

Report

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Report to:	East Kilbride Area Committee
Date of Meeting:	8 June 2005
Report by:	Executive Director (Enterprise Resources)

Application No	EK/05/0110
Planning Proposal:	Formation of timber decking and erection of railing to create outdoor seating area (retrospective)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Ami Singh
- Location : The Village Tandoori
46-50 Kirkton Park
The Village
East Kilbride

2 Recommendation(s)

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

(1) Refuse (For Reasons Stated)

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 19 East Mains
- ◆ Policy Reference(s): Policy DC1 and SLP6 – Development Control General and ENV8 – Conservation Areas of the adopted East Kilbride and District Local Plan would apply. The plan identifies the site as lying within a commercial area.

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

◆ Consultation(s):

Roads and Transportation Services (East Kilbride)

East Mains Community Council

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site relates to The Village Tandoori, a single storey restaurant premises situated at the corner of Kirkton Park and Stuart Street and lying within the Village Conservation Area in East Kilbride. Flatted dwellings lie to the rear of the site on Stuart Street and a row of single storey shop units along Kirkton Park to the side. Small grass verges separate the site from the road, beyond which lie further grass verges and residential properties.

2 Proposal(s)

- 2.1 This report refers to a retrospective application for Planning Permission for the formation of an area of slatted timber decking to the front of the restaurant and for its use as an outdoor seating area. The decking, which has already been constructed, forms an irregular shape between the front of the building, the entrance path to the restaurant, the public footpath and the row of shops adjoining the property. A semi-mature tree which previously occupied the land on which the decking has been built, has been retained and forms a central feature within the decking. The applicant has also formed a black metal railing around the decking with access only from the pathway into the building.

3 Background

3.1 Local Plan Status

The application site is identified as lying within a commercial area of East Kilbride in the adopted East Kilbride and District Local Plan. The relevant policies in this instance are DC1 and SLP6 – Development Control General and ENV8 – Conservation Areas.

3.2 Relevant Government Advice/Policy

None relevant.

3.3 Planning Background

None relevant.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (East Kilbride)** – have recommended refusal of the application because of the increase in floor space associated with the property and the shortfall of parking space at present in the locality.

Response: The applicant is not proposing to provide any additional parking space at the premises. I therefore note and accept the comments made.

- 4.2 **East Mains Community Council** - have objected to the application on the grounds that the site is unsuitable for an outdoor seating area given its proximity to surrounding roads and residential properties. They are also of the view that the proposal would not contribute to the designated Conservation Area.

Response: I note and accept these concerns as discussed in detail below.

- 4.3 **Environmental Services** – have advised that a noise impact assessment be carried out for the development in light of its proximity to housing in the area.

Response: Noted. This could be imposed as a condition if planning permission was to be granted.

5 Representation(s)

5.1 Following neighbour notification, six letters of objection have been received. The grounds of objection are summarised as follows.

- (a) **Noise nuisance would increase as a result of the proposal.**

Response: Noted. I agree with the concerns raised and note the proximity of residential properties across both Stuart Street and Kirkton Park. I would add that Environmental Services have acknowledged that noise from the proposal could be an issue.

- (b) **The proposal could have an adverse visual impact on what is a residential area.**

Response: Notwithstanding my concerns about the amenity and noise issues the development could create, I have no particular issues with regard to the visual impact of the decking. I would add that whilst adjacent to a residential area, the site is designated as a commercial area in the local plan.

- (c) **Parking problems could be experienced due to an increase in table numbers.**

Response: The Council's Roads and Transportation Services Department have noted this as a matter of concern and have recommended refusal of the application on this basis.

- (d) **If approved, the development could create a precedent for other outdoor seating areas to be created in the area.**

Response: Any further proposals for similar developments would be assessed on their individual merits.

- (e) **The Council should ascertain that the applicant is the owner of the land in question.**

Response: The applicant has confirmed on the application form that he is the owner of the land in question.

- (f) **Should surrounding residents have been notified of the proposal?**

Response: The Council undertakes a check to ensure that all notifiable neighbours are made aware of a proposal. In this case, the location of grass verges surrounding the site means that residents beyond do not require to be notified of the proposals.

