



Council Offices, Almada Street
Hamilton, ML3 0AA

Thursday, 17 January 2019

Dear Councillor

Planning Local Review Body

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

Date: Monday, 28 January 2019

Time: 10:30

Venue: Committee Room 5, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

Members are reminded to bring their fully charged tablets to the meeting

Yours sincerely

Lindsay Freeland
Chief Executive

Members

Alistair Fulton (Chair), Isobel Dorman (Depute Chair), Walter Brogan, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Richard Nelson, Graham Scott, David Shearer, Jim Wardhaugh

Substitutes

Alex Allison, John Bradley, Jackie Burns, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Martin Lennon, Katy Loudon, Kenny McCreary, Collette Stevenson

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

3 - 6

Minutes of the meeting of the Planning Local Review Body held on 27 August 2018 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

3	Review of Case - Application P/18/1104 for Change of Use of Existing Bank to Form Restaurant, Ancillary Hot Food Takeaway, Entrance Alterations on Ground Floor, Function Room on First Floor and Erection of Flue to Rear at 5 Greenlees Road, Cambuslang	7 - 10
	Report dated 8 January 2019 by the Executive Director (Finance and Corporate Resources). (Copy attached)	
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Urgent Business

4 Urgent Business

Any other items of business which the Chair decides are urgent.

For further information, please contact:-

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: pauline.macrae@southlanarkshire.gov.uk

PLANNING LOCAL REVIEW BODY (PLRB)

2

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 27 August 2018

Chair:

Councillor Alistair Fulton

Councillors Present:

Walter Brogan, Isobel Dorman (Depute), Fiona Dryburgh, Mark Horsham, Ann Le Blond, Richard Nelson, Graham Scott, Jim Wardhaugh

Councillor's Apology:

David Shearer

Attending:

Community and Enterprise Resources

G McCracken, Planning Adviser to the Planning Local Review Body

Finance and Corporate Resources

P MacRae, Administration Officer; K Moore, Legal Adviser to the Planning Local Review Body

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Local Review Body held on 30 July 2018 were submitted for approval as a correct record.

The PLRB decided: that the minutes be approved as a correct record.

3 Review of Case - Application P/18/0099 - Erection of 2 Houses Together with Formation of Vehicular Access and Erection of 5 Metres High Ball Stop Fence at Land at Mauldslie Road, Carluke

A report dated 31 July 2018 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of planning application P/18/0099 by P Doyle for the erection of 2 houses together with the formation of a vehicular access and the erection of a 5 metres high ball stop fence at land at Mauldslie Road, Carluke.

To assist the PLRB in its review, copies of the following information had been appended to the report:-

- ◆ planning application form
- ◆ responses from statutory consultees and representations received
- ◆ site photographs and location plan
- ◆ notice of review, including the applicant's statement of reasons for requiring the review
- ◆ further submissions from interested parties following notification of the request for the review of the case

As the application had not been determined by Planning Services (deemed refusal), no report of handling was available in respect of the application. To facilitate the review and comply with the statutory timescale, the Head of Administration and Legal Services, in consultation with the Chair, had asked for observations from Planning Services on the notice of review to be provided in advance of the meeting. The applicant had been given the opportunity to comment on those observations.

The observations from Planning Services and the comments from the applicant's agent had been appended to the report. The PLRB concluded that this information could be accepted on the basis that it provided information necessary to assess the case.

The relevant drawings in relation to the review were available for inspection prior to and at the meeting of the PLRB.

The PLRB heard:-

- ◆ the Planning Adviser on the background to the case
- ◆ the Legal Adviser on:-
 - ◆ the role of the PLRB which was to consider the application anew and on its own merits and assess it against the relevant policies
 - ◆ the applicant's request for a hearing, the rules which would apply if the PLRB considered that a hearing was appropriate and whether the PLRB should treat other similar applications as a precedent

On the basis of the above, the PLRB considered it had sufficient information to allow it to proceed to determine the review without the need for a hearing.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance (SG):-
 - ◆ Policy 3 – green belt and rural area
 - ◆ Policy 4 – development management and place making
 - ◆ Policy DM1 – design
 - ◆ Policy GBRA5 – development of gap sites
- ◆ the relevant policies contained in the Proposed South Lanarkshire Development Plan 2:-
 - ◆ Policy 4 – green belt and rural area
 - ◆ Policy 5 – development management and place making
 - ◆ Policy GBRA1 – rural design and development
 - ◆ Policy GBRA8 – development of gap sites

The Council's Residential Guide was also of relevance.

Following its review of the information, the PLRB concluded that the proposed development was contrary to Policy 3 of the Adopted South Lanarkshire Local Development Plan, and Policy GBRA5 of the Green Belt and Rural Area Supplementary Guidance. It also concluded that the mitigation measures necessary to protect the occupants of the proposed houses from stray balls from the golf course would be of such a scale as to both adversely affect the landscape character of the area and have an over bearing impact on the occupants of the proposed houses. The PLRB further concluded that there were no material considerations that warranted granting planning permission for planning application P/18/0099 contrary to the relevant policies.

The PLRB decided:

that planning application P/18/0099 by P Doyle for the erection of 2 houses together with the formation of vehicular access and the erection of a 5 metres high ball stop fence at land at Mauldslie Road, Carluke be refused for the reasons determined by the PLRB, attached as an appendix to this minute.

4 Urgent Business

There were no items of urgent business.

Appendix

Application Number P/18/0099

Erection of 2 houses together with formation of vehicular access and the erection of a 5 metres high ball stop fence at land at Mauldslie Road, Carluke

Reasons for Refusal

- 1) The proposal would constitute new residential development in the Greenbelt without appropriate justification and the site does not constitute a clearly identifiable infill gap site. The proposal would, therefore, be contrary to Policies 3 - Green Belt and Rural Area and GBRA 5 – Development of Gap Sites of the South Lanarkshire Local Development Plan (adopted 2015).
- 2) Without mitigation measures to stop errant golf balls from the adjacent golf course, the safety and residential amenity of the proposed dwellings is likely to be compromised and any structures erected to ensure the safety of the residents would require to be of such a scale so as to both adversely affect the landscape character of the area and have an over-bearing impact on the occupants of the dwellings.

Report

3

Report to:	Planning Local Review Body
Date of Meeting:	28 January 2019
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Review of Case – Application P/18/1104 for Change of Use of Existing Bank to Form Restaurant, Ancillary Hot Food Takeaway, Function Room on First Floor and Erection of Flue to Rear
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1. Purpose of Report

1.1. 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, on the following application:-

1.2. *Summary Application Information*

Application Type:	Detailed Planning Application
Applicant:	M Jawab
Proposal:	Change of Use of Existing Bank to Form Restaurant, Ancillary Hot Food Takeaway, Function Room on First Floor and Erection of Flue to the Rear
Location:	5 Greenlees Road, Cambuslang G72 8JB
Council Area/Ward:	13 Cambuslang West

1.3. *Reason for Requesting Review*

<input checked="" type="checkbox"/> Refusal of Application	<input type="checkbox"/> Conditions imposed	<input type="checkbox"/> Failure to give decision (deemed refusal)
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2. Recommendation(s)

2.1. The Planning Local Review Body is asked to:-

- (1) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (a) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied
 - (b) 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
- (2) in the event that further procedure is required to allow it to determine the review, consider:-
 - (a) 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

- (b) what procedure or combination of procedures are to be followed in determining the review

3. Background

- 3.1. The Council operates a Scheme of Delegation that enables Council officers to determine a range of planning applications without the need for them to be referred to Area Committees or the Planning Committee for a decision.
- 3.2. In terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, where an application for planning permission relates to a proposal that falls within the category of “local development” and has been or could have been determined under the Scheme of Delegation, the applicant is entitled to request that the determination be reviewed by the Planning Local Review Body.

4. Notice of Review – Statement of Reasons for Requiring the Review

- 4.1. In submitting their Notice of Review, the applicant has stated their reasons for requiring a review of the determination in respect of their application. **(Refer Appendix 5)**
- 4.2. The applicant is entitled to state a preference for procedure (or combination of procedures) to be followed and has indicated that their stated preference is as follows:-

<input type="checkbox"/>	Further written submissions	<input type="checkbox"/>	Site inspection
<input type="checkbox"/>	Hearing session(s)	<input checked="" type="checkbox"/>	Assessment of review documents only, with no further procedure

- 4.3. However, members will be aware that it is for the Planning Local Review Body to determine how a case is reviewed.

