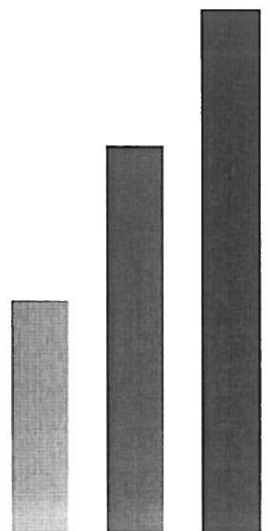


# Agenda 2013

# Planning Board

For meeting on:

4	December	2013
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**A meeting of the Planning Board will be held on Wednesday 4 December 2013 at 3 pm within the Municipal Buildings, Greenock.**

ELAINE PATERSON  
Head of Legal and Democratic Services

## **BUSINESS**

1. **Apologies, Substitutions and Declarations of Interest**
2. **Planning Applications**  
Reports by Head of Regeneration & Planning on applications for planning permission as follows:-
  - (a) **Mr M A Rahman**  
Change of use to convenience store and hot food takeaway:  
48-50 Princes Street, Port Glasgow (13/0215/IC)
  - (b) **Mr J Nelis**  
Alterations and extension to hotel including works to function suite and formation of restaurant in basement:  
Tontine Hotel, 6 Ardgowan Square, Greenock (13/0090/IC)
  - (c) **Mr J Nelis**  
Alterations and extension to hotel including works to function suite and formation of restaurant in basement:  
Tontine Hotel, 6 Ardgowan Square, Greenock (13/0015/LB)

Enquiries to - **Rona McGhee** - Tel 01475 712113

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

## **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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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>4 December 2013</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>13/0090/IC Plan 12/13</b>
			<b>Local Application Development</b>
<b>Contact Officer:</b>	<b>James McColl</b>	<b>Contact No:</b>	<b>01475 712462</b>
<b>Subject:</b>	<b>Alterations and extension to hotel including works to function suite and formation of restaurant in basement at Tontine Hotel, 6 Ardgowan Square, Greenock</b>		

## SITE DESCRIPTION

The Tontine Hotel is a Category A listed building, located within the Greenock West End Conservation Area with its main frontage to Ardgowan Square, and is a traditional blonde sandstone building with slate roof. The main building extends to three storeys and a basement with later extensions located to the side and rear. The north-western wing, accommodating the function room with cellarage below and finished in grey render, extends to the north along the boundary on Robertson Street. The car park is accessed via Robertson Street. A variety of building and uses including office, retail, leisure and residential flats lie adjacent.



## PROPOSAL

It is proposed to convert the cellarage below the function room to form a restaurant. The main access door to the restaurant is from Robertson Street however the internal layout also allows access through the hotel reception via the main entrance to Ardgowan Square.

The north-western wing will be extended by 7.2 metres adjacent to Robertson Street and by 2.6 metres into the courtyard. This will allow for new toilet facilities, an extension to the existing function room above and a glazed access hall linking the restaurant and function room with the main part of the hotel. Folding doors will allow the restaurant to open out to the courtyard during good weather. The courtyard will be resurfaced with new paving.

On the Robertson Street elevation it is proposed that the extension be finished in render, with timber sash and case windows and a slate roof. The entrance door to Robertson Street will incorporate feature timber storm doors. On the courtyard elevation, the extension will take a modern appearance finished with glazing, render, and a slate roof. The plans indicate the relocation of the bin store to the existing landscaped area adjacent to the vehicular entrance.

## **DEVELOPMENT PLAN POLICIES**

### **Local Plan Policy HR1 - Designated Environmental Resources and Built Heritage**

Development that would adversely affect, directly or indirectly, the natural or built heritage resources listed in Schedule 9.1 and where indicated, on the Proposals Map, will not normally be permitted.

Having regard to the designation of the environmental resource and built heritage, exceptions will only be made where:

- (a) Sites of Special Scientific Interest (SSSI) will not be compromised;
- (b) visual amenity and townscape will not be compromised;
- (c) no other site, identified in the Local Plan as suitable, is available;
- (d) the social and economic benefits of the scheme outweigh the total or partial loss of the environmental resource;
- (e) the developer has demonstrated that the impact of the development on the environment will be minimised; and
- (f) the loss can be compensated by habitat creation/site enhancement elsewhere, and where there are satisfactory arrangements to achieve this.

