

**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 10th
September 2014

Applications continued from the Planning Applications Committee dated 13th August 2014

Reference No: 2014/0334/TP

Ward: 2

Applicant:

Mr Campbell Park-Patterson
Bluestone Design
27 Cross Arthurlie Street
Barrhead
East Renfrewshire
G78 1QY

Agent:

Site: 25 Cross Arthurlie Street Barrhead East Renfrewshire G78 1QY

Description: Formation of outdoor seating areas on raised terrace at rear

Recommendation: Approved subject to conditions

REPORT OF HANDLING

Reference: 2014/0334/TP

Date Registered: 20th May 2014

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 -Barrhead

Co-ordinates: 249776/:658857

Applicant/Agent:

Applicant:

Agent:

Mr Campbell Park-Patterson

Bluestone Design

27 Cross Arthurlie Street

Barrhead

G78 1QY

Proposal:

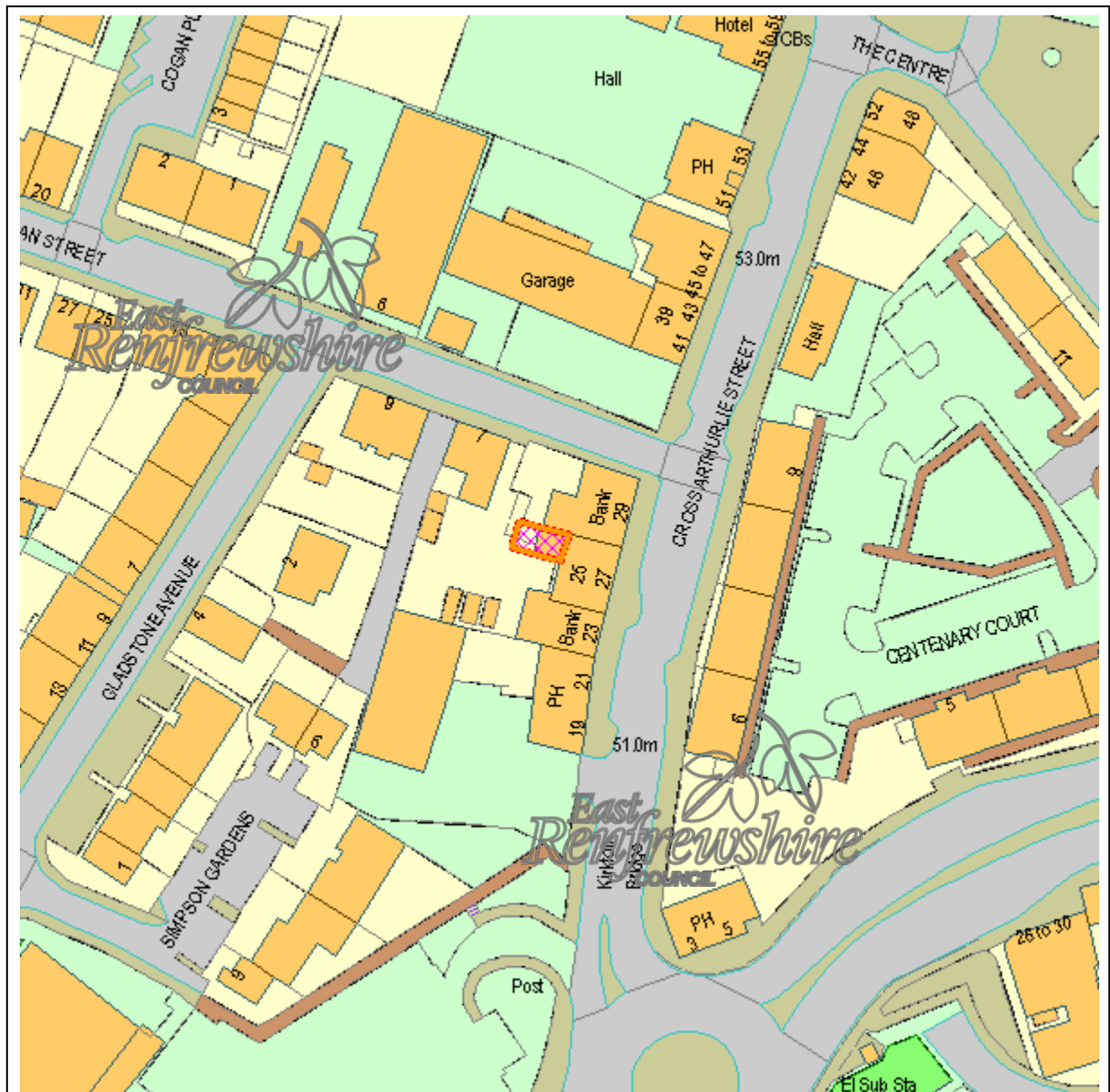
Formation of outdoor seating areas on raised terrace at rear

