

**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
30th November 2016

Reference No: 2016/0393/TP

Ward: 5

Applicant:

East Ren Centre Limited
8 Langrig Road
Newton Mearns
G77 5AA

Agent:

Katherine Sneedan
Jigsaw Planning
PO Box 2844
Glasgow
G61 9DG

Site: 8 Langrig Road, Newton Mearns, East Renfrewshire, G77 5AA

Description: Continued use of premises for religious activities with associated community, social and educational activities (previous planning permission granted on appeal PPA-220-2024)

REPORT OF HANDLING

Reference: 2016/0393/TP

Date Registered: 14th June 2016

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South

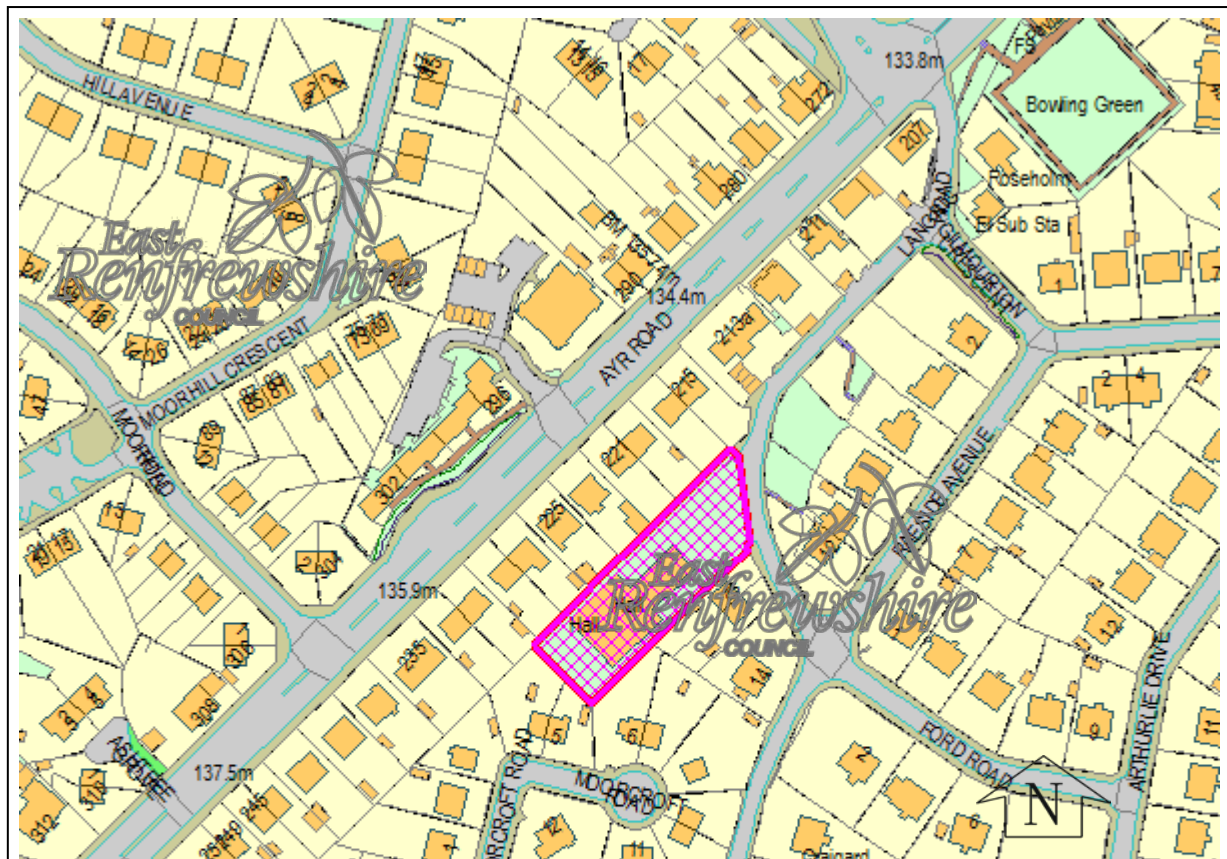
Co-ordinates: 253506/:655396

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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service

Recommends refusal on the same grounds as previous application 2012/0526/TP as the proposed parking provision is insufficient; overspill parking will be displaced onto the surrounding road network; layout of the car park encourages difficult and unsafe manoeuvres; no safe pedestrian provision leading from the site to Ayr Road; and restricted forward visibility on Langrig Road.

East Renfrewshire Council Environmental Health Service

Complaints have been received on two occasions. These were considered to be two separate incidents which were resolved quickly by those running the centre.

PUBLICITY:

01.07.2016 Glasgow and Southside Extra Expiry date 15.07.2016

SITE NOTICES: None.

SITE HISTORY:

2009/0746/TP	Change of use of hall to orthodontists practice	Granted	18.03.2010
2012/0526/TP	Change of use from former Social Club to place for religious activities with associated community, social and educational activities; external alterations to building and erection of single storey side extension	Part Refused (change of use) Part Approved (external alterations and extension) Subsequent appeal relating to change of use upheld by the Scottish Ministers	09.01.2013 22.08.2013

REPRESENTATIONS: A total of 74 representations have been received comprising 22 letters of objection and 52 letters of support. There is also a petition in support of the application containing 183 signatures. The representations can be summarised as follows:

The objections can be generally summarised as follows:

Noise and disturbance early morning and late in evening
Restricted and limited footway/blocking driveways/gridlock
Insufficient parking provision
Adverse impact on residential area /amenity
Excessive noise levels/unsociable hours

The letters of support can be generally summarised as follows:

Muslim community rely on activities and services
Centre promotes racial and social harmony

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Supporting Statement Indicates that only two isolated incidents occurred that were unrelated to

activities at the centre. Initial concerns expressed by objectors have not been realised. Applicant monitors car park and keeps it tidy. Discussions were held with the Council regarding alternative sites but none taken forward in the Development Plan. Should be noted that the site identified at Maidenhill is not specifically earmarked for use by the Muslim community. Immediate needs are met by the existing facilities at Langrig Road and the current premise only serves the Newton Mearns Muslim community. The centre provides popular activities and services which would be lost if the application was refused. Continued use is considered appropriate. The temporary consent has resulted in upkeep and improvements being put on hold including maintenance of the car park and internal and external alterations which would improve visual amenity. Appeal decision advised that relocation would only be required if necessary. As relocation is not required, it is requested that the consent be made permanent.

ASSESSMENT:

This is a Local Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However as more than 10 objections have been received the application is required to be determined by the Planning Applications Committee.

The site is situated on the south-west side of Langrig Road and is located within an established residential area characterised by a variety of houses and built forms. Bounded by residential properties in Ayr Road, Moorcroft Road and Langrig Road, the property is an established non-residential building comprising a flat roofed section and a two storey section in a 'T' shaped formation. There is an undeveloped area to the rear and a car parking area at the front opening directly into Langrig Road along the entire frontage of the site. The car parking does not have any parking spaces delineated.

An application was submitted previously for a "change of use from former Social Club to place for religious activities with associated community, social and educational activities; external alterations to building and erection of single storey side extension" under 2012/0526/TP. The building was previously occupied by the British Legion which was considered to be a Class 11 use (Assembly and Leisure) under the terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The previous use was for entertainment and recreational use and was licensed to sell alcohol from 11.00am to 12pm, 7 days a week. The Planning Applications Committee, at its meeting on the 9 January 2013, approved the alterations and extension to the building and refused the change of use on the following grounds:

1. The proposed change of use would be contrary to Policies E1 and DM1(1) of the East Renfrewshire Local Plan in that it would have a significant detrimental effect on the amenity and character of a residential area. The proposed opening hours would lead to undue activity, noise and disturbance between the hours of 8pm and 8am.
2. The proposed change of use would be contrary to Policy DM1(7) of the East Renfrewshire Local Plan as pedestrian and vehicular safety would be compromised due to inadequate on-site provision for parking. This would lead to on-street parking in Langrig Road, which is narrow with no contiguous or continuous footway provision, and the local road network.