- (g) **Smells emanating from the seating area could affect residential properties as could the possible attraction of rodents given the slatted nature of the decking.**

Response: The Council's Environmental Services Department have not highlighted these as matters of concern.

- (h) **The seating area is too close to the adjacent junction for children.**

Response: The Council's Roads and Transportation Services Department has not highlighted this as a matter of concern.

These letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1** The main issue for consideration in the assessment of this application is how the proposal relates to relevant policies contained within the adopted local plan for the area. More specifically, the proposal can be assessed in the context of the physical alterations and in terms of amenity, parking and the impact on the surrounding area.
- 6.2** In terms of the adopted East Kilbride and District Local Plan the site is identified as a commercial area, therefore the principle of the development of this type is considered acceptable. The proposal can be assessed against DC1 and SLP6 – Development Control General. Policy DC1 states that all proposals should take fully into account the local context and built form and that development should be compatible in terms of scale, massing and the external materials of adjacent buildings and the surrounding streetscape. Proposals should also seek to incorporate quality external materials and conform to policy SLP6. Policy ENV8 – Conservation Areas states that the Council will seek to use its powers to promote and ensure the continued preservation and enhancement of existing conservation areas and will presume against all development that fails to ensure that conservation areas would be preserved or enhanced.
- 6.3** Considering firstly the physical nature of the proposals, I have no particular concerns. Whilst noting that the site lies within the Conservation Area and that the works have already been undertaken, the restaurant premises and adjoining buildings are of no particular architectural or historical merit in terms of their contribution to the Conservation Area. Furthermore, the decking itself is of relatively low physical impact and has been surrounded by a 950mm black metal railing which is considered to be acceptable. For these reasons, I concur that the visual impact of the proposal is acceptable and does not contravene policy ENV8.
- 6.4** The amenity implications of a development of this type require to be given consideration however and in this regard I have some concerns. The decking is adjacent to the road junction between Stuart Street and Kirkton Park but beyond this lie a number of residential properties. In this regard I am concerned that noise levels, particularly in evenings and during the weekend when residents are likely to be at home, are likely to have the potential to be increased to an unacceptable degree. I would add that Environmental Services have noted that this could be an issue.
- 6.5** The impact on parking is a further matter of concern particularly given the location of the premises within the Village where parking problems can be an issue. In this respect, the Council's Roads and Transportation Services Department have recommended that permission be refused and their concerns are noted.
- 6.6** The Council is not opposed to the principle of outdoor seating areas and in recent years has approved such developments adjacent to licensed premises such as the Gardenhall Inn and the Hunters, both in East Kilbride. Whilst noting the acceptability of the proposal in physical terms, on balance and taking account of the concerns in terms of amenity and parking, I recommend that Planning Permission be refused for the development.

Iain Urquhart
Executive Director (Enterprise Resources)

23 May 2005

Previous References

None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations

Roads and Transportation Services (East Kilbride)	14/03/05
East Mains Community Council	01/03/05
Environmental Services	07/03/05

- ▶ Representations

Representation from : A A Wright, 1 Whitemoss Road
East Kilbride
G74 4JB, DATED 22/02/05

Representation from : S Stewart, 27 Stuart Street
The Village
East Kilbride, DATED 22/02/05

Representation from : Mr Ronald Baxter, 33 Kirkton Park
The Village
East Kilbride
G74 4HX, DATED 18/02/05

Representation from : Mrs D P Wright, 1 Whitemoss Road
East Kilbride
G74 4JB, DATED 25/02/05

Representation from : Mrs L Wilson, 25 Stuart Street
East Kilbride, DATED 25/02/05

Representation from : Alastair Gunning, 27 Kirkton Park
East Kilbride
G74 4HU, DATED 07/03/05

Contact for Further Information

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

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Detailed Planning Application

PAPER APART – APPLICATION NUMBER : EK/05/0110

REASONS FOR REFUSAL

- 1 In the interests of amenity in that the proposal, if approved, would result in an unacceptable increase in noise and activity to the detriment of neighbouring properties.
- 2 The existing on-street parking is insufficient to accommodate the additional requirements of the proposal, thereby causing adverse traffic conditions in the locality.

For information only

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