

**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 the Planning Applications Committee on 2nd April 2014
Applications continued from the Planning Applications Committee dated 5th March 2014

Reference No: 2014/0019/TP

Ward: 2

Applicant:

Mr. Jaspreet Kaur
156 Main Street
Barrhead
East Renfrewshire
G78 1SG

Agent:

Mr. David Jarvie
27 Aytoun Road
Pollokshields
Glasgow
G41 5HW

Site: 156 Main Street Barrhead East Renfrewshire G78 1SG

Description: Change of use from office to hot food takeaway on ground floor; installation of extract flue at rear; change of use from office on first floor to flat and reinstatement of ground floor doorway to internal close

REPORT OF HANDLING

Reference: 2014/0019/TP

Date Registered: 13th January 2014

Application Type: Full Planning Permission

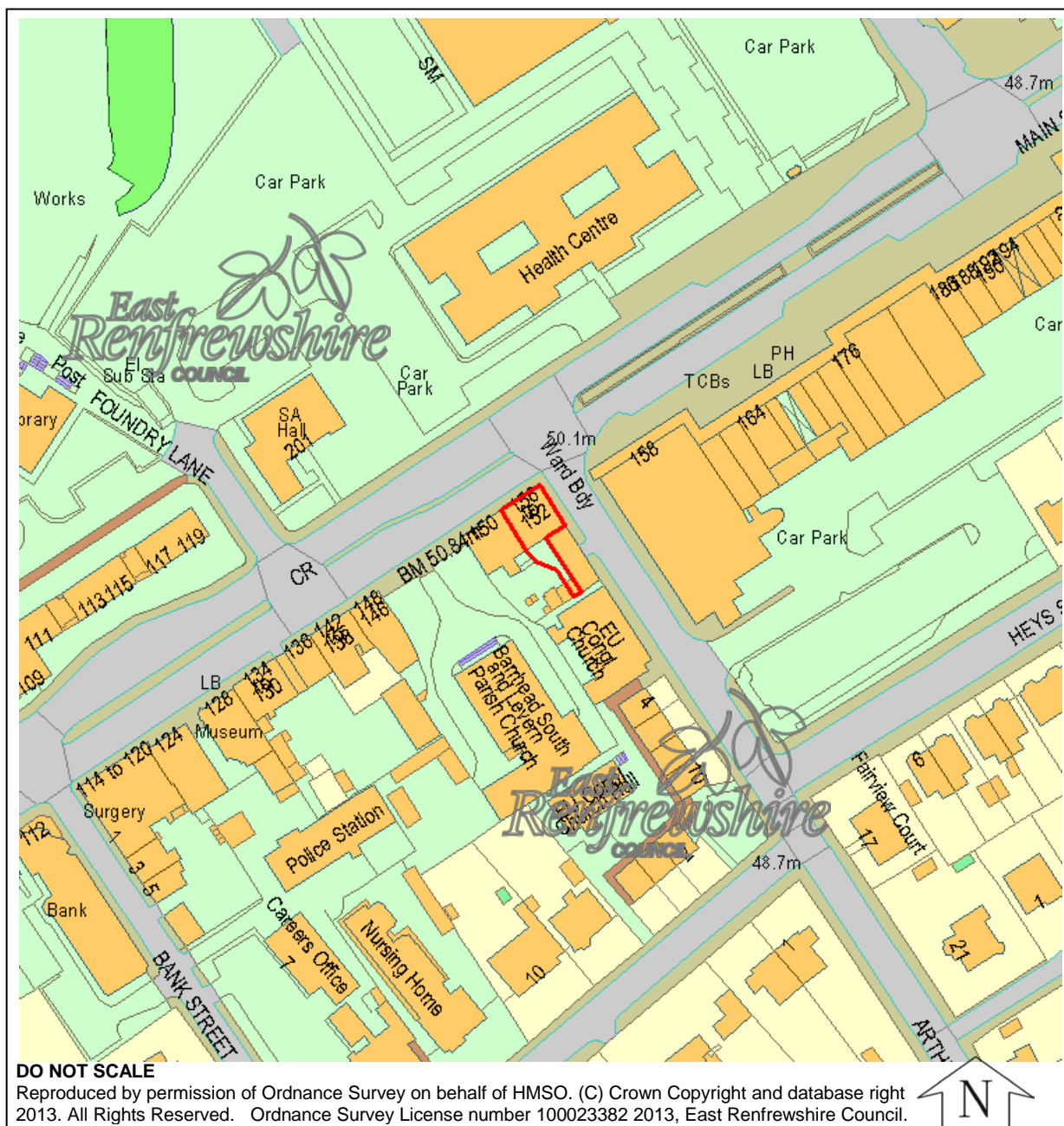
This application is a Local Development

Ward: 2 -Barrhead
Co-ordinates: 250307/:658963
Applicant/Agent: Applicant:
Mr. Jaspreet Kaur
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Location: 156 Main Street
Barrhead
G78 1SG



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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Environmental Health Service	No objections subject to conditions.
Barrhead Community Council	Objects to proposal as contrary to Local Plan on the grounds of increase in traffic and effect on traffic/pedestrian safety; lack of car parking; increase in noise, smells, fumes and litter; anti-social behaviour; weaken the retail function of Barrhead Town Centre.
East Renfrewshire Council Roads and Transportation Service	No objection as the proposed development is unlikely to have a notable impact on the public road network in the surrounding area and there are existing parking facilities available in the vicinity.

PUBLICITY:

31.01.2014 Barrhead News Expiry date 14.02.2014

SITE NOTICES: None.

SITE HISTORY:

1999/0008/AD	Installation of externally illuminated fascia sign	Approved subject to conditions	24.06.1999
1999/0288/TP	Removal of existing render, replacement of existing brick infill with stone to match existing, stone cleaning and restoration	Granted	13.07.1999
2013/0629/TP	Change of use of office to hot food take away on ground floor with installation of extract flue at rear; change of use of office on first floor to flat and reinstatement of ground floor doorway to internal close	Withdrawn	28.11.2013

REPRESENTATIONS:

A total of 81 representations have been received from the following:

Mrs Rebecca Miell 34 Blackburn Square Barrhead East Renfrewshire G78 2NF
Mr. Ian McKenzie Grahamston Park Barrhead East Renfrewshire
Mr. Callum J. Mackinnon 21 Graham Street Barrhead East Renfrewshire G78 1EU
Ms. Kathleen Mackinnon
Ms. Betty McQuade 15 Gateside Crescent Barrhead East Renfrewshire G78 1LN
Mr. John Millar
Mr. Trevor Downer 25 Braeside Drive Barrhead East Renfrewshire G78 2QB
Savills On Behalf Of Frasers Pharmacy Mr. Patrick Dunne 163 West George Street Glasgow
Ms. Margaret L. Sullivan 35 Crebar Drive Barrhead East Renfrewshire G78 2DF
Mr Archie Harvey Moorhouse Cottage Moorhouse 11 Shanks Avenue Barrhead.
Mr Michael B Philliben (by e-mail)
Dr. Ian C McNeill (by e-mail)

Rev. And Mrs. A.B. Pearson (by e-mail)
Mr. Andrew D. Duncan 6 Pentland Drive Barrhead East Renfrewshire G78 2AR
Mrs Margaret Davidson 14 Stobs Drive Barrhead East Renfrewshire G78 1PA
Barrhead Salvations Army Church And Community Centre 201 Main Street Barrhead East Renfrewshire G78 1SD
Mrs. Dorothy Gormlie 20 Arthurlie Street Barrhead East Renfrewshire G78 2EL
Mr. Andrew R. McDonald 13 Boylestone Road Barrhead East Renfrewshire G78 1JD
Mr. Jim Renfrew 5 Stobs Drive Barrhead East Renfrewshire G78 1NY
Miss Audrey Bauld
A.A. Ferguson 63 Arthurlie Street Barrhead East Renfrewshire G78 2EP
Mr. John Grady 3 Moorhouse Street Barrhead East Renfrewshire G78 2DB
Mr. Jim McMillan 14 Lomond Drive Barrhead East Renfrewshire G78 1PF
Mr David Bell 132 Paisley Road Barrhead East Renfrewshire G78 1NR
Mr. James Bell Hillside Cottage 20 Holehouse Brae Neilston East Renfrewshire
Miss Jean Carrey 17B Arthurlie Street Barrhead East Renfrewshire G78 2EW
Mr Desmond Wright 16 Heys Street Barrhead East Renfrewshire G78 2EN
Mrs Linda McCaig 4 Convent Road Barrhead East Renfrewshire G78 2FD
Mr Iain M Mills 150 Main Street Barrhead East Renfrewshire G78 1SG
Barrhead United Reformed Church C/o Mrs. Rena Hannah, Church Secretary Barrhead East Renfrewshire
Mr. Andrew A.C. Barnes 7 Seaforth Crescent Barrhead East Renfrewshire G78 1PL
Mrs. C. Bowles.
Mr. Paul Santi New Yorker Unit 1 146 Main Street Barrhead
Ms. Jean Hamilton 2 Lowndes Street Barrhead East Renfrewshire G78 2QX
Miss M. Stewart 4 Lowndes Street Barrhead East Renfrewshire G78 2QX
J. Mushet 6 Lowndes Street Barrhead East Renfrewshire G78 2QX
I. Burgess 4 Arthurlie Street Barrhead East Renfrewshire G78 2RB
Ms. Jean Cook 10 Arthurlie Street Barrhead East Renfrewshire G78 2RB
Walter And Margaret Maxwell 8 Arthurlie Street Barrhead East Renfrewshire G78 2RB
Ms. Elizabeth Easdon 6 Arthurlie Street Barrhead East Renfrewshire G78 2RB
Mrs. Mary Burns 16 Princes Square Barrhead East Renfrewshire G78 2RH
W.B. McGinlay 16 Woodside Crescent Barrhead East Renfrewshire G78 2LN
Mrs. M. Ross 35 Convent Road Barrhead East Renfrewshire G78 2FD
Mrs Margaret Pettigrew 11 Sykes Terrace Kirktonfield Road Neilston East Renfrewshire
Mr Alick Aitken 8 Lowndes Street Barrhead East Renfrewshire G78 2QX
Mr Duncan Livingstone 72 St Marys Crescent Barrhead East Renfrewshire G78 2TN
Tom And Ann Moore 154 Main Street Barrhead East Renfrewshire G78 1SG
Mrs. C. Grant 26 Arthurlie Street Barrhead East Renfrewshire G78 2EW
Mrs Alice Grieve Ashgrove 2B Moorhouse Street Barrhead East Renfrewshire
Ms. Margret Bell
Lily Lucas 6 Bank Street Barrhead East Renfrewshire G78 2RA
Edith and Jim Adam by (by e-mail)
Shaun Woods by (by e-mail)
Mr Brady 11 Lochlibo Terrace, Barrhead.
Mr R Gordon 10 Carlibar Drive, Barrhead.
Mr R Tytherleigh, 22 Cowan Crescent, Barrhead.
Mr M Pitches 15 Weir Avenue, Barrhead.
Ms S McLaughlan (by e-mail)
Mr W Jackson Knockglass Farm, Uplawmoor.
Mrs A Jackson Knockglass Farm, Uplawmoor.
Frances & Charles Egan (by e-mail)
Mrs J Lapsley (by e-mail)
Mr J Lapsley (by e-mail)
Ms M McCarney (by e-mail)
Mr & Mrs Garrett (by e-mail)
Anne Clark (by e-mail)
Mr A Houliston (by e-mail)
Mr T Buchanan (by e-mail)
Eirwen Watt by (by e-mail)
Mr & Mrs Sproul. 37 Aursbridge Crescent, Barrhead.
M Hainey 19 Hays Street, Barrhead
Mr J Shaw 'the Grove' 8 Commercial Road, Barrhead.
Mr R Donnachie, 56 St Mary's Crescent, Barrhead.
Mr M Mcaleer (by e-mail)
Mr McNicol (by e-mail)

