

Report To: The Planning Board

Date: 6 November 2024

Report By: Director, Environment and Regeneration

Report No: 24/0163/IC

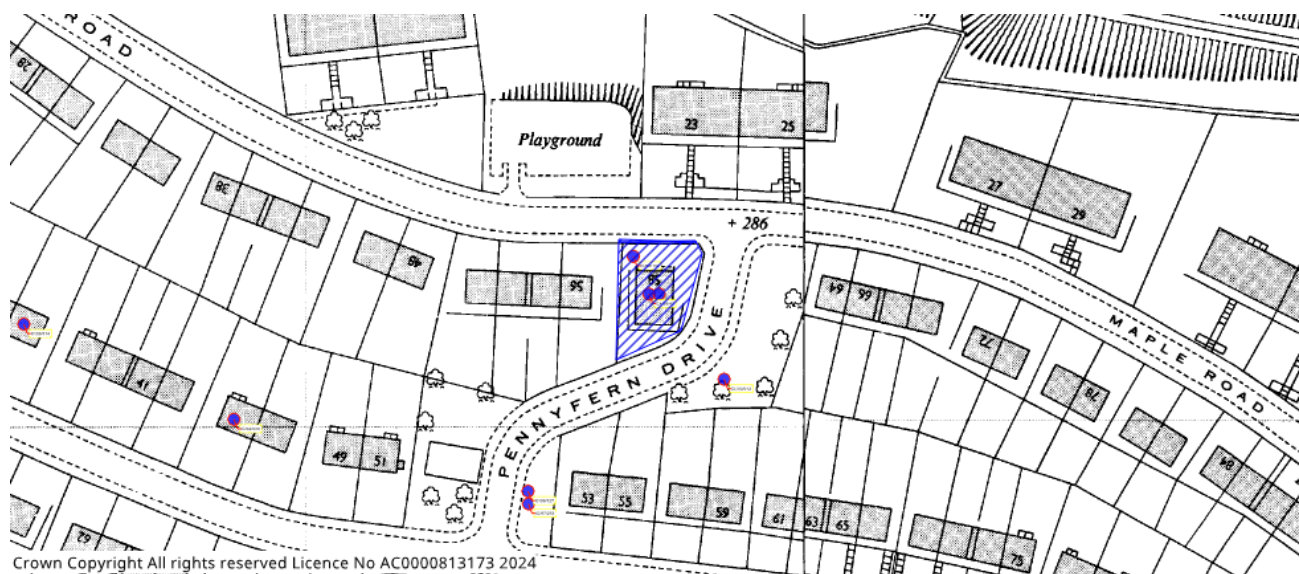
Local Application
Development

Contact Officer: Maria Porch

Contact No: 01475 712416

Subject: Change of use from shop to hot food takeaway and installation of extract flue at side (extract flue in retrospect) at

58 Maple Road, Greenock



SUMMARY

- The proposal is acceptable when assessed against National Planning Framework 4.
- The proposal accords with the adopted and proposed Inverclyde Local Development Plans.
- There have been 6 representations objecting to the application.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

[24/0163/IC | Change of use from shop to hot food takeaway and installation of extract flue at side \(extract flue in retrospect\) | 58 Maple Road Greenock PA16 9HT \(inverclyde.gov.uk\)](#)

SITE DESCRIPTION

The application site relates to a single storey standalone building located at the junction of Pennyfern Drive and Maple Road, on an upward gradient. The building is finished in painted brick and white

render with a flat roof and metal shuttering at the shop frontage. The premises was most recently operated as a retail unit but is currently vacant. There is no allocated parking for the building and parking is on-street. A grassed area surrounds the building, with the main access to the building via stairs from Maple Road. The surrounding area is predominantly residential with flats on the opposite side of Maple Road having recently been demolished.

PROPOSAL

Planning permission is sought for the change of use of a vacant shop to a hot food takeaway and for the installation of an extract flue at the side of the building (extract flue in retrospect).

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 NPF3 and SPP no longer represent Scottish Ministers' planning policy.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 - Tackling the climate and nature crisis

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

Policy 9 - Brownfield, vacant and derelict land and empty buildings

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 13

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

Policy 14 - Design, quality and place

- 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 15

- a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:
- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
 - employment;
 - shopping;
 - health and social care facilities;
 - childcare, schools and lifelong learning opportunities;
 - playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
 - publicly accessible toilets;
 - affordable and accessible housing options, ability to age in place and housing diversity.

Policy 27 - City, town, local and commercial centres

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.

PROPOSED 2021 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 17 - Brownfield Development

The Council offers in principle support for proposals to bring brownfield sites in the urban area into beneficial use.

Proposals for the temporary greening of brownfield sites will be supported where it is demonstrated that they will deliver a positive impact to the local environment and overall amenity of the area. For sites identified for development in this Plan, temporary greening projects should not prejudice the future development of the site.

