

LOCAL REVIEW BODY

2 JUNE 2021

PLANNING APPLICATION FOR REVIEW

MR TONY BONATTI

PROPOSED VARIATION TO PLANNING CONDITION ATTACHED TO PLANNING
CONSENT 20/0165/IC (PROPOSED CHANGE OF USE FROM RETAIL UNIT TO
HOT FOOD TAKE-AWAY AND INSTALLATION OF FLUE)
6 GREY PLACE, GREENOCK (20/0318/IC)

Contents

1. Planning Application dated 17 December 2020 together with supporting statement and plans
2. Appointed Officer's Report of Handling dated 19 February 2021
3. Inverclyde Local Development Plan 2019 Policy Extracts

To view the Inverclyde Local Development Plan see:

<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning/ldp>

4. Inverclyde Local Development Plan 2019 Maps Extract
5. Consultation response in relation to Planning Application.
6. Decision Notice dated 23 February 2021 issued by Head of Regeneration and Planning
7. Notice of Review Form dated 5 March 2021 with supporting statement from Rebecchi Architectural
8. Suggested conditions and advisory notes should planning permission be granted on review

Note: Inverclyde Proposed Local Development Plan 2021 has been attached to the rear of the agenda papers as supplementary content.

**1. PLANNING APPLICATION DATED 17 DECEMBER
2020 TOGETHER WITH SUPPORTING STATEMENT
AND 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 100289422-006

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.

Please provide the application reference no. given to you by your planning authority for your previous application and the date that this was granted.

Application Reference No: *

20/0165/IC

Date (dd/mm/yyyy): *

16/10/2020

Description of Proposal

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

Proposed Variation to Planning Condition attached to Planning Consent No. 20/0165/IC (Proposed Change of Use from Retail Unit to Hot Food Take-Away and Installation of Flue)

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:	<input type="text" value="Rebecchi Architectural"/>	
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *
First Name: *	<input type="text" value="Marco"/>	Building Name: <input type="text"/>
Last Name: *	<input type="text" value="Rebecchi"/>	Building Number: <input type="text" value="55"/>
Telephone Number: *	<input type="text" value="01475 634844"/>	Address 1 (Street): * <input type="text" value="Kempock Street"/>
Extension Number:	<input type="text"/>	Address 2: <input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: * <input type="text" value="Gourock"/>
Fax Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
		Postcode: * <input type="text" value="PA19 1NF"/>
Email Address: *	<input type="text" value="marco@rebecchia.com"/>	

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Tony Bonatti"/>	Building Number: <input type="text" value="24-25"/>
Last Name: *	<input type="text"/>	Address 1 (Street): * <input type="text" value="Grey Place"/>
Company/Organisation	<input type="text" value="Tonino's Pizzeria"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Greenock"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value=""/>	Postcode: * <input type="text" value="PA15 1YF"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

Site Address Details

Planning Authority:

Inverclyde Council

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

Address 1:

CARPET SHOP

Address 2:

6 GREY PLACE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GREENOCK

Post Code:

PA15 1YF

Please identify/describe the location of the site or sites

Northing

676723

Easting

227548

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Email correspondence between myself and case officer regarding variation to the conditions.

Title:

Miss

Other title:

Planning Officer

First Name:

Alexandra

Last Name:

Linn

Correspondence Reference Number:

Date (dd/mm/yyyy):

07/12/2020

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

88.00

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)

Hot Food Take-Away

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?

0

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)? *

0

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?? * (e.g. SUDS arrangements) *

Yes No

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.

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

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

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Ian Millar

Address:

37, The Esplanade, Greenock, United Kingdom, PA16 7RY

Date of Service of Notice: *

17/12/2020

Name:

Mr Stephen McCaig

Address:

12, Brooklyn Place, Dunoon, United Kingdom, PA23 8DJ

Date of Service of Notice: *

17/12/2020

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Marco Rebecchi

On behalf of: Tonino's Pizzeria

Date: 17/12/2020

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 principle 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. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

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

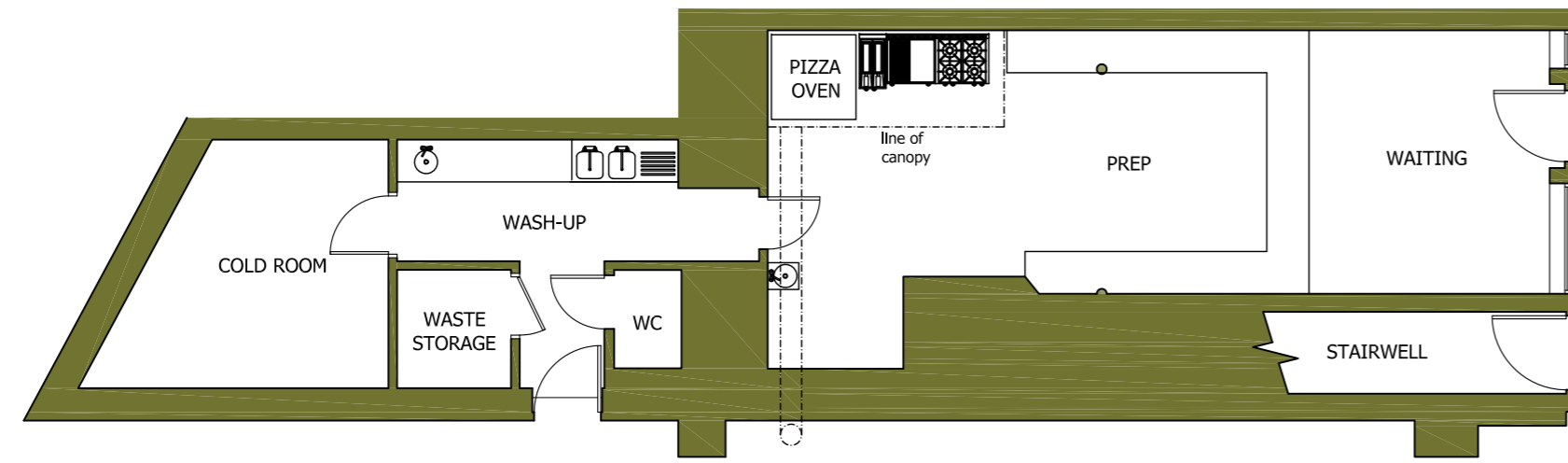
Declare – For Application to Planning Authority

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.

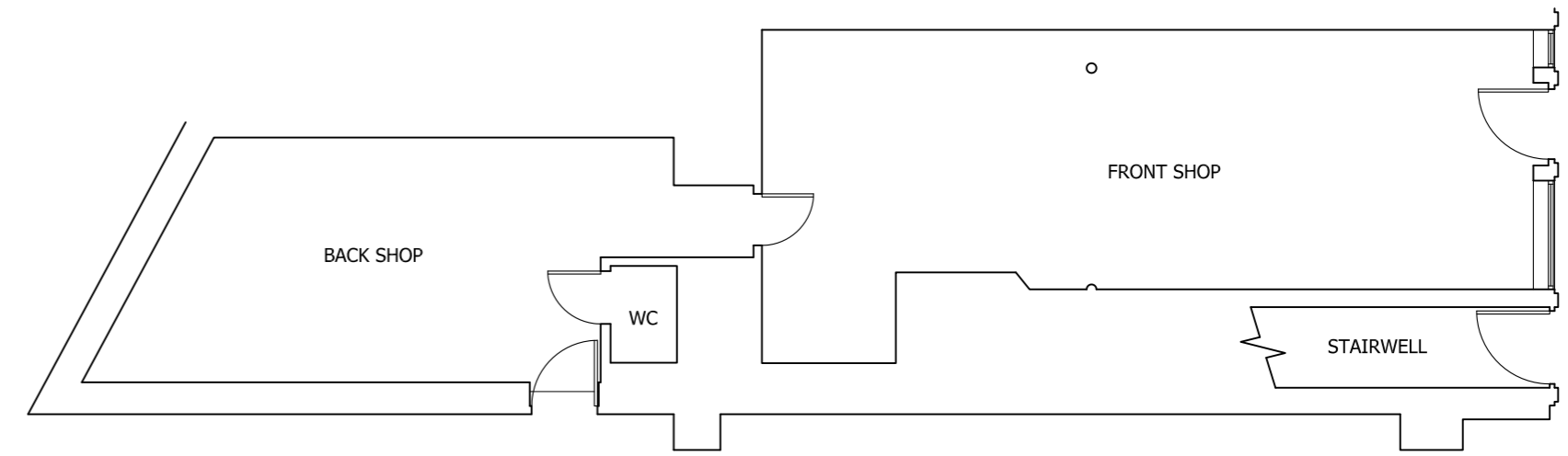
Declaration Name: Mr Marco Rebecchi

Declaration Date: 17/12/2020

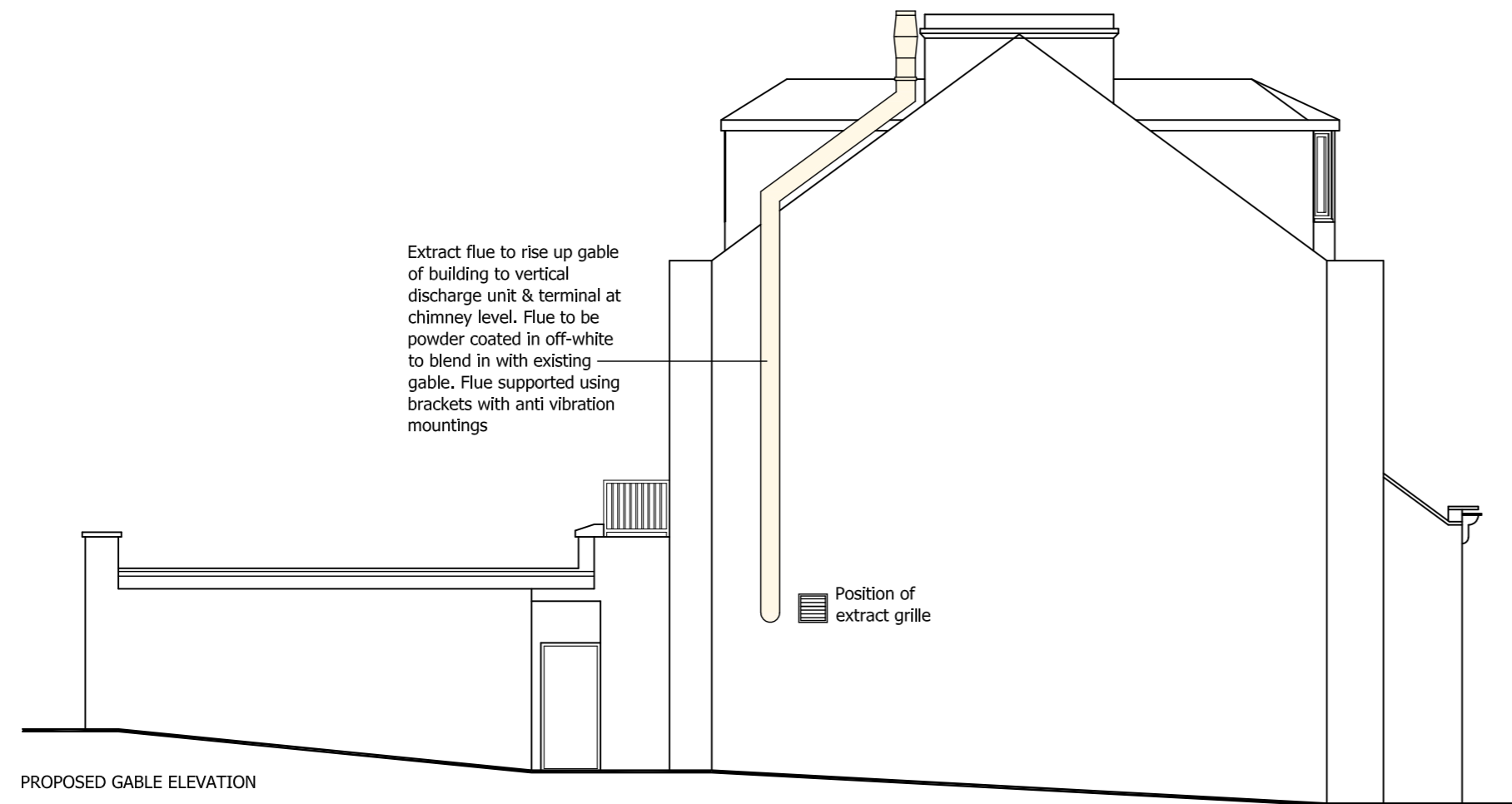
Revision
 Rev A Layout of prep area amended. Waste Storage area added - 16-12-20