5. Information Available to Allow Review of Application

- 5.1. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. 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.
- 5.2. The following information is appended to this report to assist the Planning Local Review Body in its review of the decision taken by officers:-
- ◆ Planning Application Form **(Appendix 1)**
 - ◆ Report of Handling by the Planning Officer under the Scheme of Delegation **(Appendix 2)**
 - ◆ Site photographs and location plan **(Appendix 3)**
 - ◆ Decision notice **(Appendix 4)**
 - ◆ Notice of Review including statement of reasons for requiring the review **(Appendix 5)**

5.3. Copies of the following information are either attached or will be available for reference at the meeting of the Planning Local Review Body:-

- ◆ Relevant drawings (available for inspection within Administration Services prior to the meeting and available for reference at the meeting)

6. Notice of Review Consultation Process

6.1. A Statement of Observations from the Planning Officer on the Applicant's Notice of Review, was received in the course of the 14 day period from the date on which notification of the request for a review of the case was given. This is listed at and attached as **Appendix 6**.

6.2 The applicant had the opportunity to comment on the further representation received. Comments from the applicant's agent are contained in the submission attached as **Appendix 7**.

Paul Manning

Executive Director (Finance and Corporate Resources)

8 January 2019

Link(s) to Council Values/Ambitions/Objectives

- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities
- ◆ Accountable, effective, efficient and transparent

Previous References

None

List of Background Papers

- ◆ Guide to the Planning Local Review Body

Contact for Further Information

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

Pauline MacRae, Administration Officer

Ext: 4108 (Tel: 01698 454108)

E-mail: pauline.macrae@southlanarkshire.gov.uk

Appendix 1

3a

Planning Application Form



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.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 100082231-003

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 of existing bank to form restaurant with erection of flue to rear & change of entrance door to front

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:	David Jarvie		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	
Last Name: *	Jarvie	Building Number:	27
Telephone Number: *		Address 1 (Street): *	Aytoun Road
Extension Number:		Address 2:	Pollokshields
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G41 5HW
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Mohammed	Building Number:	5
Last Name: *	Jawab	Address 1 (Street): *	Greenlees Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Cambuslang
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G72 8JB
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

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)

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? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input style="width: 100px;" type="text" value="0"/>
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)? *	<input style="width: 100px;" type="text" value="0"/>
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).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *	
Note:- Please include details of SUDS arrangements on your plans Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	
Are you proposing to connect to the public water supply network? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, using a private water supply <input type="checkbox"/> 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).	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 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? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know	
<h2 style="margin: 0;">Trees</h2>	
Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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

waste store on ground floor

Residential Units Including Conversion

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

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

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

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

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

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

Class 3 Restaurant/cafe

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

145

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

Are you able to identify and give appropriate notice to ALL the other owners? *

☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or -

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

Date of Service of Notice: *

29/07/2018

Name:

Address:

Date of Service of Notice: *

29/07/2018

Name:

Address:

Date of Service of Notice: *

29/07/2018

Name:

Address:

Date of Service of Notice: *

29/07/2018

Name:

Address:

Date of Service of Notice: *

29/07/2018

Name:

Address:

Date of Service of Notice: *

29/07/2018

Name:

Address:

Date of Service of Notice: *

29/07/2018

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed:

David Jarvie

On behalf of:

Mr Mohammed Jawab

Date:

29/07/2018

☒ 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: Mr David Jarvie

Declaration Date: 29/07/2018

Appendix 2(a)

3b

Report of Handling

Report dated 14 September 2018 by the Council's Authorised Officer under the Scheme of Delegation

	Delegated Report	Reference no.	P/18/1104
		Date	14 September 2018

Planning proposal:	Change of use of existing bank to form restaurant, ancillary hot food takeaway, entrance alterations on ground floor, function room on first floor and erection of flue to rear
Location:	5 Greenlees Road Cambuslang Glasgow South Lanarkshire G72 8JA

Application Type : Detailed planning application

Applicant : Mr Mohammed Jawab

Location : 5 Greenlees Road
Cambuslang
Glasgow
South Lanarkshire
G72 8JA

Decision: Application refused

Report by: Area Manager (Planning & Building Standards)

Policy reference:

South Lanarkshire Local Development Plan

Policy 4 Development management and placemaking

Policy 8 Strategic and town centres

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM8 Hot food shops

Proposed South Lanarkshire Local Development Plan 2

Policy 5 Development Management and Placemaking

Policy 9 Network of Centres and Retailing

Policy DM9 Hot Food Shops

Assessment

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	Yes
Traffic issues?	No
Adheres to development plan policy?	No
Adverse comments from consultees?	No

Consultations

Environmental Services

Summary of response

Recommend that a decision on the application be deferred until a noise assessment is submitted to determine the impact of noise from the proposed development on nearby dwellings. They also require further details on the method of ventilation, details of storage and the collection of waste. The applicant has chosen not to submit a noise assessment, the full ventilation details or details of suitable storage and collection of waste.

Representation(s):

▶	13
▶	0
▶	0

Objection letters
Support letters
Comment letters

Planning Application Delegated Report

1 Application Site

- 1.1 The application site relates to a vacant commercial unit at 5 Greenlees Road in Cambuslang. The property was formerly occupied by a bank (TSB) and extends over the ground floor and first floor. A residential flat is then located on the floor above and residential flats are also located on either side of the property at this level. The site is located opposite the junction of Greenlees Road and Main Street, Cambuslang and a public house is located adjacent to the site. To the rear of the property there is a small communal courtyard containing a drying area and bin storage.

2 Proposal

- 2.1 The proposal extends over the ground and first floor. The submitted plans show that the ground floor would consist of a restaurant, kitchen server, preparation area and an accessible toilet. A function room, staff room ladies and gents toilets are proposed on the first floor. A flue is proposed on the rear elevation which would extend from the ground floor passing internally to the first floor, would exit through the staff room where it would be attached externally to the residential property above. The proposal also includes minor changes to the shop front by alterations to the door.
- 2.2 Planning Application P/18/0180 - Change of use of existing bank to form restaurant, hot food takeaway, entrance alterations on ground floor, function room on first floor and erection of flue to rear at this site was refused planning consent on 24 July 2018. It is noted that the only change from the previous plans is the removal of the text on the proposed ground floor plan identifying the takeaway waiting area. The supporting statement submitted relating to the current application has reduced the proposed takeaway element of the business to 10%. The previous application projected a ratio of 50% restaurant, 25% takeaway and 25% deliveries.

3 Local Plan Status

- 3.1 The South Lanarkshire Local Development Plan (2015) provides the development plan context for this application. In this instance Policy 4 - Development management and placemaking, Policy 8 - Strategic and town centres and Policy DM8 Hot food shops apply.
- 3.2 Policy 4 requires the Council to ensure that all development proposals have no significant adverse impact on adjacent buildings or the streetscape in terms of layout, scale, design, external materials and that noise and odours do not adversely impact on residential amenity. Policy 8 states that development proposals must also accord with other relevant policies within the development plan and supplementary guidance. In terms of Policy DM8, development proposals will not have a significant impact in terms of environmental, traffic, public safety and amenity considerations, in terms of noise, disturbance or smells, particularly in relation to residential properties above, adjacent or near to the site. The policy also states that in all cases the applicant shall demonstrate that they have control to implement any ventilation system that may be required. In addition, where a hot food shop is proposed on the ground floor and requires an external flue, there will be a presumption against this type of proposal unless evidence of agreement from all of the common owners is provided.
- 3.3 On 29th May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development

Plan 2 is now a material consideration. In this instance Policies 5, 9 and DM9 are relevant.

4.0 Representations

4.1 Statutory neighbour notification was undertaken in respect of this application and the proposal was advertised in the local press for bad neighbour development and non-notification of neighbours. Thirteen letters of objection were received as a result of this publicity. The contents of these objections are summarised below.

(a) **That an additional food establishment, hot food or fast food outlet is not required in Cambuslang as there is already too many of this type of unit and this will affect the viability of other such businesses in the surrounding area.**

Response: Policy 8 Strategic and Town Centres states that the Council will allow a mixture of uses compatible with their role as commercial and community focal points. The unit previously operated as Class 2 – Financial and Professional, however it is currently vacant. The Planning Service recognises the importance of the occupation of this prominent commercial unit, however the proposed use is not considered compatible with the surrounding residential units. Matters of potential business competition are not a material consideration in determining this application.

b) **That the proposal will have a detrimental impact on odours, drainage and parking, causing congestion on Greenlees Road and other surrounding streets.**

Response: Policy DM8 states that in all cases the applicant shall demonstrate that they have control to implement any ventilation system that may be required. Confirmation that the proposed ventilation system can be attached to the private property above has not been provided. There is no evidence that the proposal can be adequately ventilated and that the surrounding properties will not be impacted by increased odours. The drainage relating to the application site is not a material planning consideration. A Building Warrant application will be required which will assess any proposed changes to the drainage connections. In terms of parking, Roads and Transportation Services offered no objections to the previous planning application and as there were no significant changes to the current proposal, a further consultation was not required.

