
Report To:	The Planning Board	Date:	2 April 2014
Report By:	Head of Regeneration and Planning	Report No:	13/0354/IC Plan 04/14
			Local Application Development
Contact Officer:	James McColl	Contact No:	01475 712462
Subject:	Erection of restaurant (Class 3) with drive through facilities together with associated car parking, access and site works at Hunter Place, Greenock.		

SITE DESCRIPTION

The application site comprises the Hunter Place car park and the service yard immediately to the north of the Oak Mall shopping centre. The Oak Mall also forms the western site boundary, with the Tesco supermarket to the north across Dalrymple Street and the Greenock Municipal Buildings and Bullring Roundabout to the east.



PROPOSAL

It is proposed to erect a restaurant with drive through facilities within the car park, with customer parking located across Hunter Place in what is currently the Oak Mall service yard. New accesses for customer parking are proposed directly onto Hunter Place. The proposed building will have an external footprint of approximately 300 square metres, of which approximately 90 square metres is the public restaurant area. The building will be 6 metres high and finished externally in materials including rendered panels, brick panels and black metal panels, window and door frames. The application has been accompanied by a transport statement.

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 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).

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 Gourrock Town Centres and the Local Centres, subject to Policy TCR7:

- (a) Use Class 1 (Shops);
- (b) Use Class 2 (Financial, Professional and other Services);
- (c) Use Class 3 (Food and Drink);
- (d) Use Class 11 (Assembly and Leisure); and
- (e) related uses such as public houses, hot food take-aways, theatres, amusement arcades and offices for taxis for public hire.

Policy TCR7 - Assessing Development Proposals for Town Centre Uses

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

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

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

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

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

CONSULTATIONS

Head of Environmental and Commercial Services – The public floor area requires a parking provision of 16 spaces and these are provided, but across Hunter Place. Consequently they are remote from the restaurant, are not controlled, will be used by members of the general public and will result in indiscriminate parking in Hunter Place causing congestion and confrontation to the detriment of road safety.

Vehicles servicing the restaurant cannot enter the site, turn and exit in a forward gear. Dangerous reversing movements will therefore occur in Hunter Place resulting in confrontation with other HGVs servicing the shopping centre, general traffic in Hunter Place and indiscriminate parkers. Additionally HGVs will reverse over the pedestrian route on Hunter Place to the detriment of pedestrian safety. The application should be refused on the grounds vehicular and pedestrian safety will be prejudiced in Hunter Place.

The Oak Mall shopping centre currently has 108 parking spaces within its control; 64 at King Street and 44 in Hunter Place. The Oak Mall is Greenock's premier shopping centre and it does not currently comply with the Council's Roads Development Guide on parking provision. Consequently the application should be refused as the Oak Mall has insufficient off the public road resulting in indiscriminate parking causing congestion and confrontation to the detriment of road safety in the surrounding roads network. With the proposed introduction of decriminalised parking, increased demand will occur for off road parking due to more rigorous enforcement. Consequently any application by the Oak Mall which results in a decrease in off road parking should be refused.

The Transport Assessment states no adverse effects will occur from queuing traffic accessing the site and the junction of Hunter Place with Dalrymple Street will function within capacity.

Head of Safer and Inclusive Communities – No objections, but conditions relating to ground contamination, Japanese Knotweed, the disposal of cooking odours and the provision of containers for waste and recycling are recommended.

Transport Scotland – No objections.

PUBLICITY

The application was advertised in the Greenock Telegraph on 10th January 2014 as a Schedule 3 development.

SITE NOTICES

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

PUBLIC PARTICIPATION

Three objections have been received. The concerns can be summarised as follows:

- The proposal will reduce town centre car parking, vital for the existing shopping centre.
- Road and pedestrian safety may be compromised.
- Additional congestion may occur.
- The figures in the Transport Statement should not be taken at face value.
- Proposed parking enforcement will result in a higher occupancy rate within the car park.
- The application should not be approved and a further review of car park demand should be undertaken following introduction of the new parking regime.
- The proposal will not enhance the town centre.
- Overprovision will result with a number of similar outlets within the area.
- Inverclyde already has a high level of obesity, heart disease and Type 2 diabetes with the associated burden of local services.
- A good department store should be encouraged to build on the site.

