
Report To:	The Planning Board	Date:	1st December 2010
Report By:	Head of Regeneration and Planning	Report No:	10/0324/IC Plan 12/10 Local Application Development
Contact Officer:	David Ashman	Contact No:	01475 712416
Subject:	Change of use from vacant shop unit (Class 1) to licensed restaurant with ancillary takeaway (Class 3) with erection of rear ventilation flue at 12-14 West Blackhall Street, Greenock		

SITE DESCRIPTION

The application site consists of the ground floor of a two storey building on the north side of West Blackhall Street. The unit is “L” shaped and wraps around to the rear of the adjacent shop unit (“Knitwear”). The upper floor consists of vacant office space.

The application site is set within a small parade of shops at the eastern end of West Blackhall Street, close to the Oak Mall.

PROPOSAL

The application site was most recently in use as a shop (“Fads”). The applicant seeks planning permission for a change of use from a vacant shop (Class 1) unit to a licensed restaurant with ancillary takeaway (Class 3). The plans also indicate the installation of a rear ventilation flue.

LOCAL PLAN POLICIES

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) Gourrock; 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, Gourrock (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 Gourrock 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 Gourrock) 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 R4 - Greenock Central Shopping Area

In order to support the retail function of Greenock Town Centre's Central Shopping Area, Inverclyde Council, as Planning Authority will:

- (a) identify this area as the preferred location for retail investment in Greenock; and
- (b) seek to protect the core retail function of the Primary Shopping Area by ensuring that no more than 25% of the length of ground floor frontage of each of the six defined segments identified on the Greenock Town Centre Inset (H) of the Proposals Map is utilised for non-Class 1 (Shops) uses.

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 - A series of informatives will require to be attached to the grant of planning permission regarding dealing with cooking odours, waste disposal, external lighting, delivery time restrictions and air conditioning units.

Head of Environmental and Commercial Services - No objections.

PUBLICITY

The application was advertised in the Greenock Telegraph on 8th October 2010 as there are no premises on neighbouring land and as the proposal is a Schedule 3 development.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application was the subject of neighbour notification and press advertisement. One letter of objection was received. The objector is concerned that there are too many food establishments in the area leading to food odours within his residence. The objector claims to be allergic to garlic and onions and is concerned this development will cause him further headaches.

ASSESSMENT

The material considerations in determination of this application are the Local Plan, the consultee responses and the letter of objection.

The application site is within Greenock Town Centre as defined by the Local Plan under policy R1. A restaurant with an ancillary take away use, under Class 3, is one of the developments identified by Policy R3 as being appropriate within a town centre location. Assessment is required, however, against the relevant criteria of policy R10. In this respect, the proposal is typical of a town centre location. In bringing a vacant unit back into use it will contribute positively to the vitality and viability of the town centre. Given its town centre location, it is already accessible by a variety of transport. With respect to impact on residential amenity, it is noted that there are no flats above and that the area is already subject to noise and odours associated with a variety of town centre uses. Overall, I consider that the impact of the proposal on residential amenity will be negligible. The response of the Head of Environmental and Commercial Services to consultation offering no objections ensures there are no issues in respect of the Roads Development Guide.

Although the proposal would bring the percentage of non-Class 1 floorspace to 28%, thus marginally breaking the 25% limit set by Policy R4, this infringement is not regarded as significant. Without the proposal the equivalent figure is 18%. In reaching this conclusion I am influenced by the fact that, at the present time, 32% of the West Blackhall Street frontage consists of vacant units. The abundance of vacant units does, in my opinion, do more to adversely affect the vitality and viability of the town centre than a marginal conflict with the threshold set in Policy R4. Finally, with respect to Policy R2, I am satisfied that the proposal is supportive of this policy, especially in

respect of the re-use of premises and contributing to the variety of uses appropriate to the town centre.

Overall, therefore, I am satisfied that although the proposal is a departure from the Local Plan, the departure is not significant and is, with respect to the vitality and viability of the town centre, an acceptable departure.

Turning to the consultation responses not yet addressed, I note the comments of the Head of Safer and Inclusive Communities relative to the day to day operation of the premises on matters controlled by other legislation. There are no issues raised by consultees which suggest that planning permission should not be granted.

With respect to the letter of objection I have addressed the central issue in explaining that the use proposed is one I would expect within a town centre environment. Although I note the individual's allergy issue, this does not outweigh the benefits to be brought to the vitality and viability of the town centre through the re-use of a vacant unit in such a high profile location.

