

Report

Report to:	Planning Committee
Date of Meeting:	19 December 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/17/0467
Planning Proposal:	Permanent Siting of a Portable Building for Use as a Hot Food Takeaway.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Alan Chekansky
- Location : 6A Strawfrank Road
Carstairs Junction
Lanark
ML11 8PP

2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions) – based on conditions attached

2.2 Other Actions/Notes

- (1) Planning Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: George Simpson Architect
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 - Climate Change
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements

Development management, placemaking and design supplementary guidance (2015)
DM13 - Development within general urban area/settlement
DM8 – Hot food shops

- ◆ Representation(s):

► 25 (on 1 petition) Objection Letters

- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services [e-consult]

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site consists of a former bookmakers on Strawfrank Road; the building has not been in use since at least 2006 and has fallen into state of dereliction. The building formerly had a pitched slated roof which has been removed and the wallhead remains. Adjacent to the site on the west lies a recently developed Park and Ride facility to serve Carstairs Junction Railway Station located to the north of the site. To the south and east of the proposal lies the Station Hotel which gained approval to be converted to 4 flatted units in 2015; this planning permission has been implemented.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the permanent siting of a portable building within the existing walls of the remaining structure. The portable building will serve takeaway foods and snacks aiming to serve those using the park and ride and nearby train station. The portable building is designed to emulate the design of a wooden goods train carriage and includes a ramped entrance. The external materials include timber cladding and curved tin roof. It is proposed the front wall and part of the side gable of the existing building will be removed with the remaining walls being retained. A portable toilet facility and bin storage will be located behind the portable building but within the walls of the existing building.

3 Background

3.1 South Lanarkshire Local Development Plan

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the site as lying within the general urban area of Carstairs Junction, as such Policy 6: General Urban Area/Settlement is relevant. In addition: Policy 2: Climate Change and Policy 4: Development Management and placemaking of the South Lanarkshire Local Development Plan apply together with associated Supplementary Guidance on Development Management Design and Placemaking.

3.2 Government Advice/Policy

- 3.2.1 Scottish Planning Policy has a presumption in favour of development that contributes to sustainable development. Planning should direct the right development to the right place and support development that is designed to a high quality, which demonstrates the six qualities of a successful place: distinctive; safe and pleasant; welcoming; adaptable and resource efficient.

3.3 Planning History

- 3.3.1 Previous approval was granted for a hot food takeaway at this site in 2006 under reference CL/06/0032 however the consent was not implemented and it has now lapsed. On the adjacent site, comprising the former Station Hotel, planning approval was granted for the conversion of the building to form 4 residential flats in 2015 under reference CL/15/0492, the permission has now been implemented.

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – parking required for this type of development can be accommodated within the public parking facilities nearby. No objections to proposal subject to conditions ensuring the ramp does not conflict with public footway.

Response: Noted, appropriate conditions shall be imposed on any permission granted.

- 4.2 **Environmental Services** – No objections to the proposal subject to conditions relating to noise, ventilation and commercial waste control. The ventilation arrangements provided are suitable only for microwave and convection oven cooking only.

Response: Noted, appropriate conditions shall be imposed on any permission granted to ensure the type of cooking and associated equipment is limited.

5 Representation(s)

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press due to the proposal being considered a bad neighbour development, a petition containing 25 individual names and addresses has been received. The issues raised are summarised as follows:

(a) The proposal is not required in Carstairs Junction, as there is already a Londis Store in Carstairs Junction and a cafe in Carstairs Village which cater for the village.

Response: Commercial or business competition are private interests and not a valid planning matter. The economy operates to determine which types of businesses will prosper, and the planning system seeks to protect the public interest and consider matters such as visual and residential amenity and road safety.

- 5.1.1 The petition has been copied and is available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 This application relates to the permanent siting of a portable building to act as a hot food takeaway on Strawfrank Road, Carstairs Junction. The main determining issues in the assessment of the proposal are compliance with local development plan policy and, in particular, the impact of the proposal on the amenity of residents.
- 6.2 The application site is located within the General Urban area of Carstairs Junction. Policy 6 - General Urban Area/Settlements seeks to safeguard the character and amenity of urban areas and settlements. In particular it states that bad neighbour uses will not be permitted if they are detrimental to the amenity of residents. Policy DM 13 - Development in General Urban Area in the Development Management Design and Placemaking Supplementary Guidance provides more guidance on proposals within general urban areas. The policy includes criteria considering the surrounding area, streetscape, open space, vegetation, traffic and public safety. Policy - DM8 Hot Food Shops provides guidance on criteria to be used to assess proposals for hot food takeaways. In residential areas there would be a presumption against hot food takeaways if residential amenity would be adversely affected to a significant degree.
- 6.3 In this case the ventilation arrangements by way of an extract fan have been shown on the plans and the applicant has confirmed no deep fat frying will take place. Environmental Services have commented on the application noting this ventilation is only suitable for oven and microwave cooking, as such it is considered appropriate to condition any permission granted to closed cooking only, namely a convection oven or microwave. On this basis it is considered the ventilation arrangements are suitable and the proposal would not be detrimental to residential amenity, by way of smell. A condition restricting noise levels generated at the site would also be imposed on any permission granted. Therefore, the proposal would not result in a significant adverse

