/13

PORT GLASGOW
PA14 6RS

* Delete whichever is inappropriate

NOTE (a) Any person who in respect of any part of the land is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than 7 years remains unexpired.

CERTIFICATE C (To be completed in EVERY CASE)

I further certify that:

* (1) None of the land to which the application relates constitutes or forms part of an agricultural holding

* (2) I have/~~the~~ applicant has given/~~the~~ requisite notice to every person other than myself/himself who at the beginning of the period of 21 days ending with the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates

These persons are:

Name(s)	Address(es)	Date of Service of Notice(s)
.....
.....
.....

CERTIFICATE D

I confirm that I have been unable to notify all parties under Certificates A, B and C

* Delete whichever is inappropriate

Signature of Applicant/Agent

On behalf of

Date 14-11-13

see note 15

CHECKLIST - The following documentation should be submitted:

please tick all boxes

TWO APPLICATION FORMS

TWO SETS OF PLANS

FEE (Where appropriate)

DESIGN & ACCESS STATEMENT
(National and Major applications only)

PRE-APPLICATION CONSULTATION REPORT
(National and Major applications only)

WARNING

If any person issues a certificate which purports to comply with the requirements of Section 35 of The Town and Country Planning (Scotland) Acts, and contains a statement which he knows to be false or misleading in a material particular or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

SITE PHOTOGRAPH

Photograph taken on 27 June 2013 with I-Phone 4s (lens with a focal length of 4.3mm, equivalent to 35mm focal length on 35mm film SLR camera or full frame digital SLR camera: a moderate wide angle)



REPORT OF HANDLING DATED 2 MAY 2014

REPORT OF HANDLING

Report By: Guy Phillips

Report No: 13/0336/IC

**Local Application
Development**

**Contact
Officer:** 01475 712422

Date: 2nd May 2014

Subject: Change of use of garage to a garage and car valeting operation together with the siting of a hot food van at
Sunnybank Garage, Glasgow Road , Port Glasgow

SITE DESCRIPTION

Sunnybank Garage lies on the south side of Glasgow Road, Port Glasgow. It is a former petrol filling station with a workshop on its east side. The majority of the former forecourt is used for the storage of unroadworthy cars and is screened from view by a 1.8m high larch lap fence. There is one vehicular access onto Glasgow Road, adjacent to the workshop. At the rear of the site is a large retaining wall adjoining an area of hillside, which is identified as a housing opportunity site in the Local Plan. Three storey tenements lie opposite.

PROPOSAL

It is proposed to change the use of the garage to a garage and car valeting operation and to site a hot food van. The layout submitted with the planning application shows the garage workshop at the west side of the site, the rear of the forecourt used for car valeting (two car spaces), five off-street parking spaces provided at the front of the forecourt and the hot food van located on its east side. A former access onto Glasgow Road would be re-opened in order to provide a distinct entrance and exit. An approximately 15m length of the existing larch lap fencing along the site frontage would be retained to prevent spray from the car valeting operation reaching the public road.

DEVELOPMENT PLAN POLICIES

Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

Local Plan Policy H9 - Non-Residential Development Proposals within Residential Areas

The introduction of new, or the extension of, non-residential uses in existing residential areas will be acceptable only where such uses are compatible with the character and amenity of the area and satisfy other relevant policies of the Local Plan.

PROPOSED LOCAL DEVELOPMENT PLAN POLICIES

Policy RES1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

Policy APC1-2 - Areas of Potential Change

The Council will support the redevelopment of the areas designated 'Areas of Potential Change' on the Proposals Map by having regard, where applicable, to the potential planning frameworks, draft planning strategies and land use / development options outlined under each of the respective Areas, APC1 and APC2, and progress for each Local Development Frameworks in Supplementary Guidance, where necessary and appropriate.

CONSULTATIONS

Head of Environmental and Commercial Services - The current garage use has a total of 12 parking spaces. The proposed use has 5 spaces plus a valeting area. Parking arrangements should be indicated for both businesses. All surface water should be intercepted within the site and a 2.0m high barrier provided to prevent spray blowing onto passing vehicles or pedestrians.

Head of Safer and Inclusive Communities - No objections subject to the use of pressure washers being restricted to between the hours of 9am and 7pm to prevent noise nuisance.

PUBLICITY

The application was advertised as there are no premises on neighbouring land and as a Schedule 3 development.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

Nine written representations have been received which raise objections to the proposal. They comprise a petition bearing four signatures, five copies of a standard letter and three individual letters.

The objectors are concerned that:

- road safety would be adversely impacted.
- residential amenity would be adversely impacted by night-time disturbance, noise, cooking odours, vermin and litter.
- the majority of local residents are elderly.
- the existing garage generates on-street parking and night-time noise.

ASSESSMENT

The material considerations in the determination of this planning application are the planning history of the site, the Local Plan, the proposed Local Development Plan, the consultation responses and the written representations.

In January 2013 planning permission was refused for the same proposal under consideration in this report as:

1. The proposal would result in food odours emanating from the site and increased levels of activity, this would be detrimental to residential amenity and the character of the area and would thus be contrary to Policy H1 of the Inverclyde Local Plan.
2. The proposed off-street parking provision is insufficient to accommodate the parking requirements of a garage, car valeting operation and hot van, this would likely result in overspill parking on Glasgow Road, to the detriment of road safety.

In pre-application discussions on the previous planning application, the applicant advised that the car valeting operation and hot food van would operate in daytime only.

