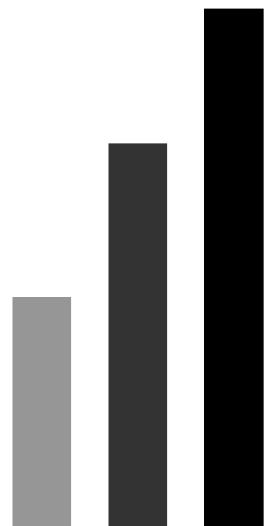


Agenda 2015

Planning Board

For meeting on:

3	June	2015
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A meeting of the Planning Board will be held on Wednesday 3 June 2015 at 3pm within the Municipal Buildings, Greenock.

GERARD MALONE
Head of Legal & Property Services

BUSINESS

1. Apologies, Substitutions and Declarations of Interest	Page
<p>2. Planning Applications Reports by Head of Regeneration & Planning on applications for planning permission as follows:-</p> <p>(a) Mr B Naftalin Change of use from nursery (Class 10) to hot food takeaway and erection of flue to rear: 3-5 John Street, Gourock (15/0073/IC)</p>	p
<p>(b) Mr and Mrs Forrest Change of use of dwellinghouse to dwellinghouse and childminding operation for up to 12 children (in retrospect): 29 Kelly Street, Greenock (15/0084/IC)</p>	p
<p>3. Planning Appeal Report by Head of Regeneration & Planning intimating the notification of a planning appeal at land north and east of Corlic Hill, Greenock (13/0199/IC)</p>	p

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

Report To: The Planning Board

Date: 3 June 2015

Report By: Head of Regeneration and Planning

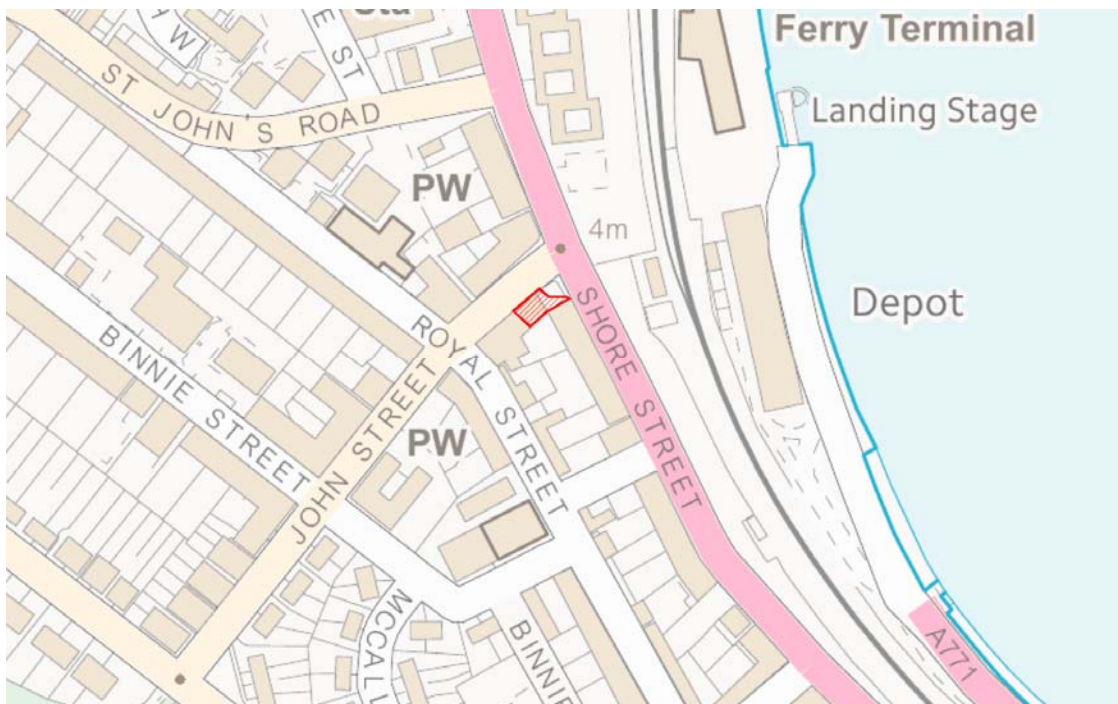
**Report No: 15/0073/IC
Plan06/15**

**Local Application
Development**

Contact Officer: Mike Martin

Contact No: 01475 712412

**Subject: Change of Use from Nursery (Class 10) to Hot Food Takeaway and erection of flue to rear at
3 - 5 John Street, Gourock.**