impact upon residential amenity. In terms of the context of the surrounding area, the application site is sited adjacent to the former Station Hotel which is now converted to flats. To the north of the application site lies the railway station, to the west is the associated park and ride and beyond lies another business premises. Along Strawfrank Road there is a mix of residential properties and commercial uses such as an after school facility and a hairdressers. The character of the area is therefore already a mix of compatible uses. The proposal would not result in the loss of any retail provision, it is located on the main route through village, where other commercial uses exist and utilises the site of a derelict building. Therefore, the proposal meets the terms of Policy 6 and Policy DM8.

- 6.4 The application site consists of an existing building which has had its roof removed. The proposals are to lower the wall head and remove most of the front elevation and side (west) gable and site a portable building within these walls. The application seeks to retain these walls to define the curtilage of the premises and utilise them to screen the toilet and refuse facilities and provide a yard. The walls will be reduced to 2.7m in height to match the eaves of the portable building; it is considered both elements are suitable in scale for the surrounding area. The portable building itself is designed to appear like a former wooden goods train, reflecting the nearby rail line, and provides a ramped access. The portable building is rectangular in form with a curved tin roof and wooden panelled walls. It is considered the design of the portable building reflects the surrounding area and the retained walls will screen refuse and toilet facilities. The walls would be re-rendered and re-coped to provide a more tidy appearance to the site and enhance the visual amenity of the area. It is considered the proposal is suitable for the streetscape and meets the terms of Policy DM13.
- 6.5 Policy 4 - Development Management and Placemaking seeks to ensure all new development integrates well with their surrounding area and contribute positively and considers design issues, visual and residential amenity, access and the environment. The proposal has been deemed to be acceptable in terms of visual and residential amenity under other policies. Roads and Transportation Services have been consulted on the proposal and have no objections. Any parking for the proposal can be accommodated within the public parking adjacent and an accessible access to the portable building is included in the proposal. In addition, the proposal does not pose any significant adverse impact upon the natural environment. The proposal therefore meets the terms of Policy 4.
- 6.6 Policy 2 - Climate Change seeks to ensure proposals minimise and mitigate against climate change. The proposal is sited within an existing settlement using the footprint of an existing building. The proposal avoids the medium to high risk flood areas and any significant adverse impact on water, soils or air quality. The proposal meets the terms of Policy 2.
- 6.7 A petition of 25 signatures has been submitted to the application on the grounds of commercial competition which is not a material planning consideration.
- 6.8 In view of all of the above and noting that the proposals accord with the adopted South Lanarkshire Local Development Plan. In addition the introduction of the hot food unit will bring economic benefits to the local area in the form of additional employment and commercial linkages to other local businesses. As a result it is considered that the submitted proposals represent an appropriate form of development for the site and the recommendation is to grant planning permission.

7 Reasons for Decision

- 7.1 The proposals will have no adverse impact on the amenity of the area and complies with Policy 2, 4 and 6 of the adopted South Lanarkshire Local Development Plan. The proposals also accord with the relevant policies and guidance contained in the Development Management, Place Making and Design Supplementary Guidance.

Micheal McGlynn
Executive Director (Community and Enterprise Resources)

11 December 2017

Previous References

- ◆ CL/06/0032 - Change of use of bookmakers to hot food takeaway and installation of extract flue

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 20.10.2017
- ▶ Lanark Gazette advert dated 1.11.2017

- ▶ Consultations
 - Roads Development Management Team 03/11/2017
 - Environmental Services [e-consult] 30/10/2017

- ▶ Representations
 - Representation from : Davinder Singh, Londis Store
Carstairs Junction
Lanark
ML11 8QY, DATED 14/11/2017
Petition containing 25 individual signatures.

Contact for Further Information

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

Fiona Bailie, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 5271 (Tel: 01698 455271)
E-mail: fiona.bailie@southlanarkshire.gov.uk

