

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 01 DECEMBER 2000

**00/0657/FL : CHANGE OF USE OF SHOP UNIT INTO CHIP SHOP,
PROVISION OF METAL FLUE PIPE AND EXTERNAL ALTERATIONS AT 1,
3 & 5 AULD AVENUE, MAUCHLINE**

APPLICATION BY MR MAHMOOD

EXECUTIVE SUMMARY

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the change of use of unit one which forms part of the existing newsagent/grocer's shop, to form a hot food takeaway. The proposal also includes the installation of an extract flue to the rear of the proposed takeaway premises and external alterations to all three units.

2. RECOMMENDATION

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

3. SUMMARY ANALYSIS

3.1 In terms of the relevant policy document, the East Ayrshire Local Plan, Finalised Version, the proposed development complies with the provisions of Policy RTC14.

3.2 With respect to the letter of objections, it is considered that the use of the shop as a hot food takeaway, with appropriate controls, would not be detrimental to the amenity of the area in terms of noise, vibration and smell etc. Conditions can be attached to any planning consent regarding opening hours and the provision and siting of litter bins.

**Alan Neish
Head of Planning & 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 as the proposal is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located within an existing row of three shops (flat roofed, single storey) on the north side of Auld Avenue in Mauchline. One of the shop units is currently vacant and the other two are presently used as a newsagent/grocer's shop.

2.2 **Proposed Development :** Full planning permission is sought for the change of use of unit one which forms part of the existing newsagent/grocer's shop, to form a hot food takeaway. The proposal also includes the installation of an extract flue to the rear of the proposed takeaway premises and external alterations to all three units.

2.3 The applicants also propose to convert the other two units to form a mini-market. As one of these units is currently a shop and the other was a former shop, planning permission for the mini-market is not required, as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997. The external alterations to these units do however require planning permission, and have been included in this application. These alterations include the installation of aluminium windows and doors. It is also proposed to erect a new wall clad with ceramic tiles, to the shop front of units two and three.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Mauchline Community Council has not responded to the consultation letter.

Noted.

3.2 West of Scotland Water has no objections to the proposal, but suggest that drainage from the development includes an adequate grease trap.

A note could be attached to any planning consent granted for the development to meet the requirements of West of Scotland Water.

3.3 Scottish Power and British Gas have no adverse comments to make on the proposed development.

Noted.

3.5 East Ayrshire Council's Roads and Transportation Division has no objections to the proposed development.

Noted.

3.6 East Ayrshire's Environmental Health Division states that whilst the creation of a hot food carry out in the middle of a residential area is likely to have some local impact, they would consider the fact that the premises are free standing would mitigate against possible objections regarding odour etc. Accordingly they would have no objection in principle to the proposals. The fish and chip shop should be provided with a suitable ventilation system, incorporating suitable grease and carbon filters. Fish and chip shops can cause drainage problems due to grease, fat etc. coalescing in the drainage system. A suitable grease trap should be fitted to the drainage system to avoid any potential problems in this respect.

The ventilation system will be considered at the Building Warrant stage. A note can be attached to any planning consent granted for the proposed development regarding the requirement of a grease trap.

4. **REPRESENTATIONS** : Fifteen letters of objection have been received with regard to the application.

4.1 The provision of a flue pipe can only mean (depending on the direction of the wind), houses would continuously smell of burnt cooking oil and cooking fat. The pipe will create smells which will keep the residents from opening their windows or hanging out their washing.

The Environmental Health Division has no objections to the proposed development (See Section 3.6). The proposed flue will require to be installed to ensure that any odour nuisance is minimised.

4.2 Since teenagers and school children show a disregard for litter bins the street would become littered. The residents endeavour to keep their gardens and the street tidy but feel this would be an impossible task given the amount of rubbish that would be thrown away after use. Rubbish will also attract vermin, seagulls, rats and mice etc.

Conditions can be attached to any planning consent granted for the proposed development with regard to the provision and siting of litter bins and to ensure regular disposal of litter associated with the proposed use.

4.3 The shop would become a focal point for undesirable elements especially late at night. A place of this sort will attract young people from other areas as well as locally to congregate causing mayhem to what has become a quiet residential street. There is already a problem with under age drinkers and drug addicts, which although not major in the vicinity at the moment, would escalate, given that these people would have a late night haven to hang around in. There are people living in a close proximity to the premises who do not have complete health. These people would be made to suffer should an unruly element creep back in. Many people staying at Auld Avenue are long standing residents. They do not need this hassle at their time of life.

The proposed site forms part of an existing row of shops where an increased level of noise and activity already exists. It is however acknowledged that the shop is situated within a residential area. It is therefore considered that it would be appropriate to attach to a condition regarding opening hours. This would ensure that the proposed use would not be to the significant detriment of the residential amenity of the area.

4.4 There are many fast food outlets in the village already.

This is not material to the consideration of the application and is not a valid ground for objection to the proposed development.

4.5 There is a problem by the noise and parking of vehicles late at night. The proposed shop would result in extra traffic.

It is considered that it would be appropriate to attach to a condition regarding opening hours. This would ensure that the proposed use would not be to the significant detriment of the residential amenity of the area. No objections have been received from the Roads and Transportation Division in terms of increased traffic in the locality.

5 DEVELOPMENT PLAN STATUS

5.1 The relevant policy document is the East Ayrshire Local Plan, Finalised Version. The application site is affected by residential and retailing policies.

5.2 Retailing policy RTC14 states that development proposals for public houses and hot food takeaways will be considered acceptable uses within town centres and may be considered appropriate in other locations where the proposals:-

- (i) meet with the Council's design and layout policies;

The external alterations proposed as part of the development are considered acceptable and represent an improvement to the existing appearance to the row of shops.

- (ii) meet with the requirements of the Council as Roads Authority;

The Roads Division has no objections to the proposal.

- (iii) do not have a detrimental effect on the amenity of adjacent properties by reason of noise, litter, odour, or any other nuisance or disturbance;

It is considered that the proposed use would not be detrimental to the amenity of adjacent properties as the proposed site is located within an existing parade of shops where there is already a certain level of activity and disturbance. Conditions could be attached to any planning consent with regard to opening hours and to the provision and siting of litter bins. With regards to smell, East Ayrshire Environmental Health Division has no objections to the application.

- (iv) are compatible with surrounding land uses.

The proposed use is considered to be an appropriate activity within this existing group of shops.

6. OTHER PLANNING CONSIDERATIONS : None.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 In terms of the relevant policy document, the East Ayrshire Local Plan, Finalised Version, the proposed development complies with the provisions of Policy RTC14.

8.2 With respect to the letter of objections, it is considered that the use of the shop as a hot food takeaway, with appropriate controls, would not be detrimental to the amenity of the area in terms of noise, vibration and smell etc. Conditions can be attached to any planning consent regarding opening hours and the provision and siting of litter bins.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control

09 November 2000
VE/VE

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Letters of representation.
5. East Ayrshire Local Plan (Finalised Version)

Any person wishing to inspect the background papers listed above should contact Miss Vivien Emery on 01563 555485.

Implementation Officer : Dave Morris

Application no: 00/0657/FL

Location	1,3 & 5 Auld Avenue, Mauchline
Nature of Proposal:	Change of Use of Shop Unit into Chip Shop, Provision of Metal Flue Pipe and External Alterations
Name and Address of Applicant:	Mr Mahmood 24 Hamilton Avenue MAUCHLINE
Name and Address of Agent	Mr J Hamilton 33 Joppa COYLTON

DPO's Ref: [VIVIEN EMERY]
PPO's Ref; []

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

- (1) The hot food takeaway shall operate only between the hours of 0800 hours and 2300 hours.

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

- (2) The use hereby approved shall operate without detriment to adjoining properties by reason of noise, dirt, smell or general disturbance.

REASON – To safeguard the amenity of the area.

- (3) The applicant shall provide suitable litter receptacles both within and outwith the proposed premises. The external receptacles should be in place prior to commencement of business and removed and emptied after each days trading.

REASON - In the interests of residential amenity.

NOTE TO APPLICANT

1. West of Scotland Water advise that drainage from the development should include an adequate grease trap.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA