

<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>4<sup>th</sup> March 2015</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>14/0402/IC</b>
			<b>Major Application Development</b>
<b>Contact Officer:</b>	<b>David Ashman</b>	<b>Contact No:</b>	<b>01475 712416</b>
<b>Subject:</b>	<b>Retail led commercial development to include retail (Class 1), leisure (Class 11) and food and drink/licensed restaurant (Class 3) with associated works including accesses and car parking at Former Scott Lithgow and East Glen Yards, Russell Way, Port Glasgow</b>		

**SITE DESCRIPTION**

The application site comprises of the area of ground to the west of the Tesco Extra store, north of Belhaven Street and to the south and east of the realigned section of the A8 in Port Glasgow, and encompasses the existing B & Q store and the Costa Drive Thru with their associated parking. The balance of the site is an area of approximately 6.27 hectares of undeveloped ground between the Tesco Extra and B & Q stores which was prepared as a development platform in 2007 at around the time the adjacent Tesco Extra store was built.



**PROPOSAL**

In addition to the buildings presently on site, the applicant proposes to erect an additional 18,193 sq.m of commercial floorspace, consisting of 16,192 sq.m. Class 1 retail development in 11 units (convenience and comparison floorspace plus a 492 sq.m. garden centre), 353 sq.m. Class 3 food and drink floorspace (family restaurant) and 1,648 sq.m. Class 11 use (gym).

The retail units, which incorporate mezzanine floors, will be developed in two retail terraces. One is to be located close to the southern site boundary (approximately 165 m long and 54 m deep, at its widest point) backing onto Belhaven Street and will incorporate 7 units of variable size, the

eastmost of which includes a 24 hour gymnasium on a first floor level. A smaller terrace (approximately 92 m long and 45 m deep, at its widest point) is to be located close to the northern site boundary and backing onto Russell Way. This will incorporate another 5 units of variable size.

Excepting the unit incorporating the gym, which is approximately 14 m high, the units are all approximately 10 m high, and are finished in a mix of facing brickwork and insulated cladding panels of variable shades. The terraces will face each other across a 605 space car park. The roof profiles of the units are defined by parapets and architectural features. Most fenestration is concentrated within the brick courses on the ground floor but particular attention has been paid to the units which back onto Russell Way and the trunk road with upper level fenestration and rising brick columns introduced to provide punctuation.

The restaurant unit is contained within a standalone building to the south of the B & Q unit in the south-west corner of the site. It measures approximately 20 metres by 17 metres by 8 metres high.

The proposal also includes the provision of two service accesses and a soft landscaping scheme, the latter concentrated around the periphery of the application site.

## **LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy SDS3 - Place Making**

High-quality place making in all new development will be promoted by having regard to Inverclyde's historic urban fabric, built cultural heritage and natural environment, including its setting on the coast and upland moors. This heritage and environment will inform the protection and enhancement of Inverclyde by having regard to the Scottish Government's placemaking policies, in particular through the application of 'Designing Places' and 'Designing Streets' and through embedding Green Network principles in all new development.

### **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 SDS6 - Promoting our Town Centres**

The three town centres, as identified on the Proposals Map, will be promoted and safeguarded for a variety of uses including business, civic, cultural, retail, entertainment, leisure and residential, with the development site at Port Glasgow Waterfront West performing a complementary role to the other town centres, particularly Greenock Strategic Town Centre, for comparison retail and commercial leisure developments.

### **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 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).

## **CONSULTATIONS**

**Scottish Environment Protection Agency West** – No objection.

**Head of Environmental and Commercial Services** - No objection.

**Scottish Water** - No objection. A series of advisory notes is suggested.

**Transport Scotland** - No objection.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 19th December 2014 as there are no premises on neighbouring land and as a Schedule 3 development.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

One letter of objection and two of support have been received. The points of objection may be summarised as follows:

- The proposal would undermine the status and integrity of Greenock town centre as a recognised Strategic Centre for development priority, contrary to the Glasgow and the Clyde Valley Strategic Development Plan, and making Port Glasgow a competing, rather than a complementary centre. Further investment in Greenock town centre could be compromised which would act against the aims of the Scottish Planning Policy (SPP) and the Town Centres Action Plan (2013).
- It will seriously impact on the spatial development strategy for retailing in Inverclyde.

