

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

Draft index of applications under the above acts to be considered by Planning Applications Committee on
10th August 2022.

Reference No: 2022/0175/TP

Ward: 4

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Applicant:

Mr Mark Shanta
11 Muirend Road
GLASGOW
United Kingdom
G44 3QR

Agent:

Site: 11 Muirend Road Netherlee East Renfrewshire G44 3QR

Description: Retrospective change of use and subdivision of class 4 (business) unit to class 2 (letting agency) and separate class 6 use (food larder for distribution of food to the local community).

Please click [here](#) for further information on this application

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REPORT OF HANDLING

Reference: 2022/0175/TP

Date Registered: 30th March 2022

Application Type: Full Planning Permission

This application is a Local Development

Ward: 4 -Clarkston, Netherlee And Williamwood

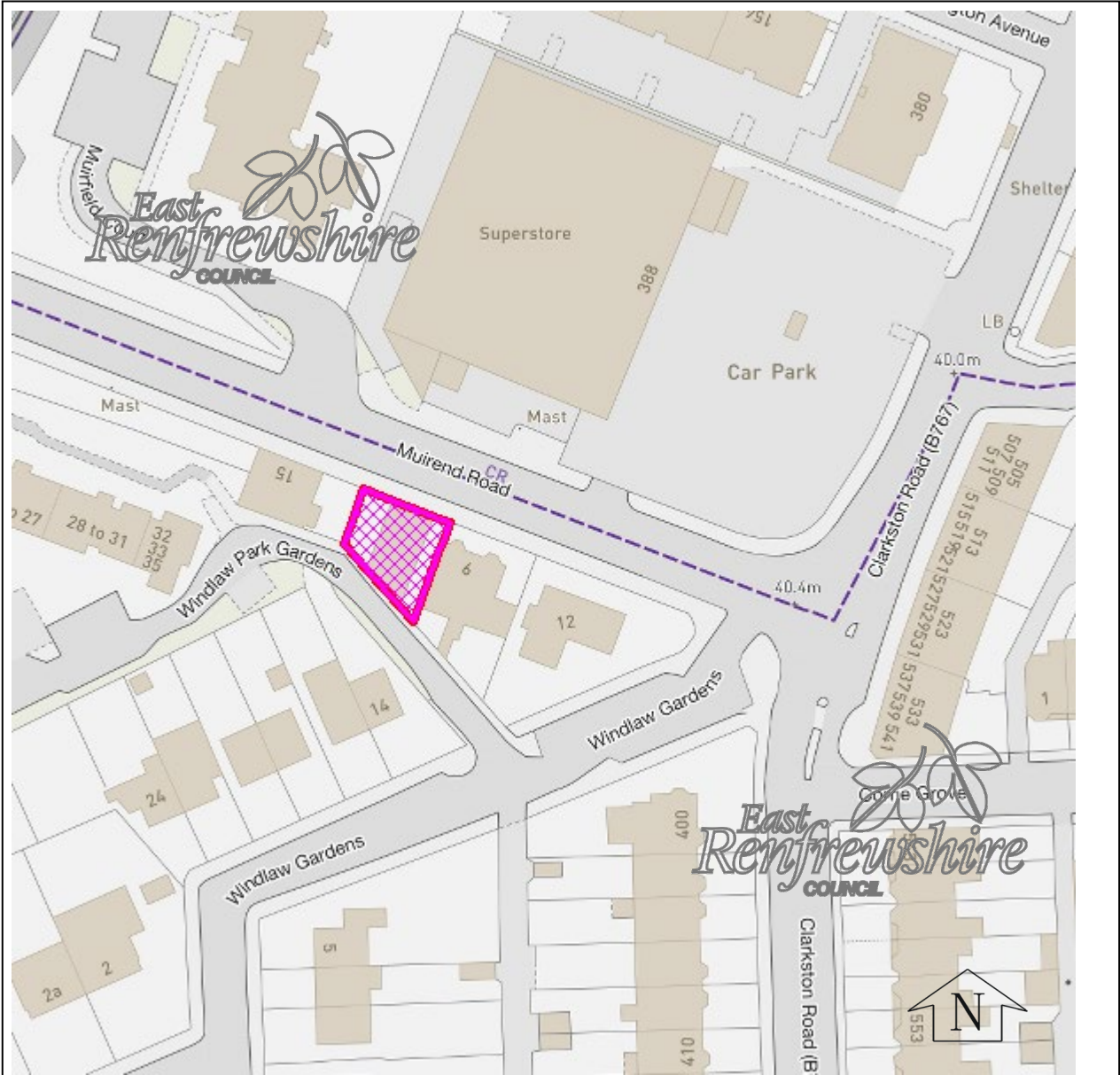
Co-ordinates: 257640/:659622

Applicant/Agent: Applicant: Agent:
Mr Mark Shanta
11 Muirend Road
GLASGOW
G44 3QR

Proposal: Retrospective change of use and subdivision of class 4 (business) unit to class 2 (letting agency) and separate class 6 use (food larder for distribution of food to the local community).

Location: 11 Muirend Road
Netherlee
East Renfrewshire
G44 3QR

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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service

No objection provided local parking restrictions and roads rules are adhered to.

East Renfrewshire Council Environmental Health Service

No objection.

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

2005/0824/TP	Alterations to, and change of use of, builders offices, workshop and yard to form dwellinghouse	Approved Subject to Conditions	13.11.2006
2013/0204/TP	Erection of side and rear extensions with upper floor extension and associated recladding of building	Withdrawn	07.08.2013
2013/0505/TP	Alterations and extensions to form three storey office building	Approved Subject to Conditions	05.11.2013

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

Parking to the double yellow lines to the rear on Windlaw Park Gardens and restricting vehicular and pedestrian access.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:

The relevant policy documents can be found at the following link:

Local Development Plan2 –
