
Report To:	The Planning Board	Date:	5 November 2014
Report By:	Head of Regeneration and Planning	Report No:	14/0023/IC Plan 11/14
Contact Officer:	Michael Martin	Contact No:	01475 712412
Subject:	Change of use from Class 1 (Laundrette) to Class 2 (Bookmaker) together with the installation of a new shopfront, aerial and associated alterations at 22 Kilblain Street, Greenock.		

INTRODUCTION

In April 2014 planning permission was refused for the change of use from Class 1 (Laundrette) to Class 2 (Bookmaker) together with the installation of a new shopfront, aerial and associated alterations at 22 Kilblain Street, Greenock. Planning permission was refused as:

the proposal will have a detrimental effect, including cumulatively, on the vitality and viability of the existing shopping area of Greenock, contrary to Local Plan Policy R10(c); the applicant has failed to demonstrate that there is capacity for the development in terms of expenditure compared to turnover in the catchment area, or a quantitative deficiency in existing provision, in contradiction to Local Plan Policy R10(b); and as the proposed change of use would have a detrimental effect on the residential amenity of the area and affect the operation of existing businesses, in contradiction to Local Plan Policy R10(g).



An appeal against the refusal was lodged with the Scottish Government and considered by written submissions. A claim for costs against the Council was also lodged.

APPEAL DECISION

The Reporter considered the determining issue to be whether the development would have a detrimental impact on Greenock town centre. The Reporter assessed the application against both the Inverclyde Local Plan and its replacement, the Inverclyde Local Development Plan.

As the Local Plan identified the site as within Greenock town centre where Class 2 uses were directed by Policy R3 of the Plan, the proposal was clearly not ruled out as a matter of principle. The site is within the Central Shopping Area as identified in the Plan and the Reporter considered the application with specific reference to Policy R10, which lists criteria against which developments for town centres uses were to be assessed.

The Reporter did not accept the Council's first reason for refusal. He found the applicant to be a long standing, experienced company that would not have considered this site if it had not been considered commercially viable. For this reason he found the proposal acceptable when assessed against Policy R10(b).



He did, however, share the Council's concern over the loss of a retail frontage. The consequence of approval would mean that half of the units in the parade would be in non-retail use. Even though Policy R4 of the Plan only sought to limit the ratio of retail to non-retail within defined parts of the Oak Mall and West Blackhall Street, the Reporter concluded that the loss of a Class 1 retail unit in Kilblain Street would be likely to reduce the vitality and viability of the overall central shopping area contrary to Policy R10(c). The Reporter considered Local Development Plan Policy TCR7 to be broadly similar to Local Plan Policy R10. He also concluded that the proposal is contrary to Local Development Plan Policy TCR10 which requires there to be no detrimental effect on amenity or the effective operation of existing businesses.

The Reporter used the conclusion on reduced vitality and viability as being commensurate with a fall in the attractiveness of the parade to local residents and a threat to the effective operation of existing businesses. On this basis he considered the proposal contrary to Policy R10(g).

The application also proposed external works to the building including a new frontage, aerial and condenser units. The Reporter found no concern with these elements of the proposal.

In conclusion, the planning appeal was dismissed as a result of the potential impact on the vitality and viability of Greenock town centre.

The appellant lodged a claim for costs on the basis that the Council acted in an unreasonable manner in refusing planning permission. The Reporter found that although the application could have been considered under delegated powers, neither officials nor elected members did anything procedurally incorrect or unreasonable. Additionally, as the reasons for refusal related to specific Local Plan policies that were explained in the appeal process, the Reporter found nothing unreasonable in the actions of the Council.

The claim for expenses was also dismissed.

RECOMMENDATION

That the Board notes the position.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

Planning application 14/0023/IC
Planning Appeal decision notice dated 4 September 2014
Claim for Expenses decision notice dated 4 September 2014



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