- The nature and size of the units is not appropriate for the centre in which it is proposed. The medium to large scale size of the units proposed is more appropriate to Greenock town centre.
- The sequential test under Policy TCR2 must be applied in full with the planning history of the application site having a lesser role to play, in line with the intentions of the Strategic Development Plan and the Scottish Planning Policy.
- Convenience retailing is not appropriate within the application site as per Policy SDS6 of the Local Development Plan.
- The description of the proposed Class 1 uses is restrictive in a manner not supported by the Town and Country Planning (Use Classes) (Scotland) Order 1997.
- Previous conditional restrictions on size of units and businesses which may operate from them should be re-stated.

The points of support may be summarised as follows:

- It will bring new retail companies to the town adding to customer facilities.
- It will help to develop the local economy.
- It will bring an environmental improvement to the site.

## ASSESSMENT

The material considerations in determination of the application are the Glasgow and the Clyde Valley Strategic Development Plan, the Local Development Plan, the SPP, the consultation replies, the letters of representation and the planning history of the site.

Outline planning permission for the principle of development on this site was established in 2000. This was followed by a reserved matters permission in 2006 for “the erection of non-food retail development and associated car parking and landscaping”. A second, detailed permission was granted in 2012 for “the erection of non-food retail development including car parking, landscaping, access works, service yards, security building and ATM.” This latter planning permission for 24,633 sq.m. floorspace has been partly implemented through the construction of the B & Q unit leaving 20,452 sq m of retail floorspace still to be developed under the terms of this planning permission. This new application proposes 16,192 sq.m.; an overall reduction of 4,441 sq.m.



The Local Development Plan incorporates the site within Port Glasgow town centre under Policy TCR1. Whilst I note that Policy TCR2 requires a sequential test for town centre uses identified in Policy TCR3, with Greenock town centre at the top of the hierarchy, the application is an amendment to an approved larger scale development and the application site is specifically identified for retail development purposes in Schedule 7.1 to Policy TCR6.

I acknowledge that it is the position of the objector that the planning history of the site be accorded a low assessment priority and that a full sequential test under Policy TCR2 should be carried out, noting that a failure to do so could prejudice the retail hierarchy identified in the Strategic

Development Plan and the Local Development Plan. The SPP is quoted in relation to this consideration.

The SPP instructs development plans to assess how centres can accommodate development and identify opportunities. The extension to Port Glasgow town centre has been promoted by the Council in partnership with the site owner and developer since 1998. The development opportunity was first identified in the Glasgow and the Clyde Valley Joint Structure Plan (2000), following a called-in inquiry in that year, in order to address an identified retail deficiency in Inverclyde. This location was chosen as it was acknowledged that there was insufficient land to accommodate large-scale convenience and comparison retailing formats within Greenock Town Centre and that it would allow the provision of a fuller range of retail formats within Inverclyde. This was confirmed through the allocation of this 'edge-of-centre' site, linked to the existing town centre with the re-aligning of the A8 trunk road, in the adopted Inverclyde Local Plan 2005.

In developing the retail strategy for the Local Development Plan, the site's status as a retail/town centre development opportunity was carried forward from the 2005 Local Plan, in recognition that the retail deficiency was still to be met and that there were still no comparable opportunities to accommodate the type and scale of development proposed on the site within Greenock town centre. The role of the site in an extended Port Glasgow town centre and the need for it to complement Greenock town centre are clearly set out in the Local Development Plan. I therefore consider that, with respect to Policy TCR2, carrying out a further sequential test on the current proposal is unnecessary. I also consider that it could be perverse on the basis that the currently approved larger scheme was found to be acceptable and could still be built out.



Furthermore, in terms of Policy TCR2, it would not be possible for the proposed development to be accommodated as a whole within Greenock Town Centre. Consequently its location within Port Glasgow Town Centre, as the second choice in the sequential approach, is appropriate and accords with the development plan. Whilst select individual components of the application may possibly be accommodated within Greenock town centre the proposal, as a whole and as presented for determination, could not. The above analysis fulfils the need to assess the proposal under the town centre first principle.

