

LOCAL REVIEW BODY

2 MAY 2018

PLANNING APPLICATION FOR REVIEW

REOS LTD

**PROPOSED EXTENSION TO RESTAURANT AND BAR BISTRO:
EXCHANGE, 1-3 TOBAGO STREET, GREENOCK (17/0349/IC)**

Contents

- 1. Planning Application dated 1 November 2017 together with plans**
- 2. Appointed Officer's Site Photographs together with location plan**
- 3. Appointed Officer's Report of Handling dated 12 January 2018**
- 4. Consultation responses in relation to planning application**
- 5. Representation in relation to planning application**
- 6. Decision Notice dated 16 January 2018 issued by Head of Regeneration & Planning**
- 7. Letter dated 5 March 2018 from Rebecchi Architectural Services enclosing Notice of Review Form and supporting documents**

Members are asked to note:-

- (i) New matters referred to within the appeal document not included with the papers in accordance with the criteria set out in Section 43B of the Town & Country Planning (Scotland) Act 1997**
 - (ii) Drawing numbers 17-113-PL01, 002 Rev A and 003 Rev A have been circulated separately**
- 8. Email dated 28 March 2018 from Rebecchi Architectural Services in relation to new matters**
 - 9. Suggested conditions should planning permission be granted on review**

**1. PLANNING APPLICATION DATED 1 NOVEMBER
2017 TOGETHER WITH PLANS**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email:
devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100072743-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed Extension to the Exchange and Bar Bistro

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Rebecchi Architectural Services Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Marco	Building Name:	
Last Name: *	Rebecchi	Building Number:	55
Telephone Number: *	01475 634844	Address 1 (Street): *	Kempock Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Gourock
Fax Number:		Country: *	Inverclyde
		Postcode: *	PA19 1NF
Email Address: *	marco@rebecchiarchitectural.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	REOS Ltd	Building Name:	
First Name: *	.	Building Number:	1-3
Last Name: *	.	Address 1 (Street): *	Tobago Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Greenock
Extension Number:		Country: *	Inverclyde
Mobile Number:		Postcode: *	PA15 1PB
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Inverclyde Council

Full postal address of the site (including postcode where available):

Address 1:

Rico's

Address 2:

1-3 Tobago Street

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Greenock

Post Code:

PA15 1PB

Please identify/describe the location of the site or sites

Northing

676137

Easting

227711

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

707.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Restaurant and Bar Bistro

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

No change to the existing arrangement

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

209

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Marco Rebecchi

On behalf of: REOS Ltd . .

Date: 01/11/2017

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

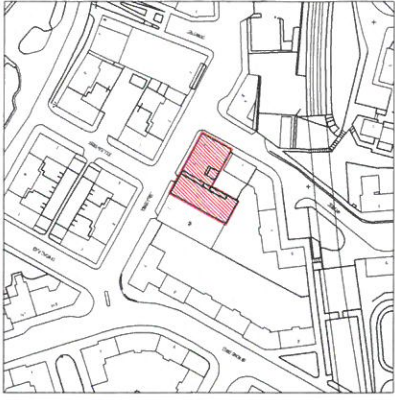
Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

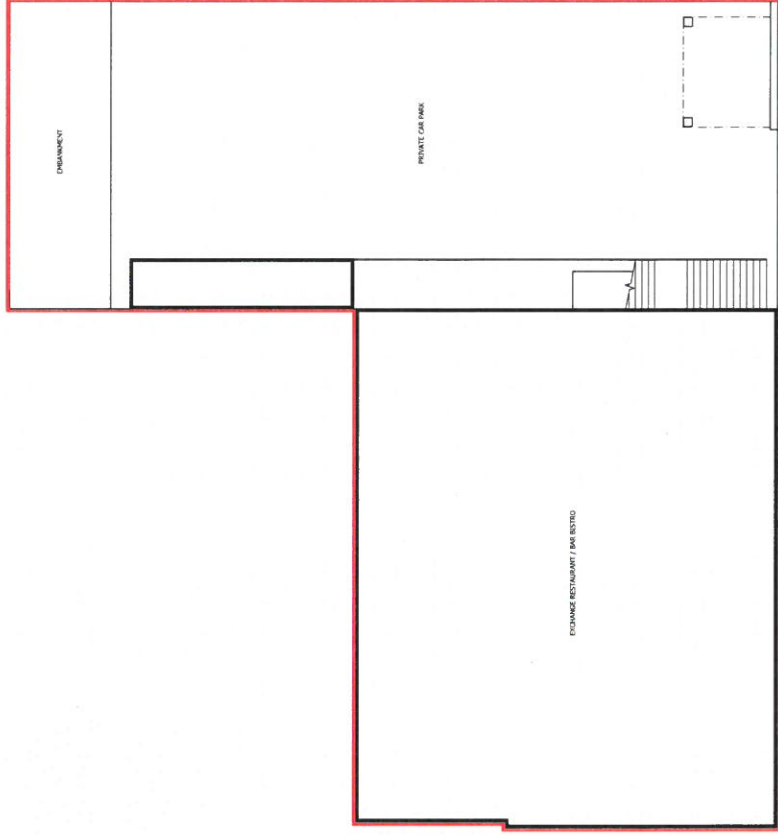
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Marco Rebecchi

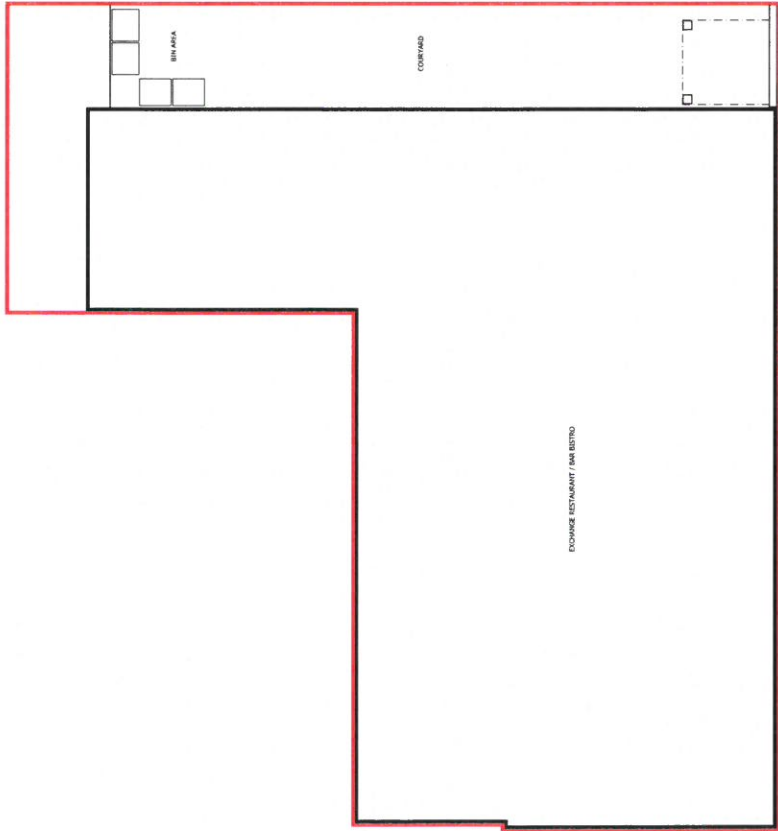
Declaration Date: 01/11/2017



CONTEXT SITE PLAN
SCALE: 1/8" = 1'-0"



EXISTING SITE PLAN



PROPOSED SITE PLAN



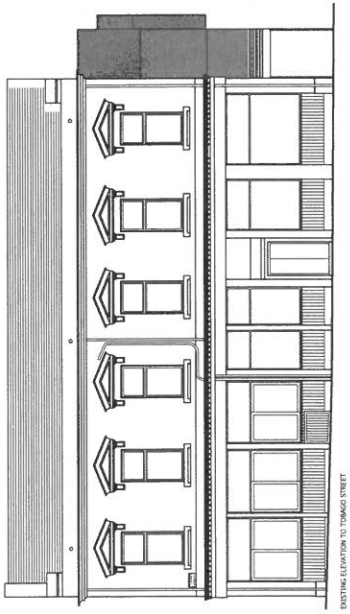
Revisions
 Rev. A: University amended plan set with University's comments. 11/11/17
 Rev. B: Final plan set with University's comments. 11/11/17
 Rev. C: Final plan set with University's comments. 11/11/17

This is a preliminary drawing. It is not to be used for construction purposes. It is for informational purposes only. It is not to be used for any other purpose than that for which it was prepared.