Mr A Stewart 19 Paisley Road, Barrhead.
Ms M Stewart 19 Paisley Road, Barrhead.
Ms G Pyper 11 Braeside Drive Barrhead.
Mr G Aird (by e-mail)
Ms P Breslin 1 Colinbar Circle, Barrhead.
Mr Colin Montgomery, 236f Main Street, Barrhead

Representations can be summarised as follows:

Conflict with Development Plan/related documents
Current overprovision of hot food takeaways in Barrhead.
Litter problems
Odour problems
Traffic generating problems on a corner site
Incompatible with adjacent uses
Late night/early morning activity
Increase in traffic
Existing on street parking
Public health and diet concerns
Antisocial behaviour
Rights of access/private legal issues
Impact on adjacent Listed Building

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

No reports have been submitted for consideration as part of this application.

ASSESSMENT:

This 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 to the application it has to be presented to the Planning Applications Committee for determination.

This application relates to premises at 156 Main Street, Barrhead which are on the corner of Main Street and Arthurlie Street within the identified town centre. The application site is part of small traditional two storey tenement block.

The ground floor unit is currently vacant having most recently operated as an estate agent office. The upper floor was formerly an office but is also similarly vacant. A well maintained back court area is indicated as being part of the site. This appears to allow access to the site and an adjacent upper floor flat but is screened from Arthurlie Street by a long single storey building. The remainder of the ground floor of the block ground is occupied by a chemists and a shop. There are a variety of uses in the surrounding area including church properties, one of which is located directly to the rear of the application site fronting Arthurlie Street.

The proposal is to change the use of the ground floor unit to form a hot food takeaway. The offices will be converted to a two bedroom flat with a lounge, kitchen and bathroom. The existing window arrangements will be retained but the former common close doorway from Main Street is proposed to be reinstated. This will afford a private separate access from Main Street to the upper floor flat. A new extract flue is shown being fitted on the rear elevation to serve the proposed takeaway. The rear court area is noted as accommodating a bin store for the proposal. The applicant has indicated the intention to operate the hot food takeaway seven days a week from 11.00am to 11.00pm.

The proposal is required to be assessed against the development plan as well as any material planning consideration. This town centre location is covered by Policy S1 of the adopted Local Plan which indicates such areas will be the focus for new retail, leisure, community and other relevant, complementary uses. This Policy also indicates that housing above ground floor level will be supported in town centre locations. As a consequence both proposed uses are not considered alien to a town centre location. It has to be considered whether there will be amenity issues associated with the proposed development, particularly the proposed hot food takeaway and Policy DM1 is relevant in this regard. It is acknowledged that hot food takeaways could result in amenity concerns as a result of late night activity, noise, litter and cooking odours. However the proposed hot food takeaway is located in a town centre where there is a variety of uses and activity throughout the day and night. It is therefore considered that the proposed uses are acceptable at this town centre location.

The proposal to reinstate the front doorway to the close is also acceptable however the proposed doorway is actually out of scale with the character of the block and should be altered. It is considered that full details of this feature can be addressed by means of a planning condition if approved.

The material considerations in this case are the proposed Local Development Plan (LDP), National Planning Guidance, consultation responses and any third party representations.

Policies SG7 and D1 of the LDP are similar to policies above of the adopted Local Plan and as such the proposal in principle accords with these policies.

