

LOCAL REVIEW BODY – 5 MAY 2021

Local Review Body

Wednesday 5 May 2021 at 4pm

Present: Councillors Clocherty, Crowther, Dorrian, McVey (for McKenzie), Nelson, Rebecchi and Wilson.

Chair: Councillor Wilson presided.

In attendance: Planning and Building Standards Manager, Ms M Pickett, Mr A Hamilton and Mr A Williamson (Planning Advisers), Mr J Kerr (Legal Adviser), Ms L Carrick and Mr C MacDonald (Legal Services) and Service Manager Communications, Tourism and Health & Safety.

The meeting was held by video-conference.

The following paragraphs are submitted for information only, having been dealt with under the powers delegated to the Local Review Body.

Prior to the commencement of business Mr Williamson referred to the Local Development Plan 2019, the Proposed Local Development Plan and the policy context within which councillors would determine applications for review which were to come before the Local Review Body.

207 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 207

An apology for absence was intimated on behalf of Councillor McKenzie, with Councillor McVey substituting.

No declarations of interest were intimated.

208 PLANNING APPLICATIONS FOR REVIEW 208

(a) Alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property: 76 Belville Street, Greenock (19/0234/IC)

There were submitted papers relative to the application for review of the refusal of planning permission for alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property at 76 Belville Street, Greenock (19/0234/IC) to enable the Local Review Body to consider the matter afresh.

Mr Hamilton acted as Planning Adviser relative to this case.

Following discussions, Councillor McVey moved that (1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) that the application for review be dismissed (upholding the Appointed Officer's determination) for the following reasons:

1. It has not been demonstrated that any satisfactory means for the dispersal of cooking odours can be implemented, to the detriment of the amenity of residents residing in close proximity to the proposed hot food take away, contrary to Policies 1, 20 and criterion (a) of Policy 24 of the Inverclyde Local Development Plan.

LOCAL REVIEW BODY – 5 MAY 2021

2. That as the required off-road parking provision cannot be achieved the proposal could result in parking detrimental to traffic safety and the amenity of the area, contrary to Policy 11 of the Inverclyde Local Development Plan, could not be justified in terms of Policy 20 and criterion (a) of Policy 24 of the Inverclyde Local Development Plan, and would be contrary to the aims of Policy 1 of the Inverclyde Local Development Plan.

3. That the proposed development, by reason of evening and late night noise from extra traffic activity in particular within a predominantly residential environment and by reason of cumulative impact with existing noise would be unacceptable in terms of criteria (a) of Policy 24 of the Inverclyde Local Development Plan and could not be justified in terms of Policies 1 and 20 of the Inverclyde Local Development Plan.

As an amendment, Councillor Nelson moved that (1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) to sustain the application for review and grant planning permission subject to the following 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 7:00 on any day. For the avoidance of doubt, this is inclusive of deliveries and collections to and from the site.

Following a roll call vote, 3 members, Councillors Clocherty, McVey and Rebecchi voted in favour of the motion and 4 members, Councillors Crowther, Dorrian, Nelson and Wilson voted for the amendment which was declared carried.

Decided:

(1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and

(2) that the application for review be upheld and that planning permission be granted subject to the following conditions:-

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.

LOCAL REVIEW BODY – 5 MAY 2021

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.

(b) Installation of fence panels (in retrospect) and installation of new sliding electric gate: 3 Oakfield Terrace, Greenock (20/0132/IC)

There were submitted papers relative to the application for review for the refusal of planning permission for the installation of fence panels (in retrospect) and installation of new sliding electric gate at 3 Oakfield Terrace, Greenock (20/0132/IC) to enable the Local Review Body to consider the matter afresh.

Ms Pickett acted as Planning Adviser relative to this case.

Decided:

(1) That sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and

(2) That the application for review be dismissed and that planning permission be refused (upholding the Appointed Officer's determination) for the following reasons:

1. By reason of height and design, including the use of finishing materials, the development forms an unexpected and strident feature in the streetscene and therefore does not reflect urban form or result in an attractive streetscene as required by Policy 1 of the Inverclyde Local Development Plan.