5 Assessment and Conclusions

5.1 The applicant seeks detailed planning consent for the change of use of an existing bank to form a restaurant with ancillary hot food takeaway and entrance alterations on the ground floor. A function room and toilet facilities are proposed on the first floor and an external flue is to be erected on the rear elevation. The applicant envisages that the proportion of the takeaway element of the business will be in the region of 10%.

5.2 The proposal requires assessment in terms of the relevant local plan policies. The primary consideration when assessing the proposal is the impact on the amenity of the surrounding residential properties. Policy 4 Development Management and Placemaking states that development proposals should have no significant adverse impacts on the local community and that there should be no significant adverse impact on adjacent buildings in terms of layout, scale, massing, design, external materials or amenity. The premises were previously occupied by a bank which did not impact on the amenity of the surrounding properties due to the nature of the operation and the opening hours. In contrast, the proposed change of use of the ground floor and the first floor of the premises would have a detrimental impact on the amenity of the residential property above. The applicant has not submitted amended opening hours from the previous application. The proposed opening hours of Sunday to Thursday 10am – 11pm and Saturday 10am – midnight will introduce an unacceptable level of disturbance to the neighbouring property. In this instance the applicant has chosen not to submit a noise assessment, therefore it

has not been demonstrated that there would be no impact on nearby dwellings. In addition, the proposal includes the installation of an external ventilation flue which would be located on the elevation of the residential property above and would be located in close proximity to the windows of the property. It is considered that the amenity of the property will be adversely affected by the location of the flue. The proposal is therefore not considered to comply with Policy 4 of the adopted South Lanarkshire Local Development Plan.

- 5.3 Policy DM8 Hot Food Shops states that within retail/commercial areas there will be a general presumption in favour of granting planning permission for hot food shops subject to compliance with certain criteria including that the proposal should not have a significant impact in terms of environmental, traffic, public safety and amenity considerations (for example noise, disturbance or smell), particularly in relation to residential properties above, adjacent or near to the site. The policy further states that in all cases, the applicant shall demonstrate that they have control to implement any ventilation system that may be required. The policy specifically states that if the hot food shop is proposed on the ground floor of flats there will be a presumption against the proposal unless ventilation arrangements including a rear flue terminating one metre above the eaves can be provided. Since the rear of the building is often in common ownership, evidence of agreement from all owners should be provided to demonstrate that permission is given for the erection of the flue along the elevation of the property and on the roof.
- 5.4 When the application was submitted the agent was asked to provide confirmation that the applicant had the legal right to install the flue at the rear and on the roof of the property. The applicant has stated that consent from owners is not required as this is not a planning matter but a legal matter, however, Policy DM8 clearly sets out this requirement. Environmental Services requested a noise assessment, ventilation details and waste storage details to evaluate the impact on the surrounding properties. This request was forwarded to the agent, however, this information has not been submitted, and therefore the Environmental Services assessment cannot be completed. The proposed flue is attached to a residential property above the application site and an agreement from the owner of this property has not been submitted. The applicant has not demonstrated that they have control to implement the proposed ventilation system therefore the proposal is contrary to Policy DM8.
- 5.5 The rear courtyard of the building is communally accessed by the adjoining residents and businesses and contains a small drying area and domestic bin storage. The introduction of commercial waste and increased access to this courtyard is considered to have a detrimental impact on the amenity of this area and the existing residents. Any storage of the waste disposal bins at the front of the property would have a detrimental visual impact on the streetscape at this prominent location in Cambuslang.
- 5.6 Policy 8 Strategic and Town centres is also relevant. This policy states that within strategic and town centres the Council will allow a mixture of uses compatible with their role as commercial and community focal points. It further states that development proposals must also accord with other relevant policies and proposals in the appropriate supplementary guidance. The Council welcomes the principle of reusing vacant premises such as this which are located on a prominent frontage in the town centre, however, in this particular case it is considered the proposal would have an adverse impact on the residential amenity of the adjacent properties and as such does not comply with Policies 4 and DM8. The proposal is therefore contrary to Policy 8.
- 5.7 The planning application has been assessed in relation to Policies 5, 9 and DM9 of the Proposed South Lanarkshire Development Plan 2. In particular Policy DM9, Hot Food Shops states that proposals should not have a significant impact in terms of environmental, traffic, public safety and amenity considerations regarding noise,

disturbance or smell, particularly in relation to residential properties above, adjacent or near to the site. The application is considered to have a significant detrimental on the amenity of the surrounding residential properties and as such, the proposal does not comply with the proposed development plan.

- 5.8 In conclusion, although the Planning Service recognises the importance of the occupation of this prominent commercial unit, this Service cannot support the proposed operations in this change of use application. The unit extends over two floors within a traditional sandstone terrace with commercial units to each side on the ground floor and residential units surrounding above. The unit is currently vacant; however, the previous use of the unit was as a bank. It is considered that the proposed use as a restaurant, ancillary hot food takeaway and function room will introduce a significant increase of noise and disturbance to the surrounding residential units. The late night opening and use of a function room below a residential property is considered to have a significant detrimental impact on the residential amenity. The applicant has not submitted the information required by Environmental Services or ownership agreements. It is therefore considered that the application for the change of use should be refused. Planning Application P/18/0180 was refused for the site on 24th July 2018 and the only change to this application is the removal of the text identifying the takeaway waiting area. There are no significant differences from the previously refused application which would warrant approval of the current application.

6 Reasons for refusal

- 6.1 The proposal is contrary to Policies 4 and 8 and of the South Lanarkshire Local Development Plan (2015) and Policy DM8 Hot Food Shops of the Development Management, Place Making and Design Supplementary Guidance. The proposal is also contrary to Policy 5, 9 and DM9 of the Proposed South Lanarkshire Development Plan 2.

Delegating officer: G Rae

Date: 14 September

Previous references

- ◆ P/18/0180

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 06.08.2018

▶ Consultations

Environmental Services	23.08.2018
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▶ Representations

Swarnjit Rainth, 0/1, 4 Bellisle Street, Govanhill, Glasgow, G42	Dated: 24.08.2018
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Roma George, 2/3, 61 Westmoreland Street, Glasgow, G42 8LJ	Dated:
--	--------

	24.08.2018
Santokh Singh, 37 Albert Drive, Glasgow	Dated: 24.08.2018
Taimur Malik, 260 Aitkenhead Road, Glasgow	Dated: 24.08.2018
Aqib Shahzad, 21 Dumbreck Road, Glasgow, G41 5LJ	Dated: 24.08.2018
Sajid Hussain, 120 Kirkcaldy Road, Maxwell Park, Glasgow, G41 4LF	Dated: 24.08.2018
Aman Singh, 2/1, 77 Barrland Street, Glasgow, G41 1RH	Dated: 24.08.2018
Jaspreet Kaur, 0/1, 91 Batson Street, Govanhill, G42	Dated: 24.08.2018
L S Memmi, 30 Melville Street, Pollokshields, Glasgow, G41 2JT	Dated: 24.08.2018
M J Ashworth, Madras Cottage, 21 Station Road, Blantyre, G72 9AB	Dated: 24.08.2018
Iqbal Mohammed, Madras Cottage, 21 Station Road, Blantyre, G72 9AB	Dated: 24.08.2018
Mrs Jean Austin, 96 Main Street, Cambuslang, Glasgow, South Lanarkshire, G72 7EJ	Dated: 22.08.2018
Mr John Kerr, 1-1, 9 Greenlees Road, Cambuslang, G72 8JB	Dated: 22.08.2018

Contact for further information

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

Evelyn-Ann Wilson,
Planning Officer,
Montrose House,
154 Montrose Crescent,
Hamilton,
ML3 6LB
Phone: 01698 455059
Email: evelyn-ann.wilson@southlanarkshire.gov.uk

Planning Application

Application number: P/18/1104

Reasons for refusal

01. The proposal is contrary to criteria (i) and (ii) of Policy 4 Development Management and Place Making of the adopted South Lanarkshire Local Development Plan in that it would have a significant adverse impact on the amenity of the adjacent residential dwellings.
02. The proposal is contrary to Policy DM8 Hot Food Shops of the adopted South Lanarkshire Local Development Plan in that it represents a form of development that would have an adverse impact on the amenity of the surrounding residential properties and the applicant has failed to demonstrate the control to implement the proposed ventilation system.
03. The proposal is contrary to Policy 8 Strategic and Town Centres of the adopted South Lanarkshire Local Development Plan as it does not comply with Policy 4 Development Management or with the Development Management Place Making and Design Supplementary Guidance - Policy DM8 Hot Food Shops.
04. The proposal is contrary to criteria (1) and (2) of Policy 5 Development Management and Place Making of the Proposed South Lanarkshire Local Development Plan 2 in that it would have a significant adverse impact on the amenity of the adjacent residential dwellings.
05. The proposal is contrary to Policy DM9 Hot Food Shops of the Proposed South Lanarkshire Local Development Plan 2 in that it represents a form of development that would have an adverse impact on the amenity of the surrounding residential properties and the applicant has failed to demonstrate the control to implement the proposed ventilation system.
06. The proposal is contrary to Policy 9 Network of Centres and Retailing of the Proposed South Lanarkshire Local Development Plan 2 as it does not comply with Policy 5 Development Management or with the Development Management Place Making and Design Supplementary Guidance - Policy DM9 Hot Food Shops.