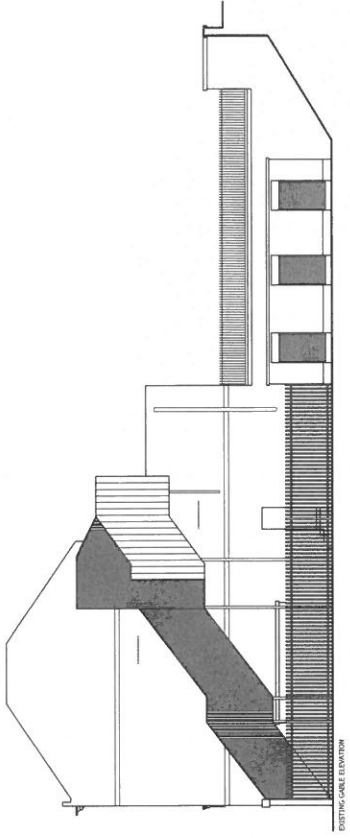
rebetchi
 architectural services
 1000 15th St, Suite 100
 San Francisco, CA 94103
 T: 415.398.1234 E: rebetchi@rebetchi.com

Client
 The Exchange Restaurant, San Francisco, 15th Street, San Francisco

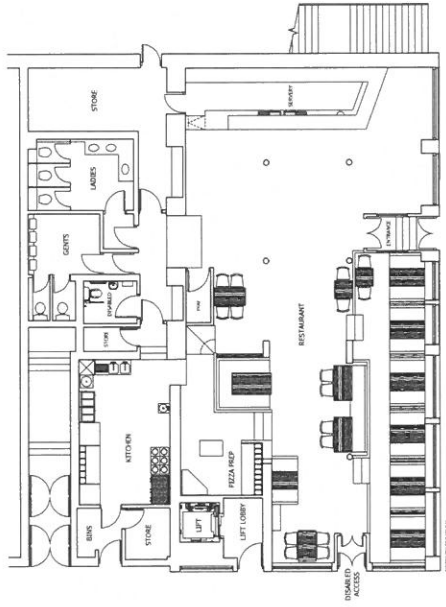
Project Title	The Exchange Restaurant / Bar Bistro
Drawn By	AP
Checked By	AP
Date	11/11/17
Scale	1/2" = 1'-0"
Sheet	PLANNING



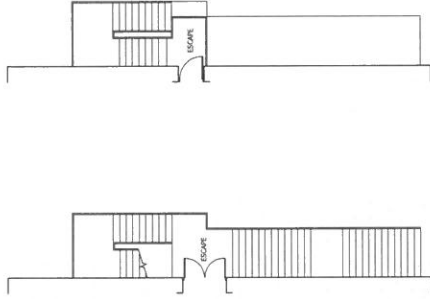
EXISTING ELEVATION TO TOMASO STREET



EXISTING-GARAGE ELEVATION



EXISTING FIRST FLOOR PLAN OF ESCAPE STAGE



EXISTING REZANNIE FLOOR PLAN OF ESCAPE STAGE



Revision

This set of drawings is the property of the Architect. It is to be used for the purpose of this project.

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 Company Registration No. 1212255

Client
 The Landmark Restaurant & Wine Shop / 100 High Street Crosswalk

Project Title
 Physical Evidence to Restaurant / Cafe

Drawing Title
 Planning

Drawing No.
 12-11-11-001

Scale
 1:100

Sheet
 PLANNING

Date
 21-11-17

Size
 A1

Scale
 1:100

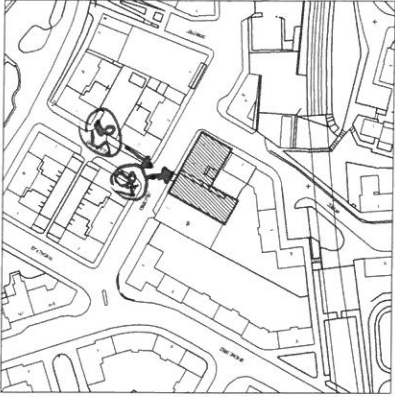
**2. APPOINTED OFFICER'S SITE PHOTOGRAPHS
TOGETHER WITH LOCATION PLAN**

(photographs taken on 7 November 2017)

