

Report To: The Planning Board

Date: 3 April 2019

Report By: Head of Regeneration and Planning

Report No: 19/0019/IC
Plan 04/19

Local Application
Development

Contact Officer: David Sinclair

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Subject: Change of use to Class 3 from Class 1 retail and alterations including new extract ducting, lighting and accessible toilet at
46 Princes Street, Port Glasgow



SUMMARY

- The proposal presents no conflict with the Inverclyde Local Development Plan and the Proposed Inverclyde Local Development Plan.
- Six representations have been received, including a petition containing 302 signatures, raising concern on over provision and the business impacts of another restaurant/takeaway, traffic and odours.
- Consultations received present no impediment to development.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=PMG8VAIM00E00>

SITE DESCRIPTION

Located on Princes Street, Port Glasgow, the application site relates to two storey premises which are currently vacant but was previously in use as a bakery. The building is terraced with an adjoining vacant three storey retail premises to the north and two storey premises to the south which is occupied by Semi Chem on the ground floor. To the rear of the premises are two emergency exits with access onto Church Street, one on the side elevation of the building and the other on the rear elevation behind a gate with a width of approximately 2 metres between the rear of the building and the neighbouring Iceland supermarket.

PROPOSAL

Planning permission is sought to change the use of the premises from its former Class 1 (Shops) use to Class 3 (Food and Drink) use as a restaurant with takeaway with a downstairs seating capacity of 34. Inside the building it is proposed to fit new canopies in both kitchens along with new extract ducting. An accessible toilet will be installed downstairs replacing an existing downstairs toilet. The proposal is for operating hours to be between 1400 and 2300 from Monday to Saturday and between 1600 and 2300 on Sundays.

Works to the building include re-sealing and repainting the upstairs window frames and the sterilisation and repair of the existing upstairs window extract. To the rear it is proposed to remove the existing air conditioning unit and install two flues, one from the existing ground floor extraction vent and the second from the square extraction vent on the first floor in the northernmost corner of the building. The flues will extend upwards, terminating at least 1 metre above the existing roof level which is 7.9 metres. On the side elevation it is proposed to install a new air conditioning unit above the service door on the ground floor. The proposal also plans to remove the existing gate situated on the rear of the building in order to provide a clear escape route onto the street from the existing rear escape door.

Proposals for signage require to be considered under a separate application covered by the Control of Advertisement Regulations.

DEVELOPMENT PLAN POLICIES

Policy SDS6 – Promoting our Town Centres

The three town centres, as identified on the Proposals Map, will be promoted and safeguarded for a variety of uses including business, civic, cultural, retail, entertainment, leisure and residential, with the development site at Port Glasgow Waterfront West performing a complementary role to the other town centres, particularly Greenock Strategic Town Centre, for comparison retail and commercial leisure developments.

Policy TCR1- Network of Designated Centres

The following hierarchy of centres are designated as locations where a range of town centre uses will be appropriate in order to support the role and function of the particular centre, as well as their vitality and viability:

Strategic Town Centre:

- (a) Greenock, subdivided into a 'Central Area' and 'Outer Area'

Town Centres:

- (a) Port Glasgow
- (b) Gourock

Local Centres:

- (a) The Cross, Kilmacolm
- (b) Dubbs Road, Port Glasgow
- (c) Sinclair Street, Greenock
- (d) Lynedoch Street, Greenock

- (e) Barrs Cottage (Inverkip Road and Dunlop Street), Greenock
- (f) Cumberland Walk, Greenock (proposed redevelopment)
- (g) Cardwell Road, Gourock
- (h) Kip Park, Inverkip
- (i) Ardgowan Road, Wemyss Bay

Policy TCR2 – Sequential Approach to Site Selection for Town Centre Uses

Proposals for development of town centre uses as set out in Policy TCR3 will be subject to the sequential approach as set out below:

- (a) Greenock Central Area;
- (b) Port Glasgow and Gourock Town Centres;
- (c) Greenock Outer Area (subject to Policy TCR5);
- (d) sites on the edge of Greenock, Port Glasgow and Gourock Town Centres; and only then,
- (e) out-of-centre sites that are or can be made accessible by a choice of public and private transport modes.

