

EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

15 February 2023

Report by Director of Business Operations and Partnerships

REVIEW OF CASE - REVIEW/2023/01

EXTERNAL ALTERATIONS AND CHANGE OF USE OF FORMER SOCIAL CLUB TO 4 COMMERCIAL UNITS COMPRISING A RETAIL UNIT (CLASS 1), 2no. HOT FOOD TAKEAWAY UNITS (SUI GENERIS) AND A CLASS 2 UNIT. ALTERATIONS TO CAR PARKING LAYOUT AND ACCESS.

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: Further application (Ref No:- 2021/0911/TP).
- Applicant: Mr Zubair Malik
- Proposal: External alterations and change of use of former social club to 4 commercial units comprising a retail unit (class 1), 2no. hot food takeaway units (sui generis) and a class 2 unit. Alteratons to car parking layout and access.
- Location: Columba Club, 69 Darnley Road, Barrhead, Glasgow, G78 1TA.
- Council Area/Ward: Barrhead, Liboside and Uplawmoor (Ward 1).

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 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, 15 February 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 – Appendix 1 (Pages 7 - 18);
- (b) Consultation Responses – Appendix 2 (Pages 19 - 30);
- (c) Objections/Representations – Appendix 3 (Pages 31 - 42);
- (d) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 4 (Pages 43 - 54);
- (e) Decision notice and reasons for refusal - Appendix 5 (Pages 55 - 60); and
- (f) A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement - Appendix 6 (Pages 61 - 78).

15. The applicant has also submitted the drawings listed below and these are attached as Appendix 7 (Pages 79 - 86).

- (a) Location Plan 2058-01;
- (b) Proposed Site Plan 2058-02;
- (c) Floor Plan as Existing 2058-03;
- (d) Proposed Floor Plan and Elevations 2058-04;
- (e) Proposed Parking, Service Access and Rainwater Drainage 2058-05;

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

RECOMMENDATIONS

17. 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

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- (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: John Burke

Director – Louise Pringle, Director of Business Operations and Partnerships

John Burke, Committee Services Officer
e-mail: john.burke@eastrenfrewshire.gov.uk
Tel: 0141 577 3026

Date:- 7 February 2022

APPLICATION FOR PLANNING PERMISSION

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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 100498404-001

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)

Change of use to form 4 units with various class uses and form associated parking.

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: | <input type="text"/> | | |
| Ref. Number: | <input type="text"/> | You must enter a Building Name or Number, or both: * | |
| First Name: * | <input type="text" value="Sakina"/> | Building Name: | <input type="text" value="N/A"/> |
| Last Name: * | <input type="text" value="Kauser-Curreshi"/> | Building Number: | <input type="text" value="24"/> |
| Telephone Number: * | <input type="text" value="07913828625"/> | Address 1 (Street): * | <input type="text" value="Morley Street"/> |
| Extension Number: | <input type="text"/> | Address 2: | <input type="text" value="Flat 0-2"/> |
| Mobile Number: | <input type="text"/> | Town/City: * | <input type="text" value="Glasgow"/> |
| Fax Number: | <input type="text"/> | Country: * | <input type="text" value="Scotland"/> |
| | | Postcode: * | <input type="text" value="G42 9JB"/> |
| Email Address: * | <input type="text" value="sakina.kauser@gmail.com"/> | | |

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|---|--|---|
| Title: | <input type="text" value="Mr"/> | 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" value="Zubair"/> | Building Number: | <input type="text" value="2"/> |
| Last Name: * | <input type="text" value="Malik"/> | Address 1 (Street): * | <input type="text" value="Fitzroy Place"/> |
| Company/Organisation | <input type="text" value="JM Real Estate Ltd"/> | 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"/> | Postcode: * | <input type="text" value="G3 7RH"/> |
| Fax Number: | <input type="text"/> | | |
| Email Address: * | <input type="text" value=""/> | | |

Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

COLUMBA CLUB

Address 2:

69 DARNLEY ROAD

Address 3:

BARRHEAD

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G78 1TA

Please identify/describe the location of the site or sites

Northing

659452

Easting

251131

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1731.00

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)

The building has been vacant and falling into disrepair for the last 5 years. The last known use for the building was a social club.

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?

20

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)? *

25

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)

The bin storage area is clearly marked on the site plan, drawing 2058 -02. The plan shows space for 7 no. 1100litre wheelie bins and there is plenty of space to store more.

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 1 Retail (food)

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

218

If Class 1, please give details of internal floorspace:

Net trading spaces:

0

Non-trading space:

0

Total:

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

The total floor space is 218 metres squared. The final net trading space will only be known once the tenant has installed the service area.

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 2 Financial, professional and other services

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

93

If Class 1, please give details of internal floorspace:

Net trading spaces:

0

Non-trading space:

0

Total:

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

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): *

188

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)

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: Sakina Kauser-Curreshi

On behalf of: Mr Zubair Malik

Date: 11/11/2021

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. * Yes N/A
- A Design Statement or Design and Access Statement. * Yes N/A
- A Flood Risk Assessment. * Yes N/A
- A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * Yes N/A
- Drainage/SUDS layout. * Yes N/A
- A Transport Assessment or Travel Plan Yes N/A
- Contaminated Land Assessment. * Yes N/A
- Habitat Survey. * Yes N/A
- A Processing Agreement. * Yes N/A

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

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: Mrs Sakina Kauser-Curreshi

Declaration Date: 11/11/2021

Payment Details

Pay Direct

Created: 11/11/2021 12:25

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CONSULTATION RESPONSES

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Internal Memo

Our Ref: EH/PB
Your Ref: 2021/0911/TP
Date: 27th January 2022
From: Environmental Health
To: Development Management

PROPOSAL: External alterations and change of use of former social club to 4 commercial units comprising a retail unit (class 1), 2 no. hot food takeaway units (sui generis) and a class 2 unit. Alterations to car parking layout and access.

LOCATION: Columba Club, 69 Darnley Road, Barrhead East Renfrewshire G78 1TA

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

1. There shall be no construction work or offloading of delivery 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.
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.
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 applicant should confirm the following:
 - (a) Has any part of the site been used for the storage of liquid fuel, such as petrol, diesel, DERV, kerosene?
 - (b) Has any part of the site been used for the storage or use of agricultural chemicals, such as preservatives or pesticides?
 - (c) Has any part of the site been used for sheep dipping, storage or disposal of sheep dip chemicals?
 - (d) Has any part of the site been used for disposal of solid farm waste?
 - (e) Has any part of the site been used for the disposal of liquid wastes or washings other than to an approved drainage system?
 - (f) Has the site been used to store/maintain vehicles?
 - (g) Has there been any building fires or bonfires onsite?
6. If any such activities have taken place on-site, further investigation may be required to confirm the suitability of the land for development. If any contamination hazard is identified on the site, a site-specific risk assessment must be undertaken. Should any significant pollutant linkages be identified, a detailed remediation strategy must be developed. No works other than investigative works shall be carried out on site prior to receipt of the Council's written acceptance of the remediation plan.
7. Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.
8. 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.
9. The food businesses 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 .
10. For the category 3 use (sui generis) 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>
11. For the category 3 use (sui generis) It is recommended that the wash hand basin in the kitchen is fitted with non-hand operable taps.
12. It is recommended that applicants consider the food preparation activities they are proposing and ensure that facilities within their business can accommodate their proposals.

13. 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. For the category 3 use (sui generis) Consideration should be made to the installation of an extraction flue that extends at least 1 metre above the eaves of the building. It would also be preferable for each unit to have a stand-alone extraction ventilation system.
14. 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
15. Suitable arrangements require to be included for the secure storage and disposal of waste arising from the business activities.
16. Adequate facilities require to be included to allow for safe and accessible deliveries to the business units.
17. 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.

Paul Birkin
SENIOR ENVIRONMENTAL HEALTH OFFICER

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**Roads Service
OBSERVATIONS ON
PLANNING APPLICATION**

Our Ref: 2021/0911/TP
D.C Ref Byron Sharp
Contact: Allan Telfer

Planning Application No: 2021/0911/TP **Dated:** 09/01/21 **Received:** 07/01/21
Applicant: Mr Zubair Malik
Proposed Development: External alterations and change of use of former social club to 4 commercial units comprising a retail unit (class 1), 2no. hot food takeaway units (sui generis) and a class 2 unit. Alterations to car parking layout and access.
Location: Columba Club, 69 Darnley Road, Barrhead
Type of Consent: Full Planning Permission

RECOMMENDATION

Refuse

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) Transport Assessment Required | N |

2. Existing Roads

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

3. New Roads

| | |
|--|------------|
| (a) Widths | N/A |
| (b) Pedestrian Provision | N/A |
| (c) Layout | 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 |
| (b) Car Parking | N |
| (c) Layout of parking bay | Y |
| (d) Servicing Arrangements | N |

5. Signing

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

REASONS FOR REFUSAL

| | |
|--|---|
| | <p>The Applicant has not demonstrated that the required visibility at the junction of the development access with the B773 Darnley Road can be met which would pose a threat to road safety.</p> <p>The Applicant has not demonstrated how the site would be accessible to pedestrians.</p> <p>The Applicant has not demonstrated that the proposed parking would be sufficient for the proposed development which could lead to potentially dangerous/obstructive parking on the B773 Darnley Road.</p> <p>The Applicant has not demonstrated that the largest vehicle to regularly visit the site can enter and exit in a forward gear.</p> |
|--|---|

