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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>1st February 2012</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>11/0295/IC Plan 02/12  Local Application Development</b>
<b>Contact Officer:</b>	<b>Guy Phillips</b>	<b>Contact No:</b>	<b>01475 712422</b>
<b>Subject:</b>	<b>Proposed erection of Class 1 retail unit at Fife Road, Greenock</b>		

## **SITE DESCRIPTION**

The site is on the east side of Fife Road, Greenock and comprises part of a former housing maintenance depot. Within the site are a single storey, pitched roof office block and approximately one third of a storage building. There is a car park in front of the office building. To the east and north east is the remainder of the former maintenance depot, which contains the remainder of the storage block, a yard and two workshops. Vehicular access to the rear yard, workshops and store is from Fife Road, parallel to the site's north boundary. North of the vehicular access, separated by a 2m high steel palisade fence, is a two storey semi detached house. To the south are the rear gardens of two storey terraced houses on Banff Road and an area of soft landscaping at the junction with Fife Road. Opposite, on the west side of Fife Road are two storey flats. There is a parade of single storey shops, diagonally opposite at the south west corner of the junction of Fife Road and Banff Road.

## **PROPOSAL**

It is proposed to construct a 250 square metre, single storey, pitched roof, shop. The shop is set back approximately 8m from the pavement with eight parking spaces formed on the footprint of the existing car park. Access is via a footway crossover. The submitted plans show off street space and turning facilities for delivery vehicles in the adjoining yard to the rear of the shop and within the applicant's ownership. Finishing materials comprise buff facing brick, cream cladding panels and insulated metal roof sheeting. The shopfront incorporates recessed lattice work roller shutters and an ATM point.

## **LOCAL PLAN POLICIES**

Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

Local Plan Policy H9 - Non-Residential Development Proposals within Residential Areas

The introduction of new, or the extension of, non-residential uses in existing residential areas will be acceptable only where such uses are compatible with the character and amenity of the area and satisfy other relevant policies of the Local Plan.

Outside these designated Centres, the above uses will be permitted in principle in the Outer Mixed/Commercial Area around the Central Shopping Area of Greenock Town Centre, according to the specification in Policy R5. Applications for any of the uses listed will be considered subject to the criteria outlined in Policy R10. Proposals for other uses in designated Centres will be considered on their merit.

#### Local Plan Policy R10 - Assessing Development Proposals for Town Centre Uses

Any proposal for a development of one or more of the town centre uses identified in Policy R3, or for any other commercial use within a defined centre, will be required to satisfy the criteria listed below:

- (a) for developments on the edge of, or outside, the designated Centres, and retail developments on the edge of, or outside, Greenock's Central Shopping Area, the applicant should have adopted a sequential approach to site selection, including consideration of sites identified under Policy R6;
- (b) the applicant having demonstrated that there is a capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area, or a qualitative deficiency in existing provision;
- (c) the proposal should not have a detrimental effect, including cumulatively, on the vitality and viability of existing Centres;
- (d) the size and format of the development is appropriate to the Centre for which it is proposed;
- (e) the proposed development should be accessible by a choice of means of transport from its forecast catchment, make provision for improved infrastructure where deemed necessary, not result in unacceptable changes in travel patterns and, where required, be supported by the production of a Transport Assessment;
- (f) the proposed development should be to a high standard of design and its scale, siting and relationship to the surrounding townscape and land uses should make a positive contribution to the quality of the urban environment;
- (g) the proposal should not have a detrimental effect on residential amenity or on the amenity and effective operation of existing businesses;
- (h) the proposal should be consistent with other relevant national, Structure Plan and Local Plan policies and guidelines, including any Town Centre Strategy or other relevant initiative which may have been instigated, the Council's Roads Development Guide, 1995 and any other standards; and
- (i) in Greenock Town Centre the proposed development should be consistent with Policies R4 and R5.

Where the proposal includes either a convenience retail development of over 1,000 square metres gross; comparison retail development of over 2,000 square metres gross; or Use Class 11 (Assembly & Leisure) developments that will attract a large number of users, it should be accompanied by a statement of justification addressing the above criteria and the criteria set out in the Structure Plan and NPPG8. At the Council's discretion, applications for development within designated Centres or small-scale development of town centre uses outwith the designated Centres may be exempted from the requirement to be justified against criteria (a)-(d).

## Local Plan Policy R13 - Shopping Facilities to Meet Local Needs

Inverclyde Council, as Planning Authority, will support the retention, improvement and, subject to Policy R10, the provision of local shopping facilities where they meet local needs. A proposed change of use to non-retail use will not be supported where it is considered to conflict with this objective.

## Local Plan Policy DC1 - Development Control Advice

Inverclyde Council, as Planning Authority, will support applications for planning, listed building and advertisement consent, where applicable, which accord with the principles established in the Council's Planning Practice Advice Notes.

## CONSULTATIONS

**Head Of Safer And Inclusive Communities** - No objections subject to standard contaminated land conditions and advisory notes regarding external lighting, waste storage and hours of construction.

**Head Of Environmental And Commercial Services** – No objections.

## PUBLICITY

The application was the subject of neighbour notification. The nature of the proposal did not require advertisement.

## SITE NOTICES

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

## PUBLIC PARTICIPATION

Eight written representations have been received including a petition bearing 359 signatures. The objectors are concerned that:-

1. The privacy of property in Burns Road will be adversely affected.
2. The area is already served by shops nearby to the site.
3. There shall be litter generation attracting vermin.
4. A boundary wall at the boundary with properties in Burns Road in poor repair.
5. Road safety would be adversely affected.
6. There shall be loitering and anti social behaviour.
7. There shall be disruption from deliveries

## ASSESSMENT

The material considerations in the determination of this planning application are the Local Plan, the Council's PPAN 12 "Shopfront Design", the consultation responses and the written representations.

Policy H1 of the Local Plan seeks to safeguard and, where practicable, enhance residential amenity and character. The Local Plan states: the provision of non residential uses, such as

neighbourhood shops will also normally complement housing and will be acceptable where they would have little detrimental impact on the amenity of the area. Policy R13 identifies a shop of 250 square metres as being appropriate to meet local needs. Reference to policy R10 does, nevertheless, require an assessment of the impact on residential amenity.

It is likely that a shop shall generate more activity than the previous housing repairs depot. I note that there are no objections on noise grounds from the Head of Safer & Inclusive Communities and that he has recommended conditions limiting the hours of deliveries and the operation of air conditioning. While there is a parade of shops diagonally opposite the site on the junction of Banff Road and Fife Road, this is not one of the local shopping centres identified by policy R1 and the area is predominantly residential in character. In order for that character and quality of amenity to be protected, I consider it essential that the hours of operation are restricted. The applicant seeks to have the premises open between 07.30 and 20.00 with a 30 minute leeway for the arrival and departure of staff. While noting the Head of Safer & Inclusive Communities advice that deliveries do not take place outwith the hours 07.00 - 23.00 I consider it appropriate to restrict the hours of deliveries to those of the opening hours of the shop. Limiting the hours of operation to 07.30 to 20.00, I consider, ensures that comings and goings do not so significantly impact upon residential character and amenity as to justify refusal of planning permission.

While I note the concerns over potential anti social behaviour, it is not appropriate to withhold planning permission to restrain a legitimate business solely to avoid potential breaches of law that are not inevitable.

I consider the relationship between the proposal and the adjacent houses to be acceptable and note that this proposal has no immediate impact on houses in Burns Road. The site does not have any boundary with these properties.

The Council's PPAN12 "Shopfront design" provides design guidance for existing shop premises. The design represents good practice in having a high level fascia and recessed, latticework shutters. Policy DC1 advises that applications for planning permission which accord with the design guidance in the Council's PPANs will be supported.

Finally, there are no objections from the Head of Environmental & Commercial services on road safety grounds or from the Head of Safer & Inclusive Communities on public health grounds.

Overall, I consider the proposal satisfies the aim of Local Plan policy H1 of safeguarding residential amenity and character and that it merits support.

## **RECOMMENDATION**

That the application be granted subject to conditions.

### **Conditions**

1. No development shall commence until samples of all external materials have been submitted to and approved in writing by the Planning Authority: development thereafter shall proceed utilising the approved materials unless the Planning Authority gives its prior written approval to any alternatives.
2. The shop hereby approved shall not be open to customers or accept deliveries outwith the hours 07.30 to 20.00 on any day. Staff arriving for work shall do so no earlier than 07.00 and shall leave no later than 20.30 on any day.
3. Noise from air conditioning units shall 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) when measured within the nearest noise sensitive property.

4. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site.
5. That the development shall not commence until an environmental investigation and risk assessment, including any necessary Remediation Strategy with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The remediation strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options.
6. That on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing by the Planning Authority, confirming that the works have been carried out in accordance with the Remediation Strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site.
7. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
8. That no fill or landscaping material shall be imported onto the site until written details of the source and intended reuse of the imported materials has been submitted for approval, in writing by the Planning Authority. The report shall characterise the chemical quality (including soil-leachate and organic content etc), volume and source of the imported materials with corresponding cross-sections and plans indicating spatial distribution and depth/thickness of material placement within the development site. The material from the source agreed only shall be imported in strict accordance with these agreed details.
9. Access, parking and turning facilities for delivery vehicles within the adjoining yard to the south east of the site, as detailed in docquetted drawing 2094-ST-002, shall be maintained in perpetuity.

#### Reasons

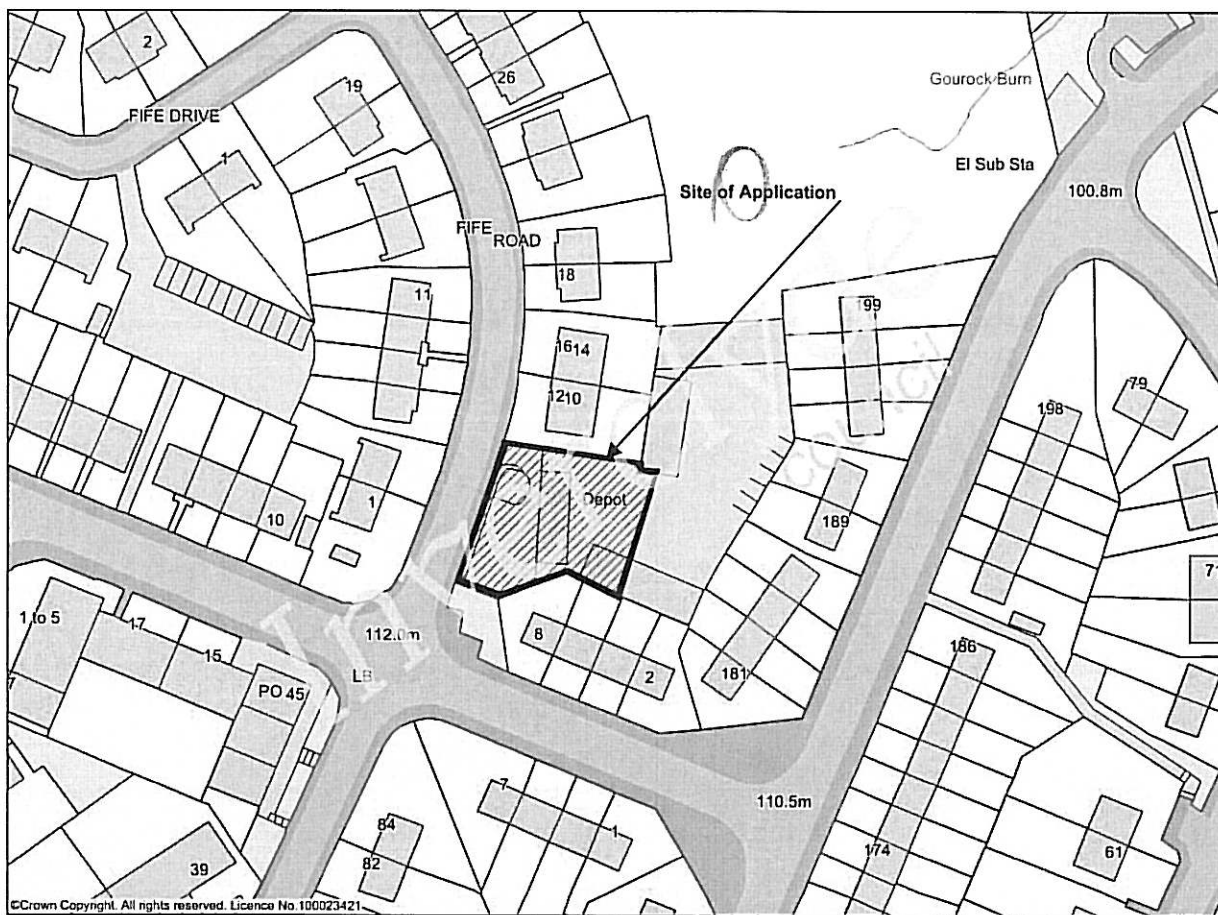
1. To ensure a choice of materials sympathetic to this part of Greenock.
2. To safeguard the residential amenity and character of the adjoining residential area.
3. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.
4. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
5. To satisfactorily address potential contamination issues in the interests of environmental safety.
6. To provide verification that remediation has been carried out to the authority's satisfaction.

7. To ensure that all contamination issues are recorded and dealt with appropriately.
8. To protect receptors from the harmful effects of imported contamination.
9. In the interests of road safety on Fife Road.

Stuart Jamieson  
Head of Regeneration and Planning

#### BACKGROUND PAPERS

1. Application form
2. Application plans
3. Inverclyde Local Plan
4. Inverclyde Council PPAN12
5. Consultation responses
6. Written representations



Application Number	11/0295/IC
Location	Store Fife Road Greenock PA16 0PN
Proposal	Proposed erection of Class 1 retail unit



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Inverclyde  
council  
regeneration and planning