

A meeting of the Local Review Body will be held on Wednesday 5 May 2021 at 4pm or following conclusion of the meeting of the Planning Board (if later).

This meeting is by remote online access only through the videoconferencing facilities which are available to Members and relevant Officers. The joining details will be sent to Members and Officers prior to the meeting.

In the event of connectivity issues, Members are asked to use the *join by phone* number in the Webex invitation.

Please note this meeting will be recorded.

Anne Sinclair
Interim Head of Legal Services

BUSINESS

1. Apologies, Substitutions and Declarations of Interest	Page
2. Planning Applications for Review (a) Mr Rana Ahmad Alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property: 76 Belville Street, Greenock (19/0234/IC)	p
(b) Mr Alex McWaters Installation of fence panels (in retrospect) and installation of new sliding electric gate: 3 Oakfield Terrace, Greenock (20/0132/IC)	p

Please note that because of the current COVID-19 (Coronavirus) emergency, this meeting will not be open to members of the public.

The reports are available publicly on the Council's website and the minute of the meeting will be submitted to the next standing meeting of the Inverclyde Council. The agenda for the meeting of the Inverclyde Council will be available publicly on the Council's website.

In terms of Section 50A(3A) of the Local Government (Scotland) Act 1973, as introduced by Schedule 6, Paragraph 13 of the Coronavirus (Scotland) Act 2020, it is necessary to exclude the public from the meetings of the Local Review Body on public health grounds. The Council considers that, if members of the public were to be present, this would create a real or substantial risk to public health, specifically relating to infection or contamination by Coronavirus.

Enquiries to - **Colin MacDonald** - Tel 01475 712113

LOCAL REVIEW BODY

05 MAY 2021

PLANNING APPLICATION FOR REVIEW

MR RANA AHMAD

**ALTERATIONS AND CHANGE OF USE OF EXISTING RETAIL SHOP TO FORM A
HOT FOOD TAKEAWAY, INCLUDING THE INSTALLATION OF AN EXTRACT FLUE
TO THE REAR OF THE PROPERTY
76 BELVILLE STREET, GREENOCK (19/0234/IC)**

Contents

- 1. Planning Application dated 5 September 2019 together with plans**
- 2. Appointed Officer's Report of Handling dated 10 July 2020**
- 3. Local Development Plan Policy Extracts**

To view the Inverclyde Development Plan see:
<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning/ldp>
- 4. Local Development Plan Proposals Maps 2019 Extract**
- 5. Planning Policy Statement on Our Homes and Communities - October 2020**
- 6. Planning Policy Statement on Our Homes and Communities Maps - October 2020 Extract**
- 7. Consultation responses in relation to planning application**
- 8. Representations in relation to planning application**
- 9. Decision Notice dated 4 November 2020 issued by Head of Regeneration & Planning**
- 10. Notice of Review Form dated 16 December 2020 with supporting statement from Whitelaw Planning and Energy**
- 11. Suggested conditions should planning permission be granted on review**

**1. PLANNING APPLICATION DATED 5 SEPTEMBER
2019 TOGETHER WITH PLANS**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100179298-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

alterations and change of use of existing retail shop to form hot food takeaway

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Whitelaw Associates		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Tom	Building Name:	Kitleybrig
Last Name: *	Whitelaw	Building Number:	
Telephone Number: *	01968 660452	Address 1 (Street): *	Kitleyknowe
Extension Number:		Address 2:	Carlops
Mobile Number:		Town/City: *	Penicuik
Fax Number:		Country: *	Scotland
		Postcode: *	EH26 9NJ
Email Address: *	tgwhitelaw@btinternet.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Rana	Building Number:	76
Last Name: *	Ahmad	Address 1 (Street): *	Belville Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Greenock
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA15 4SY
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Inverclyde Council

Full postal address of the site (including postcode where available):

Address 1:

BELVILLE DISCOUNT STORE

Address 2:

76 BELVILLE STREET

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GREENOCK

Post Code:

PA15 4SY

Please identify/describe the location of the site or sites

Northing

675470

Easting

229087

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

96.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

class 1 retail (vacant)

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

to be determined

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

x x x

Address:

Inverclyde Council Municipal Buildings, Clyde Square, Greenock, Scotland, PA15 1LY

Date of Service of Notice: *

06/09/2019

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Tom Whitelaw

On behalf of: Mr Rana Ahmad

Date: 05/09/2019

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

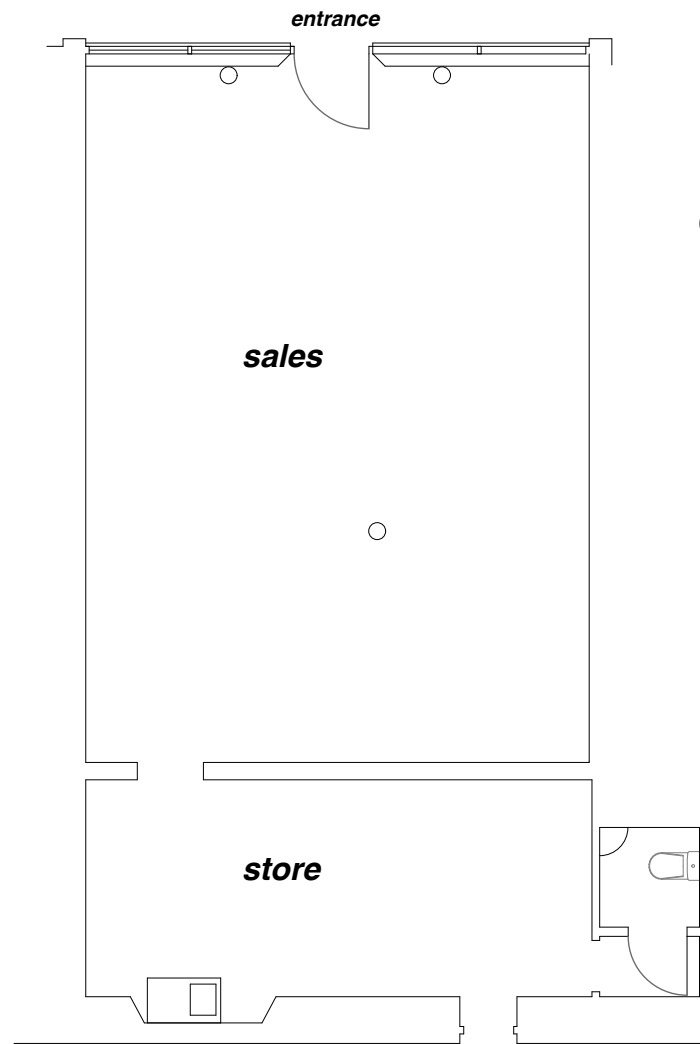
Declaration Name: Mr Tom Whitelaw

Declaration Date: 05/09/2019

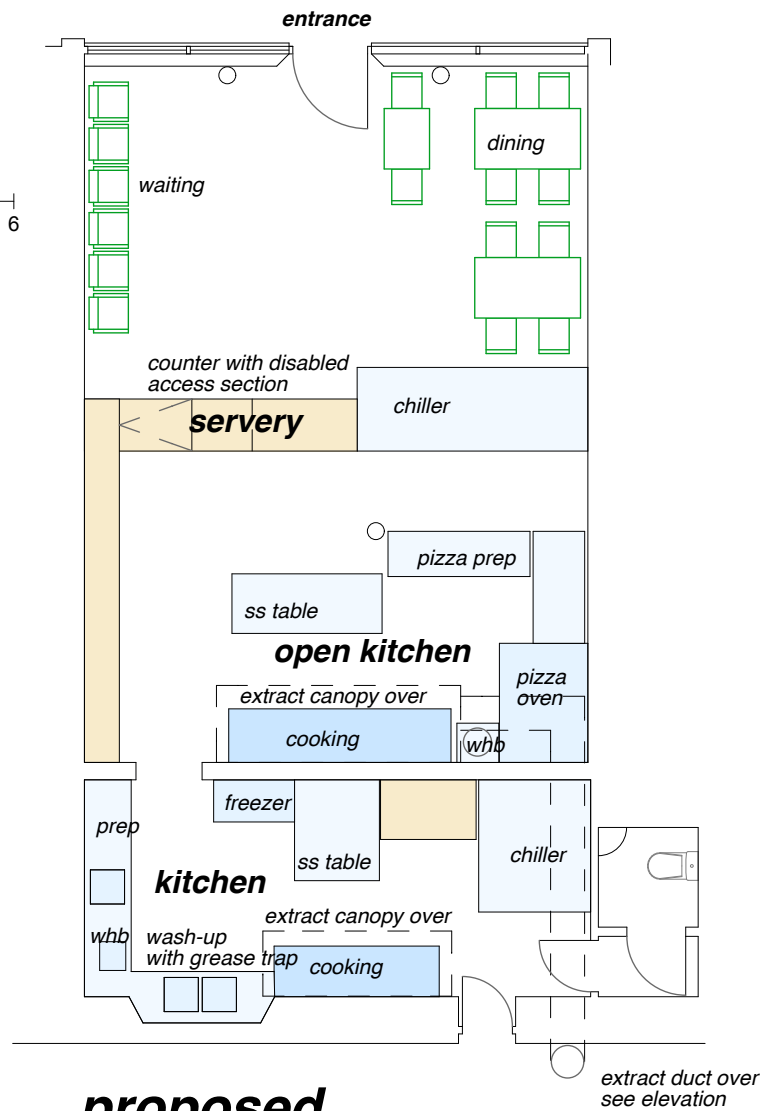
Payment Details

Cheque: Rana Ahmad, 0020202

Created: 05/09/2019 21:45



existing



proposed

KITCHEN EXTRACT SYSTEM

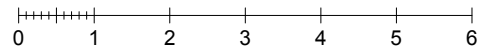
stainless steel canopy with ss baffle filters, grease collection tray and bulkhead light unit. Inline fan with speed controller to provide in excess of 30 air changes per hour.
 Inline carbon filter with pre-filter to give contact time of 0.14s to remove odours prior to discharge
 Galvanised steel ductwork to terminal venturi to give 15m/s upward velocity.

alterations and change of use of existing retail unit to form hot food shop
**76 BELVILLE STREET
 GREENOCK, PA15 4SY**

