

Application No: N/05/01669/FUL

Date Registered: 5th October 2005

Applicant: **K I Properties Ltd**
C/o Halliday Fraser Munro
Stanhope House
Stanhope Place
Edinburgh
EH12 5HH

Agent: Halliday Fraser Munro
Stanhope House
Stanhope Place
Edinburgh
EH12 5HH

Development: **Change of Use from Vacant Bank (Class 2) to Hot Food Takeaway**

Location: **148 Cumbernauld Road**
Muirhead
Glasgow
G69 9DX

Ward: 69 Chryston and Auchinloch Councillor Charles Gray

Grid Reference: 268474 669519

File Reference: N/05/01669/FUL

Development Plan: National Planning Policy Guideline 8: Town Centres and Retailing is relevant to this town centre site. The property is also covered by Policy SC1 of the Northern Corridor Local Plan 2000. Policies SC2 - SC4 of the Local Plan are also relevant.

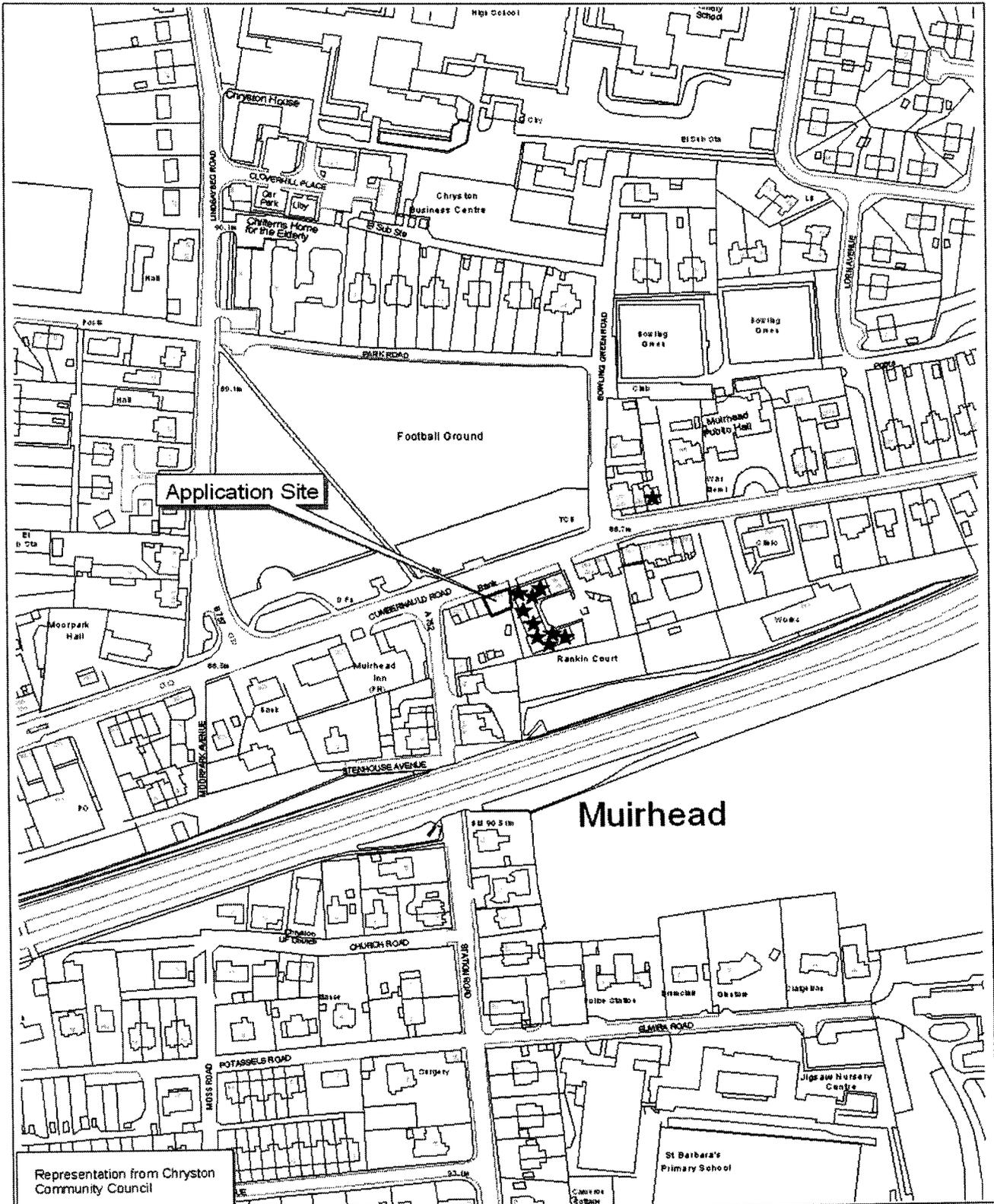
Contrary to Development Plan: Yes

Representations: 15 Representation Letters

Newspaper Advertisement: Advertised on 19th October 2005

Recommendation: Refuse for the Following Reasons:-

Reason: The proposed hot food take-away would be contrary to Policies SC 2 & SC 3 of the Northern Corridor Local Plan, Finalised Draft, 2000 which states that there will be a presumption against hot-food shops in close proximity to residential properties or in such other locations where nuisance conditions are likely to occur. It would also be contrary to the terms of NPPG 8 : Town Centres & Retailing.



