

Report To: The Planning Board

Date: 4 April 2012

Report By: Head of Regeneration and Planning

Report No: 11/0309/IC
Plan 04/12

Local Application
Development

Contact Officer: Guy Phillips

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Subject: Proposed change of use to hot food takeaway at
74B Belville Street, Greenock

SITE DESCRIPTION

The site is a former baker's shop within a parade of shops below three/ four storeys of flats on the south east side of Belville Street, Greenock. The majority of the shop units in the parade are unoccupied.

PROPOSAL

It is proposed to change the use of the shop to a hot food take away. At the rear of the building, an extract ventilation flue is proposed to eaves height.



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) 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 R12 - Residential Uses Above Hot Food Takeaways

Changes of use which result in residential use above hot food takeaways will be acceptable, in principle, in the Central Shopping Area of Greenock, the other two Town Centres (Port Glasgow and Gourock) and the Local Centres, subject to other Local Plan policies. Outside these Centres such changes of use will not normally be acceptable.

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.

CONSULTATIONS

Head of Safer and Inclusive Communities – No objections.

Head of Environmental and Commercial Services - No objections subject to conditions requiring the submission of an air quality assessment, specification for the collection, treatment and disposal of cooking odours, and a restriction on the hours of deliveries. Advisory notes are also recommended on waste storage, external lighting and noise from air conditioning units.

PUBLICITY

The application was advertised in the Greenock Telegraph on 16th December 2011 as a Schedule 3 development (bad neighbour).

SITE NOTICES

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

PUBLIC PARTICIPATION

Nine written representations have been received including a letter from Oak Tree Housing Association, a petition from the Belville Community Association bearing 16 signatures and four copies of a standard letter.

The objectors to the proposal are concerned that:-

Impact on neighbours

- A previous hot food take away at 76 Belville Street allegedly created noise, litter generation and rodent infestation and brought fear to local families from groups of

people standing outside. A pavement bin, required by a planning condition, had to be removed due to the attraction of vermin.

- The proposed rear extract flue would pass bedroom windows of the flats above and would be unsightly and noisy. Extract flues do not discharge all cooking odours and cooking smells would rise into the flats above the take away.
- The Belville Street Local Centre was allegedly an attraction for addicts and persons engaged in criminal activities until the post office, off sales and hot food take away closed. Residents now have a quality of life which has not been enjoyed for 30 years.
- The take away is likely to have different opening hours to the former bakery which was open 7am to 5pm.
- There shall be parking issues.
- The proposal is detrimental to the Community Association's future plans for the area which they hope to enhance with a community garden.

Local Plan designation.

- As only one out of twelve shops remain open in the area, it should no longer be designated as a Local Centre by the Local Plan.

Procedural issues

- The application does not state the type of food to be sold or confirm the hours of operation.
- The application form is partially incorrect in indicating the building was constructed before July 1948 as it dates from the 1950s.
- The submitted plans do not detail where bin storage would be.
- The site was incorrectly described as 74 Belville Street in notices issued to neighbours.
- Neighbour notices were issued to properties in Garvald Street which have been demolished.

ASSESSMENT

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



Policy R1 of the Local Plan identifies the site as lying within the Belville Street Local Centre. Policy R2 seeks to protect, enhance and develop the Local Centres through a range of initiatives aimed at achieving a number of goals. The relevant goal in this instance is:-

- (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. As a reuse of an empty shop unit, the proposal accords with goal (b) of policy R2.

Policy R3 directs a number of land uses to the Local Centres, including hot food takeaways. As such, the proposal also accords with policy R3.

Policy R12 advises that changes of use which result in residential use above hot food takeaways will be acceptable in principle in the Local Centres, subject to other Local Plan policies. The relevant policy, in this instance, is H1 which seeks to safeguard and, where practicable, enhance residential amenity and character. Critical in order to safeguard the residential amenity of flats above is control of cooking odours. The proposal includes an approximately 13m high flue to discharge odours above eaves level at the rear of the building. The Head of Safer & Inclusive Communities is content with the height of the proposed flue. The applicant's agent has advised, however, that his client does not have a right to affix the flue to the rear elevation of the flats above the shop. He intends that it be a free standing structure. In order for the flue to be free standing it will require a supporting structure. No details of the necessary supporting structure have been forthcoming from the agent and he has requested that the application be determined as submitted. This lack of information on the design of the structure and clarity over the legal right to implement the flue does not give me confidence that there is a satisfactory means of odour control; the proposal consequently fails to satisfy Local Plan Policy H1.

There are no objections on road safety grounds from the Head of Environmental & Commercial Services and clearly the management of the premises would require to satisfactorily address environmental health issues relating to refuse, waste and rodents. While I recognise the concerns relating to potential anti social behaviour, in particular concerns over noise, litter and loitering, it is not a function of the planning system to withhold planning permission and restrain a legitimate activity for which there is reasonable demand solely to avoid situations arising from breaches of law which may or may not happen. The changing built and social fabric of the area presents an opportunity through the review of the Local Development Plan to reconsider the status of the Belville Street Local Centre. The focus of the centre, previously offering a range of services with consequential activity has changed and residents' expectation of levels of quietude, not normally experienced around such centres, has changed. I am not convinced that this proposal directly impacts on the operation of the approved community garden.

On procedural matters, the applicant's agent's error in addressing the site has been corrected and neighbours re-notified. The date of construction of the building has no bearing upon the determination of the planning application and the National Gazetteer has now been updated to prevent neighbour notices being issued to demolished properties around the site in future.

RECOMMENDATION

That the application be refused:-

Reason

As no satisfactory means for the dispersal of cooking odours has been submitted, to the detriment of the residential amenity of the flats above the proposed hot food take away, contrary to 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



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