
Report To:	The Planning Board	Date:	4th December 2013
Report By:	Head of Regeneration and Planning	Report No:	13/0215/IC Plan 12/13
			Local Application Development
Contact Officer:	Guy Phillips	Contact No:	01475 712422
Subject:	Change of use to convenience store and hot food takeaway at 48-50 Princes Street, Port Glasgow		

SITE DESCRIPTION

The former Woolworths shop on the north east side of Princes Street, Port Glasgow is within a three storey, flat roofed building. The upper levels were previously used for retail storage. Retail units adjoin to each side and to the rear (fronting King Street) is a hard surfaced area.



PROPOSAL

It is proposed to change the use of the front 50% of the ground floor from a shop to a shop and hot food take away. The rear 50% of the ground floor will remain disused. Internal ducting, equipped with a catalytic converter, will extract cooking odours from the kitchen and discharge to a grille in the rear (King Street) elevation.

DEVELOPMENT 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.

PROPOSED LOCAL DEVELOPMENT PLAN POLICIES

Policy TCR1- Network of Designated Centres

The following hierarchy of centres are designated as locations where a range of town centre uses will be appropriate in order to support the role and function of the particular centre, as well as their vitality and viability:

Strategic Town Centre:

- (a) Greenock, subdivided into a 'Central Area' and 'Outer Area'

Town Centres:

- (a) Port Glasgow
- (b) Gourock

Local Centres:

- (a) The Cross, Kilmacolm
- (b) Dubbs Road, Port Glasgow
- (c) Sinclair Street, Greenock
- (d) Lynedoch Street, Greenock
- (e) Barrs Cottage (Inverkip Road and Dunlop Street), Greenock
- (f) Cumberland Walk, Greenock (proposed redevelopment)
- (g) Cardwell Road, Gourock
- (h) Kip Park, Inverkip
- (i) Ardgowan Road, Wemyss Bay

Policy TCR3 -Town Centre Uses

The following town centre uses will be directed to the Central Area of Greenock Town Centre, Port Glasgow and Gourock Town Centres and the Local Centres, subject to Policy TCR7:

- (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.

Policy TCR7 - Assessing Development Proposals for Town Centre Uses

To assist the protection, enhancement and development of the designated Centres, all proposals for the development of town centre uses identified in Policy TCR3, or for any other commercial uses within a designated centre, will require to satisfy the following criteria:

- (a) the size of the development is appropriate to the centre for which it is proposed;
- (b) it is of a high standard of design;
- (c) it has an acceptable impact on traffic management and must not adversely impact on road safety and adjacent and/or nearby land uses;
- (d) it does not have a detrimental effect on amenity or the effective operation of existing businesses;
- (e) it is consistent with any Town Centre Strategy or other relevant initiative; and
- (f) has regard to Supplementary Guidance on Planning Application Advice.

Proposals for town centre uses outwith the designated Centres, unless they are small scale development to meet local needs that are subject to Policy TCR10, must also demonstrate:

- (g) that no appropriate sequentially preferable site exists;
- (h) that there is capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area;
- (i) that there will be no detrimental impact, including cumulatively, on the viability and vitality of the designated Centres (Policy TCR1); and
- (j) in the case of temporary street markets, the operation will be for a maximum of 13 days in any 12 month period.

Proposals for retail and leisure development over 2,500 square metres outwith the designated town centres and that are not in accordance with the Development Plan should be accompanied by a retail impact analysis, as should any town centre proposal that the Council considers likely to have a potentially detrimental impact on the vitality and viability of the designated Centres. At the Council's discretion, applications for small-scale development of town centre uses outwith the designated Centres may be exempted from the requirement to be justified against criteria (g) - (i).

CONSULTATIONS

Head of Safer and Inclusive Communities – no objections subject to permission being conditional on reserving details of the method of storage of waste, the disposal of cooking odours and the insulation/isolation of air conditioning, heating and refrigeration units. Advisory notes on external lighting, CDM Regulations, food safety and health and safety are recommended.

Head of Environmental and Commercial Services – no objections.

PUBLICITY

The application was advertised as a Schedule 3 development.

SITE NOTICES

The proposal did not require a site notice.

PUBLIC PARTICIPATION

Eight written representations raising objections have been received. They include a petition bearing 14 signatures.

The objectors are concerned that:

- The Council should be seeking to increase diversity; there shall be an over-provision of hot food establishments in Port Glasgow Town Centre.
- Three hot food premises, two in the town centre and one in Robert Street, have closed down. There is no need to grant further planning permissions for hot food use.
- Vermin shall be attracted.

ASSESSMENT

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

In August 2012 the Planning Board refused planning permission, against officer recommendation, for the change of use of the premises to a shop and hot food take away as:

"The proposal would have an adverse effect on the residents of King Street, whose properties back onto the application site, by virtue of smells and noise emanating from the premises."



The proposal under consideration is a repeat of that refused planning permission last year. In my report to the Planning Board I advised that proposal accorded with the Local Plan. Since then, the proposed Local Development Plan has arisen as an additional material consideration. Consequently it is necessary to assess the new application against both plans.

Policies R1 of the Local Plan and TCR1 of the proposed Local Development Plan combine to locate the site within Port Glasgow Town Centre. Local Plan Policy R2 seeks to protect, enhance and develop the Town Centre through a range of initiatives aimed at achieving a number of criteria. Criterion (b) promotes opportunities for the re-use of existing premises. The former Woolworths closed over four years ago, since when the unit has only been used for a short period as a shop; it opened briefly in the summer of 2012, but has been closed since. While I recognise the comments of objectors highlighting that two restaurants have closed in the Town Centre, this does not justify the refusal of this proposal. It also has to be recognised that this split retail and hot food take away use is quite different. This re-use complies with Policy R2 and I consider it to the benefit of the viability and appearance of the Central Shopping Area.

The proposal also complies with Local Plan policy R3 and proposed Local Development Plan policy TCR3, which combine to direct a diverse range of land uses, including shops and hot food take-aways, to the Central Shopping Area.

Proposed Local Development Plan policy TCR7 advises that the Town Centre uses identified by policy TCR3 require to satisfy a range of criteria, including:

- (a) The size of the development is appropriate to the centre for which it is proposed.

The proposal considers the change of use of 50% of the ground floor of a vacant shop. In a town centre with a range of shop unit sizes, I consider the sub division of this unit to provide floorspace similar to others nearby to be compatible and of a scale acceptable to the Town Centre.

- (b) It has an acceptable impact on traffic management and must not adversely impact on road safety and/or nearby land uses.

There are no objections to the proposal from the Head of Environmental & Commercial Services on traffic management or road safety grounds. Considering the impact on nearby land uses, there are no objections from the Head of Safer & Inclusive Communities on potential impact on residential properties from noise, cooking odours and vermin. I am in agreement with the conditions and advisory notes recommended to be attached by the Head of Safer & Inclusive Communities, excepting the suggested condition on external air conditioning, heating and refrigeration units as none of these elements are proposed. Should any such external plant be proposed in the future, it requires the benefit of planning permission.

- (c) It does not have a detrimental effect on amenity or the effective operation of existing businesses.

I am satisfied that use of the premises as a shop and hot food take-away does not impact upon the day-to-day operation of nearby businesses. Indeed, this section of Princes Street will benefit from increased pedestrian footfall should planning permission be granted. The issue of the commercial viability of other hot food premises in the Town Centre, raised by the objectors is a matter apart from the effective operation referred to by policy TCR3 and is not a material Planning consideration

Overall the proposal accords with the Local Plan and proposed Local Development Plan and merits support.

RECOMMENDATION

That the application be granted subject to conditions.

Conditions

1. The use as a shop and hot food take-away, hereby approved, shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours, to include details on the location of equipment used for the cooking and heating of food, canopies, grease filters, rates of air movement over the canopy, make-up air and air disposal points, has been submitted to and approved in writing by the Planning Authority: thereafter, the use as a shop and hot food take-away shall not commence until the approved specification of cooking odour control has been implemented.
2. The use as a shop and hot food take-away, hereby approved, shall not commence until a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises, including details of the areas where such containers are to be located have been submitted to and approved by the Planning Authority in writing: thereafter, the use as a shop and hot food take-away shall not commence until the waste storage equipment and any structural changes to the building are in place.

Reasons

1. To protect the amenity of the immediate area and prevent the creation of odour nuisance.
2. To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form and plans
2. Inverclyde Local Plan
3. Proposed Inverclyde Local Development Plan
4. Consultation responses
5. Written representations
6. Planning application 12/0084/IC



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