Representation from Chryston Community Council

North Lanarkshire Council
 Planning and Environment
 Headquarters
 City Hall, Newbigg House
 2 Telfer Road
 CUMBERNAULD
 G67 1JW
 Telephone 01236 610210 Fax 01236 616232
 DG Licence 10002369 2004



N/05/01669/FUL
 KI Properties
 148 Cumbernauld Road Muirhead Glasgow
 Change of Use from Vacant Bank (Class 2)
 to Hot Food Takeaway

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Background Papers:

Application form and supporting statement from K I Properties Ltd, Halliday Fraser Munro, Stanhope House, Stanhope Place, Edinburgh EH12 5HH received 5th October 2005.

Letter from Mrs Marion Wotherspoon, 156 Cumbernauld Road, Muirhead, G69 9DX received 13th October 2005.

Letter from Carol Bain, 3 Rankin Court, Muirhead, G69 9DJ received 14th October 2005.

Letter from T McLean & Sons Ltd, Pharmacy, 154 Cumbernauld Road, Muirhead, Glasgow, G69 9DX received 17th October 2005.

Letter from Mrs Anne Ralston, 1 Rankin Court, Muirhead, Glasgow, G69 9DJ received 17th October 2005.

Letter from Mr David A Campbell, 1/4 Rankins Court, 156 Cumbernauld Road, Muirhead, Glasgow, G69 received 18th October 2005.

Letter from Mrs Jean M Robertson, Flat 1/2, 15 Rankin Court, Muirhead, G69 9DJ received 18th October 2005.

Letter from Mr Barry McGrattan, G/4 Rankins Court, 156 Cumbernauld Road, Muirhead, Glasgow, G69 9DJ received 18th October 2005.

Letter from Bryan McCluskey, Flat 2/4 Rankins Court, 156 Cumbernauld Road, Muirhead, G69 9DX received 18th October 2005.

Letter from Miss R Anderson, Hon. Secretary, Chryston Community Council, 1 Neuk Avenue, Muirhead, Chryston, G69 9EX received 21st October 2005.

Letter from Mr John McColl, 2/1 Rankins Court, 156 Cumbernauld Road, Muirhead, G69 9DX received 18th October 2005.

Letter from Kym Anderson, Flat 1/3 Rankin Court, Muirhead, G69 9DX received 18th October 2005.

Letter from Carol Bain, 3 Rankin Court, Muirhead, G69 9DJ received 24th October 2005.

Letter from Mr. R. Neilly, Flat 2/2 Rankin Court, 156 Cumbernauld Road, Muirhead received 28th October 2005

Letter from N. Lancaster, Beechbank, 8 Park Road, Muirhead, G69 9DS received 7th November 2005

Any person wishing to inspect these documents should contact Mr Craig MacInnes at 01236 616464.

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REPORT

1. Description of Site and Proposal

- 1.1 The application site is the former Clydesdale Bank building located at 148 Cumbernauld Road, Muirhead. It is situated in the centre of Muirhead opposite the recreation ground. The junction of Cumbernauld Road and Station Road is located 25 metres to the west. Muirhead centre is a mixture of businesses, houses and flats. Flats at Rankin Court are located in close proximity to the application site. There are also several existing hot food takeaways within the centre.
- 1.2 The proposal is to convert the property vacated by the Clydesdale Bank to a hot food takeaway, with some consumption of food on the premises.

2. Development Plan

- 2.1 National Planning Policy Guideline 8 : Town Centres and Retailing, is of some relevance to this application. The site is also covered by Policies SC 1 - 4 of the Northern Corridor Local Plan (Finalised Draft) 2000.

3. Consultations and Representations

- 3.1 My Protective Services Section has no objection to this application.
- 3.2 My Traffic and Transportation Section has commented that parking restrictions extend part of the way along the frontage of the property. They also stated that the proposed development would inevitably attract a significant amount of on street parking, and that, had it not been for the properties former use and surrounding shops in the area, the application would normally have been recommended refusal.
- 3.3 Fifteen letters of representation have been received regarding this application, 13 from neighbours and one from Chryston Community Council. In addition, a request for a site visit and a hearing has been made. The points of objection and my comments are as follows:

- There are nine existing food outlets within Muirhead including 6 hot food takeaways. This provides more than enough choice, competition and coverage for Muirhead's population.

Comment: It is not disputed that there is a considerable number and choice of outlets already operating in Muirhead centre.