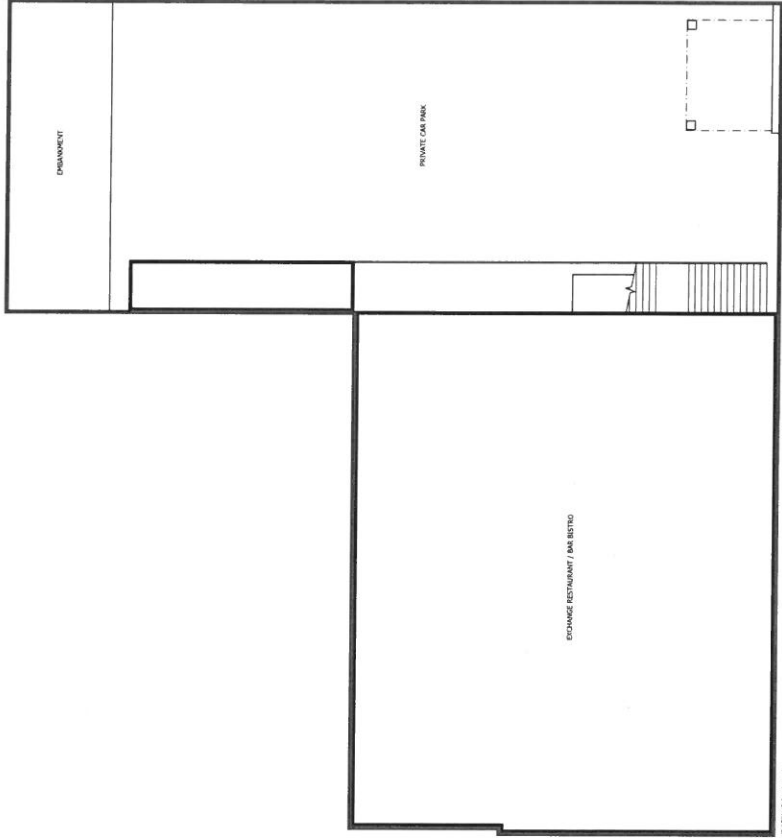


TOBAGO STREET

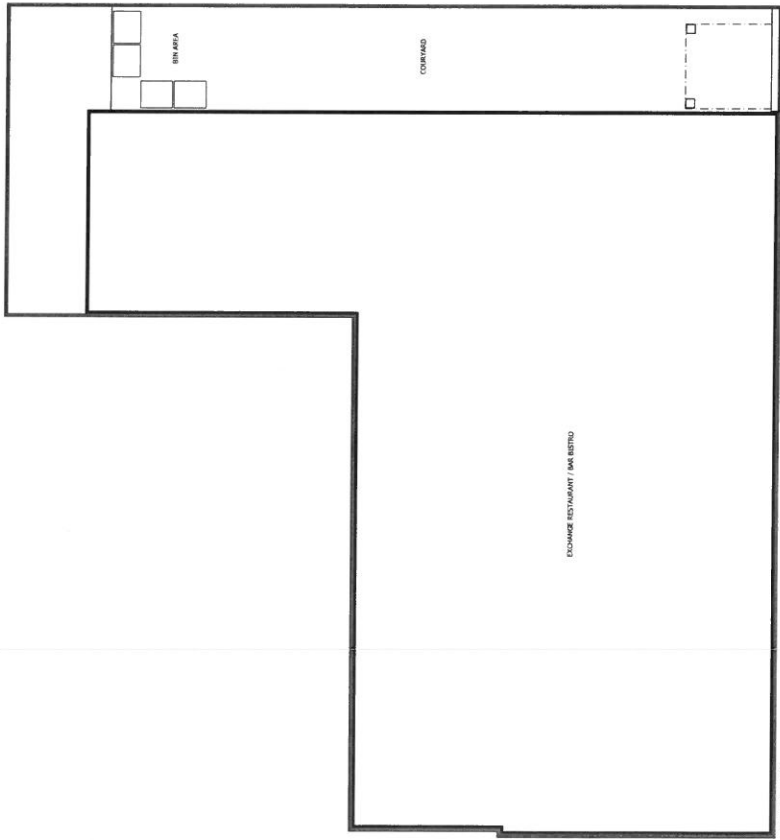




CONTEXT MAP (SITE LOCATION) - 08/2014/12
SCALE 1:1000



EXISTING SITE PLAN



PROPOSED SITE PLAN



Revisions
 Rev A Drawings amended in-line with clients
 Rev B Drawings amended to show final scope
 issue - 04.12.17

I do not make this drawing for the above. This drawing must not be copied or reproduced other than for the purposes of this project.

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Client
 The Exchange Restaurant & Bar Street 1, Tempo Street, Glenview

Project Title
 Proposed Extension to Restaurant / Bar

Proposed Extension to Restaurant / Bar	
Drawing Title	Date
Location of Proposed Use Plans	27.10.17
Drawing No.	Rev
17-11-17-005	A.1
Sheet	Scale
PLANNING	1:200

**3. APPOINTED OFFICER'S REPORT OF HANDLING
DATED 12 JANUARY 2018**

REPORT OF HANDLING

Report By: David Ashman

Report No: 17/0349/IC

**Local Application
Development**

**Contact
Officer:** 01475 712416

Date: 12th January 2018

Subject: Proposed extension to Restaurant and Bar Bistro at
Exchange, 1 - 3 Tobago Street, Greenock

SITE DESCRIPTION

The application site comprises a two storey building and associated side courtyard located on the southern side of Tobago Street. It is finished on the upper front (north) elevation and east elevation in sandstone with wooden frontage at ground floor level. The west elevation finish, outside of a corrugated fire escape from the upper floor, is weathered render. A slate apex roof tops the building. The application site is presently used as a restaurant and bar bistro with Cruden Hall occupying the top floor of the building.

The application site sits within a town centre area where residential uses predominate, with flats to the north on the opposite side of Tobago Street and to the rear on Ann Street. The Greenock Dock Workers Social Club is located to the west beyond the courtyard. There is a public house to the east on the opposite side of Ann Street.

PROPOSAL

Planning permission is sought for a ground floor extension, to the western side of the premises, which will measure approximately 7.8 metres wide by 26.6 metres deep and which will be built largely on the existing yard. The front elevation is designed to match the existing building, with black timber boarding and black uPVC framed windows to be used. The western side elevation, which is hidden from street view, will be finished in a mix of black painted smooth render and grey Cedral composite cladding, with an aluminium sheet roof coloured to replicate slate. Black painted timber doors are to be installed in a wall opening to the west of the extension, providing security to the remaining rear courtyard.

The existing fire escape will be removed and a new construction put in place. It will be more recessed from the street than the present construction and, beyond a small mono-pitch section facing Tobago Street, will be finished with a flat roof. The walls of the fire escape will be finished in a scratch coat render coloured to match the associated building's stonework with the roof finished with aluminium sheeting. The fire escape will exit into the remaining courtyard.

The proposed extension will allow the creation of a dedicated bar within the premises.

DEVELOPMENT PLAN POLICIES

Policy TCR1- Network of Designated Centres

The following hierarchy of centres are designated as locations where a range of town centre uses will be appropriate in order to support the role and function of the particular centre, as well as their vitality and viability:

Strategic Town Centre:

- (a) Greenock, subdivided into a 'Central Area' and 'Outer Area'

Town Centres:

- (a) Port Glasgow
- (b) Gourock

Local Centres:

- (a) The Cross, Kilmacolm
- (b) Dubbs Road, Port Glasgow
- (c) Sinclair Street, Greenock
- (d) Lynedoch Street, Greenock
- (e) Barrs Cottage (Inverkip Road and Dunlop Street), Greenock
- (f) Cumberland Walk, Greenock (proposed redevelopment)
- (g) Cardwell Road, Gourock
- (h) Kip Park, Inverkip
- (i) Ardgowan Road, Wemyss Bay

Policy TCR2 - Sequential Approach to Site Selection for Town Centre Uses

Proposals for development of town centre uses as set out in Policy TCR3 will be subject to the sequential approach as set out below:

- (a) Greenock Central Area;
- (b) Port Glasgow and Gourock Town Centres;
- (c) Greenock Outer Area (subject to Policy TCR5);
- (d) sites on the edge of Greenock, Port Glasgow and Gourock Town Centres; and only then,
- (e) out-of-centre sites that are or can be made accessible by a choice of public and private transport modes.

The principles underlying the sequential approach also apply to proposals to expand or change the use of existing developments, where the proposals are of a scale or form sufficient to change a centre's role and function.

Policy TCR3 -Town Centre Uses

The following town centre uses will be directed to the Central Area of Greenock Town Centre, Port Glasgow and Gourock Town Centres and the Local Centres, subject to Policy TCR7:

- (a) Use Class 1 (Shops);
- (b) Use Class 2 (Financial, Professional and other Services);
- (c) Use Class 3 (Food and Drink);
- (d) Use Class 11 (Assembly and Leisure); and

(e) related uses such as public houses, hot food take-aways, theatres, amusement arcades and offices for taxis for public hire.

Policy TCR5 - Outer Area of Greenock Town Centre

Proposals for development in the five divisions of the Outer Area of Greenock Town Centre, as defined on the Proposals Map and below, should have regard to their respective roles, functions, character and amenity. The following uses will be encouraged and supported, subject to there being no adverse impact upon the amenity of the area:

A - WEST END (Civic, Office and Residential)

- Use Class 2 (Financial, professional and other services)
- Use Class 4 (Business)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)

B - CLARENCE STREET AREA (Mixed Use)

- Use Class 3 (Food and drink)
- Use Class 4 (Business)
- Use Class 11 (Assembly and leisure)

C - WATERFRONT (Education and Leisure)

- Use Class 3 (Food and drink)
- Use Class 4 (Business)
- Use Class 7 (Hotels and hostels)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)
- Use Class 11 (Assembly and leisure)

D - KING STREET AREA (Business and Residential)

- Use Class 2 (Financial, professional and other services)
- Use Class 4 (Business)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)

E - ROXBURGH STREET AREA (Business and Community)

- Use Class 2 (Financial, professional and other services)
- Use Class 3 (Food and drink)
- Use Class 4 (Business)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)

Policy TCR7 - Assessing Development Proposals for Town Centre Uses

To assist the protection, enhancement and development of the designated Centres, all proposals for the development of town centre uses identified in Policy TCR3, or for any other commercial uses within a designated centre, will require to satisfy the following criteria:

- (a) the size of the development is appropriate to the centre for which it is proposed;
- (b) it is of a high standard of design;
- (c) it has an acceptable impact on traffic management and must not adversely impact on road safety and adjacent and/or nearby land uses;

- (d) it does not have a detrimental effect on amenity or the effective operation of existing businesses;
- (e) it is consistent with any Town Centre Strategy or other relevant initiative; and
- (f) has regard to Supplementary Guidance on Planning Application Advice.

