

LOCAL REVIEW BODY

6 SEPTEMBER 2017

PLANNING APPLICATION FOR REVIEW

MR J NELIS

**USE OF BASEMENT AREA AS BAR RESTAURANT (IN RETROSPECT):
THE TONTINE HOTEL, 6 ARDGOWAN SQUARE, GREENOCK (17/0053/IC)**

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**1. PLANNING APPLICATION AND PLANS DATED 7
FEBRUARY 2017**

Head of Regeneration and Planning
 Municipal Buildings
 Clyde Square
 Greenock PA15 1LY

DA 10/02 (M.C)

Reference No.	17/0053/IC
Date of Receipt
Fee Paid
Date Fee Received
Date Valid
Receipt No.

PLANNING APPLICATION

Town & Country Planning (Scotland) Acts

The undersigned 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>MR J NEUKS</u>	Name <u>RDP ARCHITECTURE</u>
Address <u>6 ARDCROWAN SQ</u> <u>GREENOCK</u> Postcode <u>PA16 8NG</u>	Address <u>52 KEMPOCK ST,</u> <u>GOUROCK</u> Postcode <u>PA16 1ND</u>
Telephone Number	Telephone Number <u>01475 637165</u>
	Profession

see note 2

2. Description of Development	
<u>CHANGE OF USE - BASEMENT - TO BAR RESTAURANT.</u>	
Site Location <u>AS PER "APPLICANT"</u>	
Site Area (hectares)	Number of dwellinghouses proposed
	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 checked="" type="checkbox"/>
(b) Approval of Matters specified by conditions <input type="checkbox"/>	(d) Change of Use of land/buildings <input type="checkbox"/>
(e) Other (please specify)	

see note 4

4. Applicants interest in site (Tick appropriate box)	
(a) Owner <input checked="" type="checkbox"/>	(c) Tenant <input 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: HOTEL

(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. FUNCTIONAL SUITE
EARLY 2000; BASEMENT CONVERSION & EXTENSION TO FUNCTIONAL SUITE 2016

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? £ N/A

see note 12

12. Confirmation

Signature of applicant/agent [Redacted]

on behalf of *APPLICANT* Date *7/2/17*

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)
.....
.....
.....

* 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 [Redacted]

On behalf of "APPLICANT"

Date 7/2/17

see note 15

CHECKLIST - The following documentation should be submitted:

please tick all boxes

TWO APPLICATION FORMS

DESIGN & ACCESS STATEMENT
(National and Major applications only)

TWO SETS OF PLANS

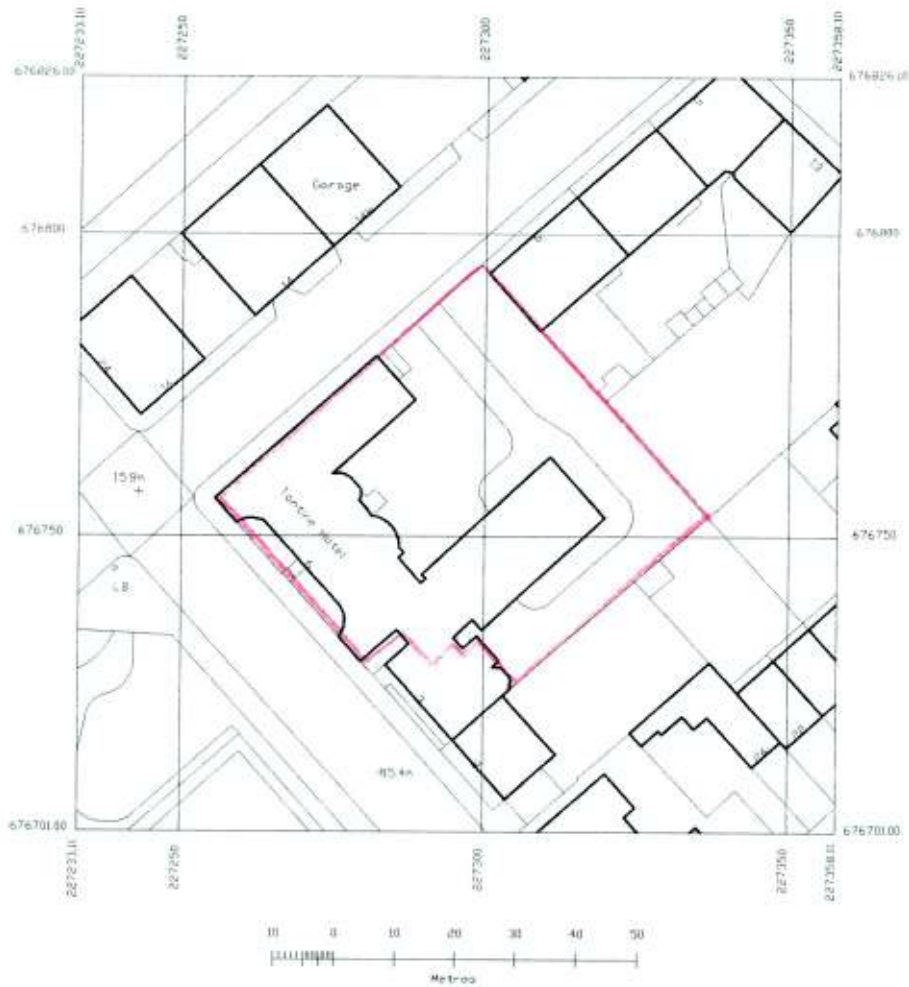
PRE-APPLICATION CONSULTATION REPORT
(National and Major applications only)

FEE (Where appropriate)

WARNING

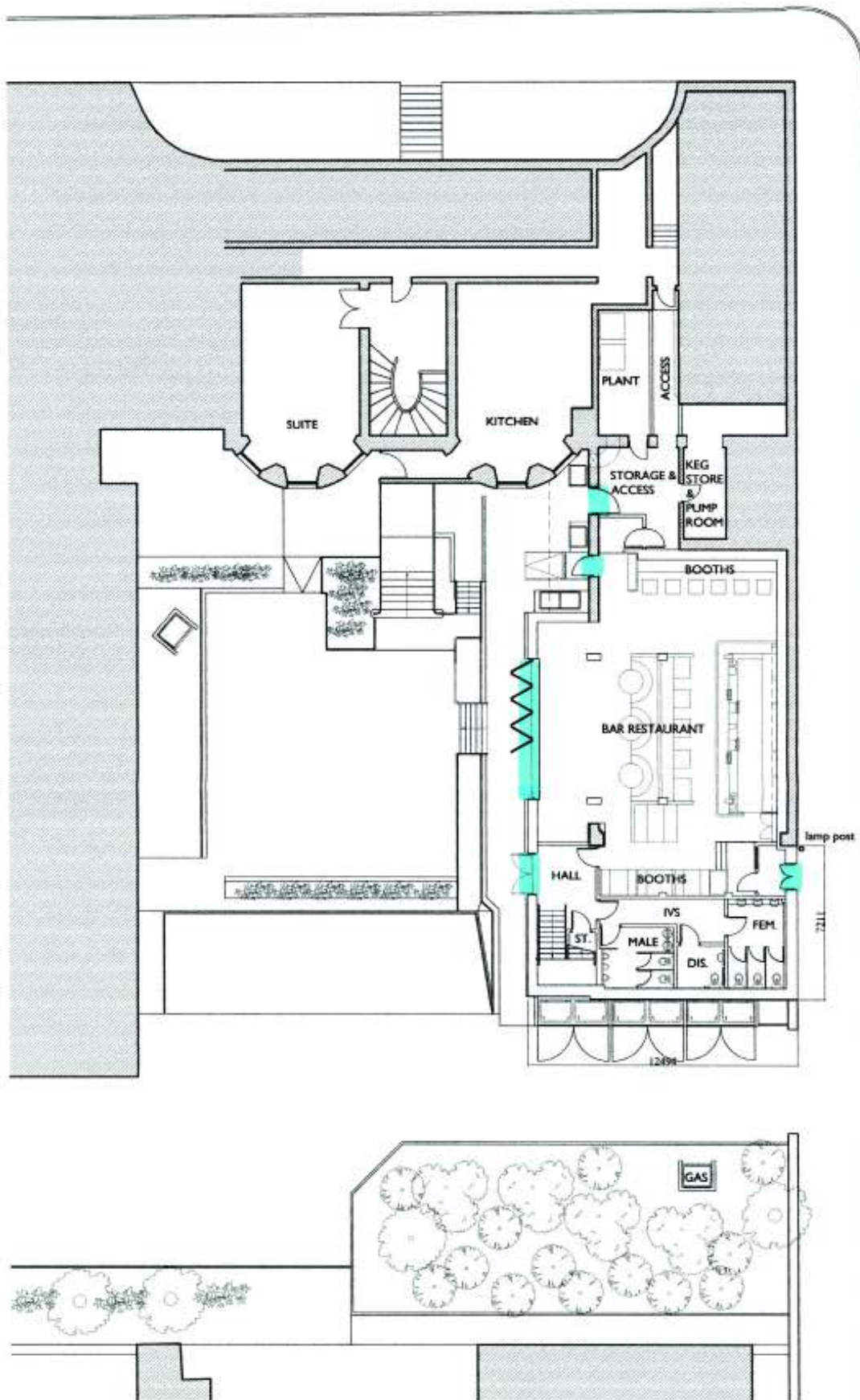
If any person issues a certificate which purports to comply with the requirements of Section 35 of The Town and Country Planning (Scotland) Acts, and contains a statement which he knows to be false or misleading in a material particular or recklessly issues a certificate which purports to comply with 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.

Revision 'A' - November 2008
Revision 'B' - December 2008
Revision 'C' - July 2009
Revision 'D' - October 2009
Revision 'E' - October 2011



LOCATION PLAN 1/1250

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BASEMENT FLOOR PLAN AS PROPOSED 1/200



revisions & notes

rdp - architecture
 52 Kempock St, Gourock, Pa19 1nd.
 tel. 01475 637165 e-mail rdparch@hotmail.co.uk

client: MR J. NELLIS

project: TONTINE HOTEL GREENOCK

Job no. 462

drg. no. 02

drawing size - A3

drawn: MM

checked: PKR

**2. APPOINTED OFFICER'S REPORT OF HANDLING DATED
18 APRIL 2017**

REPORT OF HANDLING

Report By: James McColl

Report No: 17/0053/IC

**Local Application
Development**

**Contact
Officer:** 01475 712462

Date: 18th April 2017

Subject: Use of basement area as bar restaurant (in retrospect) at
Tontine Hotel, 6 Ardgowan Square, Greenock

SITE DESCRIPTION

The Tontine Hotel is a Category A listed building, located within the Greenock West End Conservation Area with its main frontage to Ardgowan Square, and is a traditional blonde sandstone building with slate roof. The main building extends to three storeys and a basement with later extensions located to the side and rear. The north-western wing, accommodating the function room with cellarage below and finished in grey render, extends to the north along the boundary on Robertson Street. The car park is accessed via Robertson Street. A variety of building and uses including office, retail, leisure and residential flats lie adjacent.

PROPOSAL

In December 2013, planning permission and listed building consent were granted for the alteration and extension of the hotel including works to extend the function suite and the formation of restaurant the in basement area below the function suite. Further applications were granted in May 2015 in respect of various minor alterations to the proposal. A condition attached to the most recent planning permission requires that the restaurant use does not operate between 00.00 hours and 10.00 hours daily. It is a further requirement that the restaurant access door to Robertson Street shall not be used during the above time period.

The basement area is operating as a bar rather than the approved restaurant. The applicant advises that the basement area is a bar serving food. During the day, it is intended to serve breakfast, tea, coffee, high tea and also offer a menu. In the evenings, depending on business, food service would cease and the premises would operate solely as a bar. This application seeks to regularise the use of the premises and is considered in retrospect.

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 RES6 - Non-Residential Development within Residential Areas

Proposals for uses other than residential development in residential areas, including schools, recreational and other community facilities will be acceptable subject to satisfying where appropriate, the following criteria:

- (a) compatibility with the character and amenity of the area
- (b) impact on designated and locally valued open space;
- (c) impact of the volume, frequency and type of traffic likely to be generated;
- (d) infrastructure availability;
- (e) social and economic benefits; and
- (f) the cumulative impact of such a use or facilities on an area.

CONSULTATIONS

Head of Safer and Inclusive Communities - This Service has already received complaints about noise from patrons exiting the premises. It is recommended that patrons should exit the premises via Ardgowan square after 2300 hours in order to protect the amenity of occupiers of adjacent residential premises from unreasonable noise levels. A condition regarding external lighting is also recommended.

PUBLICITY

The application was advertised in the Greenock Telegraph on 10th March 2017 as a Schedule 3 development.

SITE NOTICES

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

PUBLIC PARTICIPATION

Four objections have been received in connection with the application. The concerns raised can be summarised as follows:

- The basement area has operated as a bar since it opened and there is no evidence of a restaurant use or food being served.
- The condition on the current planning permission in respect of the door to Robertson Street being closed at midnight is not adhered to.
- The door to Robertson Street should be closed at 10pm or 11pm.
- Loud music is played within the premises late into the night and the front door is left open.
- Patrons are directed to Robertson Street to smoke. When they congregate outside to smoke, this causes disturbance to neighbouring residents.
- Taxis call at the premises into the early hours of the morning disturbing neighbouring residents.
- Patrons parking in the street cause difficulties for residents to find a parking space outside their own property.
- An increase in litter occurs from the use.
- Anti-social behaviour occurs from the premises.

