

LOCAL REVIEW BODY – 3 APRIL 2024

Local Review Body

Wednesday 3 April 2024 at 4pm

Present: Councillors Brooks, Clocherty, Crowther, Curley, McCabe and McVey.

Chair: Councillor McVey presided.

In attendance:

Margaret Pickett	Senior Planner (Planning Adviser)
Daniel Henderson	Planning and Building Standards Manager
Jim Kerr	Solicitor, Legal, Democratic, Digital & Customer Services (Legal Adviser)
Colin MacDonald	Senior Committee Officer
Diane Sweeney	Senior Committee Officer
Alison Ramsey	Communications Officer (Media Relations)

The meeting was held at the Municipal Buildings, Greenock.

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

198 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 198

An apology for absence was intimated on behalf of Councillor McGuire.

There were no declarations of interest.

199 PLANNING APPLICATIONS FOR REVIEW 199

(a) Change of use of former class 1 retail premises to restaurant (class 3) including installation of extraction flue on rear elevation of building: 17 Grey Place, Greenock (23/0009/IC)

There was submitted papers relative to the application for review 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 (23/0009/IC) to enable the Local Review Body to consider the matter afresh.

Prior to the commencement of discussion on this item, Mr Kerr referred to a new matter raised by the applicant's agent, namely, an odour report submitted with the Notice of Review. He asked the Local Review Body whether it wished to have regard to the new matter in determining the application for review. Following discussion, the Local Review Body agreed that it would take no regard of the new matter.

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 upheld and that planning permission be granted subject to the following conditions and advisory note:

Conditions

1. that the development to which this permission relates must be begun within 3 years from the date of this permission, to comply with Section 58 of the Town and Country

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Planning (Scotland) Act 1997 (as amended);

2. that 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, to protect local residents from nuisance resulting from cooking odours.

3. that 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, 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.

**(b) Proposed extension comprising one-and-a-half storey rear extension with north facing dormer window and single storey side extension on north side topped with roof terrace:
22 Rosemount Place, Greenock (23/0184/IC)**

There was submitted papers relative to the application for review for a proposed extension comprising one-and-a-half storey rear extension with north facing dormer window and single storey side extension on north side topped with roof terrace at 22 Rosemount Place, Gourock (23/0184/IC) to enable the Local Review Body to consider the matter afresh.

Ms Pickett acted as Planning Adviser relative to this case.

Following discussion, Councillor Brooks moved that (1) sufficient information had not been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) in terms of Regulation 16 of the Town and Country Planning (Schemes of Delegation and Local Review Body Procedure) (Scotland) Regulation 2013, consideration of the application for review be continued for an unaccompanied site inspection to be arranged by the Interim Head of Legal & Democratic Services in consultation with the Chair.

As an amendment, Councillor McCabe moved that (1) 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, particularly the single storey flat roofed extension with roof terrace located along the north side of the dwellinghouse, will have a detrimental impact on the character of the dwellinghouse, specifically in terms of size, design and materials, contrary to Policy 16 of the National Planning Framework 4 (NPF4);

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2. the proposed development fails to have regard to the six qualities of successful places as required by Policy 14 of the National Planning Framework 4 and Policy 1 of both the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan, specifically as due to the size of the extension and close proximity of the extension and roof terrace to Rosemount Place, it fails to reflect the urban form of the area, as required under the quality of being "Distinctive"; and

3. the scale, design and use of materials proposed would result in an unexpected and uncharacteristic finish on the principal elevation of the dwellinghouse which would negatively impact on the character and appearance of the dwellinghouse and surrounding area, contrary to Policy 20 of the proposed 2021 Inverclyde Local Development Plan.

Following a roll call vote, 2 Members, Councillors Brooks and Crowther voted in favour of the motion, and 4 Members, Councillors Clocherty, Curley, McCabe and McVey voted in favour of 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 dismissed and that planning permission be refused (upholding the Appointed Officer's determination) for the following reasons:

1. the proposed development, particularly the single storey flat roofed extension with roof terrace located along the north side of the dwellinghouse, will have a detrimental impact on the character of the dwellinghouse, specifically in terms of size, design and materials, contrary to Policy 16 of the National Planning Framework 4 (NPF4);

2. the proposed development fails to have regard to the six qualities of successful places as required by Policy 14 of the National Planning Framework 4 and Policy 1 of both the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan, specifically as due to the size of the extension and close proximity of the extension and roof terrace to Rosemount Place, it fails to reflect the urban form of the area, as required under the quality of being "Distinctive"; and

3. the scale, design and use of materials proposed would result in an unexpected and uncharacteristic finish on the principal elevation of the dwellinghouse which would negatively impact on the character and appearance of the dwellinghouse and surrounding area, contrary to Policy 20 of the proposed 2021 Inverclyde Local Development Plan.