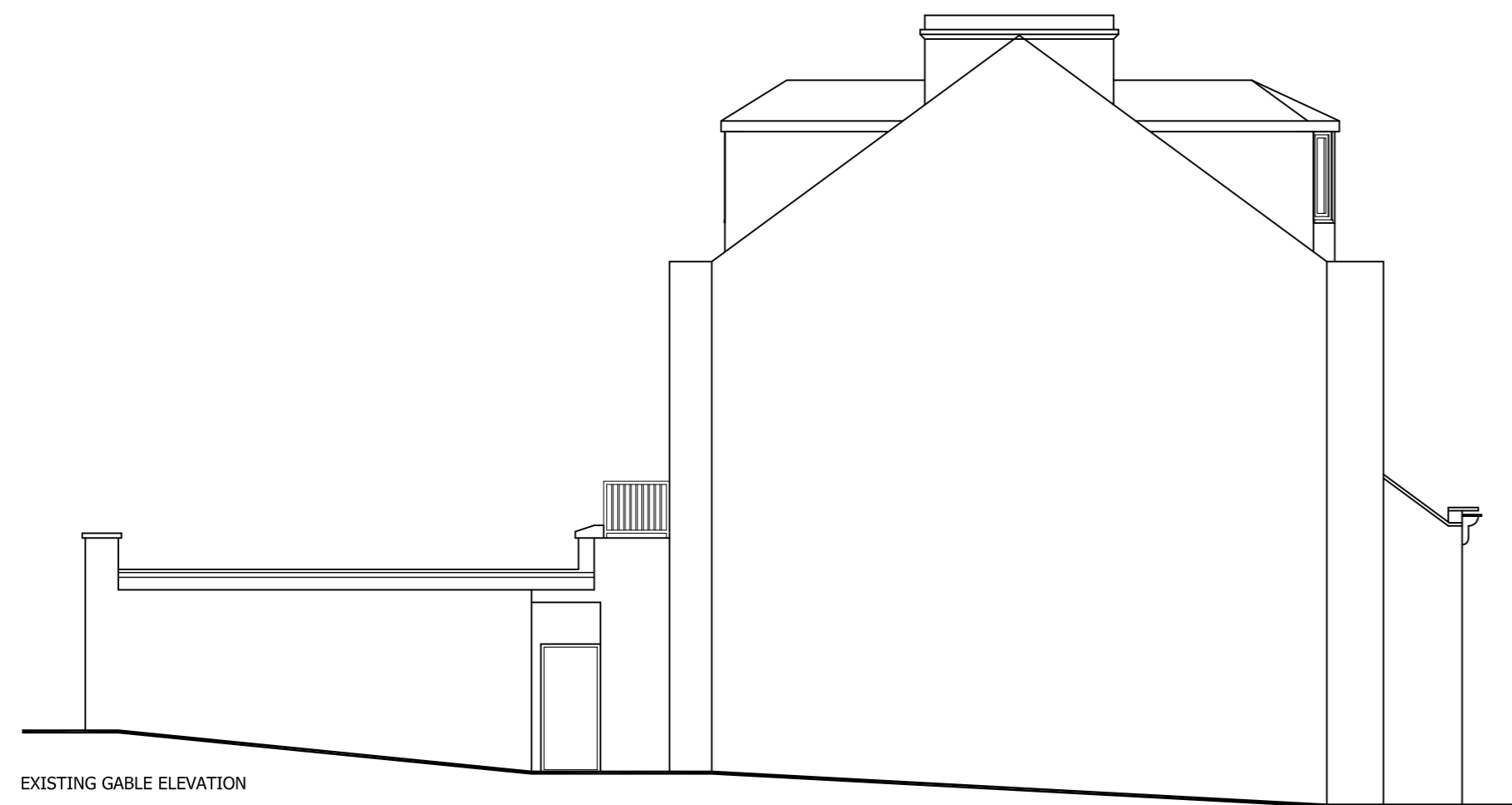
PROPOSED FLOOR PLAN



EXISTING FLOOR PLAN



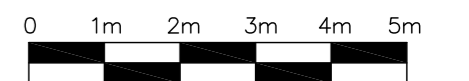
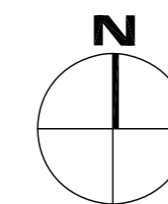
PROPOSED GABLE ELEVATION



EXISTING GABLE ELEVATION



OS REPRODUCED UNDER LICENSE NUMBER -
 S0005417850



Notes
 Hours of Operation
 4pm-10pm - 7 days per week



Rebecchi
 ARCHITECTURAL
 55 Kempock Street
 Gourack
 PA19 1NF
 t - 01475 634844
 e - marco@rebecchia.com
 w - rebecchia.com

Client

Tonino's Pizzeria

Project Title

Change of Use to Form Hot Food Take-Away at
 5 Grey Place
 Greenock

Drawing Title

Existing and Proposed Plans and Elevations

Scale	Size	Date
1:100	A2	30-07-20

Job No.	Drawing No.	Revision
20-082	PL-001	-

20-082 – Tonino’s Pizzeria**6 Grey Place, Greenock, PA15 1YF**

Planning consent for change of use was granted under application no. 20/0165/IC.

It is proposed to install a preparation and serving area, with kitchen equipment including a pizza oven and fryers. An extract canopy is proposed over the pizza oven and fryers with overhead ducting to an extract terminal and flue which will be attached to the gable of the building with anti-vibration mountings. The flue will run approx. 7m up the side of the gable, 2.7m along the edge of the roof and will be 1.5m high behind the existing chimney head. The internal extraction will incorporate grease and carbon filters with all parts accessible for cleaning and maintenance.

Despite the indication of a flue, my client is confident that the ventilation system can be designed with high performance ventilation system including high efficiency hood filters, controlled ozone odour reduction and high velocity outlets, in the form of an external wall grille. Given the type of cooking and volume of throughput it is considered that there will be no smell nuisance created as a result of the current proposals and that the proposed ventilation and odour arrangements could alleviate these concerns.

On the basis of the above, we seek to remove condition 2 of Planning Consent 20/0165/IC which states “the system for discharging cooking odours approved 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.

We wish the following conditions be attached to amended planning consent: -

1. The flue as detailed on the approved plans shall be installed or alternative odour extraction arrangements shall be submitted to and approved in writing with the Planning Authority. The extraction arrangement agreed in writing by the Planning Authority shall be installed and operational prior to the commencement of the use.
2. The development shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours has been submitted to and approved by the Planning Authority. Such specification shall include precise details on the location of the equipment used, the volume and type of cooking and heating of food, canopies, grease filters, rates of air movement over the canopies, make-up air, air disposal points etc.

3. In the event of any changes to either the volume or type of cooking and heating of food from that required by the Planning Authority in condition 2, or if the alternative odour extraction arrangements approved under condition 1 result in an odour nuisance being brought to the attention of the Planning Authority, the flue as detailed on the approved plans shall be installed and operational prior to the changes taking place.
4. The system for discharging cooking odours approved under conditions 1 and 2 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.

2. APPOINTED OFFICER'S REPORT OF HANDLING DATED 19 FEBURARY 2021

REPORT OF HANDLING

Report By: Alexandra Linn

Report No: 20/0318/IC

**Local Application
Development**

**Contact
Officer:** 01475 712422

Date: 19th February 2021

Subject: Proposed Variation to Planning Condition attached to Planning Consent
No. 20/0165/IC (Proposed Change of Use from Retail Unit to Hot Food
Take-Away and Installation of Flue) at
Carpet Shop, 6 Grey Place, Greenock

SITE DESCRIPTION

The application site comprises of a unit on the ground floor within a two and a half storey building, located on the south-western side of Grey Place within Greenock Town Centre. There are a variety of buildings and uses within the area, mainly two and three storey commercial properties, although there are also flatted residential properties at upper levels to the rear of the application site.

