

## **Inverclyde Local Review Body**

**Our Ref: 15/0235/IC**

### **REVIEW DECISION NOTICE**

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Builder's Store, Chalmers Street, Gourrock
  - Application for Review by Canata & Seggie, Chartered Architects on behalf of Gourrock Waste Metals and Car Breakers against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 15/0235/IC
  - Application Drawings: Drawing No. 001 – location plan
  - Site Inspection took place on 30 June 2016
  - Date of Review Decision Notice: 25 August 2016
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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 2013.
- 1.2 The above application for planning permission was considered by the ILRB firstly at a meeting held on 1 June 2016. The ILRB was constituted by Councillors G Dorrian, I Nelson, L Rebecchi and D Wilson (Chair). At that meeting, the members of the ILRB decided that they wished to carry out an unaccompanied site inspection before making a decision in respect of this matter. The meeting was adjourned to allow the site inspection to be carried out and said site inspection took place on 30 June 2016. The ILRB reconvened on 3 August 2016 to determine the matter. The ILRB on 3 August was constituted by Councillors G Dorrian, I Nelson, L Rebecchi and D Wilson (Chair).

#### **2. Proposal**

- 2.1 The application proposal is for planning permission to bring the disused site into use as car parking and storage in association with the adjoining waste metals and car breaking premises. The application was refused consent in terms of a decision letter dated 22 January 2016.

### 3. Preliminaries

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

- (i) Planning Application and plan specified above;
- (ii) The Appointed Officer's site photographs;
- (iii) Letter of representation and consultation responses in respect of the planning application;
- (iv) The Appointed Officer's Report of Handling dated 22 January 2016;
- (v) Decision Notice dated 22 January 2016;
- (vi) Letter dated 9 March 2016 from Canata & Seggie, Chartered Architects enclosing Notice of Review Form and Statement to the Local Review Body;
- (vii) Further representation; and
- (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 2013.

### 4. Findings and Conclusions

4.1 The determining issue in this review is the impact of the proposal on road safety, in particular the visibility splay which would be detrimental to road safety.

4.2 Having regard to the whole circumstances, including the site inspection, the ILRB, following a vote, concluded that the application had been correctly refused for the reasons given in the Decision Notice dated 22 January 2016 namely:-

- (1) The height of the parapet wall on the Chalmers Street railway bridge, adjoining the site entrance, combines with road geometry to determine that the visibility splay required by the Council's adopted roads development guide of 2.0 x 25.0 x 1.05m cannot be achieved and that the proposal is therefore prejudicial to road safety and contrary to criterion (c) of policy RES6.
- (2) The proposed land use is not compatible with residential amenity as required by policy RES6 criterion (a) and is therefore contrary to policy RES1 which seeks to safeguard and, where practicable, enhance residential amenity and character.

4.3 The Review Application was accordingly dismissed.

Signed \_\_\_\_\_

Head of Legal & Property 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 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013**

1. If the applicant is aggrieved by the decision of the planning authority -
  - (a) to refuse permission for the proposed development;
  - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
  - (c) to grant permission or approval, consent or agreement 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.