

**A meeting of the Planning Board will be held on Wednesday 2 October 2019 at 3pm within the Municipal Buildings, Greenock.**

GERARD MALONE  
Head of Legal & Property Services

**BUSINESS**

1. <b>Apologies, Substitutions and Declarations of Interest</b>	<b>Page</b>
2. <b>Planning Applications</b> Reports by Head of Regeneration & Planning on applications for planning permission as follows:-  (a) <b>Inverclyde Council</b> Erection of 6m high flagpole: Kempock Place, Gourrock (19/0192/IC)	<b>p</b>
(b) <b>Mr Hung Xuan Nguyen</b> Proposed change of use from existing office to beauty salon (in retrospect): 120 West Blackhall Street, Greenock (19/0214/IC)	<b>p</b>

Enquiries to – **Rona McGhee** – Tel 01475 712113

Report To: The Planning Board

Date: 2 October 2019

Report By: Head of Regeneration and Planning

Report No: 19/0192/IC  
Plan 10/19

Local Application  
Development

Contact Officer: Alexandra Linn

Contact No: 01475 712422

Subject: Erection of 6m high flagpole at  
Kempock Place, Gourrock



## SUMMARY

- The proposal presents no conflict with the Inverclyde Local Development Plan.
- Nine objections have been received raising a wide range of concerns including impact on residential amenity, visual impact, loss of rose bushes and wildlife, noise, antisocial behaviour and vandalism and public spending.
- Consultations received present no impediment to development.
- The recommendation is to GRANT PLANNING PERMISSION.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=PVEHCMIMMI900>

## **SITE DESCRIPTION**

The application site is the area of public garden between Kempock Place and Shore Street, Gourrock. Located within the Kempock Street/Shore Street Conservation Area the gardens are furnished by a variety of trees, bedding plants, rose bushes, a fountain, benches and an information hut. The well-maintained garden is surrounded by a mixture of residential and commercial buildings.

## **PROPOSAL**

Planning permission is sought for the erection of a 6 metre high glass fibre flag pole with internal halyard and collar, all in white, and centrally located within the garden in an area currently occupied by a rose garden. The pole will be supported by a 2 square metre cobble stone base.

The flagpole is to be used by the Council to display flags to celebrate or commemorate national and local events and occasions.

## **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 28 - Conservation Areas**

Proposals for development within or affecting the setting of a conservation area are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

## **2014 INVERCLYDE LOCAL DEVELOPMENT PLAN**

At the time of application submission, the 2014 Inverclyde Local Development Plan formed part of the Development Plan against which planning applications required to be assessed.

### **Policy HER1 - Development which Affects the Character of Conservation Areas**

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

## **CONSULTATIONS**

No consultations were required.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 9th August 2019 as development affecting a conservation area.

## **SITE NOTICES**

A site notice was posted on 9 August 2019 for development affecting a conservation area.

## **PUBLIC PARTICIPATION**

The application was the subject of neighbour notification. Nine representations have been received from neighbours, members of the public and Gourock Community Council, all objecting to the proposal. The concerns raised can be summarised as follows:

### Visual impact

- The flagpole will look “unsightly” and detract from the existing public gardens and open sky aspects of the area.
- The addition of a flagpole will contribute to the redundant clutter in this area.
- The location of the proposed flagpole within the conservation area is not considered in keeping therefore an alternative location should be sought.

### Amenity

- There will be additional noise created by the flagpole and associated cord and flag.
- The flagpole will incite further antisocial behaviour and vandalism.

### Other issues

- There will be a loss of some rose bushes and wildlife as a result of the installation of the flagpole.
- The proposal is not considered to be financially viable as there are more pressing issues where the funding is needed.

## **ASSESSMENT**

The material considerations in the assessment of this application are Inverclyde Local Development Plan, Historic Environment Scotland’s Historic Environment Policy for Scotland (which supersedes the SHEP), the “Managing Change in the Historic Environment” guidance note series, the impact on the character and amenity of the Conservation Area and the impact on neighbouring amenity and the comments received.

