

Report To: The Planning Board

Date: 4 September 2024

**Report By: Director
Environment and Regeneration**

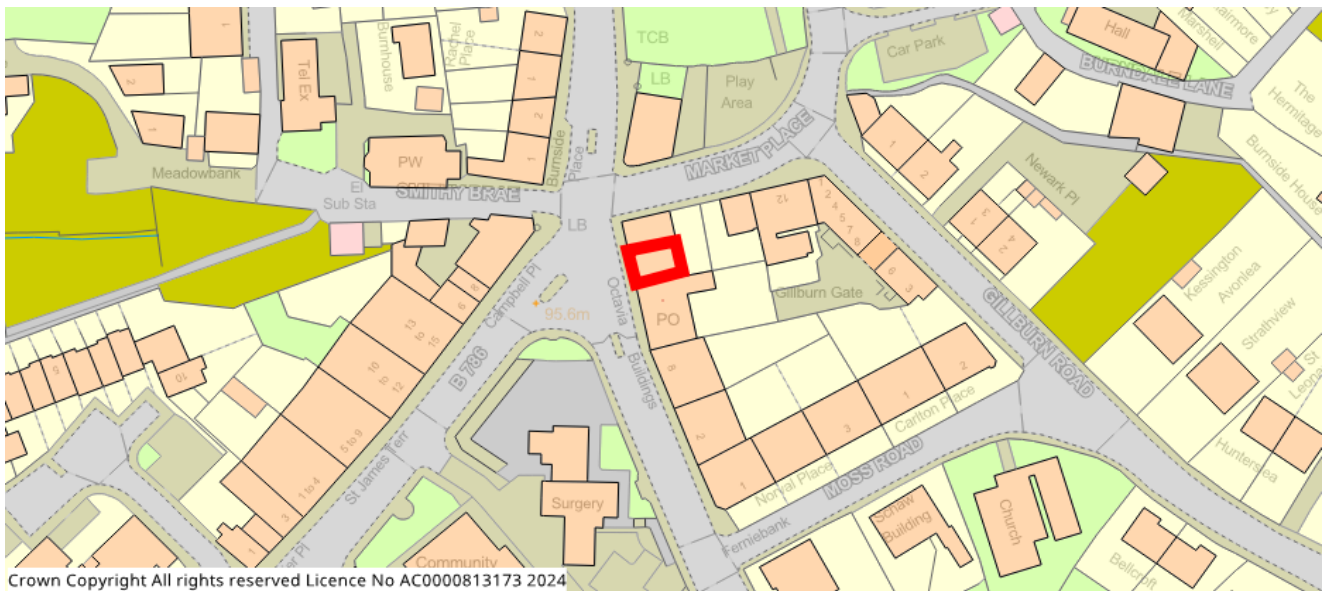
Report No: 24/0151/IC

**Local Application
Development**

Contact Officer: Maria Porch

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**Subject: Change of use to wine bar (sui generis) at
2 Octavia Buildings, Bridge of Weir Road, Kilmacolm**



SUMMARY

- The proposal complies with the relevant policies of National Planning Framework 4, the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan.
- Consultation responses present no impediment to development.
- Six objections have been received relating to: querying the previous use accuracy; accessibility; lack of parking; noise levels; littering; over provision of the proposed use; and anti-social behaviour. One hundred and six representations in support of the proposal have also been received.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

SITE DESCRIPTION

The application site is a ground floor premises located in a building on the east side of Bridge Weir Road, opposite Lochwinnoch Road. The premises had been last occupied by a retail operator.

Octavia Buildings is two and a half storeys high with commercial uses at ground floor level and residential properties on the upper floors.

PROPOSAL

Planning permission is sought for a change of use of the premises to a wine bar.

The submitted plans show internal alterations to remove and add internal walls to form a bar counter/servery area, seating areas, a private room at the rear as well as a toilet and store.

DEVELOPMENT PLAN POLICIES

National Planning Framework 4

NPF4 was adopted by the Scottish Ministers on 13th February 2023. NPF4 forms part of the statutory development plan, along with the Inverclyde Local Development Plan and its supplementary guidance. NPF4 supersedes National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) (2014). NPF3 and SPP no longer represent Scottish Ministers' planning policy. The Clydeplan Strategic Development Plan and associated supplementary guidance cease to have effect from 13th February 2023 and as such no longer form part of the development plan.

NPF4 contains 33 policies and the following are considered relevant to this application.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 7

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

Policy 14

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.
Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 27

a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.

b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:

i. will be supported in existing city, town and local centres, and

ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:

- all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
- the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
- the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

Adopted 2019 Local 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 11 - Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

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 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.

Proposed 2021 Inverclyde Local 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 and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 12 - Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network.

Development should comply with the Council's roads development guidelines and parking standards, including cycle parking standards.

Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 23 - Network of Centres Strategy

The preferred locations for the uses set out in Schedule 5 are within the network of town and local centres identified in Schedule 6. Proposals which accord with the role and function of the network of centres as set out in Schedule 6 and the opportunities identified in Schedule 7 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.

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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. Applicants should demonstrate that every reasonable effort has been made to secure the future of the building. 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

Public Protection Manager – advises of no comments in relation to: Food & Health; Air Quality; and Contaminated Land. Recommends conditions relating to containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located and a restriction on live music and karaoke played in the premises. Recommends advisory notes relating to site drainage, construction regulations and soundproofing.

Head of Service - Roads and Transportation – The existing use of the premises as Class 1 Retail requires 3 spaces per 100m². The current GFA is approx. 83m² therefore the parking requirements is 3 parking spaces. The proposed use of the premises to a wine bar is most likened to a public house which requires 10 space per 100m². This would require 9 parking spaces. The site is located in the town centre next to public transport, with access to bus services. This makes public transport an option therefore reducing the parking requirements. The existing site has no 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 is a public car parks nearby. It is therefore acceptable in these circumstances that no parking is provided as part of this application.

PUBLICITY

An advertisement was placed in the Greenock Telegraph on 23rd July 2024 due to the development being within a conservation area and being a “bad neighbour” development.

SITE NOTICES

A site notice was posted on 19th July 2024 due to development being within a conservation area.

PUBLIC PARTICIPATION

The application was subject of neighbour notification and six objections have been received. The grounds of objection can be summarised as follows:-

- This shop unit was never an office it was always a retail unit and the address appears to be incorrect.
- No disability access or fire and emergency service exits are demonstrated.
- No parking for offloading, etc is shown.
- Noise levels will be of concern when patrons are outside smoking at night especially and littering and anti-social behaviour could ensue.
- This application would provide five licensed premises and two off licenses within less than a half mile radius and there is no need for another.

One hundred and six representations in support have been received which consider that the use would be beneficial to Kilmacolm following relocation of an existing operation as well as bringing business, employment and a range of facilities to the area. Not granting permission could see the unit remaining vacant in the long term.

The Kilmacolm Civic Trust has no objections to the proposal.

ASSESSMENT

The material considerations in the assessment of this application are: National Planning Framework 4; the adopted Inverclyde Local Development Plan; the proposed Inverclyde Local Development Plan; the consultation responses; and the amenity impact of the proposal.

Policy 14 of National Planning Framework 4 and Policy 1 of both the adopted and proposed Local Development Plans relate to the qualities that make successful places. The qualities of being "Adaptable" and "Pleasant" in Policy 14 of NPF4 are considered to be relevant. Policy 1 of both the adopted and proposed Local Development Plans requires development to have regard to the six qualities of successful places, taking account of the factors set out in Figures 3 and 2 respectively. In this proposal, the relevant factor relates to: being "Resource Efficient" by making use of existing buildings and previously developed land; and "Safe and Pleasant" by avoiding conflict between adjacent uses by having regard to adverse impacts that may be created by noise in this instance.

Adapting the premises to be used for the proposed use is considered in general terms to accord with the quality of being "Adaptable" under Policy 14 of NPF4 and the quality of being "Resource Efficient" under Policy 1 of both the adopted and proposed Local Development Plans. Adapting the premises, which is within the existing urban area and a local centre, is considered to accord with the terms of Policy 1 of NPF4.

The application site is located in the Kilmacolm Local Centre. Policy 27 of National Planning Framework 4 supports development proposals that enhance and improve the vitality and viability of town/local centres. Policy 22 of the adopted Local Development Plan and Policy 23 of the proposed Local Development Plan indicate the preferred location for a variety of uses identified in Schedule 6 and Schedule 5 respectively as being within the network of town or local centres. The proposed use as a wine bar is similar to a public house which is specifically identified in Schedule 6 and Schedule 5 as an appropriate use within a local centre. The site is therefore accessible and is considered to be a sustainable location. The local centre contains a variety of commercial uses and this proposal would not be out of character with this context. The proposed use can therefore be considered to accord with the role and function of the local centre. The proposed use can be considered to accord with the terms of Policy 27 of NPF4, Policy 22 of the adopted Local Development Plan and Policy 23 of the proposed Local Development Plan.

The objection received in relation to over provision is noted however the local centre is the preferred use for a development such as this and is considered appropriate in this instance.

Although the proposal is located in a conservation area no physical alterations are proposed to the exterior of the premises and the proposal does not have any implications for Policy 7 of NPF4 nor Policies 28 of both the adopted and Proposed Local Development Plans.



View of the premises from Bridge of Weir Road

In terms of residential amenity, there are a wide range of commercial uses within the local centre and the site is located in close proximity to a busy road where background noise levels, particularly from traffic, are generally higher. The proposed use is therefore considered to accord with the quality of being "Safe and Pleasant" under Policy 1 of both the adopted and proposed Local Development Plans, alongside it being necessary for a planning condition prohibiting the playing of live music and karaoke within the premises.

Given the location of the premises and the availability of a range of public transport and parking provision in the vicinity of the site, the proposed use is unlikely to generate any additional impact on the roads network and the Head of Service - Roads and Transportation has raised no objections to the proposals in this regard. The Head of Service - Roads and Transportation also has no objections with regard to accessibility.

Taking into consideration the comments raised by the objectors above which have not been addressed in the main body of the assessment, the previous use of the site is noted and was referred to as a Class 4 use by the applicant's agent in error. There is the potential for some noise disturbance particularly if patrons leave late in the day. Should there be any excessive noise from the use of the property this should be reported to the Council's Public Protection Service to investigate under their remit and any antisocial behaviour reported to Police Scotland.

In conclusion, the proposal is considered to be an acceptable use at this location when considered against the terms of Policies 1, 7, 14 and 27 of National Planning Framework 4 and Policies 1, 11, 22 and 28 of the adopted Local Development Plan as well as Policies 1, 12, 23 and 28 of the proposed Local Development Plan. There are no material planning considerations that outweigh these policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions:-

1. The development to which this permission relates must be begun within 3 years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.

2. Notwithstanding the permission hereby granted, there shall be no live music or karaoke played in the premises at any time for the lifetime of the approved development.

Reason: To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

3. Prior to commencement of the use hereby approved the applicant shall provide details of the containers to be used to store waste materials and recyclable materials produced on the premises as well as where the containers are to be located have been submitted to and approved in writing by the Planning Authority. The approved containers shall be implemented on site before the first use/occupation of the use of the development and thereafter retained in position.

Reason: To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents, or birds.

Stuart Jamieson
Director, Environment and Regeneration

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Maria Porch on 01475 712416.