- The basement area is effectively a public house and the only one within the West End of Greenock.
- The courtyard may be used as a beer garden.
- The use of the basement as a bar is detrimental to the nature of the Greenock West End Conservation Area.
- The granting of this application may lead to further incremental development in the future.
- The use of the basement area as a bar may affect the resale value of adjacent residential property.

I will consider these concerns in my assessment.

ASSESSMENT

The material considerations in the assessment of this planning application are the Inverclyde Local Development Plan, the impact upon the amenity of nearby residential properties, the consultation response and the objections received.

The principle of the alteration and extension to the hotel is already established by the current planning permission and listed building consent. There are no internal or external alterations proposed as part of this application and there are no implications in respect of either the listed building or the wider Conservation Area. In assessing the use of the basement area and notwithstanding the applicant's description of the proposal, the applicant has clarified in writing the operation of the basement area as a bar. It is therefore appropriate to assess the application on the basis of a bar operating at the basement level, with direct access to Robertson Street.

In considering residential amenity, policy RES1 seeks to safeguard residential amenity and policy RES6 advised on non-residential uses within residential areas. It was previously recognised that the site lies within an area of mixed residential and commercial use. The hotel is well established and in such circumstances a degree of noise and activity is to be expected. However, it was also recognised that in the evening this part of Robertson Street is generally quiet. Whilst noise from within the premises is controlled by the Head of Safer and Inclusive Communities via other legislation, it was considered that a reasonable compromise between the interests of both the Hotel and residents was to restrict the impact from associated outdoor activity by restricting door access to Robertson Street to between 10am and midnight.

Considering the use of the basement area as a bar, this raises different issues to that of a restaurant. Firstly, in terms of opening hours, the applicant has confirmed that the bar will operate to midnight from Sunday to Thursday and to 1am Friday and Saturday. If being used as a restaurant, patrons would also be more likely to leave the premises at different times throughout the evening, with a lower turnaround of customers thus limiting activity within the vicinity of residential properties in Robertson Street. A bar will likely generate larger groups of patrons leaving late at night, for example, at closing time or at the end of a live music performance which are held within the premises. There will also be a higher turnover of customers. With residential accommodation within Robertson Street being characterised by higher density tenement style flats, it is inevitable that a bar accessed directly onto Robertson Street would lead to additional activity, with potential for noise and disturbance. Customers will arrive and leave the premises by car or taxi, with car doors slamming, engines running, in-car entertainment systems and extraneous traffic movements to Robertson Street. As is often the case, people may gather outside the bar at the end of the evening as they say their goodbyes. Patrons smoking outside the premises late into the evening has also been highlighted as an issue in the objections received.

It remains, however, that a balance must be sought between protecting the amenity of nearby residents by seeking to prevent undue noise and disturbance above what could be reasonably expected, whilst at the same time promoting the development and vitality of the existing business. In terms of promoting the existing business, the previous planning permissions granted allowed for substantial works to the Robertson Street wing providing expanded function room facilities and the

new accommodation below. Considering the use of the new accommodation below the function room as a bar rather than the restaurant as approved, I note that the Head of Safer and Inclusive Communities advises that complaints have been received with regard to noise from patrons exiting the premises via the door to Robertson Street door. In order to protect the amenity of residents from unreasonable noise levels, it is therefore recommended that patrons should exit the premises via Ardgowan Square after 2300 hours. In seeking a balance between the operation of the wider hotel premises whilst protecting residential amenity, a condition which follows the principle of the advice of the Head of Safer and Inclusive Communities could direct late night activity associated with the premises away from Robertson Street and would assist in controlling activity from patrons going outside to Robertson Street to smoke. A condition relating to the hours of use of the doors to the bar is considered most appropriate in achieving this. Subject to this condition which will require that the doors are not used between the hours of 11pm to 7am, I consider the use of the basement area is acceptable with reference to policies RES1 and RES6 of the Local Development Plan.

Considering the outstanding points raised in the objections received, I note the concern that the current condition relating to the use of the Robertson Street door is not being adhered to. Any breach of the condition relating to the use of the doors will be investigated and appropriate enforcement action can be taken where required. Any disturbance resulting from music within the premises is a matter for the Head of Safer and Inclusive Communities to address via separate legislation. With regard to parking, this was considered at the time of the previous planning application and the Head of Environmental and Commercial Services offered no objections in this regard. Given there has been no increase in usable floorspace since the time of the previous application, I do not consider it appropriate to refuse this planning application on the grounds of traffic and parking. A condition can ensure the applicant submits details on how he proposes to control any litter emanating from the use of the bar and I consider that the condition relating to the use of the doors will address the potential for anti-social behaviour to occur within the vicinity of the adjacent residential properties. The granting of this application does not prejudice the assessment of further planning applications for any development and all such applications will be considered on their individual merit. There is no suggestion in either this application or previous planning applications that the courtyard will be used as a beer garden. Any perceived impact on the value of adjacent residential property is not a material planning consideration. Finally, whilst I share the concern that the bar already operates and the application is considered in retrospect, this does not warrant the refusal of the planning application.

In conclusion, whilst I am mindful of the objections received, I consider that a restriction requiring that the doors at the basement / lower ground floor level are not used between the hours of 11pm to 7am is considered a reasonable compromise between the interests of both the Hotel and adjacent residents. Subject to the conditions below, there is no conflict with policies RES1 and RES6 of the Local Development Plan and planning permission for the bar use should be granted.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. That in the exception of an emergency, all external doors at the basement / lower ground floor level (bar level) shall be closed and not be used by any person between the hours of 11pm and 7am, unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt, these doors comprise the entrance door to Robertson Street, the door to the stair hall facing the courtyard, the bi-folding doors to the courtyard, the access door to the courtyard to the southern end of the bar and the access door to the storage area to the southern end of the bar, all of which are marked in blue on approved drawing 02. For the avoidance of doubt, an emergency is defined as a serious or dangerous situation occurring unexpectedly and requiring immediate evacuation of the building.
2. That within 4 weeks of the date of this permission, a plan to identify and address any litter issue arising from the use of the premises shall be submitted to and approved in writing by

the Planning Authority. The plan shall then be followed at all times thereafter unless otherwise agreed in writing by the Planning Authority.

Reasons

1. To protect occupants of nearby housing from noise/disturbance late in the evening/early morning.
2. To make adequate provision for the disposal of litter occurring from the use of the premises.

Signed:

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

Case Officer: James McColl

A large black rectangular redaction box covering the signature of Stuart Jamieson.

Stuart Jamieson
Head of Regeneration and Planning

3. CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION

Memorandum Safer Communities Planning Application Consultation Response	
To: Planning Services For the Attention of James McColl	
From: Safer and Inclusive Communities	Date sent to Planning: 22nd March 2017

Lead Officer: Sharon Lindsay	
Tel: 01475 714 205	Email: sharon.lindsay@inverclyde.gov.uk

Safer Communities Reference (optional):	
Planning Application Reference:	17/0053/IC
Planning Application Address:	Tontine Hotel 6 Ardgowan Square Greenock PA16 8NG
Planning Application Proposal:	Use of basement area as bar restaurant (in retrospect)

Team	Officer	Date
Food & Health	Michael Lapsley	
Air Quality <i>Contaminated Land</i>	Sharon Lindsay Roslyn McIntosh	18.3.17 n/a
Public Health & Housing	Jim Blair	22.3.17
Noise	Sharon Lindsay	18.3.17

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
Air Quality
No Comments
<i>Contaminated Land</i>
No Comments

Public Health & Housing
1. 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.
Noise
2. This service has already received complaints about noise from patrons exiting the premises via the Robertson street door. Patrons should exit the premises via Ardgowan square after 2300 hours. Reason: To protect the amenities of occupiers of premises from unreasonable noise levels.

Recommended Advisory Notes

No Comments

4. REPRESENTATIONS IN RELATION TO PLANNING APPLICATION



7 Robertson Street,
Greenock,
PA16 8DB

29th March, 2017

F.A.O. Mr James McColl,

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

Dear Mr McColl,

Objection:

Use of Basement Area as Bar Restaurant (in Retrospect) - Applicat. No. 17/0053/IC

I write on behalf of the majority of owner-occupiers at the above-noted address which is situated in very close proximity to the Tontine Hotel and, indeed, within yards, in the same section of Robertson Street, Greenock, of *the entrance to/exit from* the basement area in question.

We wish to **object strongly to the application**, on the following grounds; namely:-

We understand that the present use of this basement area and, consequently, its intended ongoing use, is of a bar in which a *little* food is, *on some occasions*, served. The emphasis is on serving alcoholic drinks. This is very different from a restaurant with an alcohol licence. Indeed, this proposal seems not a retrospective *extension of use* but instead a '**change of use**', substantially at variance from what the original planning permission was granted for. What was to be a **restaurant** is now proposed to become what is effectively a 'public house' A **PUB!**

If this application were to be granted, this will become the only pub, located in a *residential conservation area*, within the whole of Inverclyde. **And, indeed, it will detrimentally change the nature of the 'Inverclyde West End Conservation Area' itself.**

Whereas the clientele of a restaurant usually arrive and depart reasonably quietly and at various times throughout an evening, by contrast, pub patrons are notoriously noisy, even rowdy, and spill, en-masse, into the street at closing time. **This development would undoubtedly change detrimentally the whole character and great loss to its residential amenity** of this whole area by reason of this very considerable noise and disturbance.

What is the reason why the management of the Tontine Hotel do not wish that these pub patrons use the normal Union Street entrance/exit to their premises which would, at least, take them a little further from local residences?

Why, when the Tontine extension project was 'live' for so many years, is this *only now* coming forward 'retrospectively'? And what might be the prospect of a further incremental and even more drastic development proposed in the future, if this application were granted now?

Yours faithfully,

Andrew Pearson
(Flat 301)

EXTRACT OF LETTER

F.O.A. Mr J McColl

OBJECTION to 17/0053/IC



We the residents of No. 9 Robertson Street wish to object to the application made in retrospect by the Tontine Hotel. At present the hotel has been granted planning permission for a restaurant yet it appears that the premises is being used as a public house. It is the only restaurant that we know of that does not serve food at night only light snacks during the day.

No objection was put before you previously as the application was for a restaurant which we had no qualms with but obviously not only ourselves but the council have been seriously misled by the hotel in what they had planned to use this extension of the basement for.

This is a conservation area and a public house is not suited to the area. If this application is granted then the hotel will have the only public house within the west end of Greenock.

We are objecting as the hotel has already breached their planning conditions on several occasions. The door which opens onto Robertson street should be closed by 12 midnight and anyone leaving should do so via the entrance to the hotel onto Union street. This does not happen and the door onto Robertson Street is open until after 1am in the morning. This door is just yards from the gable end of a residential building therefore residents have to put up with all noise from this at very late times of night. As there is at present a breach of times we would suggest that the door is closed earlier possibly 10pm or 11pm to ensure that all residents can get to sleep at a reasonable time.

Since opening we have had to put up with the noise of taxis tooting horns at all hours, people outside smoking, sitting on our cars as they smoke and recently someone was urinating at the front of our property. Cigarette butts are all around the pavement and when passing this door it can be quite intimidating due to the amount of people who stand outside as they smoke and on occasion drink.

I hope you will take into consideration the residents of this area and who have to deal with this nuisance and understand that this would be unprecedented within the west end of the town.

I am sure Mr Nelis and [REDACTED] will prevail

Mr G Kennedy

Flat 1-1

Sent on behalf of 9 Robertson Street Property Association.

Comments for Planning Application 17/0053/IC

Application Summary

Application Number: 17/0053/IC

Address: Tontine Hotel 6 Ardgowan Square Greenock PA16 8NG

Proposal: Use of basement area as bar restaurant (in retrospect)

Case Officer: James McColl

Customer Details

Name: Mr Kevin McAdam

Address: 2/1 9 Robertson Street Greenock

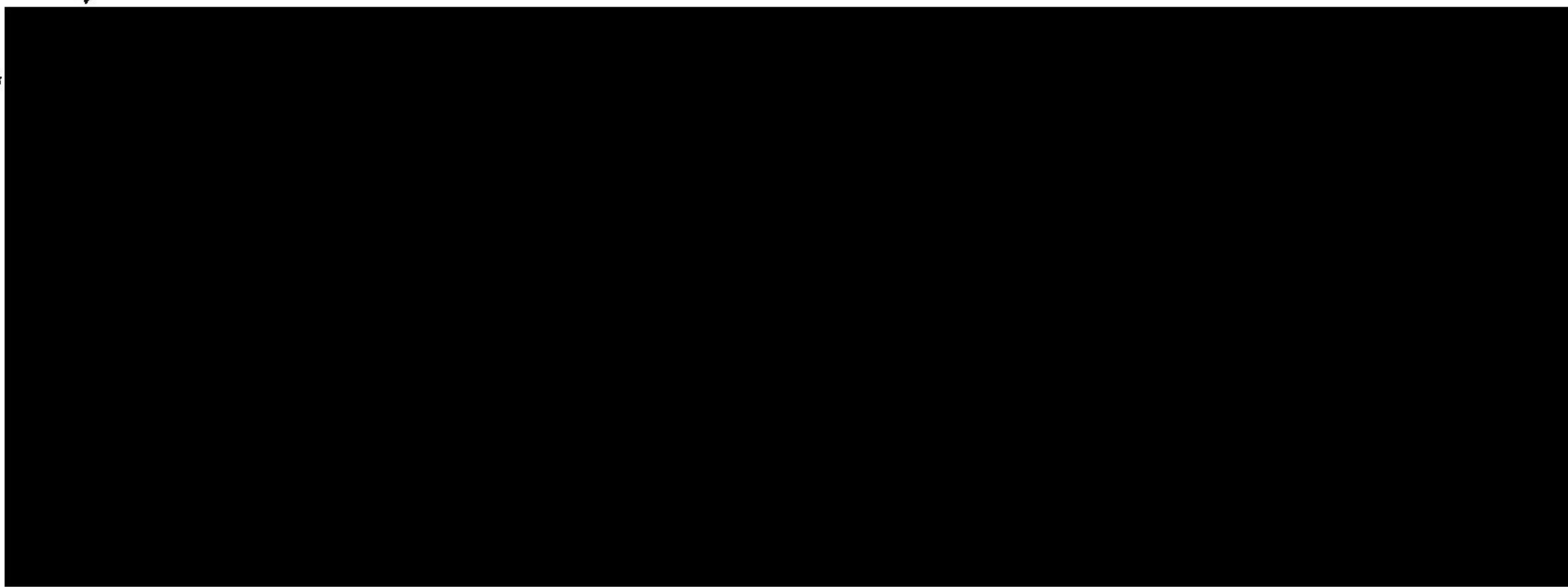
Comment Details

Commenter Type: Neighbour

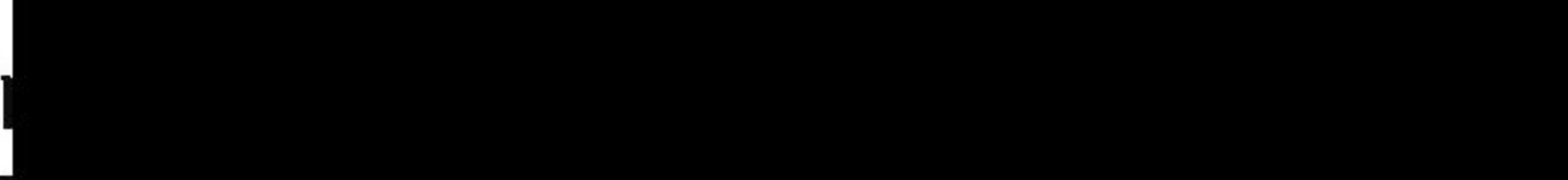
Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This has been opened as a bar since day one. Music is played loudly late into the night every day with door at front being left open and many people outside smoking, making a racket and a mess, not to mention taxi's are coming back and forth till the early hours with horns going off and noisy people coming in and out. We have already had to move our young sons room to the back of the flat as this was disturbing him and it now disturbs myself and my wife with both of us working both late nights and early mornings. We purchased this flat not long after the initial application was accepted but this was as a Restaurant. We are now worried about resale value due to this bar next door. On top of all this patrons are leaving their cars outside overnight and sometimes all weekend, making parking outside our own property sometimes impossible. This will all only get worse when summer weather arrives, with the area at the rear being used as a beer garden and if this application is granted.



From: David Ashman **On Behalf Of** Devcont Planning
Sent: 22 March 2017 14:58
To: Grant Kennedy
Subject: FW: OBJECTION to Application No: 17/0053/IC
Importance: High

From: Gillian Sinclair 
Sent: 22 March 2017 14:50
To: Devcont Planning
Cc: gillian sinclair
Subject: RE: OBJECTION to Application No: 17/0053/IC
Importance: High

Dear Sirs

OBJECTION to Application No: 17/0053/IC
Tontine Hotel
Proposal Use of basement area as a bar restaurant (in retrospect).

I write with regards to the above noted application and wish to lodge my objection.

Firstly, I am surprised to see the application is referring to this extended area being used as a bar restaurant as I have visited there myself as have many friends and we are yet to see any signs of food being served here which would suggest this is solely a bar or that is the intention. Perhaps the terminology of 'restaurant' softens the application for the neighbours but certainly I have seen no evidence of this for the basement of this extension.

My main reason for the objection is due to the effect and disturbance this bar is having to ourselves and other adjacent neighbours.

There is significant and noted increase of thoroughfare and noise from patrons to this bar passing our property and the additional parking also being used on Robertson Street by the patrons to this bar. This area of Robertson Street already has parking at a premium due to surrounding businesses. Since this bar has opened I have often found I cannot get a parking space on our area of street which is to be expected given the access and exit area to this bar is via the door onto Robertson Street.

I understand that said door to Robertson Street should be closed after a certain time, 12 midnight I understood, perhaps it is even earlier, however I can assure you as a nearby neighbour residing at 7 Robertson Street, this does not appear to be being adhered to. The noise from the continual taxis dropping off and picking up patrons up until close of the bar (past midnight at weekends) and after from said door to Robertson Street is a disruption to the neighbours. In addition the patrons a bit worse for wear spilling out of said door onto Robertson Street to these late hours, hanging about said door until dispersing in taxis or stoating off loudly along the street. I personally have a small child whose bedroom faces out onto Robertson Street and they can be disturbed by the noise and hilarity

(include colourful language) coming from here. I say this as if I look out, more often or not I see they enter the Tontine door or there are crowds hanging about outside dispersing their directions home.

My other objection which is a real bug bare is the litter from people existing from this Robertson Street door and the fact that Robertson Street is used as the public smoking area for this bar. I can testify to this having been in the new bar in the extension one evening and asked both the staff and door men separately where is the designated smoking area, and was advised to step out the door to Robertson Street and smoke there. I asked was there not a door to use the back courtyard area of the Tontine rather than stand out in the street at Robertson Street but advised no, this door is not used. I asked why not and I was advised that it was to avoid disrupting the residents of the hotel. Clearly profits overriding any concern for the other residents, i.e. surrounding homes to the Tontine. In addition to people being directed out to smoke and loudly carry on, on Robertson Street next to housing, the 'designated smoking area' the Tontine have made the effort to produce a delightful empty grubby paint tub in the street for people to throw their cigarettes in. This is unsightly and quite frankly an eye sore not to mention what I often see passing in the morning, beer bottles, glasses and rubbish round the bin and area of the street and stuffed down the back of the electric substation/telephone exchange box (or whatever the box is standing outside said door).

If in hindsight we had any idea as to the disruption to this quiet end of Robertson Street (certainly in the evenings) that this new basement extension would have as a 'bar restaurant', we would have objected to the original application whereby I wish to lodge my objection now to the above planning application.

IN ADDITION, I would like to also object to the "Notice of application for variation of premises licence" I have seen whilst passing the front of the Tontine, said notice being taped to their railings to the side of their front door. No notice has been sent to myself as a nearby resident regarding this however perhaps this is not necessary given the context? This notice relates to the Tontine looking to "amend terminal core hour on Friday and Sundays evenings", Friday extending from midnight to 1am and Sundays from 11pm to midnight. Given the information above and fact that there are home owners who work early Monday mornings including myself, school, nursery children, I for one wish to object to further disruption to this area which will affect the enjoyment and right of my own, family and neighbours to a peaceful home life and living. I certainly do not wish to increase the core hours further for longer drinking etc encouraging more antisocial behaviour to a quiet neighbourhood.

Please confirm to either this e-mail address or to my home address at Flat 0/1, 7 Robertson Street, Greenock, PA16 8DB that this objection has been received.

Yours faithfully

Mrs Gillian A. Sinclair

[Redacted]

Tel:
Web:

[Redacted]

[Redacted]

[Redacted]



**5. DECISION NOTICE DATED 18 APRIL 2017 ISSUED BY
HEAD OF REGENERATION & PLANNING**

DECISION NOTICE

Conditional Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 17/0053/IC

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

Mr J Nellis
Tontine Hotel
6 Ardgowan Square
GREENOCK
PA16 8NG

RDP Architecture
52 Kempock Street
GOUROCK
PA19 1ND

With reference to your application dated 10.02.2017 for planning permission under the abovementioned Act and Regulation for the following development:-

Use of basement area as bar restaurant (in retrospect) at

Tontine Hotel, 6 Ardgowan Square, Greenock

Category of Application: Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby grant planning permission for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application.

In compliance with Section 58 of the Town and Country Planning (Scotland) Act, 1997 this permission is granted subject to the condition that the development to which it relates must be begun not later than the expiration of 3 years beginning with the date of this permission.

Permission is issued subject to the following condition(s):

1. That in the exception of an emergency, all external doors at the basement / lower ground floor level (bar level) shall be closed and not be used by any person between the hours of 11pm and 7am, unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt, these doors comprise the entrance door to Robertson Street, the door to the stair hall facing the courtyard, the bi-folding doors to the courtyard, the access door to the courtyard to the southern end of the bar and the access door to the storage area to the southern end of the bar, all of which are marked in blue on approved drawing 02. For the avoidance of doubt, an emergency is defined as a serious or dangerous situation occurring unexpectedly and requiring immediate evacuation of the building.
2. That within 4 weeks of the date of this permission, a plan to identify and address any litter issue arising from the use of the premises shall be submitted to and approved in writing by the Planning Authority. The plan shall then be followed at all times thereafter unless otherwise agreed in writing by the Planning Authority.

The foregoing condition(s) are imposed by the Council for the following reason(s):-

1. To protect occupants of nearby housing from noise/disturbance late in the evening.
2. To make adequate provision for the disposal of litter occurring from the use of the premises.

The reason why the Council made this decision is as follows:

1. The development is considered to comply with Development Plan policies.

Dated this 18th day of April 2017



Head of Regeneration and Planning

- 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

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

Drawing No:	Version:	Dated:
01		
02		

Appended to this decision notice are two forms: a "commencement of development form" and a "completion of development form". You are required to submit the former notice before starting work. Failure to do so is a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997. You are required to submit the latter notice as soon as practicable after completion of the development. If a third form has been appended, a "form of notice to be displayed while development is in progress" you are required to display this in a prominent place at or in the vicinity of the site of the development; it must be readily visible to the public, and it must be printed on durable material. It is a breach of planning control not to display such a notice if required.

**6. LETTER DATED 10 JULY 2017 FROM MACPHAIL
ARCHITECTURE ENCLOSING NOTICE OF REVIEW FORM
AND SUPPORTING DOCUMENTATION**

The Head of Legal And Administration,
Inverclyde Council,
Municipal Buildings,
Greenock,
Greenock,
PA15 1LY

MacPhail Architecture
RIAS Chartered Architect.
52 Kempock St.
Gourock.
PA19 1ND.
01475 637165
Mb: 07908403275
Em: macphailarch@hotmail.com

10/07/17

Project : Use of Basement area as bar in retrospect at Tontine Hotel, 6 Ardgowan Square, Greenock.

Ref : 17/0053/IC

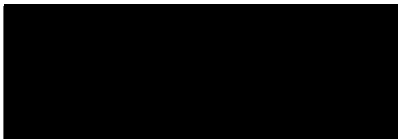
Dear Madam/Sir,

Please find enclosed our application for a notice of review on the above noted planning application.

I would be most grateful if you could provide receipt of this application.

I trust the foregoing and attached information will allow our application to be processed, however, if you require to discuss any particular aspect or require clarification on any aspect whatsoever, please do not hesitate to contact me.

Kind Regards,



M. MACPHAIL. RIAS

Attached

1No. Application Form

1No. Submission Report to LRB + attachments (26 pages total); Report of Handling (5 pages); Planner Checklist (5 pages); Decision Notice (2 Pages))

MacPhail Architecture - RIAS Chartered Architect
52 Kempock St. Gourock. PA19 1ND Tel: 01475 637165 Mb: 07908403275 Em :
macphailarch@hotmail.com

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: X

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Under no's 1 & 2 - The applicant wishes to reserve the right to respond to any further information requested by the board or provided by the local authority during the process.
 Under no.3 - The applicant proposes the Site Visit will allow members of the board to properly assess the character of the existing area as discussed in the supporting statement and to view the investment / works undertaken at the Hotel to date.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-----|--------------------------|
| 1. Can the site be viewed entirely from public land? | x | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | x | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

--

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to "Submission to Local Review Board (LRB) in appeal against planning conditions" including all attachments.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

No supporting statement was provided at the original application to present the clients business proposals.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Please refer to "Submission to Local Review Board (LRB) in appeal against planning conditions" including all attachments.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the ~~applicant~~^{SARAH} agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

13/07/17.

Town and Country Planning (Scotland) Act 1997.

Planning Application Ref : 17/0053/IC

Use of basement area as bar restaurant (in retrospect) at :

Tontine Hotel, 6 Ardgowan Sq. Greenock, PA16 8NG



Submission to Local Review Board (LRB) in appeal against planning conditions.

MacPhail Architecture - RIAS Chartered Architect
52 Kempock St. Gourock. PA19 1ND Tel: 01475 637165 Mb: 07908403275 Em :
macphailarch@hotmail.com

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1.00 INTRODUCTION

1.10 The purpose of the Planning Application is to extend the use of the hotel's recently converted function suite basement, from a licensed restaurant, to provide the facility to use this space as a bar. The application was validated Tuesday, 28 Feb, 2017.

For further information on the approval of the original development please refer to the relative Reports of Handling on Planning Application Ref : 14/0416/IC (Extension and renovation of basement to form larger function suite and restaurant).

Refer to Diagrams 9-11 attached for a copy of the application drawings.

2.00 BACKGROUND INFORMATION

2.10 Since the completion of the original project there has been a considerable increase in business activity at the hotel. The previous approvals limited the use of the converted basement to a single use : restaurant use only. The applicant sought to make the basement facility equal to the existing upper floor bar and function suite, which can currently be used in tandem or separately, as a bar and/or restaurant. The fact that the basement level is a more easily accessible level and has direct and level access to the newly refurbished external courtyard makes this space particularly attractive.¹

2.11 In the applicants view, providing flexibility within a busy hotel is essential to the business strategy - it improves the potential of the business by being able to dynamically cater for a number of uses (any of the main spaces can be used as either a function suite/bar/restaurant), as the various clientele requires.

3.00 PLANNING DECISION

3.10 On the 18th of April, 2017 a 'Conditional Planning Permission' Decision Notice was issued by Inverclyde Council indicating that the planning application had been approved, subject to the following condition(s) :

1. That in the exception of an emergency, all external doors at the basement / lower ground floor level (bar level) shall be closed and not be used by any person between the hours of 11pm and 7am, unless otherwise agreed in writing by the Planning Authority. For avoidance of doubt, these doors comprise the entrance door to Robertson Street, the door to the stair hall facing the courtyard, the bi folding doors to the courtyard, the access door to the southern end of the bar and the access door to the storage area to the southern end of the bar, all of which are marked in blue on the approved drawing 02. For the avoidance of doubt, an emergency is defined as a serious or dangerous situation occurring unexpectedly and requiring immediate evacuation of the building.

2. That within 4 weeks of the date of this permission, a plan to indentify and address any litter issue arising from the use of the premises shall be submitted to and approved in writing by the Planning Authority. The plan shall then be followed at all times thereafter unless otherwise agreed in writing by the Planning Authority.

end.

¹ Refer to Photographs

3.11 The manner in which the application was dealt with by the planning officials, leading to the conditions being applied to the approvals is detailed in the Report of Handling on the application. A copy of the Report is attached.

A copy of the Report of Handling is attached.

4.00 GROUNDS OF REVIEW (BASIS OF APPEAL)

4.10 Section 41 of the Town and Country Planning Act (Scotland) 1997² provides that

"(1)Without prejudice to the generality of section 37(1) to (3), conditions may be imposed on the grant of planning permission under that section—

(a) for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the planning authority to be expedient for the purposes of or in connection with the development authorised by the permission;

(our emphasis in underlined italics)

end.

4.11 The Act therefore indicates that an allowance is available to the planning officials, for the regulation of any specific circumstances when determining applications.

4.12 In reaching a decision to place conditions on the application, the planning officials indicate that the conditions were applied for the following reasons :

1. To protect occupants of nearby housing from noise/disturbance, late in the evening/early morning. and
2. To make adequate provision for the disposal of litter occurring from the use of the premises...."³

end.

4.13 In reaching a decision to apply these conditions it is submitted that :

1. The planning officials have paid greater consideration to objections/representations made at the time of the application in respect of other 'material considerations' which were available at the time.

and

2. The basis of the objections/conditions are without empirical foundation and therefore unfairly considered as part of determining the result of the application.

end.

² Town and Country Planning (Scotland) Act 1997

³ Report of Handling

4.14 The justification of the aforementioned submissions under 4.13, is illustrated as follows.

5.00 ANALYSIS OF DECISION - CONDITION 1

5.01 Justification of condition 1, as noted above, is to "protect occupants of nearby housing from noise/disturbance, late in the evening/early morning."

5.10 REPRESENTATIONS AT PLANNING STAGE

5.11 OBJECTORS - BACKGROUND INFORMATION

5.12 The Inverclyde Planning Portal confirms that a total of 63 owner/occupiers had been 'notified' at the time of the application whilst the Report of Handling further confirms that the application was subject to a full advertisement in the local paper as a Schedule 3 development.

5.13 16 Comments in total were received, of which 4 were 'Objections' to the proposals.

5.20 ANALYSIS OF OBJECTIONS TO APPLICATION - FREQUENCY

5.21 The number of objections raised during the application period represents 6.3% of the total notified, although this does not factor in those notified via the advertisement in the local paper.⁴

5.22 Further analysis shows that, of the 63 owner/occupiers 'directly' notified, 11 of these were registered as non-residential. Taking this adjustment into account, the objections raised came from 8% of the total residential properties 'directly' notified.

5.23 It is the applicant's view that 8% of the total number of directly notified residents, represents a minor response in terms of the total number of residential properties notified.

5.24 Furthermore, it is arguable that the percentage of those objecting would be significantly lower if the *total* number of those notified under the advertisement in the local paper were taken into account.

5.25 The applicant submits that a greater number of objections would be expected if there were any real concerns in the immediate West End residential areas for the outcome of the application - especially if we take into account the greater awareness of the proposals created by the advert in the local paper.

5.30 ANALYSIS OF OBJECTIONS TO APPLICATION - VALIDITY OF OBJECTIONS

5.31 The applicant disputes aspects of the validity of the objections raised, given other 'material considerations' as follows.

⁴ Refer to Neighbour Notification Checklist Attached.

5.40 CONSULTATION - SAFER COMMUNITIES

5.41 Consultation with the Safer Communities Service was undertaken as part of the Planning Application process.

5.42 The Report of Handling notes that the Head of Safer Communities had "...received complaints about noise from patrons exiting the premises via the door to Robertson St..." and that the conditions subsequently imposed were in part justified by this representation.

5.43 The applicant submits that the complaints received by Safer Communities were anecdotal and unproven in reality.

5.44 Telephone enquiries were made with Safer Communities to confirm the extent of the complaints received in regards to noise and disturbance at the hotel.

5.45 Safer Communities confirmed that they had received complaints (approximately 2) about noise and disturbance in the area being caused by the Hotel.

5.46 The applicant submits that one would expect that such complaints would be tested by visits to the site by 'Out of Hours' enforcement officers, at an appropriate time when breaches are allegedly taking place.

5.47 Safer Communities suggested that Inverclyde Council's Licensing Department had information relating to 'Out of Hours' site visits taken at the hotel.

5.48 Inverclyde Council's Licensing Department confirmed by telephone conversation that they do not undertake 'Out of Hours' visits and had no other information relating to this matter. Furthermore, the Licensing Department confirmed that 'Out of Hours' visits are normally undertaken by the Safer Communities Department.

5.49 The applicant submits that the veracity of Safer Communities comments as part of the consultation process are unfounded.

5.50 The applicant submits that Safer Communities have not properly investigated complaints received from neighbouring residents as one would normally expect and anticipates that there is no 'Out of Hours' site visit information taken at a relevant time.

5.51 The applicant therefore submits that it is unfounded whether the hotel is a proven cause of any perceived disturbance and whether any such disturbance exists at all.

5.52 The applicant submits there has been a previous 'noise and disturbance' neighbour complaint which had been properly investigated by the Safer Communities Dept. The resulting 'Out of Hours' investigation included Sound Testing in order to determine whether the neighbour complaints were relevant or not. Sound Testing took place during 'peak' hours whilst a function (notwithstanding live music) was taking place in the upper floor hall. The results proved to be negative and the neighbour complaints about noise and disturbance were subsequently disregarded.

5.60 LICENSING

5.61 As noted above, telephone dialogue was held with Inverclyde Council's Licensing Department in regards to perceived noise and disturbance at the Hotel.

5.62 The Licensing Department confirm that there has never been any incidence requiring on-site attendance by their officers in regards to activities taking place at the Hotel.

5.63 At the most recent Licensing Board meeting it was confirmed that 2 letters of objection/representation had been received during the Hotels application for extended hours. With consideration of both objections, the Licensing Board have nonetheless seen it fit to approve extended licensing hours for the hotel to match the applicants requirements as follows :

- i. Sunday to Thursday : 0730-0000.
- ii Friday to Saturday : 0730-0100.

We assume, the use of the premises as defined by the Licensing Department includes the use of the relative basement access points as required.

5.64 The Licensing Dept also confirmed the following in regards to Licensing Applications / License Board meetings for the Hotel - :

- i. That there is no record of community wardens attending the hotel/site for any matter whatsoever.
- ii. That there has been no attendance nor any representations to the board from the local Police Force in regards to activities taking place at and around the Hotel.

end.

5.65 The applicant submits that the Hotel currently has an unblemished record in terms of noise and disturbance, proven by the lack of any attendance being required by the Community Wardens and/or local Police Force.

5.70 PROXIMITY TO OTHER BUSINESSES AND LICENSED PREMISES - BACKGROUND

5.71 The applicant submits that the proximity of other Businesses and Licensed Premises is a 'material consideration' which has been ignored in the Report of Handling.

5.72 In the Assessment of The Report of Handling, the case officer acknowledges that the hotel is "...well established" and that a "...degree of noise and activity is to be expected..." from its activities.

5.73 The officer also notes that "...it is recognised that in the evening this part of Robertson St. is generally quiet..."

5.80 PROXIMITY TO OTHER LICENSED PREMISES - ANALYSIS

5.81 Analysis was undertaken to highlight the number of other Business and Licensed Business premises in vicinity to the Hotel and their proximity determined by distance and approximate walking times ⁵

5.82 According to the British Heart Foundation : An average walking pace on country and forestry footpaths would be 5 kilometres per hour. Ignoring the easier terrain of Inverclydes footpath network, this figure would represent 0.6mins for every 50m walked. ⁶

5.83 An analysis of the wider area local to the hotel shows that there are no less than 33 other licensed premises within 700m (7.2mins walking time) of the hotel. Of these 9 are Licensed Clubs, 11 are Mixed Use (including Restaurant), 12 are Public Houses / Bars and 1 is a Nightclub.

5.84 Closing in the study area on the near surrounding West End Area of the Hotel, analysis shows that there are no less than 10 other licensed premises within 300m (3.8mins walking time) of the hotel. Of these 4 are Licensed Clubs, 5 are Mixed Use (including Restaurant), 1 is a Public Houses / Bar.

5.85 Closing the study on the immediate West End Area of the Hotel, the study shows that there are no less than 11 other business premises in this area. 7 of which are licensed premises within 150m (1.8mins walking time) of the hotel. Of these, 5 are Licensed Clubs, 1 is Mixed Use (including Restaurant) and 1 is a Public House / Bar.

5.86 The applicant submits that the portrayal of the existing area, as a 'quiet', 'residential area' in the Report of Handling is inaccurate given the proximity and number of other Businesses and Licensed Premises in the near area. In fact, on further analysis, it is arguable that the majority of land use is given to 'Non-Residential' use in this particular area - especially if we take into account the considerable spread of St Mary's Church, open ground behind the Robertson St tenements and the businesses lining the Northern edge of Robertson St. ⁷

5.87 The applicant submits that in their assessment the Planning Department have failed to place greater regard of this 'material consideration' in their assessment of the character of the existing area, therefore creating bias in their interpretation of potential noise and disturbance.

5.88 Furthermore, the applicant submits that if any objectors or Safer Communities concerns are ever confirmed or clarified, further detailed investigation would be paramount to determining the source of any determined problems. Proposing conditions which limit the use of the Hotel premises only, in comparison to a number of the other nearby licensed premises, could be considered to be frivolous.

5.89 The applicant submits that the other licensed premises in close proximity, are equal to the Hotel, in terms of their relationship to the surrounding West End / Residential Area, yet are unfairly favoured in comparison by the Planning Departments handling of this application.

5.90 The applicant submits that limits on the use of the Hotel may provided under other more appropriate powers (ie. Licensing) if perceived issues are ever proven to be true. If problems ever became evident, some of the provisions available to the License Board alone can be employed to curtail the main concerns of the objectors notwithstanding, business use, business hours, limitations on the taxi's drop off/pickup zones etc.

⁵ Refer to Diagram Highlighting Proximity Of Other Licensed Premises To Application Site.

⁶ Walks and treks - FAQs - British Heart Foundation, <https://www.bhf.org.uk/get-involved/events/training-zone/walking.../walking-faqs>.

⁷ Refer to Diagram Highlighting Residential vs. Non-Residential Land Use & Photographs of surrounding area.

6.00 OTHER COMPARABLE APPROVALS, BUSINESSES & SITUATIONS - GREENOCK WANDERERS

6.01 In 2005/2006 Greenock Wanderers were granted permission to redevelop their clubhouse to a larger facility in full with no conditions at the time of their particular application.

6.02 This particular application proposed not only a clubhouse facilities but also encompassed the provision of flatted dwellings within the application site, immediately adjacent to the clubhouse. This included the provision of an outdoor balcony area which could be employed by the upper floor function suits / bar.⁸

6.02 The applicant submits that the assessment of the proposed club house's effect on the residential amenity of that particular area would merit similar conditions being imposed upon it. Furthermore, the applicant submits that the character of that particular area is overtly *more residential* than that of the Tontine Hotel - ie. there are no other licensed premises nor concentration of non-residential uses in similar proximity to the rugby club, it would follow then that a new clubhouse would have greater effect on the residential amenity present.

6.03 The applicant submits that, for the Rugby club application, that it was likely determined to be more appropriate for the Licensing Department to provide limitations on the use and hours of business, rather than the Planning Department (by Conditions).

6.04 The applicant submits that Licensing Powers are equally powerful in comparison to Planning Conditions when providing limitations on the use of licensed premises and they should have been considered similarly in the Handling of their own application.

7.00 ANALYSIS OF THE CONDITIONS IMPOSED - CONDITION 2

7.01 Justification of condition 2 as noted is "To make adequate provision for the disposal of litter occurring from the use of the premises...."

7.02 The applicant submits that, without empirical proof, it is no more likely that litter is being caused by his Patrons than by any members of the public. Notwithstanding the other business premises in the near area, there are also a number of take-away premises on Grey Place, which arguably have greater cause for generating litter, within 200m of the Hotel.

7.03 Nonetheless, despite comments raised at the time of the application, the applicant already has the upkeep of his exterior grounds and public footpath at the Robertson St entrance as part of his regular maintenance strategy. These areas are readily checked and swept clean not only in order to benefit the visual appearance of their own property but also to the incidental benefit of the public realm.

7.04 The applicant made representations in regards to wall hung ash trays and litter containers at the time of the original planning application (Application Ref : 14/0416/IC), however, this was deemed an unsuitable proposal as part of an extension to a *Listed Building* and was eventually rescinded from the proposals. The applicant submits that they are open to discussion and agreement with the Planning Department in order to satisfy this condition and ask whether fixable furniture could perhaps be re-considered as an option to resolve the issue.

⁸ Refer to Photographs

8.00 BUSINESS - THE TONTINE HOTEL - BACKGROUND TO APPLICATION

8.10 The Tontine has successfully operated as the applicants family run business providing hotel rooms, a bar, a restaurant and function suite facilities to visitors and residents of the Inverclyde since 2003.

8.11 The Hotel is an especially popular venue for large events such as weddings, which take place in the function suites available within the premises.

8.12 Part of the applicants justification for the design of the most recent extensions and alterations to the Hotel (Planning application Ref : 14/0416/IC) was the potential for 3 wholly separate 'main function' spaces to be created, all adjoined by a new circulation corridor - this reflected the applicants business strategy to create a less restrictive facility.

8.13 Confidence is high in the business and this is strongly reflected by the considerable investment and quality of the work undertaken at the hotel to date.

8.14 As noted, there has been a considerable increase in business activity at the hotel since the completion of the original project. The applicant wishes to capitalise further by improving the flexibility of usable spaces at the Hotel.

8.15 Further reflecting this, the applicant is currently carrying out a scoping exercise in order to decide whether to re-develop the currently defunct upper floor kitchen space with a full re-fit. The applicant believes this extra provision will bring vitality to the restaurant experience that their hotel already provides to the area. Notably, the separate kitchens will be able to be programmed separately or in combination to suit the Hotel's requirements.

8.16 Since the completion of the original project, the Hotel has increased its staff base by a further 15 places in order to cope with the additional demands on this already popular facility. It is anticipated that there will be scope for a further increase of 10-15 more staff, should the upper floor kitchen refurbishment proceed.

8.17 Further explanation and clarification on the applicants objectives in regards to the proposals are provided in the Report of Handling.

8.18 The applicant submits that limiting the use of all of the ground floor access doors to the times noted in the conditions works against their business strategy to develop 3 separate main spaces because patrons of the basement bar would have to pass through the upper floor bar in order to exit the premises.

8.19 The applicant submits that the limitations/conditions applied to the lower floor exits unfairly limits his business in comparison to other similar businesses already in close proximity to the Hotel.

8.20 The applicant submits that the most easily accessible main space in the Hotel is the basement level as it was a requirement of the building warrant procedure to provide level access to the courtyard exist doors. The applicant believes that flexible use of this space provides opportunity to a greater number of individuals notwithstanding those who would require or prefer to access the premises without having to negotiate the stairs required to get to the upper floor suites. The development of the basement brings more adequate opportunity to those wanting to visit the Hotel than the existing/traditional staircases provide.

8.21 The applicant submits that the implementation of unfavourable conditions will likely limit the ability of the Hotel to be flexible to requirements and therefore may lead to a revision of the business strategy and subsequent staff numbers.

9.00 RELEVANT DEVELOPMENT PLAN POLICIES - POLICY RES6 - Non-Residential Development within Residential Areas.

9.01 The Report of Handling notes under RES6 :

"Proposals for uses other than residential development in residential areas, including schools, recreational and other community facilities will be acceptable subject to satisfying where appropriate, the following criteria :

- (a) compatibility with the character and amenity of the area;
- (b) impact on designated and locally valued open space;
- (c) impact of volume, frequency and type of traffic likely to be generated;
- (d) infrastructure availability;
- (e) social and economic benefits; and
- (f) the cumulative impact of such a use or facilities on an area.

9.02 Criteria (c) and (d) were adequately dealt with in the Report of Handling.

9.03 The applicant submits that, for the reasons detailed above, Criteria (a), (b), (e) and (f) are met by this particular application.

10.00 CONCLUSIONS

10.01 The Planning Department has imposed conditions on the basis of representations from consultees and objectors but has crucially missed other 'material considerations' pertinent to the handling of the application.

10.02 The proposal is entirely in conformity with the relevant Development Plan Policies cited in the Report of Handling and therefore does not require the benefit of conditions being imposed.

10.03 The proposal is suitable to the character of the existing area, given the number and proximity of other non-residential and licensed premises in the area. This is further backed up by only a nominal number of objections during the Planning Application stage and the recent approval of a License which is equal to the other aforementioned licensed premises.

10.03 That the conditions applied are unreasonable because any subsequent limitations on the business are still available under other powers via Safer Communities or Licensing Board enforcement should they ever be necessary.

10.04 As outlined above the provision of adequate access to the basement facility is crucial towards the continual improvement, development and future security of the business; to provide greater scope in the number who would be able to use the facility; and towards the business' desire to provide a further 10-15 staff opportunities to the local economy.

10.05 That the applicant wishes to enter dialogue with the local authority in order to resolve any proven litter concerns under condition 2.

10.06 For all of the reasons detailed above it is requested that the Local Review Body overturn the Planning Authority's decision to place the Conditions 1 & 2 which are attached to the Decision Notice.

11.00 LETTERS OF SUPPORT

11.01 Two letters of support from to residents living in the tenement block nearest the hotel are attached. These outline in their respective opinions, that the Hotel is well run and that the owners are considerate neighbours.

Flat 0/1
9 Robertson Street
Greenock
PA16 8DB

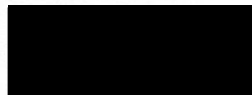
1st July 2017

This is a letter of support for the Tontine Hotel to have the 11 PM door closing restriction removed from the planning consent at the new Bar 1808.

I live at 9 Robertson Street, Greenock, and have often used the Tontine Hotel socially for dining out and drinks. I believe it is well run and is an asset to the area. Since Bar 1808 opened I can honestly say that I have not noticed any change to the ambient noise in the area, and believe the bar should enjoy the same opening times as other bars / clubs in the area.

I have seen the improvements that the present owners have made to the hotel, and everything has been done professionally and to a high standard. This has obviously been at a cost of a large investment and I for one am delighted at the regeneration and additional to the area.

Yours faithfully



Jim McNelis

Paul Smith
Flat 3/2 7 Robertson Street
Greenock
PA16 8DB
07946 162 673

Occupation: Principal Teacher of Mathematics, seconded to Scottish Attainment Challenge, Inverclyde Council.

9th July 2017


I have lived in 7 Robertson Street since September 2003. I moved to the area because of the style of flat and tenement building, the tree lined streets and the close proximity to town centre, Esplanade and the Tontine Hotel.

In the time I have lived in the street Mr & Mrs Nelis have made many upgrades to the hotel with the consideration of all neighbours in mind. For example when I first moved here the main hall did not have air-conditioning and during a function the windows would need to be opened for the comfort of the guests. Mr & Mrs Nelis were mindful of the noise so they fitted the air-conditioning and also improved the seals of the windows for further sound proofing.

I have never had any complaints about: the noise from hotel; the running of the hotel; the guests of the hotel or the changes to the hotel over the past 14 years. The noise in the street from the Hotel is minimal and when you enter the building at number 7 you can no longer hear any noise at all. Furthermore, when home and in my flat, there is no noise from the hotel at all.

Taxi and people in the street are equally divided between the Indian Restaurant, the snooker hall, the hotel and also the social club on Houston Street. The addition of 1808 has obviously meant we have taxis dropping people off/picking up on Robertson Street but again this is no different from restaurant guests for the Priyas Palace.

I find it most unfair that 1808 should follow different rules to the social club and other pub/restaurants in the town with closing doors at 11pm. We live in a town which has seen the closure of 'Twist', 'Tribeca' and we have limited quality places to go for food, drinks and entertainment. As a lifelong resident of Greenock I feel that 1808 is a welcome addition to the West End of Greenock.

