

	<h1>Report</h1>	<p>Agenda Item</p> <h1>16</h1>
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Report to: **Planning Committee**
Date of Report: **14 December 2010**
Report by: **Executive Director (Enterprise Resources)**

Application No CR/10/0219
Planning Proposal: Change of use from Class 1 retail to hot food takeaway (sui-generis) and erection of flue

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Nabeel Ahmed
- Location : 160 Main Street
Cambuslang
G72 7EL

2 Recommendation(s)

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

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

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: 786 Hotfood Ltd - Nabeel Ahmad
- ◆ Council Area/Ward: 13 Cambuslang West
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted)**
Policy COM1 – Town Centre
Policy COM2 – Core Retail Area
Policy DM1 – Development Management
Policy DM10 – Hot Food Shops

◆ Representation(s):

- ▶ 1 Objection Letter
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Cambuslang Community Council

Environmental Services

Roads and Transportation Services

Planning Application Report

1 Application Site

- 1.1 The application site is a vacant retail unit located at 160 Main Street, Cambuslang. The site is bounded to the east by a commercial unit, by an access road to the immediate west, which leads to a service area to the south and Main Street to the north. Beyond the access road to the west is a further commercial unit with residential flats above. The application site has office space directly above the premises.

2 Proposal

- 2.1 The applicant seeks detailed planning permission for a change of use from a Class 1 retail use to a hot food takeaway (sui-generis) and erection of flue at 160 Main Street, Cambuslang.

3 Background

3.1 Local Plan Status

- 3.1.1 The South Lanarkshire Local Plan (adopted) provides the development plan context for this application. The application site lies within an area covered by Policies COM1 – Town Centre Land Use and COM2 – Core Retail Area. In addition to these policies, Policies DM1 – Development Management and DM10 – Hot Food Shops will also require to be considered in the assessment of this planning application.

3.2 Planning Background

- 3.2.1 Planning Application No. CR/08/0037 for change of use from Class 1 (retail) to Class 2 (financial, professional and other services) was approved on 26 March 2008.

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – have no objections to the proposal as there is no increase in gross floor area and with no “sit in facilities”, there is no change to the parking requirement. It is noted there are parking/loading facilities nearby.

Response: Noted.

- 4.2 **Environmental Services** – have raised no objections subject to a condition being placed on any consent relating to waste control and advisory notes being imposed in respect of noise, food safety and health and safety.

Response: Noted. If planning consent is granted an appropriate condition and advisory notes shall be imposed as necessary.

- 4.3 **Cambuslang Community Council** – have no objections in principle to the proposal. However, the Community Council has requested that an assessment is made of the provision of hot food outlets in the Main Street area to ensure there is not an over-provision, particularly as one has recently closed in the new development at Cambuslang Gate.

Response: Noted. Within the block of commercial properties the application site is located within, there is only one other hot food shop. It is not considered that the proposed development would have an adverse impact on the general retail character of this streetscene. Notwithstanding overprovision/commercial competition is not considered to be a valid material planning consideration.

5 Representation(s)

- 5.1 Following statutory neighbour notification and advertisement in the Rutherglen Reformer as development requiring advertisement due to the scale or nature of operations and as Development Contrary to the Development Plan and for the non-

notification of neighbours, one letter of objection has been received. The main points raised are outlined as follows:

- (a) **The objectors' flat at 176 Main Street has had a continual problem with smell from takeaways in the street going into their property, which is most unpleasant at times.**

Response: It is noted that after consultation Environmental Services have raised no objections to the proposal. Notwithstanding an appropriate condition shall be imposed to control ventilation if planning consent is granted.

- (b) **There is a lot of human traffic, particularly in the evenings, coming from people using the local pubs and takeaways. It is regarded that a takeaway beside 176 Main Street would increase this noise level.**

Response: It is considered that a degree of noise is to be expected in a town centre location. However if planning consent is granted a condition shall be attached to any consent restricting the opening hours until 11pm Monday to Sunday to minimise the potential noise impact to any adjoining neighbours.

- (c) **There are problems accessing the objectors' property due to the amount of vehicles that double park when using the local shops and takeaways.**

Response: Illegal parking is a matter for the Police. After consultation Roads and Transportation Services had no objection to the proposal.