The principles underlying the sequential approach also apply to proposals to expand or change the use of existing developments, where the proposals are of a scale or form sufficient to change a centre's role and function.

Policy TCR3 – Town Centre Uses

The following town centre uses will be directed to the Central Area of Greenock Town Centre, Port Glasgow and Gourock Town Centres and the Local Centres, subject to Policy TCR7:

- (a) Use Class 1 (Shops);
- (b) Use Class 2 (Financial, Professional and other Services);
- (c) Use Class 3 (Food and Drink);
- (d) Use Class 11 (Assembly and Leisure); and
- (e) related uses such as public houses, hot food take-aways, theatres, amusement arcades and offices for taxis for public hire.

Policy TCR7 – Assessing Development Proposals for Town Centre Uses

To assist the protection, enhancement and development of the designated Centres, all proposals for the development of town centre uses identified in Policy TCR3, or for any other commercial uses within a designated centre, will require to satisfy the following criteria:

- (a) the size of the development is appropriate to the centre for which it is proposed;
- (b) it is of a high standard of design;
- (c) it has an acceptable impact on traffic management and must not adversely impact on road safety and adjacent and/or nearby land uses;
- (d) it does not have a detrimental effect on amenity or the effective operation of existing businesses;
- (e) it is consistent with any Town Centre Strategy or other relevant initiative; and
- (f) has regard to Supplementary Guidance on Planning Application Advice.

Proposals for town centre uses outwith the designated Centres, unless they are small scale development to meet local needs that are subject to Policy TCR10, must also demonstrate:

- (g) that no appropriate sequentially preferable site exists;
- (h) that there is capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area;
- (i) that there will be no detrimental impact, including cumulatively, on the viability and vitality of the designated Centres (Policy TCR1); and

- (j) in the case of temporary street markets, the operation will be for a maximum of 13 days in any 12 month period.

Proposals for retail and leisure development over 2,500 square metres outwith the designated town centres and that are not in accordance with the Development Plan should be accompanied by a retail impact analysis, as should any town centre proposal that the Council considers likely to have a potentially detrimental impact on the vitality and viability of the designated Centres. At the Council's discretion, applications for small-scale development of town centre uses outwith the designated Centres may be exempted from the requirement to be justified against criteria (g) - (i).

PROPOSED DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 22 – Network of Centres Strategy

The preferred locations for the uses set out in Schedule 6 are within the network of town and local centres identified in Schedule 7. Proposals which accord with the role and function of the network of centres as set out in Schedule 7 and the opportunities identified in Schedule 8 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- there is not a suitable sequentially preferable opportunity;
- there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

CONSULTATIONS

Head of Service – Roads and Transportation

- The parking requirements detailed in the National Roads Development Guide for the existing use as Class 1 Retail is 2 spaces per 100 square metres. The gross floor area of the existing unit is 240 square metres which therefore requires 6 parking spaces.
- The parking requirements detailed in the National Roads Development Guide for Food and Drink is 1 space per 5 square metres. The gross floor area of public space of the application is 98.3 square metres which therefore requires 20 parking spaces.
- The site is located in the town centre next to public transport, with access to the train station and various bus services. This makes public transport a more attractive option therefore reducing the parking requirements.
- The existing site has no parking and it is not proposed to introduce any parking. It is recognised that due to site location it is not possible to provide additional parking as the site is within the town centre. There are controls on parking which are in place to discourage dangerous parking in this area and there are various public car parks nearby. It is therefore acceptable in these circumstances that no parking is provided as part of this application.