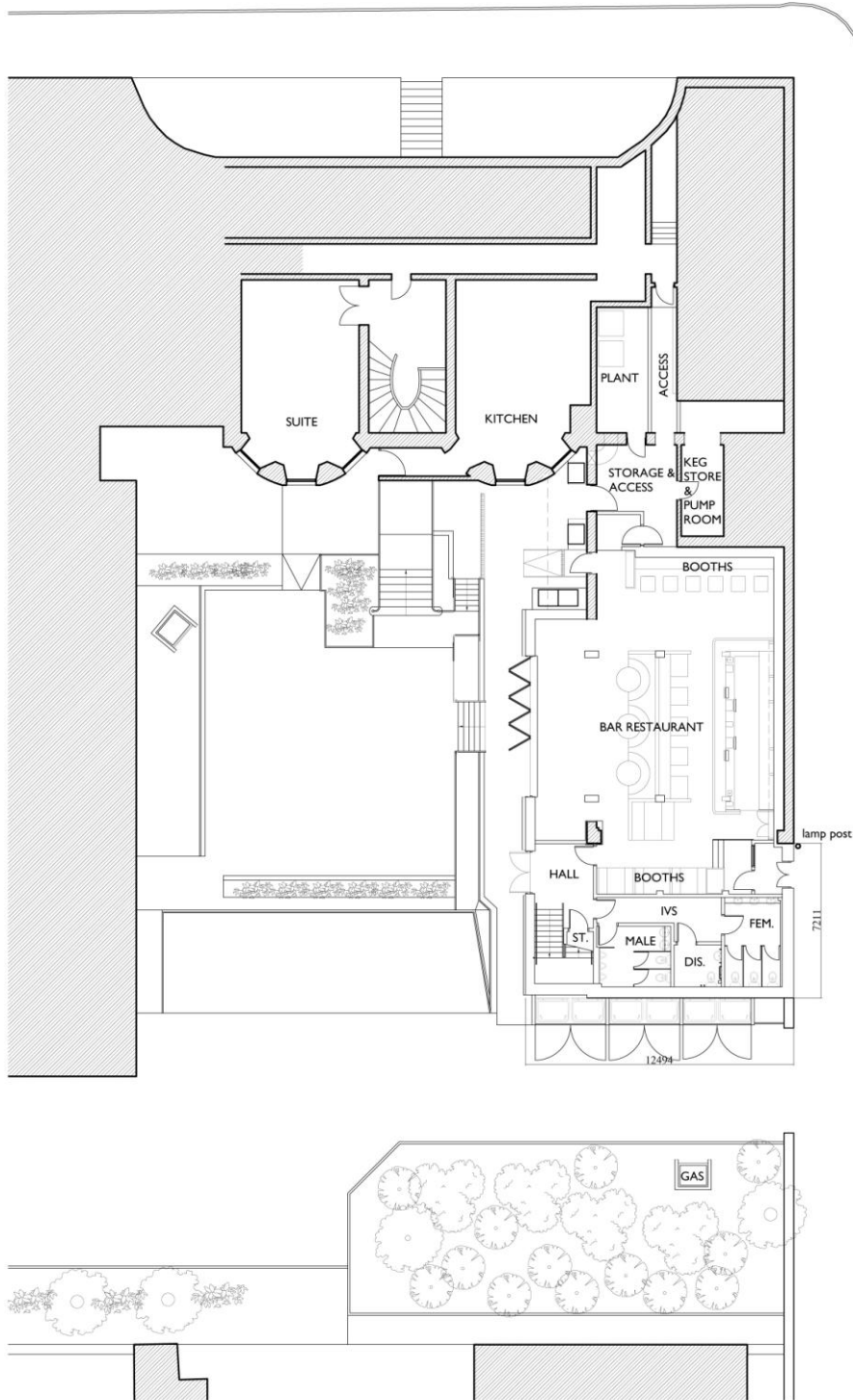


Paul Smith

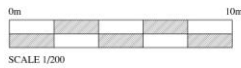
12.00

FURTHER SUPPORTING INFORMATION & ATTACHMENTS

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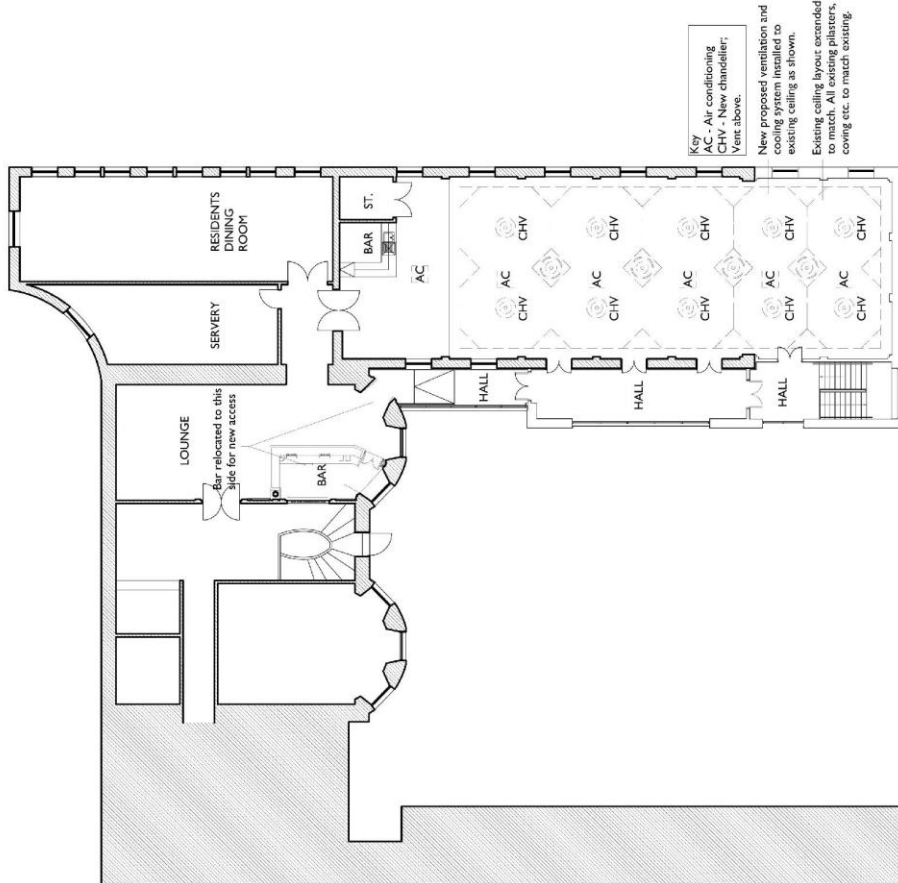
BASEMENT FLOOR PLAN AS PROPOSED 1/200



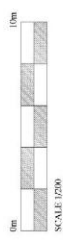
revisions & notes

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client: MR J. NELLIS	project: TONTINE HOTEL GREENOCK
Job no. 462	drg. no. 02
drawing size - A3	drawn: MM checked: PKR



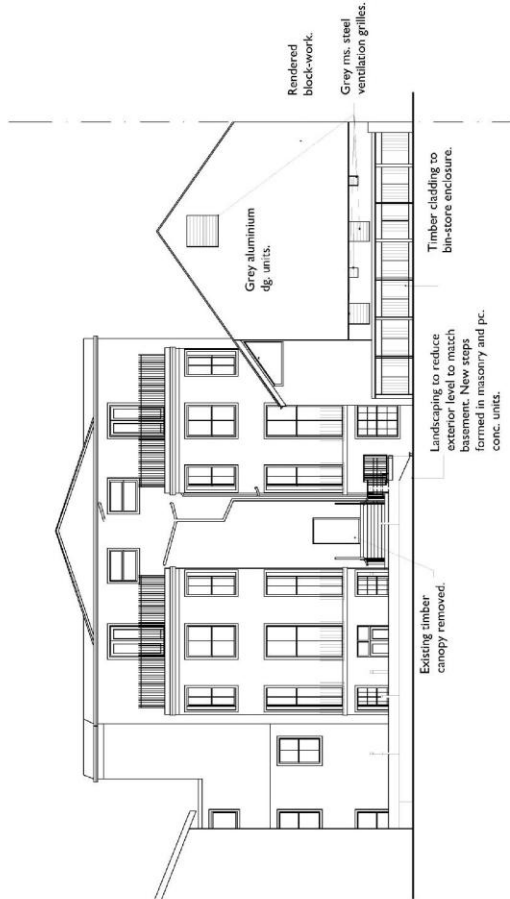
Key
 AC Air conditioning
 CHV New chandelier;
 V Vent above.
 New proposed ventilation and cooling system installed to existing ceiling as shown.
 Existing ceiling layout extended to match. All existing plasters, coving etc. to match existing.



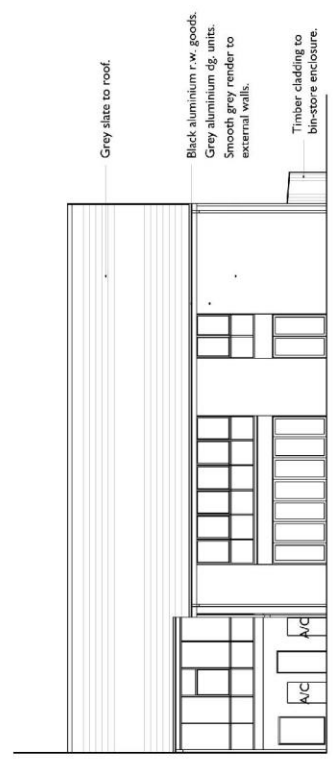
MAIN FLOOR PLAN AS PROPOSED 1/200

revisions & notes
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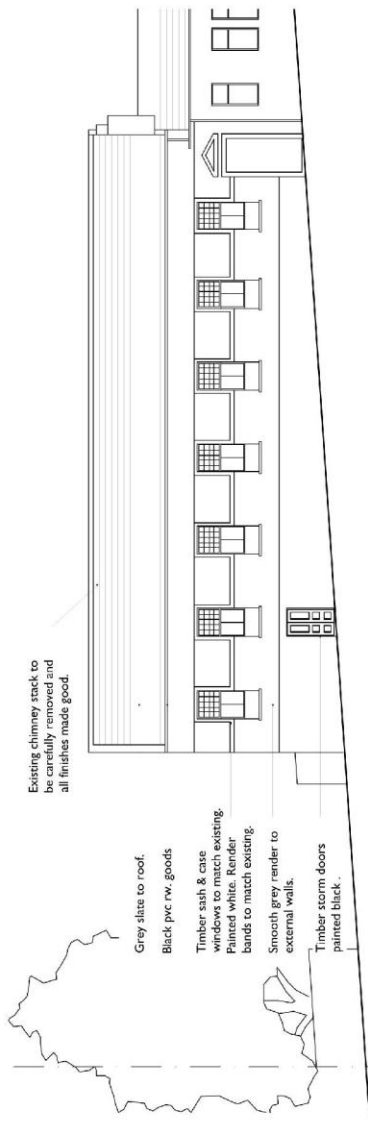
client:	MR J NELLIS	project:	TONTINE HOTEL GREENOCK
Job no.	482	drg. no.	04
		drawing size - A3	drawn: MM checked: PKR



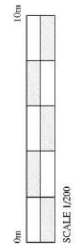
GABLE ELEVATION AS PROPOSED 1/200



COURTYARD ELEVATION AS PROPOSED 1/200



ROBERTSON ST ELEVATION AS PROPOSED 1/200

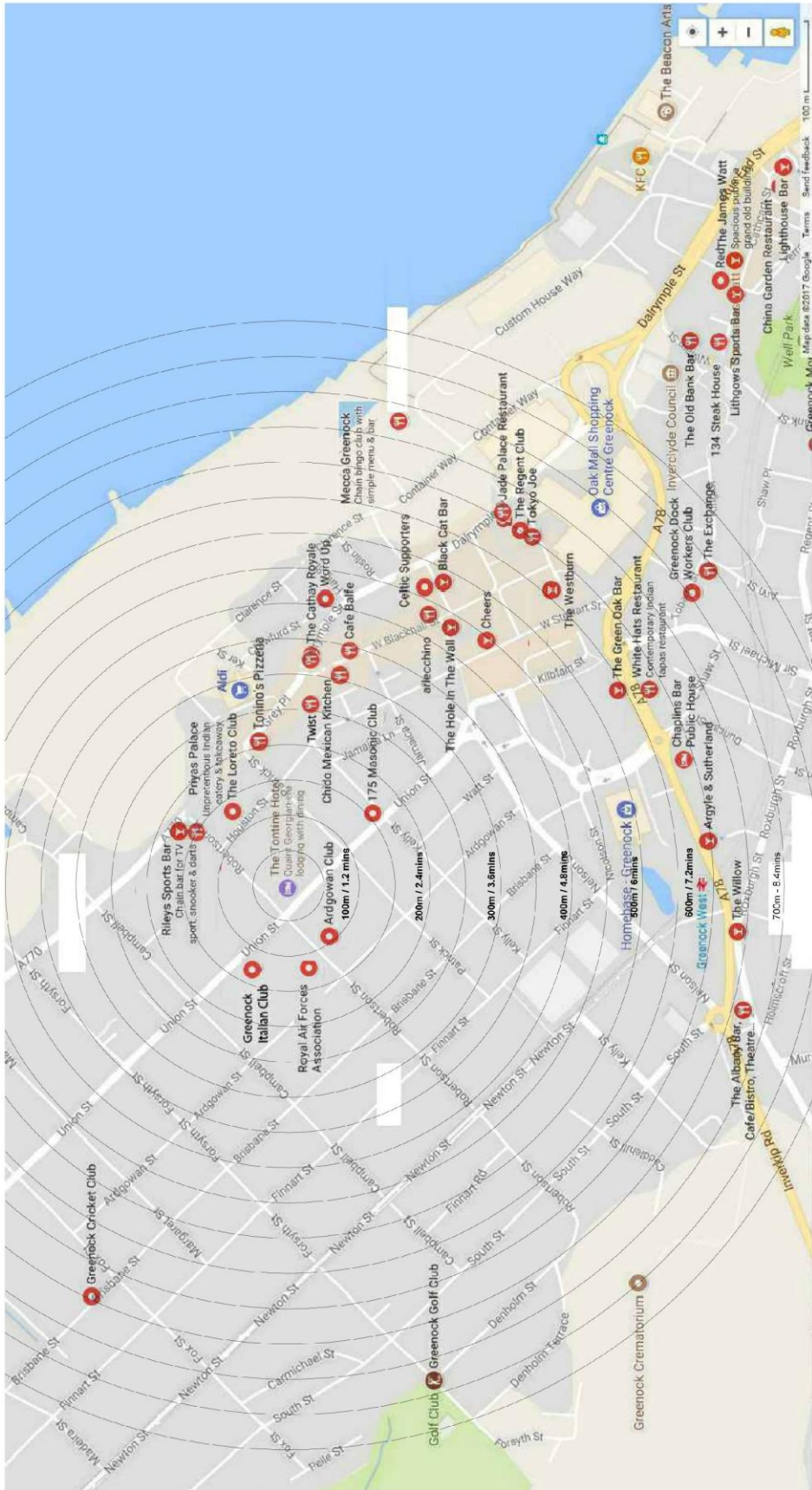


revisions & notes
 A - 12/24/13 Timber canopy to main building over elevation removed.
 B - 24/11/14 - Update to current approval.

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client: MR J. NELLIS
 Job no. 462
 project: TONTINE HOTEL GREENOCK
 drawing size - A3
 drawn: MM checked: PKR



PROXIMITY OF OTHER LICENSED PREMISES TO TONTINE HOTEL - 1/100 approx.
 ANALYSIS OF WALKING DISTANCES FROM OTHER LICENSED PREMISES
 50m CONCENTRIC RINGS SHOWN

¹² Diagram highlighting proximity of other licensed premises to application site.



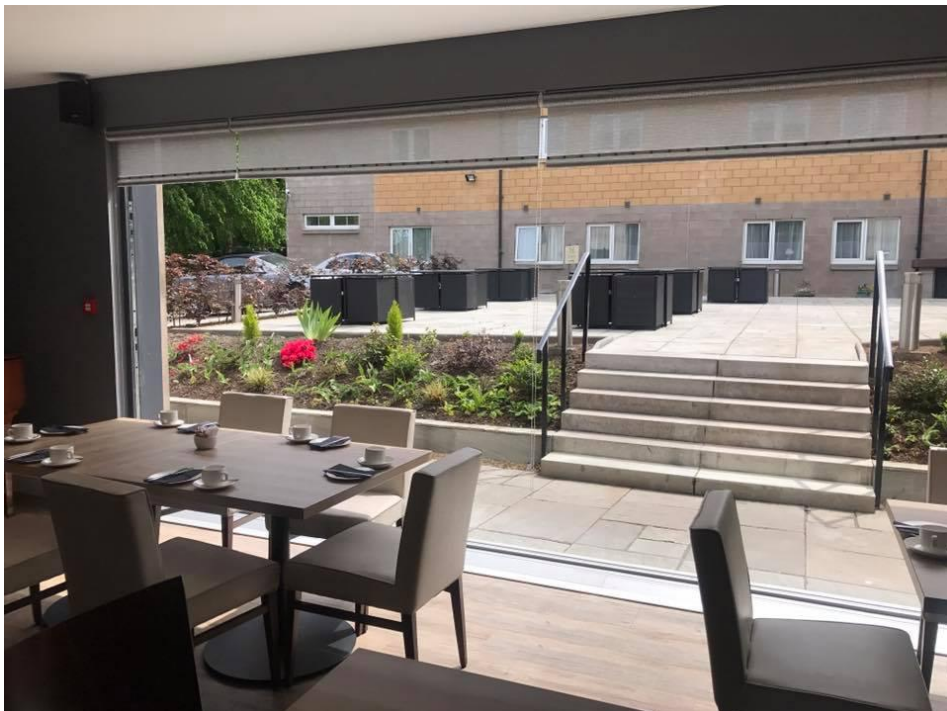
Red Block - Designates Residential Land Use

Blue Block - Designates Non-Residential Land Use

¹³ Diagram Highlighting Approximate Residential vs. Non-Residential Land Use In Immediate Application Area



Photograph 1 : Considerable investment has been undertaken throughout the interior of the building and exterior grounds.



