
Report To:	The Planning Board	Date:	3rd November 2010
Report By:	Head of Regeneration and Planning	Report No:	10/0213/IC Plan 11/10 Local Application Development
Contact Officer:	David Ashman	Contact No:	01475 712416
Subject:	Change of use from shop unit to hot food takeaway at 25 Lynedoch Street, Greenock		

SITE DESCRIPTION

The site lies on the east side of Lynedoch Street, Greenock, to the north of the recently demolished Lynedoch Court high flats. It comprises the westernmost most unit in a parade of four, single storey shops and part of a hard surfaced, pedestrian courtyard. The unit, currently vacant, was last in use as a shop. The adjoining unit is in use as a hot food take away, while planning permission was recently granted for the change of use of the two remaining shop units to a nursery.

PROPOSAL

The applicant seeks planning permission to change the use of the unit from a shop to a hot food take away.

LOCAL PLAN POLICIES

Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

Local Plan Policy H9 - Non-Residential Development Proposals within Residential Areas

The introduction of new, or the extension of, non-residential uses in existing residential areas will be acceptable only where such uses are compatible with the character and amenity of the area and satisfy other relevant policies of the Local Plan.

Local Plan Policy R1- Designated Centres

The following Centres are designated:

1. Town Centres, as defined on the Proposals Map:

- (a) Greenock, subdivided into a 'Central Shopping Area' and 'Outer Mixed/Commercial Area';
- (b) Port Glasgow;
- (c) Gourock; and

2. Local Centres, as defined or indicated on the Proposals Map:

- (a) Kilmacolm (defined);
- (b) Dubbs Road, Port Glasgow (defined);
- (c) Sinclair Street, Greenock;
- (d) Belville Street, Greenock;
- (e) Lynedoch Street, Greenock;
- (f) Barrs Cottage (Inverkip Road/Dunlop Street), Greenock;
- (g) Ravenscraig (Cumberland Walk), Greenock;
- (h) Cardwell Road, Gourock (defined);
- (i) Main Street, Inverkip;
- (j) Ardgowan Road, Wemyss Bay;
- (k) By Station/Pier, Wemyss Bay

Inverclyde Council, as Planning Authority, will seek to assist urban regeneration and sustainable travel patterns. This will be achieved by encouraging each Centre to serve its own retail and service catchments without detriment to other Centres and to the overall roles of Greenock, Port Glasgow and Gourock as the principal Centres serving the Authority.

Local Plan Policy R2 - Support for Designated Centres

The designated Centres identified in Policy R1 will be protected, enhanced and developed, where resources allow, through a range of initiatives aimed at achieving the following:

- (a) encouraging a diversity of retail, leisure, civic, public administration, office, residential and other uses, of the type which the Council, as Planning Authority, considers to be appropriate to the development of the individual Centres, in order to support their vitality and viability, particularly through mixed use developments and through the use of upper floors of commercial premises;
- (b) identifying and promoting opportunities for new development and for the redevelopment and reuse of existing premises, both within and on the edge of the defined Centres;
- (c) improving the quality of the urban environment through implementing programmes for the improvement of individual properties, the streetscape and open spaces;
- (d) improving accessibility and integration of services by bus, train, ferry and taxi;
- (e) improving accessibility for pedestrians and cyclists through the provision of safe and convenient facilities and routes both into and within the town centres;
- (f) managing provision of freight access and of car, motorcycle and cycle parking for residents, visitors, workers and shoppers in accordance with an approved strategy;
- (g) managing traffic flows to minimise congestion and pollution and to give priority to the disabled, pedestrians, cyclists, public transport and service vehicles; and
- (h) developing Town Centre Action Plans in partnership with other agencies.

Local Plan Policy R3 - Town Centre Uses

The following town centre uses will be directed towards the Central Shopping Area of Greenock, the other two Town Centres (Port Glasgow and Gourock) and the Local Centres:

- (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.

Outside these designated Centres, the above uses will be permitted in principle in the Outer Mixed/ Commercial Area around the Central Shopping Area of Greenock Town Centre, according to the specification in Policy R5. Applications for any of the uses listed will be considered subject to the criteria outlined in Policy R10. Proposals for other uses in designated Centres will be considered on their merit.

Local Plan Policy R10 - Assessing Development Proposals for Town Centre Uses

Any proposal for a development of one or more of the town centre uses identified in Policy R3, or for any other commercial use within a defined centre, will be required to satisfy the criteria listed below:

- (a) for developments on the edge of, or outside, the designated Centres, and retail developments on the edge of, or outside, Greenock's Central Shopping Area, the applicant should have adopted a sequential approach to site selection, including consideration of sites identified under Policy R6;
- (b) the applicant having demonstrated that there is a capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area, or a qualitative deficiency in existing provision;
- (c) the proposal should not have a detrimental effect, including cumulatively, on the vitality and viability of existing Centres;
- (d) the size and format of the development is appropriate to the Centre for which it is proposed;
- (e) the proposed development should be accessible by a choice of means of transport from its forecast catchment, make provision for improved infrastructure where deemed necessary, not result in unacceptable changes in travel patterns and, where required, be supported by the production of a Transport Assessment;
- (f) the proposed development should be to a high standard of design and its scale, siting and relationship to the surrounding townscape and land uses should make a positive contribution to the quality of the urban environment;
- (g) the proposal should not have a detrimental effect on residential amenity or on the amenity and effective operation of existing businesses;
- (h) the proposal should be consistent with other relevant national, Structure Plan and Local Plan policies and guidelines, including any Town Centre Strategy or other relevant initiative which may have been instigated, the Council's Roads Development Guide, 1995 and any other standards; and

- (i) in Greenock Town Centre the proposed development should be consistent with Policies R4 and R5.

Where the proposal includes either a convenience retail development of over 1,000 square metres gross; comparison retail development of over 2,000 square metres gross; or Use Class 11 (Assembly & Leisure) developments that will attract a large number of users, it should be accompanied by a statement of justification addressing the above criteria and the criteria set out in the Structure Plan and NPPG8. At the Council's discretion, applications for development within designated Centres or small-scale development of town centre uses outwith the designated Centres may be exempted from the requirement to be justified against criteria (a)-(d).

CONSULTATIONS

Head Of Safer And Inclusive Communities - Strong reservations expressed about cooking odours. Conditions are suggested if planning permission is not to be refused.

Head Of Environmental And Commercial Services - No comments

PUBLICITY

The application was advertised in the Greenock Telegraph on 17th September 2010 as there are 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

The application was subject to press advertisement and neighbour notification. No objections were received.

ASSESSMENT

The material considerations in the determination of this planning application are the Local Plan and the consultation responses.

The application site is included within a local retail centre under policy R1. Policy R2 advises that local centres are to be protected, enhanced and developed, where resources allow, through a range of initiatives aimed at achieving a range of goals. I consider that the proposed reuse of the vacant shop unit is appropriate and will assist in the vitality, viability and sustainability of the Lynedoch Street local centre, and as such complies with criterion (a). I also consider that the proposed reuse of the existing shop unit accords with criterion (b), which seeks to promote the use of premises. Furthermore, policy R3 identifies hot food take-aways as one of the uses to be directed to local centres. With respect to policy R10 and those relevant issues not already addressed, I consider that, provided the normal ventilation safeguards are in place, the proposal will have an acceptable effect on residential amenity and the operation of adjacent businesses.

Local shopping centres are by their nature set within mainly residential areas, designated by policy H1. This is the case in this instance. Policy H9 of the Local Plan advises that the introduction of new, or the extension of, non residential uses in existing residential areas will be acceptable only where such uses are compatible with the character and amenity of the area and satisfy other

relevant policies of the Local Plan. The nearest residential properties are flats lying to the north on Regent Street and on the west side of Lynedoch Street. It also has to be considered, however, that the shop units are a long standing feature of this area and the Local Plan recognises these as part of a "Local Centre". It is my view that, given the nature of the location, residents will have a reasonable expectation of issues such as the noise and odours generated within a shopping centre. As such, I regard the proposed use as compatible with the character and amenity of the area.

I conclude that, overall, the proposal accords with the Local Plan.

With respect to the other material considerations, I note the concerns expressed by the Head of Safer and Inclusive Communities regarding odours and, in particular, the possible cumulative effects of these. The operation of a hot food take away does not, however, constitute a statutory nuisance in itself and I do not consider that it is appropriate to refuse planning permission on the basis of an odour nuisance that may or may not originate with the unit. Odour nuisance from hot food premises is controlled by separate legislation monitored by the Head of Safer and Inclusive Communities. While it is appropriate to require details of flues and ventilation be provided, it is not the role of the planning application process to control statutory nuisance and duplicate the controls of other legislation. I note that the adjacent take away has not been the subject of complaint and it is the role of Safer and Inclusive Communities legislation to effectively regulate odour removal, should it occur, from the application site. I also note that the Head of Environmental and Commercial Services has no comments to offer.