PROPOSAL

Planning permission is sought to amend consent 20/0165/IC with a revised extraction system. The revised extraction system will give the applicant the option to install either a high level extract flue approved under consent 20/0165/IC or grille through an amendment to the conditions. The proposed grille will be 0.5m by 0.5m and positioned on the side (south-eastern) elevation.

The applicant has submitted a supporting statement explaining the nature of the cooking process (primarily a pizza oven and fryers. Although a flue is shown on the submitted drawings the applicant is confident that given the type of cooking and volume of throughput no odour nuisance will be created. As such, the removal of condition 2 on planning permission 20/0165/IC is sought with two substitute conditions giving an option on which means of ventilation to install to the agreement of the Planning Authority and for details of all cooking arrangements to be provided.

DEVELOPMENT PLAN POLICIES

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 22 - Network of Centres Strategy

The preferred locations for the uses set out in Schedule 6 are within the network of town and local centres identified in Schedule 7. Proposals which accord with the role and function of the network of centres as set out in Schedule 7 and the opportunities identified in Schedule 8 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- a there is not a suitable sequentially preferable opportunity;
- b there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- c there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

Policy 24 – Network of Centres Sui Generis Uses

Proposals for the Sui Generis uses listed in Schedule 6 will be assessed with regard to:

- a) whether there would be an unacceptable impact on the amenity and operation of existing and surrounding uses;
- b) whether the proposal will result in a concentration of a particular use or uses that would be to the detriment of the centre's vibrancy, vitality or viability, and the wellbeing of the community;
- c) the contribution the proposal would make to the vibrancy, vitality and viability of the centre by way of increasing footfall or making use of a vacant unit; and
- d) the availability and suitability of other locations within the centre.

CONSULTATIONS

Head of Environmental and Public Protection (Environmental Health) – Comments that given the proximity, particularly of residential receptors but also commercial property including a funeral parlour with particularly sensitive receptors, the topography of the site as well as the proposed cooking equipment to include fryers as well as ovens the likelihood of statutory nuisance caused by cooking odours in the residential premises nearby is high. Consequently a ventilation system to include appropriate filtration and high level discharge will be required.

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

No representations have been received.

ASSESSMENT

The material considerations in determination of this application are Scottish Planning Policy (SPP), the Inverclyde Local Development Plan (LDP), the consultee reply, the impact of the proposed

development on the amenity of this part of Greenock Town Centre and the applicant's supporting statement.

As planning permission has already been granted for the use of the property as a hot food take away and for the installation of a high level flue it only remains to be considered if the alternative provision of a low level grille extract can be supported. In this regard it is appropriate to consider the relevant policies of the Local Development Plan.

LDP Policy 1 requires all development to have regard to the six qualities of successful places. The most relevant criteria in this instance is being "safe and pleasant" in avoiding conflict between adjacent uses by having regard to adverse impacts, particularly noise, smell and vibration in this instance. Policy 22 locates the site within Greenock Town Centre and sets out the preferred locations for town centre uses in Schedule 6 within the network of town and local centres identified in Schedule 7. Policy 24 specifically addresses proposals for sui generis uses and provides detailed assessment criteria. SPP recognises the importance of town centres and that they can be hubs for a range of activities.

As noted in assessment of the earlier application the use of the former shop unit is appropriate, in principle, for this town centre location. I am also satisfied that, visually, the proposed extract grille would have little impact. Policy 24, however, details the amenity considerations for sui generis uses. As the application relates to an alternative means of extract ventilation criterion a) is the most appropriate matter to be addressed, assessing whether the proposal would have an unacceptable impact on the amenity and operation of existing and surrounding land uses. In this connection, this would specifically be the impact of odour and emissions from the proposed grille. I am guided by the consultation reply from the Head of Environmental and Public Protection (Environmental Health). Key to his conclusions are the specific circumstances that apply at this site and in this regard I note that there is an objection to low level ventilation based on the potential adverse impact on the surrounding land uses, with residential properties above and a funeral parlour being identified as particularly sensitive receptors.

This leads me to conclude that the proposed grille would result in odours having an unacceptable impact on the amenity and operation of surrounding land uses and could not therefore be justified in terms of criterion a) of Policy 24. Furthermore, it follows that the proposal would not be "Safe and Pleasant" as it would result in conflicts with adjacent uses for the same reason.

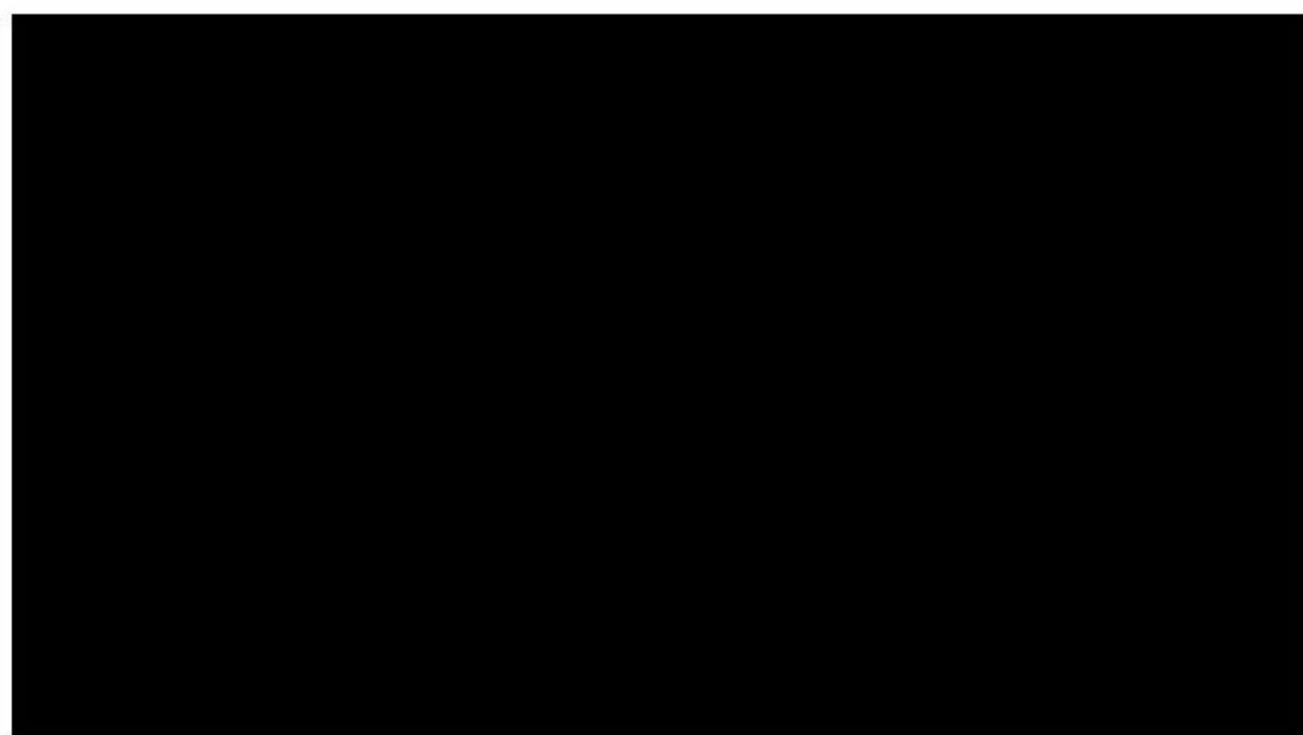
Every application has to be treated on merit and I am therefore unable to support the proposed alternative low level grille ventilation arrangement on this occasion and consider that planning permission should be refused.

