

Report To: The Planning Board

Date: 3 March 2021

Report By: Head of Regeneration and Planning

**Report No: 20/0228/IC
Plan 03/21**

**Local Application
Development**

**Contact
Officer: James McColl**

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**Subject: Proposed change of use of ground floor offices to performing arts academy at
7 Union Street, Greenock**



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SUMMARY

- The proposal accords with the Inverclyde Local Development Plan.
- Eight objections were received.
- The recommendation is to GRANT PLANNING PERMISSION subject to a condition.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=QHRUBWIMIAA00>

SITE DESCRIPTION

The application site comprises a ground floor office premises situated within a two storey building on the southern side of Union Street, Greenock. The building is set back from the heel of the footpath by approximately 3.5 metres with a small forecourt area to the front which is surfaced in paving slabs and enclosed by a small railing. Externally, the building features a mixed palate of materials and is designed with a pitched roof. A single storey section with a flat roof is situated to the rear.

The wider area is mixed in nature with a variety of buildings and uses situated on Union Street, Watt Street and Jamaica Street. These include residential properties, the Watt Institution, office premises, churches and a small area of open space incorporating a play area. The site is situated within the outer area of the Greenock Town Centre as defined by the Inverclyde Local Development Plan and it also lies within the Greenock West End Conservation Area

PROPOSAL

It is proposed to change the use of the premises to a performing arts academy. No external alterations are proposed. Internally, a number of walls will be removed to create an open “main space”.

The applicant advises that the proposed use is intended to operate Monday to Friday 9am to 9pm with the potential for “pop up” classes on Saturdays and Sundays. A variety of activities are proposed including music lessons, drama and musical theatre classes, dance classes, choir rehearsals, an evening drama and music academy and morning parent and baby classes. The number of patrons will vary by class and activity, ranging from one to one tuition to classes of approximately 20 to 30. It is indicated there will be six staff members involved with the use. Whilst they will normally work at different times, occasionally they may all be at the premises at the same time.

Given the varied nature of the use and activities, it is not considered that the use can be taken as falling into a specific use class and as such it is considered to be a *sui generis* use.

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:

- 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.

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.

CONSULTATIONS

Head of Service - Roads and Transportation – No objections. The following points are highlighted:

1. The parking requirements detailed in the National Roads Development Guide for the existing use as Class 4 Office is 1 space per 30sqm. The GFA of the existing unit is 341sqm which therefore requires 12 parking spaces.
2. The parking requirements detailed in the National Roads Development Guide for Class 10 Community centre is 1 space per 5.0 – 20.0sqm GFA. The GFA of the unit is approx. 168sqm therefore requires 9 parking spaces.
3. 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.
4. 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 any 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, particularly the new Jamaica Street car park which is 1 min walk from the application site. 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) – No objections. Conditions regarding waste materials and external lighting are recommended together with a series of advisory notes.

PUBLICITY

The application was advertised in the Greenock Telegraph on 23rd October 2020 due to no premises on neighbouring land and as a Schedule 3 development.

SITE NOTICES

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

PUBLIC PARTICIPATION

Eight objections have been received in connection with the application. The concerns raised can be summarised as follows:

- The proposal will result in an increase in traffic to an already busy area.
- Parking is already problematic within the local area both during the day and into the evening, and no additional parking is proposed.
- Staff and patrons may park in the adjacent resident's private car park as this already occurs with non-residents.
- The premises has no sound insulation and increased noise levels will occur causing disturbance to neighbouring residential property, particularly late into the evening.
- The enjoyment of the small neighbouring garden area will be adversely impacted upon due to increased noise levels which would be detrimental to the health of neighbours.
- A commercial use of this nature is unsuitable for this site within a residential area.
- An overprovision of similar uses will occur.
- The proposal will result in loitering and anti-social behaviour.
- The bars on the windows of the premises constitute a fire hazard.
- Not all neighbours have been notified, notably those on the opposite side of Union Street.
- The distance to neighbouring property is less than the 20 metres specified in the neighbour notification received.