Ref**COMMENTS**

| | |
|------|--|
| | <p>The proposal is to adapt the former social club into a mixed use development including retail, office space and two hot food takeaways.</p> |
| 2(a) | <p>It is noted from drawing 02 Rev B that it is proposed to alter to the existing access from a footway crossover to a radius junction. Given the limited scope of the development, the Roads Service would not support such an alteration as this would negatively impact on pedestrian movements in the area.</p> <p>The access should be widened to 5.5 metres in order to ensure vehicles entering/exiting can pass and keep the adjacent public road free from obstruction.</p> |
| 2(c) | <p>From drawing 02 Rev B, there would appear to be no dedicated pedestrian access from the public road. Instead, pedestrians would be required to use the same access as vehicular traffic. In terms of pedestrian safety, a dedicated, segregated pedestrian route from the public road to the entrances of the proposed units is required. The pedestrian route should be a minimum of 2 metres wide.</p> |

| | |
|------|---|
| 2(d) | <p>The B773 Darnley Road is a restricted road and as such is subject to a 30mph speed limit. The required visibility splay is 2.5 x 90 metres with no interference allowed within the splay above a height of 1.05 metres.</p> <p>The Applicant has shown a visibility splay of 2.4 x 20 metres which is not acceptable. Drivers attempting to exit the proposed development would not be able to see far enough to exit safely which would compromise road safety for all users.</p> |
| 4(a) | <p>Surface water run-off from the proposed development must be contained and not be allowed to flow onto the public road.</p> |
| 4(b) | <p>From drawing 02 Rev B, there are 25 parking spaces proposed, including two disabled bays.</p> <p>However, there are no details as to the size of the proposed units therefore it is not possible to determine whether the proposed parking provision will be sufficient.</p> <p>Should the proposed parking provision be insufficient, this could lead to driver's parking on the B773 Darnley Road which would not be acceptable.</p> <p>An appropriate level of cycle parking will also be required for staff and customers.</p> |
| 4(d) | <p>Vehicles servicing the site must be able to enter and exit in a forward gear. From the drawings submitted, it has not been demonstrated that this would be possible. This could lead to vehicles being required to reverse out of the development or else park on Darnley Road which would not be acceptable.</p> <p>Due to the above, the Roads Service has no option but to recommend refusal.</p> <p>However, if the aforementioned comments can be addressed, the Roads Service may reconsider its position.</p> |

Notes for Intimation to Applicant:

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

* Relevant Section of the Roads (Scotland) Act 1984

Signed: John Marley
Principal Traffic Officer

Date: 15/03/21

RE: 2058 - 2021/0911/TP - Planning Application (Columbia Club)

Telfer, Allan <Allan.Telfer@eastrenfrewshire.gov.uk>

Fri 19/08/2022 11:05

To: Sharp, Byron <Byron.Sharp@eastrenfrewshire.gov.uk>

Hello Byron,

Further to our conversation this morning I would make the following comments.

The required visibility splays have not been demonstrated (2.5 x 90 x 1.05 metres) as being achievable. Inadequate visibility splays would pose a threat to road safety. Visibility splays are taken from the Design Manual for Roads and Bridges. While Darnley Road is not part of the trunk road network, over 10,000 vehicles pass the application site on an average weekday with the 85th percentile speed of traffic, therefore the guidance in Designing Streets, which addresses mainly new residential development, is not appropriate for this application site.

In terms of how the site would be serviced, it has not been demonstrated that the largest vehicle to regularly visit the site, in this case likely to be a refuse collection vehicle, can enter and exit in a forward gear. It is not acceptable for any vehicle to stop on Darnley Road and reverse into the site as this would pose a risk to road safety.

In terms of parking, the parking requirements are taken from the SCOTS National Roads Development Guide (NRDG).

Unit 1 is 218m² and is to be used for Class 1 purposes. As per the NRDG, the parking requirement is for 3 spaces per 100m² of Gross Floor Area (GFA). This results in a requirement for 6.54 spaces.

Unit 2 is 93m² and is to be used for Class 2 purposes. As per the NRDG, the parking requirement is for 5 spaces per 100m² of Gross Floor Area (GFA). This results in a requirement for 4.65 spaces.

Units 3 and 4 are each 93m² and are to be used for Class 3 purposes. As per the NRDG, the parking requirement is for 20 spaces per 100m² of Gross Floor Area (GFA). This results in a requirement for 18.6 spaces per unit.

The total parking requirement for the proposed development is therefore 48.39 spaces, rounded down to 48 spaces. 23 spaces are proposed to be provided resulting in a shortfall of 25 spaces.

I trust the foregoing is of assistance.

Kind regards
Allan

From: Sharp, Byron <Byron.Sharp@eastrenfrewshire.gov.uk>
Sent: 19 August 2022 09:23
To: Telfer, Allan <Allan.Telfer@eastrenfrewshire.gov.uk>
Subject: Fw: 2058 - 2021/0911/TP - Planning Application (Columbia Club)

Morning Allan,

I hope you are well. Are you available for a catch-up this morning at some point this morning? I'm planning on refusing this application next week. The agent is pressing for more information regarding the parking requirements. I've explained that the parking provision isn't sufficient and that they

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would not be able to accommodate the correct amount of parking on-site (as we discussed previously). They have suggested re-organising the existing parking to squeeze more spaces in. From what was described, it would be accommodated within the same area of proposed parking, so it's likely that it wouldn't be significantly more parking provision, just a reorganisation of the proposed layout.

The developer has previously taken this application to a Councillor and Gillian, hence the delay in making a recommendation.

All the best

Byron Sharp B.Sc(Hons) M.Sc

Graduate Planner

Environment Department (Planning and Building Standards)

East Renfrewshire Council

From: Sakina Kauser-Curreshi <sakina.kauser@gmail.com>**Sent:** 18 August 2022 13:46**To:** Sharp, Byron <Byron.Sharp@eastrenfrewshire.gov.uk>**Cc:** JM REAL ESTATE LIMITED <jmrealestatelimited@gmail.com>**Subject:** 2058 - 2021/0911/TP - Planning Application (Columbia Club)

Dear Byron,

Further to our phone call, here is a recap of our discussion.

1. The car parking requirements need to be clarified with the Roads department. They need to advise how many parking bays they require and we should be provided the opportunity to meet these requirements. As I have already explained in my email on the 6th June, I had calculated the proposal required 18 spaces, we have provided 20, 2 spaces are already surplus, how many more do the roads department require?

Once you have spoken to Roads department tomorrow morning, let me know of the outcome.

2. You have also indicated the two hot-food takeaways are contrary to planning policy LDP2. I appreciate local development policies provide guidelines for development, however, on this occasion we would strongly suggest that the changes in consumers trends and local expansion of the area should be taken in to consideration.

The current trends of eating out has moved to takeaway predominantly, with deliveries increasing significantly. A local retail unit with hot food takeaway and other convenient amenities within walking distance of the local park and housing developments would be an excellent addition. We have also suggested that rather than providing 2 hot food takeaways. one could be a dark kitchen which would be a delivery only food outlet.

It has been 9 months since the application was registered, we do not wish to withdraw it or have it refused. Having had conversations with Councillor Cunningham, who has been very supportive of the application, and her conversations with Gillian we are optimistic we can come to a solution which would allow you to approve the application, an application which brings positive change to a site that has been lying closed for many years.

I look forward to hearing from you tomorrow.

Kind regards

Sakina Kauser-Curreshi

Architect

ARB, RIAS, PGDip, MArch

T: 07913828625

PLEASE NOTE: My core working hours are 8.30am till 12.30pm and 8pm till 10pm Monday till Friday. However, I am usually available to take phone calls in the afternoons. If you receive an email from me outwith your working hours please do not feel you must respond immediately.

Disclaimer: This email is only for the intended recipient and may contain confidential information. If you received this email in error, please delete it and notify the sender. Please also scan for viruses before opening any attachments.

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OBJECTIONS/REPRESENTATIONS

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Comments for Planning Application 2021/0911/TP

Application Summary

Application Number: 2021/0911/TP

Address: Columba Club 69 Darnley Road Barrhead East Renfrewshire G78 1TA

Proposal: External alterations and change of use of former social club to 4 commercial units comprising a retail unit (class 1), 2no. hot food takeaway units (sui generis) and a class 2 unit.

Alterations to car parking layout and access.

Case Officer: Mr Byron Sharp

Customer Details

Name: Mrs Angela Speirs

Address: Flat 1-1, 1 Rankin Court, Rankin Way Barrhead, East Renfrewshire G78 1AF

Comment Details

Commenter Type: Adjacent Local Authority

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I Angela Speirs would like to object to the planning of the Columba club being turned into 4 commercial units including food units at the moment the whole area is a disgrace there's rubbish already been lying outside in car park that's been there for at least a month my living room and bedroom face directly into this eyesore I'm worried about excess noise levels and pollution the Darnley road is already a nightmare with traffic and speedsters I'm also worried about what kind of people will frequent the units with noise and lighting disturbing my peace and quiet as we are early bedders and do not wish to be stressed with anyone or anything that ruins our quiet way of life we chose to stay in Rankin Court because it is quiet and a nice area plus my partner and I do not think there is a need for anything like that in this area as it's mostly elderly in our close whom I know are not happy about this either please consider our views before granting permission my partner and I have both got chronic health conditions and any stress whatsoever may land us in hospital. Kind regards Angela Speirs

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Comments for Planning Application 2021/0911/TP

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Alterations to car parking layout and access.

Case Officer: Mr Byron Sharp

Customer Details

Name: Mrs Linda McCaig

Address: 4 Convent Road, Barrhead, East Renfrewshire G78 2FD

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Disrespectful to Commonwealth graves in close proximity to site with traffic and potential footfall to units.

Darnley Road is not suitable for amount of traffic that potentially would be turning right on exit.

Barrhead is supposed to be promoting healthy living. There are already a vast amount of takeaways in the local area.

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Comments for Planning Application 2021/0911/TP

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Alterations to car parking layout and access.

Case Officer: Mr Byron Sharp

Customer Details

Name: Ms Diane Joyce

Address: Le Vallon, 73 Darnley Road, Barrhead, East Renfrewshire G78 1TA

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Changing the use to retail units open for much longer hours than the previous social club is likely to have an impact on traffic on the road. At the moment, many vehicles speed on Darnley Road both leaving and entering Barrhead, as evidenced by the SLOW DOWN sign in operation on the Cowan Park side of the road. It would be good to be reassured that the impact of traffic turning left and right into the retail units has been considered and what traffic calming measures might be put in place. Whilst Darnley Road is still a 30 mph limit, it is very obvious from living on the road that many drivers do not abide by this and leaving our driveway can already be difficult as drivers start to increase speed as if they are leaving a 30mph limit.

