
Report To:	The Planning Board	Date:	7 September 2011
Report By:	Head of Regeneration and Planning	Report No:	11/0122/IC Plan 09/11 Local Application Development
Contact Officer:	David Ashman	Contact No:	01475 712416
Subject:	Erection of four storey building comprising retail unit at ground floor level and associated storage area at lower ground floor level and office accommodation at first and second floor level at 32 - 36 Kempock Street, Gourrock		

SITE DESCRIPTION

The application site is on the north side of Kempock Street, to the east of the gap site adjacent to the Café Continental. The site is presently occupied by a building viewed as 2 storey from Kempock Street and three storey from the car park to the rear. The uses comprise of an ironmongers at street level, office space and a flat above and two retail units below Kempock Street. The lower floor sits on top of a substantial area of underbuilding.

The external walls are finished in a painted smooth render with a stone finish fronting the gables. There is an area of open ground to the rear of the building and within the application site measuring approximately 14 metres deep by 13 metres wide. It is unmaintained and consists of a mix of concrete and gravel. A variety of stone and concrete block walls form the rear boundaries of the site.

Buildings in the vicinity vary in height and scale from two to four storeys. Ground floor level shopfronts are reasonably well defined along the street. Historically, buildings consisted of upper level red or blond sandstone finishes although development of the townscape over time has diluted this arrangement and a variety of finishes is now evident. The Kempock Street public car park is located to the rear of the site.

PROPOSAL

The applicant seeks planning permission to construct a new building on the site. It is three storeys as viewed from Kempock Street to a height of approximately 12.8 metres high. The existing building is approximately 11 metres to the apex. To the rear the building is 17 metres high over four storeys. The existing building is 15.2 metres high. The ground floor level to Kempock Street is a retail unit with a sales and bakery area totalling 225 square metres. The two upper floor levels are 165 square metres of open plan office space, each containing toilet facilities. The lower of the two office floors will have a 35 square metres rear balcony. The lower ground floor (basement level to Kempock Street) provides a store for the upper level offices and a separate store area and plant room for the ground level retail unit.

The proposed building has a glazed ground floor shopfront projecting slightly forward of the building, giving prominence to the retail outlet similar to the adjacent shopfront. A central projection of the upper levels of the building reflects the ground floor frontage, and is glazed with a grey clad frame. This is in keeping with historical architecture frontage profiling along Kempock Street. The entrance to the retail unit is contained within the shopfront, with a separate entrance to the upper level offices from the street. The stairway part of the façade is glazed to eaves level.

Natural red sandstone is to be used on the upper levels fronting Kempock Street with an off-white render on the sides and the rear. Incidental areas of grey cladding panels punctuate the facades. Punctuation is also to be provided by false windows on the side and rear elevations, the latter at lower levels. The building is to be finished with a slate roof.

The building is to be deeper than that presently on the site and will extend to the same depth as the Café Continental building on the opposite side of the gap site. This will result in a double apex profile fronting the gap site. The uppermost two floors will step back from the lower rear wall by approximately 3.8 metres to facilitate the incorporation of the previously mentioned upper level terrace.

The applicant has provided a supporting statement which summarises the design intention of introducing a modern building that retains the traditional characteristics of the key buildings along Kempock Street.

LOCAL PLAN POLICIES

Local Plan Policy R1- Designated Centres (extract)

The following Centres are designated:

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

(c) Gourock

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).

Local Plan Policy DS4 - Presumption in Favour of Appropriate Development In Town Centres

The vitality and viability of the three town centres will be safeguarded and promoted by having a clear presumption in favour of new retailing and other 'town centre' uses located in, or failing that, in the edge of, the existing designated centres.

Local Plan Policy DS5 - Promotion of Quality in New Building Design and in Townscape/Landscaping

The urban environment and built heritage of Inverclyde will be protected and enhanced through controls on development that would have an unacceptable impact on the quality of this resource. Quality in new building design and landscaping will be encouraged to enhance Inverclyde's townscapes.

CONSULTATIONS

Head of Environmental and Commercial Services – Approve on the basis that service access is taken from Kempock Street. It should be noted that a Traffic Regulation Order prohibits service vehicles using the car park.

Head of Safer and Inclusive Communities - The imposition of conditions in respect of Japanese Knotweed and possible contaminated land issues, including asbestos are required. Advisory notes in respect of matters such as waste collection, external lighting, deliveries and drainage are suggested.

PUBLICITY

The application was advertised in the Greenock Telegraph on 27th May 2011 as there are no premises on neighbouring land.

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. 20 comments have been received. The representations may be summarised as follows:

1. Design

- The design of the building is not in keeping with the established streetscene (both frontage and gable).
- It will project forward of existing building lines.
- It will overshadow adjacent properties and the Street.
- Side windows will conflict with future development on the adjacent gap site.
- Loss of a sound/architecturally pleasing building.

2. Traffic and road safety

- Concerns over extra traffic on Kempock Street, particularly with additional traffic from closure of the Caledonian MacBrayne ferry facility.
- Existing car parking facilities will not cope with the extra traffic.
- Servicing arrangements will cause congestion in the car park
- Construction of the building will require road closures to the detriment of the commercial health of the town.

