

Report to: **Planning Committee**  
 Date of Meeting: **29 November 2011**  
 Report by: **Executive Director (Enterprise Resources)**

Application No EK/11/0116  
 Planning Proposal: Change of Use from Indoor Play Facility to 3 no. Class 1 Retail Units, 1 no. Class 3 Restaurant and 1 no. Hot Food Takeaway. External alterations to form new windows and doors

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Caper House Limited
- Location : Caper House Playbarn  
5 MacNeish Way  
East Kilbride

## 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) The Planning Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent: MGP Architects
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**  
COM 6 - Village/Neighbourhood Centres Policy  
DM 1 - Development Management Policy  
DM 10 - Hot Food Shops Policy  
COM 3 - New Retail/Commercial Development Policy

### ◆ Representation(s):

- ▶ 10 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (East Kilbride Area)

## Planning Application Report

### 1 Application Site

- 1.1 The application site lies within the Stewartfield neighbourhood centre of East Kilbride and consists of a former indoor children's play area. The site access is to the south of the Morrisons food store, via MacNeish Way. The parking spaces for the site are currently shared by Stewartfield Community Centre and the existing shop unit (hairdressers). The existing community centre lies to the west of the site, to the north and east is car parking and to the south is the service access to Morrisons.

### 2 Proposal(s)

- 2.1 The applicant proposes to change the use of the existing play facility and sub-divide the building into five separate units (three shops, one hot-food takeaway and one licensed restaurant). The proposed restaurant would be over two floors with the existing shop unit (hairdressers) at ground floor level remaining in place. The restaurant would have a trading floor area of 150 square metres and the four other proposed units would each have a floor area of approximately 100 square metres. The proposed external changes relate to the provision of shop fronts (windows and doors to all units), sign boards and the provision of rear access doors with associated access route and barrier. Following discussions with the applicant, revised plans were submitted, which provided detail of servicing arrangements, clarification of public floor area and minor amendments to the car park to provide 3 additional spaces (a total of 49).

### 3 Background

#### 3.1 Local Plan Status

The application site lies within a neighbourhood centre (Stewartfield), as defined by Policy COM6 of the South Lanarkshire Local Plan. Policy COM3 (New Retail/Commercial Development) is also relevant to the assessment. In terms of design and amenity matters the relevant policies are DM1 (Development Management) and DM10 (Hot Food Shops).

### 4 Consultation(s)

- 4.1 **Environmental Services** - have raised no objections, subject to the imposition of conditions and informatives relating to ventilation, noise, health and safety and food safety.

**Response:** Noted. Appropriate conditions and informatives can be attached on any consent issued.

- 4.2 **Roads and Transportation Services (East Kilbride)** – have raised no objections based on updated information relating to floor areas, a revised parking plan and detail of delivery vehicle movements.

**Response:** Noted.

### 5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the application was advertised due to the scale and nature of development in the East Kilbride News (13/04/11 and 12/10/11). Following this publicity 10 letters of representation were received. The contents of the letters are summarised below:

- a) **Traffic parking and access problems. MacNeish Way is currently very busy with parked cars at peak times and is the main access road for Morrisons' deliveries and residential properties. Any increase in traffic will cause further congestion and restrict access to nearby flats.**  
**Response:** No objections from Roads and Transportation have been received in respect of the proposal. The number of parking spaces provided is considered acceptable, taking into account the previous use at the site and the variable operating times of the proposed uses.
- b) **The proposal will lead to an increase in late night vehicle movements. There is no service delivery lane for vans or turning area so delivery vehicles will have to reverse onto MacNeish Way. Concern is also expressed about the possibility of late opening hours.**  
**Response:** It is acknowledged that the takeaway business and restaurant will operate in the evenings. However, it is understood that, at present, Morrisons is open to 10pm Monday to Saturday and the Community Centre also opens to 11pm on certain days. The neighbourhood centre, at present, therefore operates in the evenings and performs a role as a social hub for the area. It is not considered unreasonable for additional, complementary uses such as those proposed to also operate in the evening. To minimise potential for disturbance however, it is considered necessary to restrict operating times of the proposed units to 11pm. This can be achieved through the imposition of a condition on any planning permission granted. The applicant has provided a plan to show that delivery vehicles will be able to manoeuvre within the parking area, to prevent vehicles reversing onto MacNeish Way.
- c) **Amenity issues – noise and smell from a hot food takeaway and restaurant in a largely residential area. The canopy will give shelter to under-age drinkers outside opening hours. There is currently a problem with anti-social behaviour with youths loitering, causing damage to parked cars and littering the delivery access to Morrisons. A restaurant and especially a takeaway will only add to these problems. Graffiti is likely and there will be an increase in youngsters taking a shortcut through Stewartfield Gardens.**  
**Response:** No objections have been received from Environmental Services with regard to noise or smell. A condition can be imposed in relation to the provision and approval of suitable ventilation measures for the restaurant and hot-food takeaway, which would prevent any odour nuisance. The closest residential properties (Stewartfield Grove) are approximately 26 metres to the south, which is considered sufficient distance to protect amenity. The closest residential properties to the east of the site (Stewartfield Gardens) are approximately 65 metres away. The applicant is not proposing any alterations to the building in relation to a canopy. Anti-social behaviour is predominately a matter to be dealt with by the Police. It is considered that the provision of uses that generate activity can be a positive feature for the area and an increase in anti-social behaviour is not necessarily a consequence of this increased activity.
- d) **The proposal is contrary to the Local Plan for this area, being so close to residential surroundings.**  
**Response:** The application site lies within land designated as a village/neighbourhood centre (COM6) in the Local Plan. In these area shops and other commercial uses are supported in principle. Policies DM1 and DM10 are relevant to the consideration of amenity impacts. It is considered that any amenity impacts on nearby residents in terms of increased vehicle

movements and/or noise disturbance will be minimal and not sufficient to merit refusal of the application.

- e) **The Stewartfield area is sufficiently well serviced with hot food premises at present.**

**Response:** At present there are no other hot-food takeaways within the Stewartfield neighbourhood centre. I therefore do not consider that there is an overprovision in the immediate area.

- f) **The proposal would devalue properties in the immediate surrounding area.**

**Response:** Potential impact on property prices is not a material planning consideration.

- g) **The proposal will deprive local children of an activity play area.**

**Response:** The children's play facility is already closed and is privately owned. The Planning Service is required to assess each application on its individual merits. In this instance, the site is not allocated for a recreational use of this nature and the proposed uses comply in principle with the Local Plan.

- 5.2 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 determining issue that requires to be addressed in respect of this application is compliance with local plan policy, as set out in the Adopted South Lanarkshire Local Plan 2009 and any other material considerations.

- 6.2 Policy COM3 sets out criteria to assess new retail/commercial development against. It is considered that the proposal complies with COM3 as it relates to change of use of an existing building within a neighbourhood centre to provide small scale retail/commercial development.

- 6.3 Policy COM6, concerning village/neighbourhood centres, states that proposals for changes of use in these areas will be assessed with regard to the appropriate mix of uses, retaining a retail element to serve the needs of the local area and with regard to the amenity of the surrounding area. Within Stewartfield, the policy states that proposals for changes of use will not be supported if the representation of retail units is below 60%, unless it can be demonstrated that the premises have been marketed unsuccessfully for a period of one year. In this case, the proposal will result in the loss of the previous leisure use but will provide three retail units, one restaurant and one hot-food takeaway. The proposal will therefore provide additional retail and commercial facilities, which is supported in principle by Policy COM6.

- 6.4 Policy DM1 states that all planning applications will be required 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 the minor external alterations are acceptable and compatible with the surrounding streetscape. The proposal is also considered to provide appropriate parking and access arrangements.

