

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/01562/PP
Planning Hierarchy: Local
Applicant: Mr. O. McLean
Proposal: Change of use and extensions to form fast food outlet/catering premises, change of use of land to provide external seating area, erection of detached storage building and formation of new vehicular access.
Site Address: Former public toilet, Millknowe, Campbeltown

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Change of use of former public toilet building, plus extensions and alterations, to form commercial catering kitchen with ancillary hot-food take-away facility (sui generis);
- Use of land to form outdoor seating area;
- Erection of detached storage building;
- Formation of new vehicular access and parking;
- Siting of freezer container;
- Erection of fence around freezer container.

(ii) Other specified operations

- Connection to public water supply;
 - Connection to public sewer.
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(B) RECOMMENDATION:

That permission be Granted subject to the conditions and reasons contained in this report.

(C) CONSULTATIONS:

Area Roads Mid Argyll Kintyre And Islay	08.08.2012	No objection subject to conditions.
Environmental Health	15.08.2012	No objection subject to note to applicant.

Health And Safety Executive	05.10.2012	No objection.
Scottish Water	24.07.2012	No objection.

(D) HISTORY: None

(E) PUBLICITY:

ADVERT TYPE: Regulation 20 Advert Local Application
EXPIRY DATE: 24.08.2012

(F) REPRESENTATIONS:

(i) Representations received from:

Letters of objection have been received from the following:

- Charles McLean, Callie Catering, The Esplanade, Campbeltown
- The Owner, Rolland Butter Takeaway, 46 Main Street, Campbeltown
- M.A. & K.J. Blanchflower, Fresh Bytes, 51 Main Street, Campbeltown
- Mrs. A. Cassidy, Feorlin, Longrow, Campbeltown
- Mrs. I. Johnston, Kinloch Villa, Longrow, Campbeltown

In addition, nine identical letters of support have been received from:

- Mr. C. Baines, 6A Meadowburn Place, Campbeltown
- Mr. A. Glen, Mechanical Services, Glebe Street, Campbeltown
- Paul Newall, Hamilton Brothers, Campbeltown
- Paul MacSporran, Hamilton Brothers, Campbeltown
- Richard Mathieson, Hamilton Brothers, Campbeltown
- Peter Mauchline, Hamilton Brothers, Campbeltown
- John Ronald, Ormary Farm, Southend by Campbeltown
- A. McKenzie, 36B Meadowburn, Campbeltown
- Robert Marrison, 58 Glengarriff, Kirk Street, Campbeltown.

(ii) Summary of issues raised:

Grounds of objection

- I feel very strongly that there are more than enough food outlets in Campbeltown. There are in excess of 13 businesses offering takeaway food. This does not include hotels and pubs. It is becoming very hard to sustain a business with so much competition without adding yet another. We thought that Argyll and Bute Council were supporting small businesses in the town but this is going to drastically saturate the amount of customers in already difficult times.

Comment: Economic competition between businesses is not a material planning consideration. The above comments are raised by the proprietors of existing takeaway outlets.

- I have had an application to change my catering trailer refused three times due to the fact that the licensing committee thought that Campbelltown was already saturated with takeaway food suppliers so to allow this to go ahead would be akin to double standards.

Comment: Economic competition between businesses is not a material planning consideration. The above comment is raised by the proprietor of an existing mobile takeaway outlet. Mobile takeaway outlets require to be licensed and are thus subject to different control. The proposed change of use of this existing building is in accordance with Development Plan policy (see assessment below for details).

- Objection on grounds of noise (no details given).

Comment: The proposed development is for the operation of a small commercial kitchen to provide catering for wedding receptions and functions etc, plus a small ancillary takeaway facility. The application site is located within an existing primarily commercial location adjacent to an engineering workshop and sales building, a petrol filling station and a large supermarket. It is not considered that the proposed use would give rise to any material noise nuisance and no objection has been raised by the Council's Environmental Health Officer.

- Parking. – I don't think that the parking spaces allocated are near enough (*it is not clear whether this comment refers to the actual proximity of the parking spaces to the proposed catering/takeaway building or whether it refers to the number of spaces proposed*) and therefore would cause congestion on the main road and at Hamilton Brothers.
- Vehicular access from Co-Op (no details given).
- Access to bus stop (no details given).

Comment: The proposed development includes the provision of three new parking bays immediately adjacent to the proposed catering kitchen/take-away accessed off the existing service road between the application site and the Hamilton Brothers works and transport depot. There would be no direct access off the main A83 public road. The Area Roads Manager has raised no objection to the proposed development or the proposed level of parking (subject to planning conditions requiring appropriate visibility splays and construction details). It is therefore considered that the proposed development will not lead to any material highway safety implications.

- Late opening hours (no details given).

Comment: The application site is located within a largely commercial area and whilst there are residential properties on the opposite side of the main road it is not considered that the proposed use is likely to give rise to any materially harmful problems associated with any late night opening provided the opening hours are controlled by appropriate planning conditions to prevent the building being used as a takeaway beyond 2200 hours.

- Building extension close to gasometer (no details given).

Comment: The application site is located in very close proximity to the 'Transco' bulk gas storage site and within the 'inner' safeguarding zone as defined by the Health & Safety Executive. The HSE have, however, confirmed that they would not advise against planning permission being granted for the proposed

development as the limited use by the general public would not result in any unacceptable potential risk to public health and safety. For this reason the HSE have not advised against planning permission being granted for this element of the proposed development.

Grounds of support:

- I wish to register my support for this application. A good quality hot food and beverage outlet is much needed in this busy commercial area as it will be the only fast food outlet operating in this side of town; all of the others are in the town centre.
- This business will hopefully create much needed jobs in Campbeltown which is an area of high unemployment.
- The building has been empty and unused for a number of years and is showing signs of neglect. The proposal would improve a derelict building in a prominent site on the main road coming into Campbeltown and would create a better impression for tourists and visiting people and would therefore help support the regeneration of the town and area in general.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|--|----|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | No |
| (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP BAD 1 – Bad Neighbour Development

LP BUS 1 – Business and Industry Proposals in Existing Settlements

LP SERV 9 – Development in the Vicinity of Notifiable Installations

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provision

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009** N/a

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: Yes – Land owner. Regulation requires that applications in which the Council has an interest must be determined by Committee.

(O) Requirement for a hearing (PAN41 or other): No

(P) Assessment and summary of determining issues and material considerations

This application for planning permission is being reported to Committee solely because the application involves land owned by Argyll and Bute Council.

The proposals relate to an existing redundant single storey toilet block of utilitarian design located adjacent to the A83 Millknowe Road and on a small 'island' of open grassland between the A83 and a service road to the front of the adjacent Hamilton Brothers works and transport depot. The application site is bounded by a low stone wall though is somewhat elevated with respect of the main public road and is prominent within its streetscape setting.

It is proposed to extend the existing building by increasing its depth, altering its roof profile and the addition of a small single storey wing to each of its two end elevations and to change its use to provide for a commercial kitchen for the purposes of preparing food for outside catering events (weddings, functions etc) as well as a take-away telephone delivery service plus a small ancillary cafe/take-away open to visiting members of the public. Although there would be no dining facilities within the building itself, the application would provide for a small external seating within the grassed area immediately adjacent to the building. A small storage shed building is also proposed plus the siting of a freezer container within a new fenced surround. Three new parking bays would be provided, accessed off the service road to the rear of the site.

The proposed development is considered appropriate to its setting in terms of its scale, design and detailing and raises no material access, servicing or infrastructure concerns. The proposed use of the extended/altered former toilet building is considered acceptable as a small-scale business development within a defined settlement and within an area largely characterised by existing commercial and industrial land uses.

The proposed development is considered acceptable by the Health and Safety Executive and does not represent any potential unacceptable risk to public health and safety despite the close proximity of the site to the 'Transco' gas storage facility which is classified by the HSE as a hazardous facility. The HSE have not advised against planning permission being granted in this case.

