

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 16 JUNE 2000

**00/0247/FL : CHANGE OF USE FROM SHOP TO HOT TAKEAWAY AND
EXTERNAL ALTERATIONS AT 13 GLENCRAIG STREET, DRONGAN**

APPLICATION BY MR A MOHAMMED

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 a letter of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located within an existing row of shops (flat roofed, single storey) on the south side of Glencraig Street, Drongan. The shop is presently vacant, and has been for over a year. There is an existing hot food take-away adjacent to the proposed site.

2.2 **Proposed Development:** Full planning permission is sought for the change of use and alterations to the former shop to form hot food takeaway. The external alterations include, corrugated cement roofing, alterations to the entrance and the installation of an extract cowl.

3. CONSULTATIONS AND ISSUES RAISED

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

Noted.

3.2 West of Scotland Water have 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 advising the above.

3.3 East Ayrshire Council's Roads and Transportation Division have no objections to the proposed development. There is ample parking to the front and side of the existing shops.

Noted.

3.4 East Ayrshire's Environmental Health Division have no objections in principle to the development. They advise that the proposal to enter the two storage rooms from the rear yard rather than from the kitchen via the other store is not recommended in terms of the Food Hygiene Regulations. This layout means that the staff have to go outside to access these stores. They also advise that the storage of 6 gas bottles within the premises is a cause for concern. They would prefer a permanent mains gas supply to reduce the risk of fire/explosion.

Food Hygiene and Health and Safety is a function of Environmental Health, and is not a material consideration in the determination of the application.

4. REPRESENTATIONS

One letter of objection has been received with regard to the application.

4.1 The objector expresses deep concerns for the well being and future prosperity of their own takeaway, which is located next door to the vacant property. To have a competitor located so closely can only be viewed with some anxiety. In today's business environment, they have had to economise in all areas of the business to be able to continue providing a service to the people of Drongan. Any further erosion of revenue will surely place them in a difficult position, as their budgets and profit margins are already a cause for concern due to high costs encountered. Over the years, they have built up an excellent rapport with the villagers of Drongan and view many people as personal friends.

It is not the function of the planning system to preserve existing individual commercial interests or to inhibit competition between retailers. Objection to the proposed development on grounds of competition is therefore not material to the consideration of the application.

4.2 It should be noted that over the years, they have provided employment to many local people, as well as supporting local retailers by deliberately choosing to buy from them. Will the new proprietors of No.13 do the same?

This is not material to the consideration of the application.

4.3 Personally, and also supported by others is the issue of proposed opening hours of the new takeaway. Are you aware that the shop will be situated directly in front of the sheltered housing complex in Glenraig Street?

The elderly people who reside in the area would not welcome another late opening facility attracting more revellers to their doorsteps. The objector takes great pride in the noticeable absence of trouble at the weekends outside their shop. To increase the late night attraction of this area is a point of concern for all.

The sheltered housing is opposite an existing parade of shops where there is already a certain level of activity and disturbance. The applicant is however proposing to operate between 1600pm and 2300pm hours seven days a week (the adjacent take-away operates to 0130am on Fridays and Saturdays and to 0100am on all other days). No objections have been received by local residents with regard to this proposal.

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. Drongan has no Town Centre boundary within the Local Plan.

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 requirements of the Council as Roads Authority;

The Roads Division have no objections to the proposal.

- (ii) 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 use 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 the siting of litter bins. With regards to smell, East Ayrshire Environmental Health Division have no objection to the application.

- (iii) are compatible with surrounding land uses.

The proposed use is considered to be an appropriate activity within this existing group of shops, were a similar use operates.

6. OTHER PLANNING CONSIDERATIONS

- 6.1 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 objection, competition is not a material consideration in the determination of the application. With regard to the opening hours, an appropriate condition could be attached to any planning consent, however given that there is no planning restriction on the hours operated by the neighbouring carry-out, this is not considered appropriate.

8.3 Although there is already a hot food takeaway establishment within the row of shops at GlenCraig Street, the re-use of the retail premises is to be encouraged in line with policy. The property has been empty for some time, and currently detracts from the appearance of adjacent properties.

9. RECOMMENDATIONS

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
07 June 2000
VE/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Letter 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 555301.

Implementation Officer : Pamela Clifford

AGENDA