I will consider these concerns in my assessment.

ASSESSMENT

The material considerations in the assessment of this application are the Inverclyde Local Plan, the proposed Inverclyde Local Development Plan, the visual impact of the proposal, the consultation responses, objections received, the transport assessment and the planning history of the site.

The site lies within the Greenock Town Centre as defined by Policy R1 the Local Plan and Policy R2 seeks to support designated centres through a range of initiatives. Policy R3 directs town centre uses, including restaurant uses to the Central Shopping Area. The proposed Local Development Plan also identifies the site as being within the Greenock Town Centre as defined by Policy TCR1 and Policy TCR2 advises on a sequential approach to site selection for town centre uses set out in Policy TCR3. Restaurant is a use set out in this policy. As the site is located within the Greenock Town Centre, there are no sequentially preferable sites which require to be assessed. However, while the principle of a restaurant use is supported, Policy R10 of the Local Plan and Policy TCR7 of the proposed Local Development Plan set out detailed criteria for the assessment of development proposals for town centre uses, including restaurants.

Located at the Bullring Roundabout, visually read in conjunction with the Category A listed Municipal Buildings, this is a key site in Greenock's townscape. The roundabout is a heavily trafficked junction and with the Council headquarters, the Oak Mall Shopping Centre and the Tesco store, it presents itself as the gateway to Greenock Town Centre to many. Any building on this site must reflect this importance.



The proposed building is a standard drive through restaurant that will neither contribute to sense of place or local identity. Any development on this site must provide a high quality design solution, integrate with the surrounding streetscape provide a strong frontage to Dalrymple Street. This proposal fails in this regard and is contrary to both Local Plan Policy R10 and proposed Local Development Plan Policy TCR7.

Turning to parking provision and road safety, the Transport Statement submitted in support of the application considers that the development will not result in adverse effects on the traffic flow within Dalrymple Street, and the junction with Dalrymple Street will function within capacity. This is

accepted by the Head of Environmental and Commercial Services. Furthermore, Transport Scotland also offer no objection to the proximity of the proposal to the Trunk Road network.

The Head of Environmental and Commercial Services advises that for the public floor area proposed, parking provision of 16 spaces is required. These parking spaces will be formed from the spaces within the existing barrier controlled service yard of the adjacent shopping centre. New accesses will allow the customer parking to exit directly onto Hunter Place. This will result in the customer parking for the new restaurant being across the public road from the restaurant building. There is no indication on how the proposed parking could be restricted to restaurant customers. The Head of Environmental and Commercial Services raises this as a concern, as there is nothing to prevent general use thus restricting parking availability for restaurant customers. This will result in on-street parking in Hunter Place causing congestion and confrontation to the detriment of road safety. It is further noted that the existing parking within the barrier controlled service yard provides off-street parking provision for staff and visitors at the shopping centre, with individual spaces controlled by bollards. The removal of these spaces will also contribute to further on-street parking demand.

The Hunter Place car park currently provides 44 parking spaces for the shopping centre, with a further 64 spaces provided within the centre's King Street car park. This level of car parking does not meet current standards for a shopping centre set out in the Roads Development Guide. Both car parks charge for use, which is presently unique in Greenock town centre, so it is hardly surprising that the Transport Statement notes that they are underused; peak demand at Hunter Place noted at 65% as a consequence of shoppers preference to wait for a free parking space. The Transport Statement further advises that with just over 1400 free car parking spaces available nearby at the Bullring car park, Tesco, the Riverside Cinema and the Waterfront Retail Park, the loss of the Hunter Place car park will have an imperceptible impact. This fails to recognise that with the exception of the Bullring car park, these spaces are provided specifically to cater for the parking demand of the building to which they relate; they are not provided for customers of the shopping centre nor necessarily for the wider shopping public. The Head of Environmental and Commercial Services advises that with the proposed introduction of decriminalised parking, increased demand will occur for off road parking due to more rigorous enforcement and that, consequently, any application by the Oak Mall which results in a decrease in off road parking should be refused.

