

Report To: The Planning Board

Date: 5 August 2015

Report By: Head of Regeneration and Planning

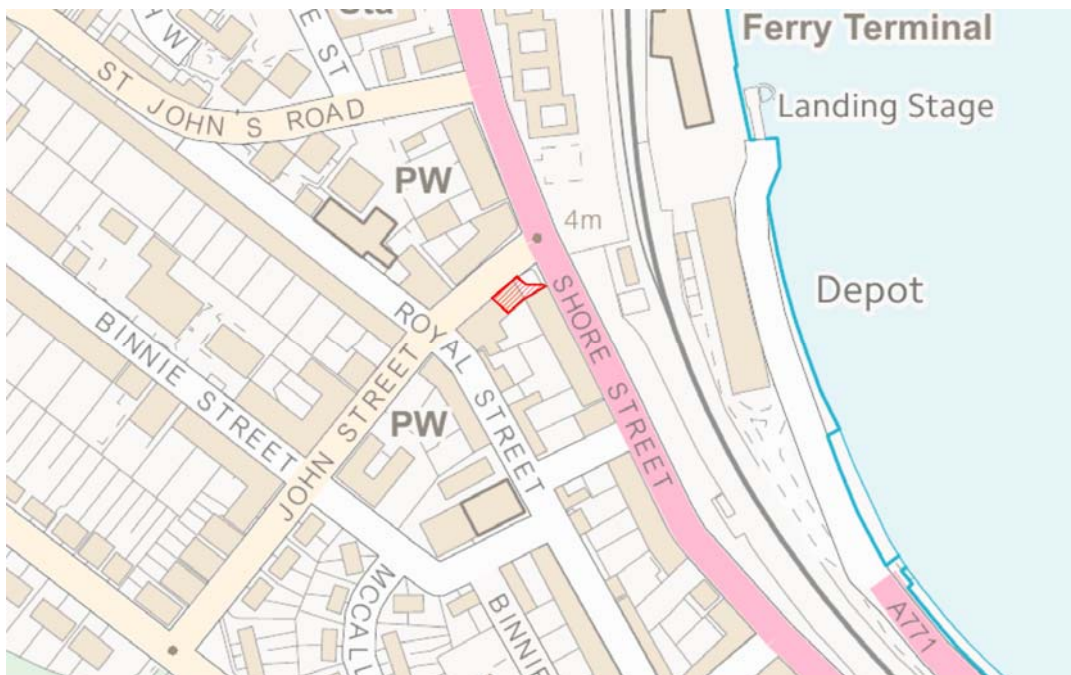
**Report No: 15/0073/IC
Plan08/15**

**Local Application
Development**

Contact Officer: Mike Martin

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**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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SUMMARY

- At the June meeting of the Planning Board the application was continued for a site visit.
- 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.

BACKGROUND

At the June meeting of the Planning Board the application was continued for a site visit to allow Members the opportunity to consider the site and its environs.

SITE DESCRIPTION

The application site comprises two single storey units and a small associated area of land on John Street, Gourrock close to the junction with Shore Street. The premises are situated at the end of a row of five similar units and when the application was submitted was last used as a children's nursery. A business centre use has subsequently taken occupation in compliance with a separate planning permission granted on 3 July 2015. Across John Street is a four storey residential tenement. Located within Gourrock 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) Gourrock

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, Gourrock
- (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).

Policy HER1 - Development which Affects the Character of Conservation Areas

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

Policy HER3 - Proposed New and Amended Conservation Areas

The Council proposes to progress with the designation of the following new and amended conservation areas, as shown on the Proposals Map, in order to safeguard their architectural and/or historic character from inappropriate development:

- (1) The Cross, Kilmacolm (new);
- (2) West Bay, Gourock (new);
- (3) Kempock Street/Shore Street, Gourock (new); and
- (4) Inverkip (amended).

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 Gourock 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 and there to be no conflict

with the siting within the West Bay Gourock Conservation Area and Local Development Plan policy HER1.



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.