A full assessment of the proposals is contained within Appendix A below.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

The proposed development is considered appropriate to its setting in terms of its scale, design and detailing and raises no material access, servicing or infrastructure concerns. The proposed use of the extended/altered former toilet building is considered acceptable as a small-scale business development within a defined settlement and within an area largely characterised by existing commercial and industrial land uses.

The proposed development is considered acceptable by the Health and Safety Executive and does not represent any potential unacceptable risk to public health and safety despite the close proximity of the site to the 'Transco' gas storage facility which is classified by the HSE as a hazardous facility. The HSE have not advised against planning permission being granted in this case.

The proposed development is therefore considered appropriate and in accordance with all relevant Development Plan policies.

(S) Reasoned justification for a departure to the provisions of the Development Plan N/a

(T) Need for notification to Scottish Ministers or Historic Scotland: No.

Author of Report:	Tim Williams	Date:	28 th September 2012
Reviewing Officer:	Peter Bain	Date:	1 st October 2012

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 12/01562/PP

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 14th July 2012; and the approved drawings numbered 1 of

2 and 2 of 2; and stamped approved by Argyll and Bute Council.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

Standard Note: In terms of condition 2 above, the council can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997 although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. If you wish to seek any minor variation of the application, an application for a non material amendment (NMA) should be made in writing to Planning Services, Dalriada House, Lochgilphead, PA31 8ST which should list all the proposed changes, enclosing a copy of a plan(s) detailing these changes together with a copy of the original approved plans. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.

2. The proposed takeaway/cafe use hereby approved shall not operate outwith the hours of 0900 and 2200 hours unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenity of the area from noise nuisance associated with the proposed takeaway / cafe elements of the approved development and in recognition of the fact that the development site is located within a mixed commercial and residential area.

3. Before any works commence on site, full details of the proposed layout and design of the kitchen area, plus a detailed design and specification of any proposed odour extraction equipment, including any proposed external extraction flues, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Area Environmental Health Officer. Any proposed external fume extraction flues materially larger than, or of a materially different design and/or position to, those indicated on the drawings hereby approved may be required to be the subject of an additional detailed planning application in their own right.

Reason: In order to properly assess the working requirements of the development and to prevent an unacceptable odour nuisance within the vicinity of the application site. And in order to properly assess and control the visual impact of any proposed or required extraction vents and/or flues where these might have a materially greater visual impact than those indicated in the originally submitted drawings.

4. The three proposed new vehicle parking bays indicated on the submitted and approved plans shall be constructed with their connection to the adjacent public road to be in accordance with the Council's Highway Drawing No. SD 08/005, Revision a., and having visibility splays of 25 metres by 2.0 metres formed from the centre line of each of the three new parking bays. Prior to any other work starting on site, these visibility splays shall be cleared of all obstructions over 1.05 metres in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over 1.05 metres in height to the satisfaction of the Planning Authority. The three new parking bays shall be fully constructed and operational before the building hereby approved is first brought into use.

Reason: In the interests of highway safety.

NOTES TO APPLICANT

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/01562/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The proposed development is located within the defined Campbeltown settlement area, outwith the conservation area and within the 'edge of town centre' zone.

Settlement strategy policy STRAT DC 1 and LP BUS 1 would support the scale and type of development proposed, subject to compliance with other relevant Development Plan policies.

The proposed development would comply with all other relevany Development Plan policies and is therefore considered acceptable.

B. Location, Nature and Design of Proposed Development

The proposals relate to an existing redundant single storey toilet block of utilitarian design located adjacent to the A83 Millknowe Road and on a small 'island' of open grassland between the A83 and a service road to the front of the Hamilton Brothers works and transport depot. The application site is bounded by a low stone wall though is somewhat elevated with respect of the main public road and is prominent within its streetscape setting.