Proposals for advanced structure planting to create a landscape framework for future development on sites identified in the Plan will be supported.

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that are acceptable to the Council and ensure that the site can be made suitable for the proposed use.

Policy 20 - Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

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.

CONSULTATIONS

Public Protection Manager – No comments in relation to Food and Health, Air Quality, Noise or Contaminated Land. Conditions in respect of the specification of the ventilation and extraction system to serve the hot food takeaway, including the proposed odour mitigation measures and waste storage required.

Advisory notes also recommended in relation to construction and design management and ventilation.

Head of Service - Roads and Transportation – advises as follows:

- Parking should be provided in accordance with the National Roads Development Guidelines:

Use class	Car parking	Bicycle parking
Class 1 – retail	3 spaces per 100m ² GFA	1 space per 400m ² for staff and

		1 space per 400m ² for customers
Sui Generis – hot food takeaway	5 parking spaces per 100m ²	1No space plus 1 space per 50 car parking spaces

- The existing use of the premise is retail (Class 1). The GFA of the premise is 72m² which requires 3 car parking spaces.
- The proposed premise use is hot food take-a-way (Sui Generis). No floor plan has been provided by the applicant, therefore, the overall GFA for the premises has been used to calculate the parking requirement. The proposed use requires 4 spaces. Therefore 1 additional space is required over the existing use and there is adequate on-street parking within close vicinity of the premise.

PUBLICITY

The application was advertised in the Greenock Telegraph on 16th February 2024 as a Schedule 3 development.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application was subject to neighbour notification and six objections have been received. The substance of which can be summarised as follows.

1. There is no parking associated with the unit and limited space on the street if any in the evening.
2. There is already congestion on the two way part of Maple Road which would be exacerbated by the proposed use.
3. Noise from the premises could result. Never had any hot food takeaways in the area as there are plenty in close proximity.
4. Could result in issues with privacy.
5. The smell of the food could be an issue and with no area for refuse could attract vermin.
6. The flue has already been installed before planning application.
7. Could result in anti social behavior associated with loitering.
8. Could reduce the value of property in the area.

ASSESSMENT

The material considerations in the determination of this planning application are National Planning Framework 4 (NPF4); the 2019 adopted Inverclyde Local Development Plan (LDP); the 2021 proposed Inverclyde Local Development Plan; the impact on the character, function and amenity of the surrounding area; the consultation responses and representations received.

NPF4 policies 9, 14, 15 and 27 are of most relevance to this proposal and support development proposals that will result in the sustainable reuse of brownfield land, including vacant and derelict land and buildings; where the transport requirements generated have been considered in line with the sustainable travel; there is an improvement on the quality of an area; where they are consistent with the six qualities of successful places; development will enhance and improve the vitality and

viability of city, town and local centres, including proposals that increase the mix of uses and which are consistent with the town centre first approach will be supported.

Policy 1 of both Plans requires all development to have regard to the six qualities of successful places. The relevant qualities to this proposal in Policy 1 are being “Distinctive” in reflecting local architecture and urban form; being “Adaptable” by ensuring buildings and land can be adapted for a range of uses and to avoid buildings or spaces that will become neglected or obsolete; being “Resource Efficient” by making use of existing buildings and previously developed land, building at higher density in town and local centres and around public transport nodes; being “Easy to Move Around” well connected, with good path links to the wider network, recognising the needs of pedestrians and cyclists; being “Safe and Pleasant” by avoiding conflict between adjacent uses by having regard to adverse impacts that may be created by noise; smell; vibration or air quality; avoiding creating spaces that are unsafe or likely to encourage and facilitate anti-social behaviour and crime; and minimising the impact of traffic and parking on the street scene; and being “Welcoming” in creating a sense of arrival, integrating new development into existing communities and creating attractive and active streets.

The application site is located in the settlement boundary of Greenock and comprises a former retail use which is now vacant. The applicant has installed an extraction flue to the side of the building in association with the proposed use which was undertaken without applying for formal planning permission. The current application seeks permission for these works in retrospect.

Policy 22 of the adopted Plan and Policy 23 of the proposed Plan define the preferred location for specific uses. The proposed use as a hot food takeaway is specifically identified in Schedule 6 to Policy 22 of the adopted plan and Schedule 5 to Policy 23 of the proposed Plan as a suitable town centre use. Whilst the unit proposed for a change of use is not located within the town centre, it is an established commercial building. An assessment of sequentially preferable sites within Greenock’s Strategic Centre is therefore not considered to be required in this instance. Furthermore, it is not considered that the premises would draw trade away from other centres which would result in any detrimental cumulative impact on the vibrancy, vitality or viability of other town and local centres. As the site accommodates a currently vacant premises, this proposal would additionally bring clear community and economic benefits best achieved at this central, accessible and convenient location for local users as well as contributing positively to the overall amenity of the area by bringing this building back into use and integrating new development into existing communities in accordance with the “Adaptable”, “Resource Efficient” and “Welcoming” factors of Policy 1 and Policy 17 of the proposed Plan.



