

Inverclyde Local Review Body

Our Ref: 23/0009/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 17 Grey Place, Greenock
 - Application for Review by Ferguson Planning on behalf of Mr M Orhan against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 23/0009/IC
 - Application Drawings: Existing Plans (22054_D_01)
Existing Elevations and Sections (22054_D_03)
Location Plan (22054_LP)
Proposed Elevations and Sections (22054_D_04 Rev A)
Proposed Block Plan and Section (22054_D_05 Rev A)
Proposed Plans (22054_D_02 Rev A)
 - Date of Decision Notice: 15/04/2024
-

Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below.

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 3 April 2024. The Review Body was constituted by Councillors Brooks, Clocherty, Crowther, Curley, McCabe and McVey.

2. Proposal

- 2.1 The application is for the change of use of a former class 1 retail premises to restaurant (class 3) including installation of extraction flue on rear elevation of building at 17 Grey Place, Greenock. The application was refused consent in terms of a decision letter dated 6 November 2023.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:

- (i) Planning Application dated 17 January 2023 together with plans, elevations and land ownership certificate
- (ii) Appointed Officer's Report of Handling dated 6 November 2023
- (iii) Inverclyde Local Development Plan 2019 Policy Extract
- (iv) Inverclyde Local Development Plan 2019 Map Extract
- (v) Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extract
- (vi) National Planning Framework 4
- (vii) Representations in relation to Planning Application
- (viii) Decision Notice dated 6 November 2023 issued by Head of Regeneration & Planning
- (ix) Notice of Review Form dated 5 February 2024 together with Statement of Appeal
- (x) Further Representations submitted following receipt of Notice of Review
- (xi) Submission by Ferguson Planning in response to Further Representations
- (xii) Suggested Conditions and Advisory Notes should Planning Permission be Granted on Review
- (xiii) 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. Findings and Conclusions

- 4.1 The determining issue in this review was whether suitable mitigation measures in respect of cooking odours could be implemented.
- 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, decided that the review application should be upheld.
- 4.3 It was also agreed by the ILRB that the conditions and advisory note listed at paragraph 5 below be attached to the planning permission for the reasons specified.

5. Conditions and Advisory Note

Conditions

- 1. The development to which this permission relates must be begun within 3 years from the date of this permission.
- 2. Prior to the restaurant hereby approved being brought into active use, the exact details and specification of the ventilation, filtration and extraction systems to serve the restaurant, including the proposed odour mitigation measures, shall be submitted for the approval in writing by the Planning Authority. For the avoidance of doubt the details and specification to be submitted shall include:
 - a) the exhaust point of the extraction system shall terminate at the height shown in drawing number 22054_D_04, Revision A;
 - b) ensuring that the exhaust air is expelled from the exit point at sufficient temperature/velocity to ensure it is taken away from nearby residential properties;
 - c) the maintenance/management scheme for the ventilation and filtration system; and
 - d) the mechanical and electrical installations being arranged to ensure that the ventilation system operates during periods when the premises are open for the preparation and/or cooking of food.

The ventilation, filtration and extraction systems shall then be implemented as approved with the systems retained and maintained/managed for as long as the premises remain as a restaurant.

3. Prior to the restaurant hereby approved, being brought into use, details of the waste storage and management on site shall be submitted for the approval, in writing, of the planning authority.

Reasons

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. To protect local residents from nuisance resulting from cooking odours.
3. To protect local residents from the nuisance of food waste odours and pests.

Advisory Note

1. Air conditioning units/heating units/refrigeration units/extract flues etc. if attached to the property must be suitably insulated or isolated to minimise the effects of vibration in neighbouring properties.

Signed _____

Interim Head of Legal & Democratic 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.

