

**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**

Index of applications under the above acts to be considered by Planning Applications Committee on
01.11.2017

Reference No: 2017/0520/TP

Ward: 3

Applicant:

Sava Estates
227 Fenwick Road
Giffnock
East Renfrewshire
G46 6JG

Agent:

Bennett Developments and Consulting
Don Bennett
10 Park Court
Glasgow
G46 7PB

Site: 227 Fenwick Road, Giffnock, East Renfrewshire, G46 6JG

Description: Change of use of bank to restaurant with ancillary hot food takeaway and installation of extract flue at rear

Recommendation: Approve Subject to Conditions

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REPORT OF HANDLING

Reference: 2017/0520/TP

Date Registered: 2nd August 2017

Application Type: Full Planning Permission

This application is a Local Development

Ward: 3 -Giffnock and Thornliebank

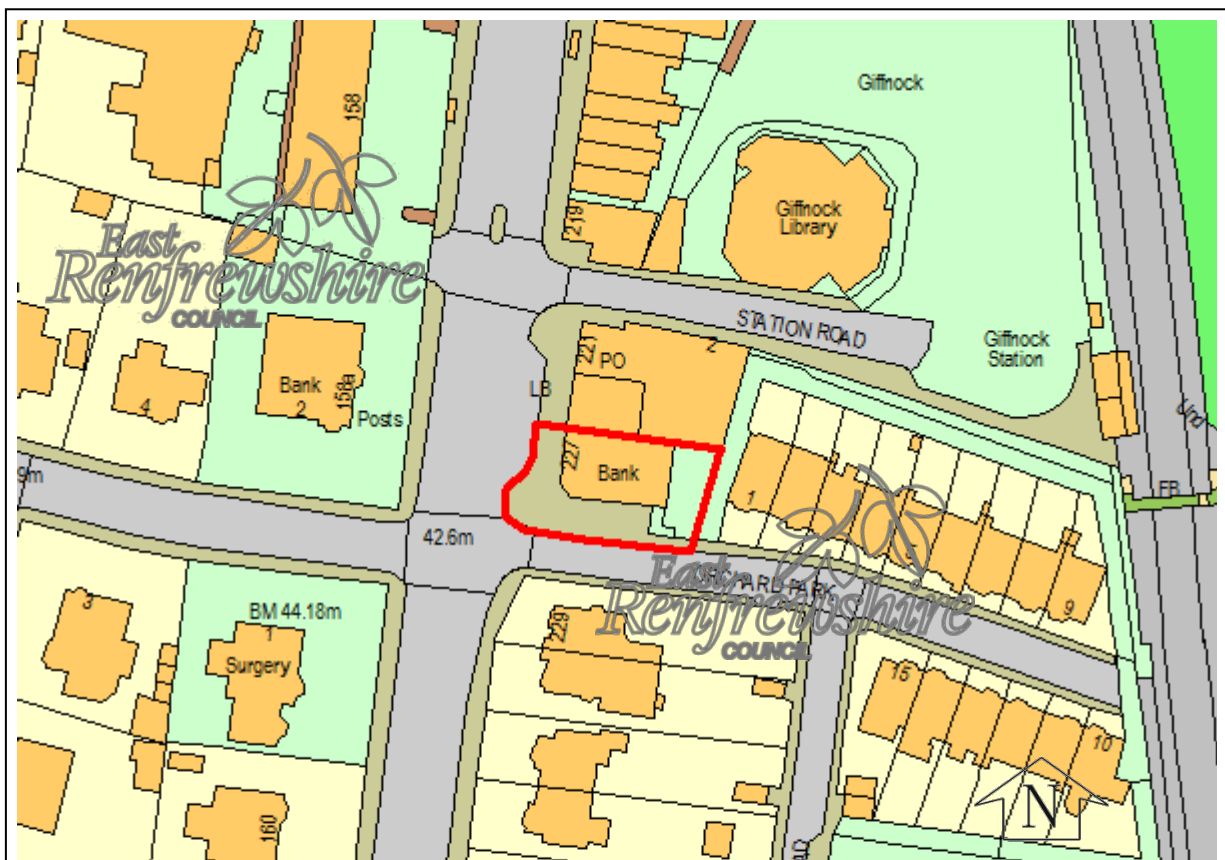
Co-ordinates: 256286/:659112

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G46 6JG

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Proposal: Change of use of bank to restaurant with ancillary hot food takeaway and installation of extract flue at rear

Location: 227 Fenwick Road
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G46 6JG



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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Network
Manager

No objection. The development lies within an established town centre location. The parking requirement can be assumed to be part of the centre's supply.

