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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>1st December 2010</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>10/0223/IC Plan12/10 Local Application Development</b>
<b>Contact Officer:</b>	<b>Guy Phillips</b>	<b>Contact No:</b>	<b>01475 712422</b>
<b>Subject:</b>	<b>Proposed change of use from police house/station to restaurant at Old Police House, Main Street, Inverkip</b>		

## **SITE DESCRIPTION**

The site lies on the north west side of Main Street, within the Inverkip Conservation Area. It contains the former village police station, which is a split level two/three storey, red sandstone building with crow stepped gables. The two storey section fronts Main Street while the three storey element faces the rear and contains cell accommodation at basement level. Vehicular access from Main Street leads to a garage at the rear site boundary. To the rear, the site is bound by the A8 trunk road, and to either side by a 1970s detached house and a courtyard of two storey flats. The building is presently unoccupied and in a poor state of repair.

## **PROPOSAL**

It is proposed to extend the building and change the use to a restaurant. The extension is formed over two storeys, with a pitched roof, attached to the gable on the north east side of the building. The extension is built on top of a flat roofed, basement store and incorporates toilet accommodation at ground floor with an office above. A reduction in the slope of the existing driveway is proposed to improve vehicular access. In the back garden the single garage would be removed and 10 off street parking spaces formed. Additionally it is proposed to install replacement uPVC sash & case windows, carry out stonework repairs and re-roof in natural slate. A flue is proposed on the rear slope of the roof, discharging from the kitchen's mechanical extract system.

The applicant advises that the maximum number of diners to be accommodated is 40 and that 6 staff members would be provided.

## **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 HR11 - Development Within and Adjacent to Conservation Areas

Development proposals both within and adjacent to Conservation Areas will be acceptable where they are sympathetic to the existing character, pattern of development and appearance of the area and the following matters are satisfactorily addressed, as appropriate:

- (a) siting and orientation of new buildings;
- (b) overall design and style;
- (c) scale of building, extension or alteration;
- (d) design details;
- (e) finishing materials; and
- (f) landscaping and boundary materials.

## 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 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.

#### **CONSULTATIONS**

**Head of Environmental and Commercial Services** – No objections subject to conditions.

**Head of Safer and Inclusive Communities** – No objections subject to conditions.

**Transport Scotland** - No objections subject to conditions.

#### **PUBLICITY**

The application was advertised in the Greenock Telegraph on 20th August 2010 as a Schedule 3 development and as a Development Affecting Conservation Areas.

#### **SITE NOTICES**

A site notice was posted on 20th August 2010 for Development Affecting Conservation Areas.

#### **PUBLIC PARTICIPATION**

28 written representations have been received, comprising 27 objections and one in support (copies attached). The party who has written in support lives next door to the site.

The objectors are concerned that:-

1. Road safety would be adversely affected as a result of parking congestion. Evening activities at Inverkip Primary School puts pressure on existing car parks and on street parking in the area. Access for emergency vehicles would be hindered. The village's bus service may be withdrawn if buses cannot negotiate Main Street. The steep slope of the access to the rear car park would make it unattractive to diners. Sightlines at the entrance are inadequate. Traffic on the narrow Main Street would increase. There are 2 bus stops, flats for the elderly and houses occupied by young children in the vicinity.
2. Residents' amenity would be adversely affected by vermin, litter generation, cooking odours and noise from delivery vehicles, taxis, cars, youths congregating for take away meals, patrons smoking outside and washing up after close of business.
3. Inverkip has adequate hot food provision and any restaurant should be located at the eastern end of Main Street where there is a supermarket, cafe and take away.
4. Business use is inappropriate in the Conservation Area.
5. There would be a requirement for commercial rubbish collection and deliveries in a congested residential area.
6. The Scottish Government's SPP8 "Town Centre & Retailing" advises that for uses which have an evening use, consideration must be given to the cumulative impact on the character and function of the centre, the amenities of nearby residents, anti social behaviour and crime.
7. The proposal conflicts with Policies H1, H9 and B9 of the Local Plan.
8. The proposal neither enhances nor has a positive impact upon the Conservation Area.
9. If planning permission is granted for a restaurant it will be followed by another planning application for a hot food take away.
10. There would be an adverse impact on the character of the centre of the village.
11. Privacy would be adversely affected by diners looking out of the windows to properties opposite.
12. The sewage system may be unable to cope.
13. Should the restaurant business fail it may be easily converted to a public house or hot food take away.

## **ASSESSMENT**

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

In the Local Plan, policy R1 applies to Inverkip's Main Street. As such, the site is within an area identified as a Local Centre. Policy R3 of the Local Plan identifies a range of uses to be directed to the Local Centres, including, (c) Use Class 3 (Food & Drink). The proposed restaurant use accords with this.