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<http://www.ordnancesurvey.co.uk/oswebsite>

SUMMARY

- The proposal accords with the Inverclyde Development Plan.
- 7 objections have been received on increased activity, cooking odours, litter, noise, parking congestion, visual amenity and on the impact on existing similar businesses nearby.
- There have been no adverse comments from consultees.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions relating to odour control and waste disposal.

SITE DESCRIPTION

The application site comprises two single storey shop units and a small associated area of land on John Street, Gourock close to the junction with Shore Street. Recently vacated, the premises are situated at the end of a row of five similar units and were last used as a children's nursery. Across John Street is a four storey residential tenement. Located within Gourock Town Centre, on nearby Shore Street there is a variety of commercial uses at ground floor level including shops, restaurants, hot food takeaway shops and public houses.

PROPOSAL

The proposal is for the change of use from a children's nursery to a hot food takeaway shop and for the erection of a 500mm diameter flue on the rear elevation of the building. The flue will protrude approximately 1.35 metres above the roof level. Customers are to enter the shop via the main access towards the left hand side of the frontage, whilst entry for staff is via the right hand side doorway which accesses the kitchen and ancillary facilities within the rear section of the building. Access to the side and partial rear area of the building is via a timber gate adjacent to north-east elevation of the building; this area provides space for waste storage.

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 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 Safer and Inclusive Communities – no objections subject to conditions being attached to control cooking odours and waste storage, and there being advisory notes on external lighting and CDM Regulations.

Head of Environmental and Commercial Services – no objections.

PUBLICITY

The application was advertised in the Greenock Telegraph on 17th April 2015 as a Schedule 3 development.

SITE NOTICES

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

PUBLIC PARTICIPATION

Seven objections have been lodged, one from the proprietor of a nearby restaurant and the remainder from nearby residents. The grounds of objection are that the proposal would impact adversely upon neighbouring residential properties as a result of cooking odours, litter and noise pollution, the visual impact and proximity of the proposed external flue, parking congestion and increased pedestrian footfall (particularly late in the evenings) and difficulties in providing adequate waste storage. It is also stated that as the proposal would create an increase in the number of similar businesses nearby, this proposal will potentially impact their viability.

ASSESSMENT

The material considerations in the determination of this planning application are the Local Development Plan, the consultation responses and issues raised in written representations.

The site is situated within Gourock Town Centre defined by Local Development Plan Policy TRC1 and the proposal is for a use typically found in a town centre as identified in Policy TRC3. Accordingly the principle of the change of use complies with planning policy.



Policy TCR7 nevertheless requires the specifics of the proposal to be assessed against a range of criteria. The size of the development is consistent with other similar premises within the surrounding area, there are no significant changes proposed to the building exterior, and no objections have been raised by the Head of Environmental and Commercial Services in relation to parking and road safety issues. Excepting the threat of competition, which is not a determining consideration, respect to the effective operation of existing businesses is not compromised and the introduction of a hot food takeaway use is wholly compatible with the retail mix. There is no conflict with any strategies or initiatives for Gourrock Town Centre, and there is no relevant supplementary planning guidance or advice in the Local Development Plan. The scale of the proposal does not change the Town Centre's role and function and, as a consequence, accords with Local Development Plan policy TCR2.



While I note concerns regarding noise disturbance, traffic and parking issues and congregation, the direction of uses of this nature to town centres takes into consideration that there will be residential uses nearby. Within town centres there is an expectation of greater activity and noise, and the premises have the benefit of forming part of a single storey building with no residential accommodating adjoining. I also note concern over public conduct, but it is not appropriate to refuse planning permission for a lawful activity on the basis that it may result in others acting unlawfully.

The Head of Safer and Inclusive Communities is satisfied with the proposal, subject to standard conditions being attached relating to cooking odours and waste storage, and there being advisory notes on external lighting and CDM Regulations. I consider the scale, positioning and appearance of the external flue to be acceptable.

In conclusion, I am satisfied that the proposal is acceptable with reference to the Local Development Plan and that there are no material considerations which suggest that planning permission should not be granted.

RECOMMENDATION

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

1. No development commencing on site 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 filter, rates of air movement over the canopy, make-up air, air disposal points etc.

2. 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 protect the amenity of the immediate area and prevent the creation of odour nuisance.
2. 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

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Mike Martin on 01475 712412.

Report To: The Planning Board

Date:

3rd June 2015

Report By: Head of Regeneration and Planning

Report No:

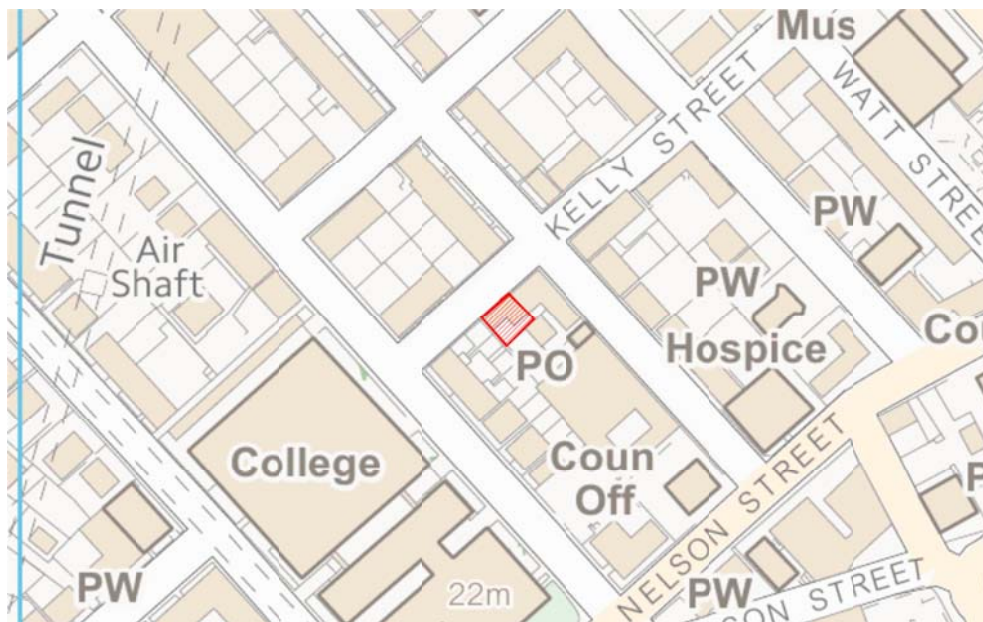
15/0084/IC
Plan06/15

Local Application
Development

Contact Officer: James McColl

Contact No: 01475 712462

Subject: Change of Use of dwellinghouse to dwellinghouse and childminding operation for up to 12 children (in retrospect) at
29 Kelly Street, Greenock



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<http://www.ordnancesurvey.co.uk/oswebsite>

SUMMARY

- The proposal accords with the Inverclyde Development Plan.
- 11 representations have been received, all in support of the application.
- There have been no adverse comments from consultees.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions that the childminding business shall be restricted to not more than 12 children present at any one time and that it shall not operate out with the hours of 8am to 6pm.

SITE DESCRIPTION

The application relates to a semi-detached dwellinghouse situated on the south-eastern side of Kelly Street, Greenock. The building is finished externally in sandstone with the front elevation painted off-white, and has a slate roof. A variety of flatted residential properties lie adjacent with a bakery and other commercial premises, together with the Greenock campus of West College Scotland located nearby. The site lies within the Greenock West End Conservation Area, adjoining its southern boundary.

PROPOSAL

A childminding use operates from the property, attended by up to 12 children and run by the childminder who currently employs a part-time assistant. It is proposed to employ two additional part-time assistants, although a maximum of two members of staff will be on the premises at any time. The hours of operation are between 8am and 6pm, with drop off normally taking place between 8 and 8.30am and pickups after 4.30pm.

The childminding operation takes place in 2 rooms on the lower ground floor, with the remainder of the building remaining in residential use.

The applicant states that childminding began around 2008. This accords with the information available from the Care Inspectorate. No planning permission exists for the use, this being recently brought to the attention of the Council by the Care Inspectorate. The applicant now seeks to regularise the use.

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.

Policy ECN5 - Working from Home

Proposals for working from home will be acceptable provided they satisfy the following criteria:

- (a) the effect on neighbouring residents in terms of noise, odour, storage, traffic, parking, hours of working or other impacts; and
- (b) the cumulative impact of such uses.

CONSULTATIONS

Head of Environmental and Commercial Services – There are no objections to the application. One parking space per full-time equivalent staff together with drop off and pick up facilities are required. It is noted that Kelly Street is a quiet residential road and around 30% of on road parking spaces were empty on the day of a site visit (confirmed as an afternoon visit). The property has one off road space and sufficient space outside of drop off and pick up.

Head of Safer and Inclusive Communities – No objections.

PUBLICITY

The application was advertised in the Greenock Telegraph on 17th April 2015 as a development affecting a conservation area.

SITE NOTICES

A site notice was posted on 17th April 2015 for development affecting a conservation area.

PUBLIC PARTICIPATION

Eleven representations were made, all in support. Nine of the representations were from those who have children or grandchildren attending the premises. The points raised include the quality of the childcare offered, the fact that the children are very happy and settled, that there are no traffic or parking problems and that the use does not disturb neighbouring residents.

ASSESSMENT

The material considerations in the determination of this planning application are the Local Development Plan, the amenity of neighbouring residents, impact on the Conservation Area, the consultation responses, representations received and previous Local Review Body decisions for similar proposals.

Despite being located within the Conservation Area, there are no alterations proposed to the building and the use has no impact in the character of the wider Conservation Area with reference to policy HER1 of the Local Development Plan.

Policy RES1 of the Local Development Plan seeks to safeguard the character and amenity of residential areas. Policy RES6 advises on proposals for uses other than residential development in residential areas and sets out the criteria for assessment. Policy ECN5 supports working from home and sets out the criteria for assessment. In assessing this application, it is necessary to examine whether permitting the change of use, for use as both a house and child minding business with two members of staff and up to 12 children at the premises at any one time will safeguard the residential amenity of neighbours. Potential noise from the childminding operation is an issue in two respects. Firstly, the coming and going as children are dropped off and picked up and secondly, the consequential noise and activities associated with up to 12 children in the same premises.

The site is located close to the town centre. Whereas much of Greenock West End is primarily lower density and residential in nature, the location of the application site is within a higher density area with a greater mix of residential, commercial and other uses, including the college campus. Residents therefore cannot reasonably expect the same degree of quietude as would be experienced within a wholly residential area. A balance must be sought, however, between protecting the amenity of nearby residents by seeking to prevent undue noise and disturbance above what could be reasonably expected, whilst at the same time promoting businesses operating from within the area.

Assessing the childminding use, it is accepted that a degree of noise and activity will occur as children are dropped off and picked up from the premises. This part of Kelly Street is already a busy area due to the proximity of the college and nearby bakery and I do not consider this would unacceptably disturb neighbouring residents beyond the noise and activity already experienced within the area. With regard to noise and activities associated with up to 12 children in the same premises, it is acknowledged that the childminding use has operated for a period of around 8 years without any concern or complaint being raised by nearby residents and no objections have been received in respect of this application. The use operates between the hours of 8am and 6pm from Monday to Friday when the area is already busy, and not into the evening or during the weekend when this part of Kelly Street is generally quiet and residents would be seeking to enjoy the amenity of their properties. These hours of operation can also be controlled via a condition. The Head of Safer and Inclusive Communities also does not raise any concerns relating to potential noise and disturbance or impact on residential amenity and offers no objections.



Considering traffic, parking and road safety, the statement submitted in support of the application advises that children will be dropped off and picked up in small groups, and not all children arrive by car. It is further stated that the roads within the area are utilised most heavily for parking during the hours of 9am to 4pm and this demand is associated with the nearby college. The dropping off and picking up of children primarily takes place outwith the hours of peak parking demand. The Head of Environmental and Commercial Services notes that the property has an off-street parking space. Furthermore, at the time of an afternoon site visit, around 30% of on road parking spaces were empty. He considers that the property has an off-street parking space and sufficient space outside for the dropping off and picking up of children and thus offers no objections to the application.

In the applicant's statement, two recent decisions of the Council's Local Review Body (LRB) for a similar childminding operation for up to 10 children in Fox Street, Greenock, and for a children's nursery in Eldon Street, Greenock with a capacity of between 24 and 28 are cited. Whilst precedent alone is rarely a sufficient reason for approving an application, it is noted that in both cases the LRB did not consider the use would have an adverse effect on the character and amenity of the area and would not generate significant noise and activity. Weight was placed on the fact that no objections have been received from neighbouring properties, as is the case with this application.

Overall, I am satisfied that the use is compatible with the character and amenity of the area and the volume, frequency and traffic generated acceptable. The use provides employment for the childminder and potentially up to three staff and thus has a small contribution to the local economy and employment. I am therefore satisfied that the childminding use presents no conflict with Policy RES1 of the Local Development and the relevant criteria within Policies

RES6 and ECN5. Whilst it is disappointing that the applicant has, to date, chosen to operate this use without the benefit of planning permission, this alone does not justify the refusal of the planning application. Subject to the conditions set out below, there are no material planning considerations which suggest that planning permission in retrospect should be refused.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. That the childminding operation shall be restricted to not more than 12 children present at any one time.
2. That the childminding operation shall not operate out with the hours of 8am to 6pm.

Reasons

1. In the interests of safeguarding residential amenity and character.
2. In the interests of safeguarding residential amenity and character.

Stuart Jamieson
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact James McColl on 01475 712462.

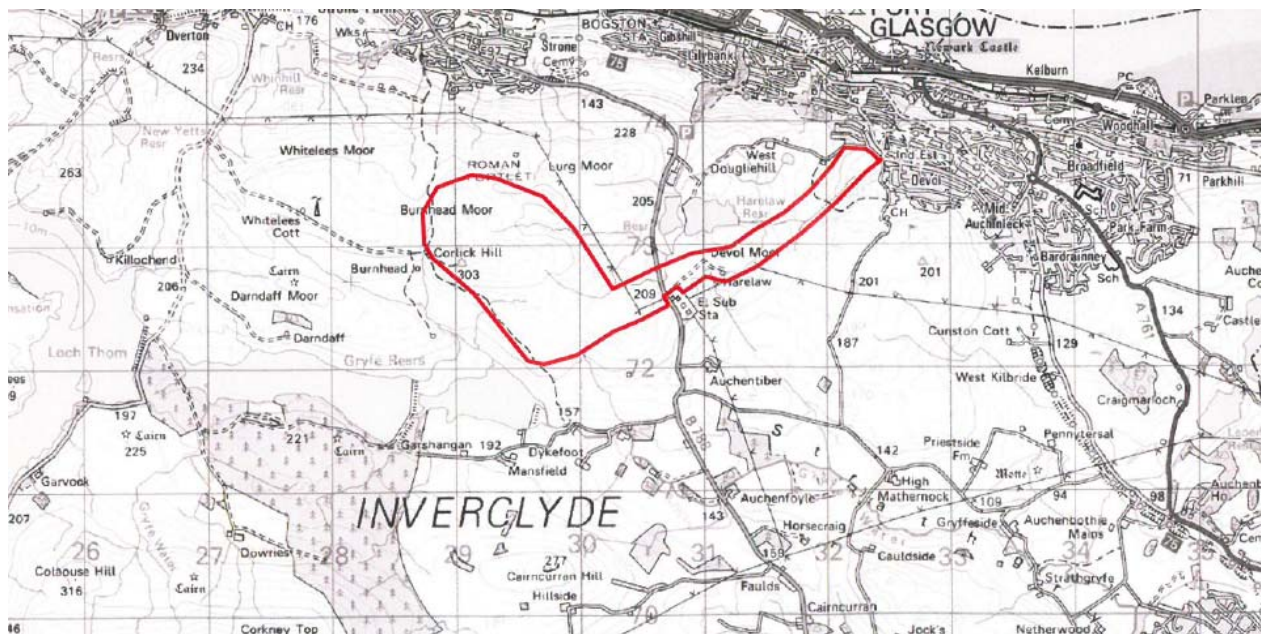
Report To: The Planning Board Date: 3 June 2015

To:

Report By: Head of Regeneration and Planning Report No: 13/0199/IC
Plan 06/15
Major Application
Development

Contact Officer: David Ashman Contact No: 01475 712416

Subject: Notification of Planning Appeal: Erection of 8 wind turbines, the construction of access tracks and ancillary development (including crane hardstandings, cabling, transformers and culverts), the formation of a borrow pit, the erection of a sub-station and control building, the formation of a car park and the erection of temporary construction compounds at
Land north and east of Corlic Hill, Greenock



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<http://www.ordnancesurvey.co.uk/oswebsite>

SUMMARY

- The planning application has been refused by Inverclyde Council.
- The applicant has appealed the decision to the Scottish Ministers.

INTRODUCTION

In December 2014 planning permission was refused for a proposed windfarm as:

1. The proposed wind farm may adversely impact on the safe operation of Glasgow Airport and en-route traffic to the detriment of public safety.
2. It is contrary to Policies ENV1, criterion (b)(i) and ENV2, criterion (i) of the Inverclyde Local Development Plan as it will adversely impact on visual amenity and, in the case of the latter, is not capable of satisfactory mitigation.
3. It is contrary to Policies ENV2, criterion (f) and INF1, criterion (b) of the Inverclyde Local Development Plan as it will adversely impact on landscape character.
4. It is contrary to Policy INF1, criterion (c) of the Inverclyde Local Development Plan as it will adversely impact upon neighbouring settlements in terms of their visual outlook and enjoyment of the landscape.
5. It is contrary to Policy INF1, criterion (d) of the Inverclyde Local Development Plan as it will adversely impact on the enjoyment of the landscape by recreational users of Clyde Muirshiel Regional Park.
6. It is contrary to Policies INF1, criterion (e), ENV2, criterion (e) and HER6 of the Inverclyde Local Development Plan in that the proposal will have an adverse impact on the setting of the scheduled monument of Lurg Moor Roman Fortlet and Roman Road.
7. The visual impact and impact on landscape character of the proposed development would also be contrary to Scottish Natural Heritage guidance on "Siting and Designing Wind Farms in the Landscape", Scottish Government online guidance "Onshore Wind Turbines" and the Clyde Valley Strategic Development Plan Authority guidance "Landscape Capacity Study for Wind Turbine Development in Glasgow and the Clyde Valley".

NOTIFICATION OF APPEAL

Notification has been received that an appeal against the refusal has been lodged with the Scottish Government. A final decision on procedures is awaited, however it is indicated that the appeal is to be considered by a combination of public inquiry and public hearing.



View from Corlic Hill

RECOMMENDATION

That the Board notes the position.

Stuart Jamieson
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Ashman on 01475 712416.

**INVERCLYDE COUNCIL
PLANNING BOARD**

AGENDA AND ALL PAPERS TO:

Councillor McColgan	1
Councillor Wilson	1
Provost Moran	1
Councillor Campbell-Sturgess	1
Councillor Brooks	1
Councillor Jones	1
Councillor McIlwee	1
Councillor Loughran	1
Councillor Dorrian	1
Councillor Nelson	1
Councillor Rebecchi	1

All other Members (for information only) 9

Officers:

Chief Executive	1
Corporate Communications & Public Affairs	1
Corporate Director Health & Social Care Partnership	1
Corporate Director Environment, Regeneration & Resources	1
Head of Regeneration & Planning	1
Head of Environmental & Commercial Services	1
Head of Legal & Property Services	1
Legal Services Manager (Procurement/Conveyancing)	1
R McGhee, Legal & Property Services	1
N McLaren, Planning	1
M Higginbotham, Transportation and Roads	1
File Copy	1

TOTAL 32

AGENDAS AND ALL NON-CONFIDENTIAL PAPERS TO:

Community Councils	10
TOTAL <u>42</u>	