Notwithstanding the acceptability of the proposal in principle, with respect to the relevant criteria of Policy TRC7 I consider that:

- the size of the development is appropriate to Port Glasgow Town Centre as defined by the Local Development Plan (criterion (a));
- that the proposal is of a high standard of design. Extensive discussions have been undertaken with the applicant to ensure that the buildings include variations in scale, colour and finishing materials and, as appropriate for a town centre location, incorporate window display areas (criterion (b));
- in noting no objection from Transport Scotland and the Head of Environmental and Commercial Services, I consider that it has an acceptable impact on traffic management and will not adversely impact on road safety, and adjacent and/or nearby land uses (criterion (c));
- when planning permission was granted for the previous larger scale proposal it was considered that it would not have a detrimental effect on the amenity or effective operation

of existing businesses, and it follows that the same conclusion may be applied to the currently proposed lesser development (criterion (d)); and

- the proposed layout allows for connections and linkages to adjacent developments thereby satisfying the development strategy to link this development to the wider town centre (criterion (e)).

The proposal also therefore complies in general terms with Policies SDS3, SDS5 and SDS6.

The objector has referred to the absence of a reference to convenience retailing in Policy SDS6. The wording of the policy does not specifically exclude convenience retailing but reflects the comparison shopping based nature of previous proposals on the site. The previous restrictions were intended to aid protection of the then Port Glasgow town centre but the application site now has to be viewed as an integral part of the enlarged, town centre as designated by the Local Development Plan. This means that, in contrast to earlier approvals, a convenience retailing element to the development is now appropriate as is a lifting of restrictions on the occupation or size of the proposed units; for the avoidance of doubt, any approval of planning permission will be in respect of unrestricted Class 1 use.

Overall, I consider the proposal to accord with the Local Development Plan, however it remains to be considered if there are any other material considerations not already addressed which suggest that planning permission should not be granted.

With respect to the consultation replies not yet addressed, the remaining issues raised may be addressed by conditions and none suggest that refusal of planning permission is appropriate. I note the objector's observation over the initial restrictive description of Class 1 uses which has since been amended. I also note the contents of the letters in support of the application.

I therefore conclude that there are no material considerations which suggest that planning permission should not be granted for the proposed development, subject to appropriate conditions.

## **RECOMMENDATION**

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

### Conditions

1. That before their use, samples of all facing materials shall be submitted to and approved in writing by the Planning Authority. The approved samples shall thereafter be used unless variations are agreed in writing with the Planning Authority.
2. That prior to their use, samples or other details of all hard landscape surfacing materials, including the rear service yard walls, shall be submitted to and approved in writing by the Planning Authority. The materials shall thereafter be used unless variations are agreed in writing with the Planning Authority.
3. That the hard landscaping approved in terms of condition 2 above shall be completed to final wearing course prior to the first of the retail units hereby permitted being brought into use.
4. 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.
5. 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.

6. That all external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".
7. That the landscaping scheme hereby approved shall be implemented in full within the first planting season following occupation of the first unit hereby approved.
8. That any of the trees or shrubs in the landscaping scheme hereby approved that die, are removed, become diseased or die within 5 years of planting shall be replaced in the following planting season with others of a similar size and species.

#### Reasons

1. In the interests of visual amenity.
2. To ensure the provision of adequate vehicular and pedestrian facilities.
3. To ensure the provision of adequate vehicular and pedestrian facilities.
4. To control runoff from the site to reduce the risk of flooding.
5. To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.
6. To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.
7. To ensure provision of the approved landscaping scheme.
8. To ensure retention of the approved landscaping scheme.

Stuart Jamieson  
Head of Regeneration and Planning

#### BACKGROUND PAPERS

1. Application form and plans.
2. Applicant's supporting information.
3. Scottish Planning Policy.
4. Glasgow and the Clyde Valley Strategic Development Plan.
5. Town Centres Action Plan (2013)
6. Local Development Plan.
7. Public representations.
8. Consultation replies.



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