### **Local Plan Policy HR11 - Development Within and Adjacent to Conservation Areas**

Development proposals both within and adjacent to conservation areas will be acceptable where they are sympathetic to the existing character, pattern of development and appearance of the area and the following matters are satisfactorily addressed, as appropriate:

- (a) siting and orientation of new buildings;
- (b) overall design and style;
- (c) scale of building, extension or alteration;
- (d) design details;
- (e) finishing materials; and
- (f) landscaping and boundary materials.

### **Local Plan Policy HR12 - Impact of Development Within Conservation Areas**

When assessing Conservation Area development proposals (both within and adjacent to it) consideration will be given to the impact they will have on townscape and the wider landscape, especially when viewed from adjacent transport routes and vantage points accessible to the public.

## Local Plan Policy HR14 - Alterations and Extensions to Listed Buildings

Proposals to alter or extend a listed building must respect the reasons for listing, be of a high standard and will only be approved where the proposed works are satisfactory in terms of the following matters (as and where appropriate):

- (a) overall design;
- (b) scale and form;
- (c) materials and finishes;
- (d) landscaping proposals;
- (e) form of boundary enclosure; and
- (f) compliance with Policy HR1.

## 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 R5 - Greenock Town Centre: Outer Mixed/Commercial Area

Inverclyde Council, as Planning Authority, will seek to protect the character, both existing and potential, of the different divisions of the Outer mixed/Commercial Area of Greenock Town Centre, as defined on the Proposals Map and below. In addition to development in keeping with the existing character of the area, the following town centre uses will also be permitted in the identified divisions (G) to (L):

- (G) CLARENCE STREET MIXED-USE AREA:  
Use Class 2 (Financial, Professional and Other Services);  
Use Class 3 (Food and Drink);  
Use Class 10 (Community Uses);  
Use Class 11 (Assembly and Leisure); and  
Related uses, including public house, hot food take away or taxi office, and the sale of motor vehicles.
- (H) WEST END OFFICE AND CIVIC AREA and
- (I) SIR MICHAEL STREET/KING STREET RESIDENTIAL AREA  
Use Class 2 (Financial, Professional and Other Services);  
Use Class 10 (Community Uses); and  
Use Class 11 (Assembly and Leisure).
- (J) DELLINGBURN STREET/RUE END STREET  
Area fully developed for Class 1 Use (Shops).  
No further opportunities. Intensification of current retail use would not be appropriate.
- (K) THE HARBOURS AREA \*  
Use Class 9 (Residential Flats)  
Use Classes 1, 10 or 11, where related or ancillary to tourism or to maritime-based leisure or commercial enterprises;  
Use Class 2 (Financial, Professional and Other Services);  
Use Class 3 (Food and Drink); and  
Use as a public house.
- (L) WATERFRONT: EDUCATION AND LEISURE AREA  
Use Class 8 (Residential Institutions), if halls of residence associated with James Watt College;  
Use Class 10 (Community Uses); and  
Use Class 11 (Assembly and Leisure).

## **PROPOSED LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy HER1 - Development which Affects the Character of Conservation Areas**

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Scotland's SHEP and 'Managing Change in the Historic Environment' guidance note series.

### **Policy HER4 - Alteration, Extension and Demolition of Listed Buildings**

There is a presumption in favour of the retention of listed buildings, and their demolition, in full or in part, will only be accepted after a full assessment of the importance and condition of the building has been undertaken. Proposals to alter, extend or demolish a listed building must respect the reasons for listing, be of a high standard and will be approved only where the proposed works do not adversely affect the special interest of the building and are satisfactory having regard to Historic Scotland's SHEP and 'Managing Change in the Historic Environment' guidance note series.

### **Policy RES1 - Safeguarding the Character and Amenity of Residential Areas**

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

### **Policy RES6 - Non-Residential Development within Residential Areas**

Proposals for uses other than residential development in residential areas, including schools, recreational and other community facilities will be acceptable subject to satisfying, where appropriate, the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) impact on designated and locally valued open space;
- (c) impact of the volume, frequency and type of traffic likely to be generated;
- (d) infrastructure availability;
- (e) social and economic benefits; and
- (f) the cumulative impact of such a use or facilities on an area.