With respect to the planned takeaway and retail units, it would be good to be assured that noise will be kept to a minimum for deliveries and waste uplift and that these are conducted within time limits i.e. not too early or too late in the day.

Given that the development is surrounded by either housing or green, natural environment, it would be good to be assured that any smell from takeaway units is kept to a minimum and not obvious to nearby neighbours or to wildlife.

It is a shame that mature trees appear to be felled as part of the development as they contribute oxygen and use up carbon dioxide and wonder if there are other alternatives being considered towards carbon footprint.

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From: Angela Speirs [REDACTED]
Sent: 24 November 2022 19:13
To: jennifer.graham@eastrenfrewshire.gov.uk
Subject: Columba club

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi thank you for keeping me informed about the planning and review of this subject I really just need to let you know of all my concerns about this issue as my bedroom and living room look straight into this site I'm worried about noise and smell pollution and because of the situation of the bins in the planning application I foresee that there will be a rat infestation being so close to the levern burn as our own bin area has had a history of being infested with rats also we have other takeaway premises at the bottom of the road and feel we don't need another one on our doorstep and we feel our privacy will be invaded as I'll need to close my blinds and windows to keep out the noise of customers and cars we both have health conditions and the stress of all this could result in us being hospitalised as we are early bedders and know if this goes ahead we won't get sleep as it will be opened till late at night please consider our concerns as this could result in a deterioration of our health conditions. Kind regards Angela Speirs of [REDACTED]

[REDACTED]

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From: Sakina Kauser-Curreshi [REDACTED]

Sent: 28 December 2022 15:41

To: Graham, Jennifer <jennifer.graham@eastrenfrewshire.gov.uk>

Cc: [REDACTED]
[REDACTED]
[REDACTED]

Subject: Re: Local Review Body - Request for Review/2023/01

Good afternoon Jennifer,

We are formally responding to Mrs Speirs email correspondence with the following statement for and on behalf of Mr Malik:

We would like to thank Mrs Speirs for reaching out and making her concerns known. We would not want the new businesses to affect her or her partner's health, therefore we have taken measures so that new use of the property has little impact on our neighbours, they are as follows.

The units will have low level fans on the rear of the property which will be generating little to no noise. Vehicles entering and exiting the site will be slow moving, at about 5mph, therefore causing much less noise than the cars zooming past at 30mph on the Darnley Road. Two units are expected to be open from approximately 9am till 4/5pm, the retail unit from 8am till 10pm and hot food takeaway from 4pm till 11pm. The site was previously used as a social club so this should be a reduction in terms of disruptive noise pollution from parties late at night.

Rat infestation is not something we can control but we can take measures to reduce its chances of occurring. We have proposed a bin store area in our proposal to accommodate all the large 1100 litre bins for all units. More bins can be accommodated in this area if required. This would help reduce the possibility of a rat infestation and smell pollution from the bins. Furthermore, if, like your bins were targeted by rats, these new unit's bins are also targeted by rats the tenants/owners would be expected to take swift action to remove the infestation, just like we expect you would have done.

We hope the above measures would help to alleviate your concerns, however, if you wish to discuss anything further or have any other concerns in the future we would welcome you to approach us and we would work with you to find a resolution.

Yours Sincerely

Sakina Kauser-Curreshi

Architect

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REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2021/0911/TP

Date Registered: 29th December 2021

Application Type: Full Planning Permission

This application is a Local Development

Ward: 1 -Barrhead, Liboside And Uplawmoor

Co-ordinates: 251131/659452

Applicant/Agent:

Applicant:
Mr Zubair Malik
2 Fitzroy Place
Glasgow
United Kingdom
G3 7RH

Agent:
Sakina Kauser-Curreshi
24 Morley Street
Flat 0-2
Glasgow
Scotland
G42 9JB

Proposal: External alterations and change of use of former social club to 4 commercial units comprising a retail unit (class 1), 2no. hot food takeaway units (sui generis) and a class 2 unit. Alterations to car parking layout and access.

Location: Columba Club
69 Darnley Road
Barrhead
East Renfrewshire
G78 1TA

CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service

The Council's Roads Services were consulted and initially recommended refusal. Subsequent drawings were submitted by the developer and Roads Services were consulted on the revised drawings. The recommendation for refusal remained in place. This is explained in more detail in the report below.

East Renfrewshire Council Environmental Health Service

Environmental Health raised no objections.

Barrhead Community Council

No comments received.

PUBLICITY:

21.01.2022

Barrhead News

Expiry date 04.02.2022

SITE NOTICES:

None.

SITE HISTORY: No recent relevant planning history.

REPRESENTATIONS: Three representations have been received: The matters raised in the representations can be summarised as follows:

- Road safety.
- Tree felling.
- Littering.
- Noise levels, lighting and pollution.
- Timing of service deliveries and collections.
- Development not required.
- Impact upon health of residents.
- Proposal is disrespectful and in close proximity to graves.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS: No supporting reports were submitted with this application.

ASSESSMENT:

The application site contains a former social club (Class 11) near the northeast boundary of Barrhead. The property is a single storey building with steel profiled sheet roofing, roughcast rendered walls and associated curtilage used for parking. No pre-application advice was provided regarding this application.

The proposal seeks permission to subdivide the existing building into four units, resulting in the creation of a four new commercial units with a gross floor area of 497m². The four proposed units are defined as:

- Two hot food takeaways (Sui Generis, totalling 186m² NIA)
- One professional services unit (Class 2, 93m² NIA), and;
- One convenience store (Class 1, 218m² NIA).

The proposal would use the existing building footprint without any extensions to the existing building. The existing roof would be retained and cleaned. The proposal seeks consent to alter the front elevation of the building to create glazed shopfronts and associated fascias. Signage is also shown on the proposed drawings however, advertisements are considered under a separate application for advertisement consent.

The proposal also includes alterations to the curtilage of the building. It is noted that the Site Plan and the plan showing the proposed visibility splays are not consistent in terms of parking provision. At a maximum, the proposal would accommodate 22 parking spaces, 3 disabled parking spaces, and a bicycle parking area. A new pedestrian access would be created to allow pedestrians and vehicles to access the site separately. It is proposed that a number of mature trees would be felled adjacent to Darnley Road to accommodate parking provision on site.

Scottish Planning Policy

Scottish Planning Policy on Promoting Town Centres emphasises that the planning system should apply a town centre first policy with Development Plans adopting a sequential town centre first approach when planning for uses that create significant footfall. This requires locations to be considered in the following order of preference: town centres (including city

centres and local centres); edge of town centre; other commercial centres identified in the development plan; and out of town centres that can be easily accessed by a choice of transport modes.

Scottish Planning Policy goes on to indicate that decisions on proposals should have regard to the context provided by the network of centres identified in the development plan and the sequential approach identified above. Where proposals in edge of town centre, commercial centre or out of town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and the impact on existing town centres is acceptable.

Adopted East Renfrewshire Local Development Plan 2

It is necessary to assess the planning application against the policies contained within the adopted Local Development Plan 2 (LDP2). Policy D1 requires that development should not result in a significant loss of character or amenity to the surrounding area; 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 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. Policy D2 requires that proposals will demonstrate that the proposed development is appropriate in terms of its location and scale and will not result in a significant loss of character or amenity to the surrounding area. Policy D7 requires that development affecting trees, groups of trees or areas of woodland will only be permitted where any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity and character of the area has been incorporated into the development through design and layout. Policy SG10 seeks to safeguard the established network of town and neighbourhood centres from development likely to adversely affect these assets, and in particular requires uses that are likely to create significant footfall to be sited within established town and neighbourhood centres. Furthermore, Policy SG10 establishes a strong presumption against hot food takeaways outwith the established town and neighbourhood centres. Policy SG11 defines the recognised Town and Neighbourhood Centres.

The proposed Class 1 use and the proposed Sui Generis uses are considered to be contrary to Policy SG10. Policy SG10 sets a strong presumption against hot food takeaways outwith a town or neighbourhood centre. The proposal would introduce two hot food takeaways outwith an established town or neighbourhood centre. The proposal is therefore contrary to Policy SG10 in this regard. It is noted that an alternative "dark kitchen" concept was put forward by the applicant, the concept being to operate one of the hot food takeaways as a delivery only service. While revised plans for this have not been received, irrespective, it is considered that this amended proposal would still not comply with Policy SG10 in respect of provision of hot-food takeaways outwith established centres. Policy D7 requires that development affecting trees will only be permitted where any tree or group of trees that makes a significant positive contribution to the setting, amenity and character of the area has been incorporated into the development through design and layout. It is considered that the mature trees make a significant positive contribution to the character and amenity of the surrounding area, which has several areas of greenspace nearby. The felling of the trees would therefore be contrary to Policy D7.

Roads Services were consulted on this planning application and recommended refusal. Four reasons for refusal were listed:

1. Visibility splay not sufficiently demonstrated.
2. Pedestrian access not sufficiently demonstrated.

- 3, Sufficient parking not demonstrated.
4. Not demonstrated that a large vehicle could enter the site and exit in a forward gear.

The site layout was subsequently revised by the agent and resubmitted for consideration. Roads Services were consulted again. The recommendation for refusal remained in effect for the following reasons:

1. Visibility splay not sufficiently demonstrated.
2. Sufficient parking not demonstrated.
3. Not demonstrated that a large vehicle could enter the site and exit in a forward gear.

The recommendation for refusal from Roads Services therefore remains in place. In consideration of insufficient evidence of adequate parking provision and insufficient evidence of safe access to and from the site, it is considered that the proposal is contrary to Policy D1 of the LDP2.

