

Report

Report to:	Cambuslang/Rutherglen Area Committee
Date of Meeting:	24/10/2006
Report by:	Executive Director (Enterprise Resources)

Application No	CR/06/0294
Planning Proposal:	Change of Use of Class 1 Retail Unit (Presently Under Construction) to a Restaurant/Ice Cream Parlour With Ancillary Take Away

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Peter Equi and Sons
- Location : Unit 2D, Drumsagard Hallside, Cambuslang

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission (Subject to Conditions) – Based on Conditions Attached

2.2 Other Actions/Notes

The Area Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: Andrew R. Hamilton
- ◆ Council Area/Ward: 62 Hallside
- ◆ Policy Reference(s): Cambuslang/Rutherglen Local Plan 2002
Policy RES9 – Residential Land Use
Policy COM10 – Hallside and Newton Neighbourhood Centres

South Lanarkshire Local Plan (Finalised Draft)
Policy RES6 – Residential Land Use Policy

Hallside Masterplan 1996

◆ Representation(s):

- ▶ 5 Objection Letters
- ▶ Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (North Division)

Planning Application Report

1 Application Site

- 1.1 The application site consists of the end unit of four retail units currently under construction at Hallside, Cambuslang. It is located at the corner of Hamilton Road and Hallside Boulevard. The site is relatively level but when compared to the neighbouring houses to the north and the existing Strathclyde Business Centre to the west, it commands an elevated position approximately 2.2 metres higher. This level difference is accommodated by a timber crib retaining structure. To the east is a Tesco Express store which is on a comparable level. A narrow line/hedgerow of semi “wild” trees/bushes exists parallel with Hamilton Road which forms the site’s southern boundary. Furthermore, a 1.8 metre high timber screen fence exists along the top of the slope at both the western and part of the northern boundary. This is a requirement of the original consent (CR/04/0013). The site has an existing access from the roundabout on Hallside Boulevard/Hamilton Road.

2 Proposal(s)

- 2.1 The applicants propose the change of use of a retail unit to a Restaurant/Ice Cream Parlour with ancillary Take Away. The unit will cover an area of approximately 200sq m and the restaurant will have capacity for 38 customers. A small area, with a waiting area accommodating 4 seats will be given over to an ancillary take away facility for people coming in off the street. Those customers purchasing ice cream will also use this area. The proposal is an amended version of a previously withdrawn application, following discussions with the Planning Authority. The previous application had only 34 spaces for restaurant customers and a bigger area for the take-away facility. 17 car parking spaces are available.

3 Background

3.1 Local Plan Status

In the Cambuslang/Rutherglen Local Plan 2002, the site falls within a Residential Land Use Policy (RES9) which states that all proposals must not have a detrimental impact on residential amenity. Policy RES6 of the South Lanarkshire Local Plan (Finalised Draft) has the same aims as Policy RES9 and is therefore also relevant. Policy COM10 of the adopted plan states that a neighbourhood/retail facility will be supported at Hallside. The 1996 Hallside Masterplan advised that provision should be made for a pub/restaurant facility in Hallside.

3.2 Relevant Government Advice

None relevant.

3.3 Planning Background

In June 2004 planning consent (CR/04/0013) was issued for the erection of 34 dwellinghouses, foodstore, commercial unit with first floor accommodation, access roads, parking, landscaping and land engineering/regarding operations at Hamilton Road, Drumsagard. This consent was issued to HJ Banks who in turn sold parts of the site to Tesco who have since opened their “Express” store and Bett Homes who are presently erecting the houses (consent CR/04/0395). A further consent approved the erection of four single storey commercial properties (CR/06/0007) as opposed to one bigger single unit with first floor accommodation. As stated in paragraph 2.1, an application was withdrawn for a restaurant/ice cream parlour (CR/06/0144) with a bigger take away area.

4 Consultation(s)

- 4.1 **Environmental Services** – advise that the premises should have a suitable ventilation system.

Response: Noted. This has been conditioned.