Policy R2 advises that the designated Centres identified in Policy R1 will be protected, enhanced and developed, where resources allow, through a range of initiatives aimed at achieving a range of goals, including:-

(a) encouraging a range of retail, leisure, 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. Given policy R3's support for Food & Drink use, I consider the proposal to also accord with criterion (a) of policy R2.

(b) identifying and promoting opportunities for new development and for the redevelopment and reuse of existing premises, both within and on the edge of defined Centres. The former police station is a prominent building in the Inverkip Conservation Area. Its poor state of repair, however, detracts from the qualities of residential and visual amenity and, as such, the proposed reuse and associated investment in the building's fabric is both welcome and in accordance with criterion (b).

(c) improving the quality of the urban environment through implementing programmes for the improvement of individual properties, the streetscape and open spaces. I consider that the proposed extension to the former police station and associated fabric repairs are sympathetic to the building and its Conservation Area setting, thus satisfying the requirement to improve the urban environment.

In summary, the proposal complies with policy R2.

Policy HR11 advises that development proposals both within and adjacent to Conservation areas will be acceptable where they are sympathetic to the existing character, pattern of development and appearance of the area and a range of matters are satisfactorily addressed, as appropriate, including:-

(b) overall design and style.

(c) scale of building, extension or alteration.

(d) design details.

(e) finishing materials.

Given my favourable assessment of the submitted design against Policy R2, I consider that it also satisfies the requirements of policy HR11 in terms of design, scale, detailing and finishing materials.

While I recognise that the proposal complies with policies intent on maintaining Inverkip village centre as an active place for the community and will similarly enhance the Conservation Area, it has to be noted that there is a substantial residential presence in Main Street.

The greatest impact will be on those directly adjacent and I note that the neighbour at Gruids supports the application. Nevertheless Policy H1 advises that the character and amenity of residential areas will be safeguarded and where practicable enhanced. Impacts from the proposed use as a restaurant are cooking odours, noise and activity and road safety. The Head of Safer and Inclusive Communities has confirmed his satisfaction with the specification for the mechanical extract ventilation system and raises no objections on public health grounds, encompassing noise generation from within the premises and odour control. Noise generation from pedestrian and vehicle movements to and from the premises do not, however come within the control of public health legislation. While there will be a degree of noise generation from comings and goings associated with the proposed use, the site is within the village centre and backs onto the heavily trafficked A8 trunk road. The nearby Inverkip Hotel also generates late night activity. As such noise generation from the proposal has to be considered within the context of existing noise in the area. Nevertheless, consideration requires to be given to the amenity of adjoining residents and I consider it necessary to attach a condition limiting the hours of operation until 11pm. There are no objections from the Head of Environmental & Commercial Services on road safety grounds.

The greatest impact on residential amenity is likely to arise from comings and goings. Home deliveries and take away orders may be provided from a restaurant on an ancillary basis and have the potential to greatly increase the amount of vehicular and pedestrian activity. In order to safeguard residential amenity and character in accordance with Local Plan policy H1 however, I further consider it essential to attach a condition prohibiting take away and home delivery services.

Regarding the objectors' concerns not covered by my assessment against the Local Plan, the planning application requires to be determined as submitted and it is not in order to consider alternative sites, impact from the uplift of commercial waste does not justify refusal of planning permission, Local Plan policy B9 does not apply to proposals identified as a Local Centre by policy B1, any subsequent application for planning permission shall be considered on its individual merits and there is no requirement to consult Scottish Water on a planning application of this scale. While the proposal does not result in any new windows in closer proximity to those on the opposite side of Main Street, I accept that the proposed use affords greater numbers of individuals a view across the street. I therefore consider it in order to require obscure glazing to be fitted to the lower sashes in the front windows in the ground and first floor dining rooms. The Scottish Government's SPP8 has been withdrawn.

## **RECOMMENDATION**

That the application be granted subject to conditions

### Conditions

1. The premises shall not open to the public outwith the hours 0900 to 2300 on any day.
2. The bottom sashes of the ground and first floor dining room windows shall be equipped with obscure glazing.
3. The premises shall not be opened to the public until the parking layout detailed on docquetted drawing SD-006 has been completed.
4. No development shall commence until samples of all external materials have been submitted to and approved by the Planning Authority in writing; development thereafter shall proceed utilising the approved materials unless the Planning Authority gives its prior written approval to any alternatives.
5. There will be no means of direct access, either pedestrian or vehicular to the trunk road.
6. An unclimbable barrier of a type approved by the Planning Authority, after consultation with the Trunk Roads Authority shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.
7. A visibility splay of 2.5 x 35 x 1.05m high shall be achieved at the junction of the site access with Main Street.
8. The applicant shall submit to the Planning Authority a detailed specification 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.
9. Deliveries or collections to and from the site shall not be carried out between the hours of 23:00 and 07:00.

