

Report

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Report to:	Cambuslang/Rutherglen Area Committee
Date of Meeting:	23 August 2011
Report by:	Executive Director (Enterprise Resources)

Application No	CR/10/0156
Planning Proposal:	Erection of Smoking Shelter (Retrospective Application)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Whitefield Bowling and Recreation Club
- Location : Whitefield Bowling and Recreation Club
Croft 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 attached conditions)

2.2 Other Actions/Notes

The Cambuslang/ Rutherglen Area Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 14 Cambuslang East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
RES 6 - Residential Land Use Policy
DM 1 - Development Management Policy

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

- ◆ Consultation(s):

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application is a retrospective application for a smoking shelter at Whitefield Bowling and Recreation Club, Croft Road, Cambuslang. The application site is bounded on all sides by residential properties.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for a smoking shelter which has been constructed. The shelter is attached to the existing pavilion building positioned at the main entrance on the North elevation.

3 Background

3.1 Relevant Government Advice/Policy

Smoking, Health and Social Care (Scotland) Act 2005' and the 'Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

3.2 Local Plan Status

- 3.2.1 The Adopted South Lanarkshire Local Plan identifies the entire application site as being within a designated residential area. Policy RES 6 – Residential Land Use is therefore of relevance to this application. Policy DM1 – Development Management is also considered to be of relevance to the application. The content of the above policies and how they relate to the proposal is assessed in Section 6 of this report.

4 Consultation(s)

- 4.1 **Environmental Services:** – No objections to the proposal subject to compliance with the condition to submit a written report with proposals for noise attenuation. It should be noted that a subsequent meeting has taken place and noise attenuation measures were agreed have been operating.

Response: Noted.

5 Representation(s)

- a) **That the neighbouring properties have been experiencing considerable noise disturbance.**

Response: A meeting of the Whitefield Bowling Club Noise Sub-committee was held on 12 October 2010. Various issues, including noise, were discussed and a Briefing Note from that meeting was submitted to the Planning Service. The briefing note states that a Noise Limiter had been installed and that this was in operation on one of the police visits. The Smoking, Health and Social Care (Scotland) Act 2005' and the 'Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 has resulted in the requirement of this external smoking area. Issues raised by noise or disturbances are monitored and enforced by Environmental Services and the Police.

- b) **That neighbouring properties had not been neighbour notified.**

Response: When the application was first submitted it was invalