

**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
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

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

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

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REPORT OF HANDLING

Reference: 2017/0262/TP

Date Registered: 21st April 2017

Application Type: Full Planning Permission

This application is a Local Development

Ward: 4 – Clarkston Netherlee Williamwood

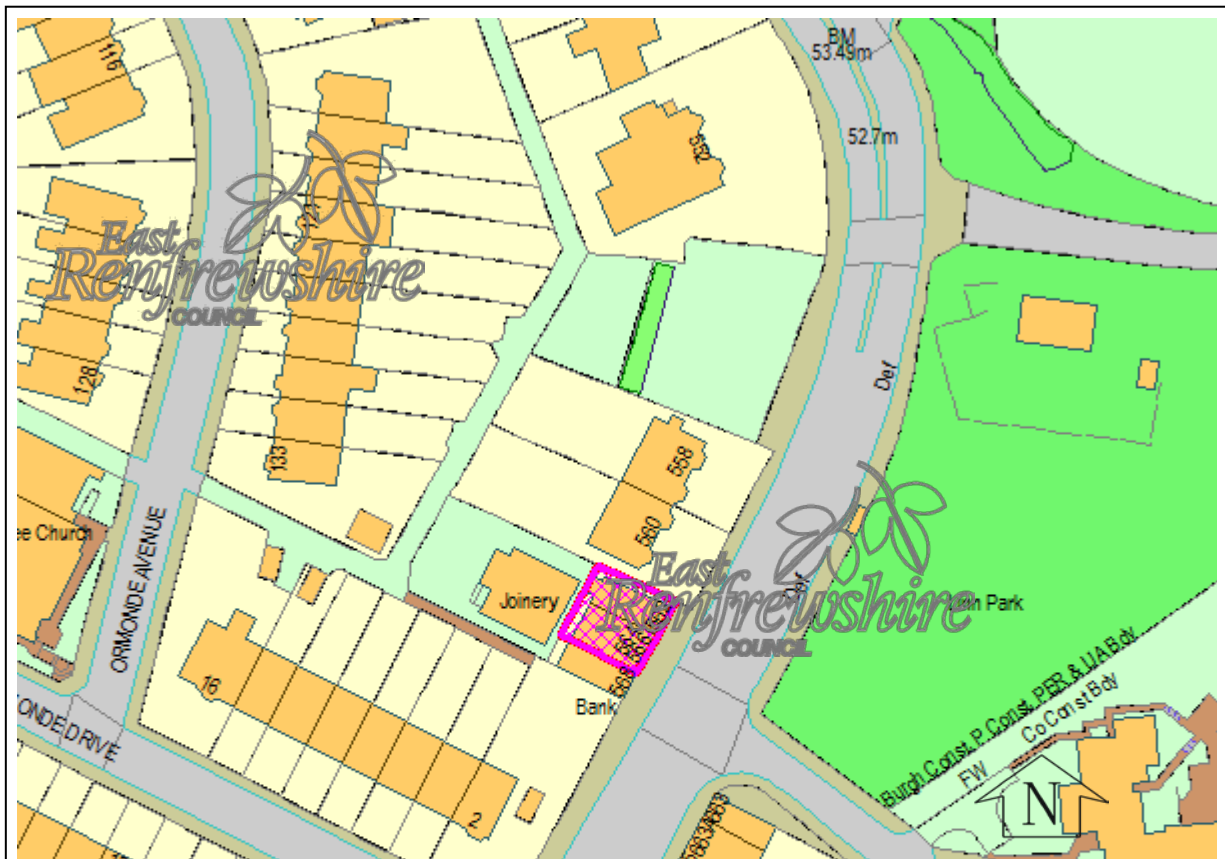
Co-ordinates: 257817/658980

Applicant/Agent: Applicant:
Ruby Palace
562 Clarkston Road
Netherlee
East Renfrewshire
G44 3RT

Agent:
David Jarvie
27 Aytoun Road
Pollokshields
Glasgow
G41 5HW

Proposal: 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

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



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CONSULTATIONS/COMMENTS:

| | |
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| East Renfrewshire Council Environmental Health Service | No objection subject to conditions |
| East Renfrewshire Council Roads Network Manager | No objection |

PUBLICITY:

| | | |
|------------|-----------------------------|------------------------|
| 19.05.2017 | Glasgow and Southside Extra | Expiry date 02.06.2017 |
|------------|-----------------------------|------------------------|

SITE NOTICES: None.**SITE HISTORY:**

| | | | |
|--------------|---|-----------|------------|
| 2017/0181/TP | Change of use and sub division of existing restaurant to form hot food takeaway and retail unit with alterations to frontage to install entrance door | Withdrawn | 28.04.2017 |
|--------------|---|-----------|------------|

