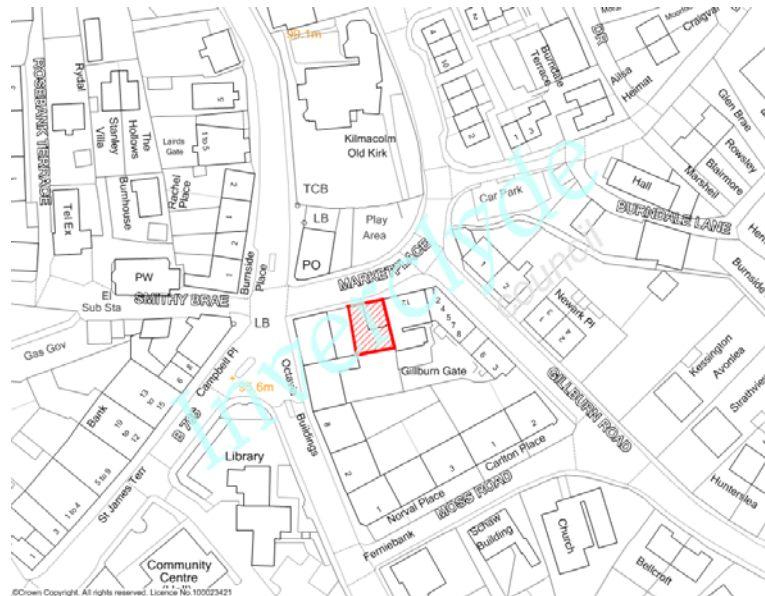


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| Report To: | The Planning Board | Date: | 7th November 2012 |
| Report By: | Head of Regeneration and Planning | Report No: | 12/0250/IC Plan 11/12 |
| | | | Local Application Development |
| Contact Officer: | Mike Martin | Contact No: | 01475 712412 |
| Subject: | Proposed extension to and change of use of hot food takeaway to form a restaurant at The Food Club, 2A Market Place Kilmacolm. | | |

SITE DESCRIPTION

The application site comprises a single storey building and yard to the west and rear at 2A Market Place, Kilmacolm. It operates as a hot food takeaway shop. Adjoining to the east is a three storey building with shop units on the ground floor and residential flats above.



PROPOSAL

The proposal is to extend the building to the side and to change the use from a hot food take away to a restaurant with an ancillary hot food takeaway facility. The extension projects 3.40 metres to the side and 7.30 metres back from the footpath and will be built with a pitched roof and match the design of the existing building. The cladding on the front elevation of the existing building is to be removed and the entire building will be finished in a smooth cement render. The proposed roof covering is slate to match the existing. Separate entrances are provided for the take away and the restaurant, which seats up to 26 patrons.

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 R18 - Shopfront Design

Inverclyde Council, as Planning Authority, will require new shopfronts to be compatible with the development site and its surroundings and to take cognisance of Planning Practice Advice Note No. 12 on Shopfront Design or any other relevant standards.

Local Plan Policy DC1 - Development Control Advice

Inverclyde Council, as Planning Authority, will support applications for planning, listed building and advertisement consent, where applicable, which accord with the principles established in the Council's Planning Practice Advice Notes.

PPAN12 - Shopfront Design applies.

CONSULTATIONS

Head of Safer and Inclusive Communities – no objections.

Head of Environmental and Commercial Services – no objections.

The West of Scotland Archaeological Service - the application site lies within an Archaeological Consultation Trigger (ACT) area. The archaeological issues raised by this application can be best addressed by attaching a suitable condition to the grant of planning permission.

PUBLICITY

The application was advertised in the Greenock Telegraph on 7th September 2012 as a Schedule 3 (bad neighbour) development.

SITE NOTICES

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

PUBLIC PARTICIPATION

In total 5 representations have been received, including from the Kilmacolm Community Council and the Kilmacolm Civic Trust:-

- Food smells permeating adjoining residential property.
- Exacerbation of existing parking difficulties.
- Noise emanating from patrons' cars.
- Members of the public congregating in the vicinity.
- Anti – social behaviour in a nearby amenity space by patrons.
- Roofline design could be improved.
- The existing property includes a solid aluminium roller shutter which is considered to be inappropriate on a shop unit.
- The site lies within the recommended boundary for a new conservation area proposed in the Inverclyde Local Development Plan Main Issues Report.
- The variation in storey height between the existing building and the extension is inappropriate and the extension should continue the same ridge line as the existing building.
- The window design should match that of the existing premises.
- The internal space has not been fully utilised.

ASSESSMENT

The material considerations in the assessment of this application are Local Plan Policy, Planning Practice Advice Note No 12 (Shopfront Design), the consultation replies, the representations received and residential and visual amenity.

Insofar as the proposal is situated within a local shopping area it complies with Local Plan policies R1 - R3. The application site is within an identified local centre where a mix of uses, including restaurants, is encouraged. While I note concerns regarding disturbance from vehicle noise and public conduct and congregation, within the village centre there is an expectation of greater activity and noise. It is not appropriate to refuse planning permission for a lawful activity on the basis that it may result in others acting unlawfully.



Considering design, whilst the roofline of the proposed extension is slightly lower than that of the existing building, I do not consider this to be unacceptable particularly where the building is situated

within a street containing variation in building heights. Similarly I note that whilst the window design of the extension differs from the existing premises, it presents a vertical emphasis which is consistent with the fenestration within the upper floors of the adjoining building. Overall, the external wall and roof materials are appropriate. The internal layout is not a material planning consideration.

The existing roller shutters fail to comply with the Council's policy guidance on shopfront design as detailed in PPAN No.12. Whilst the installation of a roller shutter has been depicted within the proposal, no details have been submitted and it is appropriate to attach a condition requiring the submission of full details to ensure compliance with PPAN No.12.

I am able to conclude that the proposal is acceptable with reference to Local Plan Policy, the Council's Design Guidance in PPAN12 and both residential and visual amenity.

Turning to the points of representation not addressed previously, the detail of food odour control will be addressed by the Head of Safer and Inclusive Communities under separate legislation, and I note that he offers no objection in principle to the granting of planning permission. I also note that the Head of Environmental and Commercial Services has no objections in relation to parking issues.

In relation to the specific comments regarding a proposed conservation area, this is being considered through the Local Plan Development process and this proposal will not impact on that process.

As regards the comments from the West of Scotland Archaeological Services, this shall be addressed by attaching a suitably worded condition.

In conclusion I am satisfied that the proposal is acceptable with reference to the Local Plan and to that there are no material considerations which suggest that planning permission should not be granted.

RECOMMENDATION

That the application be granted subject to conditions.

Conditions

1. No development shall commence on site until a sample of the proposed wall finish has been submitted to and approved in writing by the Planning Authority.
2. Notwithstanding the depiction of a roller shutter on the extension, no development shall commence until full details of the roller shutter have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the roller shutter shall comply with the Council's Planning Practice Advice Note No.12.
3. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority during all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeological Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before the development commences.

Reasons

1. To ensure that finishing material is consistent within this location.
2. To ensure that the roller shutter is acceptable with reference to PPAN No.12.
3. To allow for archaeological monitoring of any and all groundbreaking work associated with the proposed development and to accord with Scottish Government Policy.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form & plans
2. Inverclyde Local Plan
3. Consultation replies
4. Written representations



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