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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>5 February 2014</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>13/0358/IC Plan 02/14</b>
			<b>Local Application Development</b>
<b>Contact Officer:</b>	<b>David Ashman</b>	<b>Contact No:</b>	<b>01475 712416</b>
<b>Subject:</b>	<b>Erection of a restaurant/pub with associated staff accommodation, parking, landscaping, access and servicing at Victoria &amp; East India Harbours, Rue End Street, Greenock</b>		

## **SITE DESCRIPTION**

The application site occupies an approximately 0.41 hectare area of ground to the south-east of East India Harbour, located off Rue End Street in Greenock. The site is an inverse “L” shape and occupies part of the East India Breast road surface, hard landscaped ground to the south of this, and part of the quay between East India and Victoria Harbours.



The application site sits within the wider Harbours area within which there are marine business related buildings to the north of the application site and an electricity sub-station to the south-east. Morrison’s car park and Greenock Fire Station are located across Rue End Street.

This site is within the Greenock Harbour Masterplan area, originally approved as part of planning permission IC/05/245. While this permission has now lapsed, planning permission IC/05/309 has facilitated enabling works to allow developments to proceed and the masterplan remains the basis for development. This permission shows the erection of a railing around both Harbours and the means of vehicular and pedestrian connection to Rue End Street. A subsequently planning permission 13/0096/IC sets out the precise detail of these links.

## **PROPOSAL**

This planning application proposes the construction of a restaurant/pub, which will include upper level staff accommodation, with associated access, parking, servicing and landscaping provision. The building design is two storey and contemporary, finished in a mix of facing materials including render, blockwork and timber effect cladding. The roofs are mainly curved with a "Kingspan" or equivalent finish. The building will have a finished floor level of 4.65m. above Ordnance Datum.

While the pub entrance faces east, the building has been designed to take advantage of views in a northern, eastern and southern direction. There is also proposed to be outdoor seating and tables to the east of the main entrance with views towards Victoria Harbour, and a beer garden to the north with views over East India Harbour. The service yard will be located along the west elevation and will be enclosed by a wall finished in materials to match the main building. Twenty five car parking spaces are to be provided adjacent to the service yard with 55 spaces to the north of the building on the quay. A 1.2m. high steel fence will enclose the eastern boundary and part of the southern boundary, beyond which there will be an open verge consisting of a grass slope and a planting bed. The northern boundary will consist of a 0.95m. high flood protection wall, topped with a steel rail. A play area is to be located adjacent to the beer garden along this northern elevation and will be enclosed by a steel fence rising to 1.8m. high on top of a retaining wall. Small areas of soft landscaping are shown around the periphery of the site with hard landscaping for the outdoor seated areas. The riverside walkway runs between the curtilage of the restaurant/pub and the parking spaces to the north.

## **DEVELOPMENT PLAN POLICIES**

Local Plan Policy SA1 - The Harbours Area, Greenock Town Centre

Inverclyde Council, as Planning Authority, will support the development of sites within The Harbours Area, identified on the Proposals Map as SA1, where it is in accordance with the following mixed use planning policy framework.

### Land Uses

The following uses will be permitted:

- (a) Residential Flats;
- (b) Non-Residential Institutions (Use Class 10) of a tourist and heritage nature that are related to The Harbours' marine use, location and historical importance;
- (c) Shops (Use Class 1) that are restricted to the servicing of the above tourism, heritage and leisure uses and do not exceed 100 square metres of gross floorspace;
- (d) Food and Drink (Use Class 3) and use as Public House;
- (e) Financial, Professional and other services (Use Class 2);
- (f) Hotel (Use Class 7); and
- (g) Marine-based commercial enterprises, including provision for marina facilities and a potential ferry operator.

## Built Environment and Design

Any scheme will be required to incorporate the following design elements:

- (h) to retain and reinforce the urban setting of this Town Centre area with building and spatial arrangements respecting the existing structures and features of the harbours and providing pedestrian routes and views through and across the sites;
- (i) to achieve the above, enclosures should be minimised and limited to service areas;
- (j) materials, finishes and standards of design should reflect the urban and maritime history of the area;
- (k) traffic-free harbour and dock-side areas, with areas for parking, servicing and traffic circulation strictly limited; and
- (l) the provision of effective pedestrian and cycle routes through the site as part of the Inverclyde Coastal Route.