10. No hot food take aways and deliveries shall be provided from the restaurant hereby approved.

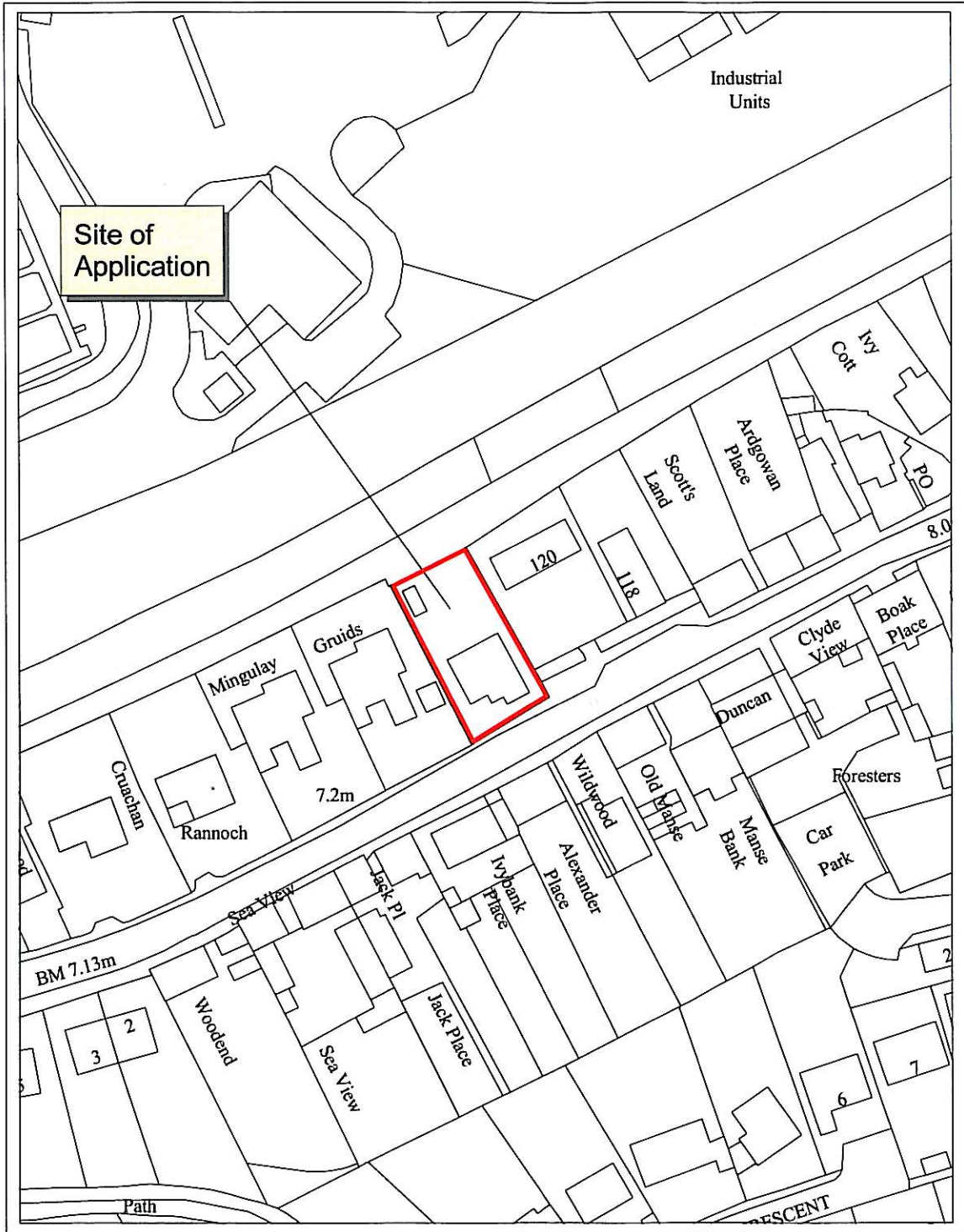
#### Reasons

1. To prevent noise and disturbance to adjoining residential properties.
2. To prevent overlooking of residential properties on the south east side of Main Street.
3. To prevent obstructive parking on Main Street and in the interests of road safety.
4. To ensure a continuity of building materials in this part of Inverkip Conservation Area.
5. To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk Road with the consequential risk of accidents.
6. To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk Road with the consequential risk of accidents.
7. In the interests of road safety on Main Street.
8. To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.
9. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.
10. To safeguard residential character and amenity in accordance with policy H1 of the Local Plan.

Stuart Jamieson  
Head of Regeneration and Planning

#### BACKGROUND PAPERS

1. Application form.
2. Application plans.
3. Inverclyde Local Plan.
4. Consultation responses.
5. Written representations



Drawing No. 10/0223/IC Old Police House, Inverkip

Drawn by: JML

Date: 09:11:10



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