I will consider these concerns in my assessment.

ASSESSMENT

The material considerations in the assessment of this application are the Inverclyde Local Development Plan, the impact on the existing town centre, impact on residential amenity within the town centre, the consultation responses and the representations received.

The application site is situated within the outer area of Greenock Town Centre, as defined by the Local Development Plan. Policy 22 of the Local Development Plan identifies that the preferred locations for the uses set out within Schedule 6 are within the network of centres identified within Schedule 7. With reference to Schedule 7, the application site is situated, as noted, within the outer area of Greenock Town Centre. Policy 1 requires all development to have regard to the six qualities of successful places. The most relevant criteria in this instance are being "adaptable", in avoiding creating buildings that will become neglected or obsolete; "resource efficient" in making use of existing buildings; and being "safe and pleasant" in avoiding conflict between adjacent uses. Policy 24 of the Plan specifically addresses *sui generis* uses within the network of centres and sets criteria against which assessment is required, consisting of impact on amenity and operation of existing businesses, concentration of uses, contribution to aspects of a centre's health and the availability and suitability of other locations. Policy 28 of the Local Development Plan advises that proposals for development within a conservation area require to preserve or enhance the character and appearance of the area. It is further advised that in assessing such proposals any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area requires to be considered.

As there are no external alterations associated with the proposal, it has no impact on the Conservation Area and no further assessment is necessary with reference to Policy 28. It therefore rests to consider the appropriateness of the proposed use.

With reference to Policy 22 and the associated Schedules, a performing arts academy is not a use that is specifically listed within Schedule 6 as being directed to locations within the network of centres. There is, however, nothing that specifically precludes other appropriate uses within these locations. The proposed use has elements similar to Class 10 uses and Class 11 uses, both of which are listed in Schedule 6. The Schedule also lists a variety of *sui generis* uses including a theatre, for example. I therefore consider that in principle, the proposed use is one which can be appropriately located within the town centre location.



Frontage of premises to Union Street

Whilst it is contended in the representations received that this is a residential area, the Local Development Plan identifies the site as being part of the outer area of Greenock Town Centre. It is recognised, however, that there are a number of residential properties adjacent to the site.

Considering residential amenity within the town centre, whilst I note the concerns regarding the lack of sound insulation and noise from within the premises, and the potential to affect neighbouring residential property inclusive of garden areas, noise from within the premises is addressed by the Head of Environmental and Public Protection (Environmental Health) via separate legislation. In the consultation response, the Head of Environmental and Public Protection (Environmental Health) also offers no objections on the grounds of noise disturbance to residential properties. It is accepted that the proposed use will bring increased pedestrian and vehicular movements into the area. This must, however, be considered in the context of the location on a busy thoroughfare. This, together with the existing variety of uses at this location, will result in an established level of noise and activity both during the day and into the evening. Whilst residents choosing to reside here may benefit from the proximity to local shops and other services within the town centre, they cannot reasonably expect the same degree of quietude as would be experienced within a wholly residential area. The applicant indicates the premises will generally operate between the hours of 9am and 9pm. This will ensure that additional late night disturbance from activity associated with the premises does not occur. The

hours of operation indicated by the applicant can be controlled by condition. Overall, I consider there to be an acceptable impact on residential amenity.

Turning to traffic and parking, the existing use as an office generates parking demand and there is no parking within the site. The Head of Service - Roads and Transportation recognises this in her consultation response and that due to site location it is not possible to provide any additional parking. The site is located in the town centre where there is easy access to the public transport network. The Head of Service - Roads and Transportation further advises that there are controls on parking in place to discourage dangerous parking in this area and there are various public car parks nearby, noting in particular the new Jamaica Street car park which is in close proximity to the application site.