RECOMMENDATION

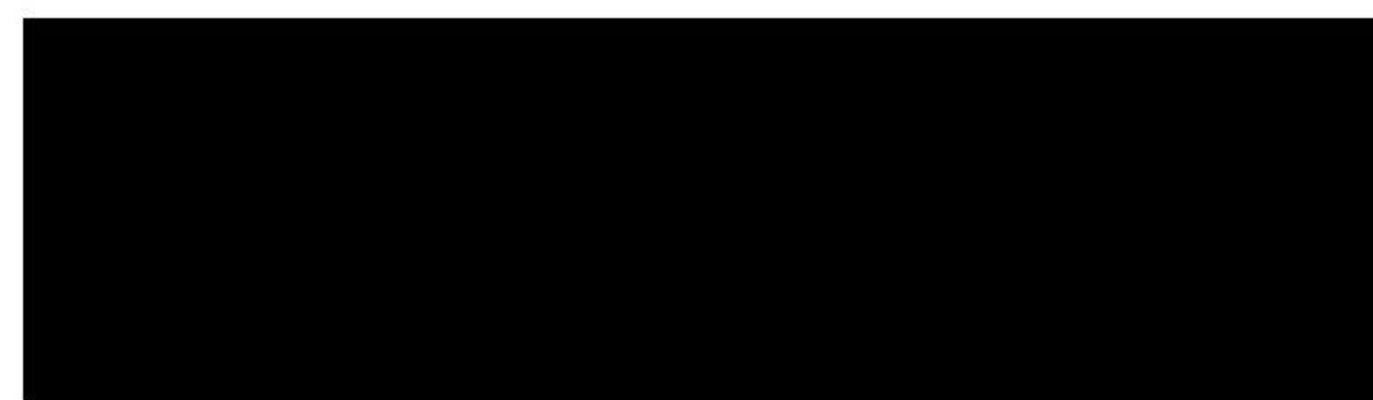
That planning permission be refused for the following reasons:

1. That due to the proximity of sensitive receptors and the likelihood of odour emissions from the proposed low level grille extract, the proposal would not be justified as "Safe and Pleasant" under Policy 1 of the Inverclyde Local Development Plan and would be likely to have an unacceptable impact on the amenity and operation of existing and surrounding land uses under criterion a) of Policy 24 of the Inverclyde Local Development Plan.

Signed:



Case Officer: Alexandra Linn



Stuart Jamieson
Head of Regeneration and Planning

3. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019 POLICY EXTRACTS

FIGURE 3: Factors Contributing to Successful Places



8.0 OUR TOWN AND LOCAL CENTRES

Introduction

8.1 Inverclyde is well served by a network of town and local centres offering a range of shops and services in easily accessible locations. These centres also serve important civic, cultural, commercial and leisure functions, and are important employment locations.

8.2 Greenock is the largest town centre drawing visitors from across the authority area and beyond. It is identified as a Strategic Centre in the Clydeplan Strategic Development Plan. It offers Inverclyde's largest concentration and selection of food and non-food shopping, and a wide range of non-retail services and businesses such as a cinema, the Waterfront Leisure Centre, the McLean Museum and Art Gallery, the Beacon Arts Centre, the Greenock West College Scotland campus and a number of restaurants, pubs and nightclubs that provide evening activity. It is also an important employment hub, with a number of large offices located there. In this and previous Plans, Greenock is recognised as having a Central Area, which is the main focus for shopping activity, and an Outer Area, which is more service orientated.

8.3 Port Glasgow town centre's role has changed in recent years from mainly convenience shopping for the town's residents to offering large format food and non-food shopping that draws shoppers from across Inverclyde.

8.4 Gourock serves as a convenient centre for the residents of the town and to travellers and commuters making use of the ferry connections to Argyll and Bute. Its waterfront location, traditional format and concentration of independent shops and cafes mean that it also attracts day visitors from across Inverclyde and beyond. It has benefitted from recent investment in its railway station, road network and parking facilities, and from environmental improvements along the waterfront and at the pierhead.

8.5 Local centres range from the traditional village centre of Kilmacolm, which has an attractive mix of independent traders, to the modern purpose-built local centre in Inverkip. All local centres have an important role in providing convenient services and a community focus.

Network of Centres Strategy

8.6 Together, our town and local centres form a network with each centre serving a specific purpose and community. The Plan seeks to manage development within and outwith these centres so that they continue to complement each other for the benefit of the whole area, whilst offering healthy competition for the benefit of customers. It does this by directing appropriate uses to the network of centres in preference to other locations and by controlling development that would have an unacceptable impact on centres within the network. This is consistent with the 'sequential approach' set out in paragraph 68 of Scottish Planning Policy. The Plan recognises and seeks to safeguard Greenock as the main town centre within Inverclyde. Residential development is encouraged within the network of centres as it contributes to footfall, activity and security.

POLICY 22 – NETWORK OF CENTRES STRATEGY

The preferred locations for the uses set out in Schedule 6 are within the network of town and local centres identified in Schedule 7. Proposals which accord with the role and function of the network of centres as set out in Schedule 7 and the opportunities identified in Schedule 8 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- a) there is not a suitable sequentially preferable opportunity;
- b) there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- c) there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

SCHEDULE 6 – Uses Directed to the Network of Centres

- Shops (Class 1)
- Financial, professional and other services (Class 2)
- Food and drink (Class 3)
- Non-residential institutions (Class 10)
- Assembly and leisure (Class 11)
- Amusement arcade/centre (Sui generis)
- Betting office (Sui generis)
- Beautician/Nail bar (Sui generis)
- Hot food takeaway (Sui generis)
- Pay day loan shop (Sui generis)
- Public house (Sui generis)
- Tattoo parlour (Sui generis)
- Taxi/private hire office (Sui generis)
- Theatre (Sui generis)
- Other uses most closely associated with, or most appropriately located within town or local centres.

