

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND & EASTER ROSS  
PLANNING APPLICATIONS COMMITTEE – 29 January 2008**

|             |       |
|-------------|-------|
| Agenda Item | 4.4   |
| Report No   | 04/08 |

**07/01096/FULRC – Change of use of shop to hot food takeaway at 69 High Street,  
Alness**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

Detailed planning permission is sought for the change of use of a vacant retail unit to a hot food takeaway at 69 High Street, Alness. The application is being reported to Committee as an objection has been lodged from Alness Community Council.

**The recommendation is to GRANT planning permission subject to conditions.**

Ward: 7 – Cromarty Firth

Applicant: Saeed Shirvani, Mainstay, Culbokie, IV7 8JU.

A formal hearing is not necessary in this case.

**1. PROPOSAL**

1.1 The property concerned is a ground floor former shop unit contained between another vacant shop unit and a hairdressers shop on the north side of Alness High Street at its junction with Wright's Lane. The premises were most recently used by Blythswood Care as a charity shop until they relocated to larger premises on another part of the High Street. The surrounding uses are predominantly commercial however include houses at 65 High Street and on Wright's Lane adjacent. The proposal is to convert the former shop unit into a hot food takeaway and the applicant has advised that the development is aimed at the top end of the market delivering high quality fresh baked pizza, speciality coffees and fresh salads.

**2. PLANNING HISTORY**

2.1 The property itself has not been the subject of any previous applications for planning permission.

2.2 The vacant premises above the shop unit which previously accommodated the RAF Social Club were granted planning permission for a change of use to form a flat on 19<sup>th</sup> June, 2007 (07/00564/FULRC). This permission has not to date been implemented. Those premises are within the same ownership as the application site.

### **3. PUBLIC PARTICIPATION**

3.1 The application was advertised under Section 34 of the Planning Act for a period of 14 days, expiring on 16<sup>th</sup> November, 2007.

3.2 No letters of representation have been received.

### **4. CONSULTATIONS**

#### **4.1 Internal consultees:**

- TEC Services (Transport) – No objection. Hardstanding area for commercial bin storage required.
- TEC Services (Environmental Health) – The premises will require to comply with the requirements of Regulation EC 852-2004. The w.c. area should not communicate directly with a food room. The proposed extraction flue is situated on two sides by an existing building and in addition the application indicates the flue will have a cowl. Both the location and the cowling are likely to restrict cooking odours dispersing properly and therefore the flue should terminate at least 1 metre above the ridge height of the adjoining building and have no cowling. If the premises are prohibited from having fryers then there are no objections to the application as submitted. Suitable ventilation and filtration is still required. It is understood that the intention is to use a carbon filter system which would be insisted upon.

#### **4.2 External consultees:**

- Alness Community Council – Objects to the application on the grounds that there is not enough provision for retail on the High Street.

### **5. POLICY**

5.1 The following policies are relevant to the assessment of the proposal:

#### **The Highland Structure Plan:**

- Policy G1– Conformity with Strategy;
- Policy G2 – Design for Sustainability;
- Policy R5 – Town Centre Shopping.

## **Ross and Cromarty East Local Plan:**

- Alness Settlement Policy C1 – Town Centre.

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP):

- SPP8 – Town Centres and Retailing.

## **6. PLANNING APPRAISAL**

6.1 **Determining issues** - Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2 The proposal requires to be assessed against both the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

6.3 **Policy** - There are no policy objections to the application as it is located within the heart of the commercial area in Alness High Street. The adopted Local Plan acknowledges the importance of improving the viability of the shopping centre and encouraging the addition, renovation, modernisation or replacement of floor space needed to accommodate changing shopping patterns. There is a presumption against further ground floor offices and other non-retail uses in the main shopping area where they would interrupt continuous retail frontages, however there is no specific guidance with regard to the variation of retail uses which includes hot food takeaways. This reflects Policy R5 in the approved Structure Plan.

6.4 Scottish Planning Policy Guidance (SPP8) makes reference to hot food outlets in the annex to the publication stating that because of the potential for noise and disturbance, it will normally be appropriate for these to be located in existing shopping or commercial areas. The guidance states that assessment should consider not only their positive contribution in diversifying uses in existing centres, but also local problems which could arise from a concentration of such uses. It concludes that it may be appropriate to avoid a proliferation or a clustering in order to minimise disturbance and to protect the amenity of residential areas in particular.

- 6.5 **Amenity** – Technical issues – There are no overriding technical difficulties associated with the proposal. There are no objections from TECS (Transport) and the requirements of TECS (Environmental Health) can be adequately covered by conditions. In this regard, the applicants have discussed the application with the Environmental Health officer and have agreed to a condition precluding the use of deep fat fryers. On the basis of such condition being attached, TECS (Environmental Health) are satisfied that the ventilation system submitted as part of the application is acceptable. This involves a carbon filter extraction system venting through a small flue on the flat roof to the rear of the property.
- 6.6 **Public Concerns** – No third party representations have been received. However Alness Community Council objects on the basis of the proposal using an existing retail unit and thereby prejudicing general retail use on the High Street. In response, the applicants have noted that the unit is currently vacant and at the time of writing there were a further 3 shops empty on the High Street available for retail use, which they believe have been empty for at least 4 months.

## 7. CONCLUSION

- 7.1 As stated above, the site is located within the town centre commercial area identified in the adopted Local Plan. Notwithstanding this, Alness Community Council has formally objected to the application on the basis that they believe there is not enough provision for retail use on the High Street. It should be noted however that the town centre remains relatively vibrant and there are a wide range of different retailing and other commercial uses, including hot food outlets, along the length of High Street with no particular pattern of clustering and with intervening buildings being in different use. There are no third party objections and no technical objections and any possible smell nuisance can be addressed by the installation of filtered extraction.
- 7.2 The premises are of restricted size, with the floor area of the entire unit measuring less than 65m<sup>2</sup>, which limits the amount of custom which can be catered for. Furthermore, the proposed sale of fresh pizza widens the range of hot food outlets which would be available within the town centre. It is therefore submitted that there is no real substance to the objection lodged by the Community Council and it would be unreasonable to refuse the application which complies with national and Council policy. The applicant will be required to provide a litter bin and maintain the area around the site in a litter free condition. It is therefore considered that permission should be granted subject to the conditions listed below.

## RECOMMENDATION

Recommend the application be granted subject to the following conditions and reasons:

1. Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and smell created from catering operations on the premises as shown on the plans hereby approved. Details of the equipment shall be submitted to and approved by the Planning Authority in consultation with the Environmental Health Authority in writing prior to commencement of the development. Equipment shall be installed and in full working order to the satisfaction of the Planning Authority prior to first use of the development hereby approved. **For the avoidance of doubt, the business hereby approved shall not include the use of deep fat fryers except with the further express permission of the Planning Authority in consultation with the Environmental Health Authority.**

Reason: In order to reduce the risk of smell nuisance.

2. All plant, machinery and equipment (including fans, ducting and external openings) to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to prevent the transmission of noise and vibration into any premises either attached to, or in the vicinity of the premises to which the application refers.

Reason: In order to reduce the risk of noise nuisance.

3. **Prior to first use of the premises as approved**, a litter bin shall be provided and retained outside the takeaway facility and the operator shall ensure that the area around the property is maintained in a tidy and litter free condition to the satisfaction of the Planning Authority in consultation with the Environmental Health Authority.

Reason: In the interests of amenity.

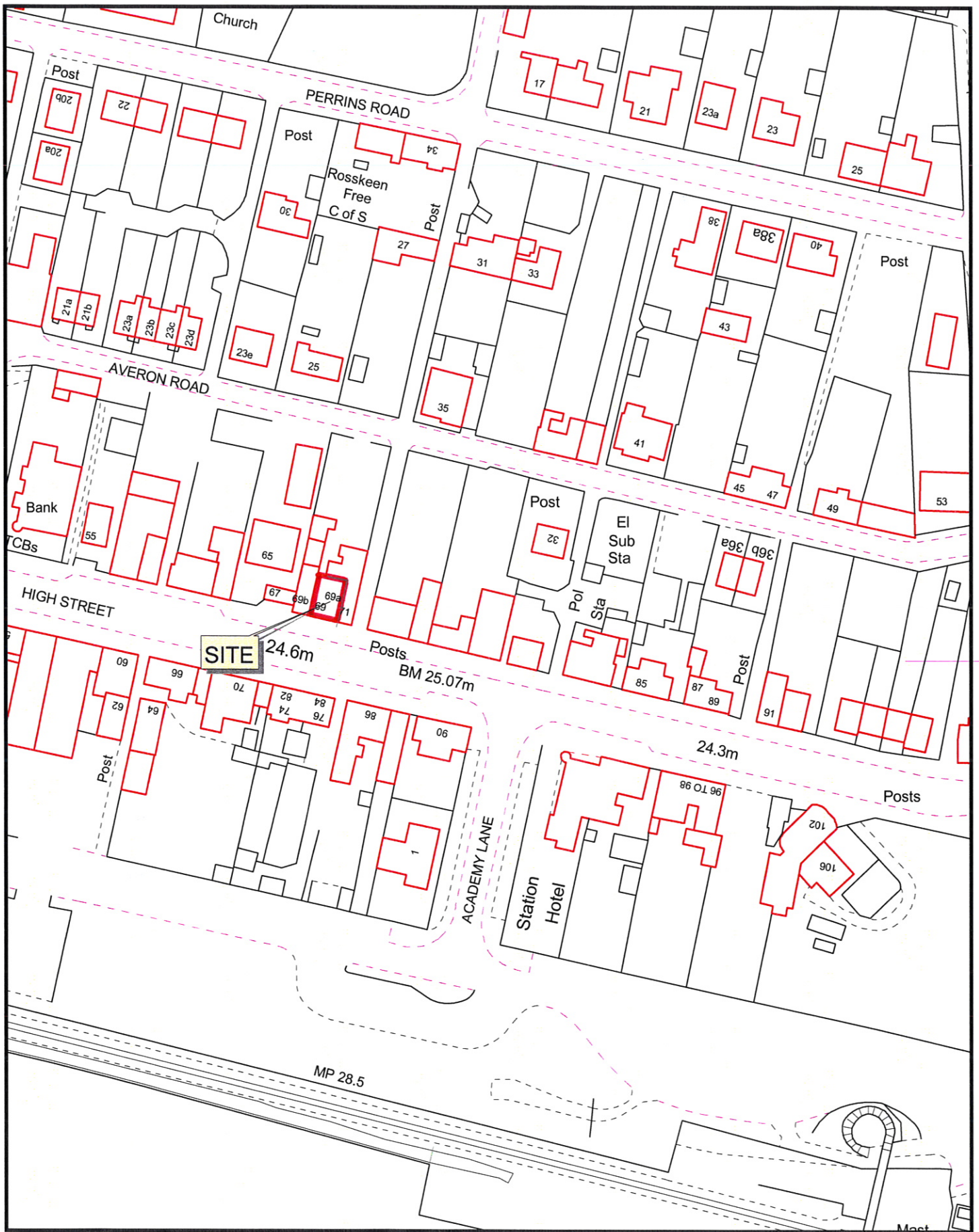
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Dorothy Stott

Background Papers: As referred to in the Report above and case file ref. no. 07/01096/FULRC.

Date: 16 January 2008



## 69 High Street, Alesch

07/01096/FULRC

Centre coordinates: 265859mE 869564mN

SUPPLIED BY THE HIGHLAND COUNCIL



Scale  
1:1250

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