

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
15 JULY 2008

Agenda Item	2.10
Report No	42/08

08/00198/FULCA: CHANGE OF USE OF FISH SHOP TO FISH AND CHIP SHOP AND PIZZA TAKEAWAY AT 103 HIGH STREET, WICK

Report by Area Planning and Building Standards Manager

SUMMARY

Planning application is made to change the use of an existing fish shop to a fish and chip shop and pizza takeaway at 103 High Street in Wick. The application has attracted letters of objections from five addresses hence this application is referred to Committee for determination. The application site is subject to Policy C2 of the Wick Chapter of the Caithness Local Plan which presumes against further ground floor office and other non-retail uses in the main shopping areas of Bridge Street and High Street where they would interrupt continuous retail frontages. In this instance this proposal would not be introducing a non-retail use to a continuous retail frontage because on one side of the premises lies a hot food takeaway and on the other side lies a Solicitors/Estate Agents Unit on the ground floor. As such the proposal is therefore not contrary to the Local Plan and the grounds of objection do not merit refusal of the application.

The recommendation is to grant planning permission.

Ward Number 3 –Wick

Applicant: Mr. Willie Little per D. A. Renwick Associates, Chartered Architects, 5 Langley Park, Wick

1. PROPOSAL

1.1 Application is made for the change of use of a existing ground floor fish shop to a fish and chip shop and pizza takeaway at 103 High Street, Wick. Ventilation to remove cooking smells will be installed through the use of an existing flue from a redundant fire venting the fumes to above roof level.

2. PLANNING HISTORY

2.1 None on file.

3. PUBLIC PARTICIPATION

- 3.1 The application was advertised on 23 May 2008 under section 34 of the Act and as a departure from the provisions of the development plan, the period for representations to be made expiring on 13 June.
- 3.2 A total of 3 letters of objection have been received although one of the letters is signed by three separate parties with three separate addresses.
- 3.3 The grounds of objection can be summarised as follows:
- a. The proposal would be liable to create a great deal of noise at inconvenient times.
 - b. An increase in litter in the surrounding area would be liable to occur.
 - c. Undesirable customers would be liable to be attracted at night time and especially at weekends.
 - d. The proposal would be liable to encourage additional vehicular traffic and inappropriate parking.
 - e. The proposal would be liable to result in undesirable cooking smells.

4. CONSULTATIONS

- 4.1 **Environmental Health Officer:** No response.

5. POLICY

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

Highland Structure Plan:

- G2 Design for Sustainability

Caithness Local Plan (Adopted September 2002):

- Policy C2 of the Wick Chapter of the Local Plan which in part states that “within the defined commercial core area the Council will.....presume against further ground floor office and other non-retail uses in the main shopping areas of Bridge Street and High Streets, where they would interrupt continuous retail frontages.....”.

- 5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN):

- SPP 8 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 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 applicant and objectors.
- 6.3 The overriding issue in the consideration of this application lies with Policy C2 of the Wick Chapter of the Caithness Local Plan. It states that within the defined commercial core there will be a presumption against further ground floor and non-retail uses in the main shopping areas of Bridge Street and High Street where they would interrupt continuous retail frontages. In this instance there is no continuous retail frontage because on one side of the premises is a Chinese hot food takeaway and on the other side is the office of a Solicitor/Estate Agent. Therefore no continuous retail frontage is being interrupted.
- 6.4 With regard to the grounds of objection detailed in paragraph 3.3 above I do not consider that any of them merit refusal of the application. There are already several hot food takeaways, public houses etc in the area and I do not see that the introduction of this use into this unit would cause any undue problems. The only issue raised which possibly could have some substance is that of cooking smells. However the applicant's agent has clearly indicated that these can be vented by way of an existing flue via an existing fireplace in the premises. This should adequately deal with the issue of cooking odours.
- 6.5 In conclusion, I do not consider that any of the grounds of objection merit refusal of the application and the application is not in conflict with the relevant Policy in the Caithness Local Plan. As such my recommendation is to grant planning permission.

RECOMMENDATION

Grant planning permission subject to the following condition:

1. No odour associated with the facility shall be detectable outwith the boundaries of the site.

Reason: In the interest of amenity and in order to avoid odour nuisance.