In 1993, planning permission was granted for the change of use of the premises (a former petrol filling station with ancillary workshop) to a car repair garage with ancillary car sales. The approved site layout plan from the 1993 planning permission details twelve off-street parking spaces, comprising two staff spaces, two visitor spaces, four servicing spaces and four spaces for car display. A number of conditions are attached to the 1993 planning permission which include restrictions upon the times when car repairs and car sales may be carried out. Car repairs are permitted on Mondays to Saturdays only, between the hours of 8am and 7pm. Car sales are permitted between 8am and 7pm on Monday to Saturday and between 12 midday and 6pm on Sunday.

Since planning permission was refused for the same proposal 15 months ago there have been no changes in the physical circumstances of the site. The proposed Local Development Plan has now become a material consideration.

Policies H1 of the Local Plan and RES1 of the proposed Local Development Plan combine to seek to safeguard and, where practicable, enhance residential amenity and character. The best measure, I consider, as to whether or not the proposed increased use of the site meets this aim is to assess it against Local Plan Policy H9. It advises that the extension of non-residential uses will be acceptable only where such uses are compatible with the character and amenity of the area.

Proposed Local Development Plan policy APC1-2 identifies Sunnybank Garage as lying within an area of potential change. The supplementary guidance to policy APC1-2 is in terms of broad change to this part of Port Glasgow and is not site specific. As such the proposal does not impede the aims for redevelopment.

While noting the comments of the Head of Safer & Inclusive Communities, I have significant concerns over the siting of a hot food van in proximity to existing residences. Even though a statutory nuisance may not occur, the potential for odours to emanate from the site could directly impact on the amenity of these properties. I am also concerned that the proposed additional daytime activity would be detrimental to the quality of residential amenity enjoyed by residents of the flats on the north side of Glasgow Road. Noise is likely to arise from patrons talking, car doors being closed, car engines idling, in car entertainment and vehicles entering and leaving the site. I note the advice of the Head of Safer & Inclusive Communities that use of high pressure washers requires to be restricted to day-time in order to prevent noise nuisance at night.

The objectors' other concerns regards litter generation and vermin are noted, however, I consider these matters more appropriately controlled by public health legislation.

Overall, I consider that adding a car valeting operation and hot food van to the existing garage use would be harmful to residential amenity and character, thus failing to accord with Policy H1 of the Local Plan.

I do not consider that the proposal merits support.

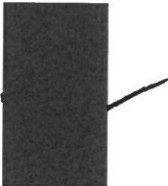
RECOMMENDATION

That the application be refused for the following reasons:

Reasons

1. As the proposal would result in food odours emanating from the site and increased levels of activity, this would be detrimental to residential amenity and the character of the area and would thus be contrary to Policy H1 of the Inverclyde Local Plan.
2. As the proposed off-street parking provision is insufficient to accommodate the parking requirements of a garage, car valeting operation and hot van, this would likely result in overspill parking on Glasgow Road, to the detriment of road safety.

Signed:

A black rectangular redaction box covering the signature of the Case Officer.

Case Officer / Guy Phillips

A black rectangular redaction box covering the name of the Head of Regeneration and Planning.

Stuart Jamieson
Head of Regeneration and Planning

CONSULTATION RESPONSES

Memorandum Safer Communities Planning Application Consultation Response	
To: Planning Services For the Attention of Guy Phillips	
From: Safer and Inclusive Communities	Date of Issue to Planning: 21.11. 2013

Lead Officer: Janet Stitt	
Tel: 01475 714 270	Email: janet.stitt@inverclyde.gov.uk

Safer Communities Reference (optional):	
Planning Application Reference:	13 0336 IC
Planning Application Address:	Glasgow Road Port Glasgow
Planning Application Proposal:	Change of use of garage to garage car valeting and hot food van.

Team	Officer	Date
Food & Health	Michael Lapsley	
Environment & Safety <i>Contaminated Land</i>	Sharon Lindsay Roslyn McIntosh	21.11.13
Public Health & Housing	Janet Stitt / Jim Blair	15.11.13
Environment and Enforcement	Emilie Smith	19/11/13

Amend table entries as appropriate and insert date when each officer review is completed.

Recommended Conditions:

It is recommended that the undernoted conditions be placed on any consent the council may grant:

Delete or amend as appropriate

Food & Health**No Comments****Environment & Safety****No Comments****Contaminated Land****No Comments****Public Health & Housing**

1. The development shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours has been submitted to and approved by the Planning Authority. Such specification shall include precise details on the location of equipment used for the cooking and heating of food, canopies, grease filters, rates of air movement over the canopy, make-up air, air disposal points etc.

Reason: To protect the amenity of the immediate area and prevent the creation of odour nuisance.

2. The applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the development shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place.

Reason: To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.

3. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".

Reason: To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.

Environment and Enforcement**No Comments**

4. The applicant must consult or arrange for their main contractor to consult with either Stewart Mackenzie or Emilie Smith at Inverclyde Council, Safer Communities (01475 714200), prior to the commencement of works to agree times and methods to minimise noise disruption from the site.

Reason: To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

5. A noise impact assessment requires to be carried out in terms of PAN 1/2011. The report must contain where necessary, proposals to reduce noise levels within the housing. It is strongly recommended that the applicant contact Safer Communities to discuss the criteria and format for the noise assessment.

Reason: To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

6. [insert activities] shall not take place anywhere on the site except [within the building or state location]

Reason: To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

7. [insert activities] shall only take place between the hours of [state times]

Reason: To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

8. Deliveries or collections to and from the site shall not be carried out between the hours of 23:00 and 07:00.

Reason: To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

9. Due to the tonal aspect we would recommend that the noise from [insert source] is within Noise Rating Curve 25 (between the hours of 23:00 and 07:00) and Noise Rating Curve 35 (between the hours of 07:00 and 23:00) when measured within the nearest noise sensitive property.

