

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 27 OCTOBER 2000

00/0482/FL: PROPOSED CHANGE OF USE FROM HAIRDRESSERS TO HOT FOOD TAKE AWAY AT 44 HENRIETTA STREET GALSTON BY MR AND MRS EYGI

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This is an application for the change of use of a vacant building formerly a hairdressers shop to a hot food takeaway. There are no proposed external alterations as part of this application.

2. RECOMMENDATION

2.1 **It is recommended that the application be approved subject to the conditions on the attached sheet.**

3. SUMMARY OF ANALYSIS

3.1 It is considered that the proposed change of use does accord with Policy RTC 14 of the Finalised East Ayrshire Local Plan with no objections being raised by the consultees.

3.2 The consultees responses adequately address the issues raised by the objectors in terms of noise, traffic, litter, smell and location.

Alan Neish
Head of Planning and Building Control

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is situated on the north side of Henrietta Street near the junction with Barrmill Road and Blair Street. The property is bounded to the north and west by a haulage yard and by Snow King Refrigeration to the east. On the northern side of Henrietta Street other properties include the library, Barr Castle Social Club, Vesuvius Works and a number of workshops on Barrmill Road. On the south side of Henrietta Street are 3 storey council owned flats with an integral newsagent shop on the ground floor. The property itself is a single storey building previously used as a hairdressers shop.

2.2 **Proposed Development:** This is an application for the change of use of a vacant building formerly a hairdressers shop to a hot food takeaway. There are no proposed external alterations as part of this application.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Roads and Transportation Division have no objections to the proposal.

Noted.

3.2 Galston Community Council have not responded at the time of writing.

Noted.

3.3 West of Scotland Water have suggested that drainage from this development should include an adequate grease trap.

A condition regarding the inclusion of a grease trap for this development can be attached to any grant of planning permission.

3.4 The Department of Community Services, Environmental Health and Waste Management have advised that they have no objections in principle to the application although they offer the following observations:-

- The service will have a continuing interest in the enforcement of the relevant requirements of the Food Safety (General Food Hygiene) Regs 1995 within these premises. Some clarification is required over the proposed use of preparation and service areas, contact has been made with the agent to clarify the necessary details.
- It is noted that a comprehensive extraction system would be installed over the cooking area and ducted to the gable wall of the building. With no residential properties above or directly adjacent to the premises I believe this would be satisfactory in the circumstances, subject to a suitable end piece or baffle on the external wall.
- An internal ventilated space will be required between the w.c. apartment and the main food preparation area, this point will be taken up directly with the agent.
- Suitable and satisfactory provision should be made for the hygienic storage of refuse outwith the shop pending uplift and removal.

The Planning Division has been in contact with the agent who has advised that the refuse from the shop will be removed daily from the premises by the applicant thus alleviating any concerns from Environmental Health. In addition, an internal ventilated space or self closing door to the toilet will be provided as discussed with Environmental Health, as will the wall, floor and ceiling finishes, in agreement with that Service. Furthermore, any issues raised by Environmental Health will be dealt with in accordance with the Food Safety (General Hygiene) Regs 1995

4. REPRESENTATIONS

(2 letters of objection received plus petition with 23 signatories, 1 of whom had submitted the letter of objection). The grounds of objections are as follows:-

4.1 Noise/Nuisance

The proposed use will bring people to the area late at night and cause the residents undue noise that will keep them awake. The street is very quiet and at present the noise from the passers by in the street can be disturbing. Unlike the hairdressing salon, establishments of this nature keep late opening hours and these premises are surrounded by domestic living accommodation occupied to a large extent by older people. Such a facility would create a late night nuisance with people congregating at the premises.

Residents are already subjected to a frozen food distribution business operating outside normal working hours and a constant run of heavy vehicles making deliveries to these premises, together with a snooker club operating licensed premises which subjects the neighbourhood to periodic revellery as their customers make their way home.

The next logical move is for these people to frequent the proposed take away which will further increase the general nuisance outside existing houses. There is a heavy goods haulage business operating next to the proposed premises together with the heavy lorries servicing the frozen foods business. There is an industrial shelving business on the other corner and Valley Refrigeration further down the same road.

The Department of Community Services, Environmental Health and Waste Management, have no objections in principle to the proposed use of the premises as a hot food takeaway. Account should also be taken of the existence of the public houses, haulage business and distribution businesses in the immediate vicinity. It is recognised that the introduction of a hot food takeaway is likely to attract people to the shop late at night. Nevertheless, the degree of disturbance must be assessed against existing uses in the area.

Conditions restricting the opening hours of the proposal can be attached to any grant of planning permission. Such a condition must take into account the impact of surrounding uses and the degree to which the proposal would add to noise and disturbance.

4.2 Traffic/Parking

There is no off street parking available so there is the additional hazard of on street parking together with starting and stopping cars late at night in a residential area. There is also a considerable amount of traffic servicing the units in Barrmill Road, Henrietta Street which also contains the Doctors Surgery, the Health Clinic, the Masons Arms Bar, the Masonic Club and the Public Library. The premises referred to form the top corner of the road with no parking facilities on the start of an already hazardous bend on the road.

The Roads Division have been consulted and have no objections to the proposed change of use (see para 3 above). There are a range of uses in the area as well as residential.

4.3 Litter

The litter level will increase with litter also being thrown into gardens. The premises, simply by its location, is totally unsuitable for this kind of facility.

A condition can be attached requiring the submission of a refuse Disposal scheme including the provision of rubbish bins.

4.4 Smell

A smell of food would be present in my house every time a window was opened.

See Department of Community Services response, para 3.4 above. In addition, a condition requiring details of the proposed extraction system can be attached to any grant of planning permission.

4.5 Location

The place for a hot food take away is in the centre of town and not a residential area where unnecessary events will now occur.

If further business occurs in this small area of Galston it merely redirects the town centre activity and concentrates it in Henrietta Street. There is ample provision in the town centre area for these services without extending them further into what is fast becoming a very congested area.

See Section 5, Development Plan Status. The proposed location is considered to be acceptable in terms of local plan policy RTC 14. Over provision or competition is not a relevant planning consideration.

4.6 The agent in support of the application has advised that this is the fourth attempt by the applicant to obtain approval for this proposed use in different locations but has always failed the planning process for different reasons. They are reputable business people who have been operating premises in Ayrshire without any problems for a number of years and it is their opinion that the proposed location is suitable as it is a sufficient distance from houses and reasonably close to the town centre.

It is considered that the proposed location does accord with local plan policy (See Section 5).

4.7 The agent has confirmed that any refuse from the shop will be removed daily from the premises by the applicant thus alleviating any concerns from Environmental Health.

Noted.

4.8 The applicant's agent has submitted a letter to this Division acknowledging the location of the domestic dwellings in the area. However, they also point out the location of the social club which is a distance of a few hundred metres from the same houses. The applicant has stated that the town centre locations were their preferred locations however, this did not materialise due to the state of disrepair and associated upgrade costs. Rental costs also did not make these viable options and lastly the dwellings above these properties were seen as a stumbling block.

Noted.

5. DEVELOPMENT PLAN STATUS

5.1 The relevant policy document is the Finalised East Ayrshire Local Plan. The proposal lies outwith the town centre boundary but within the urban boundary of Galston. The site in question is identified as a housing development opportunity site in the Finalised Plan although this designation may be deleted from the plan as a result of a planning application approval in October 1999 for a single dwelling with the remainder of the site being used as a haulage yard.

Policy RTC 14 states that development proposals for public houses and hot food take aways will be considered outwith town centres where the proposals:

- (i) meet with the Council's design and layout policies;
- (ii) meet with the requirements of the Council as Roads Authority;
- (iii) do not have a detrimental effect on the amenity of adjacent properties by; reason of noise, litter, odour or any other disturbances; and
- (iv) are compatible with surrounding land uses.

It is considered that the proposal does accord with Policy RTC 14 of the Finalised Local Plan as there are no objections from the consultees in terms of roads or environmental health, and, if suitably conditioned, it would not have any adverse detrimental effect on the amenity of adjacent properties. It is also considered that the proposed use would be compatible with the existing surrounding land uses.

6. OTHER PLANNING CONSIDERATIONS

6.1 Re-use of vacant building

The applicant has advised that the property has been vacant for two years and has been marketed unsuccessfully over this period of time. The proposed use of this property is in accordance with local plan policy and would bring into use a building which has lain vacant for two years.

6.2 National Planning Policy Guideline (NPPG) 8, "Town Centres and Retailing" proposes the adoption of a sequential test favouring the use of town centre sites in preference to out of town centre sites for such new developments. This however is not new development, rather it is the conversion of existing commercial premises.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of the application.

8. CONCLUSION

8.1 It is considered that the proposed change of use does accord with Policy RTC 14 of the Finalised East Ayrshire Local Plan with no objections being raised by the consultees.

8.2 The consultees responses adequately address the issues raised by the objectors in terms of noise, traffic, litter, smell and location.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions on the attached sheet.

Alan Neish
Head of Planning and Building Control

17 October 2000 (YM/SA)
(FV/DVM)

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of objection.
5. Correspondence from/to the applicant.
6. Finalised Kilmarnock and Loudoun District Plan/East Ayrshire Council Local Plan (Finalised Version).
7. NPPG8 "Town Centres and Retailing".

Any person wishing to inspect the above papers please contact Yvonne Mitchell on (01563) 576771.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 00/0482/FL

Site of Proposal: 44 Henrietta Street
GALSTON

Natural of Proposal: Proposed Change of Use from Hairdressers to
Hot Food Takeaway

**Name & Address of Applicant: Mr and Mrs Eygi
C/o Agent**

Name & Address of Agent: Nicoll Design
184 Main Street
PRESTWICK KA9 1PG

DPOs Reference:YM/SA

The above FULL application should be granted subject to the following conditions

1. The proposal relates to the change of use of the property only and not any external alterations which will require a further separate planning application to be submitted to and be approved by the Planning Authority.

REASON

In the interests of visual amenity.

2. The use hereby approved shall only operate between the hours of 11.00a.m. and 11.00p.m. on Sunday to Wednesday and between 11.00 a.m. each Thursday, Friday and Saturday and 11.30p.m. the same day.

REASON

To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

3. All external doors shall be provided and maintained with self-closing equipment to the satisfaction of the Planning Authority.

REASON

In the interests of residential amenity.

4. The use hereby approved shall operate without detriment to adjoining properties by reasons of noise, dirt, smell or general disturbance.

REASON

To safeguard the amenity of the area.

5. A scheme showing the provision to be made for the disposal of refuse and the provision of rubbish bins, shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON

In the interest of public safety.

6. Prior to the commencement of the development, details of the proposed equipment to be installed in relation to the extraction of smells, including any external flues, shall be submitted to and approved by the Planning Authority. Any equipment approved shall be installed prior to the commencement of the use and thereafter maintained to the satisfaction of the Planning Authority.

REASON

In the interests of public health and residential amenity.

7. Notwithstanding the submitted plans, the proposed development shall include an adequate grease trap which shall be maintained thereafter to the satisfaction of the Planning Authority.

REASON

In the interest of public health and the amenity of the area.

TP24-44HenriettaStreet

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA