

Report

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Report to:	Planning Committee
Date of Meeting:	21 June 2011
Report by:	Executive Director (Enterprise Resources)

Application No	CR/11/0070
Planning Proposal:	Temporary Siting of Hot Food Takeaway and Convenience Store Unit

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mrs C Marco
- Location : 84 Hamilton Road
Cambuslang

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 the Conditions Attached

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Inhouse Design
- ◆ Council Area/Ward: 14 Cambuslang East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
Policy RES2 – Proposed Housing Sites
Policy DM1 – Development Management
Policy DM14 – Mobile Snack Vans Policy

- ◆ Representation(s):

- ▶ 3 Objection Letters and a petition with 90 signatures
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

- ◆ Consultation(s):

Cambuslang Community Council

Environmental Services

Roads and Transportation Services (Cambuslang/Rutherglen Area)

Planning Application Report

1 Application Site

- 1.1 The application site consists of a former 'Texaco' petrol filling station on Hamilton Road, Cambuslang. The site is now partly grassed over and covers an area of 1700 sqm (0.17ha). The site is flat and is directly opposite residential dwellings to the south, west and east and the Glasgow to Lanark railway line to the north. The site sits on the A724 Rutherglen – Hamilton Road, approximately 500m west of Cambuslang Town Centre.

2 Proposal(s)

- 2.1 The applicant proposes the retrospective siting of a hot food takeaway and convenience store unit. The hot food element trades predominantly over breakfast and lunch times and consists of hot rolls, soup, baked potatoes and hot drinks. The site has its own entrance and exit directly off Hamilton Road. The applicant has re-submitted an application that was previously withdrawn. The re-submission has resulted in the unit being moved from the west of the site to the south of the site to improve the flow of traffic into and out of the site and also the site's relationship with a proposed car wash and valet service to the north. A planning application for the temporary change of use of vacant land to car wash and valet service is currently under consideration for the northern part of the site.

3 Background

3.1 Local Plan Background

- 3.1.1 Policy RES2 – Proposed Housing Sites of the South Lanarkshire Local Plan (adopted) states that the Council will support development for housing on those sites included in the Housing Land Audit as summarised in Appendix 1 of the Local Plan and identified in the Local Plan Proposals map.
- 3.2 Policy DM1 – Development Management of the South Lanarkshire Local Plan (adopted) 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.
- 3.3 Policy DM14 – Mobile Snack Vans states that such developments may be acceptable where there is an identifiable shortage of locally available hot food facilities. In such cases a temporary consent can be considered subject to litter disposal facilities being provided, a satisfactory external appearance of the unit and satisfactory arrangements for the disposal of waste.

3.4 Relevant Government Policy/Advice

None relevant

3.5 Planning Background

The site previously operated as a petrol filling station with car wash. There is an outstanding detailed planning consent for the development of 14 flats on the site (CR/07/0228). This consent was granted on 25 September 2007 and will not expire until September 2012. A planning application for the siting of a hot food unit and convenience store on the site was withdrawn in March 2011. The re-submission has resulted in the unit being moved from the west of the site to the south of the site. In addition, a planning application for a car wash and valet centre was for the northern section of the site was also withdrawn in March 2011. This application has also been re-submitted and is currently under consideration (CR/11/0058).

4 Consultation(s)

4.1 **Roads and Transportation Services (Cambuslang/Rutherglen)** – no objections as the site can provide the appropriate parking and turning area.

Response: Noted.

4.2 **Environmental Services** – no objections subject to conditions relating to noise, ventilation and waste control.

Response: Noted. These conditions have been attached.

4.3 **Cambuslang Community Council** – no objections.

Response: Noted.

5 Representation(s)

5.1 Following statutory neighbour notification and advertisement in the Rutherglen Reformer, 3 letters of objection and a petition with 90 signatures have been received. The points raised are summarised as follows:

a) **The proposal has a detrimental impact on amenity as a result of smell, noise, litter and vermin.**

Response: The hot food unit has provided the appropriate ventilation and a condition has been attached to ensure that suitable waste receptacles continue to be provided. In addition, the applicant has erected a sign asking customers to use the bin provided.

b) **There is no toilet provision on site and this has lead to incidents of anti-social behaviour.**

Response: Noted. This matter has now been resolved as the applicant has since provided a portable toilet.

c) **The proposal will cause traffic and parking problems.**

Response: The Roads and Transportation Service have confirmed that they have no objections to the proposal and that the site has the requisite space for parking and turning.

d) **The proposal will affect property values.**

Response: This is not a material planning consideration.

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

6 Assessment and Conclusions

6.1 The key determinant factors in the consideration of this application are whether or not it accords with the relevant local plan policies affecting the site and the proposed development and whether there are any other material considerations which may affect the decision.