It is proposed to extend the existing building by increasing its depth, altering its roof profile and by the addition of a small single storey wing to each of its two end elevations and to change its use to provide for a commercial kitchen with the intention that it prepares the food for outside catering events (weddings, functions etc) as well as a takeaway telephone delivery service plus a small ancillary cafe/takeaway open to visiting members of the public. Although there would be no dining facilities within the building itself, the application would provide for external seating within the grassed area immediately adjacent to the building. A small storage shed building is also proposed plus the siting of a freezer container with a new fenced surround. Three new parking bays would be provided, accessed off the service road to the rear of the site.

The existing building is an unattractive monopitch roof design with a flat roofed 'wraparound' section to its rear and sides; grey pebbledash rendered with a grey tile roof.

It is proposed to alter and extend this building quite significantly. It is proposed to increase the depth of the main part of building from 4.5 metres to 6.3 metres, thus increasing its gable width. The existing monopitch roof would be replaced by a new ridged roof which would increase the overall height of the building from 4 metres to 6.4 metres. The new roof structure would be of profile sheet clad and would incorporate a single rooflight window to the south west elevation plus two steel chimney flues. Two new single storey wings would be added to the gables of the building, at reduced ridge height and narrower gable width and extending the overall length of the building from 11.8 metres to 15.8 metres. The building would be re-rendered and painted white.

It is also proposed to erect a small timber storage shed building at the far south eastern end of the site and to site a small metal freezer container immediately to the south west of and adjoining the extended building. This freezer container would be

completely screened to two sides by a proposed 2 metre high close boarded fence and to a third side by the building itself.

An outdoor seating area would be provided to the front of the building and positioned between the building and the A83 public road. This seating area would consist of 5 circular tables, each seating up to four people.

A network of slabbed paths exists, surrounding the building and affording pedestrian accesses from both the main Millknowe Road and from the service road at the rear.

Three new parking spaces would be formed off the existing service road to the rear of the building. There would be no vehicular access from the main road.

The overall form and scale of the proposed development is considered acceptable and would accord with Local Plan policy LP ENV 1 and LP ENV 19

C. Amenity Issues

The provisions of policy LP BAD 1 would seek to resist development that would have significant adverse effects on the amenity of neighbouring residents. The current application is however located within a mixed use, predominantly commercial area although a small number of residential properties are located on the opposite side of Millknowe Road to the south east of the application site. The Council's Environmental Health Officers have not raised objection to the proposal in relation to the potential effects of the proposed hot food take-away upon the amenity of the locale. It has however been noted that the submitted details do not include sufficient details in relation to fume extraction and odour control or the ability to comply with statutory food hygiene provisions – had it been intended that planning permission were to be granted these elements, and compliance with LP BAD 1, could have been readily secured by planning conditions securing submission and approval of details of ventilation/odour control, restriction of operating hours to reflect that of other businesses within the immediate locale and any provision of outdoor lighting.

D. Road Network, Parking and Associated Transport Matters.

The proposed development is a redevelopment and reuse of an existing former public toilet building to form a commercial catering kitchen with limited takeaway facilities and an outdoor seating area. The Area Roads Manager has assessed these proposals and is satisfied that the type and level of use of the development is appropriate in this location subject to the provision of three new parking spaces to an appropriate standard.

The proposed development raises no access or parking concerns and will have no material impact upon the local road network. The proposed development is therefore considered to be in accordance with Local Plan policies LP TRAN 4 and LP TRAN 6.

D. Development in the Vicinity of Notifiable Installations

The proposed development lies within the Health and Safety Executive consultation inner safeguarding zone of the Campbeltown 'Transco' bulk gas storage facility which is located some 65 metres from this hazardous installation site at its closest point. Local Plan policy LP SERV 9, 'Development in the Vicinity of Notifiable Installations', requires the Planning Authority to formally consult the Health and Safety Executive (HSE) to assess the risk to the proposed development. In this case, the HSE have advised that they would raise no objections to the scale and form of the proposed development relative to the nearby installation.