

Report to: **Planning Committee**  
 Date of Meeting: **20 March 2007**  
 Report by: **Executive Director (Enterprise Resources)**

Application No CR/07/0025  
 Planning Proposal: Change of Use of Shop to Hot Food Takeaway

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mrs S Amjid
- Location : 126a Dukes Road  
Rutherglen

## 2 Recommendation(s)

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

- (1) Refuse Planning Permission (For the Reasons Stated)

### 2.2 Other Actions/Notes

Planning Committee has delegated powers to determine this application

## 3 Other Information

- ◆ Applicant's Agent: James Sim
- ◆ Council Area/Ward: 67 Eastfield
- ◆ Policy Reference(s): Cambuslang/Rutherglen Local Plan 2002  
Policy RES9 – 'Residential Land Use'  
Policy SLP7 – 'Hot Food Shops'

South Lanarkshire Local Plan (Finalised Draft)  
 Policy RES6 – 'Residential Land Use Policy'  
 Policy DM10 – 'Hot Food Shops Policy'

- ◆ Representation(s):
  - ▶ 10 Objection Letters
  - ▶ 0 Support Letters
  - ▶ 0 Comments Letters
- ◆ Consultation(s):

Roads and Transportation Services (North Division)

Burnside Community Council

## Planning Application Report

### 1 Application Site

- 1.1 The application site relates to a single storey building at 126a Dukes Road, Cambuslang close to the junction with Calderwood Road and Hawthorn Walk, which currently operates as a tanning salon. The building is part of a group of 7 shops on the north side of Dukes Road. The 7 units consist of a butcher, a grocer (with off sales), a newsagent (with off sales), the application site and two hot food takeaways. The shops are served by a recessed lay-by with angled car parking bays directly in front of the shops. The two hot food shops currently operating are at numbers 124 and 130 and there are residential dwellings directly opposite the site to the south. There is a residential dwelling 20 metres to the west at 136 Dukes Road and a public house is situated 40 metres to the east.

### 2 Proposal(s)

- 2.1 The applicant proposes to change the use of the unit from a tanning salon to a hot food carry out shop with associated internal alterations.

### 3 Background

#### 3.1 Local Plan Status

The Cambuslang/Rutherglen Local Plan (2002) identifies the site as being within a residential land use area (RES9). The same plan also has a policy specific to Hot Food Shops (SLP7). Policies RES6 and DM10 of the South Lanarkshire Local Plan (Finalised Draft), in similar terms, are also relevant.

#### 3.2 Relevant Government Advice/Policy

None relevant.

#### 3.3 Planning Background

An application for a hot food carry out restaurant at the site was refused consent by South Lanarkshire Council on 4 June 1996 (GDC/100/96). An application for a fast food shop was refused at number 130 in September 2000. This was overturned on appeal in June 2001.

### 4 Consultation(s)

- 4.1 Roads and Transportation Services – recommend refusal on the basis that the parking provision at the site is fully utilised at present. In addition there is no rear access to the units for deliveries. As a result, this will encourage on-street parking.

Response: Noted.

- 4.2 Environmental Services – no objections subject to the provision of suitable ventilation and waste control.

Response: Noted

- 4.3 Burnside Community Council – no comments received at time of writing.

### 5 Representation(s)

Following statutory neighbour notification, 10 letters of representation have been received. The points raised are summarised as follows:

- a) There are already two hot food shops in the row of 7 shops.

Response: An additional hot food shop would give concern for reasons explained in Section 6.0.

- b) Increased problems of anti social behaviour, noise, vandalism and litter particularly late at night, which is reported to be an existing problem due to the operation of the existing carry outs.  
**Response:** Hot food shops are recognised as potential 'bad neighbours' for reasons such as these. In this instance the introduction of a third carry out shop to this small group of shops raises concerns that these problems could intensify.
- c) The existing shops, particularly the hot food takeaways, lead to people parking across the driveways of the residential dwelling opposite.  
**Response:** This is clearly a problem; however it is a matter for the police.
- d) There are insufficient parking facilities at present. As additional hot food unit would make this worse.  
**Response:** Agreed. The Roads and Transportation Service have recommended refusal for this reason.
- e) The proposed use will result in a reduction in pedestrian safety at the junction with Dukes Road and Hawthorn Walk.  
**Response:** The Roads and Transportation Service have not objected in this regard.

## **6 Assessment and Conclusions**

- 6.1 The determining issue in this instance is the proposals compliance with adopted and proposed local plan policy.
- 6.2 In terms of the adopted Cambuslang/Rutherglen Local Plan, the site is within a Residential Land Use Area where Policy RES9 is relevant. Policy RES9 identifies five criteria that require to be satisfied to allow non-residential development to proceed. These are:
- a) The proposed development relates to satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use;
  - b) That the character and amenity of the area is not impaired by traffic generation, parking, visual intrusion, noise or emission of gases;
  - c) There is no loss of trees, bushes etc. or damage to spaces that contribute to the character of the area;
  - d) The development is adequately serviced in terms of vehicular access and parking;
  - e) There is no adverse effect on public safety.

I would conclude that the proposal satisfies the criteria relating to scale, massing and public safety. The criteria relating to effect on character and amenity, and parking require further consideration.

- 6.3 Two hot food uses currently exist at units adjacent (124 & 130). The unit at 130 was granted an appeal following refusal by the Council. The current proposal is for a hot food premises open to passing trade. As the 10 letters of objection show, the site has been subject to anti social behaviour and an increase in noise and the congregation of people, particularly at peak times. This affects the adjacent residential area. The proposal would also lead to a concentration of hot food uses in a predominantly residential area. In addition, given the existence of the public house on the road opposite, passing trade using the premises, and its associated

disturbance, has the potential to peak at late hours. I therefore consider that by further intensifying the level of hot food uses in this location the character and amenity of the area would be materially impaired by the resulting increase in noise and disturbance.

- 6.4 As regards roads/parking issues, the Roads and Transportation Service have objected to the proposal on the grounds of insufficient parking provision. Currently the parking area outside the units operates over capacity resulting in on-street parking. An additional hot food unit would exacerbate this problem further. This is further complicated by the lack of rear servicing facilities meaning that delivery vehicles are also forced into parking on the street. This is likely to impact adversely on road safety.
- 6.5 Policy SLP7, as it relates to Single Shops/Small Groupings of Shops, states that where such shops are located in predominantly residential areas or very small settlements which meet the daily needs of people within the locality, there will be a presumption against granting permission for hot food takeaways unless all of the following can be met:
- (a) An adequate level of shopping provision covering a range of shopping needs at the location **or**
  - (b) Alternative shopping facilities are located near the site.  
**Assessment:** These aims can be met through the retention of the remaining shops;
  - (c) There is no significant impact in term of environmental, traffic and amenity considerations.  
**Assessment:** There is a significant parking issue and furthermore, there is likely to be an increase and intensification of noise and activity, into the evening, to the detriment of the adjoining residential properties.
  - (d) There is shown to be no local need for the existing use and the site has been suitably marketed for a use acceptable to the Council.  
**Assessment:** There has been no information submitted to the Council regarding this.
  - (e) An approved ventilation system can be provided.  
**Assessment:** This can be provided through a planning condition.

Given this assessment of the proposal in terms of SLP7, not all of the criteria can be met and as a result, the proposal would fail this policy.

- 6.6 In conclusion, given the current problems experienced by the local residents, further intensifying the level of disturbance and activity in a location where 2 out of the 7 units are already in hot food use would be likely to have a significant and detrimental impact on the amenity of what is a predominantly residential area. Similarly, the impact of the proposal on the available parking and servicing arrangements will have a detrimental impact on road safety. Finally, the proposal resembles a hot food proposal which was refused planning permission and dismissed at appeal at a similar kind of location in Hamilton Road, Rutherglen in 2006.

6.7 The aims of Policies RES6 and DM10 of the South Lanarkshire Local Plan (Finalised Draft) are similar to both Policies and SLP7 in the adopted plan and the application would not satisfy their criteria.

## **7 Reasons for Decision**

7.1 The proposal fails policies RES9 and SLP7 of the Cambuslang/Rutherglen Local Plan and Policies RES6 and DM10 of the South Lanarkshire Local Plan (Finalised Draft)

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

**12 March 2007**

### **Previous References**

- ◆ GDC/100/96 – Refusal of Planning Permission for Hot Food Takeaway at 126a Dukes Road, Rutherglen
- ◆ CR/00/0155 – Refusal of Planning Permission for Hot Food Takeaway at 130 Dukes Road, Rutherglen and subsequent Appeal Decision – P/PPA/380/159

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Neighbour Notification Certificate dated 22 January 2007
- ▶ Cambuslang/Rutherglen Local Plan 2002
- ▶ South Lanarkshire Local Plan (Finalised Draft) 2006

Consultations  
Roads and Transportation Services (North Division) 09/03/07

Environmental Services 15/02/07

#### ▶ Representations

Representation from : Maureen Freeman, 87 Dukes Road  
Rutherglen G73 5AG, DATED 06/02/07

Representation from : Councillor John McGuinness, Council Offices  
Almada Street  
Hamilton ML3 0AA, DATED 16/02/07

Representation from : Irene Whiffen, 91 Dukes Road  
Burnside, DATED 22/02/07

Representation from : Helena Pringle, 6 Hawthorn Walk  
Glasgow G72 7AQ, DATED 19/02/07

Representation from : Mrs Helen Dury, 99 Dukes Road  
Rutherglen G73 5AG, DATED 19/02/07

Representation from : Mrs W McCrone, 97 Dukes Road  
Rutherglen G73 5AG, DATED 20/02/07

Representation from : Mrs C McNamee, 89 Dukes Road  
Rutherglen G73 5AG, DATED 21/02/07

Representation from : Mrs E McWhinnie, 95 Dukes Road  
Rutherglen G73 5AG, DATED 21/02/07

Representation from : Janet Moore, 85 Dukes Road  
Rutherglen G73 5AG, DATED 21/02/07

Representation from : John Gallagher, 93 Dukes Road  
Rutherglen G73 5AG, DATED 21/02/07

**Contact for Further Information**

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

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**REASONS FOR REFUSAL**

- 1 The proposal is contrary to Policy RES9 of the Cambuslang/Rutherglen Local Plan in that it would have a significant negative impact on the amenity of the surrounding residential area in terms of noise as a result of increasing foot traffic and levels of activity generated by the proposal.
- 2 The proposal is contrary to Policy SLP7 of the Cambuslang/Rutherglen Local Plan in that it would have a significant, negative impact on the amenity of the surrounding residential area in terms of noise and disturbance brought about by an increase in foot traffic and activity.
- 3 The proposal is contrary to Policy RES6 of the South Lanarkshire Local Plan (Finalised Draft) in that it would have a significant negative impact on the amenity of the surrounding residential area in terms of noise as a result of increasing foot traffic and levels of activity generated by the proposal.
- 4 The proposal is contrary to Policy DM10 of the South Lanarkshire Local Plan (Finalised Draft) in that it would have a significant, negative on the amenity of the surrounding residential area impact in terms of noise and disturbance brought about by an increase in foot traffic and activity.
- 5 It has not been shown that the site is no longer suitable for Class 1 retail use.
- 6 In the interests of road safety, in that the proposal will encourage on street parking due to a lack of off street parking spaces and rear access provision.
- 7 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which would exacerbate the problems stated above.



For information only

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