Proposals for town centre uses outwith the designated Centres, unless they are small scale development to meet local needs that are subject to Policy TCR10, must also demonstrate:

- (g) that no appropriate sequentially preferable site exists;
- (h) that there is capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area;
- (i) that there will be no detrimental impact, including cumulatively, on the viability and vitality of the designated Centres (Policy TCR1); and
- (j) in the case of temporary street markets, the operation will be for a maximum of 13 days in any 12 month period.

Proposals for retail and leisure development over 2,500 square metres outwith the designated town centres and that are not in accordance with the Development Plan should be accompanied by a retail impact analysis, as should any town centre proposal that the Council considers likely to have a potentially detrimental impact on the vitality and viability of the designated Centres. At the Council's discretion, applications for small-scale development of town centre uses outwith the designated Centres may be exempted from the requirement to be justified against criteria (g) - (i).

CONSULTATIONS

Head of Environmental and Commercial Services - As this is a town centre location it is acceptable that no additional parking provision has been made. The existing parking and loading facilities are to be removed and the applicant has not provided details of how they will service the premises. On-street servicing is not acceptable without a Traffic Regulation Order (TRO) and there is no guarantee that a TRO would be granted. Clarification is also required on bin storage facilities and that, for the avoidance of doubt these shall not impinge on the road or footway. The existing junction into the car park and service area shall be converted to form a continuous footway. This will require a Section 56 Agreement.

Head of Safer and Inclusive Communities – No objection, subject to conditions in respect of waste container provision and external lighting, and advisory notes in respect of the Construction (Design & Management) Regulations 2015, surface water drainage, compliance with food safety and health and safety at work legislation, and ventilation arrangements.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

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

PUBLIC PARTICIPATION

One representation was received. Concern is expressed over increased noise levels and loss of view.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan, the consultation replies, the representation and the impact of the proposal on amenity.

The application site straddles two designations in the Local Development Plan. The bulk of the site is included within Greenock Town Centre, designated under Policy TCR1, whereas the site of the proposed extension is actually within a mainly residential area under Policy RES1. As it is a proposal for an extension to existing premises within the Town Centre however, I consider that assessment should focus largely on Town Centre policies. I don't regard the sequential approach to site selection for town centre uses under Policy TCR2 to apply in this instance, as the proposal is an extension to an existing town centre use that is not of a scale or form that would change the centre's role or function. The proposal complies with the range of supportable uses identified in Policy TCR3.

Under Policy TCR5 it is located within the King Street Outer Town Centre Area. Although the nature of the use is not specifically supported by this policy I nevertheless am satisfied that this is an extension to an established use. Policy TCR7 sets criteria that town centre proposals have to satisfy, the most relevant of which in this instance are (a) the size of the development is appropriate to the centre for which it is proposed; (b) it is of a high standard of design; (c) it has an acceptable impact on traffic management and must not adversely impact on road safety and adjacent and/or nearby land uses; and (d) it does not have a detrimental effect on amenity or the effective operation of existing businesses.

I consider that the extension is appropriately scaled for the centre in which it is located (criterion (a)) and the design is of a high standard appropriate to the associated building (criterion (b)). Based on the consultation reply from the Head of Environmental and Commercial Services I consider that the impact of the proposed extension on car parking and servicing arrangements, and the consequent impact on road safety and existing on-street parking arrangements is a matter of concern. As matters stand the yard within the application site is currently used as a private car park and has space to facilitate servicing and deliveries to the premises. The additional burden on-street parking in a heavily parked area and the loss of the facility to service the premises from off-street would be detrimental to traffic safety. The applicant has responded that servicing presently takes place on-street; this arrangement is unauthorised. Whilst any unauthorised servicing arrangements are a matter for the Head of Environmental and Commercial Services to pursue under the relevant legislation, it is important that consideration of the merits of a planning application takes into account the potential for creating a traffic safety issue in the future. On this basis and noting the concerns of the Head of Environmental and Commercial Services, I conclude that the proposed extension could create a traffic safety issue due to the loss of both of car parking spaces and off-street servicing facilities (criterion (c)) (this also addresses criterion (c) of Policy RES6). As the yard and the neighbouring Social Club is within the applicant's control I am satisfied that the proposal will not adversely impact on amenity or the effective operation of other businesses (criterion (d)). I therefore conclude that the proposal does not satisfy all the requirements of Policy TCR7.

With respect to the other material considerations, and in particular the consultation replies not yet addressed, the Head of Safer and Inclusive Communities' concerns regarding bin store provision and external lighting are matters covered by separate legislation and may be more properly address through advisory notes. The remaining matters may be the subject of conditions or advisory notes on a grant of planning permission.

I note the objector's remaining concern over the loss of a view but such a consideration is not material to the determination of the application as there is no established right to a view over another's property.

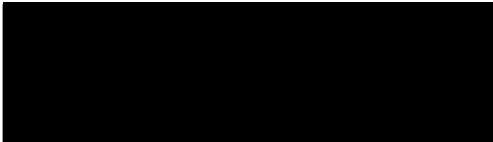
I therefore conclude that the determining issue in this instance is the loss of off-street servicing facilities and car parking to the side of the building, which would occur as a result of the proposed extension, and the potential resultant impact on traffic safety.

RECOMMENDATION

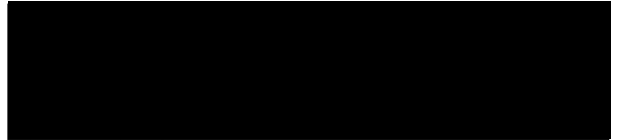
That the application be refused on the following grounds:

1. That the loss of most of the yard to the side of the building would potentially lead to additional car parking and unauthorised servicing occurring on adjacent streets to the detriment of traffic safety and that the proposal cannot therefore be justified in terms of criteria (c) of Policies TCR7 and RES6.

Signed:



Case Officer: David Ashman



Stuart Jamieson
Head of Regeneration and Planning

4. CONSULTATION RESPONSES IN RELATION TO PLANNING APPLICATION

RECEIVED 11/2/17

To: Head of Regeneration & Planning Your Ref: 17/0349/IC
 Our Ref: EP/14/04/17/0349/IC
 From: Head of Environmental & Commercial Services Contact: E Provan
 Tel: (01475) 714814
 Subject: Observations On Planning Application PA Ref: 17/0349/IC
 Detail: Proposed extension to Restaurant and Bar Dated: 07/11/2017
 Bistro Received: 08/11/2017
 Site: Exchange, 1-3 Tobago Street, Greenock, PA15 Applicant: REOS Ltd
 1PB

Type of Consent: Detailed Permission/ ~~In Principle/ Approval of Matters/ Change of Use~~

Comments:

1.	No parking provision has been made within the application, however, the site is within the town centre where controls on parking are in place to discourage dangerous parking. It is therefore acceptable in these circumstances that no additional parking is required as a result of this application.
2.	The application removes the existing parking and loading facilities located between the existing Exchange and Dockers Club. The applicant shall provide details of how they will service both facilities. This shall be provided for comment and approval by the Roads Service.
3.	Where will bins be stored with the proposed development? The applicant shall provide details for approval by the Roads Service to demonstrate that they will not impinge on the road or footway network.
4.	The existing junction into the car park and service area shall be converted to form a continuous footway. This will require a Section 56 Agreement from the Roads Service.