6.2 In terms of the adopted local plan, the application site is identified as a housing site in terms of Policy RES2 - Housing Land Supply and Policy DM1 – Development Management which all applications for development must be assessed against. As detailed in paragraph 3.5 above, there is an outstanding detailed planning consent for the development of 14 flats on the site. As a result, the proposal for temporary use will not adversely affect future housing land supply and can therefore comply with Policy RES2.

6.3 Policy DM1 – Development Management 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. Development will require to have no significant adverse impact on the local environment and to comply with various criteria the following of which are relevant to this application:

- respect the local context;
- provide suitable access, parking and have no adverse implications for public safety;
- have no significant adverse effects on air, water or soil quality and as appropriate, mitigation to minimise any adverse effects to be provided.

6.4 The application site lies on the edge of a residential area with dwellings to the east and south and in this context the proposals may be considered to be out of keeping with the local area. However to the west the site is bounded by open space while to the north lies open space beyond which lies an active railway line. It is also noted that the previous use of the site was as a petrol filling station, which included a shop. Therefore, the only difference in this regard would be the introduction of the hot food takeaway. This hot food element would deal predominantly with breakfast and lunchtime trade selling predominantly hot rolls, baked potatoes, soup and hot drinks. Given this context and the temporary nature of the proposal, I would conclude that the proposed development does take account of the local context and will not have a significant impact on the local environment. Roads and Transportation Services are satisfied that the development has suitable access and parking and no adverse impact on public safety.

6.5 Policy DM14 – Mobile Snack Vans Policy states that proposals for mobile snack units can be acceptable where there is an identifiable shortage of locally available hot food facilities and where:

1. The imposition of a planning condition limiting the operation of the snack van to a temporary period, usually of one year, to allow the operation to be monitored;
2. There is provision of adequate litter disposal facilities;
3. The external appearance of the snack van is satisfactory;
4. There is provision of satisfactory arrangements for the storage and disposal of waste, including waste water and liquids.

In addition each application shall be carefully considered on its merits to ensure that all relevant planning, traffic, amenity and environmental aspects of the proposal are fully assessed.

6.6 The proposal can comply with all aspects of Policy DM14. The site is 500m from the centre of Cambuslang. As a result, the unit can provide hot food for the immediate area together with general groceries without the need for a longer trip to Cambuslang. The site previously operated as a petrol filling station which sold general groceries and hot snacks. The unit is in keeping with its location and has adequate litter disposal facilities. The waste water is kept within self contained tanks in the unit and then taken off site every night. The imposition of conditions and the re-orientation of the site will ensure that the amenity of the neighbouring properties can be improved. Finally, the ventilation system is already in situ on the unit and this will be maintained by the applicant. For these reasons, I am satisfied that the proposal complies with Policy DM14.

6.7 Whilst there is consent for residential use on the site, it is not considered that this temporary consent will affect the housing supply as required by Policy RES2. The

proposal can also comply with Policies DM1 and DM14 as outlined above. I would therefore recommend that a planning consent be granted for a period of 2 years.

7 Reasons for Decision

7.1 The proposed development is considered to be acceptable in terms of policies RES2, DM1 and DM14 of the South Lanarkshire Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

13 June 2011

Previous References

- ◆ CR/07/0228
- ◆ CR/10/0283

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan 2009
- ▶ Consultations
 - Environmental Services 04/05/2011
 - Roads and Transportation Services (Cambuslang/Rutherglen Area) 13/05/2011
 - Cambuslang Community Council 26/04/2011
- ▶ Representations
 - Representation from : Mr and Mrs G McCaffrey , 38 Robert Templeton Drive, Cambuslang, G72 7NE, DATED 19/04/2011
 - Representation from : Mr and Mrs Gordon , 44 Robert Templeton Drive, Cambuslang , G72 7NE, DATED 19/04/2011 and petition with 90 signatures dated April 2011
 - Representation from : S Irons, 32 Robert Templeton Drive, Cambuslang , G72 7NE, DATED 19/04/2011

Contact for Further Information

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

Iain Morton, Planning Officer, Civic Centre, East Kilbride
Ext 6314, (Tel :01355 806314)
E-mail: Enterprise.ek@southlanarkshire.gov.uk