National Guidance through Scottish Planning Policy provides that town centres are a key element of the country's economic and social fabric. They are to be the focus for a mix of uses. This proposal is in general compliant with national policy.

The objections refer to a number of matters including reference to conflict with the development plan. In terms of the objections that have been submitted the following comments are made.

It should be noted that the National Policy encourages a range of uses in town centres with shopping and related complementary uses directed to established and recognised town centres. It recognises that other complementary facilities like hot food takeaways can generate noise and disturbance and acknowledges that such uses should be accommodated in existing shopping or commercial centres. This supports the view that larger established centres are more capable of absorbing the potential additional disturbance from these establishments with no significant impact on the amenity of town centre residential properties.

Attention has been drawn to Policy E1 which presumes against significant new development and changes of use not compatible with the character and amenity of the locality and its surrounding uses. The site is within a recognised town centre that has a mixture of uses. Such uses are normally expected to be found in town centres including residential uses and a range of commercial uses. It is therefore considered that the proposed development is not incompatible with its location in a town centre.

Concerns are raised that the proposed development conflicts with the aspirations Proposal Strat 4.1.1 of the adopted Local Plan. It should be noted that this Proposal refers to initiatives and programmes currently being developed in Barrhead Town Centre. It is not considered that this application presents any significant conflict with Proposal Strat 4.1.1. Indeed the justification for Strat 4.1.1 refers heavily to Policy S1 of the Local Plan which itself is noted as being aligned with both National and Strategic policy guidance.

In terms of there being too many hot food takeaways in the area the relevant policies in the local plan address the concentration or cumulative impact of such premises in terms of amenity. It is not considered that the proposed hot food takeaway will result in an excessive number of such uses within the town centre that will result in significant effects on amenity. It should also be noted that the last use of the premises was as offices and is therefore not covered by the Local Plan policies to resist changes of uses away from retail premises.

Impacts of litter and odour from cooking can be managed and if approved suitable planning conditions can be attached. The Council's Environmental Health Service has not advised of any significant issue associated with the development. The relationship referred to between the chemists is noted but again there is no overriding planning reason to why the use as proposed cannot operate in close proximity to each other.

The Council's Road Service has not objected to the application on the grounds of parking or roads safety. Any anti-social behaviour issues are a matter for the police to address.

In terms of security impacts and access issues in respect of the use of the rear area of the site and adjacent premises these are not material planning considerations. These are private legal matters that will be required to be addressed separately by the applicant before the development can be commenced if approved.

In regard to the impact on the adjacent Listed Building, the building is a church situated at the rear and side of the application site approximately 30m away. This building is set back from Main Street and it should be noted that the proposal is for a change of use and does not involve substantial construction or demolition works. Any alterations to the site to accommodate the proposed uses are limited and are not considered to have a direct impact on the listed building or its setting.

Conclusion

The relevant local plan policies reflect national planning policy and do not preclude the proposed uses in this town centre location. It is not considered that the proposed development, in particular the hot food takeaway, would result in a concentration of similar uses that would result in significant issues that could affect amenity or result in disturbance.

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None

CONDITION(S):

1. Notwithstanding the details shown on the plans hereby approved an amended design of the new front doorway to the close shall be submitted for the written approval of the Head of Environment (Planning, Property and Regeneration) and thereafter implemented in accordance with those details.

Reason: To ensure the development is satisfactory in appearance.

2. Prior to the commencement of work on site exact details and specification of all ventilation and extraction systems to serve the hot food take away shall be submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration) and thereafter shall be fully implemented prior to the commencement and use of the development.

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

3. The use hereby approved shall only be open between the hours of 11.00am and 11.00pm Monday to Sunday unless otherwise agreed in writing by the Head of Environment (Planning, Property and Regeneration).

Reason: To protect adjacent dwellinghouses from noise/disturbance.

4. Prior to the use hereby approved being brought into use details of the waste storage and management on site shall be submitted for the written approval of the Head of Environment (Planning, Property and Regeneration). Thereafter the agreed measures shall be fully implemented on site.

Reason: To ensure that the bin stores are of a size able to accommodate East Renfrewshire's recycling facilities and are acceptable in appearance.

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.

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 Ian Walker on 0141 577 3042.

Ref. No.: 2014/0019/TP
(IAWA)

DATE: 26 February 2014

DIRECTOR OF ENVIRONMENT

Reference: 2014/0019/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

East Renfrewshire Local Plan (Adopted 14th February 2011)

Policy S1

Town and Neighbourhood Centres

The Town and Neighbourhood Centres (as identified on the Proposals Map and listed in Schedule S1) will be the focus for new retail, leisure, community and other relevant, complementary uses. New retail (class1) development will be expected to locate in the Town and Neighbourhood Centres. Retail and appropriate non-retail proposals which help to sustain and enhance the economic and community role of Centres and otherwise accord with the policies of this Local Plan, will also be encouraged. Housing and other appropriate uses above ground floor level will also be supported. Proposals for change of use away from retail within these centres require to comply with Policy S2 - "Protecting the Retail Function of the Town and Neighbourhood Centres".

All proposals require to comply with Policies Strat2, Assessment of Development Proposals and Policy DM1 - "Detailed Guidance for all Development".

Schedule S1

Town Centres

Ref. Location

S1.1 Barrhead

Policy DM1

Detailed Guidance for all Development

Where the principle of development is deemed to be acceptable in terms of the other Policies contained within this

Local Plan, proposals for development will require to conform to the appropriate criteria below:

1. Not result in a significant loss of character or amenity to the surrounding area.
2. Be of a size, scale and density in keeping with the buildings in the locality and respect local architecture, building form, design, and materials.
3. Not constitute backland development without a road frontage.
4. Not impact adversely on the landscape character, involve a significant loss of trees or other Important landscape, greenspace or biodiversity features (see Policies E3 - "Protection of Natural Features", E6 - "Biodiversity" L1 - "Protection of Important Urban Greenspace", and L2- "Safeguarding the Local Greenspace Resource".
5. Ensure that landscaping is an integral element in layout design, taking account of existing physical features (e.g. trees, hedgerows, walls, etc.). Where appropriate, tree planting should augment the amenity and appearance of the site.
6. Ensure that the standards for 'Open Space' are satisfied see Policy L4 - "Open Space Provision in New Developments" and Appendix 1).
7. Meet the parking and access requirements of the Council and provide Appropriate mitigation to minimise the impact of new development (see Policies T3 - "New Transport Infrastructure" and T5 -"Other Traffic Management and Calming Measures).
8. Not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy.
9. Seek to create safe and secure environments and reduce the scope for anti-social behaviour and fear of crime.
10. Be designed to meet disability needs and include provision for disabled access within public areas.
11. Minimise the extent of light pollution caused by street and communal lighting and any flood lighting forming part of, or associated with, development.
12. Be designed to include provision for the recycling, storage, Collection and composting of waste materials.

13. Be designed to retain on-site, for use as part of the development, as much as possible of all waste material arising from construction of the development.
14. Be designed where applicable to take into account the legacy of former mining activity.

Proposed Local Development Plan

The Proposed Local Development Plan (LDP) is to be sent shortly for Examination to the Scottish Government. The LDP outlines the Council's most up to date statement of planning policy.

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 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 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, water management, 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 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. As much as 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, particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, 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.

GOVERNMENT GUIDANCE:

Scottish Planning Policy on Town Centres and Retailing indicates that town centres should be the primary focus for retail and commercial developments. Different types of retailing, which serve different purposes, should be developed in the most appropriate location. Retail and commercial developments should be focused in existing town centres before edge of town centre sites, other commercial centres or out-of-centre sites.