Location:

25 Cross Arthurlie Street

Barrhead

G78 1QY



DO NOT SCALE

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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Environmental Health Service Recommend restrictions on hours of use to protect residents from noise nuisance

East Renfrewshire Council Roads And Transportation Service No objections from a road safety standpoint

PUBLICITY:

06.06.2014 Barrhead News Expiry date 20.06.2014

SITE NOTICES: None.

SITE HISTORY:

1998/0076/TP	Change of use from shop to hot food carry out	Refused	10.06.1998
2012/0685/ADV	Display of internally illuminated projecting sign	Approved subject to conditions	05.03.2013
2012/0215/TP	Change of use from residential to cafe on first floor with erection of raised platform/walkway at rear with external stairs	Approved subject to conditions	25.06.2012

REPRESENTATIONS:

A total of 17 representations have been received from:

Mr James Hairstans Flat 1-1 9 Cogan Street Barrhead East Renfrewshire
G Bagan 7 Cogan Street Barrhead East Renfrewshire G78 1QS
Mr James Campbell Flat 1-1 Cross Arthurlie House 2 Gladstone Avenue Barrhead East Renfrewshire G78 1QT
Ms. Jennifer McCarthy Flat 5 3 Gladstone Avenue Barrhead East Renfrewshire
Owner/Occupier Flat 6 3 Gladstone Avenue Barrhead East Renfrewshire
Mr. Jamie Kerr Cross Arthurlie House 2 Gladstone Avenue Barrhead East Renfrewshire
Mr. John Boyle 4 Gladstone Avenue Barrhead East Renfrewshire G78 1QT
P. Bow Flat 1 1 Gladstone Avenue Barrhead East Renfrewshire
Mr. J. Renfrew Flat 4 1 Gladstone Avenue Barrhead East Renfrewshire
Ms. Natalie MacReadie Flat 1-2 1 Gladstone Avenue Barrhead East Renfrewshire
Owner/Occupier Flat 3 5 Gladstone Avenue Barrhead East Renfrewshire
C. McMillan Flat J 7 Gladstone Avenue Barrhead East Renfrewshire
Owner/Occupier Flat 2 3 Gladstone Avenue Barrhead East Renfrewshire
D.S. Crerar Flat 0/1 3 Gladstone Avenue Barrhead East Renfrewshire
Mr. Allan Gilmour 15 Gladstone Avenue Barrhead East Renfrewshire G78 1QT

The representations can be summarised as follows:

Noise and disturbance
Smells/cigarette smoke
Additional traffic/inadequate parking
Over provision of food outlets
Overlooking
Loss of amenity
Health/safety issues
Consideration of previous objections

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

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

ASSESSMENT:

This application is a Local development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However as there have been more than 10 representations the application has to be presented to the Planning Applications Committee for determination.

The site is located on the west side of Cross Arthurlie Street and is within the defined Barrhead Town Centre. The property is a two storey traditional building within a parade of retail/commercial units. There is a retail unit on the ground floor with a café on the upper floor served by a separate main door access. To the rear of the property and accessed at first floor level from the cafe, there is a raised platform with external stairs leading to the rear service/parking area which is accessed from Cogan Street. The adjoining properties are in commercial use.

Planning permission is being sought to use the rear platform as an outdoor seating area with an indicative plan proposing 6 tables and 12 covers. The café was approved in June 2012 under 2012/0215/TP and included the erection of a raised platform/walkway at the rear with external stairs. However this planning permission included a condition restricting the opening hours to 9.00am to 9.00pm Monday to Saturday and 10.00am to 9.00pm on a Sunday unless otherwise agreed in writing.

As previously stated, the site is within the defined Barrhead Town Centre. Policy S1 in the adopted Local Plan does not presume against non-retail uses which enhance and support the viability and vitality of the town centres. Outdoor seating has, over the years, become a common feature in town centres and given that the premises is a cafe, it is considered that the general principle of the development is acceptable and would not conflict with the aims and objectives of Policy S1. Being located within the Town Centre, the Council's Roads Service has no objections to the proposal from a road safety standpoint as it is expected that customers would use on-street parking. The rear service/parking area off Cogan Street is for staff parking and the Roads Service suggest that the applicant considers measures to hinder/deter customers from accessing the outdoor seating area from this area. It is considered that this matter can be addressed by a planning condition should the application be approved.

