

WEST DUNBARTONSHIRE COUNCIL

Report by Acting Director of Housing, Regeneration and Environmental Services (Housing and Regeneration Services)

Planning Committee: 19 June 2007

**DC07/030/COU: Part change of use from retail unit to hot food takeaway at 1
Freelands Road, Old Kilpatrick G60 5EA by Mr D Singh**

1. Development Details

- 1.1** Full planning permission is sought for a part change of use of an existing shop to a hot food takeaway. The applicant intends to form a food preparation and serving area at the back of the shop, which would take up approximately one third of the existing floorspace and the remainder of the unit would remain in retail use. The only external alteration to the building would be a new extractor vent in the roof.

2. Consultations

- 2.1** West Dunbartonshire Council Roads Service has no objection, subject to the hot food element remaining subordinate to the retail use.
- 2.2** West Dunbartonshire Council Environmental Health has no objection to the proposal.

3. Representations

- 3.1** Objections have been received from Old Kilpatrick Community Council and from 6 residents/households. In addition a petition containing 59 signatures has been submitted. The following concerns have been raised:
- (a) Inadequate parking;
 - (b) Road safety concerns (parking on Dumbarton Road a hazard to traffic, additional traffic a hazard to children)
 - (c) Noise and disturbance for adjacent residents;
 - (d) Potential for late night opening;
 - (d) Encourage youths to loiter in the area;
 - (e) Encourage antisocial behaviour;
 - (f) Generation of litter;
 - (g) Lack of need for additional takeaways in the area
- 3.2** One letter of support has been received from a local resident, who welcomes the proposed hot food facility and feels that the application site is conveniently situated and has ample parking.

4. Assessment Against The Development Plan

- 4.1** The site is located within an established residential area and Policy H5 of the Clydebank Local Plan 2004 indicates that non-residential development should be ancillary or complementary to the residential area, and should not result in a significant loss of amenity for surrounding properties. The application relates to an existing freestanding local convenience shop and the proposed part change of use is considered to be complementary to the residential area and would not result in significant adverse effects. Concerns about amenity are discussed in Section 6 below.

5. Assessment Against Material Considerations

Representations:

- 5.1** The existing shop does not have any dedicated off-street parking, but rather shares a small parking layby with the surrounding houses. A number of the adjacent houses do however have their own off-street parking spaces. It is accepted that these existing parking arrangements do not comply with current standards in terms of either design or quantity. However it is considered that the additional traffic generated by the proposal would be relatively minor and that the existing parking situation would not be significantly worsened. Roads Services does not consider the proposal likely to give rise to road safety problems.
- 5.2** It is considered that the proposal is unlikely to significantly increase noise and disturbance at this locality as the shop is a freestanding building whose entrance faces away from the neighbouring houses. At present, the applicant has an off-sales license permitting him to open until 10pm on most nights, but he has advised that the shop currently closes at 7pm on weeknights, 8pm on Fridays and Saturdays, and 5pm on Sundays. If allowed to sell hot food, he wishes to operate until 8pm every day. A condition could be attached to any grant of planning permission to prevent hot food sales after 8pm which should serve to reduce potential late night noise problems.
- 5.3** The site is located adjacent to a busy road and it is considered unlikely that this would be an attractive place for persons intent on antisocial behaviour to congregate. Litter can be a problem associated with hot food uses, however the provision of litter bins may help to reduce litter problems. Perceived lack of need for a development is not a material planning consideration.

Consultations

- 5.4** The consultees have not raised any adverse comments which would warrant refusal of this application. The Roads Service have no concerns regarding road safety or parking matters. Environmental Health have not raised any amenity issues regarding noise or smell to adjacent properties.

6. Conclusion

6.1 It is considered that the proposed part change of use complies with the development plan, and that notwithstanding the concerns expressed by some local residents it would not result in a significant loss of amenity for the surrounding residential area.

7. Recommendation

7.1 Grant full planning permission subject to the conditions set out in Section 8.

8. Conditions

1. The development hereby approved shall commence within a period of 5 years from the date of this consent.
2. The preparation, display and sale of hot food shall take place only within the area coloured green on the approved plan, and in no other parts of the premises.
3. The sale of hot food from the premises shall take place only between the hours of 8am to 8pm, and at no times outwith these hours.
4. Prior to the commencement of development on site details of the provision of litter bins shall be submitted to and approved by the Planning Authority and shall be implemented prior to the approved use being brought into use.

Irving Hodgson

**Acting Director of Housing, Regeneration and Environmental Services
(Housing and Regeneration Services)**

Date: 11 June 2007

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Appendices

None

Background Papers:

1. Planning application form and plans;
2. Consultation responses;
3. Letters of representations and a petition.

Wards Affected:

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