REPRESENTATIONS: 11 representations have been received: Representations can be summarised as follows:

Impact on amenity
 Impact on character
 Impact on health
 Smell
 Noise
 Fumes
 Litter
 Anti-social behaviour
 Traffic congestion
 Lack of parking
 Proliferation of hot food takeaways in area
 Contrary to the proposed designation of the area as a conservation area

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1**SUPPORTING REPORTS:** None**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 site is an existing single storey detached building on the west side of Clarkston Road within the Netherlee neighbourhood centre and within the Netherlee Article 4 Area. The building consists of three units, two of which were combined and until recently operated as a restaurant, with the remaining adjacent unit operating as an office. Immediately adjacent to the site are residential properties. The wider area is characterised by residential properties and a variety of commercial and retail uses including restaurants and food takeaway premises. The site fronts onto a main thoroughfare.

The proposal is for the change of use and sub division of an existing restaurant to form a hot food takeaway and a retail unit with alterations to the frontage to install an entrance door.

A separate application for planning permission for a change of use from office to hot food takeaway has also been submitted for the remaining adjoining unit (2017/0272/TP). This application has also been presented to the Planning Applications Committee for determination.

The proposal is required to be assessed against the adopted East Renfrewshire Local Development Plan (LDP), in particular Policies D1 and SG7. 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 Neighbourhood Centres respectively.

The site is within a Neighbourhood Centre which has a variety of uses including other hot food takeaways. The proposal to convert a restaurant to a hot food takeaway and a separate retail unit is considered compatible in general terms to the overall Neighbourhood Centre. Furthermore, the proposal does not result in the loss of an existing retail unit. The proposal is therefore not considered to result in a proliferation of hot food takeaways in the Neighbourhood Centre. Consequently, the proposal does not result in an adverse impact on the character of the Neighbourhood Centre and is in keeping with the aims of Policy SG7.

The potential impact on the amenity of the nearby residential properties also has to be considered. There are residential buildings to the north and south of the site, 8m and 25m away respectively. However, on the north side, the proposal creates a retail unit which will provide a buffer between the proposed hot food takeaway and the adjacent house. On the south side, there is an office (which is subject to an application for a hot food takeaway under 2017/0272/TP) and the garden of the adjacent house which will provide a buffer between the proposed takeaway and the residential building.

The Council's Environmental Health Service has recommended that the operating times of the business be controlled to reduce the likelihood of noise nuisance to adjacent residents. Although the proposal is within a neighbourhood centre, given the proximity of nearby residential properties, it is considered appropriate to control the opening times for the proposed hot food takeaway to lessen any noise nuisance. The Environmental Health Service has also stated that a suitable ventilation system, with adequate noise control and odour mitigation measures, will be required to be installed to minimise the impact on nearby residential properties. It is considered that this can also be addressed by a planning condition.

Consequently given the layout and orientation of the site and its proximity to a main thoroughfare, subject to appropriate conditions, it is considered that the proposal will not have an adverse impact on the amenity of the nearby residential properties or the character of the area.

The Council's Roads Service has stated that as the site lies within the Neighbourhood Centre, the parking requirement for the proposed hot food takeaway can be assumed to be part of the Neighbourhood Centre supply. The Roads Service therefore does not object to the proposal. Consequently, it is considered that the proposal, which is relatively small in scale, will not significantly exacerbate parking and traffic issues within the area.

In terms of the objections that have not been addressed above the following comments are made. Anti-social behaviour and litter are controlled by other legislation. The issue raised regarding impact on health is in this instance not a material planning consideration. The intention to designate the area as a Conservation Area relates to the protection of the built heritage and is not dependent on the type of uses.

It is considered that the proposal will not have a significant detrimental impact on the character or amenity of the area or the function of the Neighbourhood Centre. The proposal is considered to comply with Policies D1 and SG7 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, together with details of their maintenance, to serve the hot food premises have been submitted to and approved in writing by the planning authority. Thereafter the approved details shall be fully implemented prior to the hot food premises first opening and retained and maintained according to the approved details in perpetuity.

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

2. The hot food takeaway use hereby approved shall only be open between the hours of 9.00am and 11.00pm Mondays to Saturdays and 10.00am and 11.00pm on Sundays.

Reason: To protect adjacent dwellinghouses from noise/disturbance.

ADDITIONAL NOTES:

The applicant is required to consult with East Renfrewshire Council Protective Services regarding compliance with the Workplace (Health, Safety & Welfare) Regulations 1992.

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.

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 Mr John Drugan on 0141 577 3175.