In terms of amenity impacts, it is noted that the proposal is located within a residential area. It is considered that the proposal would have an impact upon residential amenity, however, it is also recognised that the previous use at the site (social club) may have also resulted in adverse amenity impacts locally. It is therefore considered that the proposal would not result in a significant loss of character or amenity to the surrounding area. The proposal is considered to be generally in accordance with Policy D2. With regards to the proposed change of use from Class 11 to Class 2, this element of the proposal generally accords with policy Policies D1, D2 and SG10 of the LDP2.

Environmental Health were consulted on this application and have raised no objections.

Three representations were received. The following matters were raised and have been considered above:

- **Road safety.**
- **Tree felling.**

Further matters raised in the representations were:

- **Littering.**
Response: Littering is not a material planning consideration.
- **Noise levels, lighting and pollution.**
Response: Environmental Health have been consulted on this application and have raised no objections.
- **Timing of service deliveries and collections.**
Response: These activities could be controlled through an appropriate planning condition if required.
- **Development not required.**
Response: This is a private commercial consideration.
- **Impact upon health of residents.**
Response: Environmental Health have been consulted on this application and have raised no objections.
- **Proposal is disrespectful and in close proximity to graves.**
Response: The proposal is located within the existing site boundaries of the former Columbia Club and would result in similar movements within the same general area on-site.

In summary of the above, the proposal is considered to be contrary to Policies D1, D7 and SG10 of the adopted Local Development Plan 2. There are no material considerations that would outweigh the conflict with the LDP2 policies.

RECOMMENDATION: Refuse

REASONS FOR REFUSAL:

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan 2. The proposal has not provided sufficient parking provision, the visibility splays are insufficient and it has not been demonstrated that large vehicles can exit the site in a forward gear. As such, the proposal would have an adverse impact on public safety.
2. The proposal is contrary to Policy D7 of the adopted Local Development Plan 2. The proposal would result in the loss of trees which make a significant positive contribution to the setting, amenity and character of the area.
3. The proposal is contrary to Policy SG10 of the adopted East Renfrewshire Local Development Plan 2. The proposal would create two hot food takeaways outwith the established town and neighbourhood centres to the detriment of the vitality and viability of nearby town and neighbourhood centres.

PLANNING OBLIGATIONS: None.

ADDED VALUE: None.

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Byron Sharp at byron.sharp@eastrenfrewshire.gov.uk.

Ref. No.: 2021/0911/TP
(BYSH)

DATE: 26th August 2022

DIRECTOR OF ENVIRONMENT

Reference: 2021/0911/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 2 is the relevant policy document.

Adopted East Renfrewshire 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 D2: General Urban Areas

Development will be supported within the general urban areas, shown on the Proposals Map. Proposals will be required to demonstrate that the proposed development is appropriate in terms of its location and scale and will not result in a significant loss of character or amenity to the surrounding area. Proposals must also comply with appropriate policies of the Proposed Plan.

Policy D7: Natural Environment Features

The Council will protect and enhance the natural environment features set out in Schedule 5, and shown on the Proposals Map, and seek to increase the quantity and quality of the areas biodiversity.

1. There will be a strong presumption against development on or adjacent to Natural Features where it would compromise their overall integrity, including Local Biodiversity Sites, Local Nature Reserves, Tree Preservation Orders and ancient and long established woodland sites. Adverse effects on species and habitats should be avoided with mitigation measures provided.

2. Development that affects a Site of Special Scientific Interest (SSSIs) will only be permitted where:
 - a. The objectives of designation and the overall integrity of the area will not be compromised; and
 - b. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, community or economic benefits of national importance to the satisfaction of Scottish Ministers and measures are provided to mitigate harmful impacts.
3. Development affecting trees, groups of trees or areas of woodland will only be permitted where:
 - a. Any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity and character of the area has been incorporated into the development through design and layout; or
 - b. In the case of woodland:
 - i. its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits, in line with the Scottish Government's Policy on Control of Woodland Removal; or
 - ii. in the case of individual trees or groups of trees, their loss is essential to facilitate development and is clearly outweighed by social, environmental, community or economic benefits.

Where woodland is removed in association with development, developers will be required to provide compensatory planting which enhances the biodiversity of the area and demonstrates a net gain.

The loss of Ancient Woodland will not be supported.

4. Where there is likely to be an adverse impact on natural features or biodiversity an ecological appraisal will be required.

Further detailed guidance and information is set out in the Green Network 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. d. e.
 - 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:

Scottish Planning Policy on Promoting Town Centre indicates that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should: apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities; encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening; ensure development plans, decision-making and monitoring support successful town centres; and consider

opportunities for promoting residential use within town centres where this fits with local need and demand.

Finalised 29/08/2022 AC(6)

DECISION NOTICE

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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 PERMISSIONRef. No. **2021/0911/TP****Applicant:**

Mr Zubair Malik
2 Fitzroy Place
Glasgow
United Kingdom
G3 7RH

Agent:

Sakina Kauser-Curreshi
24 Morley Street
Flat 0-2
Glasgow
Scotland
G42 9JB

With reference to your application which was registered on 29th December 2021 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

External alterations and change of use of former social club to 4 commercial units comprising a retail unit (class 1), 2no. hot food takeaway units (sui generis) and a class 2 unit. Alterations to car parking layout and access.

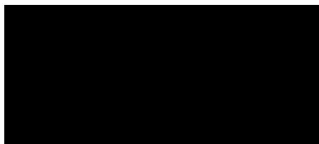
at: Columba Club 69 Darnley Road Barrhead East Renfrewshire G78 1TA

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 2. The proposal has not provided sufficient parking provision, the visibility splays are insufficient and it has not been demonstrated that large vehicles can exit the site in a forward gear. As such, the proposal would have an adverse impact on public safety.
2. The proposal is contrary to Policy D7 of the adopted Local Development Plan 2. The proposal would result in the loss of trees which make a significant positive contribution to the setting, amenity and character of the area.
3. The proposal is contrary to Policy SG10 of the adopted East Renfrewshire Local Development Plan 2. The proposal would create two hot food takeaways outwith the established town and neighbourhood centres to the detriment of the vitality and viability of nearby town and neighbourhood centres.

Dated 29th August 2022



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

58

The following drawings/plans have been refused

| Plan Description | Drawing Number | Drawing Version | Date on Plan |
|-------------------------|-----------------------|------------------------|---------------------|
| Location Plan | Location Plan | 01 | |
| Block Plan | Proposed Site Plan | 02 Rev:B | |
| Elevations | Proposed Floor Plan | 04 | |
| Streetscape | Streetscene | 05 | |

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 3001
Email planning@eastrenfrewshire.gov.uk**

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NOTICE OF REVIEW

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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: [REDACTED]

ONLINE REFERENCE 100498404-004 [REDACTED]

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"/> | | |
| Ref. Number: | <input type="text"/> | You must enter a Building Name or Number, or both: * | |
| First Name: * | <input type="text" value="Sakina"/> | Building Name: | <input type="text" value="N/A"/> |
| Last Name: * | <input type="text" value="Kausar-Curreshi"/> | Building Number: | <input type="text" value="24"/> |
| Telephone Number: * | <input type="text" value="[REDACTED]"/> | Address 1 (Street): * | <input type="text" value="Morley Street"/> |
| Extension Number: | <input type="text"/> | Address 2: | <input type="text" value="Flat 0-2"/> |
| Mobile Number: | <input type="text"/> | Town/City: * | <input type="text" value="Glasgow"/> |
| Fax Number: | <input type="text"/> | Country: * | <input type="text" value="Scotland"/> |
| | | Postcode: * | <input type="text" value="G42 9JB"/> |
| Email Address: * | <input type="text" value="[REDACTED]"/> | | |

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|---|--|---|
| Title: | <input type="text" value="Mr"/> | 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" value="Zubair"/> | Building Number: | <input type="text" value="2"/> |
| Last Name: * | <input type="text" value="Malik"/> | Address 1 (Street): * | <input type="text" value="Fitzroy Place"/> |
| Company/Organisation | <input type="text" value="JM Real Estate 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"/> | Postcode: * | <input type="text" value="G3 7RH"/> |
| Fax Number: | <input type="text"/> | | |
| Email Address: * | <input type="text"/> | | |

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="COLUMBA CLUB"/> |
| Address 2: | <input type="text" value="69 DARNLEY ROAD"/> |
| Address 3: | <input type="text" value="BARRHEAD"/> |
| Address 4: | <input type="text"/> |
| Address 5: | <input type="text"/> |
| Town/City/Settlement: | <input type="text" value="GLASGOW"/> |
| Post Code: | <input type="text" value="G78 1TA"/> |

Please identify/describe the location of the site or sites

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="659452"/> | Easting | <input type="text" value="251131"/> |
|----------|-------------------------------------|---------|-------------------------------------|

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)

External alterations and change of use of former social club to 4 commercial units comprising a retail unit (class 1), 2no. hot food takeaway units (sui generis) and a class 2 unit. Alterations to car parking layout and access

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.

We have submitted a Supporting Statement stating in full all matters which we consider should be taken into account whilst determining the review.

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)

Supporting statement, Drawings; 2058 - 01_Location plan, 2058-02-Rev C_Site plan, 2058, 2058-03_Existing floor plan, 2058-04_Proposed floor plan and elevations, 2058-05-Rev B_Proposed parking, service access and rainwater drainage.

Application Details

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

2021/0911/TP

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

11/11/2021

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

29/08/2022

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Inspection of the site would allow better appreciation of the site's existing access and the improvements we are suggesting for safer entry and exist and improved visibility. It would also allow for a better appreciation of the proposal to fell trees.