This letter has been copied and is available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for a change of use from a Class 1 retail use to a hot food takeaway (sui-generis) and erection of flue. The proposal requires to be assessed against the development plan for the area alongside any other significant material considerations. The relevant development plan is the South Lanarkshire Local Plan (adopted 2009), with Policies COM1 – Town Centre Land Use, COM2 - Core Retail Areas, DM1 – Development Management and DM10 – Hot Food Shops applying to this proposal.
- 6.2 Policy COM1 – Town Centre Land Use states that the Council will allow a mixture of uses compatible with their role as a commercial and community focal point. Policy COM2 – Core Retail Areas states that proposals for changes of use which would bring the representation of retail uses to below 75% of units within any one continuous block of properties, will not be supported. Furthermore no more than two adjoining properties will be allowed to fall out of retail use.
- 6.3 In assessment it is considered that the development as proposed would assist in terms of the provision of an appropriate mix of uses within the commercial area and would not adversely affect the retail service to the local area. Furthermore it is noted that the adjacent unit is currently operating as a Butcher's shop and therefore two adjoining properties would not fall out of retail use. However, the representation of retail units within the continuous block, the application site is located within, is currently below 75% and the proposal is, therefore, contrary to Policy COM2 of the adopted South Lanarkshire Local Plan.
- 6.4 Currently, 62.5% of the units within the block are in Class 1 use. However it is noted that there are a number of units within the core retail area which are currently vacant. These vacancies are most likely a direct result of the recent economic downturn

which is liable to have an adverse impact on the vitality and function of the Main Street. Although the terms of Policy COM2 are intended to assist in the provision of essential retail services to the local area, given that there remains a wide variety of retail services in the area and given current economic circumstances, it is considered that in this case it would be more beneficial for the unit to be occupied. Furthermore it is noted that the unit has consent in place for a Class 2 use, meaning that the principle of changing the use of the unit has already been established for a further alternative use (CR/08/0037). However the consent has not been implemented and the unit has been vacant since September 2007.

- 6.5 Policy DM10 – Hot Food Shops states that there will be a general presumption in favour of granting planning permission within town centre areas subject to an adequate shopping provision being maintained, the proposal not having a significant impact in terms of environmental, traffic, public safety and amenity considerations and the proposal not resulting in a concentration of non-retail frontages which would significantly detract from the shopping character of the street. In terms of the impact on traffic and public safety, Roads and Transportation Services have raised no objections to the proposal. Likewise, Environmental Services have no objections to the proposal in terms of impact on the environment and amenity and the proposed development is therefore considered to be in accordance with Policy DM10 of the adopted South Lanarkshire Local Plan.
- 6.6 Policy DM1 states that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In this instance it is considered that aside from the erection of the flue, as the proposal involves no alterations to the existing unit it is compatible with the surrounding streetscape and that, given the mix of uses in the vicinity of the site and the commercial nature of the area in general, the proposed flue would have minimal impact on surrounding amenity. However if planning permission is granted a planning condition shall be attached to ensure that the unit is closed at 11pm every night to protect local residential amenity.
- 6.7 In summary, although the proposed development does not fully comply with local plan policy, specifically in relation to Policy COM2 of the South Lanarkshire Local Plan (adopted), it is considered that in this instance it would be more beneficial to the area as a whole for the unit to be occupied at this time rather than for it to continue to lie vacant. Additionally, the proposal is deemed to comply with all other relevant South Lanarkshire Local Plan criteria including Policies COM1, DM1 and DM10, subject to the attached conditions.
- 6.8 The proposal was advertised as Development Contrary to the Development Plan in the Rutherglen Reformer as the representation of retail uses is below 75% of units within one continuous block of properties. The proposal has been fully assessed and I would recommend that planning permission is granted contrary to the adopted local plan for the following reasons.
1. The proposal complies with Policies COM1, DM1 and DM10 of the South Lanarkshire Local Plan (adopted).
 2. The proposal is not considered to adversely affect the amenity or vitality of the surrounding area.
 3. There are no adverse infrastructure issues.
 4. The proposed development would bring back into use premises that have been vacant for over three years.

7 Reason for Decision

- 7.1 The proposal is an acceptable departure from the development plan for the reasons stated in paragraph 6.8 above.

Colin McDowall
Executive Director (Enterprise Resources)

30 November 2010

Previous References

- ◆ CR/08/0037

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Roads and Transportation Services DATED 9/11/2010

Environmental Services DATED 12 /11/2010

Cambuslang Community Council DATED 22/10/2010

- ▶ Representations

Representation from : Sheena and Ronald McLure, 176 3/1 Main Street
Cambuslang, DATED 29/09/2010

Contact for Further Information

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

Alastair McGibbon
(Tel :0141 613 5138)
E-mail: Enterprise.cam-ruth@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER: CR/10/0219

CONDITIONS

- 1 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 2 Prior to the development being brought into use, details of the storage of waste arising from the commercial activity shall be submitted to and approved in writing by the Council as Planning Authority. The agreed details shall be in place prior to the development being brought into use.
- 3 That notwithstanding the provisions of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, no fascia signs, adverts or projecting signs shall be erected on the premises without the prior written consent of the Council as Planning Authority.
- 4 That the use hereby permitted shall not operate before 10am or after 11pm Monday to Sunday.
- 5 That before the hot food takeaway is brought into use the ventilation system shall be installed and operative to the specification and satisfaction of the Council as Environmental Services and Planning Authority.
- 6 The consent shall be carried out strictly in accordance with drawing numbers: 01 Rev A, Location 02 and Location 03

REASONS

- 1 In the interests of amenity and in order to retain effective planning control.
- 2 To minimise nuisance, littering and pest problems to nearby occupants.
- 3 To safeguard the amenity of the area.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 To safeguard the amenity of the area.
- 6 For the avoidance of doubt and to specify the drawings upon which the decision was made.

