

WEST DUNBARTONSHIRE COUNCIL

**Report by the Director of Housing, Regeneration and
Environmental Services**

Planning Committee: 2 August 2006

PLANNING APPLICATION REPORT

APPLICATION NUMBER: DC06-116

PROPOSAL: Change of use from retail unit to hot food
takeaway including installation of extract flue

SITE: 11 Beechwood Drive
Bonhill

APPLICANT: Mr Siqbal

AGENT: Design Practice
10 Lynedoch Crescent
Glasgow
G3 6EQ

WARD: 14

DATE REGISTERED: 02/05/2006

PUBLICITY: Yes

Category	Published	Expiry	Publication
Neighbour notification	10/05/06	24/05/06	Reporter
Bad neighbour development	10/05/06	24/05/06	Reporter

REPORT:

A. SITE DESCRIPTION

The application site lies within a remote neighbourhood shopping parade at 11 Beechwood Drive, Bonhill. The site is bounded by a service road and car park to the side/rear, open fields to the north and recreational/amenity areas of land that surrounds the shopping parade from the road. To the west of the application site is the residential area of Beechwood Drive. The nearest residential property is approximately 50 metres from the application site.

B. DEVELOPMENT DETAILS

The application is to change the use of a vacant retail unit to a hot food take away and to erect an extraction flue on the roof. The applicant has confirmed that he intends to trade as a traditional fish and chip take away business and will provide other hot foods ancillary to this type of business ie pizzas etc.

No changes are proposed to the shopfront although the side of the property adjacent to the car park will have a single access door for services. Ventilation details have been submitted and it is proposed that an internal extraction system is to be installed and odours will be extracted by way of a flue. The proposed flue will be located on the roof above the unit.

C. DEVELOPMENT PLAN POLICIES

Policy H5 of the Dumbarton District Local Plan states that proposals for non residential uses will only be considered favourably where it can be demonstrated that the proposal is ancillary to, and not result in a significant loss of amenity of, the residential character of the area.

Policy DC1 is also applicable in this instance as all developments will be expected to maintain or enhance the amenity of the surrounding area.

D. CONSULTATIONS

British Airports Authority	Does not conflict with aerodrome safeguarding
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E. REPRESENTATIONS

Four letters of representation were received as well as 2 petitions with a total of 70 signatures. All of these representations raised the issue of overprovision of hot food takeaways at this locality and general disturbance that may be caused by litter, increase in noise and cooking odours.

F. ASSESSMENT

Land Use Policy

Policy H5 and DC 1 support proposals where it can be demonstrated that the proposal is ancillary to, and will not result in a significant loss of amenity of, the residential character of the area. In this local centre 4 out of 5 units are occupied with the largest unit being a mini market. There is an existing hot food takeaway adjacent to the application site which is a curry/kebab takeaway business. The proposal does involve the loss of a retail unit, however the proposed use – a fish and chip shop (with other foods as ancillary to this business) is complementary to the other uses within this local centre. In addition the local plan policies do not protect this local centre for retail uses only.

Other Material Considerations - Representations

The letters of objection and petitions received raise the issues of overprovision of hot food takeaways and an increase in noise, litter and smell.

The issue of overprovision and commercial competitiveness is not a material consideration. With regard to the issues relating to noise, the development site is over 50 metres away from residential properties and is separated by open grassed areas, a car park and fields and as such the proposed use is unlikely to impact on the residential amenity of the houses nearby. The issue of litter is controlled by separate legislation and is considered not to be a sustainable reason for refusal. The method of odour extraction is acceptable to Environmental Health and will ensure that cooking odours and noise/vibration from the ventilation system do not cause nuisance to those living nearby.

External Alterations

Although there will be no change to the shopfront of the unit, there will be a new door located on the southern elevation gable wall. This door measures 2.4 metres by 1.8 metres and will be of a traditional timber construction. The flue will measure 400mm diameter and 1000mm in overall height terminating in an insect, vermin and weather proof cowl. It is considered that both of these design features are minor forms of development and sit comfortably within the terms of Policy DC1

G. CONCLUSION AND RECOMMENDATION

It is therefore considered that the proposed hot food takeaway and the extraction flue will not create a loss of amenity to the residential character of the area and is not contrary to the development plan.

The proposal will maintain and enhance the vitality and viability of this local centre by bringing a vacant unit back into use. **It is therefore recommended that planning permission be granted subject to the following conditions:**

H. CONDITIONS

1. **The development hereby permitted shall commence within a period of 5 years from the date of this permission.**
2. **Mechanical and electrical installation shall be provided to ensure that the ventilation system is in operation during the opening hours of the property, to the satisfaction of the Director of Housing, Regeneration and Environmental Services.**

3. Noise from or associated with the completed development shall not exceed an L10 level of 45 dBA between the hours of 07.00 and 22.00 and 35 dBA at all other times, L10 being the level exceeded for 10% of the time, to the satisfaction of the Director of Housing, Regeneration and Environmental Services

David McMillan
Director of Housing, Regeneration and Environmental Services
Date: 21 July 2006

Wards Affected: 14

Background Papers:

1. Copy of application received 02/05/06.
2. Letters of Objection from Mohamed Siqbal per Solicitors 9 Beechwood Drive dated 8/5/06
3. Letters of Objection from Owner/Occupier 162 O'Hare, Bonhill dated 11/5/06.
4. Letters of Objection from George Fleming 223 Braehead, Bonhill received 16/5/06
5. Letters of Objection from James Jardine 238 Braehead, Bonhill dated 11/5/06
6. Petition containing 46 signatures dated 13/05/06.
7. Petition containing 24 signatures dated 13/05/06.

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