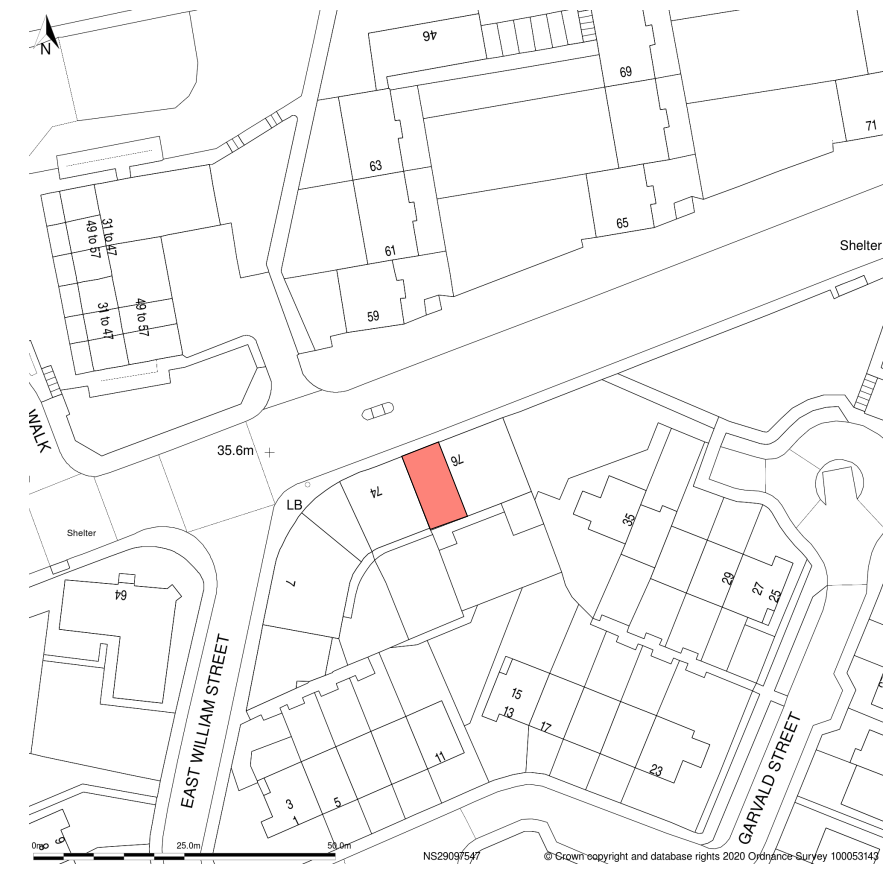
plans

scale 1:100 Sept. 2019
 Whitelaw Assoc. 01968 660452

drg P1
 rev A gen.



south east rear elevation



location plan 1:1250

*alterations and change of use of existing
retail unit to form hot food shop*
**76 BELVILLE STREET
GREENOCK, PA15 4SY**

rear elevation & location

scale 1:100 Sept. 2019
Whitelaw Assoc. 01968 660452

drg P2
rev B gen.

**2. APPOINTED OFFICER'S REPORT OF HANDLING
DATED 10 JULY 2020**

development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 20 – Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

Policy 22 – Network of Centres Strategy

The preferred locations for the uses set out in Schedule 6 are within the network of town and local centres identified in Schedule 7. Proposals which accord with the role and function of the network of centres as set out in Schedule 7 and the opportunities identified in Schedule 8 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- there is not a suitable sequentially preferable opportunity;
- there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

Policy 24 – Network of Centres Sui Generis Uses

Proposals for the Sui Generis uses listed in Schedule 6 will be assessed with regard to:

- a) whether there would be an unacceptable impact on the amenity and operation of existing and surrounding uses;
- b) whether the proposal will result in a concentration of a particular use or uses that would be to the detriment of the centre's vibrancy, vitality or viability, and the wellbeing of the community;
- c) the contribution the proposal would make to the vibrancy, vitality and viability of the centre by way of increasing footfall or making use of a vacant unit; and
- d) the availability and suitability of other locations within the centre.

2014 INVERCLYDE LOCAL DEVELOPMENT PLAN

The 2014 Inverclyde Local Development Plan previously formed part of the Development Plan against which planning applications required to be assessed.

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 RES5 - Proposals for Changes to Properties for Residential Use

Proposals for the change of use, sub-division or conversion to properties to create new additional dwelling units, and for the alteration or extension to residential properties, will be assessed against and have to satisfy where appropriate, the following criteria:

- a) the character and amenity of neighbouring properties;
- b) impact on the streetscape;
- c) impact on the character of the existing property;
- d) accordance with the Council's adopted roads guidance; and 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 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 TCR8 – Use of Conditions

To protect both designated Centres and residential amenity, planning conditions will be imposed to control the operation of new retail and leisure developments outwith the designated town centres in the following circumstances:

- a) in the case of Use Class 1 (Shops) development of over 1,000 square metres gross, to define the maximum permitted net floorspace for both convenience and comparison goods;
- b) to restrict a proportion of the gross floor area of retail warehouse developments, to the sale of bulky goods only, where practical;
- c) to prevent the sub-division or amalgamation of retail warehouse units of over 500 square metres gross;
- d) to prevent the inclusion of smaller sub-units within foodstores;
- e) to restrict the hours of trading or of access for service vehicles where the operation is considered likely to affect either residential or business amenity; and
- f) to restrict changes between the convenience and comparison sectors, where appropriate.

Policy TCR9 – Residential Use Above Commercial Properties

Proposals for residential use on floors located above retail, business and commercial uses will be supported, subject to the provisions of Policy RES1 and RES5, where appropriate.

Changes of use that result in commercial uses that have late night operations, such as hot food takeaways, operating below residential uses, will only be acceptable in the Central Area of Greenock, Port Glasgow and Gourock Town Centres and the Local Centres.

Policy TCR10 – Shopping Facilities to meet Local Needs

The retention, improvement and, subject to Policy TCR7, the provision of local neighbourhood shopping facilities up to 250 square metres gross, where they do not compromise residential amenity and/or road safety will be supported. A proposed change of use to non-retail will only be supported where it can be demonstrated that the business has been marketed for a minimum of 12 months and is no longer viable.

CONSULTATIONS

Head of Service – Roads and Transportation – Comments were made as follows:

- The parking requirements detailed in the National Roads Development Guide for Retail is 3 spaces per 100sqm. The GFA of the existing unit is 96sqm which therefore requires 3 parking spaces. The proposed use of the unit as Hot Food Takeaway requires 1 space per 5sqm. The customer area is approximately 28.3sqm. This requires 6 parking spaces.
- The applicant should provide 3 off-road spaces.

Head of Environmental and Public Protection (Environmental Health) – Comments were made as follows:

- The development shall not commence 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 filters, rates of air movement over the canopy, make-up air, air disposal points etc. This is recommended in order to protect the amenity of the immediate area and prevent the creation of odour nuisance.
- 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. This is recommended in order to protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.
- All external lighting on the application site should comply with the Scottish Government Guidance Note “Controlling Light Pollution and Reducing Lighting Energy Consumption”. This is recommended in order to protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.
- Deliveries or collections to and from the site shall not be carried out between the hours of 23:00 and 07:00. This is recommended in order to protect the amenities of occupiers of premises from unreasonable noise and vibration levels.
- The external ventilation flue if attached to the property must be suitably insulated or isolated. This is recommended in order to minimise the effects of vibration in neighbouring properties.
- Advisory notes are recommended relating to Construction (Design & Management) Regulations 2015 (CDM 2015); consultation with Officers of Safer and Inclusive Communities on compliance with Food Safety Legislation and the Health and Safety at Work etc. Act 1974; and consultation with Officers of Environmental and Public Protection (Public Health and Housing) on the alteration to the current use and likely ventilation requirements.

PUBLICITY

An advertisement was placed in the Greenock Telegraph on the 14th February 2020 due to the proposal being a Schedule 3 development.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. Six representations were received, objecting to the proposal. Concerns were raised as follows:

- The flue in the rear garden is an eyesore and not in line with the original building.
- Concerns on impacts on neighbouring property values, potential resale and potential rental market.
- Concerns associated with smells from the hot food takeaway.
- Late night hours of the business will attract loitering and cause unnecessary noise.
- Concerns about lack of refuse storage space to accommodate the additional waste from a takeaway business.
- Concerns about waste left on the street and additional resources required to keep the area clean and tidy.
- Current hot food takeaways in immediate vicinity already cause similar problems.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan (LDP); the impact on amenity to adjacent residents; and the consultation responses. The LDP has been adopted following notification from the Scottish Ministers on 15 August 2019 that “the Council may now proceed to adopt the Plan”.

The site is located within an established residential area where Policy 20 of the LDP applies. This Policy facilitates assessment of the proposal with regard to its impact on the amenity, character and appearance of the area, cross-referencing to the Draft Planning Application Advice Notes (PAANs). The proposal is related to a change of use to a hot food takeaway (Sui Generis). Policy 22 identifies hot food takeaways as being a town centre use listed in Schedule 6, stating that the preferred locations for the uses set out in Schedule 6 are within the network of town and local centres identified in Schedule 7. Schedule 7 identifies that proposals for new Schedule 6 uses outwith the town and local centres can be considered as local facilities providing they shall not exceed 250 square metres in total. As the proposal meets the requirements in Schedule 7, it could be considered to meet this requirement of Policy 22. Policy 22 goes on to state that proposals for Schedule 6 uses outwith the network of centres will only be supported if it can be demonstrated that: (a) there is not a suitable sequentially preferable opportunity; (b) there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and (c) there are clear community or economic benefits that can be best achieved at the proposed location.

Regarding criterion (a), the applicant does not provide any supporting information to suggest that there is not a suitable sequentially preferable opportunity within any of the designated town or local centres, therefore there is a failure to demonstrate this requirement and the proposal does not meet criterion (a). The proposal is for a small hot-food takeaway with a dining capacity of 10 and a waiting area for approximately 6 persons. I consider that the size of the take-away means it is unlikely to impact on the vibrancy, vitality or viability of the existing town and local centres to the extent that refusal of planning permission on these grounds would be justified (criterion (b)). In assessing whether the proposal meets criterion (c), the clear economic benefits of bringing the building back into use needs to be weighed up against the impact on the local community of an additional hot-food takeaway being opened in this residential area.

Policy 1 of the Plan requires development to have regard to the six qualities of successful places, taking account of the factors set out in Figure 3. In this proposal, the relevant factors relate to being ‘Adaptable’ through avoiding creating buildings or spaces that will become neglected or obsolete; ‘Resource Efficient’ through making use of existing buildings and previously developed land and building at higher density in town and local centres and around public transport nodes; ‘Easy to Move Around’ through being well connected, with good path

links to the wider path network, public transport nodes and neighbouring developments; and 'Safe and Pleasant' through avoiding conflict between adjacent uses, avoiding creating spaces that are unsafe or likely to encourage or facilitate anti-social behaviour or crime and minimise the impact of traffic and parking on the street scene.

Policy 24 indicates that proposals for Sui Generis uses identified in Schedule 6 require to be assessed against and have to satisfy, where appropriate, the following criteria: (a) whether there would be an unacceptable impact on the amenity and operation of existing and surrounding uses; (b) whether the proposal will result in a concentration of a particular use or uses that would be to the detriment of the centre's vibrancy, vitality or viability, and the wellbeing of the community; (c) the contribution the proposal would make to the vibrancy, vitality and viability of the centre by way of increasing footfall or making use of a vacant unit; and (d) the availability and suitability of other locations within the centre. Criteria (b) and (c) are not relevant as the proposal is not located within a recognised centre.

With regard to impacts on the amenity and operation of existing and surrounding uses (criterion (a)) there are various factors to be considered.

The introduction of an additional hot-food takeaway could produce a level of noise and cooking odours to the area which may have the potential to impact on amenity, in particular to the residential properties immediately above. Following discussions with the applicant, the confirmed proposed opening hours are to be between noon and midnight, 7 days a week. Similar premises demonstrate that there would be associated noise from patrons talking, vehicles revving and idling, car doors closing and in-car entertainment systems from people visiting the premises. The application site is surrounded by residences and I consider that the degree of noise and disturbance the proposal would introduce would be harmful to residential amenity and character, noting that concerns have been raised in representations over noise issues.

Furthermore, with respect to the treatment of cooking odours and the potential for cooking odour to disturb the amenity of nearby properties, the proposal indicates that a new high level discharge flue is to be installed at the rear of the property, with a termination above the top floor residential properties, approximately 1.5 metres above the eaves. Considering the external alterations to the building, the proposed flue is to be positioned to the rear, on the same elevation as the existing flue for the neighbouring Chinese restaurant and is not in a visually prominent location. I consider that the installation of an additional flue would have a negligible visual impact on the area and could be considered as complying in principle with Policy 20 in terms of having an acceptable impact on the appearance of the area. The Head of Environmental and Public Protection (Environmental Health) is satisfied that the flue proposed is appropriate for dealing with cooking odours. However, given the close proximity to residential properties, I consider that the proposed flue is required to be installed to ensure the issue of odours is addressed. The applicant only has control over the ground floor commercial unit, not the remainder of the building. The flue requires to be fixed to the external walls and roof of the tenement flats above. The applicant has been unable to confirm identification and notification of the owners of the tenement flats above in accordance with the provisions of the relevant legislation. As such, clarity has not been provided over the legal right to affix the flue to upper floors of the building. Given the lack of clarity over the legal right to implement the flue it would be inappropriate to attach a condition requiring the flue to be installed to any permission. This would result in there being no satisfactory means of mitigating odour issues.

Road safety and the impact of traffic and parking on the street scene are also important amenity considerations and in this regard I turn to the consultation response from the Head of Service – Roads and Transportation. She has indicated that the existing use requires 3 parking spaces and the proposed use would require 6 parking spaces and that 3 off-road spaces should be provided to accommodate the extra parking that the proposed use of the existing unit would generate. The applicant, however, does not have control over nearby land on which such provision could be achieved. It is noted that there are currently no off-road spaces in the vicinity and that existing residents and customers either park on the road immediately outside the building, or park partially or fully on the pavement across the road. Parking opportunities in the

vicinity could adversely affect other road users and pedestrian safety, impacting on the efficient operation of the transport and active travel network.

Drawing these amenity considerations together therefore, the concerns I have identified in relation to noise and odours lead me to conclude the proposal would be contrary to Policy 20 with regard to residential amenity and would not meet the quality of being 'Safe and Pleasant' in Policy 1, and those with regard to road safety mean the proposal would be contrary to Policies 11 and 20. Collectively, my conclusions mean that the proposal would have an unacceptable impact with regard to criterion (a) of Policy 24.

In terms of availability and suitability of other locations within the centres (criterion (d) of Policy 24), I consider that although this proposal is to be located within an existing vacant unit, it would be better suited to make use of a vacant unit within a town or local centre. Whilst I note the existing neighbouring Chinese takeaway, I also note that the area was designated as a local centre when this was originally granted consent, and it has since been removed as a local centre in the Local Development Plan, being re-designated for residential use.

Whilst I note that the proposal ~~will~~ would avoid creating a building which will become neglected or obsolete, meeting the quality of being 'Adaptable' in Policy 1, as well as meeting the quality of being 'Resource Efficient' in Policy 1, through making use of existing buildings and previously developed land in proximity to public transport nodes, this is not outweighed by the other policy considerations detailed above.

With regard to the other material considerations not yet addressed, in assessing whether the proposal would result in a concentration of hot food takeaways, the application site is one of a number of currently vacant units on the ground floor of the building and, due to its location, is at risk of becoming neglected through prolonged vacancy. The proposal to bring it back into use would eliminate a dead frontage and have a positive impact on the appearance of the street. Whilst I note the objections raised regarding the existing hot food takeaways in the area and acknowledge that there is a Chinese takeaway in the adjacent premises, I consider that the proposal could potentially have a positive impact on the streetscape.

I note the concerns that current hot food takeaways in the immediate vicinity cause problems with waste and persons loitering and that the proposal could potentially increase the problems, however, these are speculative in nature and would not form additional reasons for refusal of the application.

To conclude, I am aware that the proposed development makes use of an existing vacant premises and that the proposed development could bring small scale local economic benefits in the form of employment (criterion (c) of Policy 22). I consider, however, that these are not outweighed by the potential traffic safety, noise and odour issues which the proposal could bring to the area and which form the basis for refusal of the application. As such, I am unable to support this proposal.

RECOMMENDATION

That the application be refused for the following reasons:

Reasons:

1. It has not been demonstrated that any satisfactory means for the dispersal of cooking odours can be implemented, to the detriment of the amenity of residents residing in close proximity to the proposed hot food take away, contrary to Policies 1, 20 and criterion (a) of Policy 24 of the Inverclyde Local Development Plan.
2. That as the required off-road parking provision cannot be achieved the proposal could result in parking detrimental to traffic safety and the amenity of the area, contrary to Policy 11 of the Inverclyde Local Development Plan, could not be justified in terms of Policy 20 and criterion (a) of Policy 24 of the Inverclyde Local Development Plan, and would be contrary to the aims of Policy 1 of the Inverclyde Local Development Plan.

3. That the proposed development, by reason of evening and late night noise from extra traffic activity in particular within a predominantly residential environment and by reason of cumulative impact with existing noise would be unacceptable in terms of criteria (a) of Policy 24 of the Inverclyde Local Development Plan and could not be justified in terms of Policies 1 and 20 of the Inverclyde Local Development Plan.

Signed:



David Sinclair
Case Officer



Stuart Jamieson
Head of Regeneration and Planning

3. LOCAL DEVELOPMENT PLAN POLICY EXTRACTS

FIGURE 3: Factors Contributing to Successful Places



8.0 OUR TOWN AND LOCAL CENTRES

Introduction

8.1 Inverclyde is well served by a network of town and local centres offering a range of shops and services in easily accessible locations. These centres also serve important civic, cultural, commercial and leisure functions, and are important employment locations.

8.2 Greenock is the largest town centre drawing visitors from across the authority area and beyond. It is identified as a Strategic Centre in the Clydeplan Strategic Development Plan. It offers Inverclyde's largest concentration and selection of food and non-food shopping, and a wide range of non-retail services and businesses such as a cinema, the Waterfront Leisure Centre, the McLean Museum and Art Gallery, the Beacon Arts Centre, the Greenock West College Scotland campus and a number of restaurants, pubs and nightclubs that provide evening activity. It is also an important employment hub, with a number of large offices located there. In this and previous Plans, Greenock is recognised as having a Central Area, which is the main focus for shopping activity, and an Outer Area, which is more service orientated.

8.3 Port Glasgow town centre's role has changed in recent years from mainly convenience shopping for the town's residents to offering large format food and non-food shopping that draws shoppers from across Inverclyde.

8.4 Gourock serves as a convenient centre for the residents of the town and to travellers and commuters making use of the ferry connections to Argyll and Bute. Its waterfront location, traditional format and concentration of independent shops and cafes mean that it also attracts day visitors from across Inverclyde and beyond. It has benefitted from recent investment in its railway station, road network and parking facilities, and from environmental improvements along the waterfront and at the pierhead.

8.5 Local centres range from the traditional village centre of Kilmacolm, which has an attractive mix of independent traders, to the modern purpose-built local centre in Inverkip. All local centres have an important role in providing convenient services and a community focus.

Network of Centres Strategy

8.6 Together, our town and local centres form a network with each centre serving a specific purpose and community. The Plan seeks to manage development within and outwith these centres so that they continue to complement each other for the benefit of the whole area, whilst offering healthy competition for the benefit of customers. It does this by directing appropriate uses to the network of centres in preference to other locations and by controlling development that would have an unacceptable impact on centres within the network. This is consistent with the 'sequential approach' set out in paragraph 68 of Scottish Planning Policy. The Plan recognises and seeks to safeguard Greenock as the main town centre within Inverclyde. Residential development is encouraged within the network of centres as it contributes to footfall, activity and security.

POLICY 22 – NETWORK OF CENTRES STRATEGY

The preferred locations for the uses set out in Schedule 6 are within the network of town and local centres identified in Schedule 7. Proposals which accord with the role and function of the network of centres as set out in Schedule 7 and the opportunities identified in Schedule 8 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- a) there is not a suitable sequentially preferable opportunity;
- b) there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- c) there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

SCHEDULE 6 – Uses Directed to the Network of Centres

- Shops (Class 1)
- Financial, professional and other services (Class 2)
- Food and drink (Class 3)
- Non-residential institutions (Class 10)
- Assembly and leisure (Class 11)
- Amusement arcade/centre (Sui generis)
- Betting office (Sui generis)
- Beautician/Nail bar (Sui generis)
- Hot food takeaway (Sui generis)
- Pay day loan shop (Sui generis)
- Public house (Sui generis)
- Tattoo parlour (Sui generis)
- Taxi/private hire office (Sui generis)
- Theatre (Sui generis)
- Other uses most closely associated with, or most appropriately located within town or local centres.

(Descriptions in brackets as per Town and Country Planning (Use Classes)(Scotland) Order 1997 (as amended))



Grey Place, Greenock

SCHEDULE 7 – Network of Centres Strategy

Centre	Status	Role and function
<ul style="list-style-type: none"> • Greenock 	Strategic Centre	Greenock Central Area is the preferred location for new retail development over 1,000 square metres. New retail development in the Greenock Outer Area should not exceed 1,000 square metres. Greenock town centre is the preferred location for other Schedule 6 uses with an Inverclyde-wide catchment.
<ul style="list-style-type: none"> • Port Glasgow • Gourock 	Town Centre	Second preferred locations for new retail development over 1,000 square metres. Preferred location for other Schedule 6 uses with whole town catchments
<ul style="list-style-type: none"> • The Cross, Kilmacolm • Dubbs Road, Pt Glasgow • Sinclair Street, Greenock • Lynedoch Street, Greenock • Barrs Cottage, Greenock • Cumberland Walk, Greenock • Cardwell Road, Gourock • Kip Park, Inverkip • Ardgowan Road, Wemyss Bay • Inverkip Power Station* • Spango Valley, Greenock* 	Local Centre	New retail development should not exceed 1,000 square metres. Preferred location for other Schedule 6 uses serving a local catchment.
		* proposed local centre as part of comprehensive masterplan
<ul style="list-style-type: none"> • Local facilities 		Proposals for new Schedule 6 uses outwith the town and local centres shall not exceed 250 square metres in total.

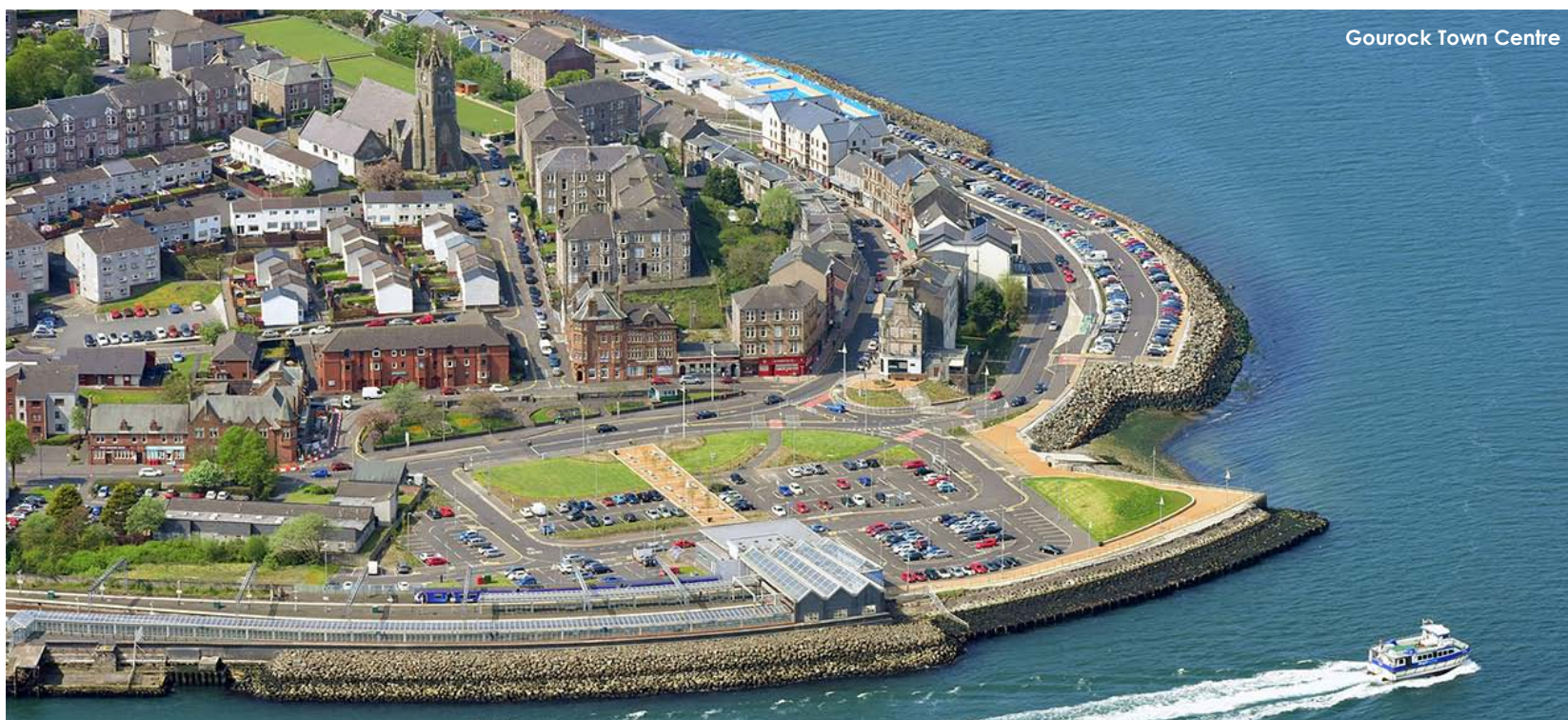
Network of Centres Sui Generis uses

8.8 Inverclyde's town and local centres are home to a wide variety of uses. Their central locations and high level of passing trade make them an obvious place for commercial businesses to locate. The Use Class Order (1997) divides different types of land and property uses into different classes, and sets out when planning permission is needed to allow changes of use between the different classes. Some of the Use Classes relate to uses that would normally be found in town and local centres, such as Shops and Food & Drink. Other uses are known as *sui generis* (meaning 'of its own kind') and do not sit within a particular Use Class. These are often uses which the planning system seeks to keep a tighter control on for reasons of amenity or well-being.

POLICY 24 – NETWORK OF CENTRES SUI GENERIS USES

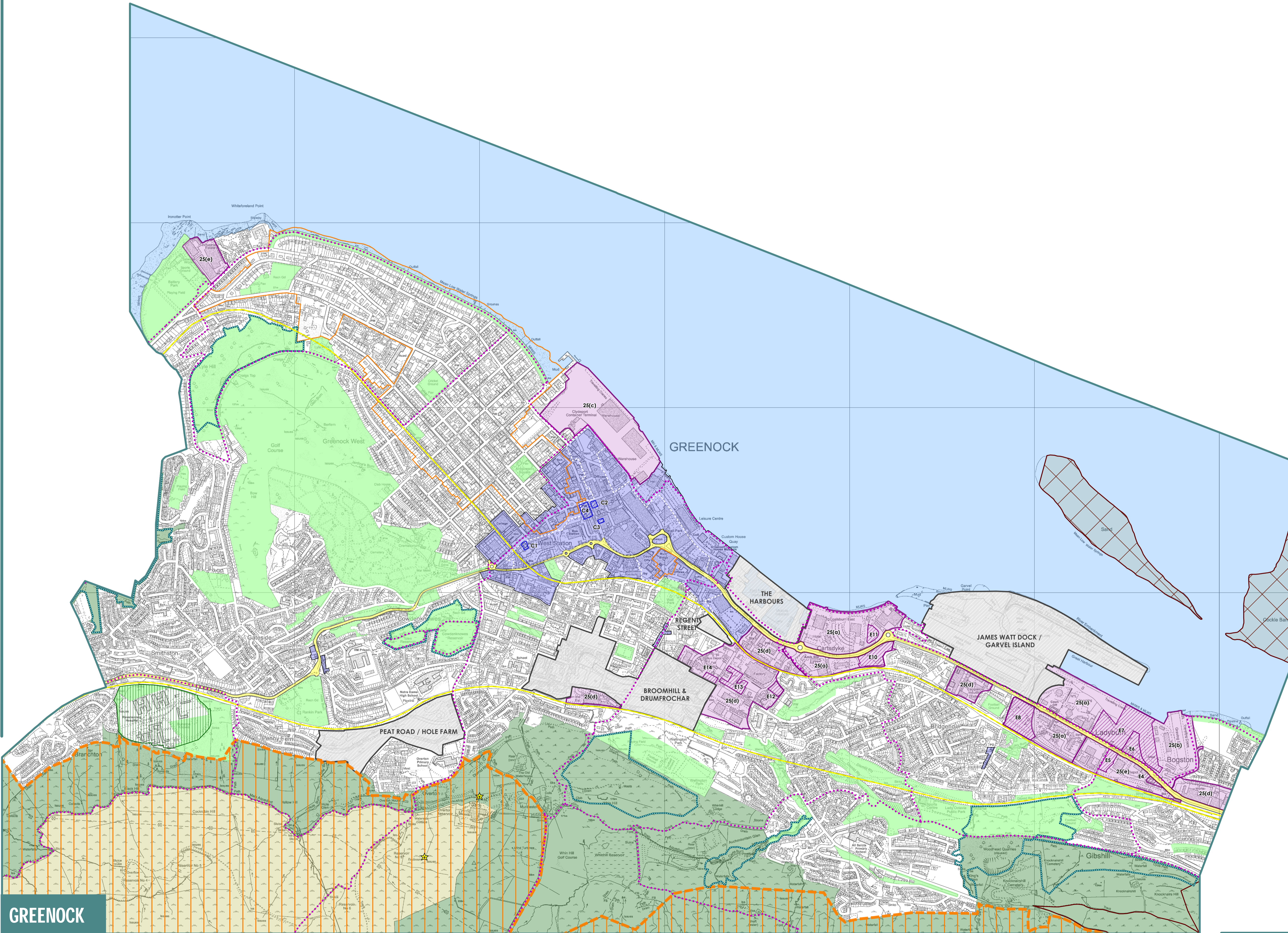
Proposals for the Sui Generis uses listed in Schedule 6 will be assessed with regard to:

- a) whether there would be an unacceptable impact on the amenity and operation of existing and surrounding uses;
- b) whether the proposal will result in a concentration of a particular use or uses that would be to the detriment of the centre's vibrancy, vitality or viability, and the wellbeing of the community;
- c) the contribution the proposal would make to the vibrancy, vitality and viability of the centre by way of increasing footfall or making use of a vacant unit; and
- d) the availability and suitability of other locations within the centre.



4. LOCAL DEVELOPMENT PLAN PROPOSALS MAPS 2019 EXTRACT

LOCAL DEVELOPMENT PLAN 2019



KEY

SUSTAINABLE DEVELOPMENT STRATEGY		
	Priority Place	POLICY 3
CONNECTING PEOPLE AND PLACES		
	Trunk Road	POLICY 11
	Railway	POLICY 11
SPATIAL DEVELOPMENT STRATEGY		
	Green Belt	POLICIES 14 & 19
	Countryside	POLICIES 14 & 19
OUR TOWN AND LOCAL CENTRES		
	Town Centre / Local Centre	POLICY 22
	Greenock Town Centre Central Area	POLICY 22
	Network of Centres Opportunity	POLICY 22
OUR JOBS AND BUSINESSES		
	Business & Industrial Area	POLICY 25
	Business & Industrial Development Opportunity	POLICY 26
OUR HISTORIC BUILDINGS AND PLACES		
	Conservation Area	POLICY 28
	Scheduled Monument	POLICY 31
OUR NATURAL AND OPEN SPACES		
	Special Protection Area / Ramsar Site	POLICY 33
	Site of Special Scientific Interest	POLICY 33
	Local Nature Conservation Site	POLICY 33
	Tree Preservation Order	POLICY 34
	Open Space	POLICY 35
	Clyde Muirshiel Regional Park	POLICY 37
	Core Path	POLICY 38
	River Clyde / Firth of Clyde	

Inverclyde council SCALE 1:10,000

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GREENOCK

5. PLANNING POLICY STATEMENT ON OUR HOMES AND COMMUNITIES – OCTOBER 2020

PLANNING POLICY STATEMENT ON OUR HOMES AND COMMUNITIES

Introduction

1. This planning policy statement on homes and communities has been prepared following the quashing of Chapter 7 (Our Homes and Communities) of the Inverclyde Local Development Plan by a Court of Session decision dated 22 July 2020. It does not form part of the development plan but does provide a policy context for proposals for housing and community facilities, including the identification of development opportunities, and for proposals for development within residential areas or affecting community facilities. It will be a material consideration in the assessment of such proposals. This planning policy statement focuses on the period to 2024. It will be a short-life document, as the Council is undertaking a full review of the Local Development Plan with a Main Issues Report due to be published in December 2020 and Proposed Plan in April 2021. As required by Scottish Planning Policy the new Local Development Plan will consider housing land issues for the period up to 10 years from its expected date of adoption, which is 2022.
2. Repopulation is a priority of the Inverclyde Outcomes Improvement Plan. Whilst the reasons for population changes are varied and complex, the availability of good quality housing in places where people want to live is a significant factor. Inverclyde offers a wide range of housing including Victorian villas, marina-side living, waterfront flats and historic building conversions. New build family homes for owner occupation have proven popular in areas such as Kingston, Port Glasgow and Hill Farm in Inverkip, and the area's housing associations have made significant investment in building new houses and bringing existing houses up to the Scottish Housing Quality Standard. Whilst there has been demolition of unpopular housing, areas of low-demand housing remain, which the Council and housing associations are continuing to address. The Council is committed to ensuring that the housing available within Inverclyde meets the needs of existing and new residents, and through this planning policy statement makes land available to meet housing need and demand, and protect and improve the attractiveness of existing residential areas.

Land for Housing

3. The 2017 Clydeplan Strategic Development Plan establishes the housing supply target and housing land requirement for the Inverclyde area for the periods 2012 to 2024 and 2024 to 2029. The housing supply target is a policy view of the number of homes a planning authority has agreed will be delivered in housing market areas taking into account a range of factors. The housing land requirement, is based on the housing supply target, but enhanced by a generosity allowance (15%) to ensure that sufficient land is identified to enable the housing supply target to be delivered. A housing supply target is set for different tenures (affordable and private housing) and market areas (Inverclyde and Renfrewshire, which includes part of Inverclyde), as well as the Council area as a whole. The Inverclyde housing market area for private housing sits wholly within the Inverclyde local authority area and contains the main urban

area of Greenock, Port Glasgow and Gourrock, as well as Inverkip and Wemyss Bay. The Renfrewshire housing sub market area for private housing contains Kilmacolm and Quarrier's Village, the Renfrewshire local authority area, and part of East Renfrewshire.

4. As there have already been housing completions between 2012, which is the base year of the housing land requirement, and 2019, which is the date of the most recent finalised housing land audit, Table 1 sets out the housing land requirement that remains to be met after these completions are taken into account. This is established for the Council area as a whole for affordable and private housing and for the different housing market areas for private sector housing (Table 1).

Table 1: Housing land requirement

		Inverclyde Local Authority Area			Inverclyde Housing Market Area	Renfrewshire Housing Sub Market Area	Renfrewshire Housing Sub Market Area (Inverclyde part)
		Affordable	Private	All Tenure	Private	Private	Private
A	Housing Land Requirement 2012-2024	1,270	2,360	3,630	2,220	8,160	140
B	Completions 2012-2019	441	604	1045	601	3,872	3
C	Housing Land Requirement 2019-2024 (A-B)	829	1756	2585	1619	4,288	137
D	Housing Land Requirement 2024-2029	460	980	1,440	920	2,030	60
E	Housing Land Requirement 2019-2029 (C+D)	1,289	2,736	4,025	2,539	6,318	197

5. As well as meeting the housing land requirement, the Council is required to maintain a five-year effective housing land supply at all times. This is calculated by a pro rata division of the Clydeplan housing supply target for the period concerned. This calculation is shown for the different geographies and tenures in Table 2.

Table 2: Five-year effective housing supply target

		Inverclyde Local Authority Area			Inverclyde Housing Market Area	Renfrewshire Housing Sub Market Area	Renfrewshire Housing Sub Market Area (Inverclyde part)
		Affordable	Private	All Tenure	Private	Private	Private
F	Housing Supply Target 2012-2024	1,100	2,050	3,150	1,930	7,100	120
G	Annualised Housing Supply Target (F/12)	90	170	260	160	590	10
H	Five-year housing supply target (2019-2024) (G*5)	460	850	1310	800	2,960	50

Figures are rounded to nearest 10

6. Table 3 sets out the quantity of land identified for housing by this planning policy statement, as well as within the Renfrewshire and East Renfrewshire parts of the Renfrewshire housing sub market area, all as at 31 March 2019.

Table 3: Housing land supply in Inverclyde and Renfrewshire Sub-Housing Market Area at 31 March 2019

		Inverclyde Council			Inverclyde Housing Market Area	Renfrewshire Housing Sub Market Area	Renfrewshire Housing Sub Market Area (Inverclyde part)
		Affordable	Private	All Tenure	Private	Private	Private
J	Land programmed for development 2019-2024	891	1,116	2,007	1,018	4,368	98
K	Land available for development post-2024	728	2,688	3,416	2,650	6,313	38

Figures do not take account of sites disputed by Homes for Scotland

7. Scottish Planning Policy requires the planning system to identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times.
8. Comparison of the housing land requirement with the land programmed for development in the 2019-2024 period in the Inverclyde Council area indicates:
- A 62 unit surplus of land for affordable housing.
 - A 640 unit shortfall for private housing.
9. Comparison of the private housing land requirement with the land programmed for private housing development in the 2019-2024 period in the housing market areas indicates:

- A 601 unit shortfall of land for in the Inverclyde housing market area.
 - A 39 unit shortfall in the Inverclyde part of the Renfrewshire housing sub-market area.
10. Comparison of the five-year effective land supply target (2019-2024) with the land programmed for development in that period provides different surplus/shortfall figures than the comparison with the housing land requirement. This is because the five-year effective land supply requirement takes no account of completions in years prior to 2019, which in Inverclyde were usually below the annualised housing supply target. For the Inverclyde Council area, the comparison indicates:
- A 431 unit surplus of land for affordable housing.
 - A 266 unit surplus for private housing.
11. The comparison of the five-year effective land supply target (2019-2024) for private housing in the market area with the land programmed for private housing development in the 2019-2024 period in the housing market areas indicates:
- A 218 unit surplus in the Inverclyde housing market area.
 - A 48 unit surplus in the Inverclyde part of the Renfrewshire sub-market area.
12. In considering the above, it is important to note the following:
- (1) The comparison of the 2019-2024 programmed land supply against the housing land requirement and the five-year effective land target for the same period indicates different levels of surplus/shortfall. This is because the calculation of the housing land requirement for 2019-24 is affected by the number of completions in previous years, whilst the five-year effective land target is not. These calculations are based on methodologies that have emerged from the Court of Session decision on the Inverclyde Local Development Plan (housing land requirement) and the Scottish Government consultation document on Scottish Planning Policy (five-year effective land target). Shortfalls in either comparison may indicate a need for additional housing land to be identified.
- (2) The shortfalls indicated in the Inverclyde part of the Renfrewshire housing sub-market area do not necessarily imply a specific requirement for additional housing land in that area, as the Renfrewshire housing sub-market area should be considered as whole. However, the figures may provide guidance on the scale of the shortfall that could be attributed to that particular area.
- (3) The 2019 housing land audit for Inverclyde on which the programmed land supply is based includes a number of sites that were disputed by Homes for Scotland, which represents the housebuilding industry. If disputed sites are discounted, the land programmed for development 2019-2024 reduces significantly.
- (4) The Clydeplan housing supply targets and related housing land requirement for Inverclyde were set at an ambitious level to support the repopulation agenda. However, with the population and the number of households in Inverclyde continuing to decline, the completion levels required to meet the housing supply target have not been achieved. This means that whilst a significant portion of the housing land requirement remains to be identified for

the period to 2024, the actual demand for housing is unlikely to meet this requirement in that period.

13. Owing to the surplus of land available to meet affordable housing requirements across Inverclyde as a whole, it is concluded that there is no need for a policy seeking a contribution of affordable housing from private housing development sites across the whole of Inverclyde, as owing to More Homes Scotland funding and the quantity of land available to housing associations, affordable housing targets can be met without contribution from private sector sites. It is anticipated that this approach will also enable the accelerated delivery of private housing in Inverclyde. However, it is recognised that within the Inverclyde villages (Kilmacolm, Quarriers Village, Inverkip and Wemyss Bay) there is limited supply of affordable housing and no land identified for affordable housing development. Therefore, in order to increase the supply of affordable housing, there will be a requirement for 25% of houses on greenfield development sites in the Inverclyde villages to be for affordable housing

Policy A – Land for Housing

The Council will undertake an annual audit of housing land in order to ensure that it maintains a 5 year effective housing land supply. If additional land is required for housing development, the Council will consider proposals with regard to the policies applicable to the site and:

- *a strong preference for appropriate brownfield sites within the identified settlement boundaries;*
- *there being no adverse impact on the delivery of the Priority Places and Projects identified by the adopted 2019 Inverclyde Local Development Plan;*
- *evidence that the proposed site will deliver housing in time to address the identified shortfall within the relevant Housing Market Area; and*
- *a requirement for 25% of houses on greenfield development sites in the Inverclyde villages to be for affordable housing.*

New Housing Development

14. Schedule 1 lists all the land identified for housing by this planning policy statement. The Council supports, in principle, the development of housing on these sites subject to assessment against relevant Supplementary Guidance and other policies in this statement and the adopted Inverclyde Local Development Plan 2019. Housing development on other appropriate sites within the residential area and town and local centres will also be supported, subject to the same assessment.
15. The Council recognises the requirement for housing to meet particular needs and our changing demographics. Inverclyde has an ageing population and therefore a requirement to adapt existing or deliver new housing that will help elderly people live independently, and to provide for supported accommodation such as sheltered housing and care or nursing homes. Other specialist provision housing, such as wheelchair accessible homes, are also encouraged to meet requirements. In most instances, specialist provision housing will be encouraged on general housing sites, subject to acceptable design and the required standards being met.

Policy B – New Housing Development

New housing development will be supported on the sites identified in Schedule 1, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against Planning Application Advice Notes Supplementary Guidance.

There will be a requirement for 25% of houses on greenfield development sites in the Inverclyde villages to be for affordable housing.

Individual and Small Scale Housing Development in the Green Belt and Countryside

16. The Council has a planning strategy that seeks to direct residential development to existing built up areas, and minimise the encroachment of development into the Green Belt and isolated development in the countryside. This is a sustainable approach in terms of reducing the need to travel and making use of existing infrastructure, whilst also supporting urban regeneration and protecting the rural environment. However, the Council does recognise the need for some new houses in the countryside for operational or economic reasons, and that the reuse of existing houses and buildings can offer an opportunity for residential development that does not have an impact on the countryside environment.

Policy C – Individual and Small Scale Housing Development in the Green Belt and Countryside

Proposals for individual and small scale housing development (up to three houses) in the Green Belt and Countryside will only be supported in the following circumstances:

- *where the dwelling(s) is justified by the operational needs of a farm or other viable business which is inherently rural in nature and has been in operation for at least 5 years;*
- *where the dwelling(s) is an ancillary and integral part of a development that would bring significant economic benefits to Inverclyde;*
- *demolition and replacement of a habitable dwelling which cannot otherwise be brought up to current building standards, and where the proposed dwelling is similar in scale to the existing dwelling;*
- *sub-division of an existing dwelling to create one or more additional dwellings, but only where any extensions are clearly ancillary to the existing building; or*
- *conversion of redundant stone or brick built non-residential buildings, where the proposal is supported by proof that the existing building is no longer needed for its original purpose, and a structural survey indicating that the building can be converted in its current form, with any new build element clearly ancillary to the existing building.*

In all instances, dwellings are required to be designed and located to respect their Green Belt/Countryside location.

Residential Areas

17. Inverclyde contains many successful residential areas, and it is important for the Council's repopulation agenda that these remain attractive places to live. The Council will therefore support residents' proposals to improve their properties where these proposals do not have an unacceptable impact on their neighbours' enjoyment of their own properties, the appearance of the surrounding area or traffic and pedestrian safety. New houses will also be supported in existing residential areas where the impact on existing houses is acceptable, and the design and layout of the new houses are in keeping with their surroundings. Likewise, appropriate non-residential development can also enhance residential areas as a place to live, but needs to be considerably located, designed and operated to avoid unacceptable impact on nearby houses. Proposals for the development or use of premises for home-working, live-work units, micro-businesses and community hubs will also be supported, subject to there being no unacceptable impacts.

Policy D – Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

Community Facilities

18. Recent years have seen the Council make significant investment in its education estate, and by 2020 it is anticipated that all secondary, primary, additional special needs and early years' pupils will be attending a recently built or refurbished school. The new Greenock Health and Care Centre on Wellington Street is under construction, and will contribute to the regeneration of the Broomhill area.
19. The Council and Inverclyde Leisure fund and manage a range of community facilities around Inverclyde, and continually monitor the use and condition of these properties. As communities change so do the requirements for community facilities, and it may be that over the lifetime of this Plan some existing community facilities will fall out of use, whilst new ones are proposed. The Council recognises the value of community facilities and will support the provision of new facilities in appropriate locations. Currently proposed facilities are listed in Schedule 2. The Council will also consider the ongoing requirement for community use of any community facility for which a change of use is proposed.

Policy E – Community Facilities

Proposals for the new community facilities identified in Schedule 2 will be supported. Community facilities in other locations will be supported where the location is appropriate in terms of avoiding adverse impact on the amenity and operation of existing and surrounding uses, and where it can be reached conveniently by walking, cycling or public transport by its proposed users. Proposals that would result in the loss of a community facility will need to demonstrate that the facility is no longer required for the existing or an alternative community use.

Schedule 1: Housing development opportunity sites

Site Ref.	Site/Address	Indicative Tenure	Indicative/ Remaining Capacity	Notes
INVERCLYDE HOUSING MARKET AREA				
PORT GLASGOW				
R1	Slaemuir [^]	Affordable	64	Development started
R2	Arran Avenue, Park Farm [^]	Private	115	Disputed site
R3	Former Broadfield Hospital [^]	Private	54	Enabling development Development started.
R4	Woodhall (Phases 4 & 5) [^]	Private	140	
R5	Southfield Avenue (former St. Stephen's Sch.) [^]	Affordable	224	Development started.
R6	Auchenbothie Road (former Barmoss Nursery) [^]	Affordable	8	
R7	Dubbs Road (former Boglestone Clinic) [^]	Affordable	24	Development started.
R8	Port Glasgow Industrial Estate [^]	Private	200	Disputed site
R9	Selkirk Road [^]	Affordable	18	
R10	Dougliehill Terrace	Private	4	
R11	Clune Park [^]	Private	80	
R12	3 Highholm Street [^]	Private	12	
R13	Broadstone Ave (former Broadstone Hospital) [^]	Affordable	12	Development started.
R14	Lilybank Road (former Lilybank School) [^]	Affordable	16	Development started.
PORT GLASGOW TOTAL			971	
GREENOCK				
R15	James Watt Dock (East) [^]	Affordable	137	Development started
R16	James Watt Dock/Garvel Island [^]	Private	900	
R17	Sinclair Street [^]	Private	12	
R18	Carwood Street [^]	Private	31	
R19	East Crawford Street [^]	Affordable	40	
R20	Ratho/MacDougall Street [^]	Private	100	Disputed site
R21	Cardross Crescent (former King's Glen School) [^]	Affordable	58	Development started.
R22	Luss Ave/Renton Road [^]	Private	50	
R23	Gareloch Road [^]	Private	25	
	Gareloch Road [^]	Affordable	75	
R24	Wellington Park [^]	Affordable	120	

R25	Drumfrochar Road (former Tate & Lyle (SE))^	Affordable	60	
R26	Former Tate & Lyle (NE)^	Affordable	20	
R27	89-105 Drumfrochar Road^	Affordable	50	
R28	Drumfrochar Road^	Private	50	
R29	Duncan Street (former Greenock Health Centre)^	Private	35	
R30	Hill Street^	Affordable	20	
R31	Regent Street^	Private	40	
R32	Victoria/East India Harbour^	Private	240	
R33	25 West Blackhall Street	Private	4	Development started
R34	16 West Stewart Street^	Affordable	24	
R35	Houston Street^	Affordable	20	
R36	Union Street^	Affordable	40	
	Union Street^	Private	20	
R37	Ardgowan Square	Private	8	Development started
R38	Madeira Street (former Greenock Academy)^	Private	30	
R39	Eldon Street^	Private	60	Development started.
R40	Lyle Road (former Holy Cross Sch.)^	Private	15	Disputed site
R41	Killochend Drive^	Affordable	16	
R42	Mount Pleasant Street (former Highlander's Academy)^	Affordable	44	Development started
R43	Peat Road/Hole Farm^	Affordable	102	
R44	Bow Farm^	Affordable	69	
R45	Upper Bow^	Affordable	26	
R46	Ravenscraig Hospital^	Mixed	198	
R47	Auchneagh Road^	Private	28	Development started
R48	Westmorland Road^	Private	40	Disputed site
R49	Auchmead Road (former Ravenscraig Sch.)^	Affordable	36	Development started
R50	Spango Valley^	Private	420	Disputed site
GREENOCK TOTAL			3263	
GOUROCK				
R51	Shore Street^	Affordable	8	
R52	Ashburn Gate^	Private	13	
R53	1 Ashton Road^	Private	11	
R54	Weymouth Crescent^	Affordable	10	
R55	Kempock House, Kirn Drive^	Private	5	Development started.
R56	Kirn Drive^	Private	110	Disputed site

R57	Cowal View [^]	Private	16	Development started.
R58	Levan Farm (Phase 3) [^]	Private	150	Disputed site
GOUROCK TOTAL			323	
INVERKIP & WEMYSS BAY				
R59	Bridgend, Inverkip [^]	Private	28	
R60	The Glebe, Inverkip [^]	Private	32	Development started.
R61	Former Inverkip Power Station [^]	Private	670	Disputed site
INVERKIP & WEMYSS BAY TOTAL			730	
INVERCLYDE HOUSING MARKET AREA TOTAL			5287	
RENFREWSHIRE SUB-MARKET AREA				
R62	Leperstone Avenue, Kilmacolm [^]	Private	7	
R63	Smithy Brae, Kilmacolm [^]	Private	42	Disputed site
R64	Lochwinnoch Road, Kilmacolm [^]	Private	12	Development started.
R65	Whitelea Road, Kilmacolm [^]	Private	4	
R66	Former Balrossie School, Kilmacolm [^]	Private	64	Enabling Development Disputed site
R67	Woodside Care Home, Quarriers Village [^]	Private	7	
KILMACOLM & QUARRIERS VILLAGE			136	
RENFREWSHIRE SUB-MARKET TOTAL			136	
INVERCLYDE TOTAL			5423	
Source: 2019 Housing Land Audit.				
[^] indicates a site that was identified in Chapter 7 of the Inverclyde Local Development Plan 2019				
Indicative tenure: Sites listed as 'Affordable' are expected, in the main, to be developed by a Housing Association for social rent. 'Private' sites are expected, in the main, to be developed for private sale to owner-occupiers. Tenures are as per 2019 Housing Land Audit.				
Indicative capacity: This reflects the remaining capacity on sites that have been started. Other capacities are based on planning permissions, development proposals or Council estimates. All at base date of 1 April 2019 as per 2019 Housing Land Audit. Actual capacity will be based on design-led proposals for the site based on creating a successful place.				

Schedule 2: Community Facilities Opportunities

Reference	Proposed Facility	Location
F1	New Greenock Health Centre	Wellington Street, Greenock
F2	Early Years Facilities	Various
F3	New cemetery	To be identified
F4	New West College Scotland Campus	To be identified

**6. PLANNING POLICY STATEMENT ON OUR HOMES
AND COMMUNITIES MAPS – OCTOBER 2020
EXTRACT**

KEY

PLANNING POLICY STATEMENT - OUR HOMES AND COMMUNITIES

- Residential Development Opportunity **POLICY B**
- Residential Development - commenced **POLICY B**
- Residential Area **POLICY D**
- Priority Places
(See 2019 LDP and draft Supplementary Guidance)
- River Clyde / Firth of Clyde

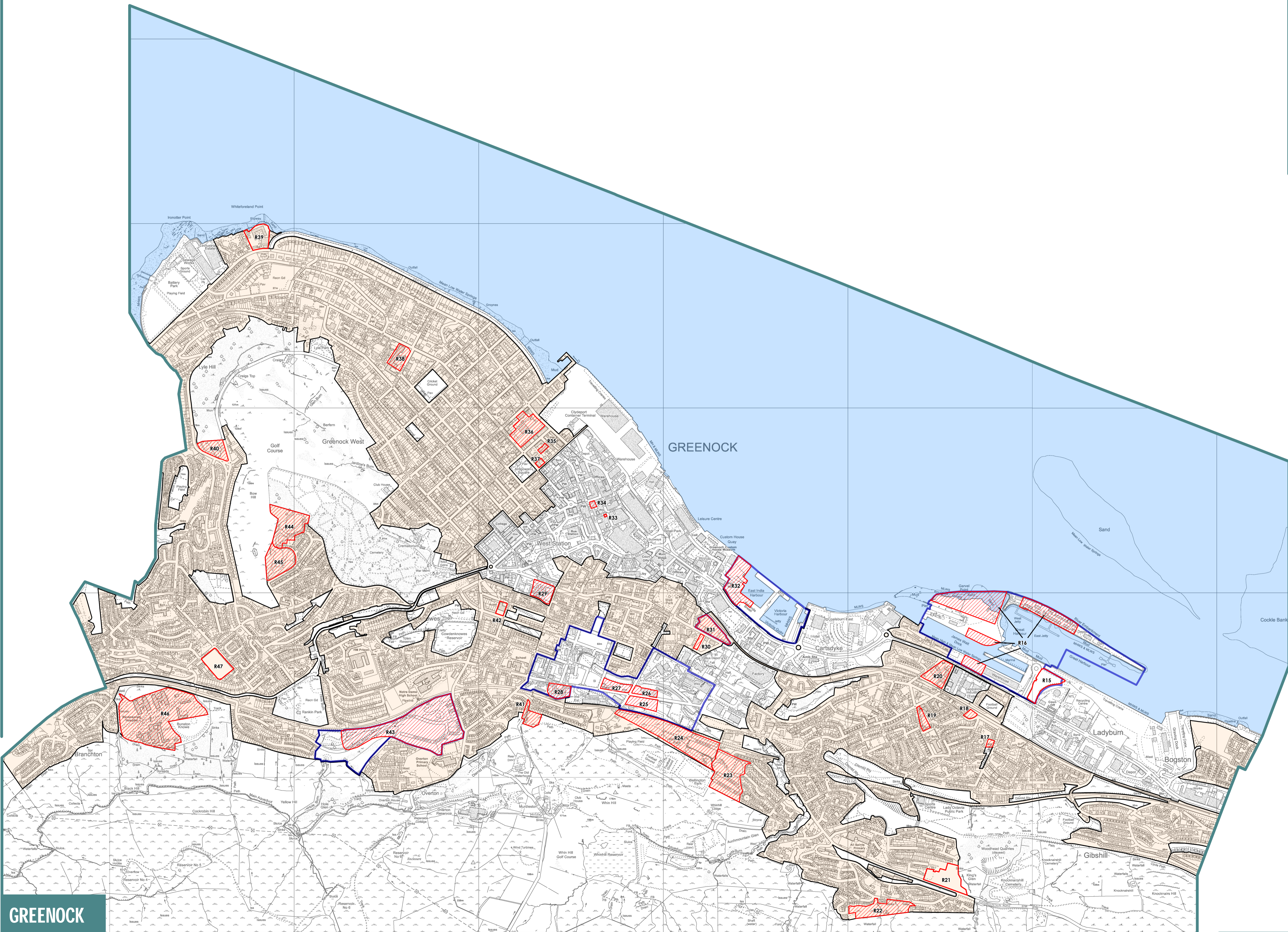
These maps should be used in conjunction with the adopted Inverclyde Local Development Plan 2019

Inverclyde
council

SCALE 1:10,000



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GREENOCK

7. CONSULTATION RESPONSES IN RELATION TO PLANNING APPLICATION

24 FEB 2020

To: Head of Regeneration & Planning Your Ref: 19/0234/IC
 Our Ref: KM/14/04/19/0234/IC
 From: Head of Environmental & Public Protection Contact: K McMillan (U)
 Tel: (01475) 714841
 Subject: Observations On Planning Application PA Ref: 19/0234/IC
 Detail: Alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property. Dated: 05/02/2020
 Received: 06/02/2020
 Site: Shop 76 Belville Street, Greenock, PA15 4SY Applicant: Mr Rana Ahmad
 Type of Consent: Detailed Permission/ In Principle/ Approval of Matters/ Change of Use

Comments:

1.	The parking requirements detailed in the National Roads Development Guide for Retail is 3 spaces per 100sqm. The GFA of the existing unit is 96sqm which therefore requires 3 parking spaces. The proposed use of the unit as Hot Food Takeaway requires 1 space per 5sqm. The customer area is approx. 28.3sqm. This requires 6 parking spaces.
2.	The applicant should provide 3 off-road spaces.

Notes For Intimation To Applicant

Construction Consent (S21)*	Not Required/ Required for all road works
Road Bond (S17)*	Not Required/ Required if building works are to be undertaken before roads are completed
Road Opening Permit (S56)*	Not Required/ Required for all works in the public road
Other	Not Required/ Section 50 agreement

*Relevant Section of the Roads (Scotland) Act 1984

Signed: 
 Steven Walker, Service Manager (Roads)

Date: 24/02/2020

Memorandum	
Public Protection Planning Application Consultation Response	
To: Planning Services For the Attention of : Carrie Main	
From: Environment & Public Protection	Planning response date: 26th Feb 2020

Lead Officer: Sharon Lindsay	
Tel: 01475 714 205	Email: sharon.lindsay@inverclyde.gov.uk

Planning Application Reference:	19/0234/IC
Planning Application Address:	Shop 76 Belville Street Greenock PA15 4SY
Planning Application Proposal:	Alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property

Team	Officer	Date
Food & Health	Michael Lapsley	
Air Quality	Sharon Lindsay	02.03.20
Contaminated Land	Roslyn McIntosh	17.02.20 - nr
Public Health & Housing	Janet Stitt	5.3.20
Noise	Sharon Lindsay	02.03.20

Amend table entries as appropriate and insert date when each officer review is completed.

Recommended Conditions:

It is recommended that the undernoted conditions be placed on any consent the council may grant:

Delete or amend as appropriate

Food & Health
No Comments
Air Quality
No Comments
Contaminated Land
No Comments
There are no Part IIa concerns identified at this location at this time.

Public Health & Housing
<p>The development shall not commence 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 filters, rates of air movement over the canopy, make-up air, air disposal points etc.</p> <p>Reason: To protect the amenity of the immediate area and prevent the creation of odour nuisance.</p> <p>1. 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.</p> <p>Reason: To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.</p> <p>2. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".</p> <p>Reason: To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.</p>
Noise
<p>3. Deliveries or collections to and from the site shall not be carried out between the hours of 23:00 and 07:00.</p> <p>Reason: To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.</p> <p>4. The external ventilation flue if attached to the property must be suitably insulated or isolated.</p> <p>Reason: To minimise the effects of vibration in neighbouring properties.</p>

Recommended Advisory Notes

It is strongly recommended that the undernoted Advisory Notes be placed on any consent the Council may grant:

- i. The applicant should be fully aware of the **Construction (Design & Management) Regulations 2015 (CDM 2015)** and its implications on client duties etc.
- ii. **Consultation on Proposed Use:** It is strongly recommended that prior to the commencement of any works the applicant consults with Officers of Safer and Inclusive Communities to ensure structural compliance with legislation relating to;
 - a) Food Safety Legislation,
 - b) Health and Safety at Work etc. Act 1974,

viii. **Alteration to current use and likely impact on ventilation requirements.** It is imperative that if there is any alteration to the use which has been outlined in this application such as a change to the type of cooking carried out, cooking equipment to be used, food types or a significant increase in the volume of cooking that officers of Environmental and Public Protection (Public Health and Housing) and Planning are consulted with a view to the likely increase in cooking odours resulting in a need to improve the ventilation/ air handling to the premises.

8. REPRESENTATION IN RELATION TO PLANNING APPLICATION

Comments for Planning Application 19/0234/IC

Application Summary

Application Number: 19/0234/IC

Address: Shop 76 Belville Street Greenock PA15 4SY

Proposal: Alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property

Case Officer: David Sinclair

Customer Details

Name: Mr Satnam Chahal

Address: Flat 3/1 7 East William Street Greenock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Do not want a flue in the rear garden which is an eyesore and not in line with the original building. Property value will be affected as lenders do not look favorably on properties above a hot food takeaway which is an out of hours business. Potential resale of the properties will all be affected drastically with a hot food business on the ground floor. Smells associated with the business will also affect potential rental market. Late night hours of the business will attract loitering around the premises and cause unnecessary noise after hours. There is not enough refuse storage as there is in the building and expect to see additional waste with a takeaway business by the proprietors and the customers of the business. The additional resources required on the councils behalf to keep the area clean and tidy will have to increase in line with the waste left by the business on the street. Current hot food takeaways in the immediate vicinity already cause similar problems.

Comments for Planning Application 19/0234/IC

Application Summary

Application Number: 19/0234/IC

Address: Shop 76 Belville Street Greenock PA15 4SY

Proposal: Alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property

Case Officer: David Sinclair

Customer Details

Name: Miss Valentina Serban

Address: Flat 1/1 Greenock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Do not want a flue in the rear garden which is an eyesore and not in line with the original building. Property value will be affected as lenders do not look favorably on properties above a hot food takeaway which is an out of hours business. Potential resale of the properties will all be affected drastically with a hot food business on the ground floor. Smells associated with the business will also affect potential rental market. Late night hours of the business will attract loitering around the premises and cause unnecessary noise after hours. There is not enough refuse storage as there is in the building and expect to see additional waste with a takeaway business by the proprietors and the customers of the business. The additional resources required on the council's behalf to keep the area clean and tidy will have to increase in line with the waste left by the business on the street. Current hot food takeaways in the immediate vicinity already cause similar problems.

Comments for Planning Application 19/0234/IC

Application Summary

Application Number: 19/0234/IC

Address: Shop 76 Belville Street Greenock PA15 4SY

Proposal: Alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property

Case Officer: David Sinclair

Customer Details

Name: Miss Tanu Sandhu

Address: Flat 2/1 7 East William Street Greenock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Do not want a flue in the rear garden which is an eyesore and not in line with the original building. Property value will be affected as lenders do not look favorably on properties above a hot food takeaway which is an out of hours business. Potential resale of the properties will all be affected drastically with a hot food business on the ground floor. Smells associated with the business will also affect potential rental market. Late night hours of the business will attract loitering around the premises and cause unnecessary noise after hours. There is not enough refuse storage as there is in the building and expect to see additional waste with a takeaway business by the proprietors and the customers of the business. The additional resources required on the council's behalf to keep the area clean and tidy will have to increase in line with the waste left by the business on the street. Current hot food takeaways in the immediate vicinity already cause similar problems.

Comments for Planning Application 19/0234/IC

Application Summary

Application Number: 19/0234/IC

Address: Shop 76 Belville Street Greenock PA15 4SY

Proposal: Alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property

Case Officer: David Sinclair

Customer Details

Name: Miss Rabekka Smillie

Address: Flat 1/2 7 East William Street Greenock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Do not want a flue in the rear garden which is an eyesore and not in line with the original building. Property value will be affected as lenders do not look favorably on properties above a hot food takeaway which is an out of hours business. Potential resale of the properties will all be affected drastically with a hot food business on the ground floor. Smells associated with the business will also affect potential rental market. Late night hours of the business will attract loitering around the premises and cause unnecessary noise after hours. There is not enough refuse storage as there is in the building and expect to see additional waste with a takeaway business by the proprietors and the customers of the business. The additional resources required on the council's behalf to keep the area clean and tidy will have to increase in line with the waste left by the business on the street. Current hot food takeaways in the immediate vicinity already cause similar problems.

Comments for Planning Application 19/0234/IC

Application Summary

Application Number: 19/0234/IC

Address: Shop 76 Belville Street Greenock PA15 4SY

Proposal: Alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property

Case Officer: David Sinclair

Customer Details

Name: Miss Lyndsey Watt

Address: 2c Avondale Drive Paisley

Comment Details

Commenter Type: Hedge Owner Details (Interested Parties)

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Do not want a flue in the rear garden which is an eyesore and not in line with the original building. Property value will be affected as lenders do not look favorably on properties above a hot food takeaway which is an out of hours business. Potential resale of the properties will all be affected drastically with a hot food business on the ground floor. Smells associated with the business will also affect potential rental market. Late night hours of the business will attract loitering around the premises and cause unnecessary noise after hours. There is not enough refuse storage as there is in the building and expect to see additional waste with a takeaway business by the proprietors and the customers of the business. The additional resources required on the councils behalf to keep the area clean and tidy will have to increase in line with the waste left by the business on the street. Current hot food takeaways in the immediate vicinity already cause similar problems.

Comments for Planning Application 19/0234/IC

Application Summary

Application Number: 19/0234/IC

Address: Shop 76 Belville Street Greenock PA15 4SY

Proposal: Alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property

Case Officer: David Sinclair

Customer Details

Name: Mr G7 RSK

Address: 25 Dalziel Drive Glasgow

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Do not want a flue in the rear garden which is an eyesore and not in line with the original building. Property value will be affected as lenders do not look favorably on properties above a hot food takeaway which is an out of hours business. Potential resale of the properties will all be affected drastically with a hot food business on the ground floor. Smells associated with the business will also affect potential rental market. Late night hours of the business will attract loitering around the premises and cause unnecessary noise after hours. There is not enough refuse storage as there is in the building and expect to see additional waste with a takeaway business by the proprietors and the customers of the business. The additional resources required on the councils behalf to keep the area clean and tidy will have to increase in line with the waste left by the business on the street. Current hot food takeaways in the immediate vicinity already cause similar problems.

Laura Graham

From: Laura Graham
Sent: 27 February 2020 15:56
To: [REDACTED]
Subject: 19/0234/IC

Dear Sir/Madam

I am in receipt of a comment from yourself concerning the above planning application. On the part that mentions name we have Mr G7 RSK I would be grateful if you could confirm your correct name and I will be happy to update the system.

Please feel free to contact myself at the undernoted e-mail address

Kind Regards

Laura Graham
Clerical Assistant
Development Management
Regeneration and Planning
Municipal Buildings
24 Clyde Square
GREENOCK
PA15 1LY

Tel: 01475 712406
e-mail laura.graham@inverclyde.gov.uk

Laura Graham

From: [REDACTED]
Sent: 28 February 2020 12:50
To: Laura Graham
Subject: Re: 19/0234/IC

Hi,

It is Anthony Wallace of G7 RSK Ltd. The company owns adjoining properties above the premises.

Thanks

On 27 Feb 2020, at 15:55, Laura Graham <Laura.Graham@inverclyde.gov.uk> wrote:

Dear Sir/Madam

I am in receipt of a comment from yourself concerning the above planning application. On the part that mentions name we have Mr G7 RSK I would be grateful if you could confirm your correct name and I will be happy to update the system.

Please feel free to contact myself at the undernoted e-mail address

Kind Regards

Laura Graham
Clerical Assistant
Development Management
Regeneration and Planning
Municipal Buildings
24 Clyde Square
GREENOCK
PA15 1LY

Tel: 01475 712406
e-mail laura.graham@inverclyde.gov.uk

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**9. DECISION NOTICE DATED 4 NOVEMBER 2020
ISSUED BY HEAD OF REGENERATION &
PLANNING**

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

**Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY**

Planning Ref: 19/0234/IC

Online Ref: 100179298-001

***TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013***

**Mr Rana Ahmad
Shop
76 Belville Street
GREENOCK
PA15 4SY**

**Whitelaw Associates
Tom Whitelaw
Kitleybrig
Kitleyknowe
Carlops
PENICUIK
EH26 9NJ**

With reference to your application dated 6th September 2019 for planning permission under the above mentioned Act and Regulation for the following development:-

Alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property at

Shop, 76 Belville Street, Greenock.

Category of Application – Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. It has not been demonstrated that any satisfactory means for the dispersal of cooking odours can be implemented, to the detriment of the amenity of residents residing in close proximity to the proposed hot food take away, contrary to Policies 1, 20 and criterion (a) of Policy 24 of the Inverclyde Local Development Plan.
2. That as the required off-road parking provision cannot be achieved the proposal could result in parking detrimental to traffic safety and the amenity of the area, contrary to Policy 11 of the Inverclyde Local Development Plan, could not be justified in terms of Policy 20 and criterion (a) of Policy 24 of the Inverclyde Local Development Plan, and would be contrary to the aims of Policy 1 of the Inverclyde Local Development Plan.
3. That the proposed development, by reason of evening and late night noise from extra traffic activity in particular within a predominantly residential environment and by reason of cumulative impact with existing noise would be unacceptable in terms of criteria (a) of Policy 24 of the Inverclyde Local

Development Plan and could not be justified in terms of Policies 1 and 20 of the Inverclyde Local Development Plan.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 4th day of November 2020

Head of Regeneration and Planning

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 2 If permission to develop land is refused or granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
Drg P1	Rev A	01.09.2019
Drg P2	Rev B	01.09.2019

**10. NOTICE OF REVIEW FORM DATED 16 DECEMBER
2020 WITH SUPPORTING STATEMENT FROM
WHITELAW PLANNING AND ENERGY**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100340288-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Whitelaw Planning and Energy		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Nicolas	Building Name:	
Last Name: *	Whitelaw	Building Number:	8
Telephone Number: *	07846 836275	Address 1 (Street): *	Queen Margaret Drive
Extension Number:		Address 2:	South Queensferry
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	City of Edinburgh
		Postcode: *	EH30 9JF
Email Address: *	nwplanningenergy@gmail.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Rana"/>	Building Number:	<input type="text" value="76"/>
Last Name: *	<input type="text" value="Ahmad"/>	Address 1 (Street): *	<input type="text" value="Belville Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Greenock"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA15 4SY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Inverclyde Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="BELVILLE DISCOUNT STORE"/>
Address 2:	<input type="text" value="76 BELVILLE STREET"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GREENOCK"/>
Post Code:	<input type="text" value="PA15 4SY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="675470"/>	Easting	<input type="text" value="229087"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Alterations and change of use of existing retail shop to form hot food takeaway.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See supporting documents section.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Planning appeal statement.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

19/0234/IC

What date was the application submitted to the planning authority? *

06/09/2019

What date was the decision issued by the planning authority? *

04/11/2020

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Nicolas Whitelaw

Declaration Date: 16/12/2020

Request to the Local Review Body (within the terms of (The Town and Country Planning (Appeals) (Scotland) Regulations 2013))

- in respect of the Local Delegated Decision to refuse planning permission for *Alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property.*

Planning Reference: 19/0234/IC

Address of property: 76 Belville Street, Greenock, PA15 4SY

Summary of Appeal:

In summary the planning application was refused for three reasons:

That it had not been demonstrated that any satisfactory means for the dispersal of cooking odours can be implemented.

That satisfactory off-road parking provision cannot be achieved by the proposal which could result in parking detrimental to traffic safety and amenity of the area.

That patrons to the premises (in particular vehicles) could add to noise levels in the local vicinity to the detriment of residents.

We object to the reason given for refusal in the decision notice on the grounds that we believe:

1. Sufficient information has been provided regarding the kitchen extract flue. The issue of permission and consent for attaching the flue duct to the rear of the building is a legal issue, not planning therefore has no relevance as a material consideration is determining the application.
2. The issue of parking has been overstated, as the majority of patrons would arrive by foot, as the business would serve the immediate local population. There is street parking nearby. Deliveries would be by takeaway companies such as Just Eat, Uber Eats, Deliveroo, etc.
3. Any potential disturbances to local amenity could be mitigated by good management, and reduced opening hours.
4. The proposed development is for an Indian takeaway, which is a facility currently lacking in the local area, and in demand by the local population. The applicant feels that it is unfair that other takeaways can provide for the local area, but his Indian takeaway has been refused.

Background to application and site history

The proposed application site is located at 76 Belville Street, Greenock, PA15 4SY. This property is currently leased by the client from Inverclyde Council, and is now vacant having previously operated as a newsagent (Class 1). There is no planning history for the address.

Scottish Planning Policy

We consider the following extracts from the SPP to be relevant to the proposal:

36. Planning's purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people's needs.

103. New sites should be identified where existing sites no longer meet current needs and market expectations. Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.

The proposal would create a better place through renovating the property, thereby improving the appearance of the immediate vicinity. The proposal would also have a positive economic impact, through creating new jobs, adding to local revenue income through business rates.

Inverclyde Local Development Plan

The applicable policies in relation to the application and appeal are:

Policy 1 – Creating successful places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

The planning officer does not consider the proposal to fulfil the quality of being safe and pleasant due to perceived issues of noise and odour. He, also states concerns regarding other hot food takeaways in the area causing problems with regards to waste and people loitering, but goes on to say that this is speculative in nature and do not form a basis to refuse the application. We believe that this also applies to the issues of noise, odours and traffic.

Policy 11 – Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

One reason given for refusal is that there is not enough parking provision for the proposal. The vast majority of patrons would arrive by foot and there would also be a home delivery service, from the main delivery providers such as Just Eat and Deliveroo.

In addition, four (including the premises subject to this appeal) of seven neighbouring commercial premises have been vacant for a considerable amount of time, meaning that there is less competition for parking spaces amongst the commercial units. The lack of off street parking should not preclude the development. There is sufficient on street parking nearby, such as East William Street.

Furthermore, the applicant would be happy to contribute towards improvements in the streetscape – for example providing bollards to prevent parking on pavement.

Policy 20 – Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on amenity, character and appearance of the area. Where relevant, assessment will include reference to the council's Planning Application Advice Notes Supplementary Guidance.

Chapter 7 of the Local Development Plan which contains Policy 20 was recently quashed by Court of Session opinion. Policy 20 of the Local Development Plan has therefore been removed from the public domain. We consider this to be a significant material consideration as Policy 20 may not be fit for purpose, and may be invalid. However, we believe that the issue of amenity has been addressed elsewhere in this appeal.

Policy 24 – Network of centres Sui genesis use

Proposals for the Sui Generis uses listed in Schedule 6 will be assessed with regard to:
a) whether there would be an unacceptable impact on the amenity and operation of existing and surrounding uses;

We object to the reasons given for refusal as the drawings supplied clearly demonstrate extract ducts and flues at the rear of the building, which would extend 1.5 metre above the eaves of the building. The drawings give specific written details on how the extract system would work. The planning officer, makes reference to this flue system being enabled in terms of legal ownership issues to building, however, this is not a planning issue, and is dealt with separately under property law. As such this should be dismissed. The planning officer also states in the report of handling that the head of Environmental Health was satisfied that the proposed flue is adequate for dealing with cooking odours.

There is ample parking in the local area, and the proposal would not be a significant generator of extra traffic activity, as the proposal would be for the benefit of local residents, the majority of whom would visit on foot.

Summary

This relatively straightforward planning application has taken over 10 months to determine now. Over 40 notifications were made to neighbours to the proposed development, and from this only 6 objections were made.

The proposal is for an Indian takeaway to serve the local population in the eastern part of Greenock. The applicant feels that it is unfair that there is a number of takeaways offering Chinese cuisine in the area, including the New Canton Chinese takeaway next door, and that he is not allowed to provide an alternative, which he believes is in demand.

The planning officer does not believe that there is an over proliferation of takeaways in the area, so it seems illogical and somewhat unjust to have the precedent of the neighbouring takeaway, whilst refusing the proposed development.

Overall, we consider that positive material considerations of repurposing the vacant building, improving the appearance of the building, and most importantly creating employment, and an additional service for the community would outweigh the concerns on local residential amenity, many of which are speculative and could be dealt with through mitigating measures, enforced through planning conditions.

In particular, the issue of the kitchen extract flue and duct is considered irrelevant here, as the council's own head of Environmental Health considers it to be able to adequately dissipate odours without impacting neighbouring residents. The issue of affixing the flue to the rear of the building is not a planning concern, therefore should be completely disregarded as a reason for refusal.

The proposed development would overwhelmingly be for the benefit of local residents in the immediate local area, and therefore we consider that the issue of parking has been overstated by the council here, as the vast majority of patrons would arrive by foot. The perceived lack of parking in the area is not in the control of the applicant, although the council could potentially address this issue through changes in the streetscape. In addition, there would be a home delivery service available, with drivers trained to minimise noise impacts from their vehicles and to respect local residents.

The premises would also include CCTV, and staff would be trained in customer management in order to minimise any potential disturbance to local residents.

Request to Local Review Body:

We ask that the Local Review Body consider the above arguments in light of the current situation, and review the planning application for *Alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property* within the terms of The Town and Country Planning (Appeals) (Scotland) Regulations 2013.

Nicolas Whitelaw MRTPI
Agent acting on behalf of Rana Ahmad

16th November 2020

**11. SUGGESTED CONDITIONS SHOULD PLANNING
PERMISSION BE GRANTED ON REVIEW**

Alterations and change of use of existing retail shop to form a hot food takeaway, including the installation of an extract flue to the rear of the property. (19/0234/IC)

Shop, 76 Belville Street, Greenock, PA15 4SY

Suggested conditions should planning permission be granted on review:

Conditions:

1. The development shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours has been submitted to and approved in writing 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 filters, rates of air movement over the canopy, make-up air, air disposal points etc.
2. The system for discharging cooking odours approved under condition 1 shall be fully implemented to the satisfaction of the Planning Authority prior to the commencement of the use hereby approved. It shall then remain in full and effective working order at all times thereafter during the lifetime of the use, to the satisfaction of the Planning Authority.
3. Noise from the extract ventilation fans and ducting must be within Noise Rating Curve 25 between the hours of 23:00 and 07:00 and Noise Rating Curve 35 between the hours of 07:00 and 23:00 at all times to the satisfaction of the Planning Authority when measured within the nearest noise sensitive property.
4. The hot food takeaway hereby permitted shall not operate between the hours of 23:00 and 07:00 on any day. For the avoidance of doubt, this is inclusive of deliveries and collections to and from the site.

Reasons:

1. To protect the amenity of the immediate area and prevent the creation of odour nuisance.
2. To ensure the provision and retention of the system for discharging cooking odours.
3. To protect the amenity of occupiers of premises from unreasonable noise and vibration levels.
4. To protect the amenity of occupiers of neighbouring residential premises from unreasonable late night and early morning noise levels.