

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY20 April 2022Report by Director of Business Operations and PartnershipsREVIEW OF CASE - REVIEW/2022/01

PROPOSED CHANGE OF USE OF EXISTING OFFICES TO FORM RESTAURANT WITH TAKEAWAY FACILITY INCLUDING ERECTION OF FLUE TO REAR, FORMATION OF NEW SHOPFRONT AND EXTERNAL SEATING.

PURPOSE OF REPORT

1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 in respect of the application detailed below.

DETAILS OF APPLICATION

2. Application type: Full Planning Permission (Ref No:- 2021/0592/TP).
- Applicant: Fenwick Investments Limited
- Proposal: Proposed change of use of existing offices to form restaurant with takeaway facility including erection of flue to rear, formation of new shopfront and external seating.
- Location: James Davis Insurance, 203 Fenwick Road, Giffnock, East Renfrewshire, G46 6JD.
- Council Area/Ward: Giffnock and Thornliebank (Ward 3).

REASON FOR REQUESTING REVIEW

3. The applicant has requested a review on the grounds that the Council's Appointed Officer refused the application.

RECOMMENDATIONS

4. The Local Review Body is asked to:-
- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (i) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied; and

- (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed; or
- (b) that in the event that further procedure is required to allow it to determine the review, consider:-
 - (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
 - (ii) what procedure or combination of procedures are to be followed in determining the review.

BACKGROUND

5. At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the “local development” category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an “appointed officer”. In the Council’s case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Operations).

7. The report highlighted that historically appeals against planning decisions were dealt with by Scottish Ministers. However, following the introduction of the new planning provisions which came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

8. The applicant in submitting the review has stated the reasons for requiring the review of the determination of the application. A copy of the applicant’s Notice of Review and Statement of Reasons including appeal statement and plans is attached as Appendix 6.

9. The applicant is entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has detailed in their opinion that this review can continue to conclusion based on the assessment of the review documents only, with no further procedure.

10. The Local Review Body is not bound to accede to the applicant’s request as to how it will determine the review and will itself decide what procedure will be used in this regard.

11. At the meeting of the Local Review Body on 10 August 2016, it was decided that the Local Review Body would carry out unaccompanied site inspections for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.

12. In accordance with the above decision, the Local Review Body will carry out an unaccompanied site inspection on Wednesday, 20 April 2022 before the meeting of the Local Review Body which begins at 2.30pm.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

13. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The Local Review Body is advised that the focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.

14. The information detailed below is appended to this report to assist the Local Review Body in carrying out the review of the decision taken by the Appointed Officer:-

- (a) Application for planning permission and supporting statement – Appendix 1 (Pages 7 - 20);
- (b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 4 (Pages 63 - 74);
- (c) Decision notice and reasons for refusal - Appendix 5 (Pages 75 - 80); and
- (e) A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement and further documentation - Appendix 6 (Pages 81 - 116).

15. The applicant has also submitted the drawings listed below and these are attached as Appendix 7 (Pages 117 - 128).

- (a) Location Plan;
- (b) Existing Plans;
- (c) Existing Elevations;
- (d) Refused – Location Plan;
- (e) Refused – Proposed Plans;
- (f) Refused – Proposed Elevations;
- (g) Refused – Site Plan;
- (h) Details of External Posts and Banners; and
- (i) Details of Extraction System and Flue.

16. The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling and are also included as Appendix 2 and Appendix 3 respectively. Please note that following seeking legal advice, text has been redacted under section 12 of these enclosed representations which may be regarded to be potentially defamatory and this information will not be provided to the Local Review Body for consideration. The Council is unable to publish information as a matter of public record which could be regarded to be potentially defamatory.

17. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk.

RECOMMENDATIONS

18. The Local Review Body is asked to:-

- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (i) it proceeds to determine whether the decisions taken in respect of the application under review should be upheld, reversed or varied; and
 - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed; or
- (b) In the event that further procedure is required to allow it to determine the review, consider:-
 - (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
 - (ii) what procedure or combination of procedures are to be followed in determining the review.

Report Author: Sharon McIntyre

Director – Louise Pringle, Director of Business Operations and Partnerships

Sharon McIntyre, Committee Services Officer
e-mail: sharon.mcintyre@eastrenfrewshire.gov.uk
Tel: 0141 577 3011

Date:- March 2022

**APPLICATION FORM
AND
SUPPORTING STATEMENT**

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: planning@eastrenfrewshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100433789-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed change of use of existing offices to form restaurant with takeaway facility with erection of flue to rear & formation of new shopfront. Area for external seating formed in front of proposed restaurant on pavement.

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bennett Developments and Consulting		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Don	Building Name:	<input type="text"/>
Last Name: *	Bennett	Building Number:	10
Telephone Number: *	07989417307	Address 1 (Street): *	Park Court
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Glasgow
Fax Number:	<input type="text"/>	Country: *	scotland
		Postcode: *	G46 7PB
Email Address: *	don@bennettgroup.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	203
Last Name: *	<input type="text"/>	Address 1 (Street): *	Fenwick Road
Company/Organisation	Fenwick Investments Ltd	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Giffnock
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	G46 6JD
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

East Renfrewshire Council

Full postal address of the site (including postcode where available):

Address 1:

203 FENWICK ROAD

Address 2:

GIFFNOCK

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G46 6JD

Please identify/describe the location of the site or sites

Northing

659190

Easting

256290

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

250.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

offices

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

waste and recycling to stored in dedicated store uplift from Fenwick Road by specialist contractors at allocated time

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

210

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

restaurant to have takeaway facility

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Don Bennett

On behalf of: Fenwick Investments Ltd

Date: 23/06/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
 Elevations.
 Floor plans.
 Cross sections.
 Roof plan.
 Master Plan/Framework Plan.
 Landscape plan.
 Photographs and/or photomontages.
 Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

planning support statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr David Jarvie

Declaration Date: 23/06/2021

Payment Details



Created: 06/08/2021 08:48

bennett *Developments and Consulting,*

10 Park Court,

Glasgow G46 7PB

don@bennettgroup.co.uk**PLANNING STATEMENT**

30.6.2021

203 FENWICK ROAD, GIFFNOCK**CHANGE OF USE OF RETAIL SHOP (CLASS1) TO CAFÉ/RESTAURANT (CLASS 3) AND ERECTION OF FLUE AT REAR, FORMATION OF NEW FRONTAGE AND SEATING ON THE PUBLIC FOOTPATH****01** Background:

The property at 203 Fenwick Road is a single storey with attic property in a row of similar properties at the heart of Giffnock.

This row of shops has undergone considerable change in the last few years with a number of new and unique eating/dining venues appearing. Whilst this has mainly been at the expense of retail outlets the overall effect has been to enliven the area and animate the streetscape. In this instance the property was previously in class 2 use, as a financial services specialist, so the loss of retail is not a material consideration. At the rear of the property is a large public car park which serves the rail station and the local area.

Giffnock centre, or Giffnock Village as it is known, is a vibrant and attractive settlement with a wide range of services and facilities on offer. There is a range of local independent traders including fishmonger, butchers, estate agents, solicitors, newsagent, flooring specialist, hairdressers, dry cleaners, clothes alteration service, a Kwik Fit, library, bank, bistros and restaurants and many others. There is also two major food retailers, Lidl and Sainsbury Local. The "village" is also well connected to Glasgow and the surrounding area, with a main line railway station and numerous bus routes passing through the centre

02 Proposal:

The proposed development will see this vacant unit transformed into a restaurant offering a full range of services throughout the day from breakfast, lunch tea and dinner. Access to the restaurant will continue to be direct off of Fenwick Road though the existing single door will be replaced with double doors. Upon entering the restaurant through the new double doors on the left will be a bar/servery where customers waiting to be seated in the restaurant can wait and enjoy a drink, as well as provide

a pick-up point for those wanting to take advantage of the takeaway service. In essence the restaurant will wrap around this “island “ feature on the left hand side which will contain the kitchen, food preparation areas, store, and accessible toilet and a dedicated waste/refuse storage facility.

The upper floor, which is accessed via a stair there will provide further storage, gents and ladies toilets and a small function room which will be available for meetings, small events and other social activities.

Externally the only major change to the property will be the introduction of double doors and revised glazing which will extend the glass up to the underside of the fascia which is a more attractive detail than exists at present, and might reasonably be considered to be planning gain as the improvement will enhance the frontage. The only other change will be the introduction of an extraction flue which will puncture through the pitched roof adjacent to the existing chimney. This will be constructed to industry standard and be attached to the building with vibration proof fixings which will prevent noise from vibrations and at the same time protect the fabric of the property

The proposal also seeks to establish a small area for tables and chairs on the footpath , which at this location is wide enough to accommodate these items of street furniture and still leave a clearway of 2 metres. Al fresco wining/dining is very popular and contributes to the “en Fete” feeling within the village. It enlivens and animates the streetscape and in so doing creates a feeling of well-being, all of which contributes to the attractiveness of the village.

Refuse will be stored within the premises until such time as it is placed outside for uplift by the appointed contractor at the appointed time.

It is anticipated that opening hours will be Sunday to Thursday 7am-11pm and Friday and Saturday 7am -12 midnight.

03 Assessment against Policy

In determining an application the local authority are required to assess it in the context of the latest approved and adopted local development plan, which in this case is the East Renfrewshire Local Development Plan. Within that a plan is a wealth of direction and guidance which falls broadly into two categories. The first are policies which might be described as overarching and broad-brush and these establish the broad aims and objectives of the development plan, the second are more specific and provide detailed guidance and direction on a range of various topics. These policies are set within the context of the overarching policies and derive their authority from these policies.

In the context of this proposal the relevant policy guidance is to be found in:

Strategic Policy D2-Assessment of Development Proposals

Policy D1- Detailed Guidance for all Development

Policy SG7-Town and Neighbourhood Centre Uses

Policy SG8-New Development and Business Improvement Districts

Policy SG9- Protecting the Retail Function of Town and Neighbourhood Centres

Policy D11/SG11-Management and Protection of the Built Heritage

Whilst all of the above are pertinent, Strategic **Policy D2** and **Policy D1** are overarching in that they establish all aspects of developments within the area. Of particular note are :

- a) The development should not result in a significant loss of character or amenity to the surrounding area.
- b) The proposal should be of a size, scale and massing and density as that in keeping with the buildings in the locality and should respect local architecture, building form, design and materials.
- c) Amenity of neighbouring properties should not be adversely affected.
- d) Developments should include provision for the recycling, storage and collection of waste materials.

Response:

The application involves the reuse of an existing property so issues such as the design of the development and the scale and massing, are not relevant. The proposed change of use will continue to respect the architectural heritage, the character of the streetscape and the amenity of the neighbourhood.

In respect of d) the proposed development makes provision for the storage of refuse within the property until such time as it is placed at the roadside for uplift by the appointed contractor at the appropriate time.

In addition the new restaurant will incorporate an industry standard extraction system which will ensure that odours, noise and heat from the development will not impact negatively on the amenity of the area.

Policy SG7 and Policy SG9 seek to ensure that the vitality and vibrancy of the centre is maintained and fostered. The policies aim to maintain a balanced range of uses which will attract residents and visitors alike. Policy SG9 in particular aims to ensure that the primacy of retail is protected but also accepts and appreciates that the centre has offer more than shops, but must also provide a range of facilities and services such as bars, diners, cafes, local offices and leisure uses. Collectively they deliver the vibrancy and vitality which is essential to the well-being of the centre.

In protecting the retail function, Policy SG9 contains a number of criteria which any prospective development is expected to meet, namely:

- a) The property should have been marketed for an appropriate time by a qualified agent and there is no prospect of a class 1 use being resumed.
- b) In any continuous frontage the proposed use should not result in: **i)** more than two non-class 1 uses adjacent to each other, **ii)** the proportion of non-class 1 uses should not exceed 40% of the total number of units, **iii)** the development should ensure that there is a ground floor display, to avoid the creation of a “dead frontage”

Response:

The proposed development has been marketed by both DM Hall and Lets Direct with marketing boards mounted on the premises. There has been no interest from other potential class 1 uses, the only expressions being from class 3/ sui generis uses.

The existing row of shops comprises eight units of which one is the application site and two are currently vacant. Of the remainder there is one class 3 unit, two sui generis hot food takeaways, a solicitors and a funeral directors

The existing break down of uses already exceeds the limit for non-class one uses, and as this proposal is for the reuse of an existing class 2 use, there will be no change to the current use split. A class 2 use

is simply being replaced with a class 3 use, so there is no impact on the status quo in respect of the non-retail split.

The desire to avoid a “dead frontage” is understood and accepted. It is in everyone interest to ensure that this street block presents as an animated and dynamic group of properties and that all units contribute to the ambience of the area. In this respect, the proposed new restaurant will provide an appealing and attractive window area which will enliven the streetscape.

Policy SG8- This policy defines Giffnock town centre as a **Business Improvement District(BID)** The BID will involve the local authority and local businesses in promoting Giffnock and will offer support and encouragement to existing businesses and help attract new businesses, with the aim of fostering the role and the quality environment of the area.

Response:

The proposed development will complement the range of uses already present within the centre , and will contribute to the rich mix of uses within the centre. This will enhance further the appeal and attractiveness of the centre.

Policy S11/SG11- this policy/guidance offers detailed guidance and direction in respect of issues involving the architectural and historical fabric of the area. As the application site involves a listed building it is important that the use and any associated works respect the buildings heritage.

Response:

The proposed development will involve the change of use of an existing vacant property and the introduction of a restaurant which will be accommodated within the property without any impact on the external fabric of the building. The only change will be at the rear of the property where an extraction flue will be installed.

The new use will ensure the ongoing welfare of the building.

From all of the foregoing it is apparent that the proposed change of use into a café/restaurant can be accomplished within the policy/guidance established in the local development plan.

04 Summary:

The proposed development will see the creation of a new dining experience in the area and a currently vacant property once again contributing to the vitality and vibrancy of Giffnock Village.

It has been established that this new venture can be introduced within the guidance and policies of the local development plan and without any negative impact on the character of the area.

CONSULTATION RESPONSES

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Internal Memo

Our Ref: HmcD

Your Ref:

Date: 17th August 2021

From: Environmental Health

To: Development Management

PROPOSAL: Proposed change of use of existing offices to form restaurant with takeaway facility including erection of flue to rear, formation of new shopfront and external seating

LOCATION:

James Davis Insurance 203 Fenwick Road Giffnock East Renfrewshire G46 6JD

I have reviewed the plans for the above development and would comment as follows:

1. There shall be no construction work or offloading of delivered materials at the development site outwith the hours of 0800 to 1900 Monday to Friday and 0800 to 1300 on Saturday with no working on Sunday or local or national public holidays unless minor and temporary amendments have been otherwise agreed in advance in writing by the planning authority.
2. Noise from the proposed development and any associated equipment shall not exceed residential Noise Rating Curve 25 (as described in BS 8233 2014) between the hours of 2300 and 0700 and NR Curve 35 between 0700 and 2300 hrs, as measured from any neighbouring residential property. (applies to food air handling units)
3. Between the hours of 0800 and 2000 the measured noise level emitted from the premises (L_{Aeq} (1hour)) shall not exceed the pre-existing background noise level (L_{A90} (1/2hour)) by more than 4dB (A) when measured in accordance with BS4142:2014 at buildings where people are likely to be affected. Between the hours of 2000 and 0800 the noise emitted from the premises (L_{Aeq} (5mins)) shall not exceed the pre-existing background noise level (L_{A90} (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

4. All waste arising from construction or demolition activities must be removed by a licensed waste carrier. There must be no burning on site, other than that permitted by Scottish Environmental Protection Agency by prior agreement; any such burning must not cause nuisance. Adequate precautions must be taken to prevent nuisance from dust from the demolition or construction activities.
5. The premises require to comply with –
 - a) The Food Safety Act 1990 and any subordinate legislation made thereunder
 - b) The Food Hygiene (Scotland) Regulations 2006.
 - c) The Health and Safety at Work Etc Act 1974 and any subordinate legislation made thereunder.
 - d) The business operations and any activities in relation to alterations require to comply with The Health and Safety at Work Etc Act 1974 and any subordinate legislation made thereunder.
6. The food business requires to register with the Environmental Health Section 28 days prior to commencing business. A Food Safety Registration form may be accessed online or requested directly from the Section, by contacting 0141 577 8487 or emailing environmentalhealth@eastrenfrewshire.gov.uk .
7. It is strongly advised that a grease trap of suitable capacity is installed for the collection of grease before it accesses the waste drainage system. For further information, please contact 0800 0778 778 to speak to Scottish Water Trade Effluent Quality Team. <https://www.scottishwater.co.uk/en/Business-and-Developers/Byelaws-and-Trade-Effluent/Trade-Effluent>
8. It is recommended that the wash hand basin in the kitchen is fitted with non-hand operable taps.
9. It is recommended that applicants consider the food preparation activities they are proposing and ensure that facilities within their business can accommodate their proposals.
10. A suitable ventilation system, which meets the approval of the Environmental Health Section requires to be installed.
11. A suitable ventilation and extraction system, which meets the approval of the Environmental Health Section requires to be installed. The ventilation system should not cause nuisance to the occupiers of nearby properties arising from cooking odours/noise. Consideration should be made to the installation of an extraction flue that extends at least 1 metre above the eaves of the building.
12. The light emanating from the proposed fascia/sign must not cause disturbance to the occupiers of neighbouring dwellinghouses, therefore consideration must be given to the hours of operation and to the intensity and direction of said light. Guidance regarding lighting nuisance is available at www.scotland.gov.uk/Publications/2009/01/23142152/39
13. Suitable arrangements should be made for the safe storage and disposal of waste arising from the business activities.

14. I would also recommend that the operating times of the business should be restricted to reduce the likelihood of noise nuisance to nearby residents.

I trust that this information is of use. If you wish to discuss any of the matters raised in this memo, please do not hesitate to contact me.

Helen McDonald

ENVIRONMENTAL HEALTH OFFICER

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Roads Service OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 2021/0592/TP
D.C Ref David Haney
Contact: Allan Telfer

Planning Application No: 2021/0592/TP **Dated:** 11/08/2021 **Received:** 11/08/21
Applicant: Fenwick Investments Ltd
Proposed Development: Proposed change of use of existing offices to form restaurant with takeaway facility including erection of flue to rear, formation of new shopfront and external seating
Location: 203 Fenwick Road, Giffnock
Type of Consent: Full Planning Permission

RECOMMENDATION

No Objections

Proposals Acceptable Y/N or N/A

Proposals Acceptable Y/N or N/A

Proposals Acceptable Y/N or N/A

1. General

(a) General principle of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N

2. Existing Roads

(a) Type of Connection (junction / footway crossing)	N/A
(b) Location(s) of Connection(s)	N/A
(c) Pedestrian Provision	N/A
(d) Sightlines	N/A

3. New Roads

(a) Widths	N/A
(b) Pedestrian Provision	N/A
(c) Layout (horizontal/vertical alignment)	N/A
(d) Turning Facilities (Circles / hammerhead)	N/A
(e) Junction Details (locations / radii / sightlines)	N/A
(f) Provision for P.U. services	N/A

4. Servicing & Car Parking

(a) Drainage	N/A
(b) Car Parking Provision	N/A
(c) Layout of parking bays / Garages	N/A
(d) Servicing Arrangements	N/A

5. Signing

(a) Location	N/A
(b) Illumination	N/A

Ref.	COMMENTS
	<p><u>General</u> The proposed development is located within Giffnock Town Centre and is fronted by the A77 Fenwick Road.</p> <p>Loading and parking restrictions apply on Fenwick Road.</p> <p><u>Parking / Servicing</u> As the proposed development lies within an established town centre location, the parking, access and servicing arrangements can be assumed to be part of the town centre supply.</p> <p>Service vehicles for this development, like all traffic, will be subject to national and local traffic restrictions and regulations.</p> <p>As such, this Service has no objection to this application.</p> <p>I can advise that a Section 59 Road Occupation Permit is required for this application given that the outdoor seating area as delineated by the proposed barriers, is within the extent of the public road network.</p> <p>Should planning permission be granted, the Applicant would be required to apply for this permit.</p>

Notes for Intimation to Applicant:

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Not Required

* Relevant Section of the Roads (Scotland) Act 1984

Comments Authorised By: John Marley
pp Roads and Transportation Controller

27/08/21

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COPIES OF OBJECTIONS/REPRESENTATIONS

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Comments for Planning Application 2021/0592/TP

Application Summary

Application Number: 2021/0592/TP

Address: James Davis Insurance 203 Fenwick Road Giffnock East Renfrewshire G46 6JD

Proposal: Proposed change of use of existing offices to form restaurant with takeaway facility including erection of flue to rear, formation of new shopfront and external seating

Case Officer: Mr David Haney

Customer Details

Name: Miss Gemma McDonald

Address: 199 Fenwick Road, Giffnock, East Renfrewshire G46 6JD

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My first objection relates to the erroneous information set out in the plans for this property. The side lane, between 201 and 203 Fenwick Road, is represented as being a separate entrance to 203 Fenwick Road. However 203 Fenwick Road only owns half of that land - the other half is owned by 201 Fenwick Road who have since lodged an objection to this application. There is no mutual right of access over that land. The proposed plan incorrectly show an opened door covering over half of that lane - the half which is not owned by 203 Fenwick Road and over which they have no right of access.

Half of this narrow access lane (owned by 201 Fenwick Road) is subject to a right of access in favour of the owners of 195, 197 and 199 Fenwick Road. At present, the half of the lane owned by 201 Fenwick House houses their bins in that area with minimal room for manoeuvre. Therefore to present that as a separate access point is inaccurate. In the event of a fire at 203 Fenwick Road, this side lane could not safely be used as an exit point as the only means of exiting the lane is either (a) on one side by a locked gate or (b) on the other side by private land owned by 201 and 199 Fenwick Road. For the avoidance of doubt, no right of access will be granted by 199 Fenwick Road to 203 Fenwick Road. Therefore there is only one safe means of access into and out of 203 Fenwick Road - via the front door. This single point of access presents a serious health & safety concern for customers in the event of a fire. The rear of 203 Fenwick Road does not provide safe or legal rights of access in or out (particularly for any disabled member of the public). I would ask the Planning Committee to consider the health and safety of the residents of this area before approving such erroneous plans. I would have no hesitation to pursue this matter further with HSE.

The inclusion of an outdoor seating area would further impede disabled access along the

pavement on front of this property. An imposition which already exists outside other establishments such as Pane Vino.

My second objection relates to the noise which will undoubtedly be caused by the presence of a restaurant with outdoor seating to be situated within 4 metres of residential property. This type of business will bring with it not only noise but also additional rubbish and an increased risk of even more vermin in the surrounding area. Given the preponderance of vermin already located within this area, a fact which has been communicated to the Council on many occasions by all surrounding residents, I would question the health and sanitary measures currently employed by the existing businesses and would ask that the problem is not compounded by further rubbish and waste disposal (a matter which has been inaccurately set out in the proposed plans). There is no access into or out of the rear of 203 Fenwick Road for waste disposal purposes therefore the plans do not address this crucial matter.

I accept that living on a main road brings with it a certain level of acceptance with regards to the presence of commercial properties. However the proposal you have been asked to consider does not accurately reflect the reality of 203 Fenwick Road and the surrounding area. Approving plans such as these would be negligent at best and destructive to the health, safety and well being of any disabled members of the public who may need to ever evacuate this property in the event of a disaster.

Comments for Planning Application 2021/0592/TP

Application Summary

Application Number: 2021/0592/TP

Address: James Davis Insurance 203 Fenwick Road Giffnock East Renfrewshire G46 6JD

Proposal: Proposed change of use of existing offices to form restaurant with takeaway facility including erection of flue to rear, formation of new shopfront and external seating

Case Officer: Mr David Haney

Customer Details

Name: Mr John McDonagh

Address: 201 Fenwick Road, Giffnock, East Renfrewshire G46 6JD

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Good morning

Further to the registered planning application for a proposed change of use for this property I would like to register my objection on the following grounds.

I do intend to take some legal advice on this however this is the initial concerns I have in raising an objection to the proposed change of use.

1. Noise disturbance

Over recent years with the dramatic increase in bars, restaurants, fast food outlets and cafe's on Fenwick Road we as residents have been subjected to what seems to be ever increasing volumes of noise, both during the day and particularly in the evening when establishments close.

Living on Fenwick Road we have had to deal with an unprecedented increase in noise levels primarily from raised voices both from couples casually walking home, small groups often shouting and arguing and general gathering of larger groups, mostly fuelled by alcohol.

When taxis pull up to collect customers from late night establishments either bars or restaurants there is further noise all of which have caused many a disturbed nights sleep due to level of noise at a key time of night.

We experience this from the current bars/restaurants close to our home where we are also subjected to noise from staff locking up and the removal and disposal of empty bottles as they

smash when deposited into large waste bins late at night and during the day.

However the thought of a further bar/ restaurant /café literally on our door step will cause an unacceptable noise issue for our home and also our neighbours.

I would ask the application committee to please consider this when making their decision.

In addition the change of use proposal provides for external seating which will add further noise as this will without doubt easily be heard from my front lounge as it will be so close to our home.

This will also encourage smaller groups and passer byes to gather to chat or smoke adding to the noise we will be expected to endure.

There is only a 3m lane between my home and the proposed restaurant / bar / cafe which I hope you will take into account when considering this application as noise will be such a major disturbance to our living environment.

2. Nuisance Disturbance

Often the gate between 201 Fenwick Road where we live and 203 is used as a public toilet at night by passing people leaving bars and restaurants. This has increased significantly with the opening of Ca Va and the Southside bars respectively which are both in close proximity to our home and the proposed addition bar/restaurant will only make this worse.

This has resulted in not just further noise issues but we are also subjected to bottles deposited/thrown in our front garden along with other items of rubbish including carryout packaging, should this proposal be approved this will inevitably make this situation worse and further affect our quality of living especially late in the evening..

In the past I have had many disturbances from night time revellers using my garden as a toilet as they wait for taxis or late night bus which has caused conflict and on occasions I have been threatened for asking people to leave and stop what they were doing.

This would only become worse.

3. External seating / Smoking areas

The creation of external seating or smoking areas where noise and depositing of rubbish would become worse would have a further affect on our ability to enjoy our home given how close we would be to this area.

Smoking is never a nice subject and would be a very unwelcome consequence of any bar or

restaurant external seating facility as I have no doubt this would spill over onto the area adjacent to my home with smokers gathering and depositing doubts into my garden or surrounding area

4. Nuisance / Waste disposal / pest control

The opening of a further bar and restaurant will only exacerbate the waste control problems we already have with the existing business operations on Fenwick Road where bins are located to rear of their premises in the Giffnock train station car park.

Existing waste bins are more often than not over run and over flowing and the excess is blown into the carpark and all my neighbours gardens where we have to clean up daily.

We have suffered regular vermin issues mainly rats and foxes on and off for many years, we have even had rats frequenting our gardens and on one occasion enter my house.

More recently sea gulls are becoming an issue as they are attracted to the many over flowing bins.

The issue of rats has definitely been made worse due to the attraction created by the unkept waste bins.

Dead rats have been found presumable from poison which is also a major concern for the young children and pets we and our neighbours have.

A further bar/restaurant immediately adjacent to my house would bring the vermin pest control problem onto my doorstep and would make this much more likely to become the norm something that causes me serious concern.

Recently we have received a communication from East Renfrewshire council advising that they are aware of the increase in rats and the need to better control the waste bins which are being monitored.

Should this proposal be approved I cannot think how bad the waste disposal arrangements would become as there is little or no room to accommodate the large commercial disposal bins that would be required even before the issue of over filling occurs.

The applicant has not provided clear detailed and accurate proposals for the management of waste or the intended location of commercial bins, how/where will they be collected, how often will they be collected etc

5. Nuisance Odour from restaurant and bar activities

There can be no doubt that food making activities will subject us to unwanted odours that will

effect our quality of life and without doubt use of our garden especially during summer months.

While there is allowance for a flue to address odour in the application, I have extensive experience in such issues and know this will be an issue for me and my immediate neighbours.

There is only one other exit door from the premises which exits into the 3m wide lane which separates our premises, this will be left open especially in hotter days, staff will use this to remove waste and take breaks, suppliers will use this to deliver goods and unavoidably odours will escape from the restaurant and immediately impact on our use of our garden.

The application for change of use conveniently does not show detailed plans for kitchen equipment which will clearly promote the odours escaping from the afore mentioned door when left open. There will also be a ventilation and extraction system with condenser units which are normally mounted externally which will create a further noise nuisance, daily and at night, or even through the night if left on.

6. Access

The lane that splits our properties is private property, my title deeds stipulate that access is only granted to the four terraced residents to allow access to rear of premise when necessary but primarily to allow our domestic wheelie bins to be taken to Fenwick Road for collection on a weekly basis.

This is facilitated via a locked security gate which residents have managed for over 35 years to ensure the private lane is protected and not accessible to public, protecting our premises.

I would have serious concerns about this gate being tampered with preventing a very serious security risk to my property and also that of my immediate neighbours.

7. Existing Fire Exit door from office to lane

The current office premises have what I believe to be a fire exit door which opens into the 3m wide lane between our properties.

My property title extends to half the lane.

For the last 30 years and more this fire exit door has been rarely used, should this become a restaurant I believe the door will become much more used, potentially for waste removal, staff breaks (smoking areas for staff) and general loitering about by staff with the inevitable associated noise and disturbance.

I also presume suppliers to the restaurant may also look to use this to access the premises which

will further impact on our use of our garden and will further congest the car park with delivery vans blocking in parked cars which is already an issue.

Should this proposal proceed I reserve the right to erect a gated fence/partition along the middle of the lane to help protect my property from the activities of the restaurant. This may in turn affect the operation of the current fire exit door as it has no entitlement to exit the lane onto my property. (This is why I will be taking further advice from my legal adviser)

8. Saturation of bars / restaurants/ cafes / fast food outlets

Over and above my personal concerns about the opening of a restaurant on my door step I also have concerns about the over provision of bars/restaurant/cafes/ bistros and fast food outlets in such a small stretch of road within Fenwick Road.

I already have friends that come from Shawlands and Queens Park to Giffnock for a night out because they say " Shawlands is a dive and has become so run down" I would hate to think Fenwick Road will become a Shawlands attracting more and more people and inevitably bringing a rise in trouble to the area as has been seen in Shawlands for many years

I am genuinely sorry about the length of this objection but I sincerely hope I have been able to explain the devastating impact I believe this would have on our ability to enjoy our home of over 30 years.

Many thanks

John McDonagh
201 Fenwick Road
Giffnock G46 6JD
07967828541

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Comments for Planning Application 2021/0592/TP

Application Summary

Application Number: 2021/0592/TP

Address: James Davis Insurance 203 Fenwick Road Giffnock East Renfrewshire G46 6JD

Proposal: Proposed change of use of existing offices to form restaurant with takeaway facility including erection of flue to rear, formation of new shopfront and external seating

Case Officer: Mr David Haney

Customer Details

Name: Ms Kate Haggerty

Address: 197 Fenwick Road, Giffnock, East Renfrewshire G46 6JD

Comment Details

Commenter Type: Rec'd Neighbour Notification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am objecting to this proposal as I live a few doors along from said property. The area surrounding my home is already overly populated with fast food/restaurants and is a constant mess from these food areas. I always have food wrappers and receipts in my garden that I have to clean up. The car park is always littered and when I speak to the council, nothing is ever done. In fact the boys brigade were round last week cleaning it and made a great job of it, better than I have seen from the council.... Ever. Also parking is an issue. Where are you proposing they get deliveries to their premises? If it is like any of the other businesses then it will be parking outside my house and delivering from there. I can't park outside my house so why should delivery drivers be able to? Then there is the car park where it is going to add to the already congested area meaning even more problems for us the residents. Unfortunately as residents we are unable to 'offer' anything to the council and therefore our voice is never heard or our opinion does not matter. East Renfrewshire council have never been able to assist us when there have been such issues as parking, litter, noise from from these establishments emptying at night: I would be grateful if for once the views of us as residents would be considered at the decision that is being made. Thank you

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Comments for Planning Application 2021/0592/TP

Application Summary

Application Number: 2021/0592/TP

Address: James Davis Insurance 203 Fenwick Road Giffnock East Renfrewshire G46 6JD

Proposal: Proposed change of use of existing offices to form restaurant with takeaway facility including erection of flue to rear, formation of new shopfront and external seating

Case Officer: Mr David Haney

Customer Details

Name: Mr John McDonagh

Address: 201 Fenwick Road, Giffnock, East Renfrewshire G46 6JD

Comment Details

Commenter Type: Rec'd NeighbourNotification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Having received the formal paper notification about this application which mentioned privacy as a reason to object I have noticed that on my previous objection comment I omitted to reference the issue of privacy.

The application proposes a Function room on the first floor, which would look directly onto our back garden.

The previous owner used this area as a store room and as it was also only accessible 9 -5 never presented a privacy issue to ourselves however this intended use would present a significant privacy issue as we would have NO privacy at all when function room or indeed any other use of this area allowed for members of the public to gather. We are very concerned about this and feel it would significantly diminish our ability to use our garden

A further concern we have is the potential sever impact on the drainage system for the unit at 203.

The drains run under ground below the service lane which separates my Home and the current office premises, should this unit become a restaurant there will inevitably be a significant increase in the volume of waste going through the drains which I am concerned may not have been designed for such volume and may not be suitable to cope.

In over 30 years of living here we have never had a drain problem a fear this will significantly change.

I would be grateful if when considering this objection that the above items are given your serious

consideration as both will have a significant impact on our ability to enjoy our home.

Thank you

From: Gemma McDonald [REDACTED]
Sent: 13 February 2022 19:38
To: McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>
Subject: Re: Local Review Body - Review 2022/01 - James Davis Insurance, 203 Fenwick Road, Giffnock, East Renfrewshire, G46 6JD.

Dear Sharon

Thank you for your email.

I have set out below in red responses to particular points raised in the appeal.

In particular, I would note that no aspects of the development or the surrounding area have changed since the date of the original decision notice. The appeal does not raise any new or compelling evidence that was not part of the original application. The development as it originally stood would still erode the diverse nature of Giffnock town centre and lead to a proliferation of bars and restaurants within a very small section of Giffnock. This is contrary to the current character of this area which is primarily that of a quiet, residential suburb. Similarly, the appeal does not address the issue of noise and odour nuisances that would undoubtedly occur - if anything, the appeal argues that noise and light and smells will abound and that that somehow fosters a sense of "safety and security". I can assure the Council, as the owner of 199 Fenwick Road, that I do not agree with this sentiment at all.

Regards

Gemma

1. Development should not result in a significant loss of character or amenity to the surrounding area. ***The application site is a vacant unit previously occupied by an insurance company. As an insurance office it contributed little to the character of the area with little activity and purely a daytime function. The proposed new restaurant will provide a new eating and dining experience throughout the day and in the evening the splay of light from the windows and customer activity will contribute to the sense of safety and security so essential in fostering well-being***

There is a matter of feet between the boundary of the development and the boundary of residential properties (namely 201-195 Fenwick Road). This area of Giffnock is characterised by a section of private residences which do not wish to have to endure a "splay of light" in the evening through their living room windows.

There is already a preponderance of bars and restaurants within this very small section of Giffnock – CaVa, Lucali, Olive It Med, Subway, Toni's Pizzeria (which is under expansion and will no doubt emit a "splay of light" right across Fenwick Road), Shaheds Tandoori, BRGR and Turban Tandoori. However the effect of these are tapered by the presence of smaller, quieter establishments that operate on different working hours, such as; Austin Lafferty, Yorkshire Building Society and Jim Blair Insurance. The argument in this instance cannot be that the development must be a restaurant/bar that stays open late and emits light in order to be considered to contribute to the character of the area. That would be extremely short sighted given the above-named businesses and contrary to the

terms of the East Renfrewshire Local Development Plan which is supposed to foster diversity within the area.

2. The proposal should be of a size, scale, massing and density that is in keeping with its surroundings. *The proposed use will occupy an existing building and does not involve any external building works that would have any impact on the local area. The claim that the proposed glazing area is at variance with the rest of the row is without foundation. The two adjacent units, the café and the funeral undertakers both have deep window areas, so a precedent has already been set. In any event it is questionable if such a modest change can be considered incongruous and to the detriment of the visual amenity of the area, as is being claimed.*

There is a matter of feet between the boundary of the development and the start of residential properties (namely 201-195 Fenwick Road). An insurance company was a prime example of the type of business which it would be appropriate to have within such close proximity to private residences as it operated solely during working hours and did not attract, en masse, members of the public to eat, drink and otherwise create noise until midnight on any given night. If this development is permitted there will be a proliferation of people in and around it – whether it be customers, deliveries being made or delivery drivers awaiting pickup of their orders. This would not be in keeping with the current character of the surrounding area as a quiet, safe and peaceful residential area.

6. Developments should create safe and secure environment that reduces scope for anti-social behaviour

The proposed development will animate this space and create activity and vitality which will greatly reduce the opportunities for anti social behaviour.

As a resident of 199 Fenwick Road, I can advise the Council with absolute certainty that there is no issue with anti-social behaviour in this section of Giffnock.

The area is already “animated”. Within walking distance there is; CaVa, Lucali, Olive It Med, Subway, Toni’s Pizzeria (which is under expansion and will no doubt emit a “splay of light” right across Fenwick Road), Shaheds Tandoori, BRGR, Turban Tandoori and 800 Degrees but to name a few of the well-known establishments. If their presence is not enough to dissuade any “anti-social behaviour” then I doubt that an additional commercial establishment will do the job. If this really is an area of concern then I suggest a discussion with Police Scotland is required to combat any disruptive behaviour in the neighbourhood.

This limb of appeal appears to be nothing more than an attempt by the appellant to claim that their development solves a social problem when, in fact, such a problem does not exist. There are long-standing social relations between the proprietors of 201-195 Fenwick Road and the existing commercial establishments in the vicinity and, from discussions with each of them, they are unaware of any anti-social behaviour incidents or even suspected incidents. I would ask that the appellant provide evidence to the Council that such an issue exists before they claim to “reduce” any such issues.

Moreover, if the development intends to sell alcohol then I would seriously question how this reduces the opportunity for anti-social behaviour to occur.

7. Development must be designed to meet needs of disabled.

The development makes provision for all disability needs.

Without trespassing on land owned by the proprietors of 201 and 203 Fenwick Road – or seeking consent from Network Rail to cross their land – there is only one entry and exit point from this property (via Fenwick Road). This point has been confirmed by a lawyer and Network Rail. All other exits are surrounded by private land, including a locked entryway which now prohibits access to the development via land owned by 201 and 203 Fenwick Road.

10. Need to minimise light pollution.

There will be no floodlighting or other lighting associated with the development.

Apologies if I have misunderstood this point, but doesn't the appellant self-admittedly intend to omit a "splay of light" from the development? (see point 1 above). Their grounds for appeal appear to be contradictory – either there will be light pollution or there won't.

12. Waste materials arising from the construction to be retained on site.

Building works will be to a minimum, so there will be little waste material to remove.

When the appellant originally started removing the interior of the existing building in preparation for the development they:-

1. [REDACTED]
2. [REDACTED]
3. *parked a large industrial sized skip across multiple parking bays in Giffnock train station – a fact which Network Rail were aware of* [REDACTED]

I would ask the Council to be absolutely certain that building works will be "to a minimum" [REDACTED]

From: McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>

Sent: 11 February 2022 16:27

To: McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>

Subject: Local Review Body - Review 2022/01 - James Davis Insurance, 203 Fenwick Road, Giffnock, East Renfrewshire, G46 6JD.

Dear Representee,

Please find attached for your attention acknowledgement of the valid Local Review Body 2022/01.

Kind regards,

Sharon McIntyre
Committee Services Officer
Department of Business Operations and Partnerships
Phone: 0141 577 3011
Mobile: 07584 116 608

e-mail:- sharon.mcintyre@eastrenfrewshire.gov.uk
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From: McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>
Sent: 15 February 2022 11:27
To: JOHN MCDONAGH [REDACTED]
Subject: Re: Local Review Body - Review 2022/01 - James Davis Insurance, 203 Fenwick Road, Giffnock, East Renfrewshire, G46 6JD.

Dear Mr McDonagh,

I can confirm receipt of this further representation in relation to Local Review Body 2022/01.

I note that you have detailed difficulty accessing the report of handling and the environmental health consultation response on the website. I have checked the accessibility of this documentation and this is available to view from this webpage: [2021/0592/TP | Proposed change of use of existing offices to form restaurant with takeaway facility including erection of flue to rear, formation of new shopfront and external seating | James Davis Insurance 203 Fenwick Road Giffnock East Renfrewshire G46 6JD](#)

Should you wish to update the further representation below following accessing this documentation, I can accept an updated representation by close of business on 25 February, should I not receive an updated representation I will proceed to use the representation provided below.

Kind regards,

Sharon

From: JOHN MCDONAGH [REDACTED]
Sent: 14 February 2022 15:26
To: McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>
Subject: Re: Local Review Body - Review 2022/01 - James Davis Insurance, 203 Fenwick Road, Giffnock, East Renfrewshire, G46 6JD.

Hi Sharon

In reply to the appeal relating to 203 Fenwick Road, Giffnock

My comments are highlighted in red immediately below the comments of the applicant

I hope this format is acceptable

Many thanks

John

STATEMENT OF APPEAL

30.1.2022

APPEAL TO EAST RENFREWSHIRE COUNCIL LOCAL REVIEW BOARD AGAINST THE REFUSAL OF PLANNING PERMISSION FOR CHANGE OF USE OF EXISTING OFFICE TO FORM RESTAURANT WITH ANCILLARY TAKEAWAY INCLUDING ERECTION OF FLUE TO REAR, FORMATION OF NEW SHOPFRONT AND EXTERNAL SEATING, AT 203 FENWICK ROAD, GLASGOW G46 6JD
APPLICATION No: 2021/0592/TP

Reasons for Refusal:

On 14th January 2022, the application was refused and the reasons cited were:

Proposal was contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as (i) the proposed use would further erode the diverse nature of the town centre at this location and give rise to a proliferation of uses to the detriment of the character and amenity of the area, and (ii) the proposed use would give rise to noise and odour nuisance that would be to the detriment of the amenity of the adjacent residents, and (iii) the replacement of the lower fascia with glazing would be an incongruous feature that would detract from the character and design of the row of shops to the detriment of the visual amenity of the area.

Proposal was contrary to Policy SG7 and Policy SG10 of the adopted East Renfrewshire Local Development Plan as the proposed use would give rise to a proliferation of such uses that would further erode the mixed use character of the town centre to the detriment of its function and amenity.

Determination Process/ Response

As stated the reasons cited for the refusal are to be found in Policy D1, SG7 and SG10.

No other policies, directions or guidance is cited, so for the reasons to refuse the application to be valid and sustainable, the justification must be found within these policies.

The ROH also contained a number of extracts from the Local Development Plan which provide details of the content of the cited policies, in support of the decision to refuse. These are addressed and responded to below.

1. Development should not result in a significant loss of character or amenity to the surrounding area.

The application site is a vacant unit previously occupied by an insurance company. As an insurance office it contributed little to the character of the area with little activity and purely a daytime function. The proposed new restaurant will provide a new eating and dining experience throughout the day and in the evening the splay of light from the windows and customer activity will contribute to the sense of safety and security so essential in fostering well-being

I would challenge the applicants comments in that previously the unit was occupied and used as an insurance office for many years, during which time the unit and its occupants were good neighbours, and maintained a valuable service to the Giffnock Area hence why they were in occupation for more than the 30 years I have lived here.

Given the close proximity of this unit to my home and that of my neighbours the nature of this Insurance business had no impact on the enjoyment of our homes which will be the exact opposite should this unit become a restaurant/takeaway.

1. The applicant refers to "a sense of Safety and Well-being" There are already a considerable number of food and drink related businesses in this very short stretch of road to provide and fulfil this function, in fact the number of existing food and takeaway facilities are now having an adverse effect on the area by promoting the gathering of large groups of youths who loiter outside these shop units causing significant noise, litter and behaviour issues day and night, an additional restaurant would not help the position.

2. The proposal should be of a size, scale, massing and density that is in keeping with its surroundings.

The proposed use will occupy an existing building and does not involve any external building works that would have any impact on the local area. The claim that the proposed glazing area is at variance with the rest of the row is without foundation. The two adjacent units, the café and the funeral undertakers both have deep window areas, so a precedent has already been set. In

any event it is questionable if such a modest change can be considered incongruous and to the detriment of the visual amenity of the area, as is being claimed.

2. I do not think I have access to the detail of what is proposed to the frontage of the unit however if the proposal is designed to permit and facilitate external seating as suggested this will cause, without doubt, a noise issue given how close my home is to this unit, especially in the evening.

This would also encourage customers/passing pedestrians to gather for smoking or chatting purposes, all of which would cause a danger to passing pedestrians with the narrowing of the pavement due to seating and the existence of the current bus stop prams and wheelchairs would very much struggle to pass

May I also point out that it is not uncommon especially in summer months for queues to form in front of the existing shops either to gain access or waiting for takeaway orders which on a number of occasions and primarily due to how close my home is to these shops has actually stretched in front of the entrance to my home and my neighbours.

An additional restaurant so close to my home would only make this worse

6. Developments should create safe and secure environment that reduces scope for anti-social behaviour

The proposed development will animate this space and create activity and vitality which will greatly reduce the opportunities for anti social behaviour.

6. From my perspective this will have quite the opposite effect. To "animate this space" will encourage further gatherings as the unit, especially with external seating, will be seen as a place to gather and chat, especially late in evening and has potential to encourage passing groups of youths to interact with customers causing more noise and will promote the possibility of confrontation from the overspill of other takeaway services in immediate vicinity. You may not appreciate or fully understand the difficulties that already exist from the gathering of youths around the existing units, and I would respectfully request that consultation with Giffnock Police station will support my concern on the potential for problems to occur.

7. Development must be designed to meet needs of disabled.

The development makes provision for all disability needs.

7. I have not seen any detailed information regarding disabled access and egress, the unit has one main entrance from Fenwick Road, and a side entrance which enters a private lane which does not provide suitable escape for disabled individuals and to do so would involve trespassing on to land owned by the residents and not the applicant. A condition that has already been legally checked, permission would not be granted for this. There is also a secure padlocked gate in the lane as a security measure to protect against public access.

9. Parking and Access

There is a large public car park at the rear

9. The car park in question is Giffnock Train station carpark. As ERC already know this area is very busy especially with the rapid increase in fast food deliveries where many drivers illegally park not only in designated disabled bays but on double yellow lines on the entrance/exit to the car park via Station Road.

This practice is now of serious concern and is prone to causing traffic jams through pavement parking on double yellow lines on either side of a very narrow busy road into the car park which prevents normal vehicle traffic from gaining access to the car park and indeed causes delays in exiting the car park. There are also frequent disputes between drivers who cannot pass and I have also started to see traffic building up on entering the carpark from Fenwick Road actually backing up onto Fenwick Road with serious potential to cause accidents

This is a day and night problem and would only become even more problematic should further traffic result from yet another restaurant / takeaway service.

The location of this unit would also promote vehicle stopping on double yellows in front of the unit on Fenwick Road and in the bus stop area with the potential to cause serious accidents on Fenwick Road

10. Need to minimise light pollution.

There will be no floodlighting or other lighting associated with the development.

10. The applicant in Item 1 above makes reference to the impact of lighting, I do not have any details to comment on how this may impact on my home other than to assume it would attract more passing traffic and further promote noise as an issue.

11. Development must make provision for recycling, storage , and collection of all refuse.

The proposed development incorporates a refuse management system with refuse being stored in a dedicated facility before being placed outside for uplift by the appointed contractor at the appropriate time.

11. The applicants plan shows a small internal storage area for the retention of waste and refuse. From many years experience of managing property used as restaurants I believe this is insufficient. I also have no detail available to show

- - How often waste will be removed for collection
- - How many bins will there be
- - How the refuse will be removed to the collection point
- - Where the waste will be stored pending collection

Given the volume of waste generated by a restaurant, I fear this will be insufficient and will result in external bin storage extremely close to my home and that of my neighbours with terrible odours effecting our living environment and a completely unacceptable visual impact.

Given there would be external seating to the front I do not think there is a suitable area to the front of their proposed unit to store external waste bins, to the side would prevent access to the lane accessible by residents only, I cannot see how this can be done without causing a significant nuisance.

In addition to this there is a significant presence of Vermin, in particular Rats within this area.

Both myself (201) and one other neighbour (195) have had rats penetrate their house and in my case a rat has managed to gain access to our kitchen cabinets.

I am now having to incur significant cost to dismantle part of my kitchen to determine how they have gained access and employ the services of a pest control company.

My wife is terrified and will not stay in the house on her own.

I have reported this to ERC Environment Department and they contacted me to confirm they are sorry for what has happened and that they aware of the escalating problem, particularly with RATS. They are currently monitoring and surveying the area because of rat infestation reports.

I would urge the review committee to seek confirmation of this point from their Environment Department in considering this application for yet another restaurant / takeaway cannot improve this situation.

The problem seems to be emanating from the waste generated by the food facilities already existing on Fenwick Road with waste bins stored to the rear within the train station car park. Even the existing food outlets acknowledge the existence of a rat problem but say it is a council issue, which is so unfair.

Rats running through my fellow residents gardens have now become common place which is totally unacceptable given the presence of a baby and young children together with pets.

12. Waste materials arising from the construction to be retained on site.

Building works will be to a minimum, so there will be little waste material to remove.

12. I find this an astonishingly flippant comment given [REDACTED] the waste material referred to [REDACTED] which was previously removed last year in a completely unprofessional, amateur, unsafe and [REDACTED] manner.

[REDACTED] debris was dragged out of their building by hand and strewn all over the area, [REDACTED] This was immediately reported to ERC and their Environmental officer attended immediately [REDACTED] as a large open top skip was also dumped in the carpark blocking spaces [REDACTED] all of which was witnessed by ERC officials.

I would urge the review committee to seek confirmation of this from their own Environment Department as the applicants [REDACTED] workers had no PPE, no hard hats, gloves masks, safety shoes or protective suits, they had nothing to protect them [REDACTED]

I have both photographic and video evidence of this [REDACTED]

[REDACTED] am sure the ERC Environmental officer who attended will also have photographic evidence.

I am sorry but it is too convenient for the applicant to make such a statement after all this has happened without the committee knowing the [REDACTED] nature of his actions.

Policy SG7- and Policy SG10 Town and Neighbourhood Centre Uses - this recognises that the town centre is more than simply a place to shop. It is the focus of a range of goods and services which complement the shopping function and which collectively create an attractive and appealing local centre. In this respect uses such as leisure, dining and entertainment, community uses, businesses etc are all welcome and appropriate uses.

The policies also contain references to the need to ensure that a balance is struck and maintained between the range of uses so that there is no over concentration of any one use as. This is particularly true of the need to ensure that there is a good supply and range of retail outlets. In order to protect the retail function the policies require that where a change of uses away from retail is being proposed that appropriate evidence is produced that demonstrates that even after marketing there is no retail interest.

In the context of this proposal, this is not a material consideration as the existing use was not class 1 retail but a class 2 office and as such it is not necessary to carry out a marketing exercise, and the continued primacy of the retail function is not impacted upon.

The applicant seems to be paying the original decision to reject this application lip service. From the reference above which I have highlighted in blue it is clear and obvious for all to see that Giffnock Village has seen a substantial increase in food/drink facilities over recent years and there is a clear saturation of this type of use within the street and in particular the vicinity of the applicants unit, I fail to see how the applicant can so easily dismiss this fact

Even so, the ROH claims that as there are other similar uses adjacent, the presence of this new restaurant will have such an impact as to materially affect the character and quality of the town centre, without any evidence to support that view.

The ROH even goes so far as to claim that this new restaurant will impact on the local amenity and that odours, fumes and noise will be problematic. This is contrary to the local authorities own environmental services, the experts in this field, who offered no objections to the application.

There will be no impact on local amenity and no impact on the amenity currently enjoyed by nearby residential accommodation, a view shared by environmental services.

I am sorry but these comments from the applicant are totally unacceptable.

To say that there would be no impact on local amenity and near by residents is completely untrue and I would ask the review committee to visit site and see just how close my property is to this unit.

I have tried to access the environment services report referred to however the document is not currently available to view on the ERC website

I would also suggest that when the applicant refers to the environmental services report stating they "offered no objection to the application" this would relate to the applicants proposed scope of works which would refer only to the proposed works being in compliance with regulations, I doubt it would refer to those aspects rightly highlighted by the ROH relating to odours, fumes and noise which will be problematic beyond doubt.

The applicants bold statement that there will be no impact on local amenity assumes he to is an expert and I would respectfully ask the committee to discuss his comments with the environment services team to further clarify this point.

Regardless of my personal feelings on this matter it is so obvious that these proposals will have a significant impact on residents and will make worse the existing impact from the many food services already in existence.

The ROH also claims that this new restaurant will further erode the mixed functions of the town centre. There is absolutely no quantifiable evidence that this is true, and is nothing more than an unsupported opinion. While opinions may carry some persuasion, facts carry authority and the facts do not support the claims being made in the ROH. This small group of units within the town centre now includes a dynamic and interesting mix of dining experiences, which is enriching the town rather than eroding it.

The applicant refutes the ROH claims that a further restaurant would erode the mixed functions of the town centre, obviously he is fighting his own corner, but he refers to facts and dismisses the ROH as nothing more than an unsupported opinion.

I would also ask the committee to consider and take into account these facts

Fenwick Road - immediate vicinity of applicants unit

Applicants unit - Former insurance office

Mollies Kitchen - Food/Takeaway

Coop funeral Services

Coffee shop - in progress Food / takeaway

Estate Agents

Shaheds - Fast food takeaway

Far East Chinese Food takeaway

BRGR - Restaurant and Takeaway

800 degree pizza takeaway

Turban Indian Restaurant and takeaway

Post office

Insurance office

Lucalli - Restaurant/Bar and takeaway

CaVa - Restaurant/Bar and Take away

9/14 units are already food related

Granting this application would mean 10/14 so over 70% of current units would be food related.

I am bewildered that the applicant would suggest the ROH findings are based on unsupported opinions given the above facts.

Giffnock, the "Village" is perhaps the most appealing and balanced settlement within East Renfrewshire, having not only good rail connections but due to sound planning decisions on the part of the local authority has the most desirable mix of independent outlets as well as two stores, Sainsburys and Lidl. It is almost an exemplar as to the ideal neighbourhood centre, and a large part of that is down to the recognition that a good range of wining and dining establishments which cater for all tastes, not only provides places to enjoy but also animates the street scene and engenders a feeling of well-being.

From the response to the detailed requirements of Policy D1, SG7 and SG10, all of which support the presence of this restaurant, it is apparent that contrary to views expressed in the ROH, the proposed development addresses and complies with the terms of Policies D1 and Policy SG17 and SG10, and that accordingly Reason 1 and Reason 2 on the Decision Notice are flawed and unsafe.

It is worth noting that at on page 3 paragraph 2 of the ROH, it is conceded that in terms of Policy D1 the proposed use is generally acceptable, a view which we have always maintained and which we have ably demonstrated in this appeal statement.

Again ERC website does not allow me to access the ROH document at this time so I have been unable to consider the contents of the ROH report in light of applicants comments. However Giffnock "Village" is an appealing settlement in East Renfrewshire and I sincerely hope it will stay that way and in my opinion the Council is correct in its desire to maintain a good mix of units and not over saturate the area with so many food/takeaway services. As a resident of over 30 years I have seen the expansion of food/drink/takeaway services increase to the point that there is an over concentration of this type of use and I hope the committee can appreciate the impact this is having on me and other local residents.

In general I fail to see how the comments of the applicants appeal would alter the original decision to reject the application.

In Summary my objections to this appeal are

1. Noise will be an issue given this unit is only 2.7m from my home, external seating will cause noise, staff breaks most likely to rear of unit will cause noise and smoking issues. Delivery of supplies and removal of waste together with noise from any extraction or ventilation plant will also be an issue.

Given the area available to the front I would also have concerns that customers would inevitably use the area adjacent to any external seating to gather to smoke, chat or make calls on their mobile phones, day & night which would be literally a few feet from the front of my house. Perhaps more worrying of all will be the late evening/night time noise from customers leaving the facility likely fuelled with alcohol or just having a laugh. Taxi collections and drop off's, other vehicle parking in front of the unit and no doubt immediately in front of my house would disturb sleeping on a daily basis, vehicle doors banging closed would also be an issue especially late at night.

People will also gather when leaving and casually chat with inevitable louder than normal voices all of which will have a significant and detrimental affect on our ability to enjoy our home.

2. Waste odours are a considerable concern and the applicant has simply dismissed these as a non issue. There is no such thing as a restaurant that doesn't produce localised odour even with extraction.

Poor cooking and waste disposal practices contribute to this, open doors and windows, external ventilation and the storage of waste bins and refuse cannot simply be ignored as the applicant would prefer.

3. Drainage, there are significant drainage issues with the existing current shop services which can be verified with ERC Environment Department who are stuck trying to resolve constantly recurring blocked drains and quantifying liability with all parties, the problem is given the age of these units they were not designed for this type of use and volume of use so drainage is a major concern.

The applicants unit is closest to my home and has its drains running out and into the lane used by residents, any such blockages will surface there and with young children and pets accessing this area this would be a concern.

There application confirms they do not intend to check the adequacy of drains and I would have a significant concern about the drains, there has never been an issue but there has also never been a restaurant/takeaway using these drains and blockages would be a real likelihood.

4. Waste Management - there are no detailed plans or method statements available to me showing proposed methods of managing waste and given the current Rat infestation around this area affecting all residents this is a further major concern.

The location of this unit and the surrounding area does not easily facilitate waste storage, removal and collection without impacting on local amenity.

I would question how many and where these bins will be located pending collection and how frequently this will happen as this will further impact on my home both from an odour and potential access issue, in addition to the unsightly presence of such bins adjacent to my home.

5. The applicants have submitted a plan which included a upstairs function room, this would overlook our back gardens and would again cause a significant noise issue which would severely impact on the use of our and our neighbours gardens

In conclusion I do not see anything in the points raised by the applicant which would alter the original decision to reject this application and while I apologise for the length of this submission I hope the review committee will understand the importance of this decision and its future impact on my ability and my neighbours to enjoy our living environment

I would genuinely and sincerely welcome the opportunity to meet on site or attend any meeting deemed appropriate to further discuss this matter should this be of any benefit in the process.

John McDonagh

201 Fenwick Road Giffnock

On 14 February 2022 at 12:20 "McIntyre, Sharon2" <Sharon.McIntyre@eastrenfrewshire.gov.uk> wrote:

Dear Mr McDonagh,

Thank you for advising to expect a further representation from yourself in relation to Local Review Body 2022/01 by close of business on Friday 25 February.

Kind regards,

Sharon

From: John McDonagh [REDACTED]

Sent: 12 February 2022 10:27

To: McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>

Subject: Re: Local Review Body - Review 2022/01 - James Davis Insurance, 203 Fenwick Road, Giffnock, East Renfrewshire, G46 6JD.

Hi Sharon
Thank you for your email
I will ensure our response is sent once I have taken advice on the applicants comments re appeal to original decision
Thanks
John

Sent from my iPhone

On 11 Feb 2022, at 16:27, McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk> wrote:

Dear Representee,

Please find attached for your attention acknowledgement of the valid Local Review Body 2022/01.

Kind regards,

Sharon McIntyre
Committee Services Officer
Department of Business Operations and Partnerships
Phone: 0141 577 3011
Mobile: 07584 116 608
e-mail:- sharon.mcintyre@eastrenfrewshire.gov.uk
East Renfrewshire Council: Your Council, Your Future

www.eastrenfrewshire.gov.uk

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<LRB 202201_Representee_Acknowledgement Letter.docx.pdf>

Ref: REVIEW/2022/01
Contact: Sharon McIntyre
Tel: 0141 577 3011
Email: sharon.mcintyre@eastrenfrewshire.gov.uk
Date: 8 March 2022

57



Business Operations and Partnerships
Council HQ, Eastwood Park
Rouken Glen Road
Giffnock G46 6UG

Fenwick Investments Limited
203 Fenwick Road
Giffnock
East Renfrewshire
G46 6JD

Dear Sir/Madam,

Ref No: REVIEW/2022/01

Location: James Davis Insurance, 203 Fenwick Road, Giffnock, East Renfrewshire, G46 6JD.

Proposal: Proposed change of use of existing offices to form restaurant with takeaway facility including erection of flue to rear, formation of new shopfront and external seating.

I refer to your 'Notice of Review' which was received on 31 January 2022 requesting a review of the decision by the Director of Environment to refuse your application for planning permission (Ref No: 2021/0592/TP) in respect of the above development.

You will recall that I advised that any interested party could make further representation on the review case within 14 days from the date on which notification has been given by the Local Review Body. I also indicated that copies of any additional comments received from the parties would be sent to you in due course.

I now enclose correspondence from the following making further representations in respect of your review case:-

- (a) Ms McDonald – email dated 13 February 2022; and
- (b) Mr McDonagh – email dated 14 February 2022.

Please note that following seeking legal advice, text has been redacted under section 12 of these enclosed representations which may be regarded to be potentially defamatory and this information will not be provided to the Local Review Body for consideration. The Council is unable to publish information as a matter of public record which could be regarded to be potentially defamatory.

Please note that in accordance with the relevant regulations you now have the opportunity to submit further comments, if any, in writing on these representations by no later than close of business on **Monday 21 March 2022**. This documentation should be emailed to myself as Clerk for the Local Review Body at sharon.mcintyre@eastrenfrewshire.gov.uk.

Copies of the 'Notice of Review' and any related documents or representations will be available in the Planning Division of the Environment Department, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, G46 8NG for inspection and copying; or on the Council's website at www.eastrenfrewshire.gov.uk. If you do not have personal access to the Council's website access can be obtained via the computers located in the Council's libraries.

Yours faithfully



Sharon McIntyre
COMMITTEE SERVICES OFFICER

cc Planning and Building Standards Manager



From: McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>
Sent: 14 March 2022 14:17
To: don@bennettgroup.co.uk
Subject: Re: [SUSPECTED SPAM] RE: Local Review Body - Review 2022/01 - James Davis Insurance, 203 Fenwick Road, Giffnock, East Renfrewshire, G46 6JD.

Dear Mr Bennett,

Thank you for providing the response below on behalf of the applicant, this information will be provided to the Local Review Body.

Kind regards,

Sharon

From: Don <don@bennettgroup.co.uk>
Sent: 14 March 2022 09:37
To: McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>
Subject: [SUSPECTED SPAM] RE: Local Review Body - Review 2022/01 - James Davis Insurance, 203 Fenwick Road, Giffnock, East Renfrewshire, G46 6JD.

Good morning,

Ref the above we note the representations which you have forwarded , and would offer the following response in due course.

However we note the accompanying comment regarding the areas of redacted text and would question whether this is an appropriate use of this device. It is perfectly understandable that a persons name and personal details should not be available for popular consumption, and indeed that is the normal use of the redacted process. However we are not convinced that this device should be used to effectively remove comments to protect the author and which are of a derogatory, prejudicial or socially unacceptable nature, which we feel may be the case in this instance. From the text accompanying the representations and the explanation given for the redacted areas it would seem that they may be of such a nature, and accordingly we might reasonably assume that their comments are driven by inappropriate and socially unacceptable beliefs, rather than any substantive and considered opinions. As such we would question whether these objections should be accorded serious consideration.

With respect to specific matter raised:

In the main the representations contain no new information or any new observations which have not already been raised previously, and which have not previously been responded to. However it is worth reiterating our position in respect of particular comments, which would suggest that the objectors have not read the planning statement and are wholly without foundation or are simply inaccurate. However we would stress that all of the issues raised by the objectors were addressed in the original application and are available on the portal for all to see.

In the first instance this stage of the planning process is an appeal where it is not permitted to introduce any new information which would not have been before the case officer at the time of the

determination. It follows therefore that we are not merely reiterating arguments advanced before but revisiting these arguments as we believe that these were not properly considered in the previous determination.

As stated above there is little new in the latest objections and if anything the amount of stereotypical observations which in the main are nothing more than unsubstantiated opinions, has increased. While opinions may carry some persuasion facts carry authority and the facts do not bear out the rhetoric in the objections.

However in the interests of clarity, we would reiterate our position with respect to a number of recurring themes.

In particular:

- i) **It is claimed that noise and odour issues have not been addressed-** This is patently untrue as reference to the Planning Statement specifies in detail the measures being put in place to ensure that noise and odours do not impact on the amenity of the area. The measures being proposed were assessed by the council's Environmental Services Dept and were found to be acceptable.
- ii) **Potential problems with refuse-** Again reference to the planning statement specifies where and how waste materials will be stored and how the refuse will be uplifted. The comment that there is insufficient bin storage capacity is simply untrue. The applicant also accepted the fact that as the majority of the waste would be foodstuffs that can carry a public health concern that the proper management of waste is critical and in that regard waste removal would be on a daily basis. Environmental Services found the waste proposals to be acceptable.
- iii) **It has also been claimed or at least suggested that rats are an issue in the area.** This may indeed be the case but it is not clear how that is a material consideration in respect of this application. If other outlets in the area do not have effective waste management procedures that is a matter of enforcement by the appropriate authorities and has no bearing on this application.
- iv) **The increase in anti-social behaviour-**Perhaps the most stereotypical objection relates to the claim that this new restaurant will cause instances of misbehaviour and ant social activities. It is worth noting that there appears to be a difference of opinion between the parties as one seems to claim that anti-social behaviour is a problem while the other appears to suggest the contrary. Within the planning statement any reference to anti social behaviour is in respect of how an animated and busy space offers less opportunities for anti social behaviour to take place. The fact that persons may currently gather in front of a nearby residents windows is perhaps unfortunate but it is difficult to see how that can be attributed to this application. The fact that the adjacent residencies have very small front gardens, face onto a major traffic route are adjacent to a bus stop and back onto the railway would suggest that noise may be an issue which has to be accepted.
- v) **Parking on the main road-** This again has no relevance to this application. If motorists are minded to park on the main road and at a bus stop, that is a matter for the police and is not a relevant consideration. The Council's Roads Dept raised no objections to the proposal which would suggest that, as the authority on the matter and found the proposed development to be acceptable, that they do not foresee any problems.
- vi) **Light pollution-** there appears to be some confusion as to what constitutes light pollution and that which is simply necessary illumination. The planning statement makes reference to the splay of light from the proposed restaurant windows, the same sort of light which will emanate from most shop windows. It illuminates the footpath and does not involve high intensity Led lights or other high intensity light sources.

This is not the sort of light which government regulations legislate against, which is excessively bright, not focussed downwards and allows a large percentage of the light to project upwards. The light from the restaurant will simply offer a safe and secure environment which in turn will contribute to a sense of well being.

- vii) **Alcohol** – While the application refers to external wining and dining , permission for the sale of alcohol is not included within this application but would be a separate application to the licencing board for a drinks licence. This would also apply to the external area of tables and chairs.
- viii) **Trespassing on land not belonging to the applicant.** -This is not true as a search of the titles will clearly establish that the proposed development and associated matters can all be accommodated within the land owned by the applicant.
- ix) **Access for disabled-** The proposed development provides easy level access from the road and within the establishment there is appropriate provision for those with disability issues.
- x) **Construction and associated works-** the implementation of the works will be the responsibility of the new tenant and it will be for the tenant to make the necessary arrangement as may be imposed by the local authority . It is standard practice for a condition to that effect to be added to any consent.

It is apparent from all of the foregoing that there is no substance to the objections raised and that the representations are of little merit. That some of the comments were of such a nature as to cause the local authority to redact sections of text, speaks volumes for the questionable merits of the comments and the true sentiments behind them which would seem to have little to do with the application and more about the objectors prejudicial opinions.

We would ask that these observations are accorded proper consideration in reviewing the application and that the Review Committee rescind the original flawed decision and grant the application.

Regards,

Don Bennett

From: McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>

Sent: 08 March 2022 16:30

To: don@bennettgroup.co.uk

Cc: Nicol, Julie <Julie.Nicol@eastrenfrewshire.gov.uk>; Pepler, Alan <Alan.Pepler@eastrenfrewshire.gov.uk>; Bennie, Andrew <Andrew.Bennie@eastrenfrewshire.gov.uk>

Subject: Local Review Body - Review 2022/01 - James Davis Insurance, 203 Fenwick Road, Giffnock, East Renfrewshire, G46 6JD.

Dear Mr Bennett,

Please find attached for your attention information regarding Notice of Review 2022/01 - James Davis Insurance, 203 Fenwick Road, Giffnock, East Renfrewshire, G46 6JD.

Kind regards,

Sharon

Sharon McIntyre
Committee Services Officer
Department of Business Operations and Partnerships
Phone: 0141 577 3011
Mobile: 07584 116 608
e-mail:- sharon.mcintyre@eastrenfrewshire.gov.uk
East Renfrewshire Council: Your Council, Your Future

www.eastrenfrewshire.gov.uk

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REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2021/0592/TP

Date Registered: 6th August 2021

Application Type: Full Planning Permission

This application is a Local Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 256290/:659190

Applicant/Agent: Applicant:

Agent:

Don Bennett

203 Fenwick Road

10 Park Court

Giffnock

Glasgow

Scotland

scotland

G46 6JD

G46 7PB

Proposal: Proposed change of use of existing offices to form restaurant with takeaway facility including erection of flue to rear, formation of new shopfront and external seating

Location: James Davis Insurance
203 Fenwick Road
Giffnock
East Renfrewshire
G46 6JD

CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service

No objection.

East Renfrewshire Council Environmental Health Service

No objection subject to conditions to protect amenity.

PUBLICITY:

20.08.2021

Evening Times

Expiry date 03.09.2021

SITE NOTICES:

None.

SITE HISTORY:

2000/0036/AD

Installation of ATM sign

Refused

06.03.2001

2000/0423/TP

Alterations to shopfront and installation of ATM machine

Refused

06.03.2001

1994/0006/AD	ERECTION & DISPLAY OF INTERNALLY ILLUMINATED BOX SIGN	Refused	01.01.1940
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REPRESENTATIONS: Three objections have been received and can be summarised as follows:

- Right of access over lane at side will not be granted
- Suitability of use of emergency exit
- Outdoor access would impede access on pavement
- Noise disturbance
- Litter
- Vermin
- Odour nuisance
- Anti-social behaviour
- Over-provision of such uses
- Parking and road safety issues
- Overlooking
- Drainage issues

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Statement – the statement describes the proposal and the site context. Makes an assessment against policy and concludes that the proposal will add to the vitality and vibrancy of the town centre.

ASSESSMENT:

The application site comprises a single storey commercial unit with attic space within a row of eight similar commercial units on the east side of Fenwick Road, within the Giffnock town centre. The unit is vacant and was last in use as an insurance office (class 2). A service yard and car-park lie to the rear of the row with residential properties immediately to the north on Fenwick Road. A car repair garage lies opposite the site on the west side of Fenwick Road. The properties in the row of units are from north to south: the application site (class 2); a cafe (class 3); a funeral director's (class 1); a vacant unit (last in use as class 2); an estate agent's (class 2); hot food takeaway (sui generis); a further hot food takeaway (sui generis); and a restaurant (class 3).

Planning permission is sought for a change of use of the office to a restaurant and hot food takeaway including external seating to the front; and for alterations to the shop front. An extract flue is also proposed to the rear. The proposed external seating is shown as comprising 8 covers on the pavement to the front, although it is likely that 12 covers could be easily be accommodated within the space indicated. Internally, the proposals include the formation of a restaurant area, servery and takeaway counter, food prep and kitchen area and a function room on the upper level (attic space). The external alterations to the front include alterations to the windows and door with the lower part of the fascia replaced with enlarged areas of glazing. The applicant has indicated that the hours of opening are proposed as Sunday to Thursday 7am-11pm and Friday and Saturday 7am -12 midnight.

The application requires to be assessed against Policies D1 and SG7 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that all development should not result in a significant loss of character or amenity to the surrounding area and that the Council's access and car-parking requirements are met. Policy SG7 states that the town and neighbourhood centres will be the focus for new retail, leisure, community, residential and other 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 role and function of the centre.

In terms of Policy D1, the proposed use is generally considered to be an acceptable use within a town centre and it is noted that the Roads Service has no objection to the proposal. However, in making a detailed assessment against Policy D1, regard must be had to the impact the proposed use would have on the amenity of the adjacent residents and on the amenity of the town centre. In those regards, the cumulative impact of similar uses within the town centre must also be assessed.

The proposed use would be one of five similar uses offering food and drink and takeaway services in a row of eight units. This proportion of such uses would be considered to further erode the diverse nature of the town centre at this location and would give rise to a proliferation of uses that are traditionally open late into the evenings and can give rise to odour and noise nuisances to the detriment of the character and amenity of the area. The proximity of the adjacent residential premises immediately to the north is also noted. Notwithstanding the comments of the Environmental Health Service, it is likely that the proposed use, including the outdoor seating area; and the operation of the ventilation equipment would give rise to noise and odour nuisances that would be to the detriment of the amenity of the adjacent residents. The row of units of which the site forms a part is a traditional late 19th/early 20th century shopping parade, a prominent feature of which is the deep double fascia above each of the shop fronts. The applicant's proposal to remove the lower part of this double fascia and replace it with enlarged windows at the application site would be an incongruous feature at odds with the traditional design of the building and to the detriment of the visual amenity of the area. Given the foregoing, the proposal is considered contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan.

Whilst Policy SG7 directs such uses to town and neighbourhood centres, it also requires an assessment to be made as to whether proposals contribute to the quality of the environment and to the role and function of the town centre. As noted above, the cumulative impact of the proposed use and the existing similar uses within the immediate area, would further erode the mixed function of the town centre to the detriment of its character and amenity. As such, the proposal is contrary to Policy SG7 of the adopted East Renfrewshire Local Development Plan.

The Proposed Local Development Plan 2 is a material consideration and with regard to this planning application, the relevant policies are considered to be D1 and SG10. The aforementioned policies largely reflect the adopted Local Development Plan policies. Consequently, for reasons stated above, it is considered that the proposed works are contrary to the relevant policies in the Proposed Local Development Plan.

The following comments are made in respect of the points of objection not specifically addressed above: Access rights are a private legal matter and not a material planning consideration. The suitability of the emergency exit and the drainage will be considered at the building warrant stage. The Roads Service has not objected to the outdoor seating area or on the grounds of parking of customers' vehicles or delivery vehicles. If the proposal was considered to have been acceptable, provision could have been made for the provision of a litter receptacle and for the submission of waste management and disposal details. Anti-social behaviour is a matter for the Police to address. The windows on the upper level are existing. Whilst the use will differ from that existing, the windows do not directly overlook the adjacent garden. Any overlooking issue would not be considered to be as severe as would justify a refusal of the application on that ground.

The applicant's supporting statement is noted. Whilst such uses can add to the vitality and vibrancy of town centres, regard must also be had to their impact on character and amenity, particularly where they lie within close proximity to residential properties and where there could

be considered to be a proliferation of such uses. The application has been assessed and found to be contrary to the terms of the local development plan and proposed LDP2.

In conclusion, the proposal is contrary to Policies D1 and SG7 of the adopted East Renfrewshire Local Development Plan and contrary to Policies D1 and SG10 of the proposed East Renfrewshire Local Development Plan 2. There are no material considerations that indicate the application should not be refused. It is therefore recommended that the application is refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASONS:

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan and contrary to Policy D1 of the proposed East Renfrewshire Local Development Plan 2 as (i) the proposed use would further erode the diverse nature of the town centre at this location and give rise to a proliferation of uses to the detriment of the character and amenity of the area; (ii) the proposed use would give rise to noise and odour nuisances that would be to the detriment of the amenity of the adjacent residents; and (iii) the replacement of the lower fascia with glazing would be an incongruous feature that would detract from the character and design of the row of shops to the detriment of the visual amenity of the area.
2. The proposal is contrary to Policy SG7 of the adopted East Renfrewshire Local Development Plan and contrary to Policy SG10 of the proposed East Renfrewshire Local Development Plan as the proposed use would give rise to a proliferation of such uses that would further erode the mixed use character of the town centre to the detriment of its function and amenity.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3861.

Ref. No.: 2021/0592/TP
(DESC)

DATE: 14th January 2022

DIRECTOR OF ENVIRONMENT

Finalised 14th January 2022 – AC(1)

Reference: 2021/0592/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 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

Proposed Local Development Plan 2

Policy D1 - Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or

- appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
 4. Create a well-defined structure of streets, public spaces and buildings;
 5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
 6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
 7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
 8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
 9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
 10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
 11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
 12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
 13. Backland development should be avoided;
 14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
 15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces 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 Guidance;
 16. Development should minimise the extent of light pollution caused by street and communal

- lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
 18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
 19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
 20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy SG10 - Town and Neighbourhood Centre Uses

1. The network of town and neighbourhood centres, shown on the Proposals Map and listed in Schedule 19 are the preferred locations for significant footfall generating uses, including retail, leisure, entertainment, office, residential and community and cultural facilities.
2. A sequential 'town centre first' approach will be applied to proposals that would attract significant footfall. Proposals will be assessed against the following criteria:
 - a. Demonstrate a sequential approach has been undertaken to site selection in the following order of preference, as set out in SPP, and why more sequentially preferable options have been discounted as unsuitable or unavailable:
 - i. Town centres (including neighbourhood centres);
 - ii. Edge of town centre;
 - iii. Commercial centres;
 - iv. Out of centre locations that are, or can be, made easily accessible by a choice of transport modes.
 - b. Demonstrate that the proposal is of an appropriate scale and does not significantly impact upon the role and function of the centre, adjacent uses or the character and amenity of the surrounding area;
 - c. Demonstrate that the proposal will help to meet proven qualitative and quantitative deficiencies;
 - d. Demonstrate that there will be no unacceptable individual or cumulative impact on the vitality and viability of any town or neighbourhood centre; and
 - e. Demonstrate that the proposal is accessible by a choice of sustainable transport modes.
3. Proposals over 2,500m² (gross) floorspace out-with a town centre will require a retail impact assessment to be carried out. This should include a quantitative assessment of retail impact and capacity, and the qualitative impacts of the proposal. The cumulative effect of recently implemented or consented retail developments in nearby locations should also be taken into account.
4. Residential developments on the upper floors of existing buildings within the town and

neighbourhood will be supported subject to compliance with other relevant policies of the Proposed Plan.

5. Proposals for changes of use at street level away from Class 1 retail use within the town and neighbourhood centres will be required to:
 - a. Demonstrate that there is no current or likely future demand for Class 1 retail use. Proposals will be required to demonstrate that the unit has been actively marketed for solely Class 1 retail use for a minimum of 6 months; and
 - b. Should not have an adverse impact on the mix and diversity of uses in the centre.
6. Proposals for hot food takeaways within the town and neighbourhood centres will be required to meet the following criteria:
 - a. Meet the requirements of criteria 5 where the proposal is for change of use away from Class 1 retail;
 - b. Avoid the concentration, including cumulatively, with other existing hot food takeaways in the area; and
 - c. Not result in a detrimental impact on the overall character and amenity of the centre, including the amenity of residential properties situated adjacent to or above existing premises, by virtue of noise, disturbance or odour.
7. There will be a strong presumption against hot food takeaways out-with the town and neighbourhood centres. Proposals out-with the town and neighbourhood centres should not result in a detrimental impact on the overall character and amenity of the area and will be assessed against the criteria of Policy D1.

GOVERNMENT GUIDANCE: None

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**DECISION NOTICE
AND
REASONS FOR REFUSAL**

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**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

REFUSAL OF PLANNING PERMISSION

Ref. No. **2021/0592/TP**

Applicant:
203 Fenwick Road
Giffnock
Scotland
G46 6JD

Agent:
Don Bennett
10 Park Court
Glasgow
scotland
G46 7PB

With reference to your application which was registered on 6th August 2021 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Proposed change of use of existing offices to form restaurant with takeaway facility including erection of flue to rear, formation of new shopfront and external seating

at: James Davis Insurance 203 Fenwick Road Giffnock East Renfrewshire G46 6JD

the Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

The reason(s) for the Council's decision are:-

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan and contrary to Policy D1 of the proposed East Renfrewshire Local Development Plan 2 as (i) the proposed use would further erode the diverse nature of the town centre at this location and give rise to a proliferation of uses to the detriment of the character and amenity of the area; (ii) the proposed use would give rise to noise and odour nuisances that would be to the detriment of the amenity of the adjacent residents; and (iii) the replacement of the lower fascia with glazing would be an incongruous feature that would detract from the character and design of the row of shops to the detriment of the visual amenity of the area.
2. The proposal is contrary to Policy SG7 of the adopted East Renfrewshire Local Development Plan and contrary to Policy SG10 of the proposed East Renfrewshire Local Development Plan as the proposed use would give rise to a proliferation of such uses that would further erode the mixed use character of the town centre to the detriment of its function and amenity.

Dated 14th January 2022



Director of Environment
East Renfrewshire Council
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG
Tel. No. 0141 577 3001

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	LOCATION		
Block Plan Proposed	BLOCK		
Plans Proposed	2	a	

Elevations Proposed	4		
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GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

1. If the applicant is aggrieved by a decision to refuse permission (or by an approval subject to conditions), the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review can be submitted online at www.eplanning.scotland.gov.uk. Please note that beyond the content of the appeal or review forms, **you cannot normally raise new matters** in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

CONTACT DETAILS

**East Renfrewshire Council
Development Management Service
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG**

**General Inquiry lines 0141 577 3861
Email planning@eastrenfrewshire.gov.uk**

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**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: planning@eastrenfrewshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100527187-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="bennett developments and consulting"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Don"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Bennett"/>	Building Number:	<input type="text" value="10"/>
Telephone Number: *	<input type="text" value="01415715432"/>	Address 1 (Street): *	<input type="text" value="PARK COURT"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text" value="+447989417307"/>	Town/City: *	<input type="text" value="Glasgow"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="G46 7PB"/>
Email Address: *	<input type="text" value="don@bennettgroup.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="203"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Fenwick Road"/>
Company/Organisation	<input type="text" value="Fenwick Investments Limited"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="+447801052811"/>	Postcode: *	<input type="text" value="G46 6JD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="don@bennettgroup.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="East Renfrewshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="203 FENWICK ROAD"/>
Address 2:	<input type="text" value="GIFFNOCK"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GLASGOW"/>
Post Code:	<input type="text" value="G46 6JD"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="659190"/>	Easting	<input type="text" value="256290"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use of an existing class 2 office to restaurant class3, with ancillary take away, flue at rear and external seating

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Failure of the planning service to properly apply policies resulting in a flawed decision

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement of Appeal Planning Application Form Decision Notice Report of Handling

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

2021/0592/TP

What date was the application submitted to the planning authority? *

06/08/2021

What date was the decision issued by the planning authority? *

14/01/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Don Bennett

Declaration Date: 31/01/2022

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bennett *Developments and Consulting*

10 Park Court,

Glasgow, G46 7PB

don@bennettgroup.co.uk

STATEMENT OF APPEAL

30.1.2022

**APPEAL TO EAST RENFREWSHIRE COUNCIL LOCAL REVIEW BOARD AGAINST THE REFUSAL OF PLANNING PERMISSION FOR CHANGE OF USE OF EXISTING OFFICE TO FORM RESTAURANT WITH ANCILLARY TAKEAWAY INCLUDING ERECTION OF FLUE TO REAR, FORMATION OF NEW SHOPFRONT AND EXTERNAL SEATING, AT 203 FENWICK ROAD, GLASGOW G46 6JD
APPLICATION No: 2021/0592/TP**

01 Background

The property at 203 Fenwick Road occupies the end unit of a row of similar units on Fenwick Road opposite the Kwik-Fit garage and backing onto Giffnock Railway Station.

Previously occupied by an insurance company the premises were vacant.

On 6th August 2021, an application was lodged which would have seen this property transformed into a restaurant with external seating. The application included a full set of drawings, a supporting planning statement and a full technical specification for the proposed extraction system.

02 Reasons for Refusal:

On 14th January 2022, the application was refused and the reasons cited were:

- 1 Proposal was contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as (i) the proposed use would further erode the diverse nature of the town centre at this location and give rise to a proliferation of uses to the detriment of the character and amenity of the area, and (ii) the proposed use would give rise to noise and odour nuisance that would be to the detriment of the amenity of the adjacent residents, and (iii) the replacement of the lower fascia with glazing would be an incongruous feature that would detract from the character and design of the row of shops to the detriment of the visual amenity of the area.

- 2 Proposal was contrary to Policy SG7 and Policy SG10 of the adopted East Renfrewshire Local Development Plan as the proposed use would give rise to a proliferation of such uses that would further erode the mixed use character of the town centre to the detriment of its function and amenity.

03 Determination Process/ Response

In determining the application the local authority are required to assess it in the context of the latest approved and adopted local development plan, which in this context is the East Renfrewshire Local Development Plan and the Proposed Local Development Plan 2. As part of that assessment process they are also required to produce a Report of Handling (ROH) which essentially explains and provides justification for the decision reached.

In the interests of clarity and to avoid confusion, in responding to and challenging these reasons we will refer to the ROH and the headings used in that document

As stated previously the reasons cited for the refusal are to be found in Policy D1, SG7 and SG10. No other policies, directions or guidance is cited, so for the reasons to refuse the application to be valid and sustainable, the justification must be found within these policies. The ROH also contained a number of extracts from the Local Development Plan which provide details of the content of the cited policies, in support of the decision to refuse. These are addressed and responded to below.

It is our contention that contrary to the views being expressed, there is no substantive justification for the decision to refuse this application and we would offer the following defence of that position.

With respect to the Adopted East Renfrewshire Local Development Plan:

Policy D1- Detailed Guidance for All Developments: In essence this policy requires that all developments should be well designed, sympathetic to the local area and demonstrate that they can comply with and meet the requirements of a range of criteria as defined within the policy. The policy outlines 16 requirements of which 7 (Nos 3, 4,5,8,13,15 and 16) are considered to be irrelevant to this proposal.

Given the importance which the ROH has attached to this policy we feel it necessary to respond in some detail to each of the requirements of the policy, as follows. The numbering system reflects the numbers in the policy.

1. Development should not result in a significant loss of character or amenity to the surrounding area. *The application site is a vacant unit previously occupied by an insurance company. As an insurance office it contributed little to the character of the area with little activity and purely a daytime function. The proposed new restaurant will provide a new eating and dining experience throughout the day and in the evening the splay of light from the windows and customer activity will contribute to the sense of safety and security so essential in fostering well-being*

2. The proposal should be of a size, scale, massing and density that is in keeping with its surroundings.
The proposed use will occupy an existing building and does not involve any external building works that would have any impact on the local area. The claim that the proposed glazing area is at variance with the rest of the row is without foundation. The two adjacent units, the café and the funeral undertakers both have deep window areas, so a precedent has already been set. In any event it is questionable if such a modest change can be considered incongruous and to the detriment of the visual amenity of the area, as is being claimed.

3. Proposed development should not restrict daylight/sunlight.

Existing building so Not relevant

4. Development should not impact on landscape character,

There is no landscape or greenspace on the site so Not relevant

5. Developments should incorporate green infrastructure

Application site is an existing building within a row of similar buildings with no landscape setting so Not relevant

6. Developments should create safe and secure environment that reduces scope for anti-social behaviour

The proposed development will animate this space and create activity and vitality which will greatly reduce the opportunities for anti social behaviour.

7. Development must be designed to meet needs of disabled.

The development makes provision for all disability needs.

8, Council will not accept backland development

The application is an existing building on a main road frontage so not relevant

9. Parking and Access

There is a large public car park at the rear

10. Need to minimise light pollution.

There will be no floodlighting or other lighting associated with the development.

11. Development must make provision for recycling, storage , and collection of all refuse.

The proposed development incorporates a refuse management system with refuse being stored in a dedicated facility before being placed outside for uplift by the appointed contractor at the appropriate time.

12. Waste materials arising from the construction to be retained on site.

Building works will be to a minimum, so there will be little waste material to remove.

13. Legacy of old mining activity

This is an existing building with no record of any mining so not relevant.

14. Access to sustainable transport should be addressed

The site is well served by both buses and by rail with the railway station immediately at the rear and numerous bus services on the main road.

15. Need for a Design Statement for major/national developments.

This is a local development and thus not relevant

16. Developers should explore opportunities for digital infrastructure.

This is a small local restaurant which will offer internet access otherwise this is not relevant.

It is apparent from the response to the various requirements of Policy D1 within the adopted Local Development and the Proposed Local Development Plan 2 which contains no significant or material alterations to the adopted plan, that the proposed development more than satisfies the policy and that the claim that it fails to do so is flawed and cannot be supported.

The ROH further claims that the proposed development also fails to meet the requirements of Policy SG7 and Policy SG10. Both of these policies are supplementary guidance and as the name suggests provide more detailed guidance and directions in respect of various subjects.

Policy SG7- and Policy SG10 Town and Neighbourhood Centre Uses - this recognises that the town centre is more than simply a place to shop. It is the focus of a range of goods and services which complement the shopping function and which collectively create an attractive and appealing local centre. In this respect uses such as leisure, dining and entertainment, community uses, businesses etc are all welcome and appropriate uses.

The policies also contain references to the need to ensure that a balance is struck and maintained between the range of uses so that there is no over concentration of any one use as. This is particularly true of the need to ensure that there is a good supply and range of retail outlets. In order to protect the retail function the policies require that where a change of uses away from retail is being proposed that appropriate evidence is produced that demonstrates that even after marketing there is no retail interest.

In the context of this proposal, this is not a material consideration as the existing use was not class 1 retail but a class 2 office and as such it is not necessary to carry out a marketing exercise, and the continued primacy of the retail function is not impacted upon.

Even so, the ROH claims that as there are other similar uses adjacent, the presence of this new restaurant will have such an impact as to materially affect the character and quality of the town centre, without any evidence to support that view.

The ROH even goes so far as to claim that this new restaurant will impact on the local amenity and that odours, fumes and noise will be problematic. This is contrary to the local authorities own environmental services, the experts in this field, who offered no objections to the application. There will be no impact on local amenity and no impact on the amenity currently enjoyed by nearby residential accommodation, a view shared by environmental services.

The ROH also claims that this new restaurant will further erode the mixed functions of the town centre. ***There is absolutely no quantifiable evidence that this is true, and is nothing more than an unsupported opinion. While opinions may carry some persuasion, facts carry authority and the facts do not support the claims being made in the ROH. This small group of units within the town centre***

now includes a dynamic and interesting mix of dining experiences, which is enriching the town rather than eroding it.

Giffnock, the “Village” is perhaps the most appealing and balanced settlement within East Renfrewshire, having not only good rail connections but due to sound planning decisions on the part of the local authority has the most desirable mix of independent outlets as well as two stores, Sainsburys and Lidl. It is almost an exemplar as to the ideal neighbourhood centre, and a large part of that is down to the recognition that a good range of wining and dining establishments which cater for all tastes, not only provides places to enjoy but also animates the street scene and engenders a feeling of well-being.

From the response to the detailed requirements of Policy D1, SG7 and SG10 , all of which support the presence of this restaurant, it is apparent that contrary to views expressed in the ROH, the proposed development addresses and complies with the terms of Policies D1 and Policy SG17 and SG10, and that accordingly Reason 1 and Reason 2 on the Decision Notice are flawed and unsafe.

It is worth noting that at on page 3 paragraph 2 of the ROH, it is conceded that in terms of Policy D1 the proposed use is generally acceptable, a view which we have always maintained and which we have ably demonstrated in this appeal statement.

04 Summary

Having regard to all of the foregoing it has been demonstrated that the proposed change of use can be implemented with no negative impact on the amenity of the local area and in accordance with the raft of appropriate policies within the local development plans. A critical and systematic examination of the local development has concluded that the proposed new restaurant would comply with the letter of the Development Plan and also the spirit of the Development Plan. There is now doubt that the new restaurant can be introduced into the local community with no adverse effects and would contribute to the existing range of services on offer in the “Village.”

In the circumstances we would ask that the previous decision to refuse be rescinded and the application be approved.

Yet curiously enough, If we refer to the content of the ROH , page 3 second paragraph, it states quite clearly that the proposed development is considered to be acceptable in terms of Policy D1.



2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: planning@eastrenfrewshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100433789-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed change of use of existing offices to form restaurant with takeaway facility with erection of flue to rear & formation of new shopfront. Area for external seating formed in front of proposed restaurant on pavement.

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bennett Developments and Consulting		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Don	Building Name:	
Last Name: *	Bennett	Building Number:	10
Telephone Number: *	07989417307	Address 1 (Street): *	Park Court
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	scotland
		Postcode: *	G46 7PB
Email Address: *	don@bennettgroup.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	203
Last Name: *		Address 1 (Street): *	Fenwick Road
Company/Organisation	Fenwick Investments Ltd	Address 2:	
Telephone Number: *		Town/City: *	Giffnock
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G46 6JD
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

East Renfrewshire Council

Full postal address of the site (including postcode where available):

Address 1:

203 FENWICK ROAD

Address 2:

GIFFNOCK

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G46 6JD

Please identify/describe the location of the site or sites

Northing

659190

Easting

256290

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

250.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

offices

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

waste and recycling to stored in dedicated store uplift from Fenwick Road by specialist contractors at allocated time

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (if class 7, 8 or 8a): *

210

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

restaurant to have takeaway facility

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Don Bennett

On behalf of: Fenwick Investments Ltd

Date: 23/06/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
 Elevations.
 Floor plans.
 Cross sections.
 Roof plan.
 Master Plan/Framework Plan.
 Landscape plan.
 Photographs and/or photomontages.
 Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

planning support statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr David Jarvie

Declaration Date: 23/06/2021

Payment Details



Created: 06/08/2021 08:48

REPORT OF HANDLING

Reference: 2021/0592/TP

Date Registered: 6th August 2021

Application Type: Full Planning Permission

This application is a Local Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 256290/:659190

Applicant/Agent: Applicant:

Agent:

Don Bennett

203 Fenwick Road

10 Park Court

Giffnock

Glasgow

Scotland

scotland

G46 6JD

G46 7PB

Proposal: Proposed change of use of existing offices to form restaurant with takeaway facility including erection of flue to rear, formation of new shopfront and external seating

Location: James Davis Insurance
203 Fenwick Road
Giffnock
East Renfrewshire
G46 6JD

CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service

No objection.

East Renfrewshire Council Environmental
Health ServiceNo objection subject to conditions to protect
amenity.

PUBLICITY:

20.08.2021

Evening Times

Expiry date 03.09.2021

SITE NOTICES:

None.

SITE HISTORY:

2000/0036/AD

Installation of ATM sign

Refused

06.03.2001

2000/0423/TP

Alterations to shopfront
and installation of ATM
machine

Refused

06.03.2001

1994/0006/AD ERECTION & DISPLAY Refused 01.01.1940
OF INTERNALLY
ILLUMINATED BOX SIGN

REPRESENTATIONS: Three objections have been received and can be summarised as follows:

Right of access over lane at side will not be granted
Suitability of use of emergency exit
Outdoor access would impede access on pavement
Noise disturbance
Litter
Vermin
Odour nuisance
Anti-social behaviour
Over-provision of such uses
Parking and road safety issues
Overlooking
Drainage issues

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Statement – the statement describes the proposal and the site context. Makes an assessment against policy and concludes that the proposal will add to the vitality and vibrancy of the town centre.

ASSESSMENT:

The application site comprises a single storey commercial unit with attic space within a row of eight similar commercial units on the east side of Fenwick Road, within the Giffnock town centre. The unit is vacant and was last in use as an insurance office (class 2). A service yard and car-park lie to the rear of the row with residential properties immediately to the north on Fenwick Road. A car repair garage lies opposite the site on the west side of Fenwick Road. The properties in the row of units are from north to south: the application site (class 2); a cafe (class 3); a funeral director's (class 1); a vacant unit (last in use as class 2); an estate agent's (class 2); hot food takeaway (sui generis); a further hot food takeaway (sui generis); and a restaurant (class 3).

Planning permission is sought for a change of use of the office to a restaurant and hot food takeaway including external seating to the front; and for alterations to the shop front. An extract flue is also proposed to the rear. The proposed external seating is shown as comprising 8 covers on the pavement to the front, although it is likely that 12 covers could be easily be accommodated within the space indicated. Internally, the proposals include the formation of a restaurant area, servery and takeaway counter, food prep and kitchen area and a function room on the upper level (attic space). The external alterations to the front include alterations to the windows and door with the lower part of the fascia replaced with enlarged areas of glazing. The applicant has indicated that the hours of opening are proposed as Sunday to Thursday 7am-11pm and Friday and Saturday 7am -12 midnight.

The application requires to be assessed against Policies D1 and SG7 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that all development should not result in a significant loss of character or amenity to the surrounding area and that the Council's access and car-parking requirements are met. Policy SG7 states that the town and neighbourhood centres will be the focus for new retail, leisure, community, residential and other 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 role and function of the centre.

In terms of Policy D1, the proposed use is generally considered to be an acceptable use within a town centre and it is noted that the Roads Service has no objection to the proposal. However, in making a detailed assessment against Policy D1, regard must be had to the impact the proposed use would have on the amenity of the adjacent residents and on the amenity of the town centre. In those regards, the cumulative impact of similar uses within the town centre must also be assessed.

The proposed use would be one of five similar uses offering food and drink and takeaway services in a row of eight units. This proportion of such uses would be considered to further erode the diverse nature of the town centre at this location and would give rise to a proliferation of uses that are traditionally open late into the evenings and can give rise to odour and noise nuisances to the detriment of the character and amenity of the area. The proximity of the adjacent residential premises immediately to the north is also noted. Notwithstanding the comments of the Environmental Health Service, it is likely that the proposed use, including the outdoor seating area; and the operation of the ventilation equipment would give rise to noise and odour nuisances that would be to the detriment of the amenity of the adjacent residents. The row of units of which the site forms a part is a traditional late 19th/early 20th century shopping parade, a prominent feature of which is the deep double fascia above each of the shop fronts. The applicant's proposal to remove the lower part of this double fascia and replace it with enlarged windows at the application site would be an incongruous feature at odds with the traditional design of the building and to the detriment of the visual amenity of the area. Given the foregoing, the proposal is considered contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan.

Whilst Policy SG7 directs such uses to town and neighbourhood centres, it also requires an assessment to be made as to whether proposals contribute to the quality of the environment and to the role and function of the town centre. As noted above, the cumulative impact of the proposed use and the existing similar uses within the immediate area, would further erode the mixed function of the town centre to the detriment of its character and amenity. As such, the proposal is contrary to Policy SG7 of the adopted East Renfrewshire Local Development Plan.

The Proposed Local Development Plan 2 is a material consideration and with regard to this planning application, the relevant policies are considered to be D1 and SG10. The aforementioned policies largely reflect the adopted Local Development Plan policies. Consequently, for reasons stated above, it is considered that the proposed works are contrary to the relevant policies in the Proposed Local Development Plan.

The following comments are made in respect of the points of objection not specifically addressed above: Access rights are a private legal matter and not a material planning consideration. The suitability of the emergency exit and the drainage will be considered at the building warrant stage. The Roads Service has not objected to the outdoor seating area or on the grounds of parking of customers' vehicles or delivery vehicles. If the proposal was considered to have been acceptable, provision could have been made for the provision of a litter receptacle and for the submission of waste management and disposal details. Anti-social behaviour is a matter for the Police to address. The windows on the upper level are existing. Whilst the use will differ from that existing, the windows do not directly overlook the adjacent garden. Any overlooking issue would not be considered to be as severe as would justify a refusal of the application on that ground.

The applicant's supporting statement is noted. Whilst such uses can add to the vitality and vibrancy of town centres, regard must also be had to their impact on character and amenity, particularly where they lie within close proximity to residential properties and where there could

be considered to be a proliferation of such uses. The application has been assessed and found to be contrary to the terms of the local development plan and proposed LDP2.

In conclusion, the proposal is contrary to Policies D1 and SG7 of the adopted East Renfrewshire Local Development Plan and contrary to Policies D1 and SG10 of the proposed East Renfrewshire Local Development Plan 2. There are no material considerations that indicate the application should not be refused. It is therefore recommended that the application is refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASONS:

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan and contrary to Policy D1 of the proposed East Renfrewshire Local Development Plan 2 as (i) the proposed use would further erode the diverse nature of the town centre at this location and give rise to a proliferation of uses to the detriment of the character and amenity of the area; (ii) the proposed use would give rise to noise and odour nuisances that would be to the detriment of the amenity of the adjacent residents; and (iii) the replacement of the lower fascia with glazing would be an incongruous feature that would detract from the character and design of the row of shops to the detriment of the visual amenity of the area.
2. The proposal is contrary to Policy SG7 of the adopted East Renfrewshire Local Development Plan and contrary to Policy SG10 of the proposed East Renfrewshire Local Development Plan as the proposed use would give rise to a proliferation of such uses that would further erode the mixed use character of the town centre to the detriment of its function and amenity.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3861.

Ref. No.: 2021/0592/TP
(DESC)

DATE: 14th January 2022

DIRECTOR OF ENVIRONMENT

Finalised 14th January 2022 – AC(1)

Reference: 2021/0592/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 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

Proposed Local Development Plan 2

Policy D1 - Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or

- appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
 4. Create a well-defined structure of streets, public spaces and buildings;
 5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
 6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
 7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
 8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
 9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
 10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
 11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
 12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
 13. Backland development should be avoided;
 14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
 15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces 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 Guidance;
 16. Development should minimise the extent of light pollution caused by street and communal

- lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
 18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
 19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
 20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy SG10 - Town and Neighbourhood Centre Uses

1. The network of town and neighbourhood centres, shown on the Proposals Map and listed in Schedule 19 are the preferred locations for significant footfall generating uses, including retail, leisure, entertainment, office, residential and community and cultural facilities.
2. A sequential 'town centre first' approach will be applied to proposals that would attract significant footfall. Proposals will be assessed against the following criteria:
 - a. Demonstrate a sequential approach has been undertaken to site selection in the following order of preference, as set out in SPP, and why more sequentially preferable options have been discounted as unsuitable or unavailable:
 - i. Town centres (including neighbourhood centres);
 - ii. Edge of town centre;
 - iii. Commercial centres;
 - iv. Out of centre locations that are, or can be, made easily accessible by a choice of transport modes.
 - b. Demonstrate that the proposal is of an appropriate scale and does not significantly impact upon the role and function of the centre, adjacent uses or the character and amenity of the surrounding area;
 - c. Demonstrate that the proposal will help to meet proven qualitative and quantitative deficiencies;
 - d. Demonstrate that there will be no unacceptable individual or cumulative impact on the vitality and viability of any town or neighbourhood centre; and
 - e. Demonstrate that the proposal is accessible by a choice of sustainable transport modes.
3. Proposals over 2,500m² (gross) floorspace out-with a town centre will require a retail impact assessment to be carried out. This should include a quantitative assessment of retail impact and capacity, and the qualitative impacts of the proposal. The cumulative effect of recently implemented or consented retail developments in nearby locations should also be taken into account.
4. Residential developments on the upper floors of existing buildings within the town and

neighbourhood will be supported subject to compliance with other relevant policies of the Proposed Plan.

5. Proposals for changes of use at street level away from Class 1 retail use within the town and neighbourhood centres will be required to:
 - a. Demonstrate that there is no current or likely future demand for Class 1 retail use. Proposals will be required to demonstrate that the unit has been actively marketed for solely Class 1 retail use for a minimum of 6 months; and
 - b. Should not have an adverse impact on the mix and diversity of uses in the centre.
6. Proposals for hot food takeaways within the town and neighbourhood centres will be required to meet the following criteria:
 - a. Meet the requirements of criteria 5 where the proposal is for change of use away from Class 1 retail;
 - b. Avoid the concentration, including cumulatively, with other existing hot food takeaways in the area; and
 - c. Not result in a detrimental impact on the overall character and amenity of the centre, including the amenity of residential properties situated adjacent to or above existing premises, by virtue of noise, disturbance or odour.
7. There will be a strong presumption against hot food takeaways out-with the town and neighbourhood centres. Proposals out-with the town and neighbourhood centres should not result in a detrimental impact on the overall character and amenity of the area and will be assessed against the criteria of Policy D1.

GOVERNMENT GUIDANCE: None

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**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

REFUSAL OF PLANNING PERMISSION

Ref. No. **2021/0592/TP**

Applicant:

203 Fenwick Road
Giffnock
Scotland
G46 6JD

Agent:

Don Bennett
10 Park Court
Glasgow
scotland
G46 7PB

With reference to your application which was registered on 6th August 2021 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Proposed change of use of existing offices to form restaurant with takeaway facility including erection of flue to rear, formation of new shopfront and external seating

at: James Davis Insurance 203 Fenwick Road Giffnock East Renfrewshire G46 6JD

the Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

The reason(s) for the Council's decision are:-

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan and contrary to Policy D1 of the proposed East Renfrewshire Local Development Plan 2 as (i) the proposed use would further erode the diverse nature of the town centre at this location and give rise to a proliferation of uses to the detriment of the character and amenity of the area; (ii) the proposed use would give rise to noise and odour nuisances that would be to the detriment of the amenity of the adjacent residents; and (iii) the replacement of the lower fascia with glazing would be an incongruous feature that would detract from the character and design of the row of shops to the detriment of the visual amenity of the area.
2. The proposal is contrary to Policy SG7 of the adopted East Renfrewshire Local Development Plan and contrary to Policy SG10 of the proposed East Renfrewshire Local Development Plan as the proposed use would give rise to a proliferation of such uses that would further erode the mixed use character of the town centre to the detriment of its function and amenity.

Dated 14th January 2022



Director of Environment
East Renfrewshire Council
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG
Tel. No. 0141 577 3001

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	LOCATION		
Block Plan Proposed	BLOCK		
Plans Proposed	2	a	

Elevations Proposed	4		
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GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

1. If the applicant is aggrieved by a decision to refuse permission (or by an approval subject to conditions), the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review can be submitted online at www.eplanning.scotland.gov.uk. Please note that beyond the content of the appeal or review forms, **you cannot normally raise new matters** in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

CONTACT DETAILS

**East Renfrewshire Council
Development Management Service
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG**

**General Inquiry lines 0141 577 3861
Email planning@eastrenfrewshire.gov.uk**

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PLANS/PHOTOGRAPHS/DRAWINGS

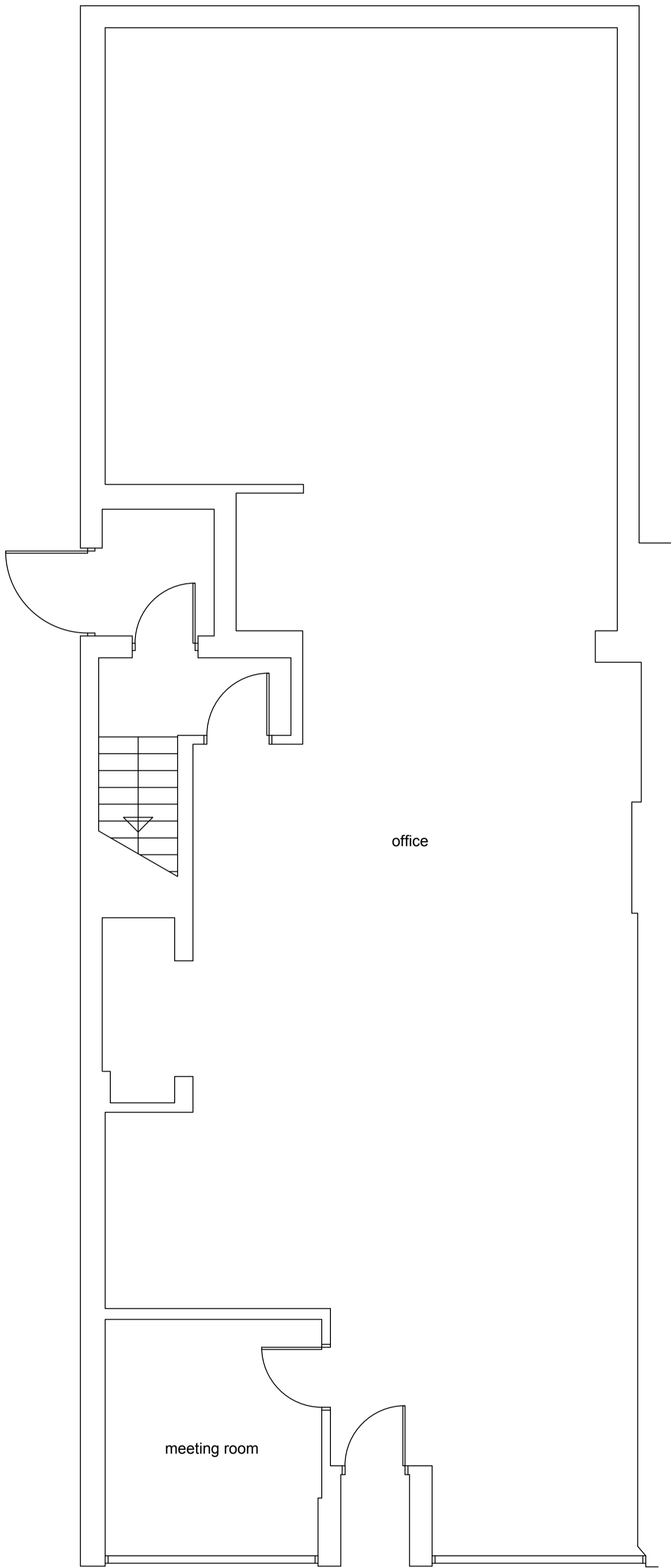
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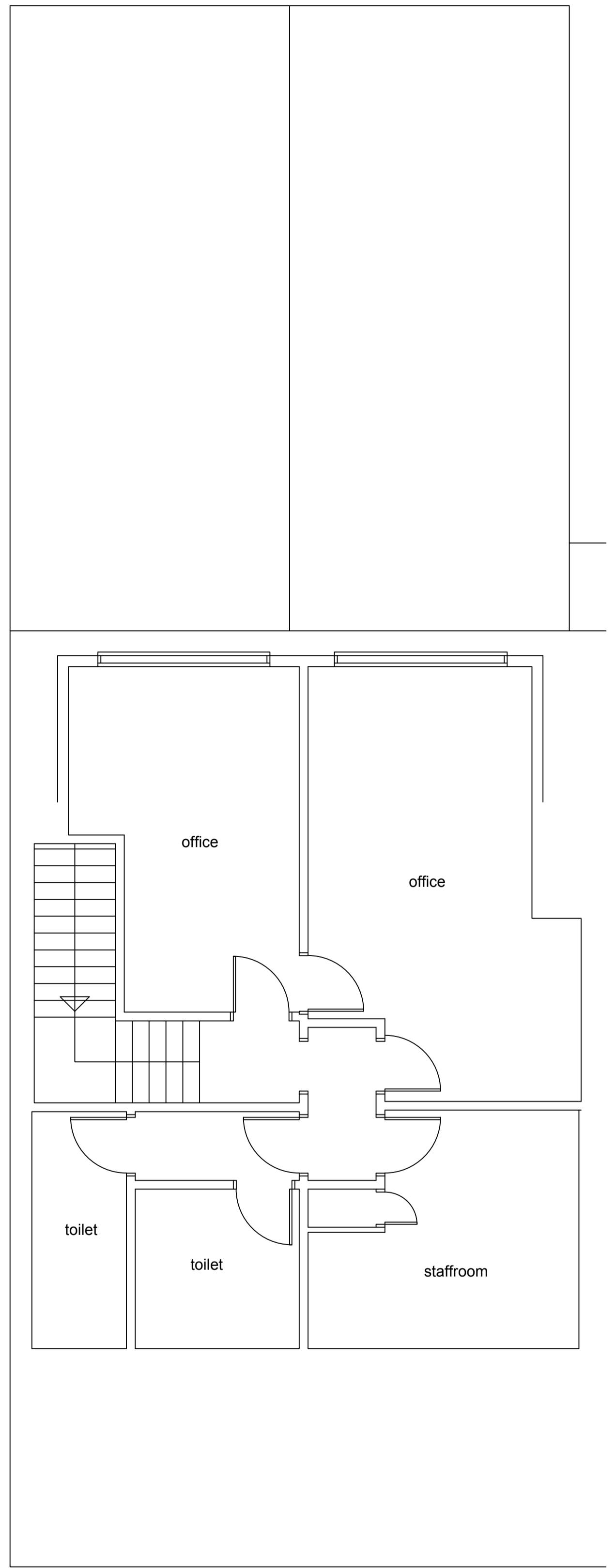
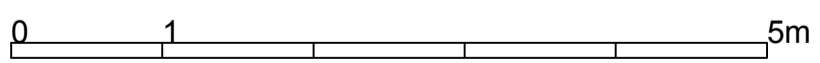
29105: 203 Fenwick Road Giffnock G46 6JD



office

meeting room

ground floor as existing



office

office

toilet

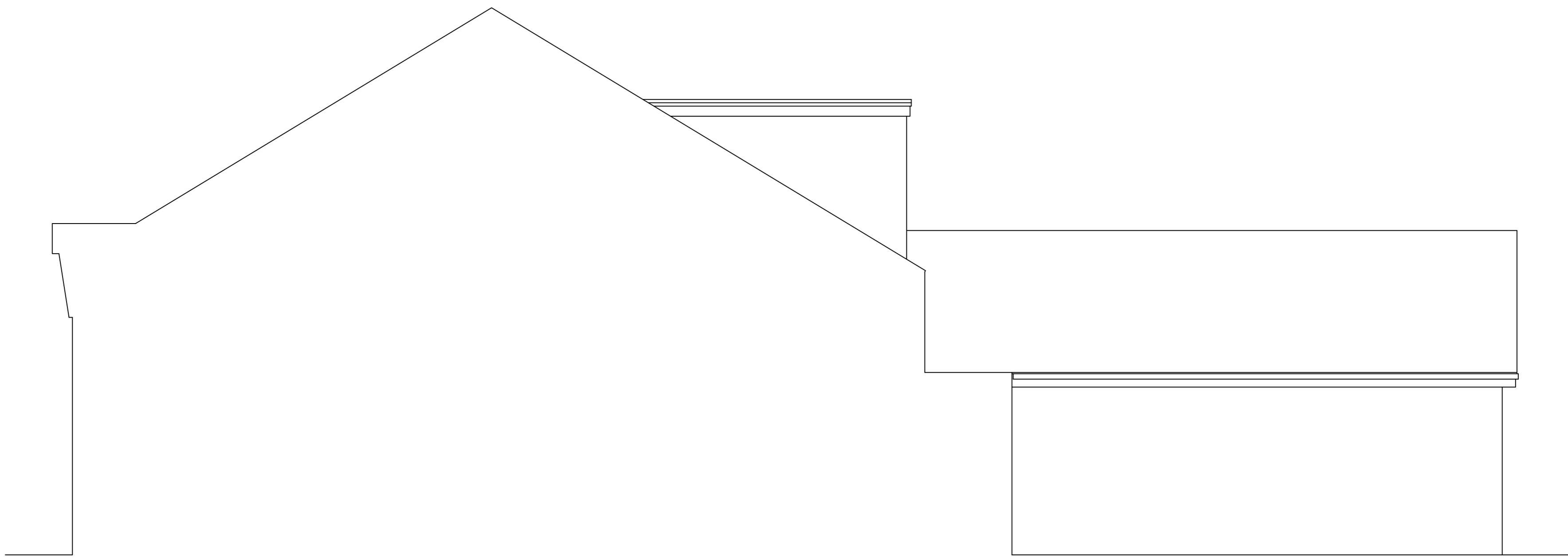
toilet

staffroom

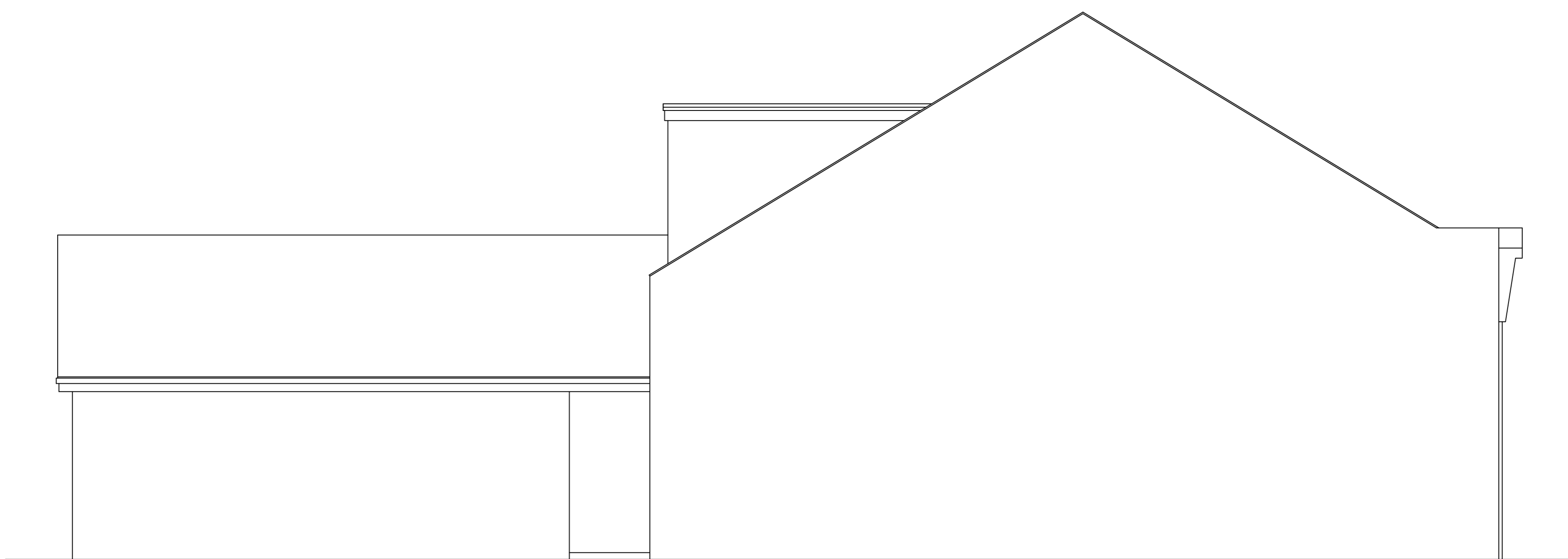
first floor as existing

Proposals at
203 Fenwick Road
Giffnock
G46 6JD

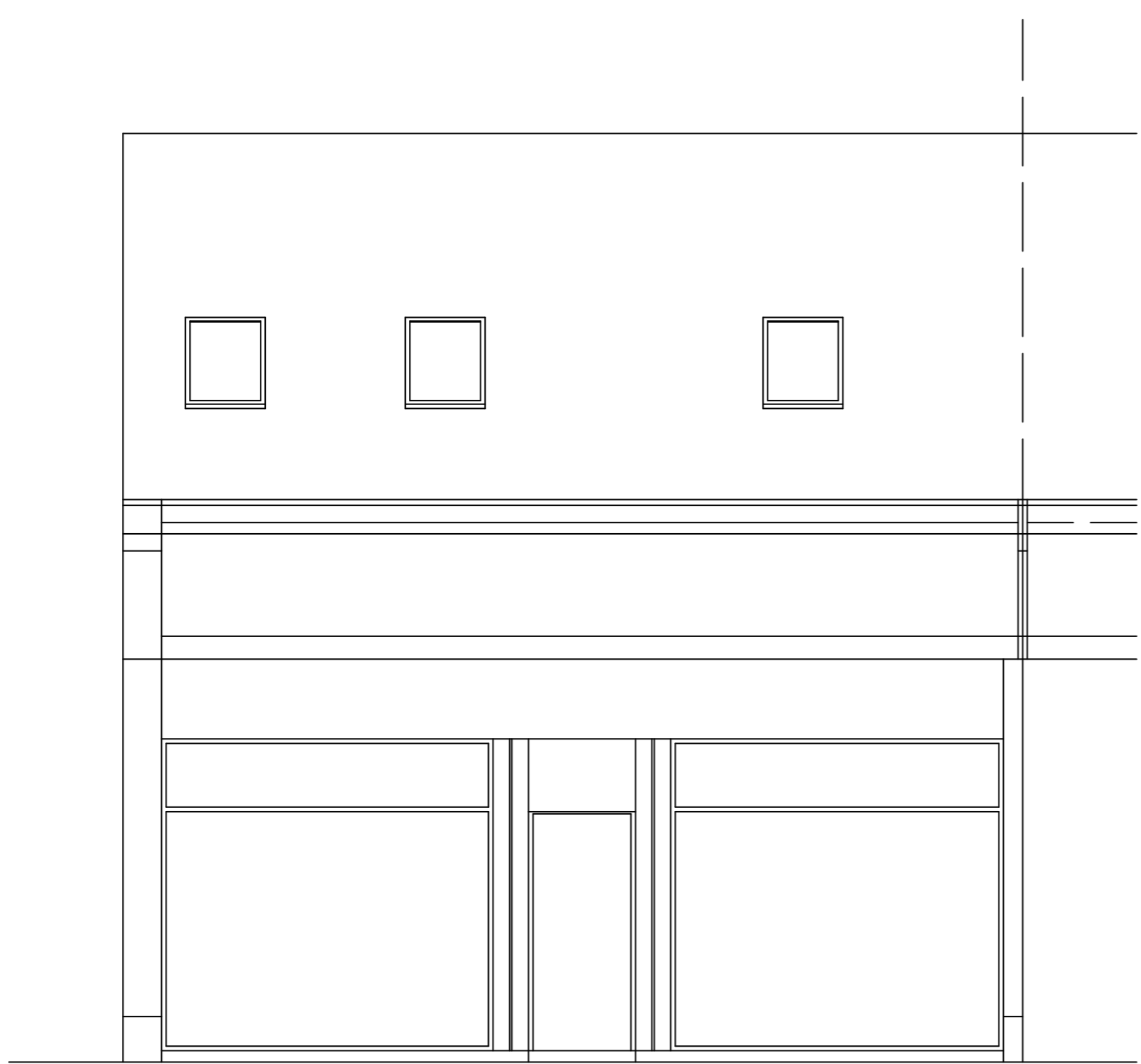
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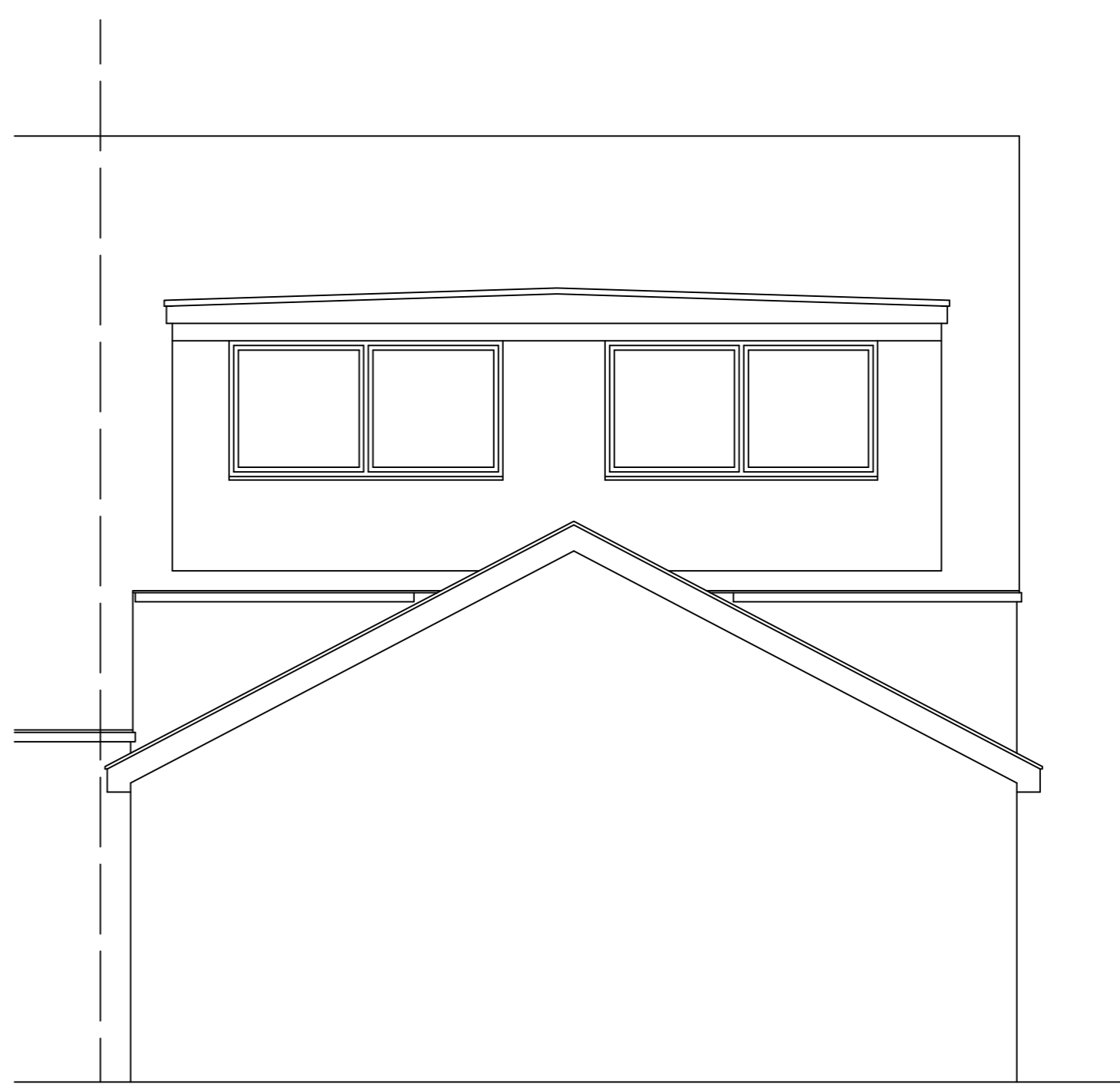
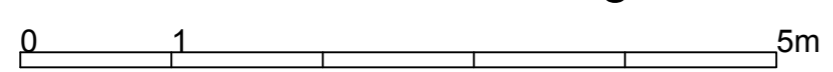
South elevation as existing



North elevation as existing



West elevation as existing

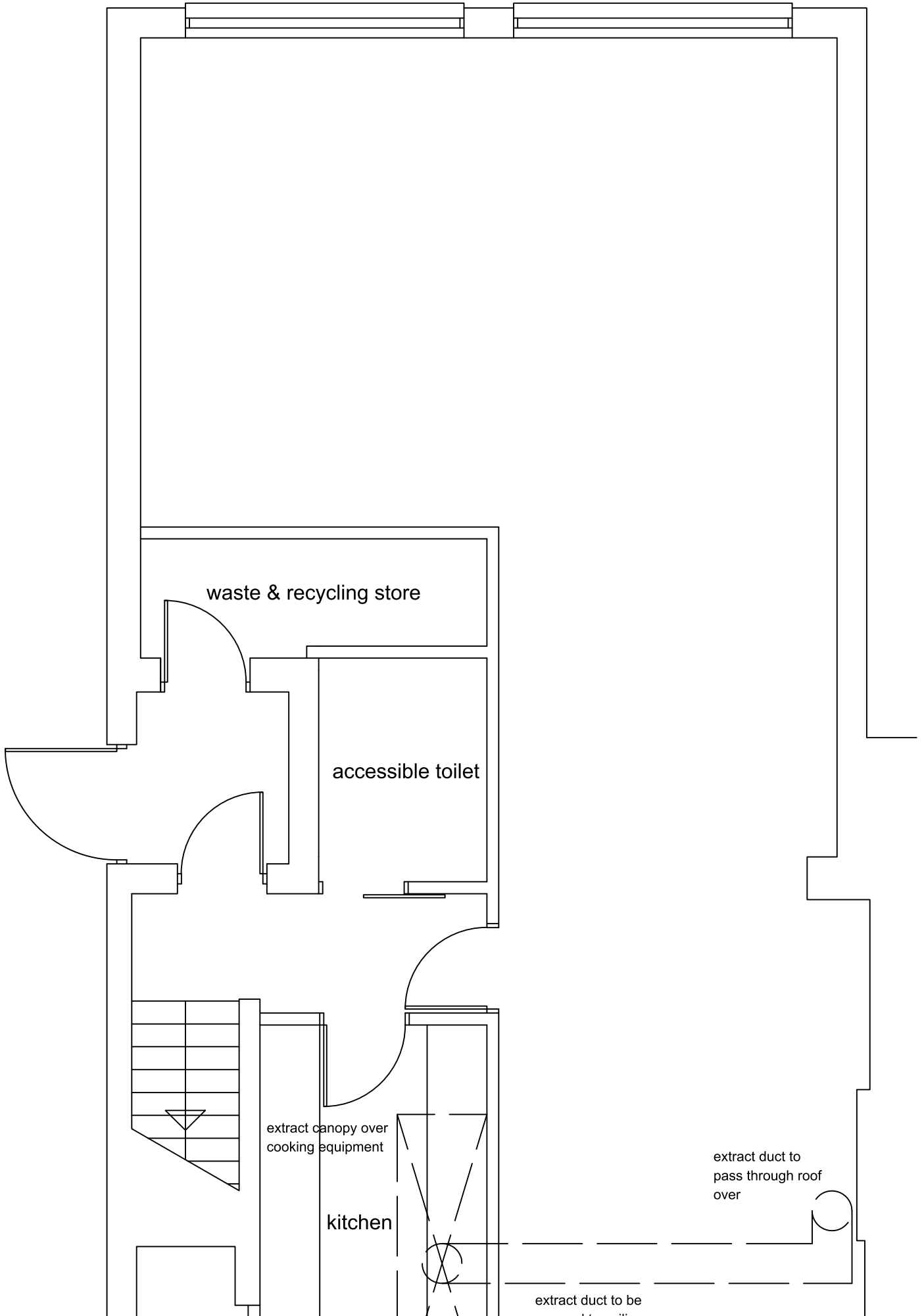


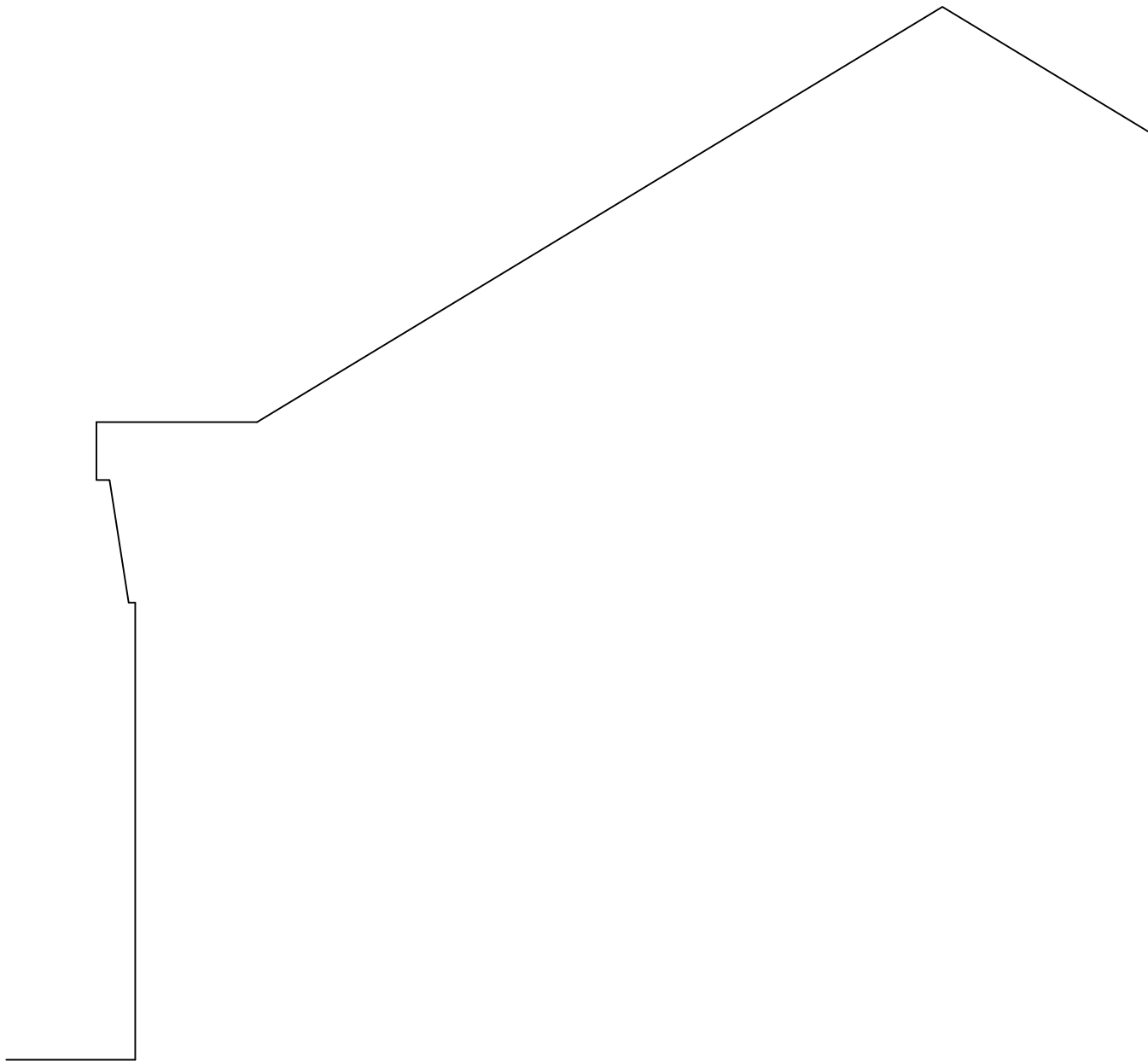
East elevation as existing



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South elevation as proposed

156

E 3.0'

125

203

POVD

1" = 3'

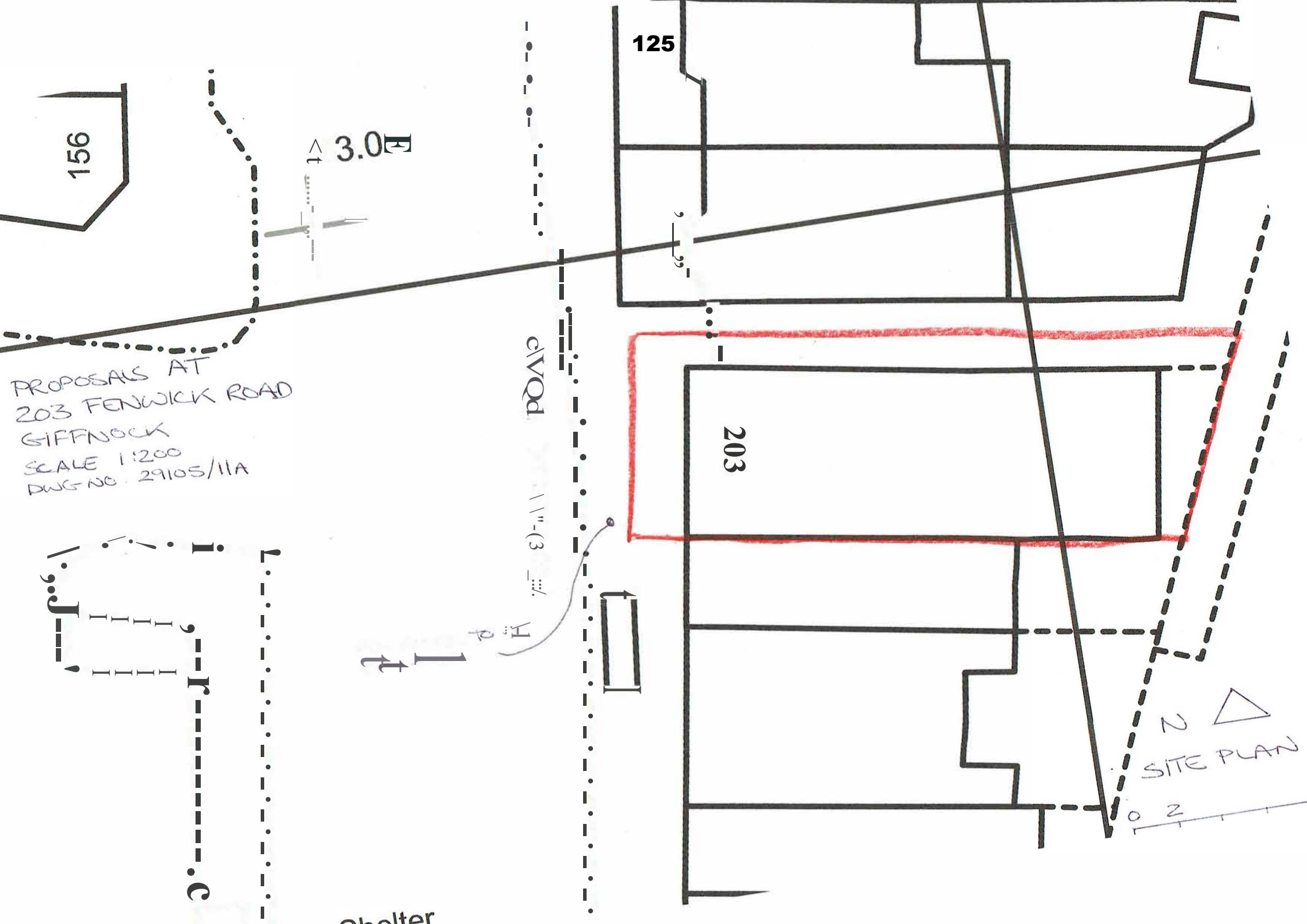
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SITE PLAN

0 2

PROPOSALS AT
203 FENWICK ROAD
GIFFNOCK
SCALE 1:200
DWG NO. 29105/11A

shelter





Proposed external areas café barrier posts, bases & banners. Banner to display name & logo of restaurant at 203 Fenwick Road, Giffnock.

Air Change

The proposed catering layout would require a canopy measuring approximately 3m x 1m to be positioned in the kitchen over cooking equipment.

The possibility of cooking odours migrating upwards and through the fabric of the building should be negated by providing a canopy uplift rate of 0.5 metres per second. This would equate to an overall extract rate of 2.2 m³/s per canopy, which is in excess of 50 air changes per hour in the servery area. In order to prevent the system from stalling, due to static pressure loss, or to cause unacceptable draughts being created throughout the premises, it would be necessary to produce a supply of filtered replacement air. This would provide approximately 80% of the extract rate in the kitchen area.

Canopy

The canopy above the cooking suites overhang the cooking equipment by the latest guidelines as laid down in DW 172 by B&ES. They are to be constructed from 304 stainless steel a minimum of 1.2 mm thick.

Filtration of the atomised fats and steam is effected by stainless steel baffle type filters, fitted within a retaining bank to the rear of the canopy. This bank would be set at an angle between 30° and 60°, to allow effective condensation on contact and unimpeded drainage of the fats to a containment gutter and removable drip cup.

Extract Flue

Galvanised steel flue to run below ceiling & out through rear wall before rising up to terminal above roof finish, secured to rear wall by anti vibration brackets with terminal a minimum of one metre above roof finish level.

Flue ducting will be 500mm diameter and will be bracketed to the existing ceiling then pass through rear wall with appropriate steel angle brackets and fixings with anti vibration mountings.

There will be a Vertical Discharge Unit (VDU) fitted to the top of flue duct.

There is a rain catchment and drain off point fitted within the VDU which stops any rain from running down the inside of the ducting and back to the building. These units are designed so that it effectively throws the extract air higher above the building and does not deflect it back down. This greatly dilutes the products of odour within the atmosphere. The terminal velocity at the outlet will be no more than 12 m/s thus minimising breakout noise and within B&ES guidelines.

Fan and Discharge

Vent-Axia "Lo-Carbon" kitchen box fan to be installed. The fan is specifically designed for commercial kitchens, can be fitted close to the cooking hoods, are rated for air streams up to 120°C, have variable speed drives, and incorporate backward facing aluminium impellers to reduce noise at source. EKF400E1 model (max flow rate 1ms⁻¹ at 80% speed setting) produces of a sound pressure level of 49dB(A) at 3m. The impact from fan will be less than NR25 at the closest residential property windows at rear of property.

Fan to be fitted to ductwork internally within unit with flexible connectors. Standard bullet / pod type silencer to be fitted to reduce noise levels by >5dB. For silencer to be effective it shall be located adjacent to the fan unit at least one duct diameter away from fan inlet.

Fan speed should be kept to the minimum level required to adequately ventilate the cooking. Not exceeding target ventilation rates will both save energy and reduce noise emissions. Noise emissions are closely linked to fan rotational speed.

Proposed ducting & vertical discharge unit, 203 Fenwick Road, Giffnock.
Discharge unit suitable for 500mm diameter spiral flue

Spiral tubes, 3m length

Galvanised spiral tube. 0.6mm -1.0mm mild steel depending on duct diameter. Available in 3 metre lengths.

Note that metal spiral ducting tube is 'female' i.e. spiral duct fittings such as bends and reducers generally slip inside the tube. Lengths of spiral tube can be joined together using male couplers.



Zinc-plated mild steel.

Jet cowls offer an advantage over standard round cowls in that expelled air is directed vertically rather than laterally - as is common with most roof terminations. This decreases the possibility that exhaust fumes present a nuisance to neighbouring buildings. Using a jet cowl often means a vertical duct can be shorter than it would otherwise need to be with a standard cowl.

Rainwater is caught in a dish within the cowl and is fed out through a drainage tube.

Jet cowls are designed to connect directly to spiral duct tube.