(Descriptions in brackets as per Town and Country Planning (Use Classes)(Scotland) Order 1997 (as amended))



Grey Place, Greenock

SCHEDULE 7 – Network of Centres Strategy

Centre	Status	Role and function
<ul style="list-style-type: none"> • Greenock 	Strategic Centre	Greenock Central Area is the preferred location for new retail development over 1,000 square metres. New retail development in the Greenock Outer Area should not exceed 1,000 square metres. Greenock town centre is the preferred location for other Schedule 6 uses with an Inverclyde-wide catchment.
<ul style="list-style-type: none"> • Port Glasgow • Gourock 	Town Centre	Second preferred locations for new retail development over 1,000 square metres. Preferred location for other Schedule 6 uses with whole town catchments
<ul style="list-style-type: none"> • The Cross, Kilmacolm • Dubbs Road, Pt Glasgow • Sinclair Street, Greenock • Lynedoch Street, Greenock • Barrs Cottage, Greenock • Cumberland Walk, Greenock • Cardwell Road, Gourock • Kip Park, Inverkip • Ardgowan Road, Wemyss Bay • Inverkip Power Station* • Spango Valley, Greenock* 	Local Centre	New retail development should not exceed 1,000 square metres. Preferred location for other Schedule 6 uses serving a local catchment.
		* proposed local centre as part of comprehensive masterplan
<ul style="list-style-type: none"> • Local facilities 		Proposals for new Schedule 6 uses outwith the town and local centres shall not exceed 250 square metres in total.

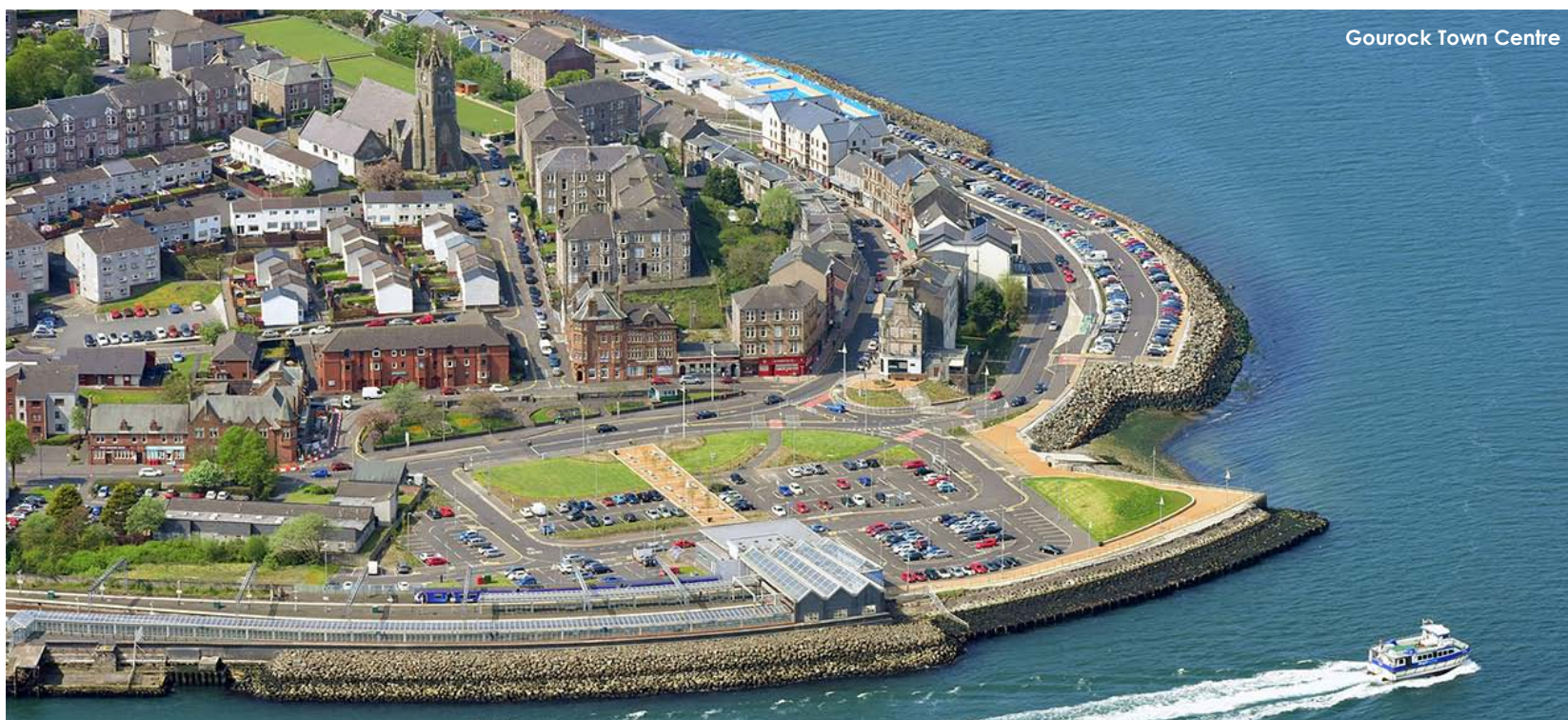
Network of Centres Sui Generis uses

8.8 Inverclyde's town and local centres are home to a wide variety of uses. Their central locations and high level of passing trade make them an obvious place for commercial businesses to locate. The Use Class Order (1997) divides different types of land and property uses into different classes, and sets out when planning permission is needed to allow changes of use between the different classes. Some of the Use Classes relate to uses that would normally be found in town and local centres, such as Shops and Food & Drink. Other uses are known as *sui generis* (meaning 'of its own kind') and do not sit within a particular Use Class. These are often uses which the planning system seeks to keep a tighter control on for reasons of amenity or well-being.

POLICY 24 – NETWORK OF CENTRES SUI GENERIS USES

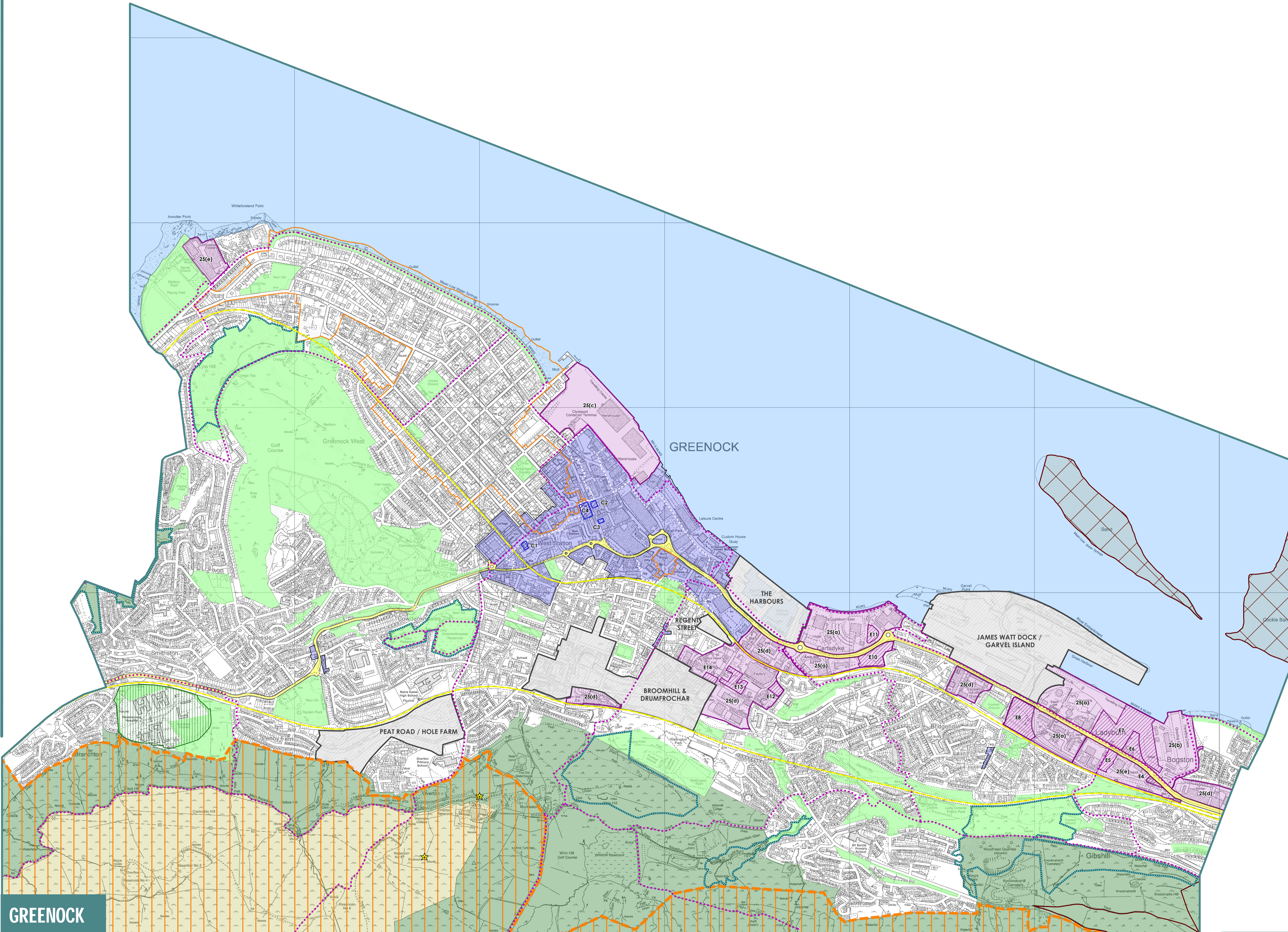
Proposals for the Sui Generis uses listed in Schedule 6 will be assessed with regard to:

- a) whether there would be an unacceptable impact on the amenity and operation of existing and surrounding uses;
- b) whether the proposal will result in a concentration of a particular use or uses that would be to the detriment of the centre's vibrancy, vitality or viability, and the wellbeing of the community;
- c) the contribution the proposal would make to the vibrancy, vitality and viability of the centre by way of increasing footfall or making use of a vacant unit; and
- d) the availability and suitability of other locations within the centre.



4. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019 MAPS EXTRACT

LOCAL DEVELOPMENT PLAN 2019



KEY

SUSTAINABLE DEVELOPMENT STRATEGY		
	Priority Place	POLICY 3
CONNECTING PEOPLE AND PLACES		
	Trunk Road	POLICY 11
	Railway	POLICY 11
SPATIAL DEVELOPMENT STRATEGY		
	Green Belt	POLICIES 14 & 19
	Countryside	POLICIES 14 & 19
OUR TOWN AND LOCAL CENTRES		
	Town Centre / Local Centre	POLICY 22
	Greenock Town Centre Central Area	POLICY 22
	Network of Centres Opportunity	POLICY 22
OUR JOBS AND BUSINESSES		
	Business & Industrial Area	POLICY 25
	Business & Industrial Development Opportunity	POLICY 26
OUR HISTORIC BUILDINGS AND PLACES		
	Conservation Area	POLICY 28
	Scheduled Monument	POLICY 31
OUR NATURAL AND OPEN SPACES		
	Special Protection Area / Ramsar Site	POLICY 33
	Site of Special Scientific Interest	POLICY 33
	Local Nature Conservation Site	POLICY 33
	Tree Preservation Order	POLICY 34
	Open Space	POLICY 35
	Clyde Muirshiel Regional Park	POLICY 37
	Core Path	POLICY 38
	River Clyde / Firth of Clyde	

Inverclyde council SCALE 1:10,000

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GREENOCK

5. CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION

Memorandum	
Public Protection Planning Application Consultation Response	
To: Planning Services - devcont.planning@inverclyde.gov.uk For the Attention of : Alexandra Linn	
From: Environment & Public Protection	Date sent to Planning: 9 th Feb 2021

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

Planning Application Reference:	20/0318/IC
Planning Application Address:	Carpet Shop 6 Grey Place Greenock PA15 1YF
Planning Application Proposal:	Proposed Variation to Planning Condition attached to Planning Consent No. 20/0165/IC (Proposed Change of Use from Retail Unit to Hot Food Take-Away and Installation of Flue)

<https://planning.inverclyde.gov.uk/Online/>

Team	Officer	Date
Food & Health	Michael Lapsley	
Air Quality	Sharon Lindsay	8.2.21
Contaminated Land	Roslyn McIntosh	1.01.21 – no comments
Public Health & Housing	Janet Stitt	19.1.21
Noise	Sharon Lindsay	8.2.21

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
<p>*The location of the proposed development (*with occupied property above / *in close proximity to occupied property) will require the provision of high level discharge for cooking odours.</p> <p>The development shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours has been submitted to and approved by the Planning Authority. Such specification shall include precise details on the location of equipment used for the cooking and heating of food, canopies, grease filters, rates of air movement over the canopy, make-up air, air disposal points etc.</p> <p>Reason: To protect the amenity of the immediate area and prevent the creation of odour nuisance.</p> <p>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.</p> <p>Reason: To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.</p> <p>2. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".</p> <p>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.</p>
Noise
<p>3. The external flue ducting attached to the property must be suitably insulated or isolated.</p> <p>Reason: To minimise the effects of vibration in neighbouring properties.</p>

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. **Design and Construction of Buildings – Gulls:** It is very strongly recommended that appropriate measures be taken in the design of all buildings and their construction, to inhibit the roosting and nesting of gulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the 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,
- iv. **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 Environmental and Public Protection (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.