- 6.5 Policy DM10 (Hot Food Shops) states that within commercial areas identified in the Local Plan there will be a general presumption in favour of granting planning permission for hot food shops subject to compliance with all of the following criteria:
- a. An adequate level of shopping provision is maintained and the viability of the centre and its main retail function is not adversely affected.
  - b. A satisfactory balance is retained between retailing and non-retailing uses.
  - c. Within primary shopping or core retail areas the proposal does not result in a concentration of non-retail frontages which would significantly detract from the shopping character of the street.
  - d. The proposal does not have a significant impact in terms of environmental, traffic, public safety and amenity considerations (e.g. noise, disturbance or smell), particularly in relation to residential properties above, adjacent or near to the site.
  - e. The applicant shall demonstrate that they have control to implement any ventilation system that may be required. This shall have prior approval in writing by the Council and be installed to the Council's satisfaction.
- 6.6 In respect of the above policy, it is noted that the proposal will increase the shopping provision available, it will not result in a significant loss of amenity for nearby residents or result in environmental disturbance. There are also no identified constraints, in terms of providing suitable ventilation. The proposal is therefore considered to comply with Policy DM10 of the Local Plan.
- 6.7 In summary, it is considered that the proposed development will not have a significant adverse impact on the amenity of nearby residents in terms of environmental or other forms of disturbance and is supported by the relevant policies of the Local Plan, as outlined above. It is therefore recommended that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 The proposal will not have a significant adverse impact on amenity or road safety, nor raises any environmental or infrastructure issues and complies with Policies COM 3, COM 6, DM 1 and DM 10 of the adopted South Lanarkshire Local Plan.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**15 November 2011**

### **Previous References**

- ◆ None

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
  
- ▶ Consultations
  - Environmental Services 18/04/2011
  - Roads and Transportation Services (East Kilbride Area) 26/07/2011
  
- ▶ Representations

- Representation from : Cathleen & Pat Sweeney, 15 Stewartfield Gardens, East Kilbride, G74 4GN, DATED 27/04/2011
- Representation from : R Campbell, 50 Stewartfield Gardens, East Kilbride, G74 4GN, DATED 26/04/2011
- Representation from : I Thomson, 4 Stewartfield Gardens, East Kilbride, G74 4GN, DATED 26/04/2011
- Representation from : Hugh & Lorraine Fraser, 1 Arrotshole Court, East Kilbride, G74 4XA, DATED 27/04/2011
- Representation from : Mr C Berry, 15 Stewartfield Grove, East Kilbride G74 4XL, DATED 18/04/2011
- Representation from : Elizabeth McGair, 9 Stewartfield Grove, Stewartfield G74 4XL, DATED 18/04/2011
- Representation from : Craig McGowan, 12 Stewartfield Grove, East Kilbride G74 4XL, DATED 18/04/2011
- Representation from : Kenneth Young, 66 MacLean Place, East Kilbride, G74 4TQ, DATED 28/04/2011
- Representation from : Mr Charles Benson, 16 Stewartfield Grove, East Kilbride, G74 4XL, DATED 15/04/2011
- Representation from : Henry Coysh, 2 Arrotshole Court, Stewartfield, East Kilbride G74 4XA, DATED 27/04/2011

**Contact for Further Information**

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

Alan Pepler, Planning Officer, Civic Centre, East Kilbride  
Ext 6652, (Tel :01355 806652 )  
E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

## CONDITIONS

- 1 The consent shall be carried out strictly in accordance with drawing numbers:  
  
Location Plan (Dwg No. PL06 Rev A)  
Site Plan (Dwg No. PL-05 Rev B)  
Elevations as Existing (Dwg No. PL-02 Rev A)  
Existing GF & FF Plans (Dwg No. PL-01 Rev A)  
Proposed GF & FF Plans (Dwg No. PL-03 Rev C)  
Proposed Elevations (Dwg No. PL-04 Rev B)
  
- 2 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.
  
- 3 Before the hot-food takeaway and restaurant are brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Council as Planning Authority. The hot-food takeaway and restaurant shall not be brought into use until the ventilation systems are operational in accordance with the approved details.  
All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.  
The ventilation system shall:
  - a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary.
  - b) Be constructed by employing best practical means to minimise noise and vibration transmission via plant and the building structure.
  - c) Noise associated with the business shall not give rise to a noise level, assessed with the windows closed, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.
  
- 4 That the opening hours of the units are restricted to between 8am and 11pm and all staff must have vacated the premises with no further activity by 11.30pm.
  
- 5 That before the development hereby approved is completed or brought into use, all of the parking spaces shown in on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

## REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 To minimise nuisance to occupants of nearby buildings as a result of cooking smells, vapours, airborne pollutants or noise from the premises.
- 4 To minimise noise disturbance to adjacent occupants.
- 5 To ensure the provision of adequate parking facilities within the site.



For information only

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