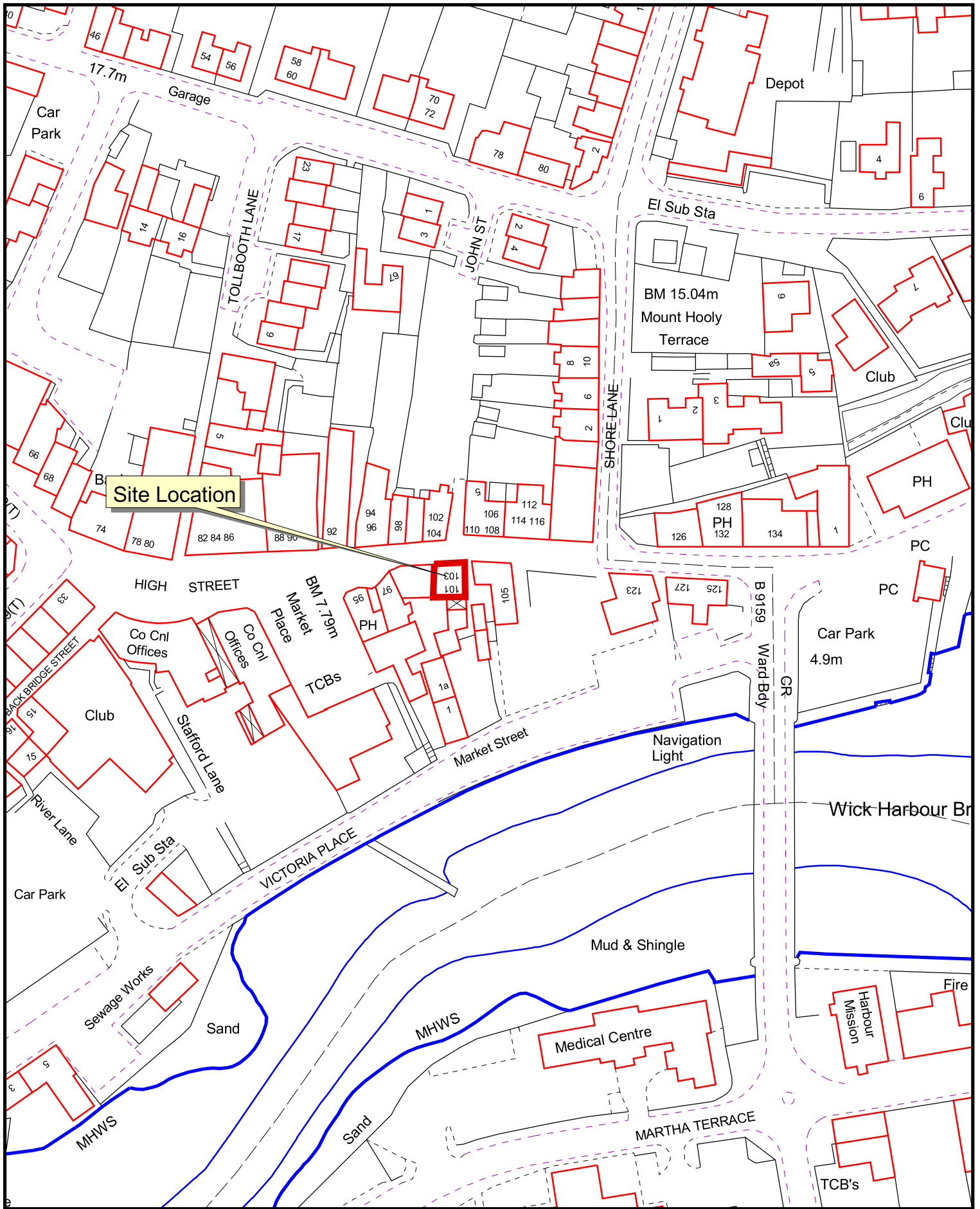
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Iain Ewart 01955 607751

Background Papers: As referred to in the report above

Date: 7 July 2008



08/00198/FULCA
 Change of use of fish shop to fish and chip shop and pizza takeaway at
 103 High Street, Wick, KW1 4LR

Mr Willie Little
 per D A Renwick Associates
 Chartered Architects
 5 Langley Park
 Wick
 Caithness
 KW1 5LD

Date: 08 July 2008

SUPPLIED BY THE HIGHLAND COUNCIL



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