Reason(s) for decision

The proposal is contrary to Policies 4 and 8 and of the South Lanarkshire Local Development Plan (2015) and Policy DM8 Hot Food Shops of the Development Management, Place Making and Design Supplementary Guidance. The proposal is also contrary to Policy 5, 9 and DM9 of the Proposed South Lanarkshire Development Plan 2.

Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
SITE PLAN	1	Refused
25160/1 EXISTING GROUND FLOOR	1	Refused
25160/11 PROPOSED	1	Refused

SIDE ELEVATION

25160/2 EXISTING FIRST FLOOR	1	Refused
25160/3B PROPOSED GROUND FLOOR	1	Refused
25160/4 PROPOSED FIRST FLOOR	1	Refused
25160/5 EXISTING SHOPFRONT AND REAR ELEVATIONS	1	Refused
25160/6 PROPOSED SHOPFRONT AND REAR ELEVATION	1	Refused

02. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Appendix 2(b)

3c

Consultation Responses

- ◆ Response from Environmental Services

To: Planning & Building Standards Services Our Ref. AXD/379691
Your Ref. P/18/1104
If Calling Ask for Alan Dickson
Phone
Date.

CC:
From: Alan Dickson

Subject: Application Ref: **P/18/1104**
Address: **5 Greenlees Road**
 Cambuslang
 Glasgow
 G72 8JA
Proposed Development: **see text**

I refer to the above planning application consultation and would comment as follows;

I have no objections to the proposal subject to the following conditions;

Noise 05A. The applicant shall undertake a noise assessment to determine the impact of noise from the proposed development on nearby dwellings and any noise sensitive premises using the principles set out in British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound, or by a method agreed by the Planning Authority. The assessment shall be submitted to and approved by the Planning Authority and shall identify the predicted Rating Level and measured Statistical Average Background Noise Level at nearby dwellings and noise sensitive premises. Where the Level of Significance as described within the Scottish Government Document: Technical Advice Note Assessment of Noise, identifies changes in noise as moderate or greater (assessed with windows open), a scheme for protecting the proposed dwelling(s) from industrial / commercial noise shall be submitted to, and approved by, the Planning Authority. The approved scheme for the mitigation of noise shall be implemented prior to the development being brought into use and where appropriate, shall be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

The Background Noise Level for the most sensitive period that the source could operate should be used for this assessment. Any survey submitted should assess the noise effects of commercial vehicle deliveries on adjacent dwellings and noise-sensitive premises.

Noise 07A. Ventilation System – Efficiency – Noise – Vibration

Before the (development type) is brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Council as Planning Authority. The proposed development shall not be brought into use until the ventilation systems are operational in accordance with the approved details.

All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.

The ventilation system shall:

- a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary.
- b) Be constructed by employing best practical means to minimise noise and vibration transmission via plant and the building structure.
- c) Noise associated with the business shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.

W1. Commercial Waste Control

Details for the storage and the collection of waste arising from the proposed development shall be submitted to, and approved in writing by the Planning Authority. The agreed details shall be in place prior to the development being brought into use and thereafter be satisfactorily maintained.

Regulation EC 852/2004 requires that "Food waste, non-edible by-products and other refuse are to be removed from rooms where food is present as quickly as possible, so as to avoid their accumulation." On that basis it is strongly recommended that any food waste stored inside the premises be removed on a daily basis.

I would also request that if the application is approved, then the following advisory notes are attached to the decision notice for the applicant's information

ADV NOTE 1. All Non-Domestic Food Preparation & Sales Areas: Food Safety Act 1990

The applicant is advised that, as the premises will be used for the preparation, sale or consumption of food, the Food Safety Act 1990 and Regulations made there under will apply. The applicant is advised to contact Environmental Services at an early stage of the project, to ensure compliance with current legislation, so that difficulties do not arise when the development is operational.

Environmental Services, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB.

ADV NOTE 2. Noise: Construction and Demolition (BS 5228)

The applicant is advised that all works carried out on site must be carried out in accordance with the current BS5228, 'Noise control on construction and open sites'.

The applicant is further advised that audible construction activities should be limited to, Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday – No audible activity. The applicant is advised that Environmental Services may consider formally imposing these hours of operation by way of statutory notice should complaints be received relating to audible construction activity outwith these recommended hours and should such complaints may be justified by Officers from this Service.

Further details of this may be obtained from South Lanarkshire Council, Environmental Services, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB.

ADV NOTE 3. Formal action may be taken if nuisance occurs.

None of the above conditions will preclude formal action being taken by the Executive Director of Community Resources against the person responsible for any nuisance which may arise due to the operation of the proposed development.

ADV NOTE 4. Intervening Ventilated Space at WC

It is recommended that an intervening space is provided between the disabled toilet on the ground floor of the premises, and the restaurant. Should this not be possible, extract ventilation in the WC should be capable of creating a negative air pressure relative to the eating area, ie- air should flow from the eating area to the WC. Extraction ventilation should be connected to the light fitting and set to run for 20 minutes after the light is switched off. Finally, where possible, it is recommended that the WC door be fitted with a self-closing device.

Should you require any further information, please contact Alan Dickson

Alan Dickson
Environmental Health Officer

Appendix 2(c)

3d

Representations

Representation From	Dated
♦ John Kerr, 1/1, 9 Greenlees Road, Cambuslang G72 8JB	02/8/18
♦ Sajid Hussain, 120 Kirkcaldy Road, Glasgow G41 4LF	15/8/18
♦ Jaspreet Kaur, 0/1, 91 Batson Street, Glasgow G42 7EG	16/8/18
♦ Taimur Malik, 260 Aitkehead Road, Glasgow G42 0QJ	16/8/18
♦ L S Mehmi, 30 Melville Street, Pollockshields, Glasgow G41 2JT	16/8/18
♦ Swarnjiit Rainth, 0/1, 4 Bellisle Street, Glasgow G42 8HJ	16/8/18
♦ M J Ashworth, Madras Cottage, 21 Station Road, Blantyre G71 9AB	17/8/18
♦ Aman Singh, 2/1, 77 Barrland Street, Glasgow G41 1RH	17/8/18
♦ Iqbal Mohammed, Madras Cottage, 21 Station Road, Blantyre G71 9AB	17/8/18
♦ Aquib Shahzad, 21 Dumbreck Road, Glasgow G41 5LJ	18/8/18
♦ George Roma, 2/3, 61 Westmoreland Street, Glasgow G42 8L	18/8/18
♦ Santokh Singh, 37 Albert Drive, Glasgow G41 2PE	18/8/18
♦ Jean Austin, by email	21/8/18

Notes customer objects to fast food resteraunt opening in his street**JavaScript enabled browser required.**

[Corporate

Time ZoneTime

Zone V]

**** Service Request Attribute Details

Source : Service Request 6706572

Created by : CRAIGENSC

Created on : 02-Aug-2018 09:10:08

Incident Address

Address : 1-1, 9, Greenlees Road;Cambuslang

City : Glasgow

State : United Kingdom

Postal Code : G72 8JB

Country : GB

**** Service Request Attribute Details

Source : Service Request 6706572

Created by : CRAIGENSC

Created on : 02-Aug-2018 09:10:08

Office SR Logged At * = Customer Service Centre

Call Type * = Service Request

Consent to Telephone = No

Consent to Text = No

Consent to Email = No

Consent to Letter = Yes

Site Address * = see notes

Application Number * = see notes

Area Office * = East Kilbride

CSC Reason for WQ = Other

**** Party Details

Source : Service Request 6706572

Created by : CRAIGENSC

Created on : 02-Aug-2018 09:10:08

Customer Details:

Name: Mr. John Kerr

Party Number: 560405

Main Address: 1-1, 9, Greenlees Road Cambuslang, Glasgow, G72 8JB

Main Tel: 44--no number

**** General Note

Source : Service Request 6706572

Created by : SYSADMIN

Created on : 02-Aug-2018 09:10:08

Following SLA values have been set:

Respond By date: 03-AUG-2018 09:10:08

Resolution By date: 23-AUG-2018 09:10:08

**** CSC Customer - Initial

Source : Service Request 6706572

Created by : CRAIGENSC

Created on : 02-Aug-2018 09:10:08

customer objects to fast food shop opening in his street it is down the stair from customer it used to be the TSB bank and is now going to be a fast food place, he would like to object as there is enough fast food places in this area.