Notes For Intimation To Applicant

Construction Consent (S21)*	Not Required/ Required for all road works
Road Bond (S17)*	Not Required/ Required if building works are to be undertaken before roads are completed
Road Opening Permit (S56)*	Not Required/ Required for all works in the public road
Other	Not Required/ Section 59 agreement

*Relevant Section of the Roads (Scotland) Act 1984

Signed: 
 Steven Walker, Service Manager (Roads)

Date: 30/11/2017

Memorandum Safer Communities Planning Application Consultation Response	
To: Planning Services For the Attention of David Ashman	
From: Safer and Inclusive Communities	Date sent to Planning : 21st Dec 2017

Lead Officer: Janet Stitt	
Tel: 01475 714 200	Email: janet.stitt@inverclyde.gov.uk

Safer Communities Reference (optional):	
Planning Application Reference:	17/0349/IC
Planning Application Address:	Exchange 1-3 Tobago Street Greenock
Planning Application Proposal:	Extention to Restaurant and Bar

Team	Officer	Date
Food & Health	Michael Lapsley	
Air Quality	Sharon Lindsay	1/12/17
Contaminated Land	Roslyn McIntosh	1-12-17
Public Health & Housing	Janet Stitt	17.11.17
Noise	Sharon Lindsay	1/12/17

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

Contaminated Land

No Comments

Public Health & Housing

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

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

2. 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

No Comments

Recommended Advisory Notes

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

- i. The applicant should be fully aware of the **Construction (Design & Management) Regulations 2015 (CDM 2015)** and its implications on client duties etc.
- ii. **Surface Water:** Any SUDS appraisal must give appropriate weight to not only any potential risk of pollution to watercourses but to suitable and sufficient measures for the effective collection and disposal of surface water to prevent flooding. Measures should be implemented during the construction phase of the project as well as within the completed development to prevent flooding within the application site and in property / land nearby. It is also recommended that a long term maintenance plan should be developed prior to the commencement of the proposed development.
- iii. **Consultation on Proposed Use:** It is strongly recommended that prior to the commencement of any works the applicant consults with Officers of Safer and Inclusive Communities to ensure structural compliance with legislation relating to;
 - a) Food Safety Legislation,
 - b) Health and Safety at Work etc. Act 1974,
- viii. **Alteration to current use and likely impact on ventilation requirements.** It is imperative that if there is any alteration to the use which has been outlined in this application such as a change to the type of cooking carried out, cooking equipment to be used, food types or a significant increase in the volume of cooking that officers of Safer and Inclusive Communities (Public Health and Housing) and Planning are consulted with a view to the likely increase in cooking odours resulting in a need to improve the ventilation/ air handling to the premises.

5. REPRESENTATION IN RELATION TO PLANNING APPLICATION

Comments for Planning Application 17/0349/IC

Application Summary

Application Number: 17/0349/IC

Address: Exchange 1 - 3 Tobago Street Greenock PA15 1PB

Proposal: Proposed extension to Restaurant and Bar Bistro

Case Officer: David Ashman

Customer Details

Name: Miss Marie McGowan

Address: 8 Ann Street Greenock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am concerned the noise level will increase - there is already some noise when there is live music and the bar is closing. I am also concerned the extension will block what little view I have from my back windows.

**6. DECISION NOTICE DATED 16 JANUARY 2018
ISSUED BY HEAD OF REGENERATION &
PLANNING**

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 17/0349/IC

Online Ref:100072743-001

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

REOS Ltd
1-3 Tobago Street
GREENOCK
PA15 1PB

Rebecchi Architectural Services Ltd
55 Kempock Street
GOUROCK
PA19 1NF

With reference to your application dated 27th October 2017 for planning permission under the above mentioned Act and Regulation for the following development:-

Proposed extension to Restaurant and Bar Bistro at

Exchange, 1 - 3 Tobago Street, Greenock

Category of Application: Local Application Development

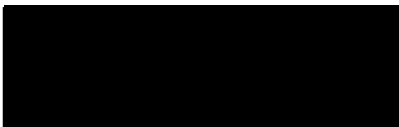
The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reason for the Council's decision is:-

1. That the loss of most of the yard to the side of the building would potentially lead to additional car parking and unauthorised servicing occurring on adjacent streets to the detriment of traffic safety and that the proposal cannot therefore be justified in terms of criteria (c) of Policies TCR7 and RES6.

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

Dated this 16th day of January 2018



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.

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

Drawing No:	Version:	Dated:
17-113-PL-001		27.10.2017
17-113-PL-002	Rev B	04.12.2017
17-113-PL-003	Rev B	04.12.2017

**7. LETTER DATED 5 MARCH 2018 FROM REBECCHI
ARCHITECTURAL SERVICES ENCLOSING
NOTICE OF REVIEW FORM AND SUPPORTING
DOCUMENTS**

17-113 98/2018 (GEN CORR)

**INVERCLYDE COUNCIL
HEAD OF LEGAL & ADMINISTRATION
MUNICIPAL BUILDINGS
CLYDE SQUARE
GREENOCK
PA15 1LY**

5 March 2018

Dear Sir(s)



PROPOSED EXTENSION TO RESTAURANT AND BAR BISTRO AT 1-3 TOBAGO STREET, GREENOCK, PA15 1PB.

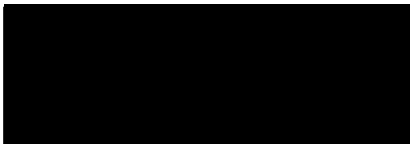
With reference to the above project and the recent refusal of planning permission we wish to apply for a "Notice of Review"

We attach the following information: -

- 1 No. Application Form
- Appeal Document
- Planning Refusal
- 1 No. copy of drawing nos. 17-113-PL01, 002 Rev A and 003 Rev A
- 1 No. copy of the Report of Handling

I trust that you find everything in order and look forward to hearing from you in due course.

Yours faithfully,



MARCO REBECCHI
ACIAT AaPS
Director

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)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

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

* 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:

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? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <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.

Refer To ATTACHED DOCUMENT

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 OPPORTUNITY WAS GIVEN AHEAD OF REFUSAL BEING ISSUED

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.

APPLICATION FORM
 APPEAL DOCUMENT
 PLANNING PERMITS
 REPORT OF HANDLING
 COPY OF DRAWING NOS. 17-113-PL-01, 002 Rev A and 003 Rev A.

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~~/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 5/3/18

