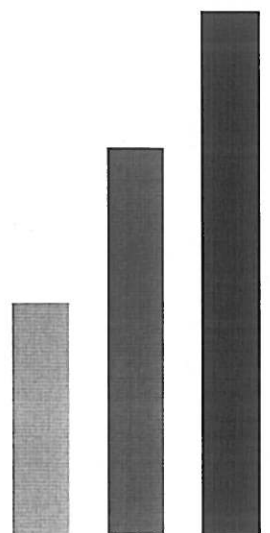


# Agenda 2014

## Planning Board

For meeting on:

5	March	2014
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**A meeting of the Planning Board will be held on Wednesday 5 March 2014 at 3pm within the Municipal Buildings, Greenock.**

ELAINE PATERSON  
Head of Legal and Democratic Services

## **BUSINESS**

1. **Apologies, Substitutions and Declarations of Interest**

2. **Continued Planning Application**

Report by Head of Regeneration & Planning on continued application for planning permission by Hungry Horse for the erection of a restaurant/pub with associated staff accommodation, parking, landscaping, access and servicing at Victoria and East India Harbours, Rue End Street, Greenock (13/0358/IC)

3. **Planning Applications**

Reports by Head of Regeneration & Planning on applications for planning permission as follows:-

(a) **Carpetworld**

Proposed change of use from Class 5 (industrial) to three Class 1 retail units and associated external alterations:  
13 Clarence Street, Greenock (13/0340/IC)

(b) **REOS Ltd**

Proposed conversion of social club to respite unit (Class 8) with associated alterations to building:  
Former Social Club, 8 - 10 John Street, Gourock (13/0328/IC)

(c) **Merchant Homes Limited**

Discharge of Section 50 Agreement on planning permission IC/87/137 (use of tennis courts land):  
Tennis Court, Site of Demolished Ramada Jarvis Hotel, Cloch Road, Gourock (14/0001/MP)

4. **Planning Appeal**

Report by Head of Regeneration & Planning on the outcome of a planning appeal at land off Lithgow Way, Port Glasgow (13/0035/IC)

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

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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>5 March 2014</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>13/0358/IC Plan 03/14</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>		

## BACKGROUND

At the February meeting of the Planning Board the above planning application was continued for a site visit on 20 February 2014 to allow Members the opportunity to consider the site and its environs.

## 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 immediately to the



south, and part of the quay between East India and Victoria Harbours. It is located in 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.

The Greenock Harbour Masterplan area was originally approved by 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 subsequent planning permission 13/0096/IC sets out the precise detail of these links.

## **PROPOSAL**

This planning application proposes the construction of a restaurant/pub including 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 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:

- The claimed land owner does not own the site.
- Based on the Health and Safety Act, the proximity of a pub with a children's play area to an open harbour is unacceptable.
- Due to low pricing of drink, the potential nature of future customers is unacceptable.
- 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.

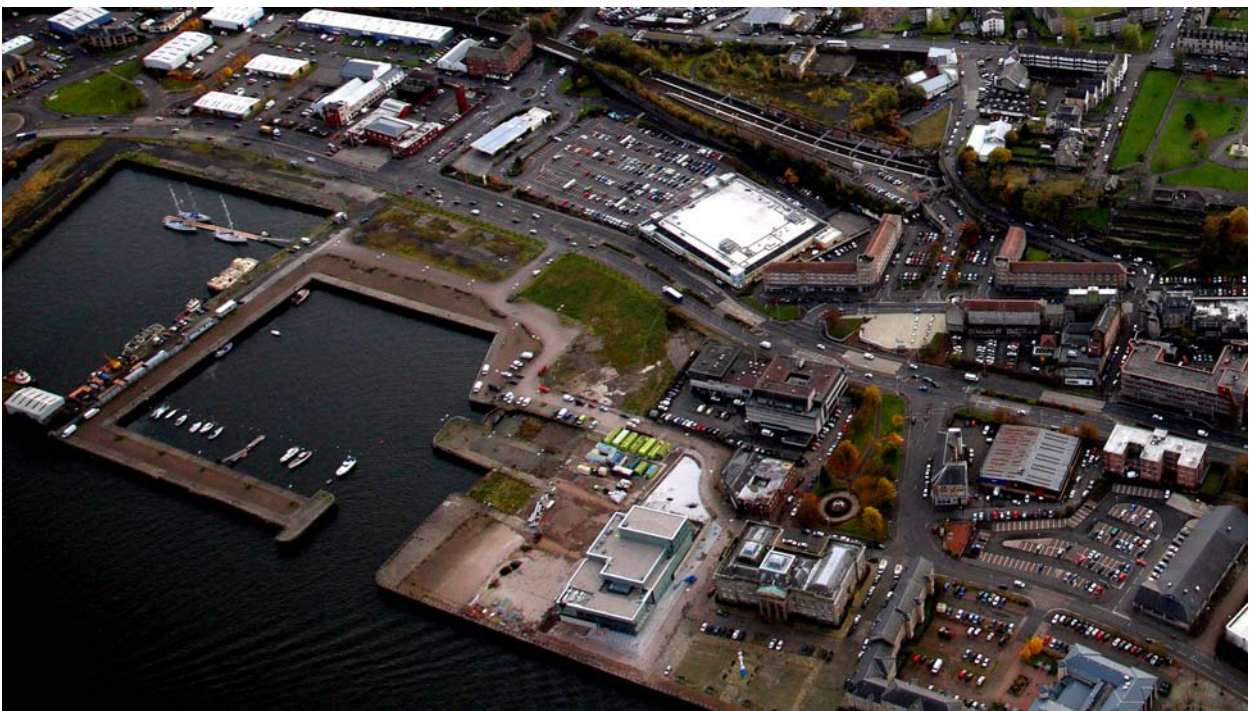
There are two key policy considerations in assessment of this application. Firstly, how the proposal relates to the approved Greenock Harbours Masterplan and secondly, how the site layout addresses potential dangers posed by flooding.

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 reflect 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 the approved Masterplan. Whilst the approved Masterplan always envisaged a restaurant/pub as part of a comprehensive development of the Harbours, it was to be 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 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, 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 the 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 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 deliver much of what was originally envisaged and will not prejudice its overall integrity. This flexibility also reflects the changed economic circumstances since the Masterplan was approved and allows appropriate development without compromising planning policy; it 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 is less than 10 minutes walk from a train station, all ensuring accordance 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 that, in this instance, 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. 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 roads construction consent will separately be required following a grant of planning permission. 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. That 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.

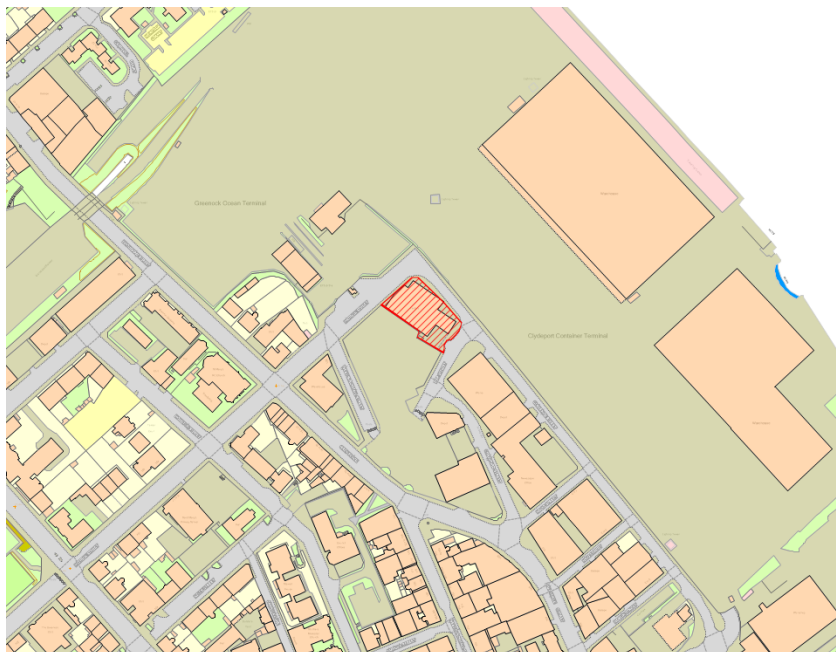


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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>5th March 2014</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>13/0340/IC Plan 03/14</b>
			<b>Local Application Development</b>
<b>Contact Officer:</b>	<b>James McColl</b>	<b>Contact No:</b>	<b>01475 712462</b>
<b>Subject:</b>	<b>Proposed change of use from Class 5 industrial to three Class 1 retail units and associated external alterations at 13 Clarence Street, Greenock</b>		

**SITE DESCRIPTION**

The application relates to a vacant industrial unit on the southern side of Clarence Street, sited between Kerr Street and Patrick Street, Greenock. A variety of buildings and uses lie adjacent including the Container Terminal, industrial premises and a new supermarket which is currently under construction. The floor area of the unit extends to approximately 1150 square metres. The northern section of the building comprises office accommodation within an upper floor.



**PROPOSAL**

It is proposed to change the use of the premises to form three retail units. The applicant indicates that the units will comprise a carpet showroom with a floor area of 541 square metres, a bathroom showroom with a floor area of 416 square metres and a curtain and blind showroom with a floor area of 190 square metres. The office accommodation will be retained above the smallest of the three units and will be utilised for administration in connection with the new retail use.