## **CONSULTATIONS**

**Head of Environmental and Commercial Services** - No objections.

**Head of Safer and Inclusive Communities** - An Abatement Notice under The Environmental Protection Act 1990 was previously served on The Tontine Hotel due to the noise from amplified music; this issue was resolved by works completed approximately ten years ago. It is therefore a concern of this Service that any proposed alterations will cause this issue to return. A noise assessment should be carried out during a function and this should be used as a guide for noise levels once the proposal is completed, when measured against a similar function. The adverse effect of amplified music on neighbouring residential properties should be considered.

A standard contaminated land condition is recommended and it should be clarified if there is any change to the current ventilation arrangements to the kitchen.

**Historic Scotland** - No objections.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 3rd May 2013 as development affecting a Listed Building.

## **SITE NOTICES**

A site notice was posted on 3rd May 2013 for development affecting a listed building.

## **PUBLIC PARTICIPATION**

The application was the subject of neighbour notification, a press advertisement and site notice. Eight objections have been received.

The concerns raised can be summarised as follows:

- The restaurant entrance to Robertson Street will result in additional noise and activity late into the evening to the unacceptable disturbance to adjacent residents.
- The entrance to Robertson Street may result in cars and taxis dropping off and collecting customers on Robertson Street which will lead parking problems and further noise throughout the night.
- The bin/recycling area will be located below the bedroom windows of the adjacent tenement flats. This will cause noise disturbance particularly late at night, odours, litter, vermin and prevent the windows of the flats being opened during warm weather.
- The security of the adjacent flats may be compromised as the bins could be used to climb on.
- A section of the existing landscaping screen would be removed to accommodate the new bin store.
- The boundary wall and adjacent outbuildings may be weakened due to the development and encroachment of trees and a previously removed section of wall was never rebuilt.
- The design of the new extension is inappropriate for the listed building or adjoining tenement.

Letters of support have been received from The Rotary Club of Greenock, the Greenock Chamber of Commerce and Discover Inverclyde. The latter makes specific reference to the benefit of an entrance to the proposed restaurant to Robertson Street over utilising the existing entrance to Ardgowan Square.

I will consider these representations in my assessment.

## **ASSESSMENT**

The material considerations in the assessment of the application are the Inverclyde Local Plan, the proposed Inverclyde Local Development Plan, the Scottish Historic Environment Policy (SHEP), Historic Scotland's Managing Change in the Historic Environment Guidance Notes, the consultation responses, the impact upon the listed building and the Conservation Area, the impact upon the amenity of nearby residential properties and the representations received.

In first considering the physical alterations to the building, Policy HR1 of the Local Plan seeks to ensure that development does not adversely affect listed buildings and conservation areas. Policies HR11 and HR12 of the Local Plan and Policy HER1 of the proposed Local Development Plan

provide criteria for the assessment of development proposals in conservation areas. Policy HR14 of the Local Plan and Policy HER4 of the proposed Local Development Plan consider developments affecting listed buildings. Historic Scotland's guidance notes offer advice on extensions to listed buildings and the SHEP seeks to preserve the historic environment.

Any alteration and extension to a Category A listed building must be carefully considered in terms of the impact on design and character. The proposed extension is to the side and rear of the north-western wing of the building and does not detract from the principal elevation. However, a key feature of the Tontine Hotel is the quality of the rear elevation, which features a carefully balanced Georgian façade characterised by twin bowed bays on either side of the central doorway. The proposed extension of the north-western wing into the courtyard is of an undoubtedly modern appearance. It is considered, however, that this is an appropriate design approach. The works have an acceptable impact on the existing building and utilise an existing blocked off window to provide a corridor link to the main building. The modern design does not seek to compete with the historic aspect of the rear elevation.



Considering internal alterations, they do not affect any original features of the building nor detract from the character. In the published guidance notes, Historic Scotland recognise that the history of use and ownership of a historic building is reflected in the cumulative changes made to it. They can themselves form an aspect of a building's special interest. New alterations or additions, which are of high design quality sympathetic to the character of the building, form part of this continuum. The Tontine Hotel is one such building where its development over time is clearly reflected in the varying alterations and extensions. The proposal continues this development. As part of this the new surfacing to the courtyard would also be acceptable subject to the choice of materials. The frontage to Robertson Street seeks to maintain the appearance to the street with the use of grey render, timber sash and case windows and external timber storm doors to the proposed entrance. So, overall I am satisfied that the proposed design changes are acceptable with reference to the Inverclyde Local Plan, the proposed Inverclyde Local Development Plan, and Historic Scotland policy and guidance.