Ref. No.: 2017/0262/TP
(JODR)

DATE: 30th August 2017

DIRECTOR OF ENVIRONMENT

Reference: 2017/0262/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

None

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 railway 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

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.

REPORT OF HANDLING

Reference: 2017/0272/TP

Date Registered: 28th April 2017

Application Type: Full Planning Permission

This application is a Local Development

Ward: 4 - Clarkston Netherlee Williamwood

Co-ordinates: 257811/658969

Applicant/Agent:

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

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

Location:

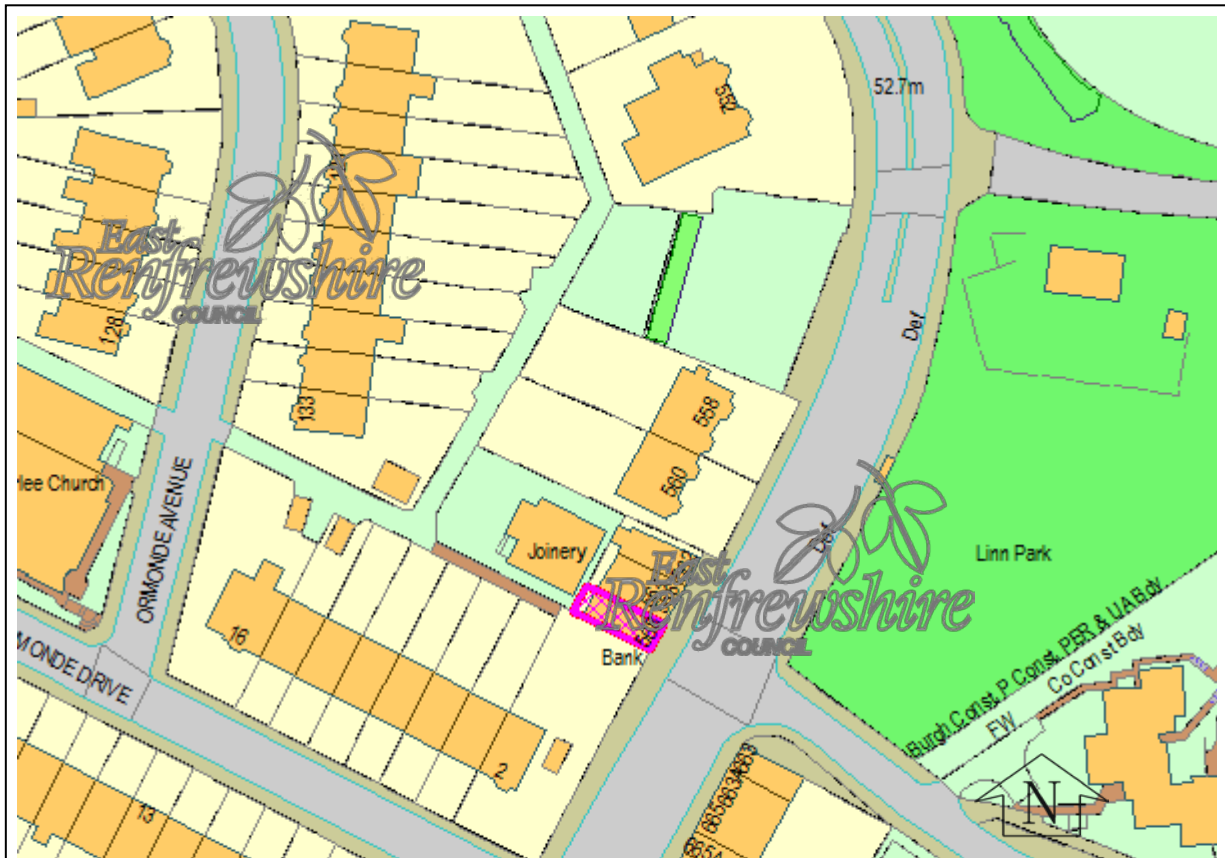
JMSMC Ltd

568 Clarkston Road

Netherlee

East Renfrewshire

G44 3RT



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CONSULTATIONS/COMMENTS:

| | |
|--|-------------------------------------|
| East Renfrewshire Council Roads Network Manager | No objection. |
| East Renfrewshire Council Environmental Health Service | No objection subject to conditions. |

PUBLICITY:

| | | |
|------------|-----------------------------|------------------------|
| 12.05.2017 | Glasgow and Southside Extra | Expiry date 26.05.2017 |
|------------|-----------------------------|------------------------|

SITE NOTICES: None.**SITE HISTORY:**

| | | | |
|---------------|--|--------------------------------|------------|
| 2014/0557/ADV | Display of externally illuminated fascia sign and internally illuminated projecting sign | Approved Subject to Conditions | 02.10.2014 |
|---------------|--|--------------------------------|------------|

REPRESENTATIONS: 12 representations have been received: Representations can be summarised as follows:

Impact on amenity
 Impact on character
 Impact on health
 Smell
 Noise
 Fumes
 Litter
 Anti-social behaviour
 Traffic congestion
 Lack of parking
 Proliferation of hot food takeaways in area
 Contrary to the proposed designation of the area as a conservation area

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1**SUPPORTING REPORTS:** None**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 site is an existing single storey detached building on the west side of Clarkston Road within the established Netherlee neighbourhood centre and within Netherlee Article 4 Area. The building consists of three units, two of which were combined and until recently operated as a restaurant, with the remaining adjacent unit, subject of this planning application, operating as an office. Immediately adjacent to the site are residential properties. The wider area is characterised by residential properties and a variety of commercial and retail uses including restaurants and food takeaway premises. The site fronts onto a main thoroughfare.

The proposal is for the change of use of an existing office to form a hot food takeaway. No alterations to the frontage are proposed.

A separate application for planning permission for a change of use from restaurant to create a retail unit and a hot food takeaway has also been submitted for the remaining adjoining two units (2017/0262/TP). This application has also been presented to the Planning Applications Committee for determination.

The proposal is required to be assessed against the adopted East Renfrewshire Local Development Plan (LDP), in particular Policies D1 and SG7. 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 Neighbourhood Centres respectively.

The site is within a Neighbourhood Centre which has a variety of uses including hot food takeaways. The proposal use is considered compatible in general terms to the overall Neighbourhood Centre. Furthermore, the proposal does not result in the loss of a retail unit. The proposal is therefore not considered to result in a proliferation of hot food takeaways in the area. Consequently, the proposal does not result in an adverse impact on character of the Neighbourhood Centre and is in keeping with the aims of Policy SG7.

The potential impact on the amenity of the nearby residential properties also has to be considered. There are residential buildings approximately 15m to north of the site and abutting the boundary to the south. However, on the north side, there are other commercial/retail units which will provide a buffer between the proposed hot food takeaway and the adjacent house. On the south side, there is the garden area of the adjacent house which will provide a buffer between the proposed take away and the residential building.

The Council's Environmental Health Service has recommended that the operating times of the business be controlled to reduce the likelihood of noise nuisance to adjacent residents. Although the proposal is within a neighbourhood centre, given the proximity of nearby residential properties, it is considered appropriate to control the opening times for the proposed hot food takeaway to lessen any noise nuisance. The Environmental Health Service has also stated that a suitable ventilation system, with adequate noise control and odour mitigation measures, will be required to be installed to minimise the impact on nearby residential properties. It is considered that this can also be addressed by a planning condition.

Consequently given the layout and orientation of the site and its proximity to a main thoroughfare, subject to appropriate conditions, it is considered that the proposal will not have an adverse impact on the amenity of the nearby residential properties or the character of the area.

The Council's Roads Service has stated that as the site lies within Netherlee Neighbourhood Centre, the parking requirement for the proposed hot food takeaway can be assumed to be part of the Neighbourhood Centre supply, and therefore do not object to the proposal. Consequently, it is considered that the proposal, which is relatively small in scale, will not significantly exacerbate parking and traffic issues within the area.

In terms of the objections that have not been addressed above the following comments are made. Anti-social behaviour and litter are controlled by other legislation. The issue raised regarding impact on health is in this instance not a material planning consideration. The intention to designate the area as a Conservation Area relates to the protection of the built heritage and is not dependent on the type of uses.

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 Neighbourhood Centre. The proposal complies with Policies D1 and SG7 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, together with details of their maintenance, to serve the hot food premises have been submitted to and approved in writing by the planning authority. Thereafter the approved details shall be fully implemented prior to the hot food premises first opening and retained and maintained according to the approved details in perpetuity.

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

2. The hot food takeaway use hereby approved shall only be open between the hours of 9.00am and 11.00pm Mondays to Saturdays and 10.00am and 11.00pm on Sundays.

Reason: To protect adjacent dwellinghouses from noise/disturbance.

ADDITIONAL NOTES:

The applicant is required to consult with East Renfrewshire Council Protective Services regarding compliance with the Workplace (Health, Safety & Welfare) Regulations 1992.

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.

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 Mr John Drugan on 0141 577 3175.

Ref. No.: 2017/0272/TP
(JODR)

DATE: 30th August 2017

DIRECTOR OF ENVIRONMENT

Reference: 2017/0272/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

None

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

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.