

Report To: The Planning Board

Date: 6 February 2013

Report By: Head of Regeneration and Planning

Report No: 12/0083/IC
Plan 02/13

Contact Officer: David Ashman

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Subject: Notification of Planning Appeal Decision: Partial demolition and conversion of former car showroom to form retail unit at 21 Eldon Street, Greenock

INTRODUCTION

In August 2012 planning permission was refused for the partial demolition and conversion of former car showroom to form retail unit at 21 Eldon Street, Greenock. Planning permission was refused:

1. As the proposed use of the premises would be likely to generate increased vehicular and pedestrian activity which would be detrimental to the character and amenity of the area and, therefore, contrary to Inverclyde Local Plan Policies H1, H9 and R13;
2. As the proposed use of the premises would be likely to generate levels of parking and vehicular manoeuvres close to the junction of Eldon Street and Fox Street which would be detrimental to traffic and pedestrian safety;
3. As the lack of off-street parking, at only 6 spaces, is below that required for a 287 square metre retail space and therefore contrary to SPP17, the Council's Roads Development Guide and Local Plan Policy R13 with reference to R10; and
4. As environmental noise will be created 24 hours a day caused by food chillers running, deliveries being made and customer movements, contrary to PAN 56 and Local Plan Policy UT10.



The decision was the subject of appeal to the Scottish Ministers and determined by written submissions. A claim for the award of expenses against the Council was also lodged.

NOTIFICATION OF APPEAL DECISION

The Reporter considered the determining issues to be whether the development is contrary to the character and amenity of the area, detrimental to road safety and unacceptable with reference to car parking and noise and disturbance.

The Reporter found the proposal to have a minimal visual impact, consequently complying with Local Plan policies HR11 and HR12 and legislative requirement applicable to the Greenock West End Conservation Area.

He noted that this is a relatively small shop, supporting local shopping to meet local needs. While accepting that the proposal will result in customer movements and deliveries, the Reporter saw this as a busy area and he took the view that the shop would only marginally increase the level of background activity. This would not outweigh the benefit from the improvement to local shopping and the benefit of bringing back into use a vacant building. He saw no conflict with Local Plan policies H1, H9 and R13.



Considering road safety and parking issues, he considered there to be no convincing technical evidence to support the suggestion of queuing traffic on Fox Street, and he did not believe the proposed parking arrangements would unduly endanger pedestrians or present the potential for unacceptable vehicle conflict.

While the proposal is for only 6 parking spaces, SPP seeks to reduce rather than encourage shopping trips by car. Parking standards set a maximum, not minimum parking requirement, so the Reporter found no conflict with Scottish Planning Policy. Indeed, noting the situation and the evidence submitted he found nothing to support the position that there is or will be parking congestion. He considered there to be ample on street parking in the vicinity, with no conflict with Local Plan Policy R13.

Addressing noise, located at a well used street junction with bus stops nearby and a continuing level of background activity across the day, the impact from the proposal is mitigated. Any specific noise from food chillers and the like can be controlled by environmental health legislation. He saw no conflict with Local Plan Policies UT10 or PAN 56.

Noting public objections relating to the effects on property value, competition and alcohol sales, the Reporter noted these as not material planning considerations. He also found nothing to suggest that this will create an intimidating environment for local residents.

Accordingly, the Reporter granted planning permission subject to conditions requiring detailed approval of external building materials, landscaping works and parking surfaces and space markings by the Council.

The claim for costs against the Council was submitted on the basis that it failed to give precise and relevant reasons for refusal, it reached a decision without reasonable planning reasons for doing so and it was unreasonably influenced by local opposition that was not founded on valid planning reasons.

The Reporter found the reasons for refusal to be precise and relevant. Taking into consideration local knowledge in making a judgement and using planning reasons for refusal is not in itself an unreasonable action sufficient for an award of expenses. Also, the Reporter found no indication that the Council was unduly or improperly influenced by public opinion. The lack of substantive evidence to support the refusal weakened the Council's case, but the appeal process provided the appellant with the opportunity to reinforce the planning merits in support of the development. The Reporter declined to award costs.

RECOMMENDATION

The Board notes the position.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

Planning application 12/0083/IC
Planning appeal decision letter dated 23 January 2013
Claim for award of expenses decision letter dated 23 January 2013



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