3. Impact on Gourock Town Centre

- The development may compromise future development of the Council owned car park to the rear.
- Impact of the proposed retail unit on the commercial viability of existing shops in Kempock Street and their suppliers.
- Concerns that the office space will be used as a night club/eatery.
- Noise and waste pollution will be generated.
- Loss of 3 specialist shops, reducing consumer choice.
- The building may never be occupied, to the detriment of the appearance of the Street.
- The proposal will attract unwanted youths at night.

4. Procedures

- Lack of publicity for the proposal/incorrect neighbour notification/a public meeting should be arranged.

ASSESSMENT

The material considerations in determination of this application are the Local Plan, the consultation replies and the letters of representation.

While some representations have been made in opposition to a named retailer, this can have no bearing on the determination of this application. In assessing the retailing implications of this development consideration may only be taken of the extent of floorspace, the location and operational issues. The loss of the existing shops and comments on the reduction of consumer choice are non-material planning considerations. Similarly, whether or not the new building is occupied is an initial commercial consideration for the applicant and is not a material planning issue.

Accordingly, the first issue to be assessed is the principle of the proposed uses. Located within Gourock town centre (policy R1), the development of retail and office uses are encouraged to

support to its vitality and viability (policies R2 and R3). Indeed, from a retailing perspective policy DS4 specifies a clear presumption in favour of new retailing.

Notwithstanding this, assessment of the proposal is still required against the relevant criteria in policy R10. The existing on site retailing floorspace amounts to 159 square metres gross (ground/basement). At 375 square metres gross, the proposal will result in an increase of 216 square metres. By comparison, the Spar shop in South Street, Greenock is 488 square metres gross, while Sainsbury at Inverkip is 374 square metres gross. The figures are well under 1,000 square metres gross floorspace; the point at which it is deemed appropriate to request assessment of retail capacity on vitality and viability (Policy R10 a-d).

Policy R10(e) expects developments to be accessible by a choice of means of transport. Located in the town centre there are bus routes, Gourrock Station and public car parking all at hand.

Whilst I note concerns about the loss of the existing building, it is not on Historic Scotland's list of buildings of architectural or historic interest. Accordingly there are no planning constraints that can prevent demolition. The design of the proposed building is contemporary in nature but takes design cues from more traditional buildings in the Kempock Street including the use of vertical relief features on the frontage. The scale is in context with buildings which vary in height from 2-4 storeys and produce a stepped roofline along the length of the Kempock Street. It is sited in such a manner as to continue the frontage established by the adjacent shop and visually has an easily understood relationship to other buildings in the streetscape. The side windows are false architectural features that will not in themselves compromise any possible future development of the gap site. Overall, I consider it to be a quality building of contemporary design in compliance with policies R10(f) and DS5.

The town centre has an established mix of uses including shops, offices, cafes, public houses, restaurants, hot food take aways and residential. Within this context, the proposed retail and office uses are compatible with the way that Gourrock town centre functions. Indeed, in a street dominated by class 1 retail uses, the potential for this individual class 1 unit to attract youths at night is an operational matter and is not the basis on which planning permission may be refused. Suggestion that the premises may be used as a night club or eatery can have no bearing on the determination of this application as any such proposals would be the subject of a separate planning application. Concern on the impact of residential amenity due to overshadowing has been expressed. The overshadowing of rear court areas (and the gap site to the side) will occur as it does presently, although this larger building may have greater impact. I note that light to the adjacent rear court is already limited by the north facing position and mature soft landscaping along its western boundary. Residential occupation of the neighbouring building is restricted to the top (attic) level with minimal loss of daylight. To the front buildings currently overshadow Kempock Street. Privacy issues from the proposed office balcony may be addressed by the introduction of screening imposed by condition. Noise and waste pollution issues have not been raised as issues by the Head of Safer and Inclusive Communities, but the potential of land contamination, asbestos and Japanese Knotweed may be addressed by conditions or advisory notes. Overall, the proposal is acceptable when assessed against policy R10(g).

As the redevelopment is of a site comprising the same uses as present, albeit on a larger scale, there is no conflict with other national and structure plan policies and it does not impact on the Town Centre Strategy for Gourrock. Although concerns have been expressed over extra traffic on Kempock Street and the adequacy of the public car park to accommodate additional car parking, there are no objections from the Head of Environmental and Commercial Services in his assessment against the Council's Roads Development Guide. It is noted that Traffic Regulation Orders permit servicing from Kempock Street, which is acceptable to the applicant. The proposal complies with policy R10(h).

Procedurally, I am satisfied that correct neighbour notification has been followed, including the placement of a press advertisement. Concern over closures of Kempock Street during

development of the building would be addressed under other legislation and is not a matter relevant to the planning merits of the proposal.

In summary, the proposal complies with the Inverclyde Local Plan indicating that planning permission should be granted and there are no other material considerations that determine otherwise.

RECOMMENDATION

That the application be granted subject to the following conditions.