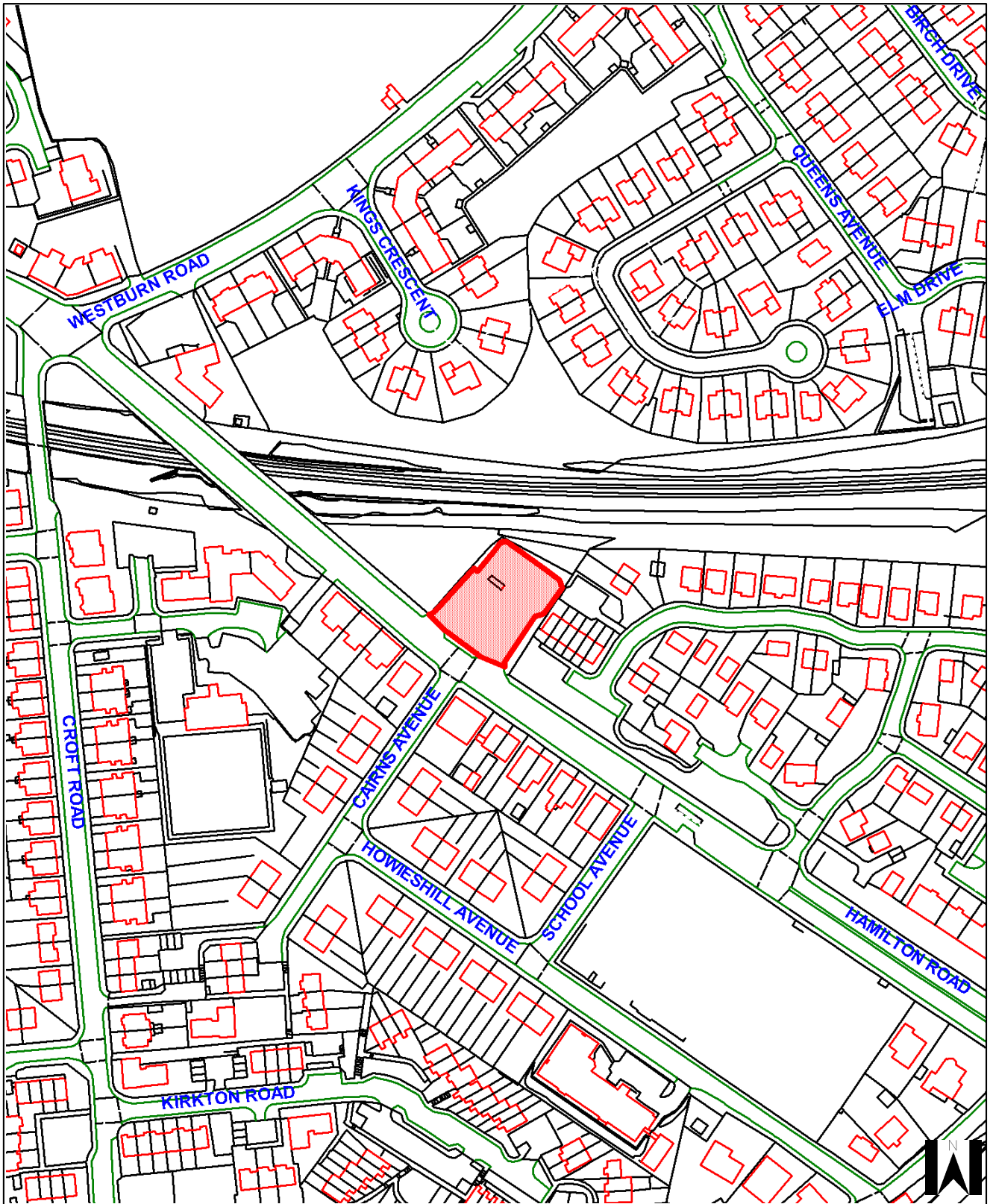
CONDITIONS

- 1 This decision relates to drawing numbers:

128-01
128-02
128-03
- 2 That the permission hereby granted is for a temporary period only and shall expire on 21 June 2013.
- 3 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.
- 4 That within 28 days of the date of this consent, details of the ventilation system shown on the approved drawings shall be submitted to and approved in writing by the Council as Planning Authority.
- 5 That within 14 days of the approval of the ventilation system relating to condition 4 above, the system shall be installed and operative to the specification of the Head of Public Protection and to the satisfaction of the Council as Planning Authority.
- 6 The proprietor of the hot food takeaway shall supply receptacles for discarded food containers and wrappings to the satisfaction of the Council as Planning Authority.
- 7 The use of the premises (with the exception of maintenance works not audible outside the premises), shall be restricted to the following hours of operation:
Mondays to Fridays: Between 09:00 and 20:00
Saturdays: Between 09:00 and 19:00
Sundays: Between 10:00 and 17:00
- 8 That within 28 days of the date of this consent, 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 then be in place within 14 days of their approval by the Council as Planning Authority.
- 9 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 BS4142:1997 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 BS4142:1997 at buildings where people are likely to be affected.
- 10 That no consent is hereby granted for the existing signage on site. This signage shall be subject to a separate application for advertisement consent.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 Temporary Consent is hereby granted
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 To safeguard the amenity of the area.
- 6 To safeguard the amenity of the area.
- 7 To minimise noise disturbance to adjacent occupants.
- 8 To minimise nuisance, littering and pest problems to nearby occupants.
- 9 To minimise noise disturbance to adjacent occupants.
- 10 In the interests of amenity and in order to retain effective planning control.



For information only

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