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: Mrs Sakina Kauser-Curreshi

Declaration Date: 15/11/2022

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SUPPORTING STATEMENT

Description: External alterations and change of use of former social club to 4 commercial units comprising a retail unit (class 1), 2no. hot food takeaway units (sui generis) and a class 2 unit. Alterations to car parking layout and access

Site Address: Columbia Club, 69 Darnley Road, Barrhead, East Renfrewshire, G78 1TA

Application No: 2021/0911/TP

Our Ref: 2058/PP/01



Image 1: Artist's impression of proposed elevation with new shopfronts

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SKC Architects, on behalf of Mr Zubair Malik, JM Real Estate Limited, formally request a review to be carried out for the application 2021/0911/TP. We were still in the process of discussions with the designated planning officer when we were abruptly sent the refusal notice. This document will demonstrate the proposal to split the vacant building with associated parking area into four mixed use units was in fact keeping within the area and that the proposal was in compliance with the policies under which it was refused.

BACKGROUND

The application was seeking permission for the change of use from existing social club into the subdivision of four units consisting of:

Two hot food takeaways (Sui Generis, totalling 186m²)
One professional services unit (Class 2, 93m²), and;
One convenience store (Class 1, 218m²).

It was proposed that the existing building's external fabric would be cleaned and repaired to a good standard. There were no alterations proposed to the footprint of the existing building. We had proposed to install new access doors and large glazed shopfronts to all the units to make them more attractive, see Image 1 on page 1.

We had proposed that a new, wider, vehicle access be introduced, and new pedestrian access be introduced in order to make the units safely accessible. We had also proposed to fell some trees as part of this proposal in order to make the current access's visibility better and resulting in considerably safer visibility for access and exit than what it currently is on a busy road.

REASONS FOR REFUSAL

The application was refused on the basis of the following reasons:

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan 2. The proposal has not provided sufficient parking provision, the visibility splays are insufficient and it has not been demonstrated that large vehicles can exit the site in a forward gear. As such, the proposal would have an adverse impact on public safety.
2. The proposal is contrary to Policy D7 of the adopted Local Development Plan 2. The proposal would result in the loss of trees which make a significant positive contribution to the setting, amenity and character of the area.
3. The proposal is contrary to Policy SG10 of the adopted East Renfrewshire Local Development Plan 2. The proposal would create two hot food takeaways outwith the established town and neighbourhood centres to the detriment of the vitality and viability of nearby town and neighbourhood centres.

POLICY D1 COMPLIANCE FOR REFUSAL REASON 1

“The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan 2. The proposal has not provided sufficient parking provision, the visibility splays are insufficient and it has not been demonstrated that large vehicles can exit the site in a forward gear. As such, the proposal would have an adverse impact on public safety.”

Policy D1 requires for the parking requirement to be assessed against the National Roads Development Guide. Part 3, section 3.7 details the parking requirements to be provided for developments.

Class use 1 is intended to be a local convenience store/newsagents, therefore the number of spaces required is 3 per 100m², the usable floor space for the customers is estimated to be about 145m² therefore 5 spaces are required.

Class use 2 is intended for a local hairdresser, therefore the number of spaces required is 1 per 20m², we would expect some area would be used for storage so we have estimated 80m² would be used for customers and therefore, 4 spaces are required.

Hot food takeaway establishment is determined under Sui Generis, however there is no parking guideline on this type of class use. The closest is a Class 3, restaurant/snackbar, requiring 1 space per 5m² of gross floor area. However, the nature of the hot food takeaway business would only require customers to collect their orders after having already placed an order online or over the phone rather than, ordering, waiting, eating and departing from a restaurant which is a much longer stay. Therefore, we used a common sense approach to this. We would expect a large portion of the unit’s area to be used for cooking, preparation, storage and service area so we have estimated 15m² would be used for customers to wait and therefore, 3 spaces are required for each Class 3 unit.

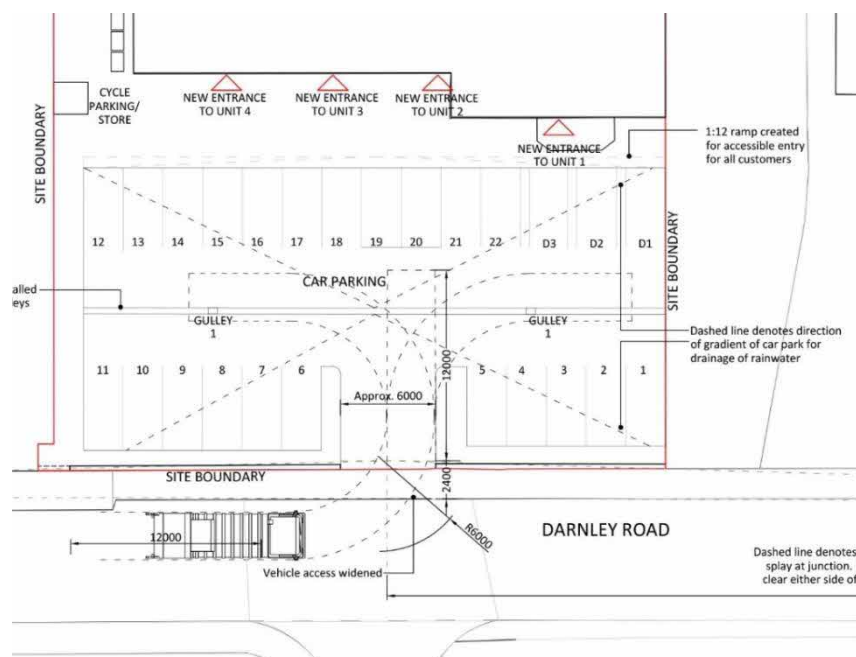


Image 2: Car parking layout

Taking into consideration the above calculations we would expect 15 parking spaces to be provided and 3 disabled parking bays. We have clearly marked 22 parking spaces and 3 disabled parking bays and a dedicated bicycle store on the site plan, drawing 2058-05-Rev A, see cropped image 2 of drawing.

It should also be noted that the business opening hours will vary between each class use. Class use 1 will be open from approximately 8am till 10pm, whereas Class use 2 is only expected to be open between 9am and 5pm. The hot food takeaways would be expected to be open between 4pm till 10pm. Therefore, there will be opportunity for more car parking spaces to be available to the open units whilst others are closed. We feel that the 48 car parking spaces requested by the planning department are excessive based on the use of the units and the times of operations.

Insufficient visibility splays were sighted as a reason for refusal by the Roads department. We have clearly marked on our drawing 2058-05-Rev A the required visibility splay of 90m either side of the junction has been met. In order to achieve this we have proposed to reduce the height of the existing wall to below 1m along it's full length as per the National Roads Development Guide. The trees which have been proposed to be taken down are to aid visibility of the sight access from the road in order to make the sight more prominent on a busy road and allow cars to slow down in advance of the entrance's approach, otherwise it could be easily missed as the building is set back by 25m from the road, causing sudden slow down of cars to access the entrance.

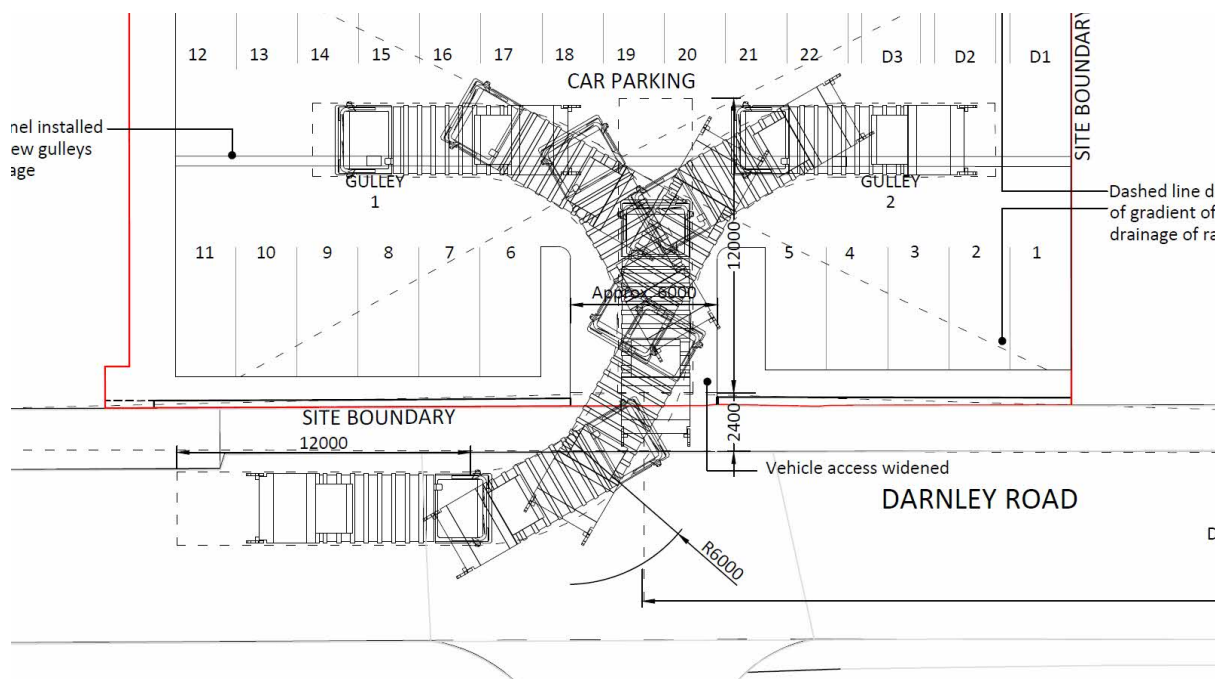


Image 3: Cropped drawing demonstrating the service vehicle can enter and exit the site in a forward-facing position.

The drawing, 2058-05-Rev A, also demonstrates the service vehicle, being able to access the site in forward gear, being able to turn around on site and exit the site in forward gear, see image 3. The criteria for compliance is set out in the National Roads Development Guide. To test our proposed site access and the service vehicle's accessibility we have demonstrated on the drawing using a clearly annotated service vehicle with dimensions of lengths widths and turning circle radi that a standards service vehicle can access the site in a forward position, turn around on site and exit the site in a forward position.