**** CSC Officer

Source : Service Request 6706572

Created by : CRAIGENSC

Created on : 02-Aug-2018 09:11:56

customer would like to be contacted by letter for this enquiry and advised what action will be taken with his objection.

PreferencesClose Window

Privacy Statement

Copyright (c) 2006, Oracle. All rights reserved.

Pls/drop - ack

Director of Building
Control and Planning
Hamilton

Dear Sir/Madam

One of my friends have told me
someone applied for Hot Food Restaurant
at T.S.B Bank, Cambuslang. I am not in
favour of the planning permission. The
permission should not be granted.

Yours Truly

Dated: 15/08/2018



SATID HOSSAIN
120 KIRKCADY ROAD
MAXWELL PARK
GLASGOW
G41 4LF

11/8/1104-ack

Jaspreet Kaur
0/1, 91 Batson Street
Govanhill
G42

16/8/18

Director Of Planning Department
South Lanarkshire Council
Hamilton
ML3 0AA

TAKEAWAY - 5 GREENLEES RD, G72 8JB - P/18/01104

Dear Director Of Planning

Recently it has come to be attention that someone is trying to open a Takeaway at the old Bank Premises. We do not need more takeaways.

Our business is barely surviving, and with this opening up it will close down my business.

Permission should be declined and we should save our local



P18/1104 ack

OBJECTION LETTER

16/8/18

PLANNING DEPARTMENT
SOUTH LANARKSHIRE COUNCIL
ALMADA STREET
ML3 0AA

HOT FOOD APPLICATION – P1801104
TSB BANK, 5 GREENLEES ROAD, CAMBUSLANG, G72 8JB

Dear Sir or Madam:

PLEASE REGISTER OUR FORMAL OBJECTION.

AN APPLICATION HAS BEEN SUBMITTED TO CHANGE THE USE OF THE
BANK INTO A RESTAURANT.

WE DO NOT THINK A FOOD ESTABLISHMENT WILL WORK OR IS NEEDED
HERE. TOO MANY NEARBY.

YOURS FAITHFULLY



ADDRESS

260 AIKENHEAD ROAD

GLASGOW

P118/1104 -ack

OBJECTION LETTER

16/8/18

PLANNING DEPARTMENT
SOUTH LANARKSHIRE COUNCIL
ALMADA STREET
ML3 0AA

HOT FOOD APPLICATION – P1801104
TSB BANK, 5 GREENLEES ROAD, CAMBUSLANG, G72 8JB

Dear Sir or Madam:

PLEASE REGISTER OUR FORMAL OBJECTION.

AN APPLICATION HAS BEEN SUBMITTED TO CHANGE THE USE OF THE
BANK INTO A RESTAURANT.

WE DO NOT THINK A FOOD ESTABLISHMENT WILL WORK OR IS NEEDED
HERE. TOO MANY NEARBY.

YOURS FAITHFULLY



ADDRESS



30 MELVILLE ST
POLLAKSHIELDS
GLASGOW G41 2JT

P1801104 - adc.

OBJECTION LETTER

16/8/18

PLANNING DEPARTMENT
SOUTH LANARKSHIRE COUNCIL
ALMADA STREET
ML3 0AA

HOT FOOD APPLICATION - P1801104
TSB BANK, 5 GREENLEES ROAD, CAMBUSLANG, G72 8JB

Dear Sir or Madam:

PLEASE REGISTER OUR FORMAL OBJECTION.

AN APPLICATION HAS BEEN SUBMITTED TO CHANGE THE USE OF THE
BANK INTO A RESTAURANT.

WE DO NOT THINK A FOOD ESTABLISHMENT WILL WORK OR IS NEEDED
HERE. TOO MANY NEARBY.

YOURS FAITHFULLY

NAME:

SWARNJIT RAINTH

ADDRESS

0/1

4 BECKIE ST

GLASGOW

G42



P/18/1104 - ack Madras cottage

2/ Station Road

Blantyre

G729ab

17082018

Planning officer
East Kil Bridge and Hamilton

Dear Sir/Madam

Somebody applied for Restaurant in
Cambuslang Tsbank, we have hot food take away at
2/ station Road Blantyre, if Restaurant is opened
at cambuslang we will loose Buisness, so,
Permission should not be granted,

yours, sincerely



Aman Singh
2/1
77 Barrland Street
Glasgow
G41 1RH

pl 18/11/04 - ack

Planning Department
South Lanarkshire Council
Hamilton
ML3 0AA

OBJECTION - HOT FOOD TAKEAWAY
5 GREENLEES RD, G72 8JB

Dear Planning Officer,

I wish to object to the above proposal. I have commercial interest in the area, as I own other properties close to this shop. There is no need for any more fast food units in Cambuslang.

Please recommend for refusal.

Yours Sincerely



Aman Singh/

17/8/18


Madras cottage
2/ Station Road
Blantyre
G799ab
17082018

Planning officer
East Kil Bridge and hamilton

Dear Sir/Madam

Somebody applied for Restaurant in
Cambuslang Tsbank, we have hot food take away at
2/ station Road Blantyre, if Restaurant is opened
at cambuslang we will loose Buisness, so,
Permission should not be granted,

yours, sincerely



P/18/1104 ack

GEORGE ROMA

2/3

61 Westman Road SE

942 8LJ

18/8/18

Head of Planning Dept
South Lanarkshire Planning Office
Hamilton
ML3 0AA

CHINESE TAKEAWAY - 5 GREENLEES ROAD, CAMBUSLANG, G72 8JB

We do not want any more Chinese Takeaways or Indian Takeaways in
Cambuslang!

Application should be Refused!

Thanks



Pl18/1104 - Azk ✓

SANTOKH SINGH
37 ALBERT DRIVE
GLASGOW

18/8/18

Head of Planning Dept
South Lanarkshire Planning Office
Hamilton
ML3 0AA

CHINESE TAKEAWAY - 5 GREENLEES ROAD, CAMBUSLANG, G72 8JB

We do not want any more Chinese Takeaways or Indian Takeaways in
Cambuslang!

Application should be Refused!

Thanks



From: [REDACTED]
To: [Planning](#)
Subject: P/18/1104
Date: 21 August 2018 21:20:13

Evelyn
Iam sending a email regarding
The above application p/18/1104
I object to this
My reason is
Odours
Drainage
No parking (causing obstruction on greenless road and other streets near)
Cambuslang already has too many food takaways
Kind regards
Mrs jean austin
Pandoras box

[Sent from Yahoo Mail on Android](#)