View of the front elevation of 58 Maple Road, Greenock

Continuing to assess the proposal with reference to impact on the character and amenity of the surrounding area, the proposed development, has the potential to generate noise and smells through food preparation/cooking. The nearest residential properties are approximately 12m to the west, on the opposite side of the building from the extract flue which is a further 6m away from the nearest property. Given the separation distance between the development and the nearest residential properties, coupled with the requirement for a condition to be applied to any consent given, requiring that the details of the extraction system be approved, prior to use of the premises as a hot food takeaway, the proposal is unlikely adversely affect residential amenity in terms of cooking smells and odours. It should be noted that the Public Protection Manager has no objection or comments to make on the proposed development in terms of noise. The proposed development is therefore considered to avoid conflict with adjacent uses. The Public Protection Manager does however recommend that a condition relating to waste storage, be attached as conditions to any grant of planning permission. Policy 16 of the adopted Plan has therefore been addressed.

With regard to the appearance of the flue, this is of a standard design and is considered acceptable in terms of scale and material use for the area.

Amenity and operation of existing and surrounding uses can also be impaired by traffic movements from the premises. With regards to road safety, the Head of Service - Roads and Transportation has offered no objection to the proposal. The Head of Service - Roads and Transportation has however advised that use of the premises as a hot food takeaway would require the provision of 4 parking spaces to support the proposed use. Presently no allocated parking is associated with the approved commercial use and as such The Head of Service – Roads and Transportation has confirmed that existing on street parking within close vicinity of the premise is adequate to serve the development. Whilst the applicant was asked to provide a floor plan to confirm definitive parking numbers for the proposed use, this is not a legislative requirement for an application for a change of use and this has not been provided.

Considering Policy 13 of NPF4, support is offered to developments with low or no car parking in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled persons. This allowance, with sustainable transport available in the

wider area, coupled with the existing no parking provision for the retail use would, therefore, meet the criteria of Policy 13.

On balance, therefore the proposal with no allocated parking associated with the proposed use is considered to be acceptable on this occasion.

Representations

With regards to the objections received that have not already been addressed above the following comments are made. Each application is assessed in its own merit and consideration requires to be given to the suitability of this location for the proposed use only under the provisions of this application. The position of the premises, remote from nearby residential development is unlikely to give rise to impact on privacy from the proposed use. Any nuisance from vermin associated with the use should be reported to the Council's Public Protection Service to investigate under their remit and any antisocial behaviour reported to Police Scotland. The value of property is not a material consideration in the assessment of planning applications.

Overall conclusion

In conclusion, the proposed development accords with Policy 22 of the 2019 adopted Local Development Plan and Policy 23 of the 2021 proposed Local Development Plan. The form and appearance of the development is considered appropriate and having fully assessed the proposal inclusive of implications for traffic and parking, the development is considered acceptable and to present no significant conflict with the relevant policies which address these matters in either the adopted or proposed Local Development Plans. The proposal is also considered acceptable with reference to Policy 1 of both the adopted and proposed Local Development Plans. Having also considered the policies of NPF4, this proposal is appropriately located, involves redevelopment of a derelict building and brownfield site, has implemented sustainable transport and connections, will improve the vitality and meets the six qualities of successful places with no adverse implications to amenity. The proposal also therefore complies with the principles of NPF4. There are no other material considerations which indicate the application should not be granted subject to the conditions below. The proposal therefore merits conditional planning approval.

RECOMMENDATION

That the application 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. Prior to the commencement of use of the hot food takeaway hereby approved, the applicant shall provide for the written approval of the Planning Authority, the exact details and specification of the ventilation and extraction systems to serve the hot food takeaway, including the proposed odour mitigation measures. For the avoidance of doubt the details and specification to be submitted shall include:
 - a) the exhaust point of the ventilation system being situated at a point most distant from opening windows of neighbouring residential properties and taking cognisance of the environmental conditions in the area including the immediate topography of the area.
 - b) ensuring that the exhaust air is expelled from the exit point at sufficient temperature/velocity to ensure it is taken away from nearby residential properties. The exit point should be at least 1 m above roof level
 - c) the maintenance/management scheme for the ventilation and filtration system; and

- d) the mechanical and electrical installations being arranged to ensure that the ventilation system operates during periods when the premises are open for the preparation and/or cooking of food.
- e) the ventilation, filtration and extraction systems shall then be implemented as approved with the systems retained and maintained/managed for as long as the premises remain as a hot food takeaway.

Reason: To protect residents from nuisance resulting from cooking odours.

- 3. Prior to the commencement of any construction works on site, the developer shall provide for the written approval of the Planning Authority, full details of the 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. The use of the development shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place.

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.