

## LOCAL REVIEW BODY - 1 AUGUST 2012

Local Review BodyWednesday 1 August 2012 at 4.00 pm

**Present:** Provost Moran, Councillors Dorrian, Loughran, Nelson and Wilson.

**Chair:** Councillor Wilson presided.

**In attendance:** Business & Democratic Services Manager and Mr J Kerr (for Head of Legal & Democratic Services).

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

**409 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 409**

No apologies for absence or declarations of interest were intimated.

**410 PLANNING APPLICATIONS FOR REVIEW 410**

**(a) Change of Use to Hot Food Takeaway:  
10 Cromdale Road, Port Glasgow (12/0060/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the change of use to a hot food takeaway at 10 Cromdale Road, Port Glasgow (12/0060/IC).

**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) as the proposal would have a detrimental effect on the amenity of the residents living adjacent to the premises in terms of noise and activity, as the proposed changes may generate an unacceptable level of noise and activity particularly late into the evening. Accordingly, the development is contrary to Inverclyde Local Plan policies H1 and H9, as set out in the Decision Notice dated 3 April 2012.

**(b) Proposed Formation of Hot Food Takeaway together with the Formation of New Frontage and Installation of Flue:  
58-60 Captain Street, Greenock (11/0285/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the proposed formation of a hot food takeaway together with the formation of a new frontage and installation of flue at 58-60 Captain Street, Greenock (11/0285/IC). The applicant's agent had raised new matters in the form of a petition in support of the development and proposed opening hours which were not before the appointed officer. Mr Kerr asked Members to consider whether they would wish to take account of these matters in reviewing the application in terms of Section 43B of the Town and Country Planning (Scotland) Act 1997. Members agreed that these matters should be taken into consideration.

LOCAL REVIEW BODY - 1 AUGUST 2012

---

After discussion, Councillor Loughran moved:-

- (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:-
  - (i) that the premises shall not operate outwith the hours of 7 am and 10 pm each day, to protect neighbouring residents from undue disturbance early in the morning and late in the evening, in the interests of residential amenity;
  - (ii) that no deliveries shall take place outwith the hours of operation specified in condition (i) above, to protect neighbouring residents from undue disturbance early in the morning and late in the evening, in the interests of residential amenity;
  - (iii) that prior to the commencement of the new use, a detailed specification regarding the collection, treatment and disposal of cooking odours shall be submitted to and approved by the Head of Regeneration & Planning. 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. to aim to minimise odours originating at the application site, in the interests of residential amenity; and
  - (iv) that a bin for use by the customers of the takeaway hereby permitted shall be provided at the premises and full details of this shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the new use. The bin shall then be made available for customers' use at all times during the operation of the hot food takeaway, to aim to minimise litter originating at the application site.

As an amendment, Councillor Nelson moved:-

- (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) as the proposal would have a detrimental effect on the amenity of the residents living adjacent to the premises in terms of noise and activity, as the proposed changes may generate an unacceptable level of noise and activity particularly late into the evening. Accordingly, the development is contrary to Inverclyde Local Plan policies H1 and H9, as set out in the Decision Notice dated 20 December 2011.

On a vote, 1 Member voted for the amendment and 3 for the motion 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:-
  - (i) that the premises shall not operate outwith the hours of 7 am and 10 pm each day, to protect neighbouring residents from undue disturbance early in the morning and late in the evening, in the interests of residential amenity;
  - (ii) that no deliveries shall take place outwith the hours of operation specified in condition (i) above, to protect neighbouring residents from undue disturbance early in the morning and late in the evening, in the interests of residential amenity;

**LOCAL REVIEW BODY - 1 AUGUST 2012**

---

(iii) that prior to the commencement of the new use, a detailed specification regarding the collection, treatment and disposal of cooking odours shall be submitted to and approved by the Head of Regeneration & Planning. 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. to aim to minimise odours originating at the application site, in the interests of residential amenity; and

(iv) that a bin for use by the customers of the takeaway hereby permitted shall be provided at the premises and full details of this shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the new use. The bin shall then be made available for customers' use at all times during the operation of the hot food takeaway, to aim to minimise litter originating at the application site.