I therefore conclude that there are no material considerations suggesting that planning permission should not be granted.

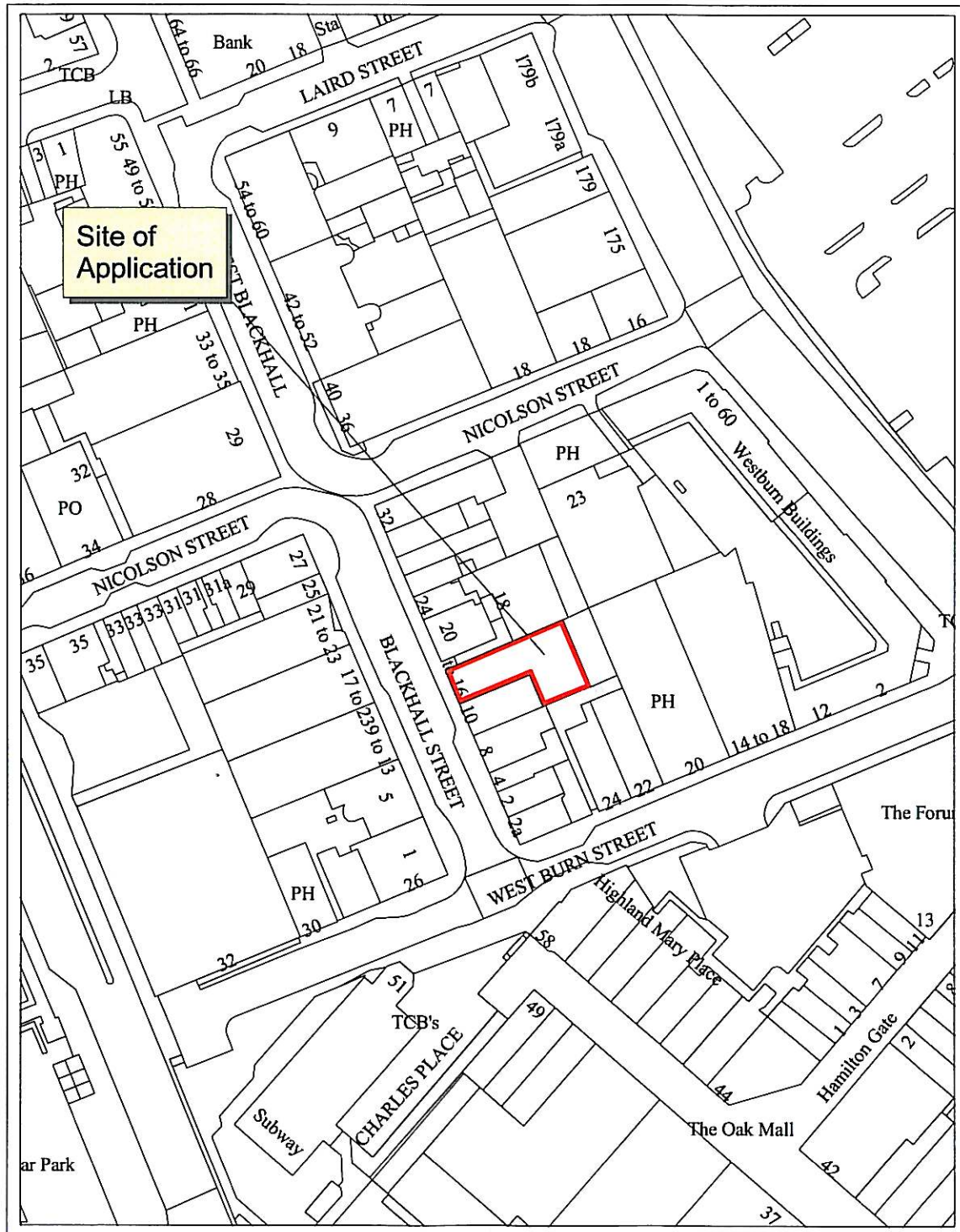
RECOMMENDATION

That the application be granted.

Stuart Jamieson
Head of Regeneration and Planning

Background Papers

1. Application form and plans
2. Inverclyde Local Plan
3. Consultation replies
4. Letter of objection



Drawing No. 10/0324/IC 12-14 West Blackhall Street, Greenock.

Drawn by: JML

Date: 12:11:10

