

# Report

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Report to:	<b>Cambuslang and Rutherglen Area Committee</b>
Date of Meeting:	<b>13 February 2007</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CR/06/0392
Planning Proposal:	Formation of Beer Garden

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : The 1 & 7 Pub Co Ltd
- Location : The Burnside Hotel  
East Kilbride Road, Rutherglen

## 2 Recommendation(s)

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

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

### 2.2 Other Actions/Notes

The Area Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent: CF Technical Services
- ◆ Council Area/Ward: 64 Cathkin/Springhall
- ◆ Policy Reference(s): Cambuslang/Rutherglen Local Plan 2002  
Policy RES9 – 'Residential Land Use'

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

- ◆ Representation(s):  
  - ▶ 4 Objection Letters

- ◆ Consultation(s):

Environmental Services

## Planning Application Report

### 1 Application Site

- 1.1 The application site relates to an existing area in front of the Burnside Hotel, East Kilbride Road, Rutherglen. The site is rectangular in shape and covers an area of 135sqm. The site already has an external seating area on the other side (east) of the entrance. The hotel is bounded to the north by the Glasgow to Newton Railway Line. There are residential properties some 25 metres to the south on the opposite side of East Kilbride Road. To the west of the site is Network Rail land, in association with the railway, and a pumping station; and to the east is a residential dwelling, some 55 metres from the site. East Kilbride Road sits above the hotel and the building is partially hidden from the properties opposite, by the change in level.

### 2 Proposal(s)

- 2.1 The applicants propose the formation of a licensed area in associated with the existing licensed facilities at Burnside Hotel, more commonly referred to as a “Beer Garden”. The area will accommodate 11 picnic tables.

### 3 Background

#### 3.1 Local Plan Status

The site is zoned as a Residential Land Use area in both the Cambuslang/Rutherglen Local Plan and the South Lanarkshire Local Plan (Finalised Draft). Policies RES9 and RES6 apply respectively. Both policies advise that applications which do not have an adverse impact on residential amenity will be treated favourably.

#### 3.2 **Relevant Government Advice/Policy**

None relevant given the scale of the proposal.

#### 3.3 **Planning Background**

None.

### 4 Consultation(s)

- 4.1 Environmental Services – advise that the proposal should comply with the Smoking, Health and Social Care (Scotland) Act 2005.

**Response:** Noted. This information will be passed on to the applicant.

### 5 Representation(s)

- 5.1 Following statutory neighbour notification, 4 letters of objection have been received. The points raised are summarised as follows:

- (a) **The area would be subject to environmental change, and children would be exposed to inappropriate activity, while there would be potential for an increase in anti-social behaviour.**

**Response:** The use is in keeping with the established use of the premises as a public house. Anti-social behaviour, or the potential impact of the use of these premises on children, are matters for the licensee, the Police and The Licensing Board.

- (b) **The proposal will result in increased noise.**

**Response:** Noise is an issue for Environmental Services, however the hours of use of this area can be limited by condition and this is included in the recommendation where it is required to be closed by 10pm.

- (c) **It would result in increased light and smell.**

**Response:** As the area will predominantly be used in summer months, there is no need for any significant additional lighting. No cooking is proposed outdoors and the serving of food outside is unlikely to create a significant smell to the detriment of the residential dwellings opposite.

- (d) **It would be more appropriate to locate the proposed drinking area to the rear of the hotel.**

**Response:** The proposal is acceptable in its proposed location for the reasons discussed in Section 6.0.

## **6 Assessment and Conclusions**

- 6.1 The determining issue in this instance is the proposals compliance with local plan policy – adopted and proposed.
- 6.2 The proposal comprises the formation of an external drinking area at an existing public house. An existing area already exists at the site with the applicant proposing an increase in size. The zoning of the site states that no proposal should have a negative impact on residential amenity.
- 6.3 The site is an established public house and such a proposal is, in principle, in keeping with its current operation. The application site is 25 metres from the curtilage of the houses opposite and 35 metres from the houses themselves and they are separated by a busy main road. In addition, the hotel sits below the height of this road and the dwellings thus providing some screening and protection of residential amenity. In these circumstances I do not consider that the proposal will have a significant or material impact on the amenity of the neighbouring houses. Notwithstanding this, and given that there is an external seating area already provided I believe that it is appropriate to limit the time at which the proposed larger area can be used to 10pm. This will allow for the gradual “winding down” of activity at the enlarged “beer garden” prior to closing time. Whilst I appreciate that there are concerns regarding potential anti-social behaviour problems, it is not for the planning process to decide upon these. This is a matter for the Police, the Licensee and the Licensing Committee. However, I consider that the topography of the site and the limitation of the hours of operation will enable the proposal to comply with Policies RES9 and RES6.
- 6.4 As a result, approval is recommended.

## **7 Reasons for Decision**

- 7.1 The proposal complies with Policy RES9 of the Cambuslang/Rutherglen Local Plan and Policy RES6 of the South Lanarkshire Local Plan (Finalised Draft).