The rear service/parking area is within the General Urban Area as identified in the adopted Local Plan which in this locality, is predominately but not exclusively comprised of residential properties. Policies E1 and DM1(1) in the adopted Local Plan presume against significant proposals and changes of use which would not be compatible with the character and amenity of the locality and the surrounding land uses. It therefore has to be considered whether there will be a significant impact on residential amenity given the proximity to residential properties.

Residents living close to, or within, town and neighbourhood shopping centres will inevitably experience lower levels of amenity than exclusively residential areas. This does not however justify approving a proposal which could further reduce residential amenity to an unacceptable degree. The nearest residential property to the proposed outdoor seating area (approximately 8m away) is 7 Cogan Street which is a traditional two storey house with a single storey rear projection situated gable end onto the service lane and backing onto the rear yard. There are two door openings and a ground floor window opening in the gable facing the service lane and skylights on the rear elevation. The position of the house is such that there would not be direct overlooking or adverse impact on privacy of the occupants if there were customers on the platform/raised terrace. There could however be some noise nuisance. It is noted that the Council's Environmental Health Service while not objecting to the application, advise that consideration should be given to a restriction on opening hours. If there was significant noise and/or disturbance, this would be a matter for the Community Wardens/Police. The hours of use of the proposed outdoor seating area can be controlled by a planning condition.

On balance, it is considered that the proposal would not have significant adverse impacts on the amenity and privacy of nearby residential properties and would not, therefore conflict with Policies E1 and DM1(1).

In terms of material considerations, the proposed Local Development Plan (LDP) represents the current Council position in respect of the consideration of development proposals. The relevant LDP policies largely reflect the policies of the adopted Local Plan and do not raise any significant new issues.

The concerns of the representees are noted and have been addressed in the preceding paragraphs. It is noted that a number of representations have been received from residents in Gladstone Avenue which are more than 20m from the site. As a consequence it is not considered that they will be adversely affected by the proposal.

It is acknowledged that there were complaints last year regarding noise from musical instruments which was investigated at the time by the Council's Environmental Health Service. No new complaints have been received. Matters relating to, for example, health, safety, odours and fire issues are not material to the consideration of the planning application and are more appropriately dealt with under other legislation. Representations to the previous application are not taken into account in the determination of the current application which is considered on its own merits.

In conclusion it is considered that the proposal is acceptable at this town centre location and is complimentary to the function of the existing town centre uses and would not have a significant detrimental effect on the amenity and character of the area. It is recommended that the application be approved subject to conditions.

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None

CONDITION(S):

1. The outdoor seating area hereby approved shall only be in use between the hours of 9.00am and 9.00pm Monday to Saturday and 10.00am and 9.00pm on a Sunday unless otherwise agreed in writing by the Head of Environment (Planning, Property and Regeneration).

Reason: To prevent noise nuisance to the surrounding area.

2. Prior to the outdoor seating area hereby approved being brought into use, details of the proposed table layout and number of covers shall be submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration). Thereafter, the approved details shall be implemented in accordance with the approved scheme and shall not be altered without the prior approval in writing of the Head of Environment (Planning, Property and Regeneration).

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

3. Prior to the outdoor seating area hereby approved being brought into use details of measures to prevent customers parking in the yard at the rear of the premises and from accessing the outdoor seating area from the yard shall be submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration). Thereafter, the approved details shall be implemented in accordance with the approved scheme and shall not be altered without the prior approval in writing of the Head of Environment (Planning, Property and Regeneration).

Reason: To ensure the yard at the rear of the premises is not used for customer parking.

ADDITIONAL NOTES:

The applicant should consider measures to hinder customers from accessing the premises from the rear service yard.

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.

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.: 2014/0334/TP
(ALMI)

DATE: 6th August 2014

DIRECTOR OF ENVIRONMENT

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 E1

General Urban Areas

Within the general urban area, as shown on the Proposals Map, there will be a presumption against significant new development or change of use not compatible with the character and amenity of the locality and its surrounding land uses.

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

8. Transport Infrastructure" and T5 -"Other Traffic Management and Calming Measures). 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) has been sent for Examination to the Scottish Government. The LDP outlines the Council's most up to date statement of planning policy.

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 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.

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 Proposed Plan.

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.

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.