

Inverclyde Local Review Body

Our Ref: 19/0234/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 76 Belville Street, Greenock.
 - Application for Review by Whitelaw Planning and Energy on behalf of Rana Ahmad against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 19/0234/IC
 - Application Drawings: Elevation and Location Plan (Drawing number Drg P2 Rev B)
Existing and Proposed Plans (Drawing number Drg P1 Rev A)
 - Date of Decision Notice: 05/05/2021
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the condition(s) listed below. Attention is also drawn to the Advisory Notice at the end of this Review Decision Notice.

1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 5 May 2021. The Review Body was constituted by Councillors Clocherty, Crowther, Dorrian, McVey, Nelson, Rebecchi and Wilson.

2. Proposal

- 2.1 The application proposal is for alterations and the change of use of an existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property. The application was refused consent in terms of a decision letter dated 4 November 2020.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application and the drawings specified above.
 - (ii) The Appointed Officer's Report of Handling dated 10 July 2020.
 - (iii) Local Development Plan 2019 Policy extracts.
 - (iv) Local Development Plan Proposals Maps 2019 Extract.
 - (v) Planning Policy Statement on Our Homes and Communities – October 2019.

- (vi) Planning Policy Statement on Our Homes and Communities Maps – October 2019 Extract.
- (vii) Consultation responses in relation to planning application.
- (viii) Representations in relation to planning application.
- (ix) Decision Notice dated 4 November 2020.
- (x) Notice of Review dated 16 December 2020.
- (xi) Draft Condition(s) should the ILRB be minded to grant planning permission.
- (xii) The Inverclyde Local Development Plan – Proposed Plan.

3.2 Having regard to the material produced the ILRB resolved that the Review Application could be determined without any further procedure allowed in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

4. **Reasons**

- 4.1 The determining issues in this review are (a) the economic impact of the proposal and (b) local regeneration.
- 4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, following a vote, determined that the review application should be upheld.
- 4.3 It was also agreed by the ILRB that the conditions listed at paragraph 5 below be attached to the planning permission for the reasons specified.

5 **Conditions**

- 1. The development shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours has been submitted to and approved in writing by the Planning Authority. Such specification shall include precise details on the location of equipment used for the cooking and heating of food, canopies, grease filters, rates of air movement over the canopy, make-up air, air disposal points etc.
- 2. The system for discharging cooking odours approved under condition 1 shall be fully implemented to the satisfaction of the Planning Authority prior to the commencement of the use hereby approved. It shall then remain in full and effective working order at all times thereafter during the lifetime of the use, to the satisfaction of the Planning Authority.
- 3. Noise from the extract ventilation fans and ducting must be within Noise Rating Curve 25 between the hours of 23:00 and 07:00 and Noise Rating Curve 35 between the hours of 07:00 and 23:00 at all times to the satisfaction of the Planning Authority when measured within the nearest noise sensitive property.
- 4. The hot food takeaway hereby permitted shall not operate between the hours of 23:00 and 07:00 on any day. For the avoidance of doubt, this is inclusive of deliveries and collections to and from the site.

Reasons

- 1. To protect the amenity of the immediate area and prevent the creation of odour nuisance.
- 2. To ensure the provision and retention of the system for discharging cooking odours.
- 3. To protect the amenity of occupiers of premises from unreasonable noise and vibration levels.

4. To protect the amenity of occupiers of neighbouring residential premises from unreasonable late night and early morning noise levels.

Signed _____

Interim Head of Legal Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013

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

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.