Rear of premises

It is therefore acceptable in these circumstances that no dedicated parking be provided as part of this application. Being guided by the Head of Service - Roads and Transportation, I therefore consider that despite the busy town centre location, there are no concerns regarding traffic or parking. The site is also accessible by a variety of means. In the representations, concern is expressed regarding the potential use of the adjacent resident's private car park by staff and patrons and that this problem already occurs. The use of private resident's car parks by non-residents is a civil matter that is not material to the assessment of this application.

Policy 24 of the Plan specifically addresses *sui generis* uses within the network of centres. Whilst not a *sui generis* use listed within Schedule 6, I consider this policy does provide additional assessment criteria that are relevant to this proposal and it is therefore appropriate to additionally assess the proposal against this policy. I note the concerns raised regarding existing similar uses within the vicinity. Whilst there are no similar uses immediately adjacent to the site, I note dance studio uses nearby at Watt Street and George Square. Church halls can also provide for a variety of uses. I do not consider that the proposal will result in a clustering of similar uses to the detriment of residents within the Town Centre or to the Town Centre itself. This area of the outer Town Centre is also not characterised by retail premises and the proposal does not result in the loss of a retail unit.

The upper floor of the building also comprises an office and is under the same ownership as the application site. I do not consider there to be an unacceptable impact on existing businesses and the wider amenity of the area (criteria (a) and (b)). The increased activity associated with the premises also has the potential to benefit other businesses in the nearby central area of the Town Centre making a small contribution to the wider vibrancy and viability of the Centre (criterion (c)). Finally, given my favourable assessment, I do not consider there to be any more preferable locations within the Centre for this use (criterion (d)).

With reference to the outstanding points in the consultation responses, this is an existing premises and matters relating to bin provision and external lighting can be addressed by advisory note.

In considering the outstanding points raised in the representations, there is nothing to suggest that the proposal will result in loitering and anti-social behaviour at the premises and these have to be regarded as speculative concerns that would not merit refusal of the application. Fire safety and matters relating to the means of escape are addressed via separate legislation. I note concerns that not all neighbours were notified of the application. All neighbours within 20 metres of the application site were notified and, additionally, a press advertisement was placed in accordance with the requirement of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Residential premises to the opposite side of Union Street are in excess of 20 metres from the application site. Finally, the neighbour notification does not contend that neighbouring properties are all 20 metres from the application site. It is recognised that many of the neighbours notified are in close proximity.

In conclusion, I am satisfied that the proposed use is appropriate for the town centre location and is not at conflict with Policies 22 or 24 of the Local Development Plan. The proposal demonstrates the adaptability of the premises and ensures the reuse of existing buildings without detriment to adjacent uses, in accordance with the aims of Policy 1. Whilst I am mindful of the objections received, there are no material planning considerations which suggest that the proposal is not acceptable. Planning permission should therefore be granted subject to the condition below.

RECOMMENDATION

That the application be granted subject to the following condition:

1. The classes and activities associated with the performing arts academy use hereby permitted shall only be held between 9am to 9pm daily and all patrons shall vacate the premises by 9.30pm each evening.