Reason: To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

Recommended Advisory Notes

It is strongly recommended that the undernoted Advisory Notes be placed on any consent the Council may grant:

- i. The applicant should be fully aware of the **Construction (Design & Management) Regulations 2007 (CDM 2007)** and its implications on client duties etc.
- ii. **Consultation on Proposed Use:** It is strongly recommended that prior to the commencement of any works the applicant consults with Officers of Safer and Inclusive Communities to ensure structural compliance with legislation relating to;
 - a) Food Safety Legislation,
 - b) Health and Safety at Work etc. Act 1974,

TO: HEAD OF REGENERATION & PLANNING
FROM: HEAD OF ENVIRONMENTAL &
COMMERCIAL SERVICES

Your Ref: 13/336/IC
Our Ref: DAC/14/04/13/336/IC
Contact: D A Chisholm
Tel: (01475) 7144841

RECEIVED
13 DEC 2013
24-25 (GP)

**INVERCLYDE COUNCIL
ENVIRONMENTAL & COMMERCIAL SERVICES
OBSERVATIONS ON PLANNING APPLICATION**

Planning Application No: 13/336/IC Dated: 15/11/13 Received: 18/11/13
Applicant: Donna MacLean
Proposed Development: Change of use of garage to a garage and car valeting operation together with the siting of a hot food van
Location: Glasgow Road Port Glasgow
Type of Consent: Detailed Permission/In Principle/Approval of Matters/Change of Use
No. of drawings submitted: 3

	Comments
1.	The current use garage has 4 no spaces car display, 4 no space car servicing, 2 no spaces visitor parking and 2 no spaces staff parking, a total of 12 spaces. See Response 12/334/IC
	The proposed use has 5 no spaces plus a valeting area.
2.	The applicant should indicate the parking arrangements for both businesses.
3.	All site surface water run off should be intercepted within the development.
4.	A barrier/wall 2.0m high will be required to prevent spray blowing onto passing vehicles or pedestrians.

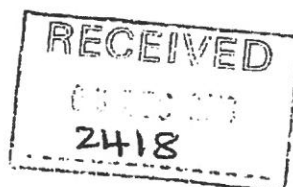
NOTES FOR INTIMATION TO APPLICANT

CONSTRUCTION CONSENT (S21)*	Not Required/Required for all road works
ROAD BOND (S17)*	Not Required/Required if building works are to be undertaken before roads are completed
ROAD OPENING PERMIT (S56)*	Not Required/Required for all works in the public road

*Relevant Section of the Roads (Scotland) Act 1984

Signed Date 29/11/13
HEAD OF ENVIRONMENTAL &
COMMERCIAL SERVICES

REPRESENTATIONS



22nd November 2013

49 Glasgow Road,
Port Glasgow PA 14 6RS.

Inverclyde Council,
Regeneration and Planning,
Municipal Buildings,
Greenock PA 15 1LY.

Dear Sirs,

Planning Application 13/0336/IC

Garage Glasgow Road, Port Glasgow

Dear Sirs,

I comment on the above Planning Application as follows.
This is a residential area and a car valeting operation
would generate noise and parking problems.

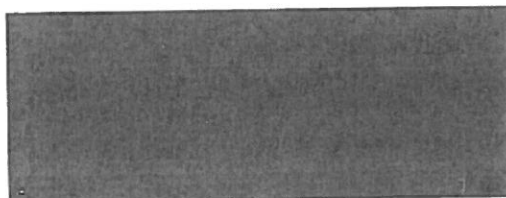
The bus lay by has been extended to facilitate the high
kerbs and because of this there is less parking space,
therefore more congestion would be caused.

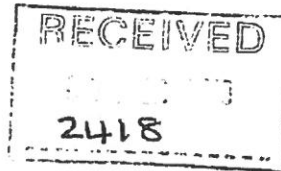
This is a local and Clydebank bus route and the carriageway
is also used by huge trucks travelling to and from Devol
Industrial Estate, additional traffic would be dangerous
and disruptive.

Cooking smells from hot food vans permeate into the atmosphere
and there could be a litter problem.

Because of the above and the disruption to the residents,
I believe that this development would be detrimental to
the area.

Yours Faithfully,





22nd November 2013

43 Glasgow Road,
Port Glasgow PA 14 6RS.

Inverclyde Council,
Regeneration and Planning,
Municipal Buildings,
Greenock PA 15 1LY.

Dear Sirs,

Planning Application 13/0336/IC

Garage Glasgow Road, Port Glasgow.

Dear Sirs,

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This is a residential area and a car valeting operation
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the area.

Yours Faithfully,



47 Fyfe Park Terrace
Glasgow Road
Port Glasgow
PA14 6RS

Reference:- Application Number 13/0336/IC

Dear Sir

I am writing to object to the above planning permission application. The premises concerned are sited directly across the road from my residence.

Already there are numerous cars parked in the vicinity belonging to the garage. In addition there is considerable noise, often after 5pm.

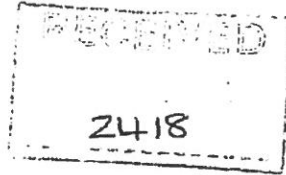
I feel that a hot food van will exacerbate the above issues, and the site is situated in a residential area. This will lead to increased noise and traffic in the vicinity.