## Access

- (m) Highways access will be from Rue End Street via the existing signal-controlled junction at Virginia Street; and
- (n) the provision of safe and effective pedestrian and cycle routes through the development area and to facilitate unimpeded access to Greenock Central Station.

## Local Plan Policy UT4 - Reducing Flood Risk

Inverclyde Council will seek to reduce the risk of the flooding of non-agricultural areas by resisting development on functional flood plains. Where development is proposed for an area considered to be at risk from flooding, the Council will:

- (a) require the preparation of a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA);
- (b) seek the incorporation of flood prevention measures able to cope with, as a minimum, a 1 in 200 year rainfall event, depending on the type of development proposed, taking into consideration predicted climate change and sea level changes in the period to 2050, or justification as to why this standard of protection is not required;
- (c) consult with SEPA where development is likely to result in a material increase in the number of buildings at risk from flooding; and
- (d) require Clyde waterfront and coastal development to be protected against coastal flooding to a level of 5 metres above the ordnance datum.

Flood prevention measures and sea defences should not increase the risk of flooding elsewhere or have an adverse impact on the natural or built environment. For planning permission to be granted, the Council will require agreement to be reached in respect of the continual maintenance of flood prevention infrastructure and sea defences associated with the proposed development.

## Local Plan Policy TA2 - Accessibility of Major Developments

Inverclyde Council, as Planning Authority, will seek to reduce the need to travel by private car by directing new major travel-generating developments to locations accessible by walking, cycling and public transport. Developers may be required to submit Transport Assessments and Green Transport Plans demonstrating that such developments will be easily accessed by means other than the private car.

## **PROPOSED LOCAL DEVELOPMENT PLAN POLICIES**

### Policy MAC 1-7 - Major Areas of Change

The Council will support the redevelopment of the areas designated 'Major Areas of Change' on the Proposals Map by having regard, where applicable, to:

- (i) approved planning permissions (in outline, in principle or detailed);
- (ii) approved masterplans/development frameworks and briefs;
- (iii) the future submission and approval of a masterplan/development framework; and additionally,

taking cognisance of the planning strategies, area policy and preferred land uses outlined under each of the respective Areas, MAC1 to MAC7, in Supplementary Guidance.

#### Policy INF4 - Reducing Flood Risk

Development will not be acceptable where it is at risk of flooding, or increases flood risk elsewhere. There may be exceptions for infrastructure if a specific location is essential for operational reasons and the development is designed to operate in flood conditions and to have minimal impact on water flow and retention.

All developments at risk of flooding will require to be accompanied by a Flood Risk Assessment and should include a freeboard allowance, use water resistant materials where appropriate and include suitable management measures and mitigation for any loss of flood storage capacity.

#### Policy SDS5 Development within the Urban Area

There will be a preference for all appropriate new development to be located on previously used (brownfield) land within the urban settlements, as identified on the Proposals Map.

#### Policy SDS7 Regeneration and Renewal Priorities

Appropriate new investment and development will be directed to the Waterfront and to the Council's partnership renewal areas - 'Major Areas of Change' and 'Areas of Potential Change' - as identified on the Proposals Map and in accordance with the Plan's local development frameworks and, where required, Supplementary Guidance.

#### Policy TRA2 - Sustainable Access

New major trip-generating developments will be directed to locations accessible by walking, cycling and public transport, and developers will be required to submit a transport assessment and a travel plan, if appropriate. Such developments will be required to recognise the needs of cyclists and pedestrians as well as access to public transport routes and hubs, and have regard to the Council's Core Paths Plan, where appropriate. Where development occurs which makes it necessary to close Core Paths and other safeguarded routes, provision of an alternative route will be required.

The Council will also support and seek to complete the Inverclyde Coastal Route with developers required to make appropriate provision when submitting planning applications. National Routes 75 and 753 of the National Cycle Network will also be protected.

## CONSULTATIONS

**Head of Environmental and Commercial Services** – It is noted that the development requires 55 car parking spaces and that 80 have been provided. The road serving the development is prospectively adoptable, should accord with the Council's Roads Development Guide and will require a construction consent. The 1.2m. high boundary fence will obstruct the required visibility splay of 43m. by 2.4m. by 1.05m. high at junctions. A tracking drawing indicating the swept path of HGVs accessing the site over the public road should be provided. The public road through the site is adopted and will require a stopping up order. Previous reviews of flood risk assessments and the

inclusion of the flood defence wall at 4.75m. above Ordnance Datum allows the acceptance of a finished floor level of 4.65m. above Ordnance Datum.