17-113

**INVERCLYDE COUNCIL
LOCAL REVIEW BODY
LEGAL & PROPERTY SERVICES
MUNICIPAL BUILDINGS
CLYDE SQUARE
GREENOCK
PA15 1LY**

5 March 2018

Dear Sirs

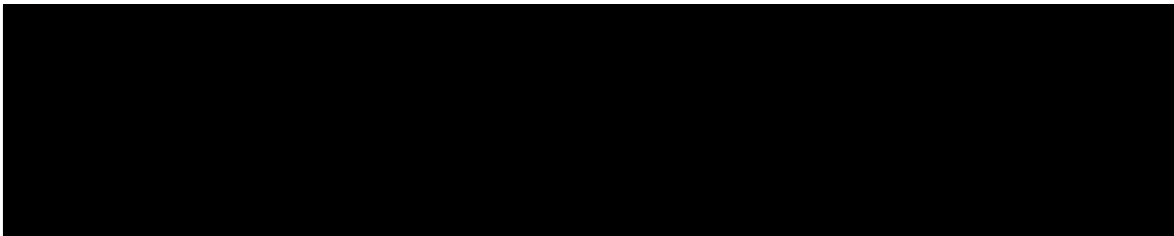
PROPOSED EXTENTION TO EXCHANGE WINE BAR BISTRO, 1-3 TOBAGO STREET, GREENOCK

PLANNING REFERENCE NO. 17/0349/IC

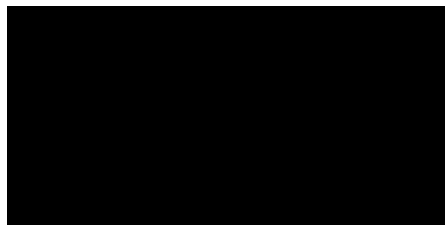
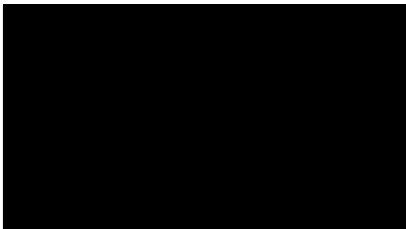
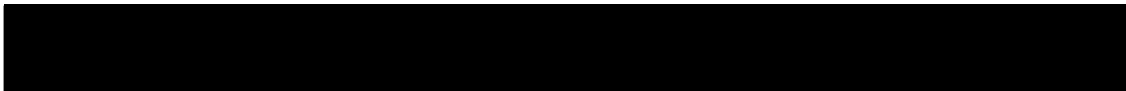
Planning consent for the extension to our premises has recently been refused for the following reason:

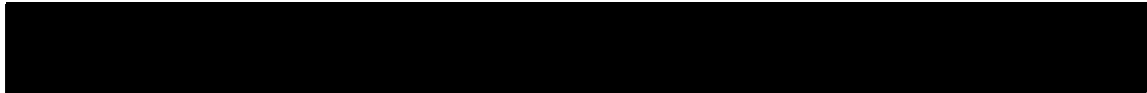
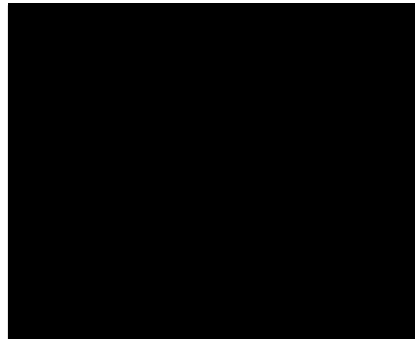
"The loss of most of the yard to the side of the building would potentially lead to additional car parking and unauthorised servicing occurring on adjacent streets to the detriment of traffic safety and the the proposals cannot therefore be justified in terms of criteria (c) of Policies TCR7 and RES6"

I will firstly address the issue of servicing:



Since the closure of the Dock Workers Club, the ownership of the car park has transferred to the Exchange Wine Bar Bistro. We purchased the car park as we wished to extend our premises into this space. Therefore, the private parking that was used by the Dock Workers bar staff will no longer be available. Likewise, servicing of the property will no longer be via the car park.



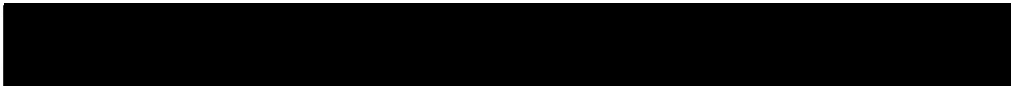
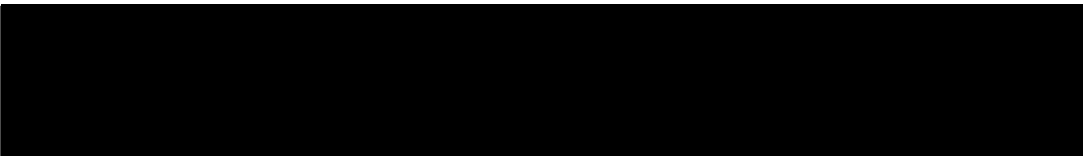
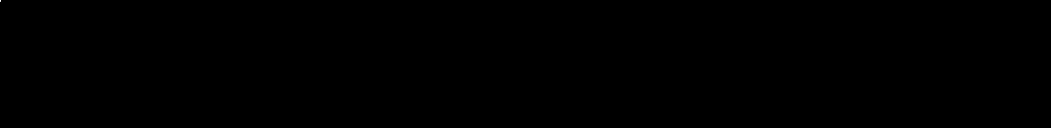
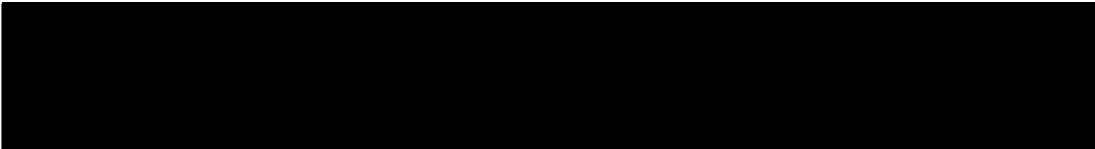


I will now turn to the issue of loss of parking:

The Dock Workers car park was a private car park for staff use only. It was gated and locked most times. As previously stated, since the closure of the Dock Workers Club, the ownership of the car park has transferred to the Exchange Wine Bar Bistro. Therefore, the private parking that was used by the Dock Workers bar staff will no longer be available. Likewise, servicing of the property will no longer be via the car park.

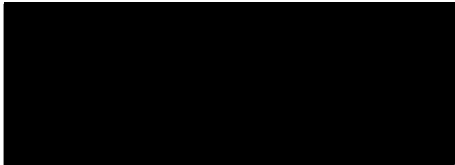
The above mentioned premises do not have car parking facilities as like ourselves, they are located within the town centre.

In addition to the above, we would like to make the following points:

1. 
2. 
3. Our small company is looking to expanding facilities within Inverclyde. We are a local business spending our own resources, and wishing to improve our facilities.
4. 
5. 

I trust you will take the above on board and help us by supporting our application to appeal to refusal decision.

Yours faithfully



MARCO REBECCHI
Director
ACIAT AaPS

DECISION NOTICE

Inverclyde
council

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 17/0349/IC

Online Ref:100072743-001

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

REOS Ltd
1-3 Tobago Street
GREENOCK
PA15 1PB

Rebecchi Architectural Services Ltd
55 Kempock Street
GOUROCK
PA19 1NF

With reference to your application dated 27th October 2017 for planning permission under the above mentioned Act and Regulation for the following development:-

Proposed extension to Restaurant and Bar Bistro at

Exchange, 1 - 3 Tobago Street, Greenock

Category of Application: Local Application Development

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

The reason for the Council's decision is:-

1. That the loss of most of the yard to the side of the building would potentially lead to additional car parking and unauthorised servicing occurring on adjacent streets to the detriment of traffic safety and that the proposal cannot therefore be justified in terms of criteria (c) of Policies TCR7 and RES6.

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

Dated this 16th day of January 2018



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.

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

Drawing No:	Version:	Dated:
17-113-PL-001		27.10.2017
17-113-PL-002	Rev B	04.12.2017
17-113-PL-003	Rev B	04.12.2017

REPORT OF HANDLING

Report By: David Ashman

Report No: 17/0349/IC

**Local Application
Development**

**Contact
Officer:** 01475 712416

Date: 12th January 2018

Subject: Proposed extension to Restaurant and Bar Bistro at
Exchange, 1 - 3 Tobago Street, Greenock

SITE DESCRIPTION

The application site comprises a two storey building and associated side courtyard located on the southern side of Tobago Street. It is finished on the upper front (north) elevation and east elevation in sandstone with wooden frontage at ground floor level. The west elevation finish, outside of a corrugated fire escape from the upper floor, is weathered render. A slate apex roof tops the building. The application site is presently used as a restaurant and bar bistro with Cruden Hall occupying the top floor of the building.