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Appendix 3

3e

Site photographs and location plan

Photo 1



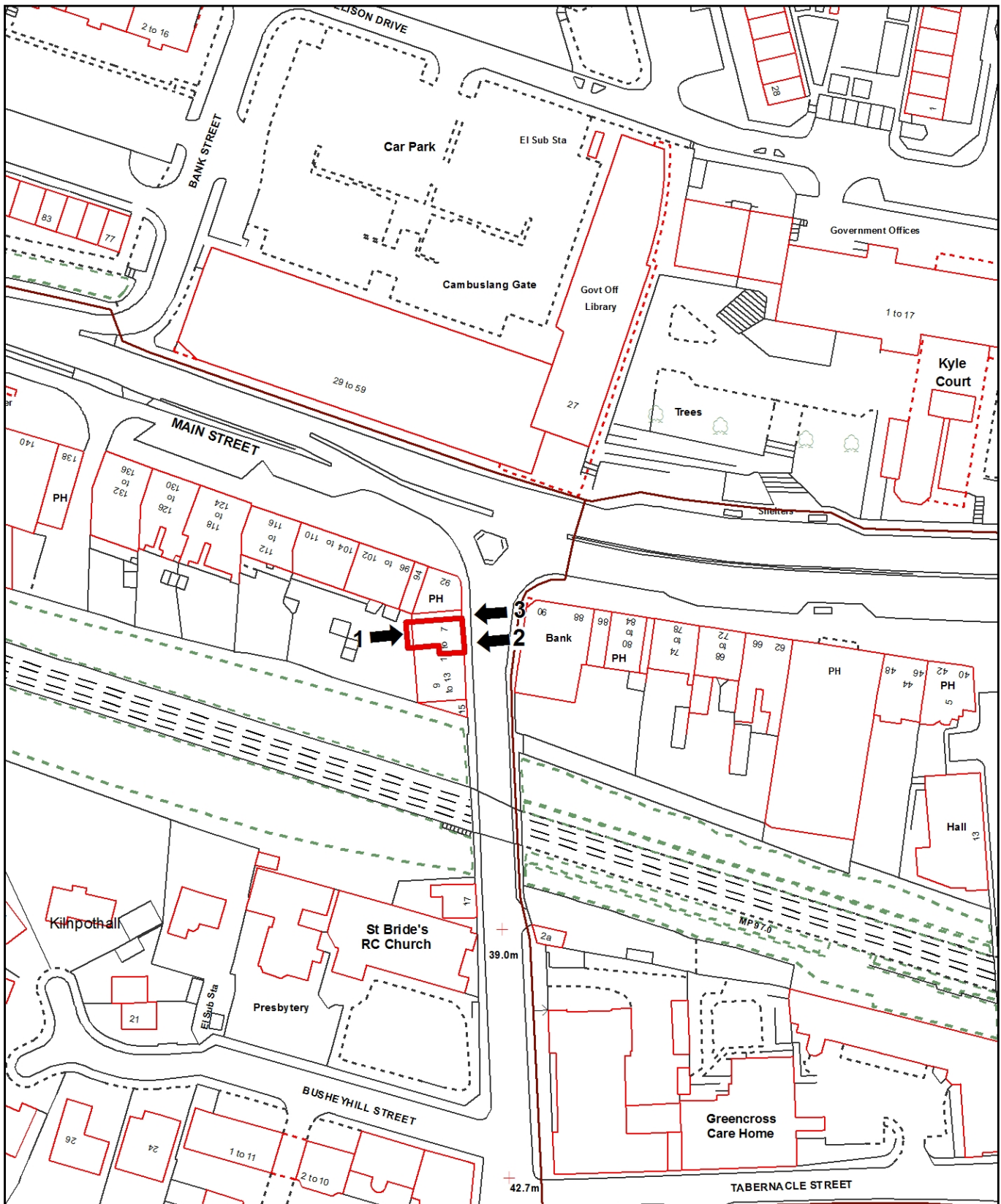
Photo 2



Photo 3



Planning Review PLRB/NOR/CR/18/001
5 Greenlees Road, Cambuslang



This map indicates from where photographs were taken



Application site

Photograph viewpoints

Community and Enterprise Resources
Planning and Economic Development



Scale: 1:1,250

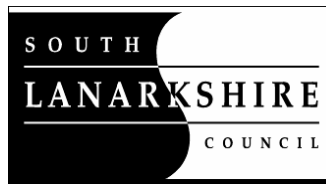
Date:

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Appendix 4

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Planning Decision Notice and Reasons for Refusal



Community and Enterprise Resources
Executive Director **Michael McGlynn**
Planning and Economic Development

David Jarvie
27 Aytoun Road
Pollokshields
Glasgow
G41 5HW

Our Ref: P/18/1104
Your Ref:
If calling ask for: Evelyn-Ann Wilson
Date: 17 September 2018

Dear Sir/Madam

Proposal: Change of use of existing bank to form restaurant, ancillary hot food takeaway, entrance alterations on ground floor, function room on first floor and erection of flue to rear
Site address: 5 Greenlees Road, Cambuslang, Glasgow, South Lanarkshire, G72 8JA,
Application no: P/18/1104

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at www.southlanarkshire.gov.uk

If you require a hard copy of the refused plans, please contact us quoting the application number at planning@southlanarkshire.gov.uk.

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Evelyn-Ann Wilson on 01698 455059

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtgmy6>

If you were the agent: <http://tinyurl.com/od26p6g>

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Email evelyn-ann.wilson@southlanarkshire.gov.uk Phone: 01698 455059



We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015, selecting option 7, quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

Head of Planning and Economic Development

Enc:

Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

To: **Mr Mohammed Jawab**
5 Greenlees Road,
Cambuslang, G72 8JB,

Per: **David Jarvie**
27 Aytoun Road,
Pollokshields, Glasgow,
G41 5HW,

With reference to your application received on **30.07.2018** for planning permission under the above mentioned Act:

Description of proposed development:

Change of use of existing bank to form restaurant, ancillary hot food takeaway, entrance alterations on ground floor, function room on first floor and erection of flue to rear

Site location:

5 Greenlees Road, Cambuslang, Glasgow, South Lanarkshire, G72 8JA,

SOUTH LANARKSHIRE COUNCIL in exercise of their powers under the above mentioned Act hereby:

REFUSE PLANNING PERMISSION

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

Date: 17th September 2018

Head of Planning and Economic Development

This permission does not grant any consent for the development that may be required under other legislation, e.g. Building Warrant or Roads Construction Consent.

South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

South Lanarkshire Council

Refuse planning permission

Paper apart - Application number: P/18/1104

Reason(s) for refusal:

01. The proposal is contrary to criteria (i) and (ii) of Policy 4 Development Management and Place Making of the adopted South Lanarkshire Local Development Plan in that it would have a significant adverse impact on the amenity of the adjacent residential dwellings.
02. The proposal is contrary to Policy DM8 Hot Food Shops of the adopted South Lanarkshire Local Development Plan in that it represents a form of development that would have an adverse impact on the amenity of the surrounding residential properties and the applicant has failed to demonstrate the control to implement the proposed ventilation system.
03. The proposal is contrary to Policy 8 Strategic and Town Centres of the adopted South Lanarkshire Local Development Plan as it does not comply with Policy 4 Development Management or with the Development Management Place Making and Design Supplementary Guidance - Policy DM8 Hot Food Shops.
04. The proposal is contrary to criteria (1) and (2) of Policy 5 Development Management and Place Making of the Proposed South Lanarkshire Local Development Plan 2 in that it would have a significant adverse impact on the amenity of the adjacent residential dwellings.
05. The proposal is contrary to Policy DM9 Hot Food Shops of the Proposed South Lanarkshire Local Development Plan 2 in that in that it represents a form of development that would have an adverse impact on the amenity of the surrounding residential properties and the applicant has failed to demonstrate the control to implement the proposed ventilation system.
06. The proposal is contrary to Policy 9 Network of Centres and Retailing of the Proposed South Lanarkshire Local Development Plan 2 as it does not comply with Policy 5 Development Management or with the Development Management Place Making and Design Supplementary Guidance - Policy DM9 Hot Food Shops.

Reason(s) for decision

The proposal is contrary to Policies 4 and 8 and of the South Lanarkshire Local Development Plan (2015) and Policy DM8 Hot Food Shops of the Development Management, Place Making and Design Supplementary Guidance. The proposal is also contrary to Policy 5, 9 and DM9 of the Proposed South Lanarkshire Development Plan 2.

Notes to applicant

Application number: P/18/1104

Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain other relevant information.

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
SITE PLAN	1	Refused
25160/1 EXISTING GROUND FLOOR	1	Refused
25160/11 PROPOSED SIDE ELEVATION	1	Refused
25160/2 EXISTING FIRST FLOOR	1	Refused
25160/3B PROPOSED GROUND FLOOR	1	Refused
25160/4 PROPOSED FIRST FLOOR	1	Refused
25160/5 EXISTING SHOPFRONT AND REAR ELEVATIONS	1	Refused
25160/6 PROPOSED SHOPFRONT AND REAR ELEVATION	1	Refused

Appendix 5

3g

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Mr Mohammed Jaweb



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.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 100082231-004

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:	David Jarvie		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	
Last Name: *	Jarvie	Building Number:	27
Telephone Number: *		Address 1 (Street): *	Aytoun Road
Extension Number:		Address 2:	Pollokshields
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G41 5HW
Email Address: *			

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="Mohammed"/>	Building Number: <input type="text" value="5"/>
Last Name: *	<input type="text" value="Jawab"/>	Address 1 (Street): * <input type="text" value="Greenlees Road"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Cambuslang"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="G72 8JB"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="South Lanarkshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="660510"/>	Easting	<input type="text" value="264294"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Change of use of existing bank to form restaurant, ancillary hot food takeaway, entrance alterations on ground floor, function room on first floor and erection of flue to rear

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.

statement contained in supporting documents

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)

decision notice, application drawings

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P/18/1104

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

30/07/2018

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

17/09/2018

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr David Jarvie

Declaration Date: 04/11/2018

David M Jarvie
Architectural Consultant

27 Aytoun Road
Pollokshields
Glasgow
G41 5HW



25160: Change of use of existing bank to form restaurant, ancillary hot food takeaway, entrance alterations on ground floor, function room on first floor and erection of flue to rear
5 Greenlees Road, Cambuslang, G72 8JA
Planning application ref. P/18/1104

NOTICE OF REVIEW STATEMENT

Background

The application site is an existing vacant unit on Greenlees Road near the junction with Cambuslang's Main Street. The unit is vacant, formerly a bank, on the ground & first floor of a 3 storey tenement building. There is one floor above the application site which comprises of a residential flat with shop units with two flats over across the common close & access. The building is a traditional sandstone building with pitched tiled roof. The property is within the commercial area of Cambuslang town centre.

Proposal

The proposals are for a change of use of the former bank to a restaurant. The shopfront shall be altered to form a more suitable entrance with an extract flue to rise up the rear of the building. Internal alterations shall be carried out to form the main restaurant area on the ground floor with a function room on the first floor with toilet facilities. The restaurant's proposed opening hours of Sunday to Thursday 10am – 11pm and Saturday 10am – midnight, shall capture breakfast, lunch & evening dining as well as coffee & tea business during the day. The takeaway element is not encouraged but simply clients won't be denied the facility.