East Renfrewshire Council Environmental
Health Service

Recommends restrictions on construction work which are liable to cause disturbance to existing properties and noise emissions. Requires compliance with health and safety/food hygiene legislation and registration prior to opening.

PUBLICITY:

18.08.2017 Glasgow and Southside Expiry date 01.09.2017
Extra

SITE NOTICES: None

SITE HISTORY: None

REPRESENTATIONS: 15 representations have been received. The representations can be summarised as follows:

Contrary to East Renfrewshire Local Development Plan
Over provision of restaurants /takeaways
Exacerbate existing issues of parking, cooking odours, litter and vermin
Anti-social behaviour/noise and disturbance
Insufficient on-site parking/unsuitable for unloading and deliveries
Site plan inaccurate as does not show existing tree
Reference to the refusal of planning application 2017/0347/TP

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Statement

Building constructed in the 1930s for a bank use with windows rather than a conventional shopfront, on the main elevations. The Town Centre contains a number of uses and the proposal would not result in the loss of a retail unit. There are dedicated parking spaces for the premises. The application relates to the ground floor only and the upper floor will be retained as offices. The only external alteration would be the installation of a ventilation flue on the rear elevation. The site has good public transport connections and the area has a range of non-retail uses. Policy SG9 does not apply as there is no loss of a retail unit. The station car park is available for parking. Notes that there are other restaurants in the area which add to the diversity of the area.

ASSESSMENT:

The application is a Local Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However as more than 10 objections have been received it is required to be presented to the Planning Applications Committee for determination.

The property is located on the east side of Fenwick Road, at its junction with Orchard Park, and is situated within, and on the periphery of, the Giffnock Town Centre. To the east and south of the property, there are residential properties while to the north, there is a small parade of commercial units comprising a restaurant, office and shop. The property is a two storey traditional red sandstone building with a flat roof extension at the rear. There is a small service yard at the rear with two car parking spaces perpendicular to the south elevation. The immediate area is subject to parking restrictions. Until recently the property had operated as a bank and is currently vacant.

Planning permission is sought to change the use of the ground floor to a restaurant with an ancillary takeaway service and to install an extract flue at the rear. An indicative floor plan proposes 60 covers and a small seating area adjacent to the entrance door for customers waiting for takeaways. The proposed flue would pass through the roof of the flat roof extension at the rear adjacent to the mutual boundary with the adjoining commercial property which is a restaurant. The flue would be approximately 5m high which includes a projection of 1m above the eaves. The upper floor is to remain as a Class 2 office use.

The application requires to be assessed against the Development Plan and any material considerations. The relevant policies in the adopted East Renfrewshire Local Development Plan are considered to be D1, SG7 and SG8. These policies seek to ensure that proposals do not detract from the character or the amenity of the area and that they protect the role and function of town centres respectively.

Policy D1 presumes against developments which would result in a significant loss of character or amenity to the surrounding area. The property is located within an established town centre which is characterised by a variety of retail and non-retail uses and commercial type buildings. There are a number of established food and drink uses within the town centre with a variety of external extraction systems with two food and drink uses within a few metres of the application site. It is considered that the proposal will not have a significant adverse impact on the established character of the town centre.

Residential properties which are close to and/or on the periphery of established town centres will inevitably experience lower levels of amenity than properties which are in predominately residential areas. Nevertheless this lower level of amenity should not be significantly prejudiced by new proposals. The Council's Roads Service and Environmental Health Service have been consulted on the application and neither has objected to the proposal. Noise from the premises can be controlled by a planning condition. Appropriate arrangements would require to be made for waste management and ventilation in compliance with Environmental Health legislation. None of the existing restaurants and takeaways in the vicinity is subject to restrictions on opening hours and, as such, it would not be considered appropriate to impose restrictions in this case.

Drawing the above matters together, it is considered that the proposal will not have a significant adverse impact on the amenity and character of the surrounding area. Consequently, the proposal will not conflict with Policy D1.

Policies SG7 and SG8 aim to protect the role and function of town centres. The property is not an existing retail unit and therefore the proposal does not involve the loss of any retail function. The proposal involves a type of use that would be expected to be located in town centre locations.

In terms of the objections received that have not been addressed above the following comments are made. It is not considered that the proposed development will result in over-provision of such uses in the town centre. Normal market competition will dictate which business is, or is not, successful and this is not a material planning consideration. The application includes an ancillary takeaway service which is considered to be limited in scale. It is not unusual for such establishments to have an element of takeaway service whilst the main function is as a restaurant.

The issues of anti-social behaviour, noise and disturbance, illegal or inappropriate parking, cooking fumes, vermin and/or waste management are controlled by other legislation.