Conditions

1. That the development to which this permission relates must be begun within 3 years from the date of this permission.
2. That samples of all facing materials shall be submitted to and approved in writing by the Planning Authority.
3. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site.
4. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
5. That no fill or landscaping material shall be imported onto the site until written details of the source and intended reuse of the imported materials has been submitted for approval, in writing by the Planning Authority. The report shall characterise the chemical quality (including soil-leachate and organic content etc), volume and source of the imported materials with corresponding cross-sections and plans indicating spatial distribution and depth/thickness of material placement within the development site. The material from the source agreed only shall be imported in strict accordance with these agreed details.
6. That prior to being brought into use a privacy screen shall be fitted along the length of the eastern boundary of the balcony and shall be retained in perpetuity thereafter. Details of the screen, which shall be impervious in nature, shall be submitted to and approved in writing by the Planning Authority, prior to erection.

Reasons

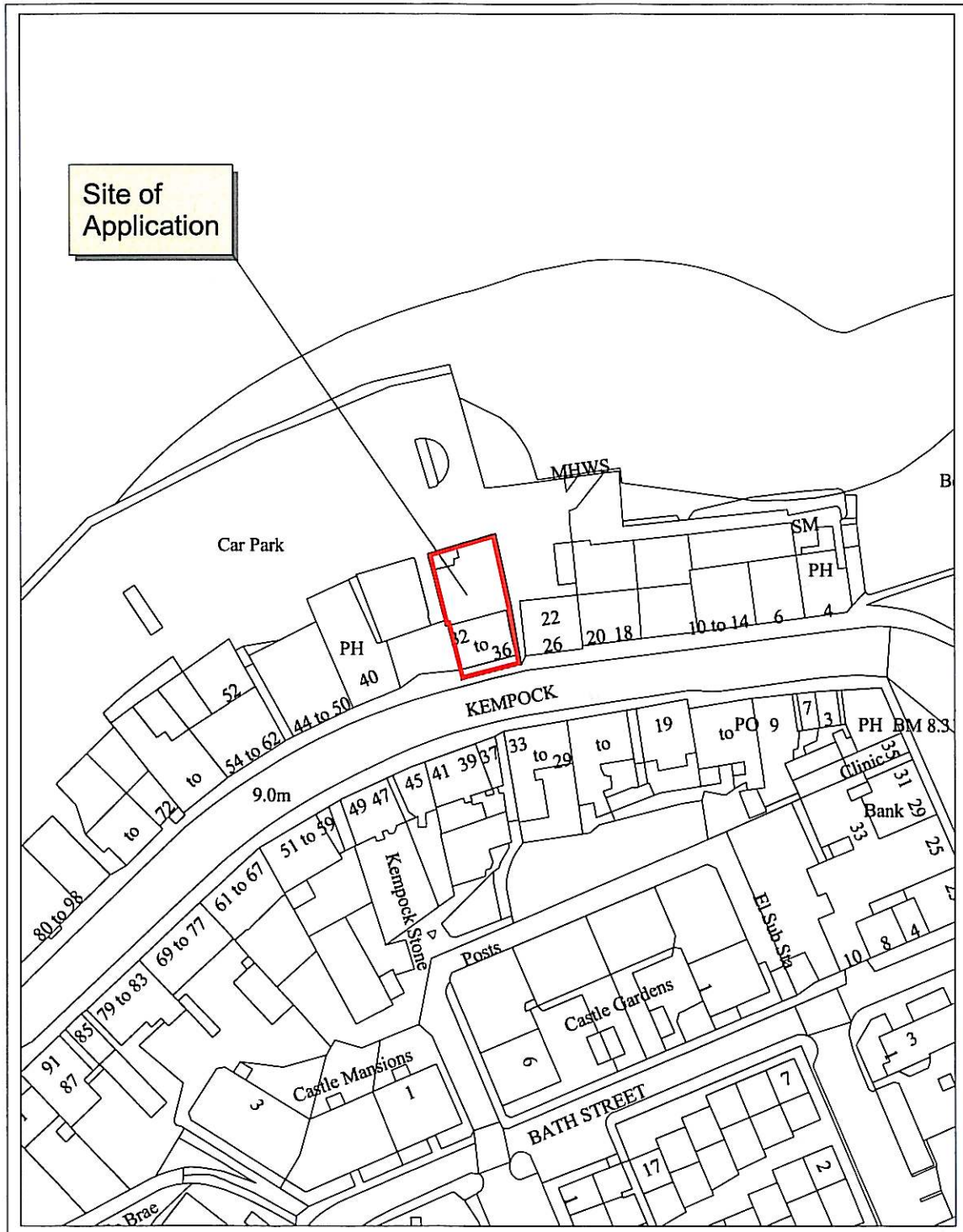
1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure a finish to the building appropriate to the amenity of the area.
3. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
4. To ensure that all contamination issues are recorded and dealt with appropriately.
5. To protect receptors from the harmful effects of imported contamination

6. To protect the privacy of the adjacent rear court.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form and plans.
2. Inverclyde Local Plan.
3. Consultation replies.
4. Letters of representation.



Drawing No. 11/0122/IC 32-36 Kempock Street, Gourock.

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