I would therefore object to the application for planning permission to a garage and valeting operation, together with the siting of a hot food van.

Yours faithfully

Mrs Mary McDonald
Flat 1-2
47 Glasgow Road
Port Glasgow
PA14 6RS

(TRANSCRIBED FROM ORIGINAL LETTER)



22nd November 2013

43 Glasgow Road,
Port Glasgow PA 14 6RS.

Inverclyde Council,
Regeneration and Planning,
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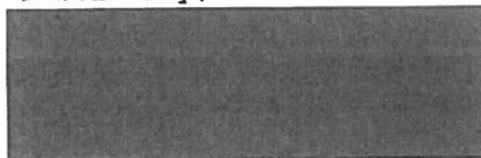
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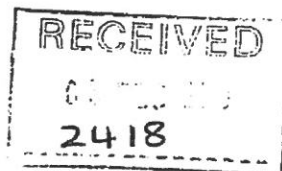
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22nd November 2013

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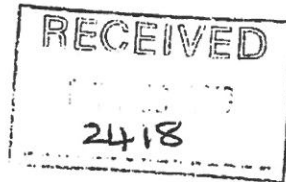
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This is a residential area and a car valeting operation
would generate noise and parking problems.

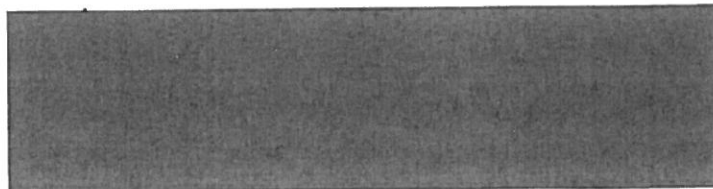
The bus lay by has been extended to facilitate the high
kerbs and because of this there is less parking space,
therefore more congestion would be caused.

This is a local and Clydebank bus route and the carriageway
is also used by huge trucks travelling to and from Devoil
Industrial Estate, additional traffic would be dangerous
and disruptive.

Cooking smells from hot food vans permeate into the atmosphere
and there could be a litter problem.

Because of the above and the disruption to the residents,
I believe that this development would be detrimental to
the area.

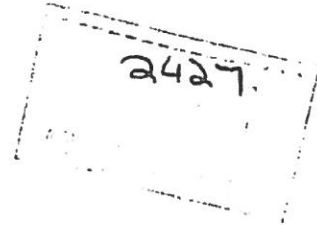
Yours Faithfully,



45F Glasgow Road
Port Glasgow
PA14 6RS

29 Nov 2013

**Inverclyde Council
Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock
PA15 1LY**



Dear Sir/Madam

**Re: Planning Application Number 13/0336/IC Change of use
Garage, Port Glasgow, Road**

On behalf of the six tenants at 45 Glasgow Road, Port Glasgow PA14 6RS, I write to object to the application proposal for change of use from garage to valeting operation and hot food van siting.

This area is already heavily used by traffic and is a busy bus route. A valeting centre would cause further congestion on this busy road. Car parking is already a problem for the residents at all times, furthermore, the garage always has an overspill of cars from their forecourt, taking up much needed parking space with no consideration for the residents in the neighbourhood. I note however, the garage owners have since removed all parked cars from the garage roadside whilst the application is under consideration.

No operating times have been indicated on the application and at the moment the garage operates in the evening, sometimes after ten at night. It is noted from the previous application comments, this breaks the terms of the regulations issued some years ago. A valeting centre along side this would cause even more disturbance in this area. We can see no benefits in having this on site for both the area and the economy.

There is also the issue of litter caused by the hot food van although it is presumed bins would be provided and this would also be looked at by environmental services.

I trust these comments will be given due consideration as they are the concerns and views of the tenants at the above tenement property.

Yours faithfully

Miss Linda Gemmell
Mr Tony Bryce

Mr Stephen Hendry
Mrs Nan Mitchell
Mrs Maisie Clark
Mr James Parker

Flat 2-2
49 Glasgow Rd
Port Glasgow
PA14 6RS

1/12/13

G Phillips Esq

Application No 13/0336/IC

I wish to object to permission being granted in respect of the above.

You are aware that the majority of residents in this area are elderly. This type of business in my opinion not required here.

Also we already have a problem with parking and this of course would only add to it.

S Stewart

(Transcribed from original letter)

Personal Details

First Name MARTHA
Surname SIMPSON
Address 1 GROUND FLOOR
Address 2 47 GLASGOW ROAD
Address 3
Town/City PORTGLASGOW
PostCode
Tel. No. [REDACTED]
Email Address [REDACTED]

Your Comments

Application Ref. 13/0336/IC
Address GARAGE, GLASGOW ROAD
Stance Object

Comments I REFER TO THE ABOVE APPLICATION, AND WISH TO LODGE MY OBJECTION WHILE I HAVE NO OBJECTION TO A GARAGE AND CAR VALETING OPERATION, I DO STRONGLY OBJECT TO THE SITING OF A HOT FOOD VAN. LIVING DIRECTLY ACROSS THE STREET FROM THE GARAGE AND BEING ON THE GROUND FLOOR I WOULD BE SUBJECTED TO UNPLEASANT AND UNWANTED ODOURS, RESULTING IN ME BEING UNABLE TO OPEN MY WINDOWS. I ALSO HAVE CONCERNS THAT ANY LITTER AND PARTICLES OF FOOD MAY BE STREWN AROUND THUS ENCOURAGING UNWANTED VERMIN.

