

Appeal Decision Notice

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Decision by Roger Wilson, a Reporter appointed by the Scottish Ministers

- Planning Appeal reference: P/PPA/270/504
- Site Address: Highland Crafts, Rosslyn Street, Brora KW9 6NE
- Appeal by Mr Simon Wan against the decision by The Highland Council
- Application for planning permission No. 07/00339/FULSU dated 15 August 2007 refused by notice dated 8 October 2007.
- The development proposed: Change of use of shop/café to Chinese takeaway. Erection of signage.
- Date of site visit by Reporter: 8 January 2008

Date of appeal decision: 15 January 2008

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. The determining issues in this appeal are whether the proposed change of use is (1) acceptable in terms of its effect on any surrounding residential amenity; and (2) acceptable within the character of the surrounding area, all bearing in mind the provisions of the development plan.

2. On issue (1), the Environmental Health Officer raised a number of issues with regard to the layout of the premises and the details of cooking and waste disposal. Despite the letter from a ventilation consultant, many of these concerns appear to be unresolved, e.g. waste disposal, ventilation, food preparation and storage. There are several dwellings close by to the north on Rosslyn Street, and without adequate attention to odour control and waste storage, there could be significant harm to their residential amenity. I have considered whether these matters could be controlled by a condition, but it seems to me that they involve design issues that are more properly dealt with at a fundamental level of a different proposal. The use would entail business in the evenings and the consequent movement of vehicles and people would be when local residents might reasonably expect limited noise and disturbance. The relatively close proximity of the takeaway to the dwellings would undermine that expectation, and only reinforces my conclusion on this issue that residential amenity would be significantly harmed if planning permission were granted.



3. On issue (2), unlike other takeaways in Brora, the building is not within the limited commercial core of the town, but just to the southwest, albeit still within the boundaries of the S1 zone identified in the local plan, but much closer to the residential quarter. I accept that there is an existing shop here, but its normal operating hours would be during the working day rather than at night, and in this respect, the proposed use and operating hours would be at odds with the character of the immediate surrounding residential area.

4. In these respects the proposed change of use would not accord with the aims of structure plan policy G2: Sustainability, which includes impact on individual and community residential amenity and sensitive siting as relevant factors to be considered. The South and East Sutherland Local Plan highlights its aims to improve employment and to promote business, but these must be balanced against retaining and improving residential and community amenity.

5. The Roads Officer is content with the access and parking arrangements, and from my site inspection, I agree that the 4 parking spaces and turning facilities would not give rise to highway danger or the risk of undue congestion. There are also other parking facilities near by to service the propose use.

6. Taking all these matters into account, and on balance, I am satisfied that the council came to the correct conclusion that the proposal would be unacceptable in terms of its effect on residential amenity and the character of the area. I am not aware of other proposals coming forward for consideration, so I draw no conclusion as to whether approval here would lead to other similar schemes.

ROGER WILSON
Reporter