The Hunter Place car park is easily accessible to those travelling through Greenock and provides parking for customers of the Oak Mall and is part of the overall offer to shoppers. In the absence of this car park, customers may decide not to search for alternative parking and shop elsewhere. Any reduction in potential customers would have a detrimental impact on both existing businesses and the vitality of the shopping centre, contrary to Local Plan Policy R10 and proposed Local Development Plan Policy TCR7.

Furthermore the outstanding point raised by the Head of Environmental and Commercial Services is the conflict between vehicles servicing the restaurant and the Oak Mall and general traffic, including parked cars and pedestrians. This also presents conflict with Local Plan Policy R10 and proposed Local Development Plan Policy TCR7.

It merits noting that there is potential for development of this site. Planning permission was granted in 2006 for the redevelopment of the site to provide an extension to the shopping centre comprising new retail floorspace and three floors of car parking, giving a total of 435 new car parking spaces. This proposal removed the views of the rear of the shopping centre and the service yard and provided a strong frontage and attractive visual impression to Dalrymple Street. It also provided extensive parking provision for the shopping centre, encouraging customers to the benefit of its vitality and the businesses within. All of this is in contrast with the current proposal which would reduce opportunities for customers to park and shop within the centre, would present vehicular and pedestrian hazards and would not present a high standard of design and of a scale, siting and relationship to the surrounding townscape that would make a positive contribution to the quality of the urban environment.

Moving to other issues which require consideration, any issue relating to the potential for cooking odours to affect residential properties can, as requested by the Head of Safer and Inclusive Communities, be addressed by way of a planning condition requiring that full details of ventilation and filtration system be approved prior to the commencement of work on site. I note however that there are no houses or flats in close proximity. Matters relating to ground contamination, Japanese Knotweed and containers for waste and recycling can also be addressed by way of conditions if required.

The outstanding points raised in the objections received relate to overprovision, health issues and alternative uses of the site. I do not concur with the view that the proposal would lead to an overprovision of food and drink uses within the town centre, and only one other such premises currently has drive through facilities. Whilst I note the concerns regarding healthy eating, the acceptability of a food and drink use requires to be assessed without reference to the end operator. It would therefore be inappropriate to refuse planning permission on the basis of eating habits.

In conclusion, whilst a restaurant use is supported in principle within the town centre, the new building fails to relate to the existing streetscape and make a positive contribution to the urban environment, presents car parking and vehicular movement issues to the detriment of road safety and the vitality and viability of the town centre, all contrary to the aims of the Inverclyde Local Plan and proposed Inverclyde Local Development Plan.

RECOMMENDATION

That the application be refused for the following reasons:

1. The proposed restaurant building is a standard drive through restaurant design that fails to relate to the existing streetscape and make a positive contribution to the urban environment. It is therefore contrary to Policy R10 (f) of the Inverclyde Local Plan and Policy TCR7 (b) of the proposed Inverclyde Local Development Plan.
2. The proposal is contrary to Policy R10 (h) of the Inverclyde Local Plan and Policy TCR7 (c) of the proposed Inverclyde Local Development Plan as it will be to the detriment of road and pedestrian safety for the following reasons:
 - i. Parking provision for the existing shopping centre, which already fails to meet current standards set out in the Roads Development Guide, will be reduced. This will result in an increase in on-street parking demand causing congestion and confrontation within the roadway.
 - ii. The proposed parking for the new restaurant will be to the opposite side of Hunter Place and there is nothing to prevent general use by members of the general public, thus restricting parking availability for restaurant customers and increasing on-parking demand.
 - iii. Arrangements for vehicles servicing the proposed restaurant may result in dangerous reversing movements in Hunter Place resulting in confrontation between HGV's servicing the shopping centre, general traffic in Hunter Place and vehicles parked in the roadway. In addition service vehicles will reverse over the pedestrian route on Hunter Place to the detriment of pedestrian safety.
3. The loss of the shopping centre's car park in Hunter Place will reduce parking opportunities for customers of the shopping centre to the potential detriment of both existing businesses and the vitality of the centre contrary to Policy R10 (c) and (g) and the Inverclyde Local Plan and Policy TCR7 (d) of the proposed Inverclyde Local Development Plan.

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. Consultee replies.
6. Representations.



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