Yours Sincerely

MARTHA SIMPSON

DECISION NOTICE DATED 2 MAY 2014

DECISION NOTICE

Inverclyde
council

Refusal of Planning Permission Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 13/0336/IC

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013

Donna MacLean
Flat 0-1
8 Cranson Street
GLASGOW
G3 8GG

With reference to your application dated 15th November 2013 for planning permission under the above mentioned Act and Regulation for the following development:-

Change of use of garage to a garage and car valeting operation together with the siting of a hot food van at

Sunnybank Garage, Glasgow Road, Port Glasgow

Category of Application: Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. As the proposal would result in food odours emanating from the site and increased levels of activity, this would be detrimental to residential amenity and the character of the area and would thus be contrary to Policy H1 of the Inverclyde Local Plan.
2. As the proposed off-street parking provision is insufficient to accommodate the parking requirements of a garage, car valeting operation and hot van, this would likely result in overspill parking on Glasgow Road, to the detriment of road safety.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 2nd day of May 2014

Head of Regeneration and Planning



Healthy
Working
Lives



- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
1205/ST/01		19.09.2012
1205/PL/01		20.09.2012
1205/PL/02		20.09.2012

**NOTICE OF REVIEW DATED 28 JULY 2014
TOGETHER WITH LETTER FROM APPLICANT
RECEIVED ON 10 SEPTEMBER 2014**

Donna Maclean
8 Cranston Street
Flat 0-1
Finnieston
Glasgow
G3 8GG

28-07-14

REPORT NO: 13/0336/IC

SUBJECT: CHANGE OF USE OF GARAGE AND CAR VALETING OPERATION TOGETHER WITH
THE SITING OF A HOT FOOD VAN

TO

THE HEAD OF LEGAL AND ADMINISTRATION

I Donna Maclean seek a review on the decision. I disagree on the matters as I have spoken to roads department and also health and safety. I can assure you that a clean and safe environment would take place.

Thank you.

Donna Maclean

TRANSCRIBED FROM ORIGINAL LETTER

Donna Maclean
8 Cranston Street
Flat 0-1
Finnieston
Glasgow
G3 8GG

Dear Rona

Review of decision: change of use of garage to garage and car valeting operation together with siting of hot food van at Sunnybank Garage, Glasgow Road, Port Glasgow. (Reference 13/0336/IC)

I confirm that I still wish the review to be conducted with one or more hearing sessions and site inspection if necessary.

Yours sincerely

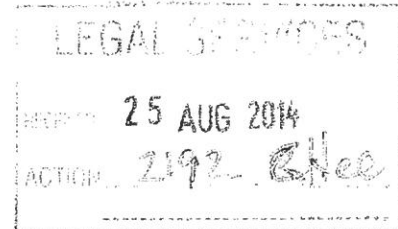
Donna Maclean

FURTHER REPRESENTATION

20th August 2014
Ref SL.

43Glasgow Road,
Port Glasgow
PA 14 6RS.

The Department of Environment,
Regeneration & Resources,
Inverclyde Council,
Municipal Buildings,
Greenock LA 15 1LY.



For the attention of Rona McGhee.

Dear Sirs,

Review of Decision to Refuse Planning Permission.

Reference No 13/0336/1C

Applicant Ms Donna Maclean

Site Address SUNnybank Garage, Glasgow Road,
Port Glasgow.

Change of use of Garage to Garage Car valeting
Operation together with siting of hot Food Van.

In response to your letter of 12th August regarding the review of the above refusal, I would be pleased if the following could be considered.

The owner of the garage has rarely lived in Scotland in 2014 would he be an absentee Landlord?
Bricks and rubble from part of the wall which collapsed are dumped at the East end of the garage fence.

Most of the activity seems to be bodywork repairs, this I understand was forbidden in the original Planning Consent.

The operation of a car valeting service and hot food van will require more than one person, what parking arrangements will be made to accommodate any vehicles.

I still contend that this site is unsuitable for the proposed development.

Yours faithfully,

Also written on behalf of the undersigned.

**SUGGESTED CONDITIONS SHOULD PLANNING PERMISSION
BE GRANTED ON REVIEW**

SUNNYBANK GARAGE, GLASGOW ROAD, PORT GLASGOW (13/0336/IC)

Suggested conditions should planning permission be granted on review

Conditions

1. The parking spaces detailed on drawing 1205/PL/02 shall be marked out on site prior to the garage, car valeting and hot food van hereby approved being brought into operation and, thereafter, retained in perpetuity.
2. All surface water shall be intercepted within the site.
3. No development shall commence until full details of the 2m high barrier along the site frontage shown on drawing 1205/PL/02 have been submitted to and approved in writing by the Planning Authority: thereafter the approved barrier shall be completed prior to the car valeting operation being commenced and retained in perpetuity.
4. No pressure washers shall be used outwith the hours of 9am and 7pm.
5. The hot food van and garage shall not operate outwith the hours of 9am and 7pm

Reasons

1. To prevent overspill parking on Glasgow Road and in the interests of road safety.
2. In the interests of road safety on Glasgow Road.
3. In the interests of road safety on Glasgow Road.
4. To prevent noise nuisance to nearby residents.
5. To prevent noise nuisance to nearby residents.

Please note that the planning permission for the use of the premises as a garage from 1993 (IC/93/299) allows it to open between 8am and 7pm Mondays to Saturdays and 12noon to 6pm on Sundays. Given the request from the Head of Safer & Inclusive Communities that the use of pressure washers be limited to 9am to 7pm on any day, it is considered appropriate to have a consistent time restriction upon the other uses on the site.