- 4.2 **Roads and Transportation Services** – no objections subject to no other restaurants/hot food shops which would require additional parking spaces.

Response: Noted. This can be controlled through the planning process.

5 **Representation(s)**

Following statutory neighbour notification and advertisement, 5 letters of representation have been received. The points raised are summarised as follows:

- (a) **The proposal will cause anti-social problems with youths hanging around outside the premises. This could cause serious disturbance for the residential properties adjacent and have a negative effect on residential amenity in general.**

Response: Anti-social behaviour is a matter for the Police. The Hallside Masterplan envisaged a pub/restaurant facility in the locality. The proposal relates well to and compliments the existing and proposed retail facilities.

- (b) **The premises will create an unpleasant smell and excessive noise from people congregating and deliveries to the unit.**

Response: A condition has been attached to ensure the provision of a suitable ventilation system. This will be closely monitored through consultation with Environmental Services. As regards noise, this is also a matter for Environmental Services.

- (c) **The proposal will increase the amount of litter and there are an inadequate amount of bins in the vicinity. Furthermore, the litter could attract vermin, especially if there is raw food.**

Response: As a condition of the consent, the applicant is required to provide litter bins outside the site. Any issue to do with excessive litter and vermin is a matter for Environmental Services.

- (d) **The area is designated for retail purposes. The area needs additional retail facilities over and above the existing Tesco store. The area is cut off for the elderly and mothers with children.**

Response: The original Hallside Masterplan of 1996 advised that a restaurant/pub facility should be provided in the area. There will still be 3 retail units, over and above Tesco, as part of the original consent.

- (e) **Granting a take-away would set a precedent. There are sufficient hot food facilities within Halfway.**

Response: The proposal is for a restaurant/ice cream parlour. The take-away element is a small part of the proposal. The planning system can control future hot food proposals.

- (f) **The plans have hardly changed from the original proposal.**

Response: The applicant has reduced the waiting area for take-aways and increased the number of seats in the restaurant. As a result, the facility to serve take-aways has been reduced.

- (g) The unit will have late opening hours and will encourage youngsters to congregate outside.**

Response: The opening hours of the restaurant have been limited, by condition, from 11am to 11pm and from 11am to 10pm for the take-away facility. These hours are similar to other such premises.

- (h) The take-away facility will attract people leaving licensed premises. This could create anti-social problems.**

Response: Anti-social behaviour is a matter for the Police.

- (i) The proposal will result in excessive traffic.**

Response: The Roads and Transportation Service are satisfied with both these proposals and the previous proposals.

- (j) The lighting associated with the development will illuminate residential properties and spoil the residential feeling of the neighbourhood.**

Response: The lighting in the car park and that associated with the proposal is satisfactory. This is monitored through a condition on the previous consent.

- (k) Deliveries will include raw food**

Response: This is not a planning issue and is a matter for Environmental Services.

- (l) The proposal contravenes a previous SLC stipulation that the units should be non-food retail units.**

Response: The Hallside Masterplan made provision for a restaurant/pub in the Drumsagard area. The proposal is in line with this requirement.

- (m) The licensed premises will attract late night drinking**

Response: This is a matter for the Licensing Board.

6 Assessment and Conclusions

- 6.1 The determining issue in this instance is the proposal's compliance with adopted and proposed local plan policy and the aims of the 1996 Hallside Masterplan.

- 6.2 Policy RES9 of the adopted Cambuslang/Rutherglen Local Plan and Policy RES6 of the South Lanarkshire Local Plan (Finalised Draft) advises that no proposal should have a detrimental impact on the residential amenity of the locality. This part of Hallside has always been identified for a pub/restaurant facility together with some retail provision. However, given the significant presence of residential dwellings in vicinity, any proposals should be such that they do not impinge negatively of these properties. As a result of this, a previous application was withdrawn at the request of the Planning Authority as it had a more significant take away facility within its design. The result is the current application which now has an increased seating area in the restaurant and a small, ancillary area given over to the take-away facility. This is to encourage the premises to predominantly run as a restaurant, as envisaged by the Masterplan. Furthermore, it reduces the potential for the take-away facility to dominate the premises. Whilst the overall area is zoned for residential land use, this does not preclude other forms of development. The location of the proposed development - within an area specifically set aside for commercial & retail uses - the level of activity likely to be generated by the use, and its proximity to the other existing and proposed retail developments, served by a vehicle access and parking area entirely separate from the neighbouring houses means that the proposal will not