External alterations will comprise new door openings for each of the proposed units and the formation of 12 parking spaces, 10 in the former service yard and 2 in an on street lay-by.

## **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.

#### 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).

Local Plan Policy R6 - Town Centre/Retail Development Opportunities

Inverclyde Council, as Planning Authority, will support and encourage the development of town centre uses on the sites included in Schedule 8.1 and as identified on the Proposals Map, including Greenock Town Centre Inset Map G.

Local Plan Policy R10 - Assessing Development Proposals for Town Centre Uses

Any proposal for a development of one or more of the town centre uses identified in Policy R3, or for any other commercial use within a defined centre, will be required to satisfy the criteria listed below:

- (a) for developments on the edge of, or outside, the designated Centres, and retail developments on the edge of, or outside, Greenock's Central Shopping Area, the applicant should have adopted a sequential approach to site selection, including consideration of sites identified under Policy R6;
- (b) the applicant having demonstrated that there is a capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area, or a qualitative deficiency in existing provision;
- (c) the proposal should not have a detrimental effect, including cumulatively, on the vitality and viability of existing Centres;
- (d) the size and format of the development is appropriate to the Centre for which it is proposed;
- (e) the proposed development should be accessible by a choice of means of transport from its forecast catchment, make provision for improved infrastructure where deemed necessary, not result in unacceptable changes in travel patterns and, where required, be supported by the production of a Transport Assessment;
- (f) the proposed development should be to a high standard of design and its scale, siting and relationship to the surrounding townscape and land uses should make a positive contribution to the quality of the urban environment;
- (g) the proposal should not have a detrimental effect on residential amenity or on the amenity and effective operation of existing businesses;
- (h) the proposal should be consistent with other relevant national, Structure Plan and Local Plan policies and guidelines, including any Town Centre Strategy or other relevant initiative which may have been instigated, the Council's Roads Development Guide, 1995 and any other standards; and
- (i) in Greenock Town Centre the proposed development should be consistent with Policies R4 and R5.

Where the proposal includes either a convenience retail development of over 1,000 square metres gross; comparison retail development of over 2,000 square metres gross; or Use Class 11 (Assembly & Leisure) developments that will attract a large number of users, it should be accompanied by a statement of justification addressing the above criteria and the criteria set out in the Structure Plan and NPPG8. At the Council's discretion, applications for development within designated Centres or small-scale development of town centre uses outwith the designated Centres may be exempted from the requirement to be justified against criteria (a)-(d).

#### Local Plan Policy R11- Use of Conditions

Inverclyde Council, as Planning Authority, considers it necessary to protect both existing Centres and residential amenity with the use of planning conditions to control the operation of new retail and leisure developments. The circumstances in which such conditions will be appropriate will be:

- (a) in the case of Use Class 1 (Shops) developments of over 1,000 square metres gross, to define the maximum permitted net floorspace for both convenience and comparison goods;
- (b) where practical, to restrict a proportion of the gross floor area of edge-of-centre retail warehouse developments, and all out-of-centre retail warehouse developments, to the sale of bulky goods only;
- (c) to prevent the sub-division or amalgamation of new retail warehouse units of over 500 square metres gross;
- (d) to prevent the inclusion of smaller sub-units within foodstores outside Greenock's Central Shopping Area; and
- (e) to restrict the hours of trading or of access for service vehicles where the operation is considered likely to affect either residential or business amenity.

### **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 TCR2 - Sequential Approach to Site Selection for Town Centre Uses



Proposals for development of town centre uses as set out in Policy TCR3 will be subject to the sequential approach as set out below:

- (a) Greenock Central Area;
- (b) Port Glasgow and Gourock Town Centres;
- (c) Greenock Outer Area (subject to Policy TCR5);
- (d) sites on the edge of Greenock, Port Glasgow and Gourock Town Centres; and only then,
- (e) out-of-centre sites that are or can be made accessible by a choice of public and private transport modes.

The principles underlying the sequential approach also apply to proposals to expand or change the use of existing developments, where the proposals are of a scale or form sufficient to change a centre's role and function.

