

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 30 April 2014

DC14/043 **Change of use to hot food takeaway at 19 Brown Street, Alexandria by Mr Ghullam Abbas Shah**

1. REASON FOR REPORT

- 1.1** This application is subject to objections including one from The Mill of Haldane Tenants and Residents Association. Under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** full planning permission subject to the conditions set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application site is a vacant ground shop unit located on the east side of Brown Street, Haldane. The property is the northernmost of three shop units contained on the ground floor of a two storey building, with residential flats above. The other two units are occupied by a convenience store which trades from the central unit and uses the southernmost unit for storage. To the north side of the application site there is a single storey detached shop unit which is also occupied by another convenience store. The properties face an area of public open space on the other side of Brown Street, and the street itself incorporates a wide car parking area opposite the shops. Apart from the shops and open space, the surrounding area is entirely residential, with the gardens of houses and flatted properties bordering the site to its rear, and to the north.
- 3.2** The application seeks to change the vacant shop into a hot food takeaway. There would be no alterations to the front or rear elevations of the building, but on the northern side elevation a high level flue measuring approximately 7.2 metres long would be installed. The flue would project 1 metre above the ridgeline of the existing building's roof. Internally, the proposal would create a customer area with service counter and a kitchen. It is proposed that the take-away would be open from 4pm to 11pm seven days a week. The applicant intends to lease the unit from Dunbritton Housing Association, which owns the property.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection to the proposal.

4.2 West Dunbartonshire Council Environmental Health Service has no objections to the proposal subject to conditions relating to grease traps and extraction systems.

5. REPRESENTATIONS

5.1 A total of five representations have been received, comprising four from individuals and one submitted on behalf of The Mill of Haldane Tenants and Residents Association. Their reasons for objection can be summarised as follows:

- Existing problems with anti-social behaviour and litter in the street would be made worse;
- A nearby block of flats at 15 Brown Street is occupied by elderly people who would be disturbed by noise from increased traffic and young people hanging around the shop late at night.
- Existing problems with large volumes of fast moving traffic travelling along Brown Street would be made worse and would continue until late at night;
- Smells from cooking would affect nearby homes;

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

6.1 The application site is located within an Existing Residential Area and policy H5 aims to safeguard the character and amenity of such areas. Non-residential uses are expected to be ancillary or complementary to the residential area and should not result in a significant loss of amenity to surrounding properties in terms of increased traffic, noise, smell, artificial light, litter, hours of operation and general disturbance. Policy GD1 relates to all new development which is expected to be of a high quality of design and to respect the character and amenity of the area in which it is located. These issues are discussed in Section 7 below, and it is concluded that the proposal would comply with both of these policies.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan, Proposed Plan

7.1 The application site is located within an area identified as an Existing Neighbourhood. Policy BC3 states that development that would significantly harm the residential amenity, character or appearance of existing neighbourhoods will not be permitted. Policy DS1 states that all development will be expected to contribute towards creating successful places by being distinctive, adaptable, resource efficient, safe and pleasant, welcoming and accessible. These policies are broadly similar to the Adopted Local Plan policies discussed in Section 6 above, and it is considered that the proposal would comply with them.

Principle of Non-Retail Use

7.2 Although the local plan does not define this group of commercial properties as a Local Centre, this location is located centrally within the Haldane area and contains the only shops within Haldane. The south end of Brown Street was designed to contain local shops and services for the Haldane estate, and historically it contained several other shops which have since been demolished. This location is therefore the most suitable place within Haldane for shops and other local services such as takeaways to be situated.

7.3 This particular unit has been vacant for around a year, but it was previously occupied by a convenience store operator who has relocated into the adjoining larger units which were themselves vacant at the time. As there are already two local convenience stores in neighbouring units it is likely that demand for further similar retail units at this location is limited. There is no planning policy protecting retail floorspace outwith core town centre frontage areas. Furthermore, the Haldane area contains a significant population and does not currently contain any takeaway facilities (although such businesses are located nearby in Jamestown and Balloch). It is therefore considered that in principle a takeaway would be an appropriate new use for this vacant unit.

Residential Amenity

7.4 It is proposed that the takeaway would be open 7 days a week from 4pm to 11pm, whereas the two existing mini-markets currently trade until 8pm each day. It is accepted that takeaways in general may give rise to noise from customers coming and going from the shop and associated car movements., and like local shops they can also serve as meeting points for local youths, which can therefore give rise to anti-social behaviour issues in their immediate vicinity. However, the number of residential properties likely to be affected by additional disturbance are limited. Those most affected would be the flats on the first floor of the building. However, flats above shop units within local shopping areas will inevitably experience a higher level of noise than other residential properties. As the application unit is owned by the same landlord as the flats above, there would be a degree of control over the operation of the takeaway were this to cause particular problems for the tenants. The only other properties likely to be directly affected would be the flats to the north of the site, which are occupied by older people, but which are separated from the application property by the freestanding convenience store unit. It is therefore not considered likely that coming and going from the takeaway would have a significant impact upon these flats.

7.5 Anti-social behaviour arising from people congregating outside the takeaway would be a matter for the police to address, but it is considered that as this location contains the only local shops and the central area of open space within Haldane it is already a natural gathering place and it is unlikely that the opening of a takeaway would cause a significant increase in anti-social behaviour in the vicinity. Overall, whilst some increase in disturbance from late night activity is inevitable, it is considered that the impact on local residential amenity would be acceptable.

Technical Issues and Parking

- 7.6 The south end of Brown Street has been designed to incorporate ample parking for the shops, and as a significant proportion of customers are likely to live nearby they are likely to access the takeaway on foot. It is therefore unlikely that there would be any adverse impact upon road safety. The risk of littering can be addressed by providing a bin on the pavement near the property, which can be required by a condition. The proposed external flue would not be prominent, and would be sufficient to prevent smells from cooking of food affecting the flats above, provided that the extraction system is of an appropriate specification. This can be controlled by a condition, subject to which the Environmental Health Service has no objection to the proposal.

8. CONCLUSION

- 8.1 The proposed development would bring a currently vacant unit back into use and would compliment the existing commercial units on this part of Brown Street. It also would provide an additional facility for the Haldane area. It is considered that the use would not result in a significant loss in the amenity of neighbouring residential properties. The proposal therefore complies with the policies of the adopted and proposed local plans and is considered to be acceptable.

9. CONDITIONS

1. **Prior to the commencement of development on site details of an adequate sized grease trap shall be submitted to and approved by the Planning Authority in consultation with Environmental Health and thereafter it shall be installed prior to the use being operational and maintained thereafter.**
2. **Prior to the commencement of development on site, details of the flue system/extraction system shall be submitted to and approved by the Planning Authority. The submitted details shall include the noise output and filter system. The approved flue/extraction system shall be implemented prior to the use being operational and shall be maintained thereafter.**
3. **Prior to the hot food takeaway being brought into use, a suitable litter bin shall be provided on the street in the vicinity of the property and maintained thereafter. Details of the design and location of the litter bin shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on the site.**

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Executive Director of Infrastructure and Regeneration
Date: 14 April 2014

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Appendix: None

Background Papers:

1. Application documents and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP - Proposed Plan
4. consultation responses
5. representations

Wards affected: Ward 1 (Lomond)