It is noted that the site plan does not show the existing cherry tree on the south side of the building. The tree is located adjacent to the service yard and there are two existing parking spaces beside it. The intentions for the tree have not been specified by the applicant. Notwithstanding a condition can however be attached requiring the retention of the tree.

Reference has been made to the planning application for 2017/0347/TP, which the Planning Applications Committee refused, contrary to recommendation, at its meeting on the 9 August 2017. Rarely, from a planning point of view, are two sites and proposals exactly the same and the two applications are not directly comparable. The application currently under consideration is for a restaurant with an ancillary takeaway facility whereas the aforementioned application was for a takeaway only. Restaurants, by their very nature, do not generate the same volume or frequency of customer visits on an hourly basis as a takeaway and generally do not raise the same amenity issues.

It is considered that the proposal will not have a detrimental impact on the character or amenity of the area or the function of the town centre. The proposal complies with Policies D1, SG7 and SG8 of the Local Development Plan and that there are no significant material considerations that outweigh the provisions of the Development Plan. It is therefore recommended that planning permission is approved.

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None

CONDITIONS:

1. Development shall not commence until exact details and specification of all ventilation and extraction systems to serve the premises, together with the proposed odour mitigation measures, have been submitted to and approved in writing by the planning authority. For the avoidance of doubt any noise from ventilation equipment or any other equipment associated with the premises must not exceed NR35 (as described in BS8233: 2014) as measured at any residential property during the hours of 0700 - 2300, or exceed NR25 between the hours of 2300 and 0700. Thereafter the approved details shall be fully implemented prior to the premises first opening and retained according to the approved details.

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

2. The existing cherry tree located on the south side of the building in Orchard Park shall not be removed unless agreed in advance in writing by the planning authority.

Reason: To ensure the tree is retained which contributes to the visual amenity of the area.

ADDITIONAL NOTES:

The applicant is required to consult East Renfrewshire Council Protective Services regarding compliance with the provisions of the Health & Safety at Work Etc Act 1974 and the Food Safety Act 1990.

Suitable arrangements must be made for the safe segregated storage and disposal of waste.

Physical alterations to the external appearance of the building may require to be the subject of a separate application for planning permission.

The applicant is required to consult East Renfrewshire Council Protective Services to register 28 days prior to commencing business.

The display of advertisements (eg fascia signs, box signs) may require to be the subject of a separate application for advertisement consent.

ADDED VALUE:

Conditions have been added that are necessary to control or enhance the development and to ensure the proposal complies with the Council's Local Plan policies.

BACKGROUND PAPERS:

Further information on background papers can be obtained from Ms Alison Mitchell on 0141 577 3117.

Ref. No.: 2017/0520/TP
(ALMI)

DATE: 25th October 2017

DIRECTOR OF ENVIRONMENT

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Reference: 2017/0520/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

This proposal raises no strategic issues in terms of the Strategic Development Plan and therefore the East Renfrewshire Local Plan is the relevant policy document

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;

14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy SG7

Town and Neighbourhood Centre Uses

The town and neighbourhood centres, as shown on the Proposals Map and listed in Schedule 14, will be the focus for new retail (Class 1 use), leisure, community, residential, and other relevant, complementary uses in accordance with the sequential approach to site selection. Proposals will be supported where of an appropriate scale and design quality, in order to contribute to the quality of the environment and the role and function of the centre.

Proposals for change of use away from retail within these centres require to comply with Policy SG9.

Proposals for new retail (Class 1 use) and leisure development outwith the town and neighbourhood centres will be assessed against Strategic Policy 2 and the following criteria:

A sequential approach to site selection has been followed. Proposals must demonstrate why more sequentially preferable sites have been discounted as unsuitable or unavailable;

There will be no significant individual or cumulative adverse impact on the vitality and viability of any town and neighbourhood centre;

The proposal will help to meet identifiable qualitative and quantitative deficiencies in existing provision; and

The proposal is of scale which is commensurate with the size of the local community

Policy SG8

New Development and Business Improvement Districts

The Council will support new retail and complementary development at the locations shown on the Proposals Map and as listed in Schedule 15. Proposals will be supported where of an appropriate scale and design quality, in order to contribute to the quality of the environment and the role and function of the centre.

The Council will also continue to support the Business Improvement Districts at Clarkston and Giffnock and support the establishment of Business Improvement Districts for the other town centres as shown on the Proposals Map and Schedule 16. The Council will also support the establishment of a Rural Business Improvement District and a Tourism Business Improvement District.

GOVERNMENT GUIDANCE:

Scottish Planning Policy on Promoting Town Centre indicates that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should: apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities; encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening; ensure development plans, decision-making and monitoring support successful town centres; and consider opportunities for promoting residential use within town centres where this fits with local need and demand.

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