The planning officer had fed back to us that the service vehicle had not been shown in the forward-facing position and it was too small. We had confirmed the service vehicle is most definitely in the forward-facing position and that it is a standard size of service vehicle. We had requested the correct size be provided to us for assessment if their sizes were different to ours, but this information was not provided.

We have demonstrated that there is sufficient car parking provision, the visibility splays are sufficient and demonstrated that large vehicles can in fact enter and exit the site in a forward gear, therefore the proposal complies.

POLICY D7 COMPLIANCE FOR REFUSAL REASON 2

“The proposal is contrary to Policy D7 of the adopted Local Development Plan 2. The proposal would result in the loss of trees which make a significant positive contribution to the setting, amenity and character of the area.”

This reason for refusal was not brought to our attention during the process of the application’s assessment. As such the information we have now provided is new as we have only been made aware of it upon receipt of the Report of Handling.

Darnley Road is lined with trees on either side on approach to the site. Some of these trees overhang onto the road and into each other and are relatively dense in areas. The site itself is lined with trees on either side and along the front boundary but not as dense as the rest of the street.

There are four trees which have been proposed to be taken down along the front of the site in order to aid visibility of the sight access from the road in order to make the sight more prominent on a busy road and allowing car’s to slow down in advance of the entrance’s approach, otherwise it could be easily missed as the building is set back by 25m from the road, causing sudden slow down of cars. Once removed they would also mirror the lack of trees opposite the site and the site next to it.

The other three trees proposed to be felled are set back from the road from 5m upwards. These would allow overall improved accessibility with more car parking spaces and the safe passage of pedestrians accessing the site. There is dense area of trees across the road from the site and along the western side, around the cemetery. As these three trees are set back from the road, we do not feel they contribute towards the greenery of the street’s character setting.



Image 4: Photo of the Darnley Road looking East.

Overall there are only seven trees being proposed to be felled in order to provide significantly improved visibility and safer access and exit from the site. The proposal is not a residential property which may require the trees for added privacy. It is a mixed retail proposal which requires more prominence to attract trade, this is achieved by having more clearer sight of the retail premises and in this proposal by reducing the number of trees would not be a significant loss to the character of the area as there is already a site across from it and adjacent to it without trees.

POLICY SG10 COMPLIANCE FOR REFUSAL REASON 3

“The proposal is contrary to Policy SG10 of the adopted East Renfrewshire Local Development Plan 2. The proposal would create two hot food takeaways outwith the established town and neighbourhood centres to the detriment of the vitality and viability of nearby town and neighbourhood centres.”

The property was last used as a social club. A use which can cause disruption and nuisance to neighbours within the vicinity. The current proposal would not have had a significant loss of character or amenity to the surrounding area. It certainly would have caused less disturbance in terms of noise from parties and other events which can go on late into the night. It is mentioned in the planning policy that hot food takeaway proposals should not result in a detrimental impact on the overall character and amenity of the area and it was identified within the assessment process and the report of handling that this is the case, therefore it complies with policy SG10.

The proposal has good transport links, there is sufficient parking, a bicycle store, good pedestrian access and a bus stop within a minute’s walk of the site. This makes the site easily accessible by a choice of transport modes, especially sustainable modes of transport, therefore it meets the requirement of policy SG10. Image 5 clearly shows the bus stops which are within close proximity of the site.



Image 5: Satellite image of Darnley Road, red dots denote bus stop locations

The current trends of eating out has moved to takeaway predominantly, with delivery of the orders preferred method of receipt of orders. A local retail unit with hot food takeaway and other convenient amenities within walking distance of the local park and housing developments would be an excellent addition.

The proposal is being refused due to the two hot food takeaways being proposed which are out with the neighbourhood centre. Having visited Barrhead and around the

neighbourhood centre, it currently, (August 2022,) has approximately 18 takeaways within the town centre and 5 takeaways out with the town centre. Due to the proposal of two hot food takeaways being undesirable we had proposed to change one of the takeaways to a “dark kitchen” which delivers orders only, customers are not allowed to collect orders at all. This would reduce the number of customers visiting the site and the number of parking requirements would also be reduced. In comparison to the 18 takeaways in the town centre, this is a relatively small-scale proposal which should not have a detrimental impact on the town centre’s vitality or viability, again showing the proposal complies with policy SG10.

There are two other proposals which have been approved out with the neighbourhood centre. Application 2018/0302/TP and 2022/0364/TP at 145 Glasgow Road and Site to north of Crossmill Industrial estate, off Glasgow Road, for mixed use, including class use 1-3 have been approved. A “retail centre,” type of proposal which is much larger in scale with eateries, which is most certainly going to have an impact on the town centre due to it’s scale and mix of uses. Therefore, it is not clear why this proposal is being refused on the basis that it is contrary to the local development plan, when it is much smaller. There is a disparity in the approval of one application to the next.

Throughout the application assessment process, we have remained open to discussion and open to carrying out the necessary changes to make the project more acceptable, if that were the case. However, we did not find information was forthcoming and it changed from one conversation to the next. There was a lack of clarity and inconsistency, such as the Roads department found the parking was too much initially then there wasn’t enough. The loss of trees was not discussed at all. This came to light in the Report of Handling.

The applicant is a local business entity owned by a local businessmen looking to invest within their local area. This proposal brings the much-needed opportunity for jobs for local people in the current dire economic outlook and development of vacant buildings which has become an eyesore over time. It is also an opportunity for local businesses to boost the local economy and it is being rejected on grounds which we feel we have addressed adequately.

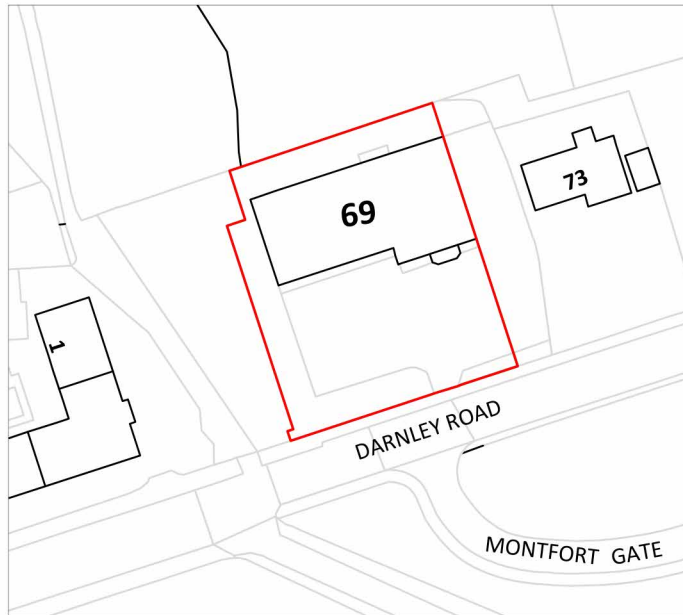
We have demonstrated throughout this statement that the proposal meets Policy D1, D7 and SG10, by providing sufficient parking, we have demonstrated the visibility splays are sufficient and demonstrated that large vehicles can in fact enter and exit the site in a forward gear, therefore the proposal complies. We have shown that the removal of trees will not be a significant loss to the character of the streetscape. It has been demonstrated that the proposal is small scale and would not have a detrimental impact on the town centre’s viability or vitality, therefore each policy’s requirements have been met.

PLANS/DRAWINGS

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LEGEND

— RED LINE DENOTES AREA OWNED BY APPLICANT WHICH IS PART OF THIS APPLICATION



LOCATION PLAN 1:1250



SCALE 1:1250

NOTE:
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PROJECT
Proposed change of use and internal alterations at
69 Darnley Road, Barrhead, G78 1TA

TITLE
Location plan

CLIENT
JM Real Estate Ltd

JOB NO.
2058

SCALE
1:1250@A4

STATUS
Planning

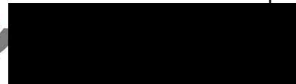
DRWG NO. REVISION
01

DRAWN BY CHECKED BY
SKC

DATE
Nov 2021

SKC ARCHITECTURE

0/2 24 MORLEY STREET
GLASGOW
G42 9JB





OPEN FIELD

SITE BOUNDARY

EXISTING BUILDING

BIN STORE AREA

73

NEW ENTRANCE TO UNIT 4

NEW ENTRANCE TO UNIT 3

NEW ENTRANCE TO UNIT 2

NEW ENTRANCE TO UNIT 1

1:12 ramp created for accessible entry for all customers

CAR PARKING

min. 2000 WIDE FOOTPATH

New 2m wide opening for footpath for pedestrian access

Dashed line denotes visibility splay at junction. It is 20m clear either side of junction

CAR PARKING ENTRANCE

Existing entrance to car park widened to create a clear visibility splay

Existing trees to be felled denoted by dashed line (T1-T7)

DARNLEY ROAD

DUBBS ROAD

MONTFORT GATE

CAR PARKING SPACE PROVISION

3 DISABLED CAR PARKING SPACES PROVIDED AND 20 CAR PARKING SPACES PROVIDED

RED LINE DENOTES AREA OWNED BY APPLICANT WHICH IS PART OF THIS APPLICATION

REV A: DEC 2021: TREES NOTED
REV B: DEC 2021: SITE PLAN EXPANDED TO INCLUDE 20m OF LAND WITHIN SITE

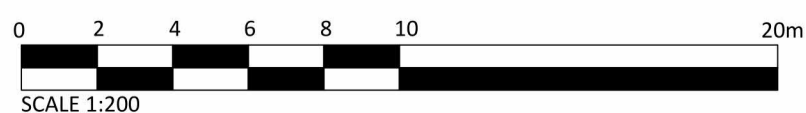
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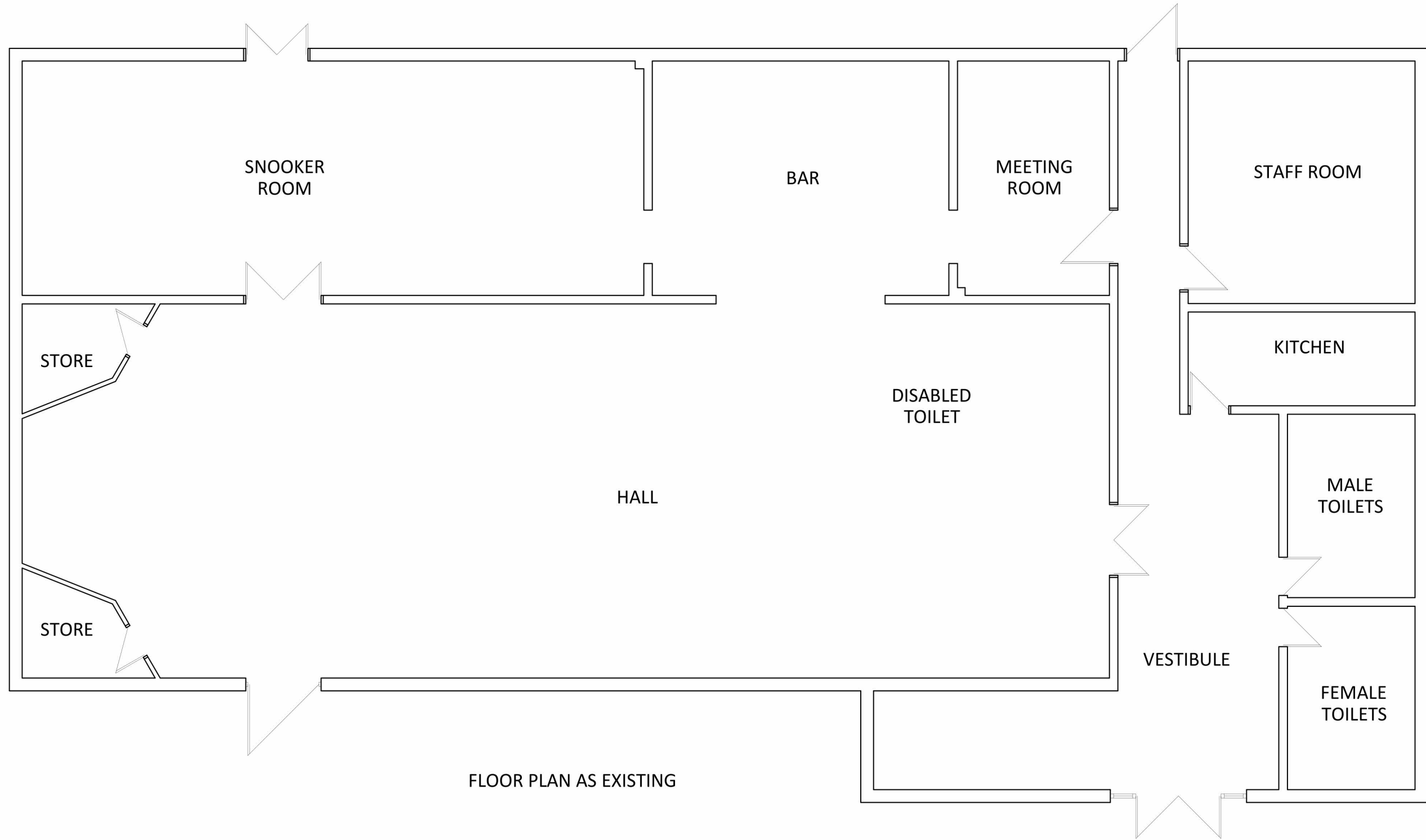
PROJECT
Proposed change of use and internal alterations at 69 Darnley Road, Barrhead, G78 1TA
TITLE
Proposed site plan
CLIENT
JM Real Estate Ltd

JOB NO.
2058
SCALE
1:200@A3
STATUS
Planning

DRWG NO.
02
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DATE
Nov 2021

SKC ARCHITECTURE
0/2 24 MORLEY STREET
GLASGOW
G42 9JB
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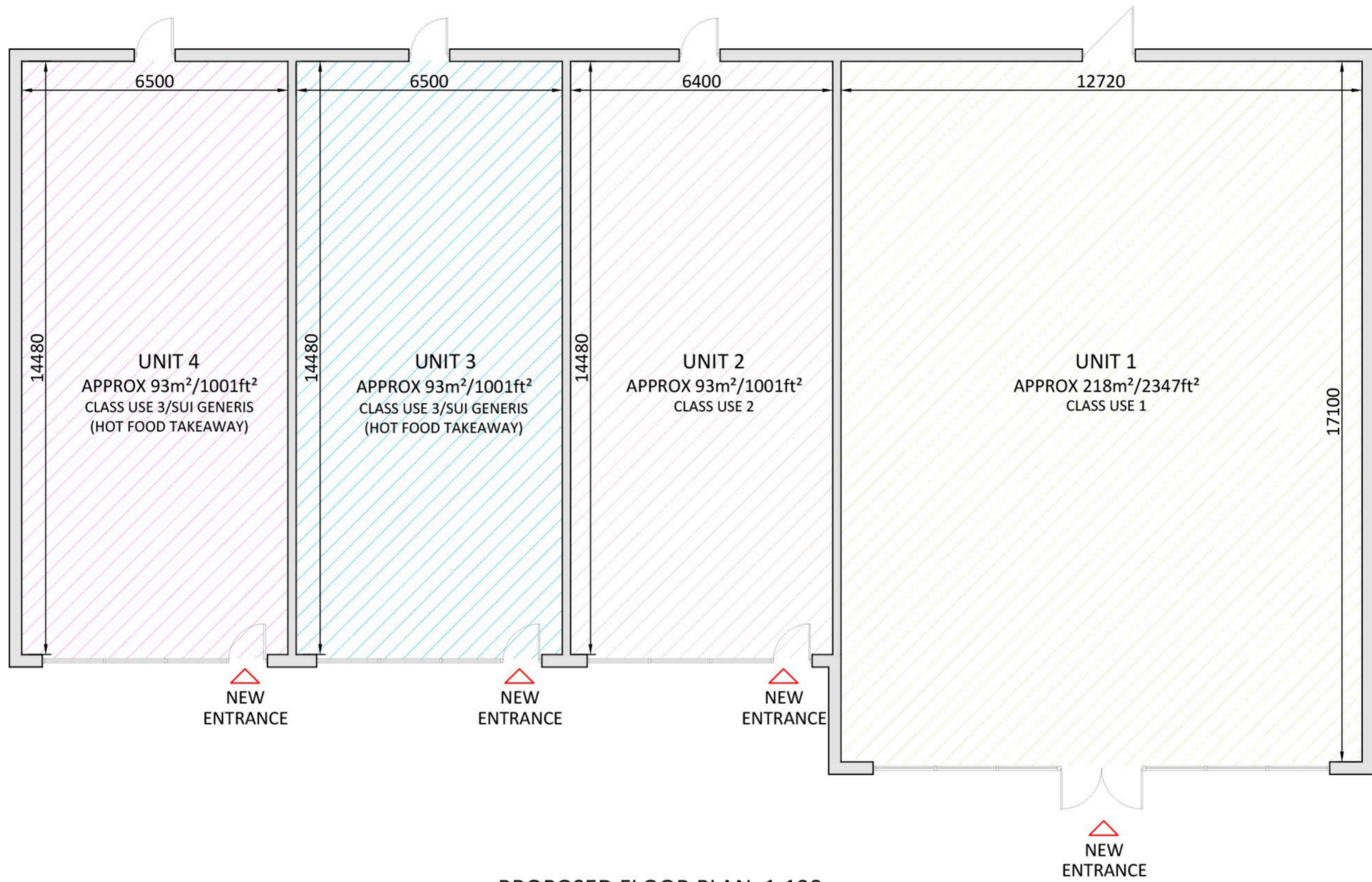
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 69 Darnley Road, Barrhead, G78 1TA
 TITLE
 Proposed site plan
 CLIENT
 JM Real Estate Ltd

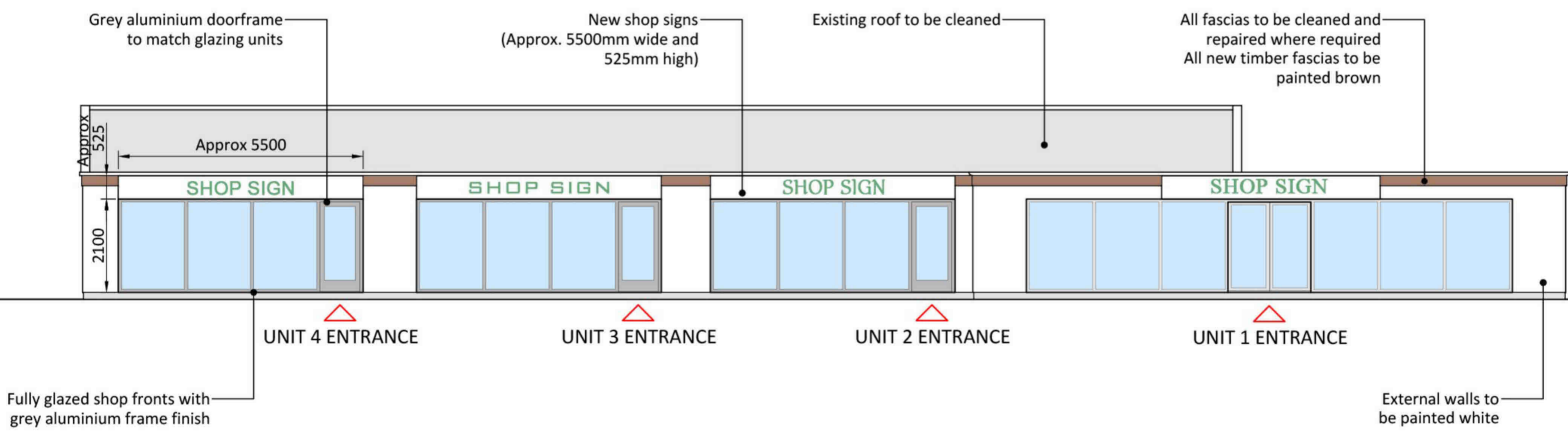
JOB NO.
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 SCALE
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 STATUS
 Planning