Reasons for refusal

The proposals have been refused, in general, as it has been assumed that the proposals are detrimental to the amenity of residential properties. Concerns have been raised with regard to the ventilation/extraction system, opening hours, traffic, waste, noise & general disruption. Planning policy has been highlighted in regard to these issues. The issue of ownership of the entire building has also been raised in particular with regard to the fixing & placement of the proposed external flue.

Reasons for review

The existing unit is vacant, the former use was a class 2 bank. The change of use will not result in the loss of a retail unit. The premises is within the town centre area of Cambuslang where uses such as a restaurant would be expected. Within the short run of units from the Main Street junction there are mixture of uses - a public bar, the vacant bank, 2 retail units & a hot food takeaway. Opposite the application site is a restaurant. These premises have late opening hours, the takeaway & bar would normally be considered far more disruptive than a restaurant. The proposed restaurant in reality would make little difference with regard to disturbance to the area.

The flue at the rear of the building shall be constructed to current industry standards fixed to the rear wall by brackets with anti-vibration mountings with a vertical discharge unit with a terminal 1m minimum above the level of the eaves. The flue & its terminal shall meet current standards with regard to noise & smells, unlike establishments currently in the area operating older systems. Conditions on any consent to satisfy Environmental Health with regard to the extraction system would be accepted. To expect an applicant to provide full details of the proposed system would be unreasonable as this would prove to be very expensive when an application is to establish if the use is suitable for the location.

The flue shall be secured to the rear of the building. The flue shall rise internally to the higher level of the first floor before passing through the external wall. The flue shall only be seen at a higher level than normal minimising visual impact. The rear wall is owned by all the owners of the flats, retail units & the applicant (the applicant is the largest owner within the block owning 1/3 of the entire building). Consent to fit the flue shall be sought after planning permission has been given. This is a legal matter, the flue cannot be fitted without the consent of the building's owners. This should not be planning issue.

The proposed restaurant shall not increase noise disturbance to any real degree with a public house & hot food carry out already existing within the street block, in addition to the noise generated by traffic at a busy junction. A noise survey can be conditioned on any consent to satisfy the Environmental Health Department. To expect an applicant to provide a noise survey would be unreasonable as this would prove to be very expensive when an application is to establish if the use is suitable for the location.

The proposed restaurant would not expect to have any more customers than a one would expect for a bank. Therefore it would not expect to encourage more traffic & congestion to the area, the proposed restaurant is expected to be busier during the day having a quicker turnaround of customers than in the evening but not as busy as a bank would be.

Waste shall be stored within the premises, the rear courtyard shall not be used although the applicant has a legal right to utilise the area. Waste bins shall be placed on the pavement for uplift by the council under contract at a set & regular time. Should the council wish the waste to remain on the premises until the council are ready to uplift, the applicant would abide by their wishes.

The applicant shall ensure that the area to the front of the unit shall be get cleaned & shall tidy the area prior to opening & at closing although it is not expected that the unit shall be the source of any rubbish as there is no intention to encourage a takeaway service.

The unit shall provide additional employment to the area. Initially it is expected to provide 8 full time & 8 part time jobs, though this may increase depending on the success of the restaurant.

Summary

The proposed development will see the regeneration of a fine sandstone property into a quality restaurant which will contribute to the area emergence as a focus for daytime & evening dining. This part of Cambuslang has a variety of uses which the proposals shall fit nicely into. This new development will not only contribute to the area divergence but will animate the area and regenerate this property such that its future is secured and a new and exciting restaurant introduced to the area. The proposals should be encouraged & this development should be welcomed.

Appendix 6

3h

Further Representations

Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review

STATEMENT OF OBSERVATIONS

Planning Application P/18/1104

Change of use of existing bank to form restaurant, ancillary hot food takeaway, entrance alterations on ground floor, function room on first floor and erection of flue to rear.

5 Greenlees Road, Cambuslang, G72 8JA.

1 Planning Background

- 1.1 A previous Planning Application P/18/0180 for the change of use of existing bank to form restaurant, hot food takeaway, entrance alterations on ground floor, function room on first floor and erection of flue to rear at this site was refused planning consent on 24 July 2018. The supporting statement for this application projected a ratio of 50% restaurant, 25% takeaway and 25% deliveries for the business.
- 1.2 Planning application P/18/1104 was submitted by Mr Mohammed Jawab to South Lanarkshire Council on 30 July 2018 seeking planning permission for the change of use of an existing bank to form a restaurant with ancillary hot food takeaway, entrance alterations on the ground floor, a function room on first floor and erection of flue to rear of the property. The change of use proposal extends over the ground and first floor. The ground floor would consist of a restaurant, kitchen server, preparation area, internal waste storage area and an accessible toilet. On the first floor, a function room, staff room, ladies and gents toilets are proposed. A flue is proposed on the rear elevation which would extend from the ground floor passing internally to the first floor. The flue would exit through the staff room where it would be attached externally to the residential property above. The proposal also includes minor changes to the shop front by alterations to the door.
- 1.3 It is noted that the only amendment to the plans from the previous application is the removal of the text identifying the proposed takeaway area and a reduction from 25% to 10% ratio for the takeaway element of the business.
- 1.4 After due considerations, the planning application was refused by the Council under delegated powers on 17 September 2018. The report of handling dated 14

September 2018 explains the decision and the reasons for refusal are listed in the decision notice. These documents are available elsewhere in the papers.

2 Assessment against the development plan and other relevant policies.

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended requires that an application for planning permission is determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 The development plan in this instance comprises the South Lanarkshire Local Development Plan (adopted 2015) and its associated Supplementary Guidance documents. The site is identified as being located within Cambuslang Town Centre where Policy 4 – Development Management and Placemaking resists development that will have significant adverse impact on the amenity of the local community as a result of light, noise, odours, dust or particulates. Also applicable is Policy 8 – Strategic and Town Centres where the Council will allow a mixture of uses compatible with their role as a commercial and community focal point. Policy DM8 – Hot Food Shops of the Supplementary Guidance, Development Management, Placemaking and Design relates specifically to this type of development proposal. The policy states that proposals of this nature will not have a significant impact in terms of environmental, traffic, public safety and amenity considerations, in terms of noise, disturbance or smells, particularly in relation to residential properties above, adjacent or near to the site. The policy also states that in all cases the applicant shall demonstrate that they have control to implement any ventilation system that may be required. In addition, where a hot food shop is proposed on the ground floor and requires an external flue, there will be a presumption against this type of proposal unless evidence of agreement from all of the common owners is provided.
- 2.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 5, 9 and DM9 are relevant.

- 2.4 There is normally a general presumption in favour of granting planning permission for restaurants and hot food shops within retail and commercial areas. This is providing the proposal does not have a significant impact on amenity, particularly in relation to residential properties above. The applicant has not submitted the information required to demonstrate that the proposal will not have a significant detrimental impact on the surrounding residential properties or the agreement from all of the relevant owners. The potential noise levels from the proposed function room on the first floor and the flue attached to a residential property is of particular concern to the Planning Service.
- 2.5 The proposal fails to comply with Policies 4, 8 and DM8 of the South Lanarkshire Local Development Plan and Policies 5, 9 and DM9 of the Proposed South Lanarkshire Development Plan 2 for the reasons set out in the report of handling associated with the application. In summary, the proposal will introduce a significant increase of noise and disturbance to the surrounding residential units which will have an unacceptable detrimental impact on the residential amenity.

3 Observations of applicants 'Notice of Review.

- 3.1 The applicant has submitted a statement to support his review. The grounds are set out below.

a) The existing unit is vacant, the former use was a class 2 bank. The change of use will not result in the loss of a retail unit. The premises is within the town centre area of Cambuslang where uses such as a restaurant would be expected. Within the short run of units from the Main Street junction there are mixture of uses - a public bar, the vacant bank, 2 retail units & a hot food takeaway. Opposite the application site is a restaurant. These premises have late opening hours, the takeaway & bar would normally be considered far more disruptive than a restaurant. The proposed restaurant in reality would make little difference with regard to disturbance to the area.

Response: The proposed use as a restaurant, ancillary hot food takeaway and function suite is a significant change of operation to the previous use as a bank. The late opening of a restaurant and disturbance from a function suite will undoubtedly impact on the amenity of the adjoining residential properties. The applicant was asked to submit a noise report to demonstrate the noise level impact to the surrounding residential properties. The noise and vibration report has not been submitted therefore noise impact could not be fully assessed.

