

MINUTE
of
PLANNING APPLICATIONS COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 6 September 2017.

Present:

Councillor Annette Ireland (Chair)
Councillor Betty Cunningham (Vice Chair)
Councillor Paul Aitken

Provost Jim Fletcher
Councillor Jim McLean

Councillor Ireland in the Chair

Attending:

Sean McDaid, Ian Walker and Graham Shankland, Principal Planners, Development Management; and Paul O'Neil, Committee Services Officer.

Apologies:

Councillors Angela Convery and Stewart Miller.

DECLARATIONS OF INTEREST

115. There were no declarations of interest intimated.

NOTIFICATION OF PLANNING APPEALS AND APPEAL DECISIONS

116. The committee considered a report by the Director of Environment, advising of the intimation by the Scottish Government's Planning and Environmental Appeals Division of the outcome of one appeal that had been lodged against the committee's decision to grant planning permission, subject to conditions in respect of a change of use of retail premises to a hot-food takeaway and installation of extract flue at rear at 28 Arthurlie Avenue, Barrhead.

Whilst noting that the applicant had been unhappy with two of the conditions proposed to be attached to the planning consent which restricted the hours of opening of the premises and the requirement to provide three parking spaces within the site, the report explained the Reporter had upheld the appeal and imposed two replacement conditions as follows:-

- (a) that the premises shall not open for business outwith the hours 11.00am to 10.00pm each day; and
- (b) that the off-street parking spaces and access driveways do not need to be provided.

Furthermore, it was noted that the two further conditions which related to the operation of the parking and access had also been removed.

The committee noted the terms of the report.

APPLICATIONS FOR PLANNING PERMISSION

117. The committee considered reports by the Director of Environment on applications for planning permission requiring consideration by the committee.

The committee agreed that the applications be determined as indicated at Appendix 1 accompanying this Minute, particular reference being made to the following:-

- (i) 2017/0262/TP - Change of use and sub-division of existing restaurant (Class 3) to form hot food takeaway (Sui Generis) and retail unit (Class 1) with alterations to frontage to install entrance door at 562-564 Clarkston Road, Netherlee by Ruby Palace

The Principal Planner in response to comments made by Councillor Ireland acknowledged that the hot food takeaway was operating at present. He stated that should the committee decide to grant planning permission for the change of use the wording of Condition 1 could be altered to ensure that the details the Council required from the applicant in terms of ventilation and extraction systems were submitted within a specified timescale. The committee requested that this be within 14 days of the approval being given.

The committee agreed that planning permission be granted, subject to the conditions detailed in the report and subject to the wording of Condition 1 being amended to read as follows:-

Condition 1

Within 14 days of the date of this approval exact details and specification of all ventilation and extraction systems, together with details of their maintenance, to serve the hot food premises shall be submitted to and approved in writing by the planning authority. Thereafter the approved details shall be fully implemented and retained and maintained according to the approved details in perpetuity.

Reason:- To protect local residents from nuisance resulting from cooking odours.

- (ii) 2017/0272/TP – Change of use from office (Class 2) to hot food takeaway (Sui Generis) at 568 Clarkston Road, Netherlee by Prospect House Developments Limited

Whilst expressing concern about the adverse impact the proposal would have on the amenity and character of the area, Councillor Ireland stated that in her opinion, there were already too many hot food takeaways operating in

the Netherlee neighbourhood centre. Furthermore, she expressed the view that the proposal did not comply with the terms of Policy SG9 as the percentage of non Class 1 units in the neighbourhood centre exceeded the 40% threshold detailed in the policy.

Councillor McLean echoed Councillor Ireland's comments in the course he suggested that the number of hot food takeaways operating in the area was at saturation level and as a result the facility was not required. He also expressed concern about the parking provision at the site which was limited and suggested that the proposal would create parking problems in the surrounding area with customers parking their cars in neighbouring streets whilst visiting the premises.

Provost Fletcher remarked on the noise nuisance and odours that local residents would suffer as a result of the proposal and suggested that the type of food being offered for takeaway would no doubt be available in a similar facility in the local area and therefore he did not support the proposal.

Whilst remarking that he preferred to see retail units in neighbourhood centres being occupied rather than being left vacant, Councillor Aitken expressed concern about the adverse environmental impact the proposal would have on local residents.

The committee agreed that the application be refused on the grounds that:

- (a) the proposal would have an adverse impact on the character and amenity of the area given that the percentage of non Class 1 units operating in the neighbourhood centre exceeded the 40% threshold detailed in Policy SG 9; and
- (b) local residents would suffer nuisance associated with noise, odours and parking as a result of the proposal.

CHAIR

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

Decision of applications under the above acts considered by Planning Applications Committee on
06.09.2017

Reference No: 2017/0262/TP

Ward: 4

Applicant:

Ruby Palace
562 Clarkston Road
Netherlee
East Renfrewshire
G44 3RT

Agent:

David Jarvie
27 Aytoun Road
Pollokshields
Glasgow
G41 5HW

Site: Ruby Palace, 562 to 564 Clarkston Road, Netherlee, East Renfrewshire, G44 3RT

Description: Change of use and sub division of existing restaurant (class 3) to form hot food takeaway (sui generis) and retail unit (class 1) with alterations to frontage to install entrance door

Decision: Approved subject to conditions

Reference No: 2017/0272/TP

Ward: 4

Applicant:

Prospect House Developments Ltd
Per Design Practice Agent
10 Lynedoch Crescent
Glasgow
G3 6EQ

Agent:

Design Practice Architects
10 Lynedoch Crescent
Glasgow
G3 6EQ

Site: JMSSMC Ltd, 568 Clarkston Road, Netherlee, East Renfrewshire, G44 3RT

Description: Change of use from office (class 2) to hot food takeaway (sui generis)

Decision: Refused