- The application site is in close proximity to residential properties. In paragraph 4.5 of the Planning Application Supporting Statement, it is stated that the proposed unit is in close but not immediate proximity to a number of residential properties. However in paragraph 4.8 it is stated that it is apparent that the premises are not in close proximity to existing residential properties.

Comment: The property is only 10 metres from the flats at Rankin Court and several of the residents have real concerns about the additional nuisance likely to result from another hot food shop close to their flats.

- The site is close to a busy road junction (Cumbernauld Road / Station Road), there is no access to the rear for deliveries, which will result in lorries stopping immediately adjacent to

the junction. Delivery lorries already block in residents, this is an unsafe situation and a further outlet will exacerbate the problem.

Comment: It is apparent that there are problems caused by delivery lorries parking at the junction of Cumbernauld Road and Station Road. Deliveries to the application site may exacerbate this problem, due to the proximity of the junction, and to current parking restrictions in the immediate vicinity.

- There are issues concerning smell, noise and litter resulting from an existing hot food takeaway experienced by the neighbouring residents. Residents should be able to open their windows without the fear of cooking odours polluting their homes.

Comment: Hot food takeaways are considered “bad neighbour” developments because there is a degree of nuisance associated with them. It is likely that the additional takeaway unit could have an additional impact with regards to smell, noise and litter.

4. Planning Assessment and Conclusions

4.1 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the Northern Corridor Local Plan, Finalised Draft, 2000, constitutes the development plan – see paragraphs 4.6 – 4.9 below.

4.2 Also of relevance is NPPG 8 : Town Centres and Retailing, Paragraph 37 of which states :-

"In exercising their planning powers, planning authorities should encourage diversification of uses in the town centre as a whole. The appropriate mix of uses will depend on the nature and size of the town. As part of this mix, uses such as restaurants and eating places, banks and building societies provide a variety of essential services in town centres. However, a concentration of particular uses such as restaurants may, in some circumstances, cause local problems. Positive contribution to diversification should be considered alongside the cumulative effects such as parking and the effect on residential amenity."

4.3 Eating places are considered essential services for town centre locations. However, in Muirhead there is already a considerable number and choice of outlets in operation. The application site for this additional takeaway is in close proximity to a number of flats. Residents of these flats already experience local problems regarding smell, noise and litter associated with these outlets. The additional takeaway would, in all likelihood, add to these existing problems. Similarly, present parking problems may be cumulatively affected by the introduction of another takeaway. This is of particular significance bearing in mind that a road junction is located within 25 metres of the application site.

4.4 In the Planning Application Supporting Statement, it is cited in paragraph 4.6 that NPPG 8 (paragraph 83) states that it will normally be appropriate for hot food takeaways to be sited in existing shopping or commercial areas. This is not disputed, however, the guideline continues by saying that:

"Such proposals should be assessed not only on their positive contribution to diversifying uses in existing centres, but also have regard to local problems which could arise from a concentration of such uses".

4.5 Therefore, consideration must not just be given to ensuring that such outlets are located within town centres, but also on the likely effects arising from a concentration of them. As there is already a considerable number and choice of hot food takeaways in Muirhead, the centre can be considered as having a general concentration of food outlets. However, the application site is in

close proximity to an existing takeaway, meaning that notwithstanding the general concentration there would be an even more localised concentration within the vicinity of the site.

- 4.6 The site is in close proximity to residential properties. In paragraph 5.1 of the Supporting Statement it is stated that:

"There would be no loss of amenity in that the nearest residential properties are not located within the immediate proximity of the site".

However, Policy SC3 of the Northern Corridor Local Plan, which is concerned with the assessing of applications for "bad neighbour" development, states that:

"There will be a presumption against hot - food shops, amusement arcades and public houses located directly below or in close proximity to residential properties...".

Despite the residential flats not being immediately proximate to the site, they are only 10 metres away and already experience problems associated with hot food takeaways. Therefore, in considering this application in line with Policy SC3, there should be a presumption against it.

- 4.7 Policy SC2 of the local plan states that:

"There should be a presumption against proposals which have an adverse impact on the residential environment..."

Although this is a 'town' centre location, the residential properties to the rear of the site have a certain 'residential' environment associated with them. A concentration of food outlets in close proximity to them will further compound the adverse effects experienced there.

- 4.7.1 It is claimed in the Supporting Statement (paragraph 4.4) that the proposed takeaway would compliment existing community and social provision and reduce the need to travel to comparable facilities. However, the adequate existing local provision means that there is little requirement to travel elsewhere for comparable facilities. Whether an addition takeaway is introduced or not this situation would not change.
- 4.9 In considering this application against relevant Government and Local Plan Policy, it is recommended that it be refused on the grounds that it is contrary to Policies SC2 and SC3 of the Northern Corridor Local Plan, Finalised Draft, 2000 and to NPPG 8: Town Centres & Retailing.
- 4.10 The Committee is reminded that a request has been made for a site visit and a hearing prior to the determination of this planning application.