

Inverclyde Local Review Body

Our Ref: 20/0318/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Carpet Shop, 6 Grey Place, Greenock, PA15 1YF.
 - Application for Review by Rebecchi Architectural on behalf of Tony Bonatti against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 20/0318/IC
 - Application Drawings: Existing and Proposed Plans, Elevations and Location Plan (20-082-PL-001 Rev A)
 - Date of Decision Notice: 02/06/2021
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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 2 June 2021. The Review Body was constituted by Councillors Clocherty, Crowther, Dorrian, McKenzie, Nelson, Rebecchi and Wilson.

2. Proposal

- 2.1 The application proposal is for 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). The application was refused consent in terms of a decision letter dated 23 February 2021.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 17 December 2020 and the drawings specified above.
 - (ii) The Appointed Officer's Report of Handling dated 19 February 2021.
 - (iii) Local Development Plan 2019 Policy Extracts.
 - (iv) Local Development Plan 2019 Maps Extract.

- (v) Consultation responses in relation to planning application.
- (vi) Decision Notice dated 23 February 2021.
- (vii) Notice of Review dated 5 March 2021 with supporting statement from Rebecchi Architectural.
- (viii) Suggested conditions and advisory notes should planning permission be granted on review.
- (ix) The Inverclyde Proposed Local Development Plan 2021.

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 issue in this review is the economic impact of the proposal.

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 flue as detailed on the approved plans shall be installed or alternative odour extraction arrangements shall be submitted to and approved in writing by the Planning Authority. The extraction arrangement approved in writing by the Planning Authority shall be installed and operational prior to the commencement of the use, to ensure that the ventilation arrangements will not be to the detriment of neighbouring residential properties.
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., to protect the amenity of the immediate area and prevent the creation of odour nuisance.
3. In the event of any changes to either the volume or type of cooking and heating of food from that approved by the Planning Authority in condition 2, or if the alternative odour extraction arrangements approved under condition 1 result in an odour or noise nuisance being brought to the attention of the Planning Authority, the flue as detailed on the approved plans shall be installed and operational, to ensure that the ventilation arrangements will not be to the detriment of neighbouring residential properties
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, to ensure the provision and retention of the system for discharging cooking odours.
5. 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, in the interests of visual amenity.

Advisory Notes

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 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 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.
3. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".
4. The applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and its implications on client duties etc.
5. 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.
6. 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.
7. 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.

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.