The determining issues are is this an appropriate development within a public garden, is the impact on the Kempock Street/Shore Street Conservation Area acceptable and will there be a detrimental impact on residential amenity? In assessing the planning merits of this application issues of finance and the option of alternative locations can have no bearing on how this application is determined.

Flagpoles are an occasional feature within public gardens and traditionally are often found on or in the immediate environs of a town’s historic public offices and buildings. For example, in Inverclyde this is evident with a flagpole in Clyde Square outside the Municipal Buildings and on the former Municipal Buildings in Fore Street, Port Glasgow. The flagpole on the former Gourock Municipal Buildings may no longer be used as there is no safe access. The application site is immediately adjacent, and in historical context the location of a flagpole is appropriate within a town centre conservation area.

While it is recognised that this will result in the removal of a number of rose bushes, it is considered that in the context of how this area of public garden is viewed and interacts with wildlife, the refusal of planning permission for this reason is not merited. Visually, the flagpole is in the proximity of street lights, lighting decoration poles and trees. While concern over visual clutter is acknowledged, it is considered that this flagpole may be introduced without detriment to visual amenity and the Kempock Street/Shore Street Conservation Area.

In examining the impact on neighbouring residents, this is a town centre location with a range of activities and associated noise. Any noise impact from the flagpole is not such that the refusal of planning permission is merited. Likewise, concern over antisocial behaviour and vandalism is not a basis for refusing this application. While acknowledging concerns, it is not considered that this application should be refused on the basis of a detrimental impact on residential amenity.



Overall, this assessment leads to the conclusion that the proposal complies with LDP Policy 1 as it positively contributes to historic buildings and places and Policy 28 as there is a clear understanding of how the flagpole contributes to the wider streetscape and to the character and amenity of the Kempock Street/Shore Street Conservation Area. I am further satisfied that the proposal is compatible with Historic Environment Scotland's Historic Environment Policy for Scotland as it will protect the positive qualities of this location.

The approach to assessing this proposal has continued from that taken in the 2014 LDP.

## **RECOMMENDATION**

That the application be granted.

Stuart Jamieson  
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Alexandra Linn on 01475 712422.

**Report To:** The Planning Board

**Date:** 2 October 2019

**Report By:** Head of Regeneration and Planning

**Report No:**  
19/0214/IC  
Plan 10/19

**Local Application  
Development**

**Contact  
Officer:** Carrie Main

**Contact No:** 01475 712412

**Subject:** Proposed change of use from existing office to beauty salon (in retrospect) at  
120 West Blackhall Street, Greenock



## **SUMMARY**

- The proposal presents no conflict with the Inverclyde Local Development Plan.
- Six objections have been received raising concerns including impacts from the concentration of this use within the town centre, loss of revenue for similar businesses and amenity.
- Consultations received present no impediment to development.
- The recommendation is to GRANT PLANNING PERMISSION.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=PWHEKMIMMP900>

## **SITE DESCRIPTION**

The application site is the ground floor unit within a two storey mid-terraced building, located on the eastern side of West Blackhall Street, within Greenock's town centre. The unit, which has a floorspace of 115 square metres, was formerly occupied by a range of uses including an office and a shop before more recently falling vacant. The unit has been brought back into use as a beauty salon.

## **PROPOSAL**

This application seeks planning permission in retrospect for the change the use of the premises to a beauty salon.

## **DEVELOPMENT PLAN POLICIES**

### **Inverclyde Local Development Plan**

#### **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:

- a there is not a suitable sequentially preferable opportunity;
- b there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- c 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.

#### **Policy 24 - Network of Centres Sui Generis Uses**

Proposals for the Sui Generis uses listed in Schedule 7 will be assessed with regard to:

- a) whether there would be an unacceptable impact on the amenity and operation of existing and surrounding uses;
- b) whether the proposal will result in a concentration of a particular use or uses that would be to the detriment of the centre's vibrancy, vitality or viability, and the wellbeing of the community;
- c) the contribution the proposal would make to the vibrancy, vitality and viability of the centre by way of increasing footfall or making use of a vacant unit; and
- d) the availability and suitability of other locations within the centre.