have a significant negative impact on the residential amenity of the houses closest to the site. Neither will it have a significant adverse impact in traffic or road safety terms. This accords with the aims of Policy RES9 of the adopted plan and Policy RES6 of the proposed plan.

- 6.3 Whilst it is not a planning issue, it would be inappropriate to overlook the views of some of the residents of Hallside who have concerns about anti-social behaviour, litter and noise, that they see as being associated with the proposal. Therefore, conditions have been attached to the consent to limit the hours of opening of both the restaurant and the take-away facility, with the latter ending at 10pm. This should reduce the activity outside the premises late at night. A condition has also been attached to ensure that litter bins are provided in order to prevent excessive litter problems. The site will also be regularly monitored to ensure these bins are being used.
- 6.4 As a result of the above, I do not feel a refusal can be justified in this instance. The proposals are in keeping with both local and proposed local plan policy and it respects the aims of the 1996 Hallside Masterplan.

7 Reasons for Decision

- 7.1 The proposals are in keeping with both Policies RES9 and COM10 of the Cambuslang/Rutherglen Local Plan and Policy RES6 of the South Lanarkshire Local Plan (Finalised Draft).

Iain Urquhart
Executive Director (Enterprise Resources)

10th October 2006

Previous References

- ◆ CR/04/0013
- ◆ CR/04/0395
- ◆ CR/06/0007
- ◆ CR/06/0144

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Cambuslang/Rutherglen Local Plan 2002
- ▶ South Lanarkshire Local Plan (Finalised Draft) August 2006
- ▶ Hallside Masterplan 1996

- ▶ Consultations
 - Roads and Transportation 11/09/2006
 - Environmental Services 29/09/2006
- ▶ Representations

- Representation from : Mr Nairn McIntosh, 36 Maple Crescent
Cambuslang G72 7NN, DATED 11/09/2006
- Representation from : Elizabeth McPadden, 8 Rowan Court
Drumsagard Village
Cambuslang G72 7FX, DATED 11/09/2006
- Representation from : Elizabeth McPadden, 8 Rowan Court
Drumsagard Village
Cambuslang G72 7FX, DATED 01/01/2006
- Representation from : Elizabeth McPadden, 8 Rowan Court
Drumsagard Village
Cambuslang G72 7FX, DATED 12/09/2006
- Representation from : Andrew Gilluley, 4 Larch Close
Cambuslang G72 7BL, DATED 21/09/2006

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Iain Morton, Planning Officer, Royal Burgh House, 380 King Street, Rutherglen
Ext. 5138(Tel: 0141 613 5138)
E-mail: Enterprise.cam-ruth@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 The proprietor of the hot food takeaway shall supply receptacles for discarded food containers and wrappings to the satisfaction of the Council as Planning Authority.
- 4 All cooking smells, noxious fumes or vapours from the premises shall be disposed of by means of a mechanical ventilation system which is ducted to at least 1 metre above eaves level.
The ventilation system shall:
 - a) incorporate activated carbon filters;
 - b) be capable of achieving at least 20 air changes per hour in rooms where food preparation/cooking takes place;
 - c) be suitably isolated from the structure of the building and fan units positioned in a ducted system shall be suitably isolated from the ducting by means of flexible connections.
- 5 That the opening hours of the premises hereby granted consent shall be limited to between 11am and 11pm with no ancillary take-away after 10pm.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 To safeguard the amenity of the area.
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- 5 To safeguard the amenity of the area.

For information only

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