**EMAIL DATED 2 OCTOBER 2014 TO
HEAD OF REGENERATION & PLANNING**

Rona McGhee

From: Rona McGhee
Sent: 02 October 2014 11:32
To: Stuart Jamieson
Cc: Nicholas McLaren
Subject: Review of Decision to Refuse Planning Permission - Sunnybank Garage, Glasgow Road, Port Glasgow (13/0336/IC)
Attachments: 02 Sunnybank Garage, Glasgow Road, Port Glasgow.pdf

Stuart

At the meeting of the Inverclyde Council Local Review body (ILRB) on 1 October 2014, following consideration of the case papers relative to the above, the ILRB agreed that it did not have sufficient information in order to proceed to determine the request for review. The case papers are attached and are also available online at www.inverclyde.gov.uk (click on Committee Meetings, then Local Review Body).

The ILRB agreed in terms of the "Written Submissions" procedure set out in Regulation 15 of the Town & Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 to seek further information on the planning history of the application site with particular regard to car valeting. During discussion advice was sought by the LRB on whether a garage and car valeting were separate use classes and, having been advised that a garage was *sui generis* and each application would be considered on its merits, Members wished to establish whether the former planning permission granted in 1993 for change of use of petrol filling station with ancillary workshop to a car repair garage with ancillary car sales would allow for car valeting or whether a new application for car valeting would be required and whether or not car valeting would be acceptable as part of a garage operation.

Accordingly, in terms of Regulation 15(2)(a), the ILRB seeks further information from you on the planning history of the application site with particular regard to car valeting.

I would also advise you that, in terms of Regulation 15(2)(b), you are required to send your response to the ILRB within one month of the date of this Notice (i.e. 2 November 2014). In terms of Regulation 15(3) you are also required to forward a copy of your response to the applicant and interested parties, the details of which are set out in the undernoted schedule to this Notice.

Should you require any clarification in regard to the terms of this Notice, please contact me.

Regards,
Rona

Rona McGhee
Senior Administration Officer
Legal & Property Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX
Tel: 01475 712113
Fax: 01475 712137

SCHEDULE OF DETAILS OF APPLICANT AND INTERESTED PARTIES

Applicant: Ms Donna MacLean
Flat 0-1
8 Cranston Street
GLASGOW
G3 8GG

Interested Parties: Ian Moffat
Head of Environmental & Commercial Services
Inverclyde Council
(ian.moffat@inverclyde.gov.uk)

John Arthur
Head of Safer & Inclusive Communities
Inverclyde Council
(john.arthur@inverclyde.gov.uk)

Mr A Lynn
49 Glasgow Road
PORT GLASGOW
PA14 6RS

Mr J McCallum
43 Glasgow Road
PORT GLASGOW
PA14 6RS

Mrs M McDonald
Flat 1-2
47 Glasgow Road
PORT GLASGOW
PA14 6RS

Ms E Lynn
43 Glasgow Road
PORT GLASGOW
PA14 6RS

Ms L McBride
43 Glasgow Road
PORT GLASGOW
PA14 6RS

Ms M Jamieson
43 Glasgow Road
PORT GLASGOW
PA14 6RS

Miss L Gemmell and Mr T Bryce
45F Glasgow Road
PORT GLASGOW
PA14 6RS

S Stewart
Flat 2/2
49 Glasgow Road
PORT GLASGOW
PA14 6RS

Ms M Simpson
Ground Floor Flat
47 Glasgow Road
PORT GLASGOW
PA14 6RS

**EMAIL DATED 7 OCTOBER 2014 FROM
MR G PHILLIPS, REGENERATION & PLANNING**

Rona McGhee

From: Guy Phillips
Sent: 07 October 2014 09:36
To: Rona McGhee
Subject: FW: Review of Decision to Refuse Planning Permission - Sunnybank Garage, Glasgow Road, Port Glasgow (13/0336/IC)
Attachments: 02 Sunnybank Garage, Glasgow Road, Port Glasgow.pdf; SKM_C224e14100208290.pdf

Rona,

Attached are copies of the approved site layout drawing and the committee report for planning permission IC/93/299 for the change of use of the former Sunnybank Filling Station and ancillary workshop to car repairs with ancillary car sales.

There is no mention of car valeting in the description of planning permission IC/93/299, nor is any part of the site identified for car valeting on the approved site layout plan. While it may have been reasonable to assume that some cleaning of cars may have occurred in association with preparation for sale, it was not proposed to operate the site as a public car wash. Use of part of the site to provide valeting services for the public's vehicles is a material change of use that requires the benefit of planning permission.

Guy Phillips
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

01475 712422

Let us know how satisfied you are with the service received from our Development Management section by completing our customer survey at [Survey Monkey - Development Management](#)

From: Nicholas McLaren
Sent: 03 October 2014 10:02
To: Guy Phillips
Cc: David Ashman
Subject: FW: Review of Decision to Refuse Planning Permission - Sunnybank Garage, Glasgow Road, Port Glasgow (13/0336/IC)

Guy

Over to you.

Nick

Nicholas McLaren

Development and Building Standards Manager
Inverclyde Council

01475 712420

Let us know how satisfied you are with the service received from Building Standards or Development Management by completing our customer survey at [Survey Monkey - Building Standards](#) or [Survey Monkey - Development Management](#)

From: Rona McGhee
Sent: 02 October 2014 11:32
To: Stuart Jamieson
Cc: Nicholas McLaren
Subject: Review of Decision to Refuse Planning Permission - Sunnybank Garage, Glasgow Road, Port Glasgow (13/0336/IC)

Stuart

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Accordingly, in terms of Regulation 15(2)(a), the ILRB seeks further information from you on the planning history of the application site with particular regard to car valeting.