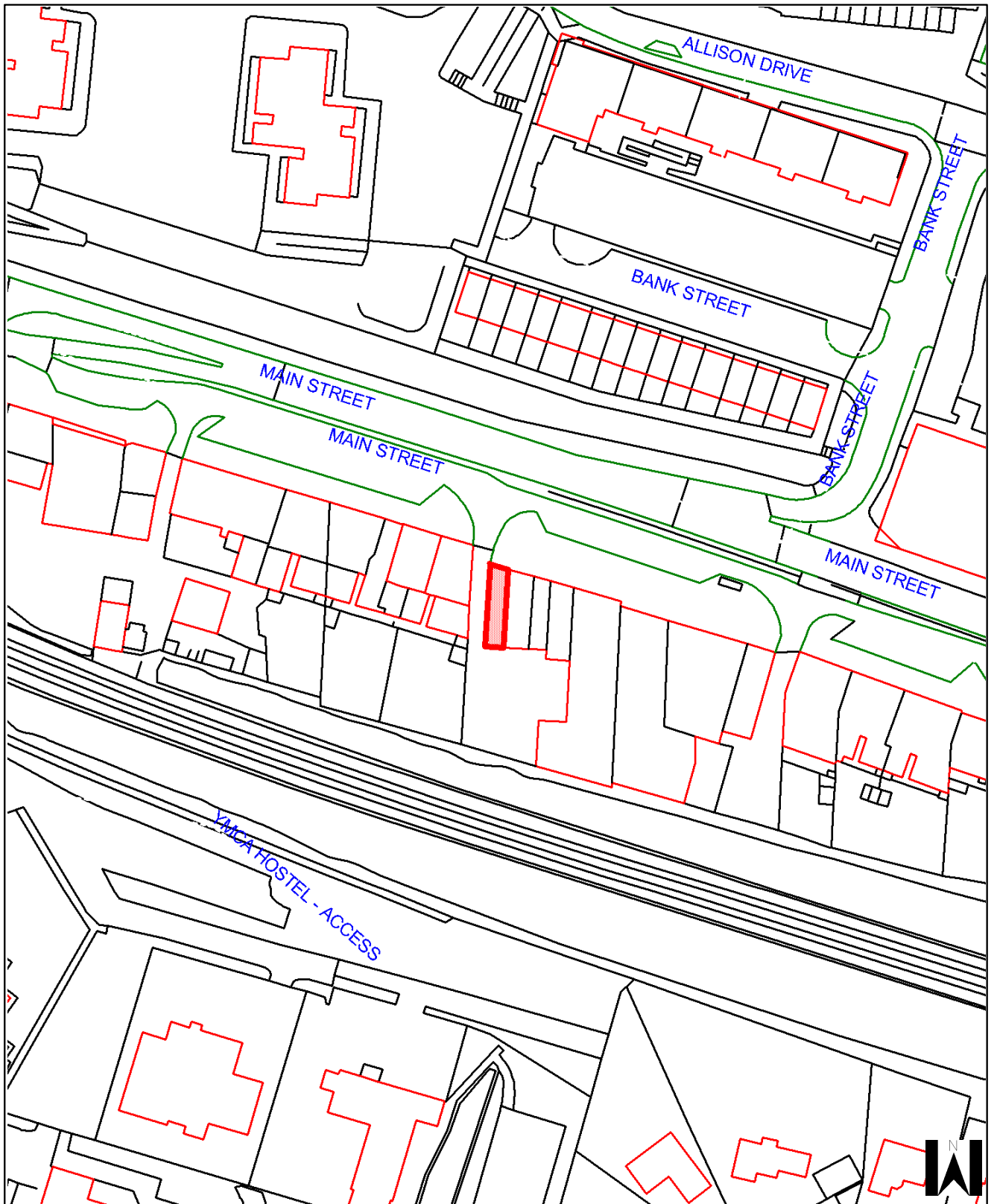
CR/10/0219

160 Main Street, Cambuslang

Planning and Building Standards Services

Scale: 1: 1250

For information only



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