Photograph 2 : Internal view of level access to courtyard via central bi-fold doors.



Photograph 3 : Robertson St : Licensed Restaurant and Snooker Hall / Pub at foot of Robertson St.



Photograph 4 : Robertson St : Business premises in near proximity to Residential. St Marys is obliquely shown to the right hand side of the image.



Photograph 5 : Robertson St : Business premises in near proximity to Residential tenement block.



Photograph 6 : Houston St : Loreto Club : Licensed premises in near proximity to Residential tenement block.



Photograph 7 : Kelly St - Licensed premises (175 Masonic Club) in proximity to Residential tenement block.



Photograph 8 : Ardgowan Sq - Non-Residential Use is dominant on this section of the Square.



Photograph 9: Upper Robertson St off Ardgowan Sq. - Licensed premises (RAF Club + Ardgowan Club) in proximity to Residential tenement blocks.



Photograph 10: Robertson St - Non-Residential Use is arguably dominant on this section of Robertson St.



Photographs 11 & 12 : Greenock Wanderers Rugby Club - New facility permitted alongside Proposed Residential Units in an established Residential Area.

REPORT OF HANDLING

Report By: James McColl

Report No: 17/0053/IC

**Local Application
Development**

**Contact
Officer:** 01475 712462

Date: 18th April 2017

Subject: Use of basement area as bar restaurant (in retrospect) at
Tontine Hotel, 6 Ardgowan Square, Greenock

SITE DESCRIPTION

The Tontine Hotel is a Category A listed building, located within the Greenock West End Conservation Area with its main frontage to Ardgowan Square, and is a traditional blonde sandstone building with slate roof. The main building extends to three storeys and a basement with later extensions located to the side and rear. The north-western wing, accommodating the function room with cellarage below and finished in grey render, extends to the north along the boundary on Robertson Street. The car park is accessed via Robertson Street. A variety of building and uses including office, retail, leisure and residential flats lie adjacent.

PROPOSAL

In December 2013, planning permission and listed building consent were granted for the alteration and extension of the hotel including works to extend the function suite and the formation of restaurant the in basement area below the function suite. Further applications were granted in May 2015 in respect of various minor alterations to the proposal. A condition attached to the most recent planning permission requires that the restaurant use does not operate between 00.00 hours and 10.00 hours daily. It is a further requirement that the restaurant access door to Robertson Street shall not be used during the above time period.

The basement area is operating as a bar rather than the approved restaurant. The applicant advises that the basement area is a bar serving food. During the day, it is intended to serve breakfast, tea, coffee, high tea and also offer a menu. In the evenings, depending on business, food service would cease and the premises would operate solely as a bar. This application seeks to regularise the use of the premises and is considered in retrospect.

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 RES6 - Non-Residential Development within Residential Areas

Proposals for uses other than residential development in residential areas, including schools, recreational and other community facilities will be acceptable subject to satisfying where appropriate, the following criteria:

- (a) compatibility with the character and amenity of the area
- (b) impact on designated and locally valued open space;
- (c) impact of the volume, frequency and type of traffic likely to be generated;
- (d) infrastructure availability;
- (e) social and economic benefits; and
- (f) the cumulative impact of such a use or facilities on an area.

CONSULTATIONS

Head of Safer and Inclusive Communities - This Service has already received complaints about noise from patrons exiting the premises. It is recommended that patrons should exit the premises via Ardgowan square after 2300 hours in order to protect the amenity of occupiers of adjacent residential premises from unreasonable noise levels. A condition regarding external lighting is also recommended.

PUBLICITY

The application was advertised in the Greenock Telegraph on 10th March 2017 as a Schedule 3 development.

SITE NOTICES

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

PUBLIC PARTICIPATION

Four objections have been received in connection with the application. The concerns raised can be summarised as follows:

- The basement area has operated as a bar since it opened and there is no evidence of a restaurant use or food being served.
- The condition on the current planning permission in respect of the door to Robertson Street being closed at midnight is not adhered to.
- The door to Robertson Street should be closed at 10pm or 11pm.
- Loud music is played within the premises late into the night and the front door is left open.
- Patrons are directed to Robertson Street to smoke. When they congregate outside to smoke, this causes disturbance to neighbouring residents.
- Taxis call at the premises into the early hours of the morning disturbing neighbouring residents.
- Patrons parking in the street cause difficulties for residents to find a parking space outside their own property.
- An increase in litter occurs from the use.
- Anti-social behaviour occurs from the premises.

- The basement area is effectively a public house and the only one within the West End of Greenock.
- The courtyard may be used as a beer garden.
- The use of the basement as a bar is detrimental to the nature of the Greenock West End Conservation Area.
- The granting of this application may lead to further incremental development in the future.
- The use of the basement area as a bar may affect the resale value of adjacent residential property.

I will consider these concerns in my assessment.

ASSESSMENT

The material considerations in the assessment of this planning application are the Inverclyde Local Development Plan, the impact upon the amenity of nearby residential properties, the consultation response and the objections received.

The principle of the alteration and extension to the hotel is already established by the current planning permission and listed building consent. There are no internal or external alterations proposed as part of this application and there are no implications in respect of either the listed building or the wider Conservation Area. In assessing the use of the basement area and notwithstanding the applicant's description of the proposal, the applicant has clarified in writing the operation of the basement area as a bar. It is therefore appropriate to assess the application on the basis of a bar operating at the basement level, with direct access to Robertson Street.

In considering residential amenity, policy RES1 seeks to safeguard residential amenity and policy RES6 advised on non-residential uses within residential areas. It was previously recognised that the site lies within an area of mixed residential and commercial use. The hotel is well established and in such circumstances a degree of noise and activity is to be expected. However, it was also recognised that in the evening this part of Robertson Street is generally quiet. Whilst noise from within the premises is controlled by the Head of Safer and Inclusive Communities via other legislation, it was considered that a reasonable compromise between the interests of both the Hotel and residents was to restrict the impact from associated outdoor activity by restricting door access to Robertson Street to between 10am and midnight.

Considering the use of the basement area as a bar, this raises different issues to that of a restaurant. Firstly, in terms of opening hours, the applicant has confirmed that the bar will operate to midnight from Sunday to Thursday and to 1am Friday and Saturday. If being used as a restaurant, patrons would also be more likely to leave the premises at different times throughout the evening, with a lower turnaround of customers thus limiting activity within the vicinity of residential properties in Robertson Street. A bar will likely generate larger groups of patrons leaving late at night, for example, at closing time or at the end of a live music performance which are held within the premises. There will also be a higher turnover of customers. With residential accommodation within Robertson Street being characterised by higher density tenement style flats, it is inevitable that a bar accessed directly onto Robertson Street would lead to additional activity, with potential for noise and disturbance. Customers will arrive and leave the premises by car or taxi, with car doors slamming, engines running, in-car entertainment systems and extraneous traffic movements to Robertson Street. As is often the case, people may gather outside the bar at the end of the evening as they say their goodbyes. Patrons smoking outside the premises late into the evening has also been highlighted as an issue in the objections received.

It remains, however, that a balance must be sought between protecting the amenity of nearby residents by seeking to prevent undue noise and disturbance above what could be reasonably expected, whilst at the same time promoting the development and vitality of the existing business. In terms of promoting the existing business, the previous planning permissions granted allowed for substantial works to the Robertson Street wing providing expanded function room facilities and the

new accommodation below. Considering the use of the new accommodation below the function room as a bar rather than the restaurant as approved, I note that the Head of Safer and Inclusive Communities advises that complaints have been received with regard to noise from patrons exiting the premises via the door to Robertson Street door. In order to protect the amenity of residents from unreasonable noise levels, it is therefore recommended that patrons should exit the premises via Ardgowan Square after 2300 hours. In seeking a balance between the operation of the wider hotel premises whilst protecting residential amenity, a condition which follows the principle of the advice of the Head of Safer and Inclusive Communities could direct late night activity associated with the premises away from Robertson Street and would assist in controlling activity from patrons going outside to Robertson Street to smoke. A condition relating to the hours of use of the doors to the bar is considered most appropriate in achieving this. Subject to this condition which will require that the doors are not used between the hours of 11pm to 7am, I consider the use of the basement area is acceptable with reference to policies RES1 and RES6 of the Local Development Plan.

Considering the outstanding points raised in the objections received, I note the concern that the current condition relating to the use of the Robertson Street door is not being adhered to. Any breach of the condition relating to the use of the doors will be investigated and appropriate enforcement action can be taken where required. Any disturbance resulting from music within the premises is a matter for the Head of Safer and Inclusive Communities to address via separate legislation. With regard to parking, this was considered at the time of the previous planning application and the Head of Environmental and Commercial Services offered no objections in this regard. Given there has been no increase in usable floorspace since the time of the previous application, I do not consider it appropriate to refuse this planning application on the grounds of traffic and parking. A condition can ensure the applicant submits details on how he proposes to control any litter emanating from the use of the bar and I consider that the condition relating to the use of the doors will address the potential for anti-social behaviour to occur within the vicinity of the adjacent residential properties. The granting of this application does not prejudice the assessment of further planning applications for any development and all such applications will be considered on their individual merit. There is no suggestion in either this application or previous planning applications that the courtyard will be used as a beer garden. Any perceived impact on the value of adjacent residential property is not a material planning consideration. Finally, whilst I share the concern that the bar already operates and the application is considered in retrospect, this does not warrant the refusal of the planning application.

In conclusion, whilst I am mindful of the objections received, I consider that a restriction requiring that the doors at the basement / lower ground floor level are not used between the hours of 11pm to 7am is considered a reasonable compromise between the interests of both the Hotel and adjacent residents. Subject to the conditions below, there is no conflict with policies RES1 and RES6 of the Local Development Plan and planning permission for the bar use should be granted.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. That in the exception of an emergency, all external doors at the basement / lower ground floor level (bar level) shall be closed and not be used by any person between the hours of 11pm and 7am, unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt, these doors comprise the entrance door to Robertson Street, the door to the stair hall facing the courtyard, the bi-folding doors to the courtyard, the access door to the courtyard to the southern end of the bar and the access door to the storage area to the southern end of the bar, all of which are marked in blue on approved drawing 02. For the avoidance of doubt, an emergency is defined as a serious or dangerous situation occurring unexpectedly and requiring immediate evacuation of the building.
2. That within 4 weeks of the date of this permission, a plan to identify and address any litter issue arising from the use of the premises shall be submitted to and approved in writing by

the Planning Authority. The plan shall then be followed at all times thereafter unless otherwise agreed in writing by the Planning Authority.

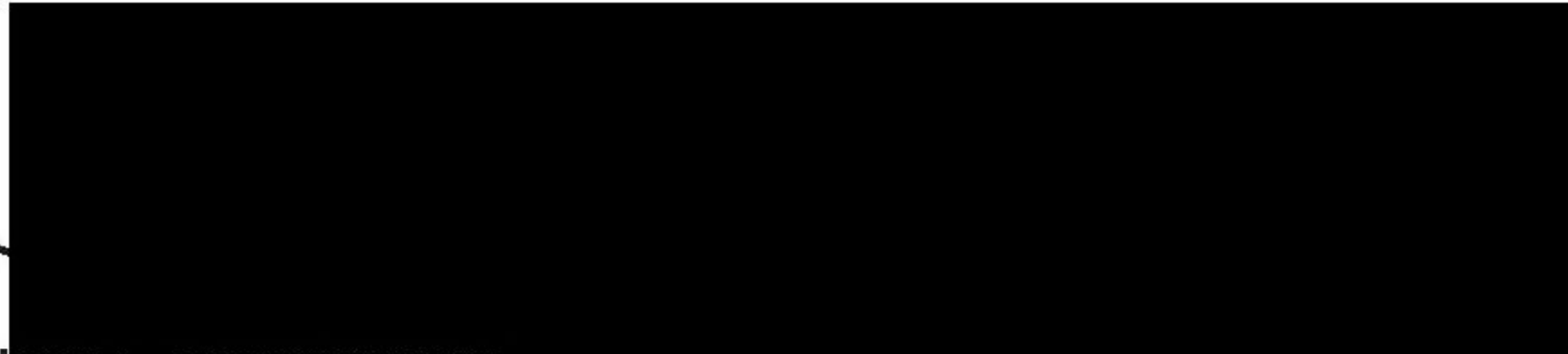
Reasons

1. To protect occupants of nearby housing from noise/disturbance late in the evening/early morning.
2. To make adequate provision for the disposal of litter occurring from the use of the premises.

Signed:

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

Case Officer: James McColl

A large black rectangular redaction box covering the signature of Stuart Jamieson.