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**5 February 2007**

## **Previous References**

- ♦ None

## List of Background Papers

- Application Form
- Application Plans
- Neighbour Notification Certificate dated 30<sup>th</sup> November 2006
- Cambuslang/Rutherglen Local Plan 2002
- South Lanarkshire Local Plan (Finalised Draft) 2006

Consultations

Environmental Services

03/01/07

### ‣ Representations

Representation from : Peter & Elaine Rankin, 22 East Kilbride Road  
Rutherglen G73 5EB, DATED 14/12/06

Representation from : John Gallacher, 4 East Kilbride Road  
Burnside G73 5EB, DATED 06/12/06

Representation from : Robert Hannah, 14 East Kilbride Road  
Rutherglen G73 5EB, DATED 03/01/07

Representation from : E A Maskell, Redcroft  
16 East Kilbride Road  
Rutherglen G73 5EB, DATED 04/01/07

## Contact for Further Information

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

Iain Morton, Planning Officer, Royal Burgh House, 380 King Street, Rutherglen  
Ext 5138 (Tel :0141 613 5138 )

E-mail: [Enterprise.cam-ruth@southlanarkshire.gov.uk](mailto:Enterprise.cam-ruth@southlanarkshire.gov.uk)

## **CONDITIONS**

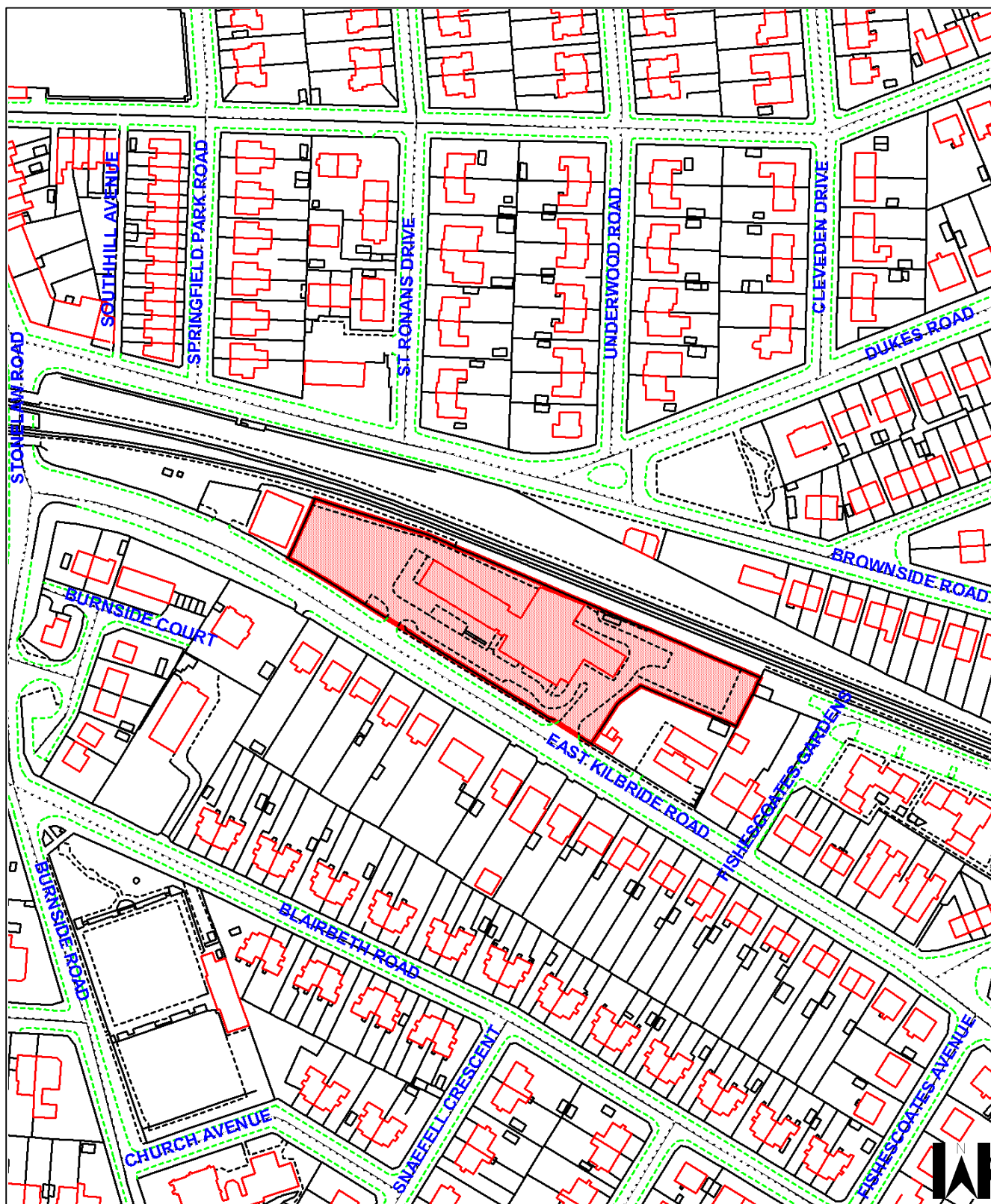
- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change shall take place without the prior written approval of the Council as Planning Authority.
- 3 The use hereby permitted shall not operate after 10pm (22:00hrs).
- 4 That prior to the beer garden hereby approved being brought into use a one metre high timber fence (or similar means of enclosure) with gate shall be erected around the perimeter of the proposed beer garden, details of the required fence being lodged for the written approval of the Council as Planning Authority within one month of the date of this consent and thereafter the approved details shall be implemented and maintained to the satisfaction of the said Authority.

## **REASONS**

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

For information only

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