Head of Environmental and Public Protection (Environmental Health)

- The location of the proposed development (in close proximity to occupied property) will require the provision of high level discharge for cooking odours.
- The development shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours has been submitted to and approved by the Planning Authority. 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. This is recommended to protect the amenity of the immediate area and prevent the creation of odour nuisance.
- All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption". This is recommended to protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.
- Any external ducting should be suitably isolated from the building structure. This is recommended to minimise the effects of vibration within the properties.
- Deliveries or collections to and from the site shall not be carried out between the hours of 23:00 and 07:00. This is recommended to protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

PUBLICITY

An advertisement was placed in the Greenock Telegraph on 15 February 2019 due to the proposal being a Schedule 3 Development.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. Six representations have been received, including a petition containing 302 signatures, one of whom had also submitted representations. All representations object to the proposal. The concerns raised are summarised below:

- There are enough hot food establishments in the area and any further takeaway/restaurants will affect all businesses.
- There are enough takeaway establishments in Port Glasgow Town Centre.
- There are too many traders on the street.
- Competition or loss of revenue for other food outlets located within close proximity to this premises.
- The development will bring more unemployment due to existing competition losing more business.
- It will not be in the best interest of the local community for there to be a further takeaway business.
- There should be a diversity of retail outlets available to local inhabitants.
- There are difficulties with parking provision for cars to stop in connection with collection of foods from the takeaway businesses.
- A further takeaway business is likely to add to the congestion.
- There will be additional noise and disturbance from another takeaway business in the area.
- The proposed use could result in increased odours in the area.

ASSESSMENT

The material considerations in the assessment of this application are the adopted and proposed Inverclyde Local Development Plans; Scottish Planning Policy (SPP); the visual impact of the external works; the impact on amenity to adjacent residents; the consultation responses; and the objections received.

SPP recognises the importance of town centres and that they can be hubs for a range of activities. The Inverclyde Local Development Plan locates the site within the Port Glasgow town centre under adopted Plan Policies SDS6 and TCR1 and proposed Plan Policy 22. The proposal is related to a change of use to Class 3 from Class 1 retail. Policy TCR3 identifies Use Class 3 (Food and Drink) as being a town centre use and it is noted that the planning system should encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening. The principle of change of use to Class 3 is therefore acceptable in terms of adopted Plan Policies SDS6 and TCR1 and proposed Plan Policy 22.



Plan Policy TCR2 advises on a sequential approach to site selection for town centre uses set out in Policy TCR3. A restaurant is a use supported by this policy. Although the Greenock Central Area would be sequentially preferential, the proposal involves the redevelopment of an existing premises within the Port Glasgow Town Centre and is of a scale that I do not consider could be argued would adversely impact on the Greenock Central Area. Policy TCR3 directs a range of uses to town centre locations reflecting the advice within the SPP and there are no policies within the Local Development Plan which set out either a preference for Class 1 retail uses in respect of any specific premises or a restriction on the percentage of the ground floor non-Class 1 retail frontage within Port Glasgow Town Centre. I am satisfied that the principle of the proposal is therefore acceptable within the town centre.

Policy TCR7 of the adopted Plan, however, sets out the criteria for the assessment of the detail of development proposals for town centre uses, including restaurants. Criterion (d) of the Policy requires the proposal to have no detrimental effect on amenity and the effective operation of existing businesses within the town centre. The existing range of uses causes an established level of noise and activity both during the day and into the evening. I note the Head of Environmental and Public Protection (Environmental Health) offers no objections on the grounds of noise disturbance affecting the amenity of the area. I concur with the advice regarding restricting deliveries and collections from the premises to between 07:00 and 23:00 to ensure there are no unacceptable late night or early morning disturbances. This matter can be addressed by a condition.

With respect to the treatment of cooking odours and the potential for cooking odour to disturb the amenity of nearby properties, I turn to the consultation reply from the Head of Environmental and Public Protection (Environmental Health), who has identified that the proposed development will require the provision of high level discharge for cooking odours. The proposal

indicates that two high level discharge flues will be installed at the rear of the premises, both of which will extend at least 1 metre above the existing roofline, meeting the above requirement. The consultation response indicates no concern that the requirements may not be met on site, and I am satisfied that, subject to a condition requiring the provision of a suitable ventilation and filtration system for cooking odours together with the detailed specification of such being submitted for approval, the impact on local amenity would be acceptable. The comments relating to the external ducting and external lighting proposed can be addressed through advisory notes on a grant of planning permission.