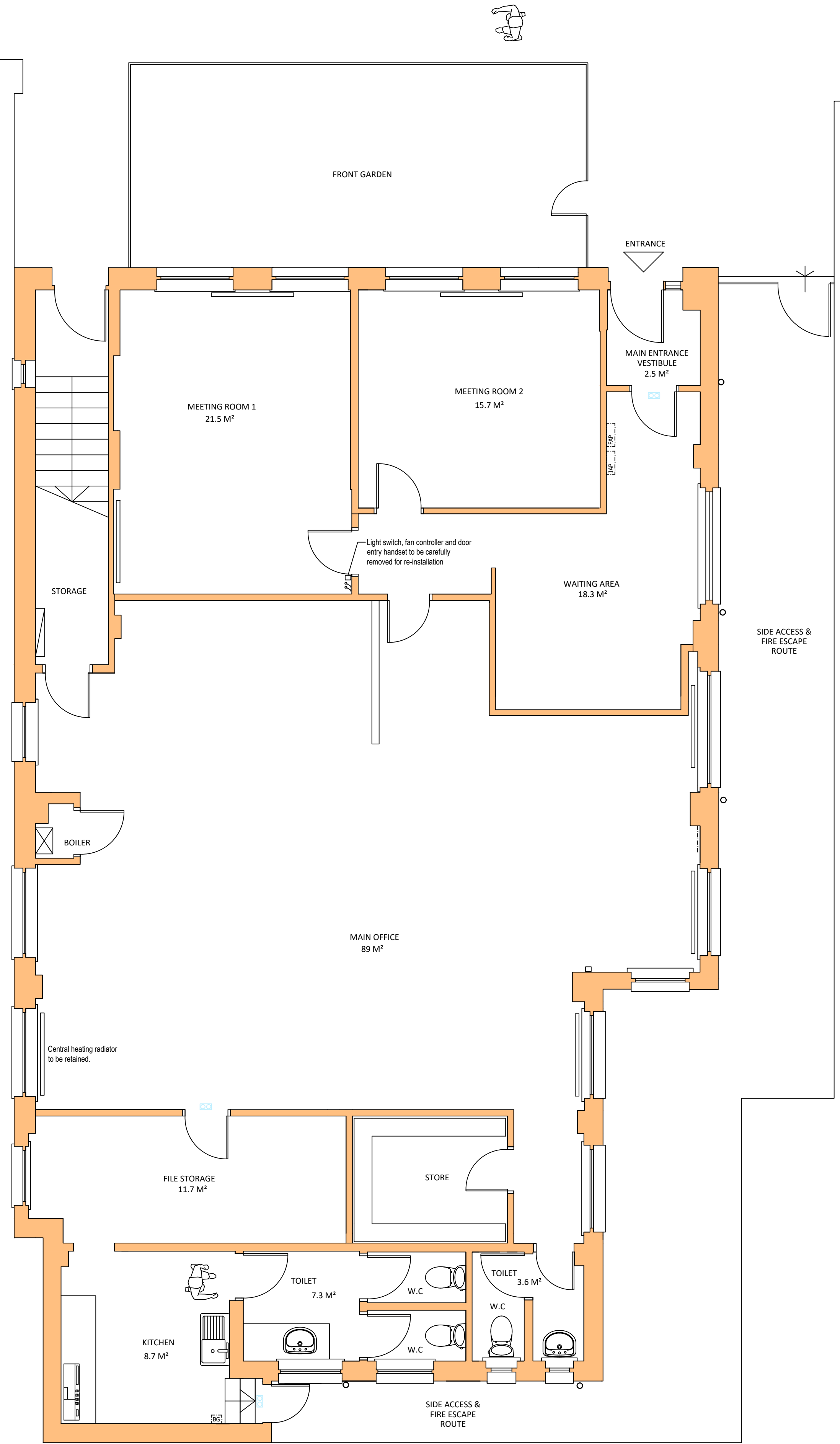
Reason

1. To avoid undue late night and early morning activity to the disturbance of residential property within close proximity to the premises.

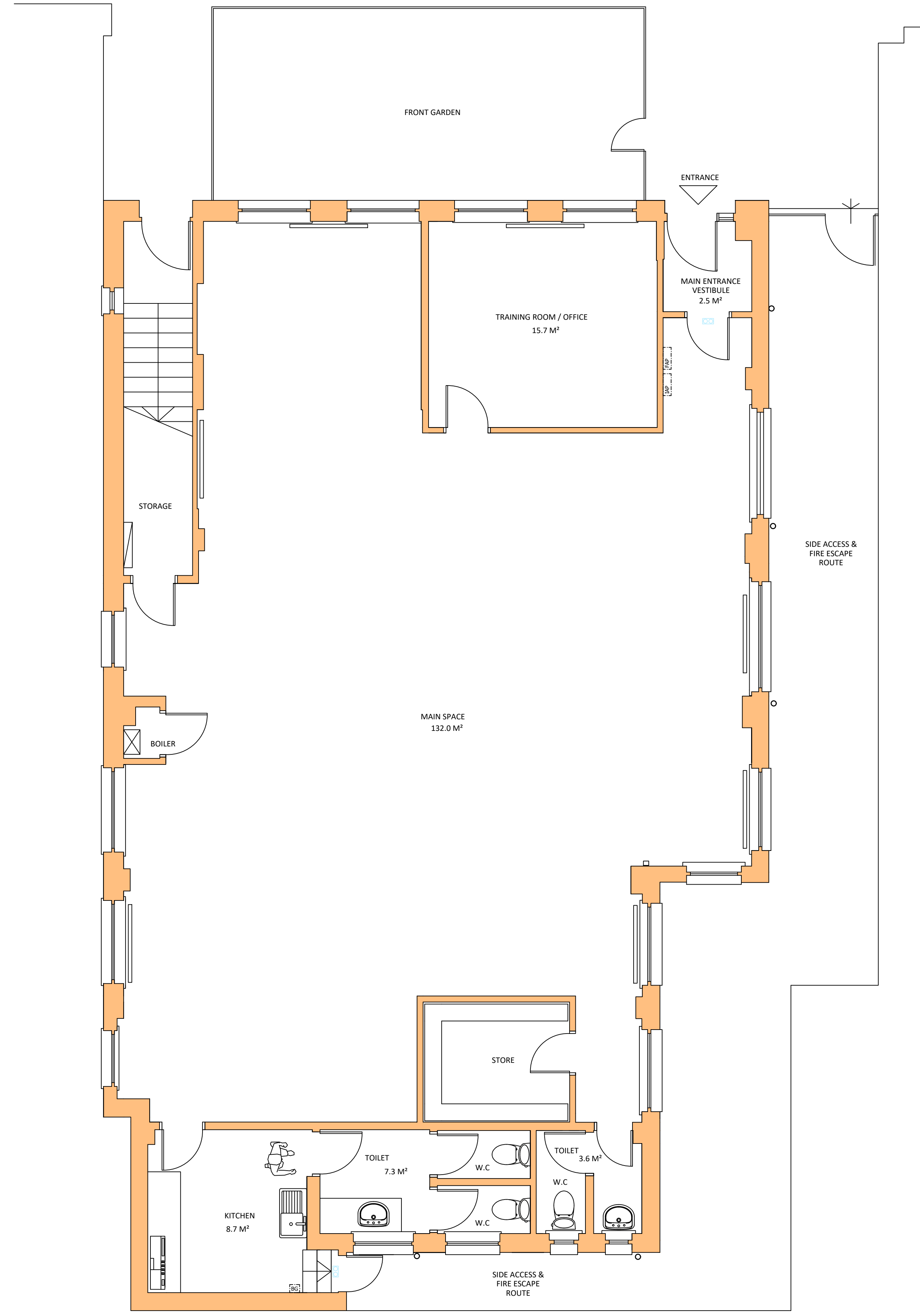
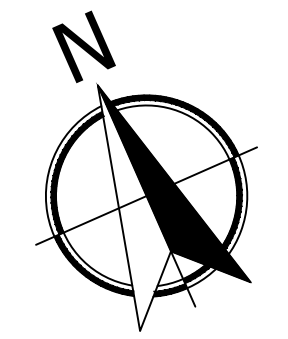
Stuart Jamieson
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact James McColl on 01475 712462.

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EXISTING FLOOR PLAN 1:50



PROPOSED FLOOR PLAN 1:50



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PROJECT TITLE
 Proposed change of use of office

PROJECT ADDRESS
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