

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle**

---

**Reference No:** 13/01930/PP

**Planning Hierarchy:** Local

**Applicant:** George Hanson (Building Contractors) Ltd

**Proposal:** Erection of New Building Comprising Retail Unit at Ground Floor Level, 2 Flats at First Floor Level and 2 Flats at Second Floor Level

**Site Address:** 15-19 Montague Street, Rothesay, Isle of Bute

---

**DECISION ROUTE**

- (i) Local Government (Scotland) Act 1973
- 

**SUPPLEMENTARY REPORT**

---

**(A) FURTHER INFORMATION**

**Environmental Health Officer (response dated 16 October 2013)** - The location of the proposed retail unit directly below residential flats may present a risk of the occupiers of the flats (and others nearby) being exposed to nuisance odour and/or noise emissions should the retail unit be used for preparation and sale of hot food.

---

**(B) RECOMMENDATION:**

It is recommended that planning permission be granted subject to the amended conditions, reasons and informative notes at the end of this report.

---

**Author of Report:** Steven Gove

**Date:** 18/10/2013

**Reviewing Officer:** David Eaglesham

**Date:** 18/10/2013

**Angus Gilmour  
Head of Planning and Regulatory Services**

## **CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO: 13/01930/PP**

1. The development shall be implemented in accordance with the approved drawings – Drawing No. 5453-001; Drawing No. 5453/PL1; Drawing No. 5453/PL2; Drawing No. 5453/PL3; Drawing No. 5453/PL4; Drawing No. 5453/PL5; Drawing No. 5453/PL6; and Drawing No. 5453/PL7 unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*

2. Prior to the commencement of any works on the construction of the ground floor retail unit, a detailed specification of the exterior finish of the shopfront shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the retail unit shall be constructed in accordance with the approved details.

*Reason: In the interests of visual amenity and for the avoidance of doubt.*

3. Prior to the commencement of any works on the construction of the flatted block, samples of the render, stone, window frames and roof covering to be used shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the flatted block shall be constructed using the approved materials.

*Reason: In the interests of visual amenity and for the avoidance of doubt.*

4. No work shall commence on site (unless consent for variation is approved in writing by the planning authority) until a detailed scheme of boundary treatment(s) and surfacing for the back court area has been submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the back court area shall be constructed in accordance with the approved details.

*Reason: In the interests of visual amenity and for the avoidance of doubt.*

5. Prior to any activity taking place within the retail unit relating to the preparation of hot food, the applicant shall provide the following information to the planning authority
  - The method of preparation and cooking of hot food on site;
  - The number of meals to be served every day;
  - The types of meals to be served;
  - The proposed hours of operation of the business and any ventilation plant/equipment to be installed.
  - A scaled plan of the internal arrangement of the premises and the dimensions/location of the ventilation system (including canopy/s, route, filters, fans, flue, point of exhaust, recommended rate of extraction of exhaust air and noise data for the operation of the system)

*Reason: To enable the impact of any hot food preparation on adjacent residential properties to be assessed.*

6. The retail unit shall not be used for the preparation and/or sale of hot food until a suitable extraction system that is designed to prevent harm to the local amenity achieved by an adequate level of odour control and stack dispersion as necessary has been installed in accordance with details (including acoustic performance) which shall have been submitted to and approved by the planning authority.

*Reason: To minimise the impact of any hot food preparation on adjacent residential properties to be assessed.*

#### **NOTES TO APPLICANT**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town & Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town & Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was complete.