

LOCAL REVIEW BODY – 6 MARCH 2024

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

Conditions

1. Within two months of the date of this decision exact details and specification of the ventilation and extraction systems to serve the cafe and hot food takeaway, 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 ventilation system being situated at a point most distant from opening windows of neighbouring residential properties and taking cognisance of the environmental conditions in the area including the immediate topography of the area;
- 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 cafe and hot food takeaway, to protect local residents from nuisance resulting from cooking odours; and

2. The use 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, to protect the amenity of occupiers of nearby residential premises from unreasonable late night and early morning noise and disturbance.

Advisory Note

1. Air conditioning units/heating units/refrigeration units and extract ducting if attached to the property should be suitably insulated or isolated to minimise noise and vibration to neighbouring properties.

Councillor McGuire rejoined the meeting at this juncture.

**(b) Proposed new dwellinghouse in curtilage of existing dwelling (planning permission in principle):
58 Esplanade, Greenock (23/0179/IC)**

There was submitted papers relative to the application for review for a proposed new dwellinghouse in curtilage of existing dwelling (planning permission in principle) at 58 Esplanade, Greenock (23/0179/IC) to enable the Local Review Body to consider the matter afresh.

Ms Dean 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. the proposed development does not accord with the six factors contributing to successful places of Policy 1 of both the adopted and proposed Inverclyde Local Development Plans, in that it fails to meet the quality of not being 'Distinctive' by not reflecting the urban form or character of the surrounding area;
2. the proposed development would not contribute to the amenity, character and appearance of the surrounding residential area, to justify support for the application under the provisions of Policy 14(c) of National Planning Framework 4;

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3. the subdivision of the large plot which characterises the north-west character area of the Greenock West End Conservation Area would introduce an additional built form to the rear of the property which would fail to preserve or enhance the conservation area, contrary to Policy 7 of National Planning Framework 4 and Policy 28 of both the adopted and proposed Inverclyde Local Development Plans; and
4. the proposed development does not meet the guidance of the Greenock West End Conservation Area Appraisal which has a presumption against development within the original plots.