- b) The flue at the rear of the building shall be constructed to current industry standards fixed to the rear wall by brackets with anti-vibration mountings with a vertical discharge unit with a terminal 1m minimum above the level of the eaves. The flue & its terminal shall meet current standards with regard to noise & smells, unlike establishments currently in the area operating older systems. Conditions on any consent to satisfy Environmental Health with regard to the extraction system would be accepted. To expect an applicant to provide full details of the proposed system would be unreasonable as this would prove to be very expensive when an application is to establish if the use is suitable for the location.**

Response: Environmental Services require the detailed information from a noise and vibration report to carry out a full assessment of the potential impact on the surrounding properties. The submissions of these technical details are particularly vital when a proposal is surrounded by residential properties. The proposed flue is attached to a residential property above the application site; therefore, the information is required before an application can be fully assessed and considered for approval. This is a standard requirement and this type of report generally accompanies an application of this nature when it is submitted. A condition to submit this information after an application has been granted is not acceptable where there is a potential significant impact to surrounding residential properties.

- c) The flue shall be secured to the rear of the building. The flue shall rise internally to the higher level of the first floor before passing through the external wall. The flue shall only be seen at a higher level than normal minimising visual impact. The rear wall is owned by all the owners of the flats, retail units & the applicant (the applicant is the largest owner within the block owning 1/3 of the entire building). Consent to fit the flue shall be sought after planning permission has been given. This is a legal matter, the flue cannot be fitted without the consent of the building's owners. This should not be a planning issue.**

Response: Policy DM8 of the adopted South Lanarkshire Local Development Plan states that 'in all cases the applicant shall demonstrate that they have control to implement any ventilation system that may be required'. This policy also states that 'since the rear of the building is often in common ownership, evidence of agreement from all owners should be provided to demonstrate that permission is given for the erection of the flue along the elevation of the property and on the

roof'. Policy DM9 Hot Food Shops in the proposed South Lanarkshire Local Development Plan 2 adopted on 29 May 2018 replicates Policy DM8. These policies are to ensure that all affected parties have been fully consulted and are in agreement prior to any planning approval. The submission of an agreement relating to the installation of this type of equipment is a policy requirement for this type of application and a very relevant planning issue. This requirement is clearly set out in the adopted and proposed development plans, however, none of this information was submitted.

- d) The proposed restaurant shall not increase noise disturbance to any real degree with a public house & hot food carry out already existing within the street block, in addition to the noise generated by traffic at a busy junction. A noise survey can be conditioned on any consent to satisfy the Environmental Health Department. To expect an applicant to provide a noise survey would be unreasonable as this would prove to be very expensive when an application is to establish if the use is suitable for the location.**

Response: Environmental Services require a noise and vibration survey to determine the potential impact on the properties directly above the proposed restaurant and function suite and where a flue is attached. Where residential properties are in such close proximity to a potential disruptive noise source, it is not considered acceptable for the Planning Service to condition the submission of a noise report post decision. The information contained within this report is a major determining factor if a proposal impacts on residential amenity. The granting of any such proposal would only be considered if the noise and vibration report demonstrates that there is not a significant detrimental impact on residential amenity.

- e) The proposed restaurant would not expect to have any more customers than one would expect for a bank. Therefore it would not expect to encourage more traffic & congestion to the area, the proposed restaurant is expected to be busier during the day having a quicker turnaround of customers than in the evening but not as busy as a bank would be.**

Response: No details of the previous or proposed customer levels have been submitted in relation to the planning application. The hours of operation will increase significantly from the existing use as a bank and the potential disturbance from the function suite on the first floor open until 11pm and 12am raises particular concerns.

- f) Waste shall be stored within the premises, the rear courtyard shall not be used although the applicant has a legal right to utilise the area. Waste bins shall be placed on the pavement for uplift by the council under contract at a set & regular time. Should the council wish the waste to remain on the premises until the council are ready to uplift, the applicant would abide by their wishes.**

Response: The applicant proposes an area for waste storage within the restaurant at the side of the main entrance. The consultation response from Environmental Services asks that a condition is attached to any planning approval requiring the submission and approval in writing of waste storage and collection at the premises. This Service advises that Regulation EC 852/2004 requires that 'Food waste, non-edible by-products and other refuse are to be removed from rooms where food is present as quickly as possible, so as to avoid their accumulation.' On that basis it is strongly recommended that any food waste stored inside the premises be removed on a daily basis. Should the application be approved, the details and frequency of waste collection will require approval in writing.

- g) The applicant shall ensure that the area to the front of the unit shall be cleaned & shall tidy the area prior to opening & at closing although it is not expected that the unit shall be the source of any rubbish as there is no intention to encourage a takeaway service.**

Response: The Notice of Review Statement advises that there is no intention to encourage a takeaway service however, the supporting statement submitted relating to the current application has proposed that the takeaway element of the business will be 10%. The previous application projected a ratio of 50% restaurant, 25% takeaway and 25% deliveries.

- f) The unit shall provide additional employment to the area. Initially it is expected to provide 8 full time & 8 part time jobs, though this may increase depending on the success of the restaurant.**

Response: The Planning Service recognises the importance of the occupation of this prominent commercial unit and proposals which increase local employment opportunities. However, the change of use proposed is not considered compatible with the surrounding residential properties.

The current planning application does not differ significantly from Planning Application P/18/0180 which was refused consent on 24 July 2018. The only change from the previous plans is the removal of the text on the proposed ground floor plan identifying the takeaway waiting area. The supporting statement submitted relating to the current application has reduced the proposed takeaway element of the business to 10%. The previous application projected a ratio of 50% restaurant, 25% takeaway and 25% deliveries. It is considered that the proposed use as a restaurant, ancillary hot food takeaway and function room will introduce a significant increase of noise and disturbance to the surrounding residential units. The late night opening and use of a function room below a residential property is considered to have a significant detrimental impact on the residential amenity.

In summary, the change of use proposal does not accord with the provisions of the adopted or proposed Development Plan or the associated supplementary guidance relating to amenity considerations of the surrounding residential properties.

Appendix 7

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**Applicant's Comments on Further Representations
Submitted by Interested Parties in the Course of the
Notice of Review Consultation Process**

David M Jarvie
Architectural Consultant

27 Aytoun Road
Pollokshields
Glasgow
G41 5HW



11 December 2018

Ref: DMJ/25160

Finance and Corporate Resources
South Lanarkshire Council
Floor 2
Council Offices
Almada Street
Hamilton
ML3 0AA

Dear Sir

25160: Change of use of existing bank to form restaurant, entrance alterations on ground floor, function room on first floor & erection of flue to rear at 5 Greenlees Road, Cambuslang.
Planning application ref. CR/18/1104

Notice of Review

Please find attached comments on representations from the planning department forwarded on 27 November 2018.

Regards

David M Jarvie

Notice of Review

25160: Change of use of existing bank to form restaurant, entrance alterations on ground floor, function room on first floor & erection of flue to rear at 5 Greenlees Road, Cambuslang.
Planning application ref. CR/18/1104

Comments on Planning Departments' representations.

The Planning Department's observations of the Notice of Review refers to on numerous occasions to a previous planning application refused by the council by the applicant for a change of use at the application site. In particular reference is made on numerous occasions to the split of business in that particular application in regard to the percentage of restaurant & takeaway business. This is irrelevant. This Notice of Review is for the above application. The percentage of takeaway business is expected to be around 10%. The proposals are not to encourage this type of business but there is an honesty to accept that there shall be a minor element of takeaway should a diner in restaurant want to take something home with them. There shall not be a takeaway menu as such.

The flue at the rear of the building shall directly affect only one flat with regard to its fixing to the building. The applicant owns approximately 1/3 of the building in which the application site is located. The flue can be erected without the majority of the building's owners consent. This is a legal matter not a planning matter.

Environmental Services can set limits with regard to the noise rating of any equipment & also with regard to the flues discharge. These limits can be contained within a condition of any consent. This is standard practice throughout Scotland. Details & surveys can be provided after any approval to satisfy any conditions on the planning approval. It is unreasonable to expect applicants to take on this expense without the knowledge that planning approval is in place.

The applicant is prepared to accept conditions on any approval with regard to opening hours. This would alleviate concerns with regard to 'potential disturbance from the function suite on the first floor open until 11pm and 12am'. Should a condition be placed on the opening hours that the premises has to close at 10pm, there shall be no disturbance at 11pm or 12am.

The applicant is prepared to accept that food waste shall be removed from the premises on a daily basis.

The summary in the Planning Department's observations of the Notice of Review disappointedly again refers to the other previous application in particular its takeaway business. This application is for a restaurant. All restaurants have an element of takeaway, the proposals are that should any diner wish to take some of their meal or cake for instance home they shall be allowed to do so, as they are in every restaurant I have ever visited. The proposals are for a restaurant not a restaurant & hot food takeaway.

The existing building is currently vacant, a restaurant would bring life back to the unit as well as providing a fine dining opportunity it would create some additional employment for the local community.