**Head of Safer and Inclusive Communities** –There is no objection in principle to the application, but there is concern on how it may impact on future development in the immediate vicinity. Should the application be granted and housing subsequently be proposed in close proximity, issues of cooking odours and noise may well arise. This would be likely to adversely influence comments from the Head of Safer and Inclusive Communities on any future application for housing in the vicinity. Notwithstanding this, conditions and advisory notes in respect of contaminated land issues, cooking odours, waste containers and external lighting are recommended.

**Scottish Environment Protection Agency** - No objection.

**Scottish Water** - No objection.

**Transport Scotland** - No objections.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 6th December 2013 as a Schedule 3 development, as there are no premises on neighbouring land and as it is contrary to the development plan.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

One objection has been received in respect of the application. The points of objection may be summarised as follows:

- 1) The claimed land owner does not own the site.
- 2) Based on the Health and Safety Act, the proximity of a pub with a children's play area to an open harbour is unacceptable.
- 3) Due to low pricing of drink, the potential nature of future customers is unacceptable.
- 4) The application is contrary to the proposed Inverclyde Local Development Plan.

## **ASSESSMENT**

The material considerations in determination of this application are the Inverclyde Local Plan, the proposed Inverclyde Local Development Plan, the consultee responses, the objection and the planning history of the site.

There are two key policy considerations in assessment of this application. Firstly, how the proposal relates to the approved Greenock Harbours Masterplan and, secondly, how the site layout addresses potential dangers posed by flooding.

Policy SA1 of the Local Plan sets out the potential uses within the Masterplan area, while the Masterplan itself examines the built form and the relationship between potential land uses. A pub/restaurant use is in accord with Policy SA1, but the proposed siting does not strictly accord with the most recently approved Masterplan. I further note that Policy MAC1-7 of the proposed Local Development Plan indicates that the Council will support development in accordance with approved Masterplan. Whilst the approved Masterplan always envisaged a restaurant/pub as part of a comprehensive development of the Harbours, it was situated to the north of the presently proposed building, within what the current proposal indicates will be part of the car park. Flatted

residential development was expected to front onto the main access from Rue End Street. While the Masterplan is a flexible document that has already accommodated the incorporation of the previously unidentified Beacon Theatre, it has to be considered how any changes impact on the overall intent of the plan and the consequential impact on potential for future development.

The Masterplan sees East India Harbour as a mix of residential and leisure activity, and key to the successful development is the relationship between the two. The proposed position of the restaurant/pub, while closer to the planned site of residential flats, it is not significantly at variation from the Masterplan which saw this type of development being positioned on the spit.

The detail of how the proposal relates to the Masterplan is also crucial. The building design has evolved to satisfy me that the style and use of materials now reflect design concept promoted in the Masterplan. Car parking has been divided into two areas, reducing the massing and the incorporation of a parking area to the west of the building will help to form a separation between the pub/restaurant and the adjacent residential zone. This will also be beneficial in addressing environmental health concerns over the relationship between the two. The applicant has also embraced the concept of the waterfront location with outdoor seating areas and low perimeters onto the walkway edge, helping the development to become part of the harbourside experience. The applicant has also made changes to the plans to ensure adequate visibility requirements can be achieved and has successfully demonstrated how HGVs will be able to serve the site.



Overall I am satisfied that approval of the development would not compromise the ability of the Masterplan to still deliver much of what was originally envisaged without prejudicing its overall integrity. This flexibility also reflects the changed economic circumstances since the Masterplan was approved and allows appropriate development without compromising planning policy and reflects the intent of Local Development Plan Policies SDS5 and SDS7. Furthermore, in terms of accessibility the site is located immediately adjacent to a national cycle route and walkway, within less than a minute's walk from a bus route and less than 10 minutes walk from a train station, according with Policy TA2 of the Local Plan and Policy TRA2 of the proposed Local Development Plan. I therefore consider that a departure from the approved Masterplan can be supported in this instance.