The application site sits within a town centre area where residential uses predominate, with flats to the north on the opposite side of Tobago Street and to the rear on Ann Street. The Greenock Dock Workers Social Club is located to the west beyond the courtyard. There is a public house to the east on the opposite side of Ann Street.

PROPOSAL

Planning permission is sought for a ground floor extension, to the western side of the premises, which will measure approximately 7.8 metres wide by 26.6 metres deep and which will be built largely on the existing yard. The front elevation is designed to match the existing building, with black timber boarding and black uPVC framed windows to be used. The western side elevation, which is hidden from street view, will be finished in a mix of black painted smooth render and grey Cedral composite cladding, with an aluminium sheet roof coloured to replicate slate. Black painted timber doors are to be installed in a wall opening to the west of the extension, providing security to the remaining rear courtyard.

The existing fire escape will be removed and a new construction put in place. It will be more recessed from the street than the present construction and, beyond a small mono-pitch section facing Tobago Street, will be finished with a flat roof. The walls of the fire escape will be finished in a scratch coat render coloured to match the associated building's stonework with the roof finished with aluminium sheeting. The fire escape will exit into the remaining courtyard.

The proposed extension will allow the creation of a dedicated bar within the premises.

DEVELOPMENT PLAN POLICIES

Policy TCR1- Network of Designated Centres

The following hierarchy of centres are designated as locations where a range of town centre uses will be appropriate in order to support the role and function of the particular centre, as well as their vitality and viability:

Strategic Town Centre:

- (a) Greenock, subdivided into a 'Central Area' and 'Outer Area'

Town Centres:

- (a) Port Glasgow
- (b) Gourock

Local Centres:

- (a) The Cross, Kilmacolm
- (b) Dubbs Road, Port Glasgow
- (c) Sinclair Street, Greenock
- (d) Lynedoch Street, Greenock
- (e) Barrs Cottage (Inverkip Road and Dunlop Street), Greenock
- (f) Cumberland Walk, Greenock (proposed redevelopment)
- (g) Cardwell Road, Gourock
- (h) Kip Park, Inverkip
- (i) Ardgowan Road, Wemyss Bay

Policy TCR2 - Sequential Approach to Site Selection for Town Centre Uses

Proposals for development of town centre uses as set out in Policy TCR3 will be subject to the sequential approach as set out below:

- (a) Greenock Central Area;
- (b) Port Glasgow and Gourock Town Centres;
- (c) Greenock Outer Area (subject to Policy TCR5);
- (d) sites on the edge of Greenock, Port Glasgow and Gourock Town Centres; and only then,
- (e) out-of-centre sites that are or can be made accessible by a choice of public and private transport modes.

The principles underlying the sequential approach also apply to proposals to expand or change the use of existing developments, where the proposals are of a scale or form sufficient to change a centre's role and function.

Policy TCR3 -Town Centre Uses

The following town centre uses will be directed to the Central Area of Greenock Town Centre, Port Glasgow and Gourock Town Centres and the Local Centres, subject to Policy TCR7:

- (a) Use Class 1 (Shops);
- (b) Use Class 2 (Financial, Professional and other Services);
- (c) Use Class 3 (Food and Drink);
- (d) Use Class 11 (Assembly and Leisure); and

(e) related uses such as public houses, hot food take-aways, theatres, amusement arcades and offices for taxis for public hire.

Policy TCR5 - Outer Area of Greenock Town Centre

Proposals for development in the five divisions of the Outer Area of Greenock Town Centre, as defined on the Proposals Map and below, should have regard to their respective roles, functions, character and amenity. The following uses will be encouraged and supported, subject to there being no adverse impact upon the amenity of the area:

A - WEST END (Civic, Office and Residential)

- Use Class 2 (Financial, professional and other services)
- Use Class 4 (Business)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)

B - CLARENCE STREET AREA (Mixed Use)

- Use Class 3 (Food and drink)
- Use Class 4 (Business)
- Use Class 11 (Assembly and leisure)

C - WATERFRONT (Education and Leisure)

- Use Class 3 (Food and drink)
- Use Class 4 (Business)
- Use Class 7 (Hotels and hostels)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)
- Use Class 11 (Assembly and leisure)

D - KING STREET AREA (Business and Residential)

- Use Class 2 (Financial, professional and other services)
- Use Class 4 (Business)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)

E - ROXBURGH STREET AREA (Business and Community)

- Use Class 2 (Financial, professional and other services)
- Use Class 3 (Food and drink)
- Use Class 4 (Business)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)

Policy TCR7 - Assessing Development Proposals for Town Centre Uses

To assist the protection, enhancement and development of the designated Centres, all proposals for the development of town centre uses identified in Policy TCR3, or for any other commercial uses within a designated centre, will require to satisfy the following criteria:

- (a) the size of the development is appropriate to the centre for which it is proposed;
- (b) it is of a high standard of design;
- (c) it has an acceptable impact on traffic management and must not adversely impact on road safety and adjacent and/or nearby land uses;

- (d) it does not have a detrimental effect on amenity or the effective operation of existing businesses;
- (e) it is consistent with any Town Centre Strategy or other relevant initiative; and
- (f) has regard to Supplementary Guidance on Planning Application Advice.

Proposals for town centre uses outwith the designated Centres, unless they are small scale development to meet local needs that are subject to Policy TCR10, must also demonstrate:

- (g) that no appropriate sequentially preferable site exists;
- (h) that there is capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area;
- (i) that there will be no detrimental impact, including cumulatively, on the viability and vitality of the designated Centres (Policy TCR1); and
- (j) in the case of temporary street markets, the operation will be for a maximum of 13 days in any 12 month period.

Proposals for retail and leisure development over 2,500 square metres outwith the designated town centres and that are not in accordance with the Development Plan should be accompanied by a retail impact analysis, as should any town centre proposal that the Council considers likely to have a potentially detrimental impact on the vitality and viability of the designated Centres. At the Council's discretion, applications for small-scale development of town centre uses outwith the designated Centres may be exempted from the requirement to be justified against criteria (g) - (i).

CONSULTATIONS

Head of Environmental and Commercial Services - As this is a town centre location it is acceptable that no additional parking provision has been made. The existing parking and loading facilities are to be removed and the applicant has not provided details of how they will service the premises. On-street servicing is not acceptable without a Traffic Regulation Order (TRO) and there is no guarantee that a TRO would be granted. Clarification is also required on bin storage facilities and that, for the avoidance of doubt these shall not impinge on the road or footway. The existing junction into the car park and service area shall be converted to form a continuous footway. This will require a Section 56 Agreement.

Head of Safer and Inclusive Communities – No objection, subject to conditions in respect of waste container provision and external lighting, and advisory notes in respect of the Construction (Design & Management) Regulations 2015, surface water drainage, compliance with food safety and health and safety at work legislation, and ventilation arrangements.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

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

PUBLIC PARTICIPATION

One representation was received. Concern is expressed over increased noise levels and loss of view.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan, the consultation replies, the representation and the impact of the proposal on amenity.

The application site straddles two designations in the Local Development Plan. The bulk of the site is included within Greenock Town Centre, designated under Policy TCR1, whereas the site of the proposed extension is actually within a mainly residential area under Policy RES1. As it is a proposal for an extension to existing premises within the Town Centre however, I consider that assessment should focus largely on Town Centre policies. I don't regard the sequential approach to site selection for town centre uses under Policy TCR2 to apply in this instance, as the proposal is an extension to an existing town centre use that is not of a scale or form that would change the centre's role or function. The proposal complies with the range of supportable uses identified in Policy TCR3.