Stuart Jamieson
Head of Regeneration and Planning

PLANNERS CHECKLIST - NEIGHBOUR NOTIFICATION

Application Number 17/0053/IC

Application Location Tontine Hotel
6 Ardgowan Square
Greenock
PA16 8NG

Application Proposal Use of basement area as bar restaurant (in retrospect)

Planning Officer James McColl

Addresses of Neighbours Notified	Confirm Posted by Mail or by Hand	Comments
	(M/H)	
Basement Flat 22 Patrick Street GREENOCK PA16 8NB	✓	
A - First Floor Flat Church View 7 Houston Street GREENOCK PA16 8DA	✓	
Ground Floor Flat Church View 7 Houston Street GREENOCK PA16 8DA	✓	
B - Basement Flat Church View 7 Houston Street GREENOCK PA16 8DA	✓	
24 Patrick Street GREENOCK PA16 8NB	✓	
Day Nursery 24 Patrick Street GREENOCK PA16 8NB	✓ 19/3	RETURNED BY RM
Ground Floor Solicitor Office Mansion House 1 Ardgowan Square GREENOCK PA16 8NG	✓	
Flat 1-1 16 Robertson Street GREENOCK PA16	✓	

Signature (Officer) ----- [Redacted]

Dated of NN delivery ----- 19/3/11



PLANNERS CHECKLIST - NEIGHBOUR NOTIFICATION

Flat 2-2 16 Robertson Street GREENOCK PA16 8DB	✓	
Flat 1-2 16 Robertson Street GREENOCK PA16 8DB	✓	
Flat 3-1 16 Robertson Street GREENOCK PA16 8DB	✓	
Flat 2-2 5 Robertson Street GREENOCK PA16 8DB	✓	
Flat 1-2 7 Robertson Street GREENOCK PA16 8DB	✓	
Flat 1-1 7 Robertson Street GREENOCK PA16 8DB	✓	
Flat 3-2 5 Robertson Street GREENOCK PA16 8DB	✓	
Flat 1-2 5 Robertson Street GREENOCK PA16 8DB	✓	
Flat 3-1 7 Robertson Street GREENOCK PA16 8DB	✓	
Flat 2-2 7 Robertson Street GREENOCK PA16 8DB	✓	
Flat 3-2 7 Robertson Street GREENOCK PA16 8DB	✓	
16 Robertson Street GREENOCK PA16 8DB	✓	13/3 RETURNED BY RM
7 Robertson Street GREENOCK PA16 8DB	✓	13/3 RETURNED BY RM
5 Robertson Street GREENOCK PA16 8DB	✓	13/3 RETURNED BY RM
Flat 2-1 16 Robertson Street GREENOCK PA16 8DB	✓	
Flat Ground-1 7 Robertson Street GREENOCK PA16 8DB	✓	
Flat Ground-2 7 Robertson Street GREENOCK PA16 8DB	✓	
Flat Ground-1 5 Robertson Street GREENOCK PA16 8DB	✓	
Flat 2-1 5 Robertson Street GREENOCK PA16 8DB	✓	
Flat 1-1 5 Robertson Street GREENOCK PA16 8DB	✓	
Flat 2-1 7 Robertson Street GREENOCK PA16 8DB	✓	

Signature (Officer) ----- 

Dated of NN delivery -----  19/11/17

PLANNERS CHECKLIST - NEIGHBOUR NOTIFICATION

Flat 3-1 5 Robertson Street GREENOCK PA16 8DB	✓	
Flat 3-2 16 Robertson Street GREENOCK PA16 8DB	✓	
Rooms 4-8 Mansion House 1 Ardgowan Square GREENOCK PA16 8NG	✓ 13/3	RETURNED BY RM
18 Patrick Street GREENOCK PA16 8NB	✓	
11 Houston Street GREENOCK PA16 8DA	✓ 13/3	RETURNED BY RM
Shop 3 24 Union Street GREENOCK PA16 8DD	✓	
Rooms 17-18 Mansion House 1 Ardgowan Square GREENOCK PA16 8NG	✓ 13/3	RETURNED BY RM
Flat Ground-2 5 Robertson Street GREENOCK PA16 8DB	✓	
Garage 14 Robertson Street GREENOCK PA16 8DB	✓	
Rooms 1- 3 Mansion House 1 Ardgowan Square GREENOCK PA16 8NG	✓ 13/3	RETURNED BY RM
20 Patrick Street GREENOCK PA16 8NB	✓	
Flat 1 18 Patrick Street GREENOCK PA16 8NB	✓	
(yard) 12 Robertson Street GREENOCK PA16 8DB	✓ 13/3	RETURNED BY RM
Rooms 11-14 Mansion House 1 Ardgowan Square GREENOCK PA16 8NG	✓	
Rooms 9-10 Mansion House 1 Ardgowan Square GREENOCK PA16 8NG	✓ 13/3	RETURNED BY RM
Pavilion Ardgowan Square GREENOCK PA16 8EH	✓	
Main Flat 22 Patrick Street GREENOCK PA16 8NB	✓	
Rooms 15-16 Mansion House 1 Ardgowan Square GREENOCK PA16 8NG	✓ 13/3	RETURNED BY RM
Flat Ground 18 Patrick Street GREENOCK PA16 8NB	[REDACTED]	

Signature (Officer) ----- [REDACTED]

Dated of NN delivery ----- 7/3/17

PLANNERS CHECKLIST - NEIGHBOUR NOTIFICATION

Shop 2 24 Union Street GREENOCK PA16 8DD	✓	
Shop 1 24 Union Street GREENOCK PA16 8DD	✓	
Office 24 Union Street GREENOCK PA16 8DD	✓	
Flat 2-2 9 Robertson Street GREENOCK PA16 8DB	✓	
Flat 2-1 9 Robertson Street GREENOCK PA16 8DB	✓	
Flat 3-2 9 Robertson Street GREENOCK PA16 8DB	✓	
9 Robertson Street GREENOCK PA16 8DB	✓	13/3 RETURNED BY RM
Flat Ground-2 9 Robertson Street GREENOCK PA16 8DB	✓	
Flat 3-1 9 Robertson Street GREENOCK PA16 8DB	✓	
Flat 1-1 9 Robertson Street GREENOCK PA16 8DB	✓	
Flat Ground-1 9 Robertson Street GREENOCK PA16 8DB	✓	
Solicitors 3 Ardgowan Square GREENOCK PA16 8NW	✓	
Solicitors 2 Ardgowan Square GREENOCK PA16 8PP	✓	
Flat 1-2 9 Robertson Street GREENOCK PA16 8DB	✓	

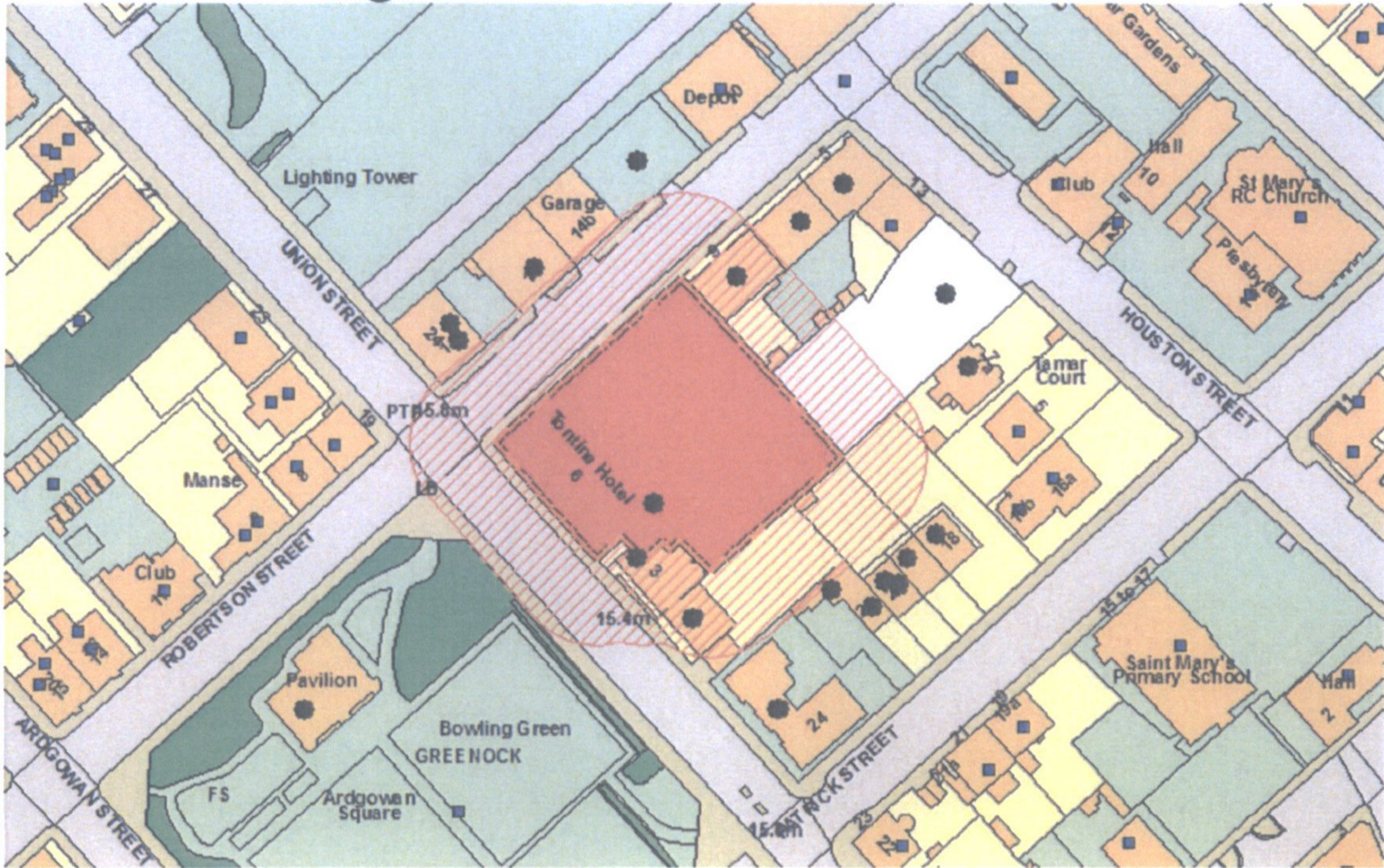
Signature (Officer) -----

Dated of NN delivery -----

9/3/17

PLANNERS CHECKLIST - NEIGHBOUR NOTIFICATION

Neighbour Notification Plan



Application Number 17/0053/IC

Application Location Tontine Hotel
6 Ardgowan Square
Greenock
PA16 8NG

Application Proposal Use of basement area as bar restaurant (in retrospect)

Planning Officer James McColl



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(1000023421) 2010

Inverclyde
council
regeneration and planning

Signature (Officer) -----

Dated of NN delivery -----

[Redacted signature and date]

DECISION NOTICE

Conditional Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 17/0053/IC

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

Mr J Nellis
Tontine Hotel
6 Ardgowan Square
GREENOCK
PA16 8NG

RDP Architecture
52 Kempock Street
GOUROCK
PA19 1ND

With reference to your application dated 10.02.2017 for planning permission under the abovementioned Act and Regulation for the following development:-

Use of basement area as bar restaurant (in retrospect) at

Tontine Hotel, 6 Ardgowan Square, Greenock

Category of Application: Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby grant planning permission for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application.

In compliance with Section 58 of the Town and Country Planning (Scotland) Act, 1997 this permission is granted subject to the condition that the development to which it relates must be begun not later than the expiration of 3 years beginning with the date of this permission.

Permission is issued subject to the following condition(s):

1. That in the exception of an emergency, all external doors at the basement / lower ground floor level (bar level) shall be closed and not be used by any person between the hours of 11pm and 7am, unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt, these doors comprise the entrance door to Robertson Street, the door to the stair hall facing the courtyard, the bi-folding doors to the courtyard, the access door to the courtyard to the southern end of the bar and the access door to the storage area to the southern end of the bar, all of which are marked in blue on approved drawing 02. For the avoidance of doubt, an emergency is defined as a serious or dangerous situation occurring unexpectedly and requiring immediate evacuation of the building.
2. That within 4 weeks of the date of this permission, a plan to identify and address any litter issue arising from the use of the premises shall be submitted to and approved in writing by the Planning Authority. The plan shall then be followed at all times thereafter unless otherwise agreed in writing by the Planning Authority.

The foregoing condition(s) are imposed by the Council for the following reason(s):-

1. To protect occupants of nearby housing from noise/disturbance late in the evening
2. To make adequate provision for the disposal of litter occurring from the use of the premises.



Healthy
Living



The reason why the Council made this decision is as follows:

1. The development is considered to comply with Development Plan policies.

Dated this 18th day of April 2017



Head of Regeneration and Planning

- 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

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

Drawing No:	Version:	Dated:
01		
02		

Appended to this decision notice are two forms: a "commencement of development form" and a "completion of development form". You are required to submit the former notice before starting work. Failure to do so is a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997. You are required to submit the latter notice as soon as practicable after completion of the development. If a third form has been appended, a "form of notice to be displayed while development is in progress" you are required to display this in a prominent place at or in the vicinity of the site of the development; it must be readily visible to the public, and it must be printed on durable material. It is a breach of planning control not to display such a notice if required.