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 03
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 REVISION
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 DATE
 Nov 2021

SKC ARCHITECTURE
 0/2 24 MORLEY STREET
 GLASGOW



PROPOSED FLOOR PLAN 1:100



PROPOSED ELEVATIONS 1:100

UNIT AREA AND CLASS USE

UNIT 1 APPROX 218m²/2347ft² CLASS 1
 UNIT 2 APPROX 93m²/1001ft² CLASS 2
 UNIT 3 APPROX 94m²/1011ft² CLASS 3/SUI GENERIS
 UNIT 4 APPROX 94m²/1011ft² CLASS 3/SUI GENERIS

TOTAL INTERNAL RETAIL/BUSINESS/SALES AREA IS 499m²/5370ft²



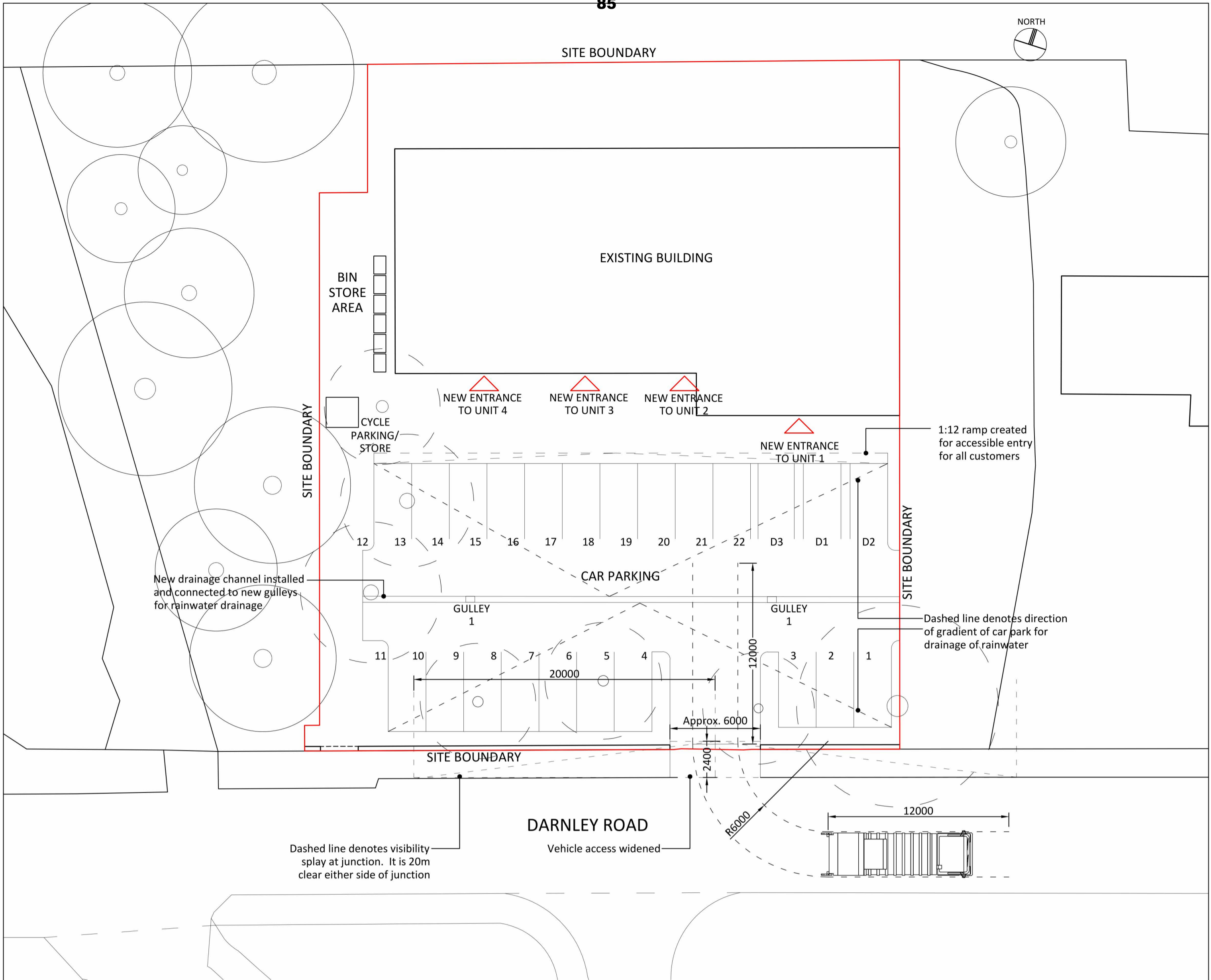
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PROJECT
Proposed change of use and internal alterations at 69 Darnley Road, Barrhead, G78 1TA
TITLE
Proposed floor plan and elevations
CLIENT
Zubair Malik

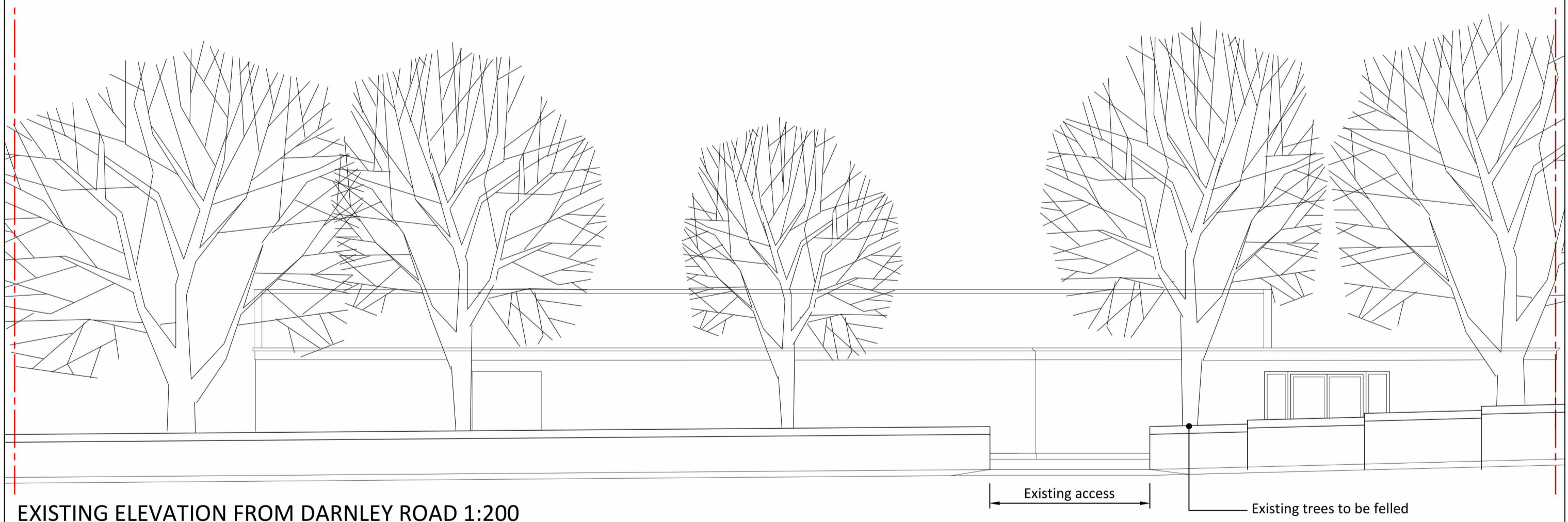
JOB NO.
2058
SCALE
1:100 @A2
STATUS
Planning

DRWG NO.
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DATE
Nov 2021

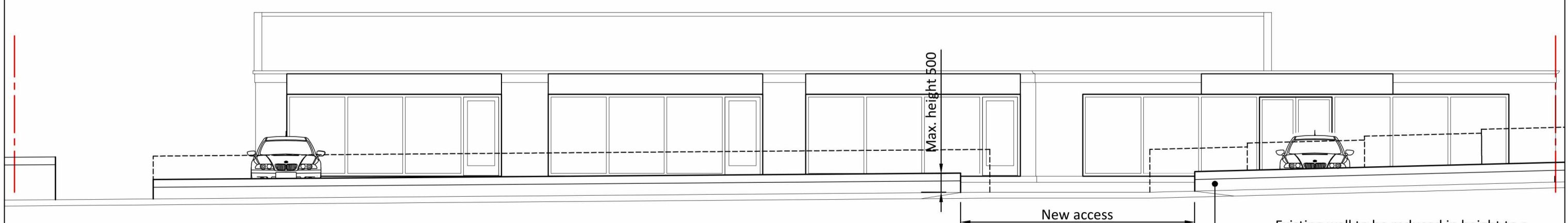




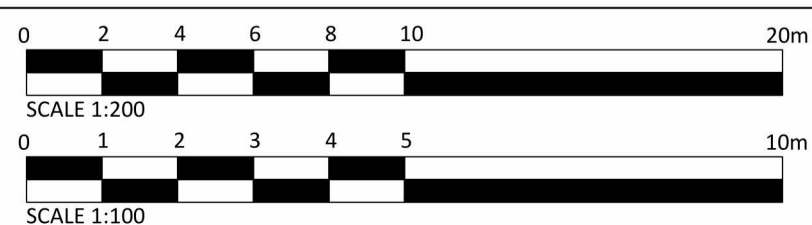
PROPOSED PARKING, SERVICE AND RAINWATER DRAINAGE PLAN 1:500



EXISTING ELEVATION FROM DARNLEY ROAD 1:200



EXISTING ELEVATION FROM DARNLEY ROAD 1:200



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PROJECT
Proposed change of use and internal alterations at 69 Darnley Road, Barrhead, G78 1TA

TITLE
Proposed parking, service access and rainwater drainage

CLIENT
JM Real Estate Ltd

JOB NO.
2058

SCALE
Various@A2

STATUS
Planning

DRWG NO.
05

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DATE
May 2022



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