The applicant appealed the refusal to the Scottish Ministers. The Reporter appointed by the Ministers allowed the appeal and granted planning permission on the 22 August 2013 subject to a condition restricting the length of the permission. The condition is as follows:

"The use of the premises as a place for religious activities (Class 10 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) shall operate for a temporary period of three years from the date of this decision notice and shall cease from that date unless a further application for the continuation of the use has been submitted to and approved by the planning

authority" *Reason: to enable the planning authority to assess the impact of the use on the amenity of the surrounding area and (if necessary) find an alternative site for a Muslim community facility.*

The planning permission granted on appeal expired on 22 August 2016 and prior to the expiry of the consent the current application was submitted. Planning permission is now being sought to allow the premises to continue to operate on a permanent basis by in effect removing the abovementioned condition. In support of the application, the applicant has advised:

- Over the last three years, there have been no issues with regard to an adverse impact on the amenity of the surrounding area. It has been acknowledged that there have been two isolated incidents which were not related to ongoing activities at the premises i.e external ground works and youths entering the property and using the microphone/speaker equipment. Both incidences were dealt with promptly. It is evident that concerns raised by the local residents in respect of the original application/appeal have not materialised.
- The Reporter appointed to determine the appeal was of the opinion that only if necessary should an alternative site for a Muslim community facility be found. The applicant had meaningful discussions with the Council in August and November 2014 in respect of two sites. A site was identified in the East Renfrewshire Local Development Plan at the Malletsheugh/Maidenhill Development Opportunity Site although this is not specifically earmarked for a use by the Muslim community. The current building however fulfils their immediate needs.
- The current building serves the Newton Mearns area contrary to concerns raised with the original planning application. The Woodfarm Education Centre serves the Giffnock/Thornliebank area. There are a number of activities and services provided at the application site which would be lost if the premises closed.
- The temporary consent has meant that upkeep, maintenance, and improvements at the premises have been put on hold. The removal of the condition would allow improvements to proceed.

The application is required to be assessed against the Development Plan as well as any material planning considerations. The Development Plan consists of the Glasgow and Clyde Valley Strategy Development Plan and the adopted East Renfrewshire Local Development Plan (LDP). As the proposal does not raise any strategic issues, the East Renfrewshire Local Development Plan is the relevant document for determining the application. The relevant policies are considered to be D1, D2 and D13.

The site is located within a General Urban Area which is covered by Policy D2. This Policy presumes against proposals which would not be compatible with the character and amenity of the locality and its surrounding land uses. Where development is compatible, other policies in the Local Development Plan must be satisfied. The site is located in an area primarily characterised, and bounded, by residential properties. However within the locality there are other non-residential uses, including the Mearns Cross Shopping Centre, Mearns Bowling Club and commercial properties on Ayr Road. It is not unusual for community or religious facilities to be found in established residential areas and in general terms the use of the building is considered to be compatible with the established character of the surrounding area.

It has to be considered whether there would be significant adverse impacts on residential amenity. There are potential adverse impacts on residential by vehicular and pedestrian movements at certain time periods and certain times of the year.

Policy D13 seeks to safeguard and, where appropriate, undertake improvements to existing facilities for community use. In general terms the application accords with Policy D13. Schedule 7 however specifically identifies within the Maidenhill/Malletsheugh Urban expansion area a potential site for a religious facility (D13.18).

Policy D1 sets out 16 general planning criteria against which all development proposals are assessed. The relevant criteria, in this case, are considered to be: 1) not result in a significant loss of character or amenity to the surrounding area; and 9) meet the Council's parking and access requirements.

The use of the building for community and religious purposes is acceptable and generally compatible with the character of the area provided that there is no significant loss in amenity to the surrounding area. The applicant has submitted information regarding the activities provided at the premises which include, for example: coffee mornings; keep fit classes and Islamic classes. The levels of attendance and parking requirements are generally low and can operate without significant loss of residential amenity.

Religious activities which include daily prayer sessions are subject to seasonal change and the applicant acknowledges that Friday prayers and significant religious festivals generate attendances in excess of 100. While these activities will be unlikely to generate significant noise nuisance outside the building, the movement of people and vehicles to and from the site throughout the day and particularly early in the morning and late in the evening, at certain times of the week and the year, do have an impact on residential amenity by reason of noise and disturbance. In this respect the application does not fully accord with Policy D1(1).

With regard to Policy D1(9) the Council's Roads Service has recommended refusal of the application on the grounds that the inadequate car parking layout would lead to difficult manoeuvres and circulation. The Roads Service has indicated that during peak usage of the site parking would be displaced to the surrounding road network and there is restricted visibility on Langrig Road. There are also inadequate pedestrian facilities at the entrance to site with a footway required along the frontage. It should be noted that the consultation response from the Council's Roads Service is consistent with their response to the previous application 2012/0526/TP and in the subsequent appeal to the Scottish Ministers. The application does not accord with Policy D1(9).

It therefore has to be determined what other material planning considerations that are applicable to this application. The previous appeal decision is a significant material consideration. The Reporter for the appeal acknowledged that "residential amenity might be disturbed through vehicle and pedestrian activity" at certain times of the day and during religious festivals. However, the Reporter concluded that "these impacts are likely to be similar to those arising from the previous social club" which was based on information submitted by the applicant which indicated that at times attendances would be in excess of 100 people. The Reporter also concluded that *"I find that the car park would be sufficient to accommodate enough cars for all prayer sessions except on Friday afternoons, evening prayers during Ramadan and morning Eid celebrations"* and that *"overspill parking could be suitably accommodated on the surrounding streets in an acceptable manner"*.

Visits have been undertaken by the Council's Planning Service on an ad hoc basis to view the level of parking associated with the use of the building. Attendances are predominately low and parking can be accommodated within the site with the exception of, for example, Friday prayers and religious festivals. There are many religious establishments and community facilities within East Renfrewshire which either have no, or limited, off-street parking provision. At certain times throughout the week and/or the year, there will be overspill parking from these establishments onto surrounding residential streets and, in that respect, the use of the building is no different from many other religious establishments. The applicant has no control over where and how vehicles associated with the premises park outwith the site which would be the case with most community, religious or educational establishments.

It should be noted that, with reference to the previous application, planning permission was only required for change of use of the former social club to permit the religious worship and associated religious and social activities elements of the proposed use. The Planning Authority would have had no control over changes to, for example, the running of the social club or any other recreational uses regardless of what impact that would or could have on the amenity of the local residents.

General disruption associated with the use of the building is predominately at certain times on Fridays and significant religious festivals with the majority of day to day religious and non-religious activities having limited impact on the local area in terms of car parking and vehicular movements. At significant peak times, it is acknowledged that the car park would never be able to accommodate all vehicles attending the premises. The applicant has advised that there are car park wardens who ensure that cars are parked appropriately and driveways are not restricted. Informal traffic management arrangements have been put in place by the applicant by using bollards. However, if the car park was properly delineated, the access point narrowed to form a safe access and egress and the users of the premises encouraged to, for example, car share and/or use public transport, the current issues could be lessened. These matters can be addressed through a planning condition if this application is approved. The applicant has intimated that it is the intention to carry out improvements to the car park if the planning application is successful.

The number of complaints to various Council Services since planning permission was approved on appeal in August 2013 can be generally summarised as follows: increased traffic/lack of footway/danger to pedestrians/parking issues (to Roads Service – 4); construction work/noise and late night activity (to Community Wardens – 2); noise (to Environmental Health – 2); and ground works to rear (to Planning Service – 1).

The Reporter concluded that the grant of a three year temporary consent would allow time for meaningful discussions to try and find a suitable site for the Muslim community. A 2 acre site has been identified for a religious/community facility in the East Renfrewshire Local Development Plan at Maidenhill. There has not, to date, been any formal approach to the developer to purchase the site and neither has there been any alternative sites submitted to the Council for consideration by the Muslim community. The applicant has advised that as the premises only serves the local Newton Means community there is no need for alternative premises. The applicant has not applied for a further extension to the temporary consent issued by the Scottish Ministers and seeks a permanent consent.

The issues around noise and disturbance and on-street parking can often be addressed by conditions restricting, for example, hours of opening. However, Section 149 of the Equality Act 2010 requires local authorities to have regard to meet the needs of persons who share, for example a religion or belief that are different from the needs of persons who do not share it. Any restrictions on opening hours would conflict with the Equality Act 2010 and impact on, for example, prayer times and festivals.

Overall conclusion

Drawing all the above matters together, it is considered that the use of the premises does not fully comply with the Development Plan Policies as indicated above as there is a certain level of disturbance at certain times associated with the religious activities/festivals. However it is not considered that this is occurring during the majority of the time and is of such a level that warrants refusal of the application.

It is therefore recommended that the application be approved subject to conditions.

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None

CONDITIONS:

1. Within 2 months from the date of this consent a car parking layout as well as details of separate vehicular entry and exit points and a footway along the frontage of the site shall be submitted to and approved in writing by the Planning Authority. Following approval by the Planning Authority the entire layout shall be fully implemented on site within 2 months. Thereafter the layout/delineated parking spaces shall be maintained for the duration of the use of the building for religious activities with associated community, social and educational activities.

Reason: To ensure the provision of parking facilities to reduce the incidence of roadside parking.

2. Within three months from the date of this consent, a Green Travel Plan for those attending the premises shall be submitted to and approved in writing by the Planning Authority. The Green Travel Plan shall consider walking, cycling, car sharing and public access to the premises and identify measures to be provided, mode share targets, the system of management and reporting mechanisms. Thereafter, the approved plan shall be fully implemented within three months or other timescale agreed in writing in advance by the Planning Authority.

Reason: To be consistent with the requirements of Scottish Planning Policy on promoting sustainable transport and active travel.

ADDITIONAL NOTES: None.

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:

Any background papers referred to in this report can be viewed at www.ercplanning.eastrenfrewshire.gov.uk/eplanning, where you can enter the Reference Number listed below. Any further information can be obtained from Ms Alison Mitchell on 0141 577 3117.

Ref. No.: 2016/0393/TP
(ALMI)

DATE: 23rd November 2016

DIRECTOR OF ENVIRONMENT

2016/0393/TP - APPENDIX 1

DEVELOPMENT PLAN:

Strategic Development Plan

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

Adopted East Renfrewshire Local Development Plan

Policy D2

General Urban Areas

Development will be supported within the general urban areas, as defined on the Proposals Map, where compatible with the character and amenity of the locality and surrounding land uses and where it complies with other appropriate policies of the Plan

Policy D13

Community, Leisure and Educational Facilities

The Council will safeguard and, where appropriate, undertake improvements to existing facilities. New facilities should be located where they are accessible by a range of transport modes. The provision of community, leisure and educational facilities will be a core component of any master plan.

Proposals which would result in the loss of existing community/ leisure/educational facilities will only be supported where it can be clearly shown that:

Appropriate alternative local provision of at least equivalent suitability and accessibility will be provided; or

That the existing use is no longer required/viable; or

There is no demand and the facility is incapable of being made viable or adapted for other community, leisure or educational uses.

The Council will support the implementation of the projects listed in Schedule 7.

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.

GOVERNMENT GUIDANCE: None relevant