
Report To:	The Planning Board	Date:	5 November 2014
Report By:	Head of Regeneration and Planning	Report No:	13/0215/IC Plan 11/14
Contact Officer:	Guy Phillips	Contact No:	01475 712422
Subject:	Change of use to convenience store and hot food takeaway at 48-50 Princes Street, Port Glasgow		

INTRODUCTION

In December 2013 planning permission was refused for the change of use to convenience store and hot food takeaway at 48-50 Princes Street, Port Glasgow. Planning permission was refused as "The proposal would have an adverse effect on the residents of King Street, whose properties back on to the application site, by virtue of smells and noise emanating from the premises."



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 issues to be the development plan and the potential impact on residential neighbours.

The site is within Port Glasgow town centre; the Reporter noted that the re-use as a convenience store and a hot food takeaway is consistent with Local Plan policies R2 and R3 and saw the re-use

and increased footfall that will be generated as an “obvious benefit to the vitality and viability of Port Glasgow town centre.”

Policy R3 of the Local Plan, which is the same as policy TCR3 of the Local Development Plan, directs both class 1 (shops) and class 3 (food and drink) uses to Port Glasgow town centre, with Local Development Plan policy TCR7 setting out criteria for assessing the impact town centre uses. The application presents no traffic management or road safety concerns, leaving the impact on residential neighbours to be examined.



The Reporter noted the character of King Street, with Inverweld Welding and Fabrication, service access to the Iceland store, and the Comet Bar all evident. Given this, noise and activity is not an unusual situation for flats on the edge of a town centre. Furthermore, with all customer activity associated with the application being on Princes Street, the Reporter did not consider that King Street residents will be aware of activity generated by the proposed use given the distance between the two.

With there being no environmental health objections on the basis that matters relating to ventilation and refuse disposal may be addressed by condition, the Reporter found the proposal consistent with Council’s planning policies and granted planning permission. Two conditions are attached requiring approval of equipment to deal with the collection, treatment and disposal of cooking odours, and approval and siting of containers for the storage and disposal of waste and recyclable materials.

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 the reason for refusal was unreasonable due to the combined position of shop entrance relative to King Street, the existence other potentially noisy businesses in and nearer to King Street, and the failure of the Board to consider recommended planning conditions that would address the amenity concerns given as the reason for refusal. This amounted to unreasonable conduct causing the appellant unnecessary expense. The Reporter found the Council liable to the appellant in respect of the expenses of the appeal. It is expected that parties agree expenses, however if this is not possible the Reporter will remit the account to the auditor of the Court of Session for decision.

RECOMMENDATION

That the Board notes the position.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

Planning application 13/0215/IC
Planning Appeal decision notice dated 31 July 2014
Claim for Expenses decision notice dated 1 August 2014



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