#### 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 TCR5 - Outer Area of Greenock Town Centre

Proposals for development in the five divisions of the Outer Area of Greenock Town Centre, as defined on the Proposals Map and below, should have regard to their respective roles, functions, character and amenity. The following uses will be encouraged and supported, subject to there being no adverse impact upon the amenity of the area:

##### A - WEST END (Civic, Office and Residential)

- Use Class 2 (Financial, professional and other services)
- Use Class 4 (Business)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)

##### B - CLARENCE STREET AREA (Mixed Use)

- Use Class 3 (Food and drink)
- Use Class 4 (Business)
- Use Class 11 (Assembly and leisure)

##### C - WATERFRONT (Education and Leisure)

- Use Class 3 (Food and drink)
- Use Class 4 (Business)
- Use Class 7 (Hotels and hostels)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)
- Use Class 11 (Assembly and leisure)

##### D - KING STREET AREA (Business and Residential)

- Use Class 2 (Financial, professional and other services)
- Use Class 4 (Business)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)

#### E - ROXBURGH STREET AREA (Business and Community)

- Use Class 2 (Financial, professional and other services)
- Use Class 3 (Food and drink)
- Use Class 4 (Business)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)

#### Policy TCR6 - Town Centre/Retail Development Opportunities

The development of town centre uses on the sites included in Schedule 7.1 and as identified on the Proposals Map, will be encouraged and supported.

#### 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).

#### Policy TCR8 - Use of Conditions

To protect both designated Centres and residential amenity, planning conditions will be imposed to control the operation of new retail and leisure developments outwith the designated town centres in the following circumstances:

- (a) in the case of Use Class 1 (Shops) development of over 1,000 square metres gross, to define the maximum permitted net floorspace for both convenience and comparison goods;
- (b) to restrict a proportion of the gross floor area of retail warehouse developments, to the sale of bulky goods only, where practical;
- (c) to prevent the sub-division or amalgamation of retail warehouse units of over 500 square metres gross;
- (d) to prevent the inclusion of smaller sub-units within foodstores;
- (e) to restrict the hours of trading or of access for service vehicles where the operation is considered likely to affect either residential or business amenity; and
- (f) to restrict changes between the convenience and comparison sectors, where appropriate.

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 Environmental and Commercial Services** – The Council's Roads Development Guide indicates a parking requirement of 3 spaces per 100 square metres of gross floor area for this development. The existing industrial use requires a parking provision of 1.1 spaces per 100 square metres of gross floor area. Consequently 2 spaces per 100 square metres of gross floor area should be provided for this development. Off-road servicing will be required advising that Container Way is one of the main routes for large vehicles entering and leaving the container terminal and this route should not be subject to obstructive parking.

**Head of Safer and Inclusive Communities** – Conditions relating to contamination are recommended due to the previous industrial use of the premises together with details of the provisions for waste and recycling.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 29th November 2013 as it is contrary to the development plan.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

No representations have been received.

## **ASSESSMENT**

The material considerations in the assessment of this application are the Inverclyde Local Plan, the proposed Local Development Plan, Scottish Planning Policy, the visual impact of the external alterations and the consultation responses.

The external alterations to the building are restricted to the formation of new entrances to the proposed retail units, and the new parking within the service yard and on-street lay-by. Overall, these changes are considered visually neutral.

The site lies within the Outer Mixed/Commercial Area of the Greenock Town Centre as defined by Policy R1 the Local Plan and Policy R2 seeks to support designated centres. Policy R3 directs town centre uses, including Class 1 retail uses to the Central Shopping Area. Within the Outer Mixed/Commercial Area, town centre uses according to the specification in Policy R5 will be permitted. Policy R5 identifies the site as being within Sub Area G of the Outer Mixed/Commercial Area of the town centre development. Developments in keeping with the existing character of the area are supported together with selected town centre uses. This does not include Class 1 as an appropriate use and thus the proposal is not in accordance with Policies R3 and R5. It rests therefore to consider if there are other material considerations that justify a departure from these policies including reference to Policy R10 which provides criteria for the assessment of town centre uses, whether within or outwith designated centres.



Firstly examining Policy R10, I note that the applicant has not undertaken a sequential approach to site selection. The site is not identified as a development opportunity. Being a comparison retail development, a statement of justification in support of the proposal is only required by Policy R10 where the development has a floor area over 2000 square metres; this proposal has a floor area of approximately 1150 square metres. Crucial, however, in assessing the acceptability of the proposal is the Council's position on the proposed Local Development Plan. In addressing retail policy the proposed LDP considers key elements of capacity and impact on vitality and viability of Greenock Town Centre as required by the current Local Plan Policy R10(c).

The proposed LDP extends the Central Shopping Area to the north-west to incorporate the currently under construction Aldi development and this site. In public consultation, there were no objections submitted against this extension of the Central Shopping Area to reflect the emergence of a larger development opportunity appropriate for town centre uses. The principle of development of a Class 1 retail use on this site accords with the proposed LDP, as established by Policies TCR 1-6. An assessment of the development specifics identified by Policy TCR7 also support development.

The scale of the development, by the proximity of the site to the existing shops on Grey Place and West Blackhall Street, the pedestrian crossing on Grey Place and the development of the adjacent Aldi development all create a greater likelihood of linked shopping trips with the Central Shopping Area. The proposal is also considered to be of an appropriate scale for the location, with larger retail units already found within the existing town centre. As the proposal will result in a comparison sector retail warehouse type development, it is considered that it will complement established businesses already within the town centre.

However, looking beyond this application it must be recognised that the comparison and convenience sector give rise to different shopping patterns and any proposal for the future use of the premises for convenience retailing would require to be carefully considered and supported by a full statement of justification to ensure the vitality and viability of the town centre was not adversely affected. Policy R11 of the Local Plan and policy TCR8 of the proposed Local Development Plan support the use of conditions to define floorspace for convenience and comparison goods and to restrict changes between these two shopping sectors. I consider it appropriate to apply a condition restricting the proposed retail use to comparison goods only would be appropriate in this instance, to protect the retail core of the existing town centre.

Examining parking and road safety, the Head of Environmental and Commercial Services advises that the Council's Roads Development Guide indicates a parking requirement of 3 spaces per 100 square metres of gross floor area. He recognises the existing industrial use requires a parking provision of 1.1 spaces per 100 square metres of gross floor area. Consequently he advises that 2 spaces per 100 square metres of gross floor area should be provided. He further notes that off-road servicing will be required, advising that Container Way is one of the main routes for large vehicles entering and leaving the container terminal and should not be subject to obstructive parking.

In support of the proposal, the applicant identifies that the three retail units proposed will require approximately 4 staff car parking spaces and approximately 7 customer parking spaces at any one time. The type of retailing identified typically has a relatively low number of customers who purchase bulky, higher value items, many of which are subsequently delivered. Consequently, 12 off street parking spaces are provided to meet the expected demand. The scale of the business will result in deliveries and collections being undertaken in relatively small vehicles.

In examining this issue, I note that existing parking restrictions prevent obstructive parking which would interfere with the free flow of traffic in vicinity of the premises. The application site is within Greenock Town Centre and is accessible by a range of means of transport. Dalrymple Street and Brougham Street which are approximately 5 minutes walking distance carry a range of bus services both local and longer range in nature. Existing pedestrian links are also well established with the retail core of the town centre. A range of existing parking opportunities also exist within the wider town centre in dedicated public car parks and within identified on street bays. Scottish Planning Policy supports development which is accessible by a range of transport means including walking, cycling and public transport and advises that in sustainable locations, more restrictive parking standards may be appropriate. Excepting large scale food retailing, specific allocated car parking provision is not typically allocated within town centres where there is a range of publicly accessible parking facilities aimed at general shoppers. Whilst I note the position of the Head of Environmental and Commercial Services, I do not consider that this relatively small addition to Greenock's town centre shopping mix justifies the requirement for additional and specific car parking above what the application proposes.

Overall, although the proposal is a departure from Policies R3 and R5 of the Local Plan, it satisfies other relevant criteria of Policy R10 of the Local Plan as supported by the emerging proposed Local Development Plan which identifies the site as a town centre and retail development opportunity within the extended central shopping area. I consider that the assessment and analysis of all the material considerations justify a departure from the Local Plan.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:

1. The premises shall be used for solely as non-food retail warehouses for the sale of comparison goods and for no other purpose (including any other purpose in Class 1 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instruments revoking and re-enacting that Order.

2. The proposed 12 parking spaces proposed shall be formed, marked out and available for use by staff and customers, to the satisfaction of the Planning Authority, prior to the commencement of the retail use hereby permitted. The spaces shall then remain available for use by staff and customers at all time thereafter.
3. 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 are in place.
4. That the development shall not commence until an environmental investigation and risk assessment, including any necessary remediation strategy with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The remediation strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options.
5. That on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing by the Planning Authority, confirming that the works have been carried out in accordance with the remediation strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site.
6. 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.

#### Reasons

1. To protect the vitality and viability of the wider Greenock Town Centre.
2. To ensure appropriate parking provision for the premises.
3. To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.
4. To satisfactorily address potential contamination issues in the interests of environmental safety.
5. To provide verification that remediation has been carried out to the Authority's satisfaction.
6. To ensure that all contamination issues are recorded and dealt with appropriately.

Stuart Jamieson  
Head of Regeneration and Planning

## BACKGROUND PAPERS

1. Application Form
2. Application Plans
3. Inverclyde Local Plan
4. Proposed Inverclyde Local Development Plan
5. The Scottish Planning Policy
6. Consultation Responses



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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>5th March 2014</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>13/0328/IC Plan 03/14</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>Proposed conversion of social club to respite unit (Class 8) with associated alterations to building at Former Social Club, 8 – 10 John Street, Gourock</b>		

**SITE DESCRIPTION**

The application relates to a two storey building last used as a social club, located on the northern side of John Street, Gourock and adjacent to the junction with Royal Street. To the front the building is finished in white painted stone, with white render to the side and brown facing brick to the later flat roof addition to the rear. The roof of the original building is finished in slate. A variety of residential properties, located on John Street and Royal Street, lie adjacent. Directly across John Street are a number of business premises including small retail units, a nursery and a wedding car garage.



**PROPOSAL**

It is proposed to change the use of the building to a respite centre (Class 8) for short term care. The applicant has indicated this will be aimed at the elderly and infirm. The centre will provide 11 bedrooms. To facilitate the change of use the front elevation to John Street, which is currently unstable, will be rebuilt to accommodate a main entrance and new windows. New uPVC windows will be installed within new openings to the side elevation. The flat roof will be re covered in grey



fibreglass roofing and the external walls finished in a buff render. The rear courtyard will be landscaped and a new gate provided to the side access lane.

## **DEVELOPMENT PLAN POLICIES**

### **Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas**

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

### **Local Plan Policy H9 - Non-Residential Development Proposals within Residential Areas**

The introduction of new, or the extension of, non-residential uses in existing residential areas will be acceptable only where such uses are compatible with the character and amenity of the area and satisfy other relevant policies of the Local Plan.

## **PROPOSED LOCAL DEVELOPMENT PLAN POLICIES**

### **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 Safer and Inclusive Communities** – No objections in principle to the proposal. Conditions relating to the disposal of cooking odours together with details of the provisions for waste and recycling are recommended.

**Head of Environmental and Commercial Services** - The Roads Development Guidelines indicate that 4 off street parking spaces are required for this development. However, the former social club use required greater parking provision than the proposed new use. Consequently, the change of use would reduce the demand for on street parking.

## **PUBLICITY**

The nature of the proposal did not require advertisement.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

Six of representations were received. Five are in objection and one support the principle of the proposal but raises concerns.

The concerns raised can be summarised as follows:

- The area is very congested with high demand for on street parking from adjacent residential and commercial uses; no additional off street parking is proposed.
- Existing residents may not be able to park near their properties.
- Clear road markings should be provided to improve parking behaviour.
- A new car park should be built on Shore Street.

## **ASSESSMENT**

The material considerations in the determination of this planning application are the Inverclyde Local Plan, the proposed Inverclyde Local Development Plan, the visual impact, impact on the amenity of neighbouring residents, the consultation responses and the representations received.

Assessing the change of use, Policy H1 of the Local Plan and Policy RES1 of the proposed Local Development Plan seek to safeguard the character and amenity of residential areas. Policy H9 of the Local Plan and Policy RES6 of the proposed Local Development Plan advise on the development of non-residential uses within the residential areas. The lower end of John Street is an area of mixed residential and commercial use. When in operation as a social club, the use of the property would have continued late into the evening. Patrons would have arrived at and left the premises by car or taxi, with possibly car doors slamming, engines running, in-car entertainment systems and extraneous traffic movements. As is often the case, people may have gathered outside the club as they leave at the end of the evening. The proposed use as a respite centre will not generate late night noise and disturbance which may disturb adjacent residents. I further do not consider that daytime activity would cause any disturbance over and above that which already occurs within this mixed area. Overall, I consider that the proposed use will be to the benefit of local residential amenity as it will reduce the potential for late night noise and activity at the premises.

The outstanding amenity issue relates to the potential for cooking odours from kitchens within the premises to affect neighbouring residential properties. This can be dealt with by way of a planning condition requiring that full details of ventilation and filtration system be approved prior to the change of use and in accordance with the advice from the Head of Safer and Inclusive Communities.

Considering visual impact, currently the building is in a poor state of repair and work has been done to the front elevation for public safety reasons. I consider that the proposed front elevation is visually acceptable. The alterations to the window arrangement and the new windows to be installed to the side elevation together within the new fiberglass roofing material to the flat roof and the gate to the access lane are not visually prominent and will have an overall neutral visual effect. It is indicated that the property will receive a new buff render finish. Whilst a range of materials are found within the vicinity, I consider it appropriate to attach a condition which will require a sample of

the external finish to be submitted for approval prior to use on site. Bringing the building back into use will have an overall positive visual impact to the existing streetscape.



The outstanding material consideration to be assessed is that of traffic and parking. No off-street parking is proposed for the new use and whilst the existing access lane provides access to the rear courtyard, this is not of a sufficient size to allow the formation of a parking area which would comply with the minimum requirements of the Roads Development Guide. I note the concerns raised in the representations regarding the lack of off street parking and the potential implications for on-street parking demand. For the last use as a social club, the Roads Development Guide specifies a parking requirement of 20 spaces per 100 square metres of public floor area. The public floor area within the club comprised two lounge bars, committee room, snooker room and TV lounge and extended to an area in excess of 350 square metres. Four off-street parking spaces are required for the proposed respite unit development. The new use will therefore result in a significant reduction in on-street parking requirements. Consequently the Head of Environmental and Commercial Services offers no objection to the proposal with reference to parking requirements, traffic and road safety.