<https://www.eastrenfrewshire.gov.uk/ldp2>

SUPPORTING REPORTS:

Supporting Statement – Provides a description of the operation of the food larder. It states that the food larder is operated from the lower ground floor and is run on a voluntary basis. Food donations are collected from individuals, local schools and community groups throughout East Renfrewshire and made up into food parcels for distribution from the premises. Around 50 food parcels are distributed from the premises each week to people within East Renfrewshire.

ASSESSMENT:

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

The application site comprises a detached one and a half storey office building (class 4) that fronts Muirend Road, Netherlee and lies within the general urban area as defined within the adopted East Renfrewshire Local Development Plan 2. Given a drop in levels, the building stands two and a half storeys to the rear. The premises have a small yard area at the rear accessed via gates from the footpath on Windlaw Park Gardens. There is no vehicular access to the yard area. Windlaw Park Gardens is a narrow road with double yellow lines on both sides. Residential properties lie immediately to the east of the site on Muirend Road and retail premises lie to the east. A retail supermarket and its car-park lies opposite the site to the north. A retirement housing complex lies to the south-west and is accessed solely via Windlaw Park Gardens to the rear of the site.

Existing parking provision

There are double yellow lines at the front of the site on Muirend Road and as noted, on both sides of Windlaw Park Gardens to the rear. There are public parking bays on Windlaw Gardens, approximately 30 metres to the south-east of the site. Further on-street parking is available further south-west on Windlaw Gardens. There are parking bays in Windlaw Park Gardens within the retirement complex although those are signed as “residents’ parking only.”

Development

Retrospective planning permission is sought for a change of use and sub-division of the premises from office (class 4) to a letting agency (class 2) at the level of Muirend Road and a food larder (class 6) at the lower Windlaw Park Gardens level. The applicant has indicated that the hours of opening are as follows:

Letting agency - Mondays to Fridays 0900-1700; Saturdays 0900-1200.
Food larder - Wednesdays 1700-1830 and Fridays 1600-1730.