On this basis I consider that there are no other material considerations suggesting that planning permission should not be granted.

RECOMMENDATION

That the application be granted subject to the following condition:

1. That full details, including the installation of any flue, shall be provided of the ventilation system, and it shall, following approval, be installed, all prior to the use hereby permitted being commenced.

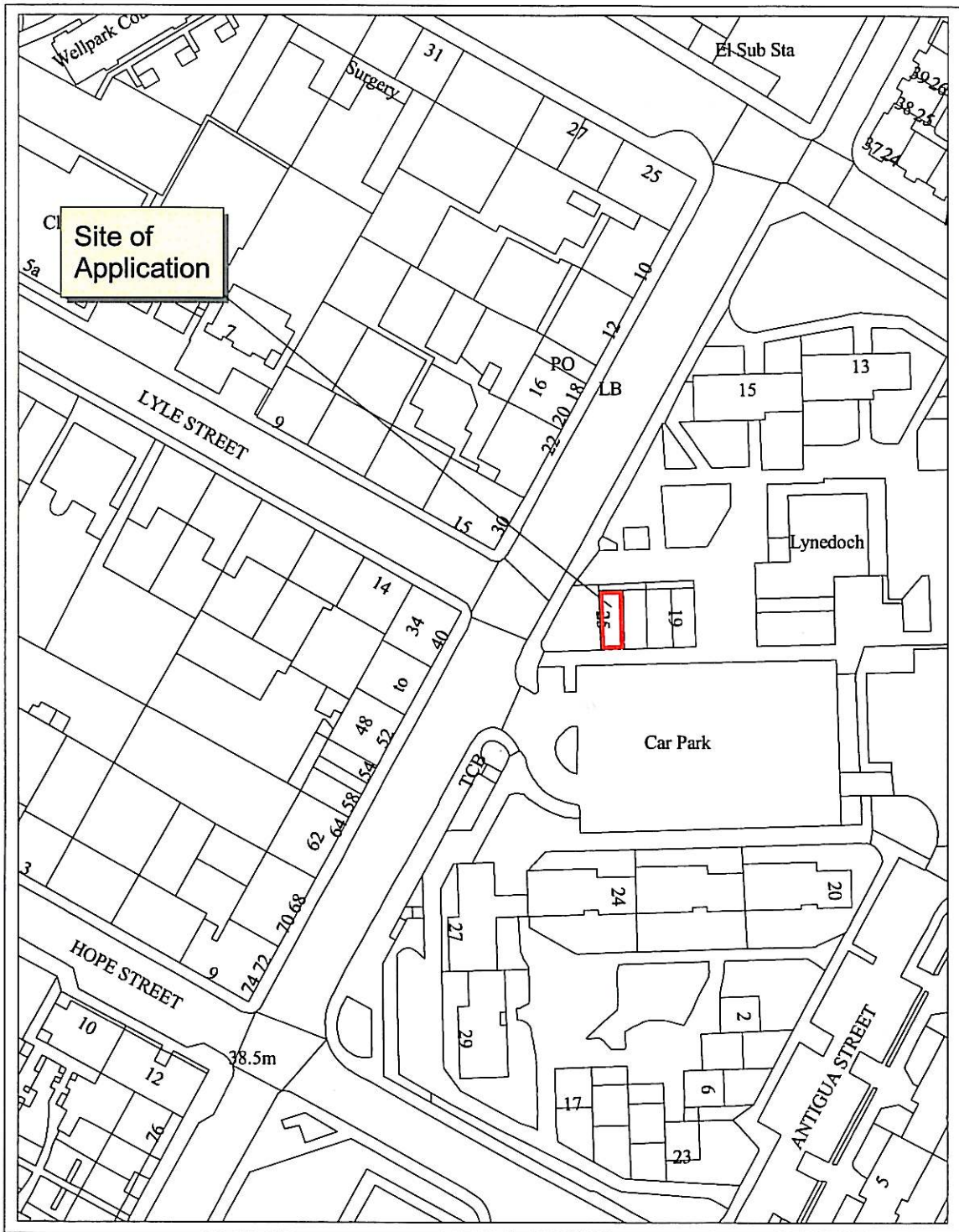
Reason

1. To aim to minimise odours originating at the application site.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form and plans.
2. Inverclyde Local Plan.
3. Consultation responses.



Drawing No. 10/00213/IC 25 Lynedoch Street, Greenock

Drawn by: JML

Date: 19:10:10



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