I would also advise you that, in terms of Regulation 15(2)(b), you are required to send your response to the ILRB within one month of the date of this Notice (i.e. 2 November 2014). In terms of Regulation 15(3) you are also required to forward a copy of your response to the applicant and interested parties, the details of which are set out in the undernoted schedule to this Notice.

Should you require any clarification in regard to the terms of this Notice, please contact me.

Regards,
Rona

Rona McGhee
Senior Administration Officer
Legal & Property Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX
Tel: 01475 712113
Fax: 01475 712137

SCHEDULE OF DETAILS OF APPLICANT AND INTERESTED PARTIES

Applicant: Ms Donna MacLean
Flat 0-1
8 Cranston Street
GLASGOW
G3 8GG

Interested Parties: Ian Moffat
Head of Environmental & Commercial Services
Inverclyde Council
(ian.moffat@inverclyde.gov.uk)

John Arthur
Head of Safer & Inclusive Communities
Inverclyde Council
(john.arthur@inverclyde.gov.uk)

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43 Glasgow Road
PORT GLASGOW
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Ms M Jamieson
43 Glasgow Road
PORT GLASGOW
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Miss L Gemmell and Mr T Bryce
45F Glasgow Road
PORT GLASGOW
PA14 6RS

S Stewart
Flat 2/2
49 Glasgow Road
PORT GLASGOW
PA14 6RS

Ms M Simpson
Ground Floor Flat
47 Glasgow Road
PORT GLASGOW
PA14 6RS

REPORT TO: PLANNING AND BUILDING CONTROL SUB-COMMITTEE
BY: DIRECTOR OF PLANNING AND TECHNICAL SERVICES
SUBJECT: CHANGE OF USE OF FORMER FILLING STATION AND ANCILLARY WORKSHOP TO CAR REPAIRS WITH ANCILLARY CAR SALES AT THE FORMER SUNNYBANK FILLING STATION, GLASGOW ROAD, PORT GLASGOW - JOSEPH DOCHERTY - IC/93/299

1. INTRODUCTION

1.2 An application for planning permission in respect of change of use of former filling station and ancillary workshop to car repairs with ancillary car sales at the former Sunnybank Filling Station on Glasgow Road, Port Glasgow has been submitted by Joseph Docherty, Oakbank Cottages, Parkhill Farm, Old Greenock Road, Port Glasgow.

2. BACKGROUND

2.1 The application site, which extends to 490m² or thereby, lies on the south side of Glasgow Road opposite tenement properties in Fyfe Park Terrace.

2.2 The site and buildings thereon have not been used for their authorised use for many years although I understand they have been occupied on a number of occasions since the closure of the Filling Station and used for a variety of uses such as car repairs and as a welders workshop/yard.

2.3 It is proposed to use the former sales building for office purposes, the workshop for car repairs and mark out the forecourt area for parking bays for sales (4 spaces), servicing (4 spaces), customers (2 spaces) and staff (2 spaces). Other works comprise the erection of a new boundary wall with fencing on top and an access gate.

2.4 In support of his application the applicant advises his hours of operation will be restricted to 8.00 a.m. to 8.00 p.m., the proposals will provide 3 jobs, and, if necessary, additional land to the west of the application site can be made available.

2.5 The relevant Local Plan Policy in this area is DCa which states no significant developments or changes in land use are envisaged and planning applications will be considered on individual merit and in accordance with Structure Plan Policies and other Local Plan Policies.

3. CONSULTATION

3.1 SRC Roads - No objection.

3.2 SRC Sewerage - No objection.

4. PUBLIC PARTICIPATION

4.1 The proposals were advertised under the provisions of current legislation.

4.2 2 letters of representation were received. The matters raised can be summarised as follows:

1./

2.

1. Permission should only be given if a binding contract is entered into stipulating all business, trading etc. is carried out from within the site and work times be restricted to normal working hours from Monday to Friday.
2. Failure to comply with such a contract should result in eviction.

4.3 I would address these matters as follows:

1. I am satisfied if planning permission is to be granted for this proposal, strict conditions can be imposed requiring the operations to be carried out in a manner which is acceptable to the District Council and safeguard the amenity of the area.
2. This is not a material planning consideration.

5. PLANNING ATTITUDE

- 5.1 I consider the physical works proposed, particularly the boundary wall and fencing, will enhance the property and amenity of the area.
- 5.2 The size of the workshop and sales area and the limited parking opportunities within the site will limit the scale of operations.
- 5.3 Given the proximity of the premises to residential properties and the concerns expressed by residents in respect of hours of operation I would recommend the hours be restricted.
- 5.4 Subject to conditions, including a restriction on the hours of operation, I consider this to be an acceptable use in this location.
- 5.5 Since the proposed use falls within the category of General Industrial Use under the terms of the Town and Country Planning (Use Classes) Scotland 1989, I would be concerned if the premises were to change to any other general industrial use without firstly being the subject of an application for planning permission. Similarly current legislation would allow the premises to change to a storage and distribution use which, in my opinion, could have an adverse effect on the amenity of the area. Therefore I would recommend conditions be attached to any permission which may be granted requiring such changes to be the subject of applications for planning permission.
- 5.6 Under the Development Contrary to Development Plan procedure, if Members are disposed towards granting planning permission there is a requirement for a reasoned statement of justification to be forwarded to the Regional Planning Authority in order that they can formally advise whether or not they wish to "call-in" the planning application for determination.