In terms of the food larder, the applicant has indicated that around 50 food parcels are made up and distributed from the premises per week to those in need in East Renfrewshire. It is run on a voluntary basis with food being dropped off at the site or collected from around the Council area prior to the food parcels being made up and distributed. Access to the food larder is via the rear on Windlaw Park Gardens. Drop-offs and distribution from the food larder occurs only within the times specified above. All food parcels are distributed from the larder and service users do not call at the premises.

The application requires to be assessed with regards to Policies D1 and D2 of the adopted East Renfrewshire Local Development Plan 2. Policy D1 states that all development should not result in a significant loss of character or amenity to the surrounding area. It also states that proposals should demonstrate that safe and functional pedestrian, cycle and vehicular access; and parking facilities are provided in accordance with the Council's Roads Development Guide. Policy D2 states that development will be supported within the general urban area where it will not result in a significant loss of character or amenity to the surrounding area and where it complies with other relevant policies of the LDP2.

As noted above, the site lies within the general urban area, within an area of mixed uses. The sub-division of the premises and the changes of use are therefore considered to be in keeping with this mixed character and therefore are acceptable in principle.

The change of use to the letting agency (class 2) is not considered to give rise to any significant amenity issues and the Roads Service has indicated no objection to the change of use from class 4 to class 2.

Given the limited hours of operation of the food larder, as indicated by the applicant, and the relatively modest scale of the operation, this particular use within class 6 is not considered to give rise to a significant impact on the character and amenity of the area or on the residential amenity of the adjacent residences in terms of noise or disturbance. Should the application be approved, the hours of operation of the food larder can be controlled by condition. It is also considered reasonable to limit the particular use within class 6 to that applied for as the nature of the distribution and collections are considered to have limited impact on the character and amenity of the area in terms of noise and disturbance. Again, should the application be approved, this can be controlled by condition.

As noted, the Roads Service has no objection to the changes of use and sub-division provided local parking restrictions and roads rules are adhered to. It is considered that there is adequate parking within the vicinity of the site, particularly on Windlaw Gardens, to facilitate drop-offs and distribution from the site whilst ensuring drivers adhere to local parking restrictions. The points of objection relating to parking on the double yellow lines on Windlaw Park Gardens are noted. However, failing to comply with local parking restrictions would be a matter for Police Scotland or Traffic Wardens to address and in this instance, given the relatively limited frequency of traffic movements, is not considered to be of such significance to merit refusal of the application.

It is therefore considered that the changes of use and sub-division comply with Policies D1 and D2 of the adopted East Renfrewshire Local Development Plan 2.

The community benefit of the service provided by the food larder to vulnerable families and individuals within East Renfrewshire is noted and is a material consideration.

The points of objection have been addressed in the above considerations.

In conclusion, the changes of use and sub-division raise no significant amenity issues and comply with the terms of the adopted Local Development Plan 2. There are considered to be no material considerations that indicate the application should not be approved. It is therefore recommended that planning permission is granted subject to the conditions set out below.

RECOMMENDATION: Approve subject to conditions

PLANNING OBLIGATIONS: None.

CONDITIONS:

1. Notwithstanding the provisions of the Town & Country Planning (Use Classes) (Scotland) Order 1997, the use class 6 element hereby approved within the premises shall operate solely as a food larder for distribution of food to the local community and for no other purpose in class 6 of the specified Order unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the planning authority retains control over future developments on the site.

2. Donations shall not be received or food parcels distributed from the premises outwith the hours of 1700-1830 on a Wednesday and 1600-1730 on a Friday unless otherwise agreed in writing by the Planning Authority.

Reason: To safeguard the character and amenity of the area.

ADDITIONAL NOTES:

The applicant is required to consult East Renfrewshire Council Protective Services regarding compliance with the provisions of the Health & Safety at Work Etc Act 1974 and the Food Safety Act 1990.

ADDED VALUE:

Conditions have been added that are necessary to control or enhance the development and to ensure the proposal complies with the Council's Local Development Plan policies.

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3001.

Ref. No.: 2022/0175/TP
(DESC)

DATE: 27th July 2022

DIRECTOR OF ENVIRONMENT