CONDITIONS

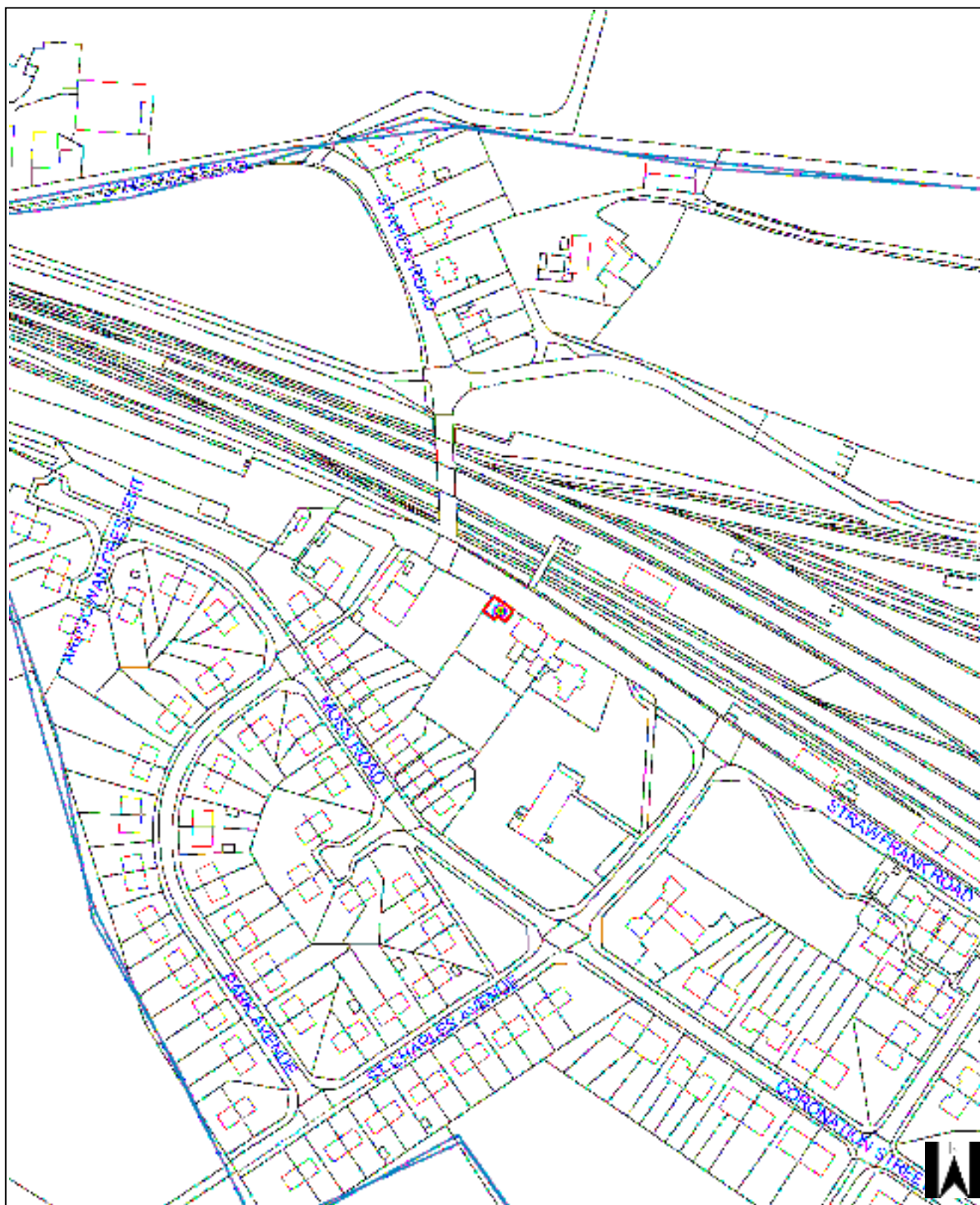
- 1 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 2 Prior to the commencement of development on site details of an adequate sized grease trap/interceptor shall be submitted to and approved by the Council and thereafter it shall be installed prior to the developments being operational and maintained thereafter .
- 3 That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
- 4 That before the development hereby approved is brought into use the proposed ventilation system shall be installed and operative to the specification to the satisfaction of the Council as Planning Authority
- 5 That the proposed method of mechanical extract ventilation is only suitable for the use of oven and microwave oven cooking on the premises and no other form of cooking or heating of foodstuff shall be employed on the premises. In particular, no consent is granted for methods which involve frying, open oven cooking or open roasting.
- 6 That the opening hours of the premises hereby granted consent shall be limited to between 07.00 and 23.00
- 7 That the access ramp, hereby approved, shall not be located on or encroach into the public footway.
- 8 If at any point a replacement portable building, hereby approved, is required details of the portable building shall be provided to the Council as Planning Authority for written approval prior to the ordering or purchase of the replacement or removal of the previous building. These details shall include site plan, floor plans and elevations and the replacement building shall thereafter be implemented in accordance with these plans.
- 9 That should the hot food takeaway business at this site cease operating or trading for a period longer than 3 months the portable building and works hereby permitted shall be removed and the land restored to its former condition to the satisfaction of the Council as Planning Authority, within 4 months of the hot food takeaway at this site ceasing operation.
- 10 Between the hours of 0800 and 2000 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90(1/2hour)) by more than 4dB (A) when measured in accordance with BS4142: 2014 at buildings where people are likely to be affected.
Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq

(5mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 To ensure the provision of a satisfactory drainage system
- 3.1 To minimise nuisance, littering and pest problems to nearby occupants.
- 4.1 To safeguard the residential amenity of the area.
- 5.1 To safeguard the residential amenity of the area.
- 6.1 To safeguard the amenity of the area.
- 7.1 In the interest of public safety
- 8.1 In the interests of the visual amenity of the area.
- 9.1 In the interests of amenity and in order to retain effective planning control.
- 10.1 To minimise noise disturbance to adjacent occupants.

For information only



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