Considering the outstanding points raised in the representations, the provision of new road markings or new car parks is a matter for the Head of Environmental and Commercial Services where required. It would not be appropriate to refuse planning permission solely on the basis that nearby residents may not be able to park immediately outside their properties.

In summary, it is considered that the proposal would not be to the detriment of the amenity of the residents living adjacent to the premises. The alterations to the building are visually acceptable and the parking requirements of the proposed use are also significantly less than the existing use.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:

1. That prior to use on site, a sample of the proposed render shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless agreed otherwise in writing by the Planning Authority.

2. That prior to the erection on site, full details of the design, height and materials of the proposed gate and fence to the access lane shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless agreed otherwise in writing by the Planning Authority.
3. The development shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours has been submitted to and approved by the Planning Authority. Such specification shall include precise 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, air disposal points etc.
4. 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 are in place.

#### Reasons

1. To ensure the render is visually appropriate.
2. To ensure the gate and fence are visually appropriate.
3. To protect the amenity of the immediate area and prevent the creation of odour nuisance.
4. 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
2. Application Plans
3. Inverclyde Local Plan
4. Proposed Inverclyde Local Development Plan
5. Consultation Responses
6. Representations received.



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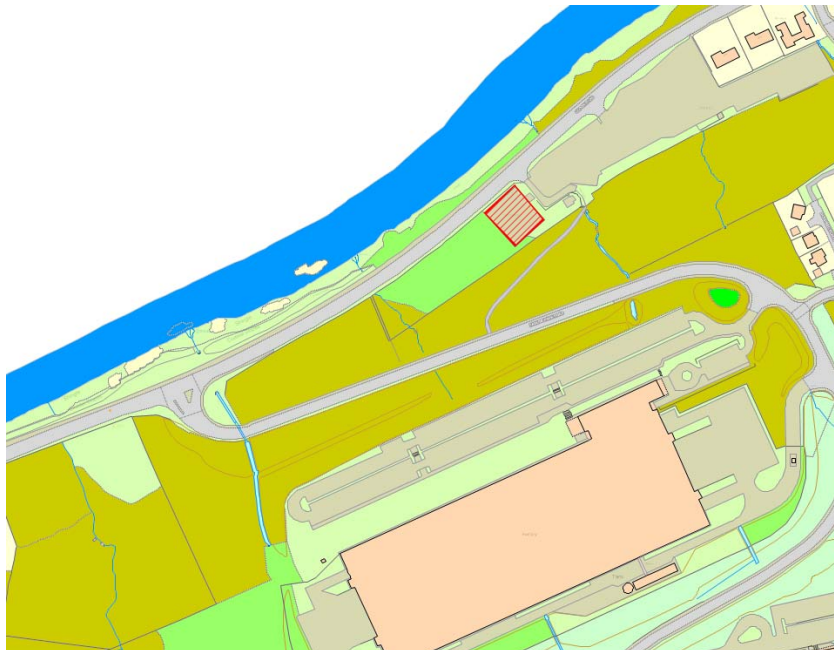
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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>5 March 2014</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>14/0001/MP Plan 03/14</b>
<b>Contact Officer:</b>	<b>David Ashman</b>	<b>Contact No:</b>	<b>01475 712416</b>
<b>Subject:</b>	<b>Discharge of Section 50 Agreement on planning permission IC/87/137 (use of tennis courts land) at Tennis Court, Site Of Demolished Ramada Jarvis Hotel, Cloch Road, Gourock</b>		

## BACKGROUND

Planning permission was granted in August 1987 for the formation of two tennis courts, associated enclosure and floodlighting on part of the land to the west of what was then the Gantock Hotel.



The tennis courts were to be constructed in what was then a site within the Green Belt and, in view of this, it was considered necessary to restrict the use of the land to tennis courts. A Section 50 Agreement, in terms of The Town & Country Planning (Scotland) Act 1972, was entered into by the applicant, Stakis Public Limited Company, and by Inverclyde District Council. The Agreement restricts the use of the land to solely as tennis courts “in all time coming” and for no other purpose whatsoever and no buildings or erections of any kind other than fencing, floodlighting and drainage ancillary to the tennis courts. The Agreement also controlled timing of the provision and maintenance of landscaping and no alterations to floodlighting were to occur without the approval of the Council. The Agreement was to be enforceable against Stakis Public Limited Company and any of their successors in title.

## **PROPOSAL**

The hotel has been demolished and residential flats are currently being developed on the site to the east of the tennis courts. I have had pre-application discussions in respect of further development to the west of their current site but the Section 50 Agreement is an impediment to any future development. Discharge of the obligations of the Section 50 Agreement is therefore sought.

## **THE LEGISLATIVE POSITION**

The Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010 came into force on 1st February 2011. An annex to Circular 1/2010: Planning Agreements (Planning Obligations and Good Neighbour Agreements) was published in the same month. The Regulations introduced a right to apply to the Council to have a planning obligation modified or discharged. It also introduced a right of appeal to the Scottish Ministers where a planning authority refuses an application or fails to determine it within the set time period of two months.

The Regulations allow a planning authority to approve an application or refuse it but not to determine that the obligation should be subject to any modification other than set out in the application. The planning authority is required to take into account any changes in circumstances which mean that the obligation is no longer reasonable. An application for discharge or modification of an obligation has to be assessed against the same criteria for the initiation of an obligation. These are set out in Circular 1/2010 as follows:

- Necessity
- Planning purpose
- Relationship to proposed development
- Scale and kind
- Reasonableness

These form the basis of my assessment of the proposal.

## **ASSESSMENT**

I am satisfied that the planning obligation was originally necessary, had a planning purpose, was relevant, appropriate to the scale of development and reasonable as the site was within the Green Belt. Applying the same tests now to the proposed discharge of the obligation, it has to be considered if any new circumstances apply.



The site remains in the Green Belt, under policy DS8 within the Inverclyde Local Plan. It is also within the current boundary of Clyde Muirshiel Regional Park under policy DS11. The proposed Inverclyde

Local Development Plan, however, includes the site within the built-up area under policy RES1. Also applicable is Policy RES3 as it includes the site within a schedule of development, which anticipates that a total of 80 residential units will be built. The Clyde Muirshiel Regional Park boundary has been altered to take it to Faulds Park Road, further west of the tennis courts. It also has to be considered that the hotel which was associated with the tennis courts has been demolished and there is therefore no relationship between the two to protect.

In view of the above I consider that the Agreement is no longer necessary, that no planning purpose is now served by it, particularly as there is no longer a relationship to the former hotel. It would be unreasonable to insist on the Agreement remaining in place because of this and also because although not the adopted Plan, the Local Development Plan presents a more current picture of Council policy in respect of the site which is identified for development.

## **RECOMMENDATION**

That the Section 50 Agreement in respect of planning permission IC/87/137 be discharged.

Stuart Jamieson  
Head of Regeneration and Planning

## **BACKGROUND PAPERS**

1. Application form and plan.
2. Planning permission IC/87/137.
3. The Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010.
4. Circular 1/2010 and associated annex.
5. Letter to Heads of Planning from Scottish Government, dated 4<sup>th</sup> November 2011.



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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>5 March 2014</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>13/0035/IC Plan 03/14</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>Notification of Planning Appeal decision: Proposed residential development (in principle) at Land off Lithgow Way, Port Glasgow</b>		

## INTRODUCTION

In September 2013 planning permission was refused for a proposed residential development (in principle) at land off Lithgow Way, Port Glasgow and following a site visit by the Planning Board. Planning permission was refused as:

“The proposal is contrary to the Inverclyde Local Plan 2005 as the site is zoned for commercial use and the commercial zoning should remain in force for a period of 5 years.”



An appeal against the refusal was lodged with the Scottish Government and considered by written submissions.

## APPEAL DECISION

The Reporter considered the determining issue to be whether the site should be safeguarded for commercial use in accordance with the approved masterplan and, if not, whether the proposal is otherwise acceptable.



Development in accordance with the Kingston Masterplan is a requirement of Local Plan Policy SA2(j)(1), and as the site is specifically shown as a commercial area, the Reporter does not accept that residential development complies with policy. The Reporter believes that this area was identified for commercial use to take advantage of the waterside location and expansive views over the river. It could well be provided in a single building retaining much of the open outlook; the same could not be said of a residential development.



While acknowledging the length of time that the site has lay undeveloped, general site preparation and remediation works will have taken time, so little weight should be attached to this issue. With no evidence submitted to support the lack of interest in commercial development, it cannot be concluded that this use is unrealistic.

Finally, while noting that the proposed Inverclyde Local Development Plan identifies the site for residential development, as the Plan has not been examined this is insufficient to outweigh the current Local Plan.

The appeal was dismissed.

The appellant lodged a claim for costs on the basis of that the Council acted in an unreasonable manner in refusing planning permission. The Reporter found that the reason for refusal was sound, clear cut and based on reasonable grounds. The claim for costs was rejected.

## **RECOMMENDATION**

That the Board notes the position.

Stuart Jamieson  
Head of Regeneration and Planning

## **BACKGROUND PAPERS**

Planning application 13/0035/IC  
Planning Appeal decision notice dated 5 February 2014  
Claim for Expenses decision notice dated 5 February 2014



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