### **2014 Inverclyde Local Development Plan**

At the time of application submission, the 2014 Inverclyde Local Development Plan formed part of the Development Plan against which planning applications required to be assessed.

## **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).

### **CONSULTATIONS**

**Head of Service – Roads and Transportation:** No parking provision has been made, however it is recognised that due to the location within the town centre it is not possible to provide any additional parking. There are controls on parking which are in place to discourage dangerous parking in this area and various public car parks nearby. It is therefore acceptable in these circumstances that no additional parking is required.

### **PUBLICITY**

The nature of the proposal did not require advertisement.

### **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, all objecting to the proposal. The points of objection are summarised as follows:

- The premises are already trading as a beauty salon without planning consent.
- The town centre is being saturated with these types of businesses which is affecting its vitality. There are already two beauty salons directly across the street and within the Oak Mall. This new salon will have a detrimental impact on the passing trade which existing businesses rely on. It will also affect the long-standing future of local business people opening and growing lucrative businesses within the town.
- There are numerous reports on the safety of products used in nail bars.
- The external appearance of the premises is not attractive and this may put people off coming to use other shopping facilities in this area.

These comments will be considered within the assessment of the application.

## **ASSESSMENT**

The material considerations in the assessment of this application are Scottish Planning Policy (SPP), the Inverclyde Local Development Plan, the impact on the respective roles and functions of the surrounding area, the impact on neighbouring amenity and the consultation response and representations received.

The determining factor is whether or not a beauty salon is an appropriate use in this location.

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 Greenock's Strategic Town Centre as defined by Policy 22. Policy 22 sets out that the preferred locations for town centre uses in Schedule 6 with the network of town and local centres identified in Schedule 7. It further advises that proposals which accord with the role and function of the network of centres as well as its vitality and viability will be supported.

The proposed use Beautician/Nail Bar (Sui Generis) is specifically identified in Policy 22, Schedule 6 as a suitable town centre use.

Policy 24 specifically addresses proposals for sui generis uses and provides detailed assessment criteria. Considering criterion (a), whilst noting that external alterations do not form part of this application, I am satisfied that the use as beauty salon brings this building back into use, and that in amenity terms this is of benefit to the town centre.

I note the concerns raised regarding the concentration of this use however it generates activity by way of increasing footfall and may contribute positively to the vibrancy, vitality and viability of this part of the Strategic Town Centre and according with the aims of SPP. Criteria (b) and (c) are not aimed at preventing competition, but focus on preventing a grouping of activities which may be detrimental by way of cumulative noise and activity and those which may have detrimental health consequences. This type of use does not fall within this category. While there are other vacant units within the town centre, as this brings back into use a vacant unit in historically Greenock's prime shopping street the proposal meets the intent of criterion (d).

All of this leads to the conclusion that this application contributes to successful place making as required by Policy 1.

As the proposal complies with the Development Plan, it now rests to consider if there are any other material considerations that would conclude that this application should be determined contrary to the Plan.

With respect to traffic management, following consultation the Head of Service – Roads and Transportation has confirmed that as the premises are situated within the town centre where a

range of transport options are available for customers travelling to and from the premises, with various public car parks nearby and controls of parking in place there is no additional requirement for parking provision for this proposal. This proposal has therefore no road safety or traffic consequences.



While I note the concerns regarding the loss of business and revenue from other beauty salons in the immediate locality, it is not a function of the planning system to inhibit competition. Additionally, I do not consider this proposal to inhibit future business development proposals.

In respect of concerns over the external appearance of the building, the application relates solely to the change of use of the premises and not its external appearance. The works to the shopfront did not require planning permission or advertisement consent.

Finally, the safety of nail bars is not a relevant consideration in the assessment of this application.

In conclusion, I consider the proposal to bring a positive benefit to the role and function of Greenock's Town Centre, presenting no conflict with the Inverclyde Local Development Plan, the principles of SPP and the continued approach to assessing change of use development from that taken in the 2014 LDP. Whilst I am mindful of the objections received, there are no material planning considerations which would warrant the refusal of the application.

## **RECOMMENDATION**

That the application be granted.

Stuart Jamieson  
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Carrie Main on 01475 712412.