

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by Planning, Building Standards and Environmental Health Manager**

**Planning Committee: 3<sup>rd</sup> August 2022**

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**DC21/039/FUL:        Extension to existing shop unit for use as a hot food  
takeaway at 40 Mountblow Road, Clydebank by Mrs  
Shaneen Majeed**

#### **1.        REASON FOR REPORT**

- 1.1**        The application has been subject of a significant level of objection. Under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

#### **2.        RECOMMENDATION**

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

#### **3.        DEVELOPMENT DETAILS**

- 3.1**        The application property is a commercial unit located on the eastern side of Mountblow Road, Clydebank, within a primarily residential area. A group of three high-rise blocks, north east of the site, is within walking distance from the unit. A convenience store currently occupies the unit which is a flat-roofed detached building and is the only local shop along the length of Mountblow Rd, and is located next to the western entrance to Dalmuir Park. The plot where the existing shop is located is trapezoidal in shape, narrowing towards the side facing the road; the rear curtilage measures approximately 430sqm. There is no dedicated parking, however a parking layby is outside of the shop in Mountblow Rd near the signalised pedestrian crossing and the bus stop; free parking in the nearby residential streets is also available a short walking distance away. The unit currently features a single entrance with a large shop window adjacent to it; however, the window is blocked out with advertising.
- 3.2**        The planned works will consist of a creation of an extension to the existing shop unit for use as a hot food takeaway.
- The proposed extension would have an irregularly shaped footprint of 212sqm against 214.5sqm of the host property, out of which 59sqm

would be allocated for the customer area, accessed from Mountblow Road through a newly formed front door (located next to a newly formed shop window). The remainder of the new floorspace would be used as a 'deli area' for the final preparation of food and serving customers, followed by a kitchen area with shelving, a walk-in fridge, dry storage and an accessible toilet for staff. The extension will be designed with a flat roof to a height of around 4 metres.

- A fire exit would be formed in the northern gable, leading into the rear curtilage where bin storage would be located. The other gable would feature a new window serving the aforementioned toilet.
- No information has been provided on the choice of materials and finishes. There will be no additional parking facilities as a result of the development.

The existing unit will continue to operate as a retail shop.

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Environmental Health Service have no objection subject to conditions addressing ventilation, grease filters and provision for waste.
- 4.2** West Dunbartonshire Council Roads Service have no objections to the proposed development on the basis of road safety, parking requirements and flooding.

#### **5. REPRESENTATIONS**

- 5.1** Eight objections have been received from seven individuals in response to the application. The main grounds of objection are summarised below:
- Overprovision of hot food takeaways in the area.
  - Congregations of customers of the proposed use forming outside the proposed premises.
  - Rat infestation issues due to burger van operation in the vicinity in the past.
  - Amenity issues as a result of odours and litter and food waste from the proposed use.
  - Insufficient parking provision, traffic increase and resulting road safety issues on Mountblow Rd and the streets of the adjacent residential estate.
  - Anti-social behaviour occurring in the near vicinity of the existing shop and its potential increase due to the proposed introduction of a hot food takeaway use.

## **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

### West Dunbartonshire Adopted Local Plan 2010

- 6.1** Policy H5 seeks to protect, preserve and enhance the residential character and amenity of existing residential areas at all times. The proposal should be considered against the criteria of the need to reflect the character of the surrounding area in terms of scale, density, design and materials as well as the requirement to avoid overdevelopment which would have an adverse effect on local amenity, access and parking or would be out of scale with surrounding buildings. Policy GD1 seeks to ensure that all new development is of a high quality design, of an appropriate and compatible land use and that it respects the character and amenity of the surrounding area.
- 6.2** It is considered that the proposal is of an acceptable design and the position ensures that the hot food takeaway use does not immediately adjoin residential properties or result in any adverse impact on residential amenity. The proposal complies with the policies of the adopted Local Plan and is assessed fully in Section 7 below.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.1** The modified Plan and associated documents was approved by the Council on 19 August 2020. The Council has advised the Scottish Ministers of its intention to adopt the Plan. On 18<sup>th</sup> December 2020, the Scottish Ministers issued a Direction in relation to the housing land chapter of the Plan. None of the policies considered in the determination of these applications is affected by the Direction. Therefore, Local Development Plan 2 is the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications.
- 7.2** Policy H4 seeks to protect, preserve and enhance the residential character and amenity of existing residential areas which reflects the requirements of Policy H5 of the Adopted Plan. Policy CP1 seeks to ensure that all development takes a design lead approach and demonstrate the six qualities of successful places. Policy ENV8 seeks to ensure that developments do not have a significant impact on established residential areas and properties by way of air, noise or light pollution. Where required, proposals that have the potential to impact, will require to demonstrate that their impact is not significant and provide adequate mitigation where necessary.

### Principle of Development

- 7.3** The site is located within a residential area as defined by the adopted Local Plan and proposed Local Development Plan 2. Overall, the area is residential in character with the existing unit providing local shopping facilities. The provision of local neighbourhood shopping facilities within a mainly residential area is commonplace and can provide for local shopping provision and other services for residents within the communities they serve. In this instance, it is proposed to extend the unit to form a hot food takeaway. Whilst careful consideration requires to be given to a range of matters including the impact on residential amenity, the provision of a hot food takeaway at this location will expand local facilities available at this location and create a hot food takeaway within walking distance of a range of residential properties, reducing the need for residents to travel to other locations. There would be no clustering of similar uses at this location with the proposed hot food takeaway being the only such use on Mountblow Road. In principle, the extension to the unit to form a hot food takeaway is considered to be acceptable in the context of the wider Mountblow area.

### Design and Appearance

- 7.4** The development consists of an extension to an existing standalone retail unit which is of a functional design with flat roof. The proposed extension responds to this and is considered to be of an appropriate scale and massing. The extension has a stepped side elevation following the angled boundary line, however this in itself is acceptable. The proposed new shopfront reflects the appearance of the shopfront on the existing unit. As no information on the materials and finishes has been provided, this matter is addressed by condition to ensure an appropriate finish and palette of materials.

### Impact on Residential Amenity.

- 7.5** In assessing residential amenity, a variety of considerations arise. Such uses can generate cooking odour and the assessment is guided by the consultation response from the Council's Environmental Health Service. There is no objection in principle to the proposed use with conditions recommended in respect of the ventilation system to control and disperse cooking odour together with grease filters. As the consultation response indicates that cooking odour can be satisfactorily controlled, it would be inappropriate to refuse planning permission on this basis. Turning to noise and activity, hot food takeaway uses can often generate additional noise and activity within the vicinity of the premises, particularly from increased pedestrian and vehicle movements into the area. Concerns regarding increase activity and associated noise disturbance is raised in the objections. There are no residential properties immediately adjoining the application site with the nearest residential properties opposite the property, across a busy road. This, together with the provision of parking

laybys on the same side of the road as the hot food takeaway will limit any additional activity occurring directly outside nearby residential properties. The existing retail shop and busy road will already result in a degree of activity in the area. It is recognised that hot food takeaways often operate late into the evening. Notwithstanding that Environmental Health do not recommend any conditions regarding hours of operation together with delivering and collections from the premises, it is considered appropriate to control the hours of operation to avoid disturbance late into the night.

- 7.6** The position of the extended building which is detached and not in direct proximity to other buildings ensures that it has no impact on the overshadowing and overlooking of the neighbouring residential properties. There would be no privacy loss to the nearby residential properties due to the creation of new door and window openings. Overall, it is considered that the proposal presents no conflict with Policy H5 of the adopted Local Plan and Policies H4 and ENV8 of proposed Local Development Plan 2.

Parking and road safety

- 7.7** Concerns have been raised regarding the proposed development's potential to cause an increase in traffic and on-street parking at this location. In considering roads matters including road safety and parking, the assessment is guided by the consultation response from the Council's Road Service who, having fully considered the proposal, offer no objections. It is noted that the existing parking provision in the form of a parking bay in Mountblow Road will provide parking for the development. Furthermore, there is a likelihood of combined trips to both the existing convenience shop and the proposed hot food takeaway, which would limit pressure on the traffic and parking. There are thus no issues in respect of parking and road safety which arise that would justify refusal. Overall, the proposal does not raise concern in relation to parking and road safety.

Flooding

- 7.8** The Flood Risk Assessment provided by the applicant raises no issues that would suggest that the development needs to manage this risk in any particular way. The Council's Road's Service in their capacity as Flooding Authority offer no objections on the grounds of flooding. The proposal does not therefore raise concern in relation to flood risk.

Representations Received

- 7.9** Turning to the outstanding points raised in the objections received a variety of concerns have been raised including the past presence of a snack van in the near vicinity resulting in congregations of customers leading to anti-social behaviour, as well as issues relating to vermin infestation. While anti-social behaviour is ultimately a police matter, given the proposed layout of the hot food takeaway with an indoor customer

waiting/food pickup area, it is expected that any queues of customers that may form would be contained to the interior of the proposed use, thus limiting the likelihood of congregations of patrons outside the business. As for the presence of rats and other vermin, food and hygiene standards are not a planning matter and instead they are enforced by separate legislation. It would be inappropriate to assume that past performance of a snack van formerly parked near the application site serving food outdoors could be indicative of the issues that may arise from the operation of a hot food takeaway contained within enclosed premises. There is nothing to suggest an increase in litter would occur however the requirement to provide a litter bin can be addressed by condition.

## **8. CONCLUSION**

- 8.1** The proposed development will have a limited and managed effect on the residential amenity and character of the area while allowing for the formation of a new commercial use to benefit the wider neighbourhood. Environmental matters will be subject to appropriate controls enforced through condition. The proposal is considered acceptable with reference to Policies GD1 and H5 of the adopted West Dunbartonshire Local Plan and Policies CP1, H4 and ENV8 of the proposed West Dunbartonshire Local Development Plan 2.

## **9. CONDITIONS**

1. That prior to the commencement of works on site, full details of all proposed external finishing materials, including roofing materials and the frame of the shopfront, shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is otherwise agreed in writing by the Planning Authority.
2. Before the proposed development is brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Planning Authority. The proposed development shall not be brought into use until the ventilation systems are operational in accordance with the approved details.

All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.

The ventilation system shall:

- a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary.

- b) Be constructed by employing best practical means to minimise noise and vibration transmission via plant and the building structure.
  - c) Noise associated with the business shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.
  - d) If applicable, the discharge stack shall:
    - i) Discharge the extracted air not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen.
    - ii) Alternatively, the extracted air shall be discharged not less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen.
3. 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. It shall be installed as approved and maintained thereafter.
4. Details for the storage and the collection of waste arising from the proposed developments shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior to the development being brought into use and thereafter be satisfactorily maintained.
5. The hot food takeaway use hereby permitted shall not operate outwith the hours of 8am to 10pm daily with no delivering or collections to the premises outwith these hours.
6. That prior to the commencement of the hot food takeaway use hereby permitted, details of a bin to be provided outside the premises for use by patrons shall be submitted to and approved in writing by the Planning Authority. The bin shall then be provided and remain available for use by patrons of the premises at all times thereafter.

**Pamela Clifford**  
**Planning, Building Standards and Environmental Health Manager**  
**Date: 3<sup>rd</sup> August 2022**

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**Appendix:** Location Plan

**Background Papers:**

1. Application forms and plans;
2. West Dunbartonshire Local Plan 2010;
3. West Dunbartonshire Local Development Plan 2  
Proposed Plan;
4. Representations.

**Wards affected:** Ward 5 – Clydebank Central