Moving on to consider the introduction of the restaurant and its impact, Policy R5 advises on development within the outer mixed/commercial area of the Greenock Town Centre with specific reference to the West End Office and Civic Area where the application site lies. This policy supports development in keeping with the existing character of the area. The Tontine Hotel is long



established, and it is not uncommon for hotels to feature restaurants open to the public. I therefore find the principle of establishing a restaurant consistent with policy R5.

In the proposed Local Development Plan, which reflects the emerging policy position, the site is removed from the Town Centre. Policy RES1 therefore applies. It seeks to safeguard residential amenity and character.

In considering residential amenity, it is appropriate to assess the impact on local residents from potential noise and disturbance. Noise from within the premises is controlled by the Head of Safer and Inclusive Communities via other legislation. Whilst I note his concerns regarding noise from the function room I am aware that many restaurants are able to operate without conflict with the amenity of neighbours. I note that the proposed folding doors will allow the restaurant to be opened out to the courtyard during good weather; there is no proposal however to utilise the courtyard for outdoor dining. It is also likely that the doors will be opened during the day and in the early evening when ambient noise levels are higher, before being closed as the weather gets cooler late in the evening.

The site clearly lies within an area of mixed residential and commercial use and the hotel is well established; in such circumstances a degree of noise and activity is to be expected. Whilst residents choosing to reside here may benefit from the proximity to local shops and services, they cannot reasonably expect the same degree of quietude as would be experienced within a wholly residential area. A balance must be sought between protecting the amenity of nearby residents by seeking to prevent undue noise and disturbance above what could be reasonably expected, whilst at the same time promoting the vitality of existing businesses.

Whilst the lower end of Robertson Street is a mixed use area, adjacent commercial units are primarily only used during daytime business hours. In the evening this part of Robertson Street is generally quiet. Residential accommodation is characterised by higher density tenement style flats and it is inevitable that a restaurant accessed directly onto Robertson Street would lead to additional activity, with potential for noise and disturbance. While the proposal does not reduce the number of off-street parking spaces within the Hotel grounds and the Head of Environmental and Commercial Services offers no objection to the proposal with reference to parking requirements, I am never-the-less aware that customers will arrive and leave the premises by car or taxi, with car doors slamming, engines running, in-car entertainment systems and extraneous traffic movements to Robertson Street. As is often the case, people may gather outside the restaurant at the end of the evening as they say their goodbyes.

I note the support for the proposal in the three letters submitted, including the specific support for the entrance to Robertson Street, however given the close proximity of residential properties I consider that this aspect of the proposal has the potential to have a detrimental effect on the amenity of nearby residents. Discussions with the applicant have resulted in agreement that a condition restricting use of the Robertson Street entrance to between 10am and midnight is considered a reasonable compromise between the interests of both the Hotel and residents.

Considering the position of the new bin store, I note that this is immediately adjacent to the gable of the neighbouring tenement and below bedroom windows. While there is nothing to suggest that the location would lead to additional litter, or vermin problems, or may compromise the security of adjacent residential properties, the use of the bin store late into the evening, particularly after clearing up following closing, has the potential to cause undue disturbance. Noise from the use of the glass bin would cause particular disruption. This, together with the potential for odours would have a further detrimental effect on the amenity of nearby residents. Discussions with the applicant have resulted in agreement that the bin store be moved from the location proposed to an alternative position to be reserved by condition.

Considering the outstanding matters from consultations and representations, I agree it would be prudent to attach a condition relating to matters of ground contamination to any permission. The applicant does not propose any changes to the ventilation arrangements for the kitchen which is

unaffected by the proposal. The proposal would not affect existing mature trees; there is nothing to suggest that the development will affect the existing boundary walls and any concerns regarding the boundary wall and neighbouring outbuilding is being damaged by trees within the site are a civil matter between the parties involved.

## **RECOMMENDATION**

That the application be granted subject to the following reasons:

### Reasons

1. The use hereby permitted shall not operate between 00.00 hours and 10.00 hours daily.
2. Permission is not granted for the bin store location on approved drawing number 03. Prior to the commencement of work on site details of an alternative bin store location shall be submitted to and agreed in writing with the Planning Authority. Development shall thereafter be implemented in accordance with the approved plan unless otherwise agreed in writing by the Planning Authority.
3. That prior to the commencement of works on site, samples of all external materials to be used in construction (including any hardstanding) shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless any alternative is agreed in writing by the Planning Authority.
4. That prior to the commencement of works on site, full details of the design and finished colour of all doors and windows shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless any alternative is agreed in writing by the Planning Authority.
5. That the presence of any ground contamination that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential remediation work shall not be implemented unless a report has been submitted to and approved, in writing by the Planning Authority.