Whilst I note concern regarding the increasing number of similar Class 3 uses within the Town Centre, these contribute to the diversity of uses within the town centre, bringing activity and vibrancy into the evening when other premises are closed, according with the aims of the SPP. I am mindful that the premises are currently designated as a Class 1 use and the change of use would eliminate existing retail premises, however the application site is one of a number of currently vacant retail units within the Town Centre and, visually, is in poor condition. The proposal to bring it back into use will eliminate a dead frontage and have a positive impact on the appearance of the street, to the benefit of the amenity of the area. Bringing the vacant unit back into use will also be of positive benefit to the vitality of the town centre by bringing customers into the area and increasing pedestrian activity. Whilst in the area, customers of the premises may also choose to use shops and services, benefiting existing shops and businesses. Undoubtedly, the reuse of the building would positively enhance the Town Centre. The proposal need not have a detrimental impact on the operation of existing businesses within the town centre, and whilst I note the concerns raised in the objections regarding the impact of the proposal on the turnover and sustainability of similar existing businesses, it is not the function of the planning system to inhibit competition.

With respect to criterion (c) of the Policy, the Head of Service – Roads and Transportation notes that the site is within the town centre where controls in respect of parking are in place and there are various car parks nearby. The site is next to public transport, with access to the train station and various bus services, reducing the parking requirements. The scale of the proposal would have negligible impacts on congestion in the area. I am satisfied that the proposal is acceptable with regard to Policy TCR7.

Considering the external alterations to the building, the resealing and repainting of the upstairs windows will benefit the overall appearance of the premises. The rear of the building is not visually prominent, being at the end of a dead end access from Church Street, set back at least 17 metres from the nearest pavement. I consider the removal of the old gate and air conditioning unit to the rear of the premises and installation of the new air conditioning unit and high level discharge flues, which would not be visible from the front of the property, would have no adverse visual impact.

Finally, Policy 1 of the proposed Plan is relevant as it assesses whether the development has regard to the six qualities of successful places. The relevant factors relate to creating a place that is 'adaptable', 'resource efficient', 'safe and pleasant' and 'welcoming'. This proposal will allow a currently vacant town centre building to be brought back into use, meeting the qualities of being 'adaptable'; it avoids leaving a building neglected or obsolete. It is also 'resource efficient' through making use of an existing in a town centre. To meet the quality of being 'safe and pleasant', the proposal will need to avoid conflict between adjacent uses by having regard to adverse impacts that may be created by noise, smell and vibration, these have previously been considered and deemed acceptable. It will also be 'welcoming', by improving the existing shopfront. The proposal is for a town centre use, similar to surrounding uses, therefore it should integrate into the existing community. Internally, the proposal will install an accessible toilet and access, meeting the requirement of making the building easy to access. The proposal therefore presents no conflict with Policy 1.

In summary therefore, the proposal to bring the premises back into use will be of positive benefit to the Town Centre. Given other Class 3 uses operate satisfactorily in the vicinity, I am satisfied that the high level discharge proposed will be suitable for mitigation of odour nuisance with the provision of a suitable ventilation and filtration system. The detailed specification and provision of such a system can be addressed via a condition. Subject to this, I consider that the

overall impact on wider residential amenity is acceptable. The alterations to the building are also visually acceptable. The proposal accords with the aims of SPP and presents no conflict with adopted Plan Policies SDS6, TCR1, TCR2, TCR3 and TCR7 or with proposed Plan Policies 1 and 22. Whilst I am mindful of the objections received, there are no material considerations which would warrant the refusal of the application. Planning permission should therefore be granted subject to the conditions below.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. The development shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours has been submitted to and approved by the Planning Authority. 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 canopies, make-up air, air disposal points etc.
2. The system for discharging cooking odours approved under condition 1 shall be fully implemented to the satisfaction of the Planning Authority prior to the commencement of the use hereby approved. It shall then remain in full and effective working order at all times thereafter during the lifetime of the use, to the satisfaction of the Planning Authority.
3. Deliveries or collections to and from the site shall not be carried out between the hours of 23:00 and 07:00.

Reasons:

1. To protect the amenity of the immediate area and prevent the creation of odour nuisance.
2. To ensure the provision and retention of the system for discharging cooking odours.
3. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

Stuart Jamieson
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Sinclair on 01475 712436.