Turning to the issue of flooding, the finished floor level of the building is noted as 4.65m. above Ordnance Datum. This fails to accord with Policy UT4 of the Local Plan and Policy INF4 of the

proposed Local Development Plan. The application has, however, been the subject of consultation with the Scottish Environment Protection Agency and the Head of Environmental and Commercial Services in his capacity as Flooding Officer. Calculations of flood levels, including a freeboard allowance, have been taken into consideration and it has been accepted, in this instance, that the combination of a finished floor level of 4.65m. above Ordnance Datum and a wave overtopping defence wall along the northern boundary of the site will be sufficient to address concerns over flooding. On this basis I consider that a departure from Policy UT4 of the Local Plan and Policy INF4 of the proposed Local Development Plan can be justified, and that putting this issue aside, in all other aspects the proposal accords with the intent of both the Local Plan and the proposed Local Development Plan.

Finally, while I note the representations submitted, none are issues that persuade me that planning permission should be refused. Procedurally, the applicant has completed the site ownership certificate, correctly carrying out ownership notification. The Council has completed publicity procedures and no other parties have claimed ownership of the site. It should also be noted that a road stopping up order and roads construction consent will separately be required following a grant of planning permission and that while the Head of Safer and Inclusive Communities wishes the matter of odour control to be addressed by condition, as this relates to internal fittings and their management, this is appropriately controlled by separate legislation and may be addressed by an advisory note.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:-

1. That before the commencement of development, samples of all facing materials to be used on the building and associated walls, shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless an alternative is approved in writing by the Planning Authority.
2. That samples of the surfacing materials to be used in the hard landscaping of the outdoor seating area, the beer garden and the play area shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless an alternative is approved in writing by the Planning Authority.
3. That before the commencement of development, a detailed specification of the boundary railing and the railing topping the frontage wall shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless an alternative is approved in writing by the Planning Authority.
4. That prior to the commencement of development, full details of the soft landscaping of the site, including number and mix of species and height of planting shall be submitted to and approved in writing by the Planning Authority. The approved planting scheme shall thereafter be carried out within the first planting season following the restaurant/pub being brought into use.
5. That any of the planting approved in terms of condition 4 above which dies, becomes diseased, is damaged or removed within 5 years of planting shall be replaced within the following planting season with others of a similar size and species.
6. That prior to the building hereby permitted being brought into use, all parking spaces and manoeuvring areas shall be finished in a final sealed wearing course, the details of which shall be submitted to and approved in writing by the Planning Authority prior to their use unless an alternative is approved in writing by the Planning Authority.

7. That all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas.
8. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved, in writing, by the Planning Authority.
9. That no material shall be imported onto the site until written details of the source of the imported material has been submitted for approval, in writing by the Planning Authority. The details, which shall be submitted no later than four weeks prior to the material being imported onto the site, shall include: the source of the imported material, any potential source(s) of contamination within 50 metres of the source of the material to be imported and verification analysis information. The material must not be imported on to the site until written approval has first been received from the Planning Authority. The material from the source agreed only shall be imported in strict accordance with these agreed details.
10. That no fill or landscaping material shall be imported onto the site until written details of the source and intended reuse of the imported materials has been submitted for approval, in writing by the Planning Authority. The report shall characterise the chemical quality (including soil-leachate and organic content etc), volume and source of the imported materials with corresponding cross-sections and plans indicating spatial distribution and depth/thickness of material placement within the development site. The material from the source agreed only shall be imported in strict accordance with these agreed details.
11. The use of the development shall not commence until the applicant has submitted a completion report for approval, in writing by the Planning Authority, detailing all fill or landscaping material imported onto the site. This report shall contain information of the materials source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc) with plans delineating placement and thickness.
12. That the applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the development shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes in place.
13. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".

#### Reasons

1. To ensure the suitability of the materials.
2. To ensure the suitability of the materials.
3. To ensure the suitability of the railing design.
4. To ensure the provision of suitable soft landscaping in the interests of visual amenity.
5. To ensure retention of the approved landscaping scheme.
6. To ensure safe and adequate access to the property.



7. To control runoff from the site to reduce the risk of flooding.
8. To ensure that all contamination issues are recorded and dealt with appropriately.
9. To protect receptors from the harmful effects of imported contamination.
10. To protect receptors from the harmful effects of imported contamination.
11. To protect receptors from the harmful effects of imported contamination.
12. To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.
13. To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.

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. Previous site planning permissions.
5. Consultation replies.
6. Representation.



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