6. CONCLUSION

- 6.1 That the proposed change of use is acceptable from a Town Planning point of view.

7./

7.

RECOMMENDATION

7.1

Agree subject to the terms of the Town and Country Planning (Development Contrary to Development Plans)(Scotland) Direction 1988 to grant planning permission subject to the following conditions:

- (1) That notwithstanding the provisions of Article 3 of the Town and Country Planning (Use Clauses)(Scotland) Order 1989 the written approval of the Director of Planning and Technical Services shall be required in respect of a change of use to any other use within Class 5.
- (2) That notwithstanding the provisions of Article 3 and Class 13 of Part 3 of Schedule 1 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, the express approval of the Director of Planning and Technical Services shall be required in respect of a change of use to a Class 11 (Storage and Distribution) use.
- (3) That the spaces allocated for car display, visitor parking, customer parking and car servicing as detailed on the plan hereby approved shall be delineated on the ground in white paint to the satisfaction of the Director of Planning and Technical Services prior to the commencement of the use hereby authorised, which satisfactory compliance shall be evidenced only by his written confirmation thereof.
- (4) That the forecourt/yard area, with the exception of the spaces referred to in Condition (3) above shall be used for access, turning and deliveries only and for no other purpose.
- (5) No scrap vehicles shall be stored outwith the service bay building at any time.
- (6) That the service bay building shall only be used for the repair and maintenance of motor vehicles excluding panel beating or spray painting operations.
- (7) That the premises shall not be used outwith the hours of 8.00 a.m. to 7.00 p.m. for car repairs or sales on Mondays to Saturdays and on Sundays the premises shall not be used for car repairs or maintenance and shall not be used for car sales outwith the hours of 12.00 midday to 6.00 p.m.

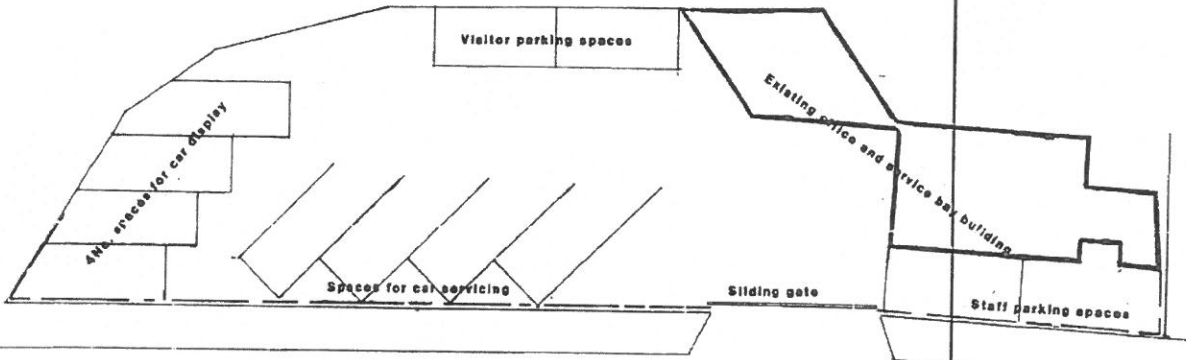
Reasons - (1) - (7) In the interest of amenity.

Department of Planning and Technical Services
PT/CMM
15th December 1993



Boundary wall with railing

2.0
1.0



SUBJECT TO CONDITIONS

INVERclyde DISTRICT COUNCIL
 TOWN & COUNTRY PLANNING DEPARTMENT
 12/93/255
 APPLICATION 24/154
 SIGNED [Signature]
 DEPUTY DISTRICT PLANNING OFFICER

INVERclyde DISTRICT COUNCIL
 TOWN & COUNTRY PLANNING DEPARTMENT
 12/93/255 Date 13/11/93
 Received
 2, High Street

CHANGE of USE to CAR REPAIRS and ANCILLARY CAR SALES
 of former
 FILLING STATION and SERVICE GARAGE,
 GLASGOW ROAD, PORT GLASGOW
 for J. DHERTY, OAKBANK COTTAGE,
 PARKHILL FARM, OLD GREENOCK ROAD
 PORT GLASGOW.

scale 1:100

**LETTER FROM MS D MACLEAN IN
RESPONSE TO MR PHILLIPS'S EMAIL**

(13/0036/1C)

CHANGE OF USE OF GARAGE TO GARAGE AND CAR
VALETING OPERATION TOGETHER WITH SITING OF HOT FOOD
VAN AT SUNNYBANK GARAGE, GLASGOW ROAD, PORT GLASGOW

Dear Rona,

My proposal of the above is designed to improve the amenity of the area by regenerating the garage forecourt from a reclamation yard into a vibrant customer focused car valet with a hot food van which I shall have a range of menu options. Everything will be from Costco and will be of good quality and I want to emphasize a healthy option also.

I feel there is a niche in the market for this as the nearest is in Greenock, also I would bring employment to the area. I may live in Glasgow but I have been familiar with Port Glasgow for early 19 years, my best friend stays here and I know a lot of folk here, my son also stayed here and in Greenock. My favourite place to go is Newark Castle and I am very fond of the place.

I am a very pleasant, approachable person and I will do what I can to make sure there is no litter, no idling, no vermin, every little smells and my hours of business would be for the van - closed and cleaned up for 3 pm.

Kind Regards

LEGAL SERVICES	
RECEIVED	17 NOV 2014
ACTION	3149 Rm4