**6. DECISION NOTICE DATED 23 FEBRUARY 2021 BY
HEAD OF REGENERATION AND PLANNING**

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

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

Planning Ref: 20/0318/IC

Online Ref:100289422-006

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

**Tonino's Pizzeria
Mr Tony Bonatti
24-25 Grey Place
Greenock
PA15 1YF**

**Rebecchi Architectural Services Ltd
Marco Rebecchi
55 Kempock Street
GOUROCK
PA19 1NF**

With reference to your application dated 17th December 2020 for planning permission under the above mentioned Act and Regulation for the following development:-

Proposed Variation to Planning Condition attached to Planning Consent No. 20/0165/IC (Proposed Change of Use from Retail Unit to Hot Food Take-Away and Installation of Flue) at

Carpet Shop, 6 Grey Place, 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 reasons for the Council's decision are:-

1. That due to the proximity of sensitive receptors and the likelihood of odour emissions from the proposed low level grille extract, the proposal would not be justified as "Safe and Pleasant" under Policy 1 of the Inverclyde Local Development Plan and would be likely to have an unacceptable impact on the amenity and operation of existing and surrounding land uses under criterion a) of Policy 24 of the Inverclyde Local Development Plan.

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

Dated this 23rd day of February 2021


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:
20-082-PL-001	Rev A	16.12.2020

**7. NOTICE OF REVIEW FORM DATED 5 MARCH 2021
WITH SUPPORTING STATEMENT FROM REBECCHI
ARCHITECTURAL**

Inverclyde council

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 100289422-008

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.

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		
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: *	United Kingdom
		Postcode: *	PA19 1NF
Email Address: *	marco@rebecchia.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Tony"/>	Building Number:	<input type="text" value="24-25"/>
Last Name: *	<input type="text" value="Bonatti"/>	Address 1 (Street): *	<input type="text" value="Grey Place"/>
Company/Organisation	<input type="text" value="Tonino's Pizzeria"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Greenock"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="PA15 1YF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="Inverclyde Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="CARPET SHOP"/>
Address 2:	<input type="text" value="6 GREY PLACE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GREENOCK"/>
Post Code:	<input type="text" value="PA15 1YF"/>

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Proposed Variation to Planning Condition attached to Planning Consent No. 20/0165/IC (Proposed Change of Use from Retail Unit to Hot Food Take-Away and Installation of Flue)

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The precedent has been set by granting planning permission for wall grille and no flue at Nico's Pizzeria, Cathcart Street, Greenock (Consent No. 19/0185/IC). The condition attached to planning consent no. 19/0185/IC gave the planners powers to request the flue be installed if the type of cooking and heating of food changed and also if complaints were received from Neighbours regarding odour nuisance. We were applying to have the same conditions applied to our consent.

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Drawing Supporting statement Appeal statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/0318/IC

What date was the application submitted to the planning authority? *

17/12/2020

What date was the decision issued by the planning authority? *

19/02/2021

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Marco Rebecchi

Declaration Date: 05/03/2021

20-082 – Tonino’s Pizzeria**6 Grey Place, Greenock, PA15 1YF**

Planning consent to vary the conditions applied to planning consent no. 20/0165/IC was refused on 19 February 2021.

It is proposed to install a preparation and serving area, with kitchen equipment including a pizza oven and fryers. An extract canopy is proposed over the pizza oven and fryers with overhead ducting to an extract terminal and flue which will be attached to the gable of the building with anti-vibration mountings. The flue will run approx. 7m up the side of the gable, 2.7m along the edge of the roof and will be 1.5m high behind the existing chimney head. The internal extraction will incorporate grease and carbon filters with all parts accessible for cleaning and maintenance.

Despite the indication of a flue, my client is confident that the ventilation system can be designed with high performance ventilation system including high efficiency hood filters, controlled ozone odour reduction and high velocity outlets, in the form of an external wall grille. Given the type of cooking and volume of throughput it is considered that there will be no smell nuisance created as a result of the current proposals and that the proposed ventilation and odour arrangements could alleviate these concerns.

On the basis of the above, we sought to remove condition 2 of Planning Consent 20/0165/IC which states “the system for discharging cooking odours approved 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.

We asked the following conditions be attached to amended planning consent: -

1. The flue as detailed on the approved plans shall be installed or alternative odour extraction arrangements shall be submitted to and approved in writing with the Planning Authority. The extraction arrangement agreed in writing by the Planning Authority shall be installed and operational prior to the commencement of the use.
2. The development shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours has been submitted to and approved by the Planning Authority. Such specification shall include precise details on the location of the equipment used, the volume and type of cooking and heating of food, canopies, grease filters, rates of air movement over the canopies, make-up air, air disposal points etc.

3. In the event of any changes to either the volume or type of cooking and heating of food from that required by the Planning Authority in condition 2, or if the alternative odour extraction arrangements approved under condition 1 result in an odour nuisance being brought to the attention of the Planning Authority, the flue as detailed on the approved plans shall be installed and operational prior to the changes taking place.
4. The system for discharging cooking odours approved under conditions 1 and 2 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.

Given that planning consent was granted with the same condition for Nico's Pizzeria, Cathcart Street, Greenock under planning consent no. 19/0185/IC a precedent has been established.

Our property is located at the end of a parade of commercial units with flats above, exactly the same as the property at Cathcart Street.

Environmental Health has highlighted the adjacent funeral parlour as a "sensitive receptor". Surely the funeral parlour is no more sensitive than the domestic properties located above the premises.

The condition gave the council powers to insist that the flue was installed if the type of cooking and heating of food or if the volume of cooking changed. If complaints were received about odour nuisance, then they could also have insisted that the flue be installed.

Therefore, there was nothing to lose by granted the variation to the conditions and to allow the applicant to demonstrate that an expensive and unsightly flue in this prominent location wasn't required.

**8. SUGGESTED CONDITIONS AND ADVISORY NOTES
SHOULD PLANNING PERMISSION BE GRANTED
ON REVIEW**

Proposed Variation to Planning Condition attached to Planning Consent No. 20/0165/IC (Proposed Change of Use from Retail Unit to Hot Food Take-Away and Installation of Flue) (20/0318/IC).

Carpet Shop, 6 Grey Place, Greenock, PA15 1YF.

Suggested conditions and advisory notes should planning permission be granted on review.

Conditions

1. That the flue shown in the approved drawings shall be erected and fully operational prior to the commencement of first cooking within the premises. (Reason: In the interests of amenity).
2. That the external flue ducting attached to the property must be suitably insulated or isolated. (Reason: To minimise the effects of vibration in neighbouring properties).
3. That details of bin store screening shall be submitted to and approved in writing by the Planning Authority and constructed or implemented, all prior to the commencement of the approved use. (Reason: In the interests of visual amenity)

Advisory Notes

- a. The development shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours has been submitted to and approved by the Planning Authority. Such specification shall include precise details on the location of equipment used for the cooking and heating of food, canopies, grease filters, rates of air movement over the canopy, make-up air, air disposal points etc.
- b. 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.
- c. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".
- d. The applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and its implications on client duties etc.
- e. Design and Construction of Buildings – Gulls: It is very strongly recommended that appropriate measures be taken in the design of all buildings and their construction, to inhibit the roosting and nesting of gulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the development.

- f. 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,
- g. 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 Environmental and Public Protection (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.