Under Policy TCR5 it is located within the King Street Outer Town Centre Area. Although the nature of the use is not specifically supported by this policy I nevertheless am satisfied that this is an extension to an established use. Policy TCR7 sets criteria that town centre proposals have to satisfy, the most relevant of which in this instance are (a) the size of the development is appropriate to the centre for which it is proposed; (b) it is of a high standard of design; (c) it has an acceptable impact on traffic management and must not adversely impact on road safety and adjacent and/or nearby land uses; and (d) it does not have a detrimental effect on amenity or the effective operation of existing businesses.

I consider that the extension is appropriately scaled for the centre in which it is located (criterion (a)) and the design is of a high standard appropriate to the associated building (criterion (b)). Based on the consultation reply from the Head of Environmental and Commercial Services I consider that the impact of the proposed extension on car parking and servicing arrangements, and the consequent impact on road safety and existing on-street parking arrangements is a matter of concern. As matters stand the yard within the application site is currently used as a private car park and has space to facilitate servicing and deliveries to the premises. The additional burden on-street parking in a heavily parked area and the loss of the facility to service the premises from off-street would be detrimental to traffic safety. The applicant has responded that servicing presently takes place on-street; this arrangement is unauthorised. Whilst any unauthorised servicing arrangements are a matter for the Head of Environmental and Commercial Services to pursue under the relevant legislation, it is important that consideration of the merits of a planning application takes into account the potential for creating a traffic safety issue in the future. On this basis and noting the concerns of the Head of Environmental and Commercial Services, I conclude that the proposed extension could create a traffic safety issue due to the loss of both of car parking spaces and off-street servicing facilities (criterion (c)) (this also addresses criterion (c) of Policy RES6). As the yard and the neighbouring Social Club is within the applicant's control I am satisfied that the proposal will not adversely impact on amenity or the effective operation of other businesses (criterion (d)). I therefore conclude that the proposal does not satisfy all the requirements of Policy TCR7.

With respect to the other material considerations, and in particular the consultation replies not yet addressed, the Head of Safer and Inclusive Communities' concerns regarding bin store provision and external lighting are matters covered by separate legislation and may be more properly address through advisory notes. The remaining matters may be the subject of conditions or advisory notes on a grant of planning permission.

I note the objector's remaining concern over the loss of a view but such a consideration is not material to the determination of the application as there is no established right to a view over another's property.

I therefore conclude that the determining issue in this instance is the loss of off-street servicing facilities and car parking to the side of the building, which would occur as a result of the proposed extension, and the potential resultant impact on traffic safety.

RECOMMENDATION

That the application be refused on the following grounds:

1. That the loss of most of the yard to the side of the building would potentially lead to additional car parking and unauthorised servicing occurring on adjacent streets to the detriment of traffic safety and that the proposal cannot therefore be justified in terms of criteria (c) of Policies TCR7 and RES6.

Signed:



Case Officer: David Ashman



Stuart Jamieson
Head of Regeneration and Planning

**8. EMAIL DATED 28 MARCH 2018 FROM REBECCHI
ARCHITECTURAL SERVICES IN RELATION TO
NEW MATTERS**

Rona McGhee

From: Marco Rebecchi <marco@rebecchiarchitectural.co.uk>
Sent: 28 March 2018 11:53
To: Rona McGhee
Subject: RE: (Official) Review of Decision to Refuse Planning Permission - Proposed Extension to Restaurant and Bar Bistro, 1-3 Tobago Street, Greenock (17/0349/IC)

Rona,

The application was refused without notice. We had no opportunity to submit this argument to the planning officer as we were not given the opportunity to do so.

Regards

Marco Rebecchi
Director
ACIAT AaPS



Why not visit our website www.rebecchiarchitectural.co.uk

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If you have received this email in error, I request that you inform me by return e-mail and then delete it immediately.

From: Rona McGhee [mailto:Rona.McGhee@inverclyde.gov.uk]
Sent: 28 March 2018 10:52
To: Marco Rebecchi <marco@rebecchiarchitectural.co.uk>
Subject: FW: (Official) Review of Decision to Refuse Planning Permission - Proposed Extension to Restaurant and Bar Bistro, 1-3 Tobago Street, Greenock (17/0349/IC)

Dear Mr Rebecchi

I acknowledge receipt of your letter of 20 March 2018 enclosing copy drawings and copies of the Report of Handling and Decision Notice relative to the above.

I note that, as referred to in my email below, I am awaiting information from you regarding the new matters within the appeal document submitted by you.

I look forward to hearing from you.

Regards,
Rona

Rona McGhee
Senior Committee Officer
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From: Rona McGhee
Sent: 15 March 2018 10:51
To: 'Marco Rebecchi'
Subject: (Official) Review of Decision to Refuse Planning Permission - Proposed Extension to Restaurant and Bar Bistro, 1-3 Tobago Street, Greenock (17/0349/IC)

Classification: Official

Dear Mr Rebecchi

I refer to the Notice of Review that you served on Inverclyde Council's Local Review Body on 5 March 2018.

I acknowledge receipt of the Notice and supporting documentation.

As you may be aware, Section 43B of the Town & Country Planning (Scotland) Act 1997 restricts the introduction of matter which was not before the planning officer at the time of the determination now under review (or at the time of the expiry of the period of determination). New matter will only be permitted where the applicant can demonstrate that the matter could not have been introduced earlier in the process, or that the matter arises as a consequence of exceptional circumstances. Having reviewed the documents submitted with the Notice of Review, I would advise that new matters have been identified within the appeal document submitted by you. For your ease of reference, the new matters which have been identified are highlighted on the attached copy of the appeal document. In the circumstances, I should be obliged if you would either (i) demonstrate that these matters could not have been introduced earlier in the process, or (ii) that they arise as a consequence of exceptional circumstances. In this regard, I should be pleased to hear from you within 14 days of the date of this email.

I note that your letter of 5 March, and the list of documents and evidence on page 4 of the Notice of Review form submitted by you, refer to the planning refusal and the report of handling. Neither document was included with

your letter and I should, therefore, be obliged if you would arrange to forward me copies. In this regard, I would advise that copies of reports of handling and decision notices are, as a matter of course, included as items within Local Review Body agendas.

In addition, should you wish Members of the Local Review Body to have A3 colour copies of drawing numbers 17-113-PL01, 002 Rev A and 003 Rev A available to them during their consideration of the matter, I should be obliged, in terms of regulation 19(1) of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, if you provide me with 11 copies the drawings, being 7 copies for the Elected Members on the Local Review Body, one for the Legal Adviser, one for the Planning Adviser, one for the Clerk and one for the file. If you wish me to use the drawings which you emailed to me on 5 March, please let me know. I would ask you to note that, should this be the case, these will be included in the agenda papers, the hard copies being printed in black and white on A4 paper with the colour version being available via the Council's website.

The Local Review Body is required to notify all those who submitted comment on the planning application, giving 14 days to make any further representation. Should any representations be received I shall write to you providing copy of any correspondence and allow you the opportunity to make comment.

I look forward to hearing from you.

Regards,
Rona

Rona McGhee
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**9. SUGGESTED CONDITIONS SHOULD PLANNING
PERMISSION BE GRANTED ON REVIEW**

**PROPOSED EXTENSION TO RESTAURANT AND BAR BISTRO, 1-3 TOBAGO STREET,
GREENOCK (17/0349/IC)**

Suggested conditions should planning permission be granted on review

Conditions:

1. That samples of all facing materials shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is approved in writing by the Planning Authority.
2. That prior to the commencement of construction, details of bin stores and refuse arrangements shall be submitted to and approved in writing by the Planning Authority. The approved arrangements shall be put in place prior to the extension hereby permitted being brought into use.

Reasons:

1. In the interests of visual amenity.
2. To ensure the extension hereby permitted does not adversely impact on cleansing arrangements.