### Reasons:

1. To protect occupants of nearby housing from noise/disturbance late in the evening/early morning.
2. To ensure that the bin store location is sited away from nearby housing.
3. To ensure all external materials are appropriate for the listed building
4. To ensure the finished appearance of all doors and windows are appropriate for the listed building.
5. To ensure that all contamination issues are recorded and dealt with appropriately.

Stuart Jamieson  
Head of Regeneration and Planning

## BACKGROUND PAPERS

1. Application form and plans.
2. Inverclyde Local Plan.
3. Inverclyde Local Development Plan.
4. Consultation replies.
5. Letters of representation.
- 6.



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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>4 December 2013</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>13/0015/LB Plan 12/13</b>
			<b>Listed Building Consent Development</b>
<b>Contact Officer:</b>	<b>James McColl</b>	<b>Contact No:</b>	<b>01475 712462</b>
<b>Subject:</b>	<b>Alterations and extension to hotel including works to function suite and formation of restaurant in basement at Tontine Hotel, 6 Ardgowan Square, Greenock</b>		

## **SITE DESCRIPTION**

The Tontine Hotel is a Category A listed building, located within the Greenock West End Conservation Area with its main frontage to Ardgowan Square, and is a traditional blonde sandstone building with slate roof. The main building extends to three storeys and a basement with later extensions located to the side and rear. The north-western wing, accommodating the function room with cellarage below and finished in grey render, extends to the north along the boundary on Robertson Street. The car park is accessed via Robertson Street. A variety of building and uses including office, retail, leisure and residential flats lie adjacent.



## **PROPOSAL**

It is proposed to convert the cellarage below the function room to form a restaurant. The main access door to the restaurant is from Robertson Street however the internal layout also allows access through the hotel reception via the main entrance to Ardgowan Square.

The north-western wing will be extended by 7.2 metres adjacent to Robertson Street and by 2.6 metres into the courtyard. This will allow for new toilet facilities, an extension to the existing function room above and a glazed access hall linking the restaurant and function room with the main part of the hotel. Folding doors will allow the restaurant to open out to the courtyard during good weather. The courtyard will be resurfaced with new paving.

On the Robertson Street elevation it is proposed that the extension be finished in render, with timber sash and case windows and a slate roof. The entrance door to Robertson Street will incorporate feature timber storm doors. On the courtyard elevation, the extension will take a modern appearance finished with glazing, render, and a slate roof. The plans indicate the relocation of the bin store to the existing landscaped area adjacent to the vehicular entrance.

## **DEVELOPMENT PLAN POLICIES**

### **Local Plan Policy HR1 - Designated Environmental Resources and Built Heritage**

Development that would adversely affect, directly or indirectly, the natural or built heritage resources listed in Schedule 9.1 and where indicated, on the Proposals Map, will not normally be permitted.

Having regard to the designation of the environmental resource and built heritage, exceptions will only be made where:

- (a) Sites of Special Scientific Interest (SSSI) will not be compromised;
- (b) visual amenity and townscape will not be compromised;
- (c) no other site, identified in the Local Plan as suitable, is available;
- (d) the social and economic benefits of the scheme outweigh the total or partial loss of the environmental resource;
- (e) the developer has demonstrated that the impact of the development on the environment will be minimised; and
- (f) the loss can be compensated by habitat creation/site enhancement elsewhere, and where there are satisfactory arrangements to achieve this.

### **Local Plan Policy HR14 - Alterations and Extensions to Listed Buildings**

Proposals to alter or extend a listed building must respect the reasons for listing, be of a high standard and will only be approved where the proposed works are satisfactory in terms of the following matters (as and where appropriate):

- (a) overall design;
- (b) scale and form;
- (c) materials and finishes;
- (d) landscaping proposals;
- (e) form of boundary enclosure; and
- (f) compliance with Policy HR1.

## **PROPOSED LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy HER4 - Alteration, Extension and Demolition of Listed Buildings**

There is a presumption in favour of the retention of listed buildings, and their demolition, in full or in part, will only be accepted after a full assessment of the importance and condition of the building has been undertaken. Proposals to alter, extend or demolish a listed building must respect the reasons for listing, be of a high standard and will be approved only where the proposed works do not adversely affect the special interest of the building and are satisfactory having regard to Historic Scotland's SHEP and 'Managing Change in the Historic Environment' guidance note series.

## **CONSULTATIONS**

**Historic Scotland** - No objections.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph and Edinburgh Gazette on 3rd May 2013 as development affecting a Listed Building.

## **SITE NOTICES**

A site notice was posted on 3rd May 2013 for development affecting a listed building.

## **PUBLIC PARTICIPATION**

The application was the subject of a press advertisement and site notice. One objection has been received expressing concern that the design of the new extension is inappropriate for the listed building.

## **ASSESSMENT**

The material considerations in the assessment of the application are the Inverclyde Local Plan, the proposed Inverclyde Local Development Plan, the Scottish Historic Environment Policy (SHEP), Historic Scotland's Managing Change in the Historic Environment Guidance Notes, the consultation responses and the impact upon the listed building.

In first considering the physical alterations to the building, Policy HR1 of the Local Plan seeks to ensure that development does not adversely affect listed buildings and conservation areas. Policies HR11 and HR12 of the Local Plan and Policy HER1 of the proposed Local Development Plan provide criteria for the assessment of development proposals in conservation areas. Policy HR14 of the Local Plan and Policy HER4 of the proposed Local Development Plan consider developments affecting listed buildings. Historic Scotland's guidance notes offer advice on extensions to listed buildings and the SHEP seeks to preserve the historic environment.



Any alteration and extension to a Category A listed building must be carefully considered in terms of the impact on design and character. The proposed extension is to the side and rear of the north-

western wing of the building and does not detract from the principal elevation. However, a key feature of the Tontine Hotel is the quality of the rear elevation, which features a carefully balanced Georgian façade characterised by twin bowed bays on either side of the central doorway. The proposed extension of the north-western wing into the courtyard is of an undoubtedly modern appearance. It is considered, however, that this is an appropriate design approach. The works have an acceptable impact on the existing building and utilise an existing blocked off window to provide a corridor link to the main building. The modern design does not seek to compete with the historic aspect of the rear elevation.

Considering internal alterations, they do not affect any original features of the building nor detract from the character. In the published guidance notes, Historic Scotland recognise that the history of use and ownership of a historic building is reflected in the cumulative changes made to it. They can themselves form an aspect of a building's special interest. New alterations or additions, which are of high design quality sympathetic to the character of the building, form part of this continuum. The Tontine Hotel is one such building where its development over time is clearly reflected in the varying alterations and extensions. The proposal continues this development. As part of this the new surfacing to the courtyard would also be acceptable subject to the choice of materials. The frontage to Robertson Street seeks to maintain the appearance to the street with the use of grey render, timber sash and case windows and external timber storm doors to the proposed entrance. So, overall I am satisfied that the proposed design changes are acceptable with reference to the Inverclyde Local Plan, the proposed Inverclyde Local Development Plan, and Historic Scotland policy and guidance.

In conclusion, the alterations and extension have an acceptable impact on the listed building and do not present conflict with the aims of Policy HR14 of the Local Plan, Policy HER4 of the proposed Local Development Plan, Historic Scotland's guidance or the SHEP.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:

### Conditions

1. That prior to the commencement of works on site, samples of all external materials to be used in construction (including any hardstanding) shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless any alternative is agreed in writing by the Planning Authority.
2. That prior to the commencement of works on site, full details of the design and finished colour of all doors and windows shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless any alternative is agreed in writing by the Planning Authority.

### Reasons

1. To ensure all external materials are appropriate for the listed building.
2. To ensure the finished appearance of all doors and windows are appropriate for the listed building.

Stuart Jamieson  
Head of Regeneration and Planning

## BACKGROUND PAPERS

1. Application forms and plans
2. Inverclyde Local Plan
3. Proposed Inverclyde Local Development Plan
4. Scottish Historic Environment Policy (SHEP)
5. Historic Scotland's Managing Change in the Historic Environment Guidance Notes
6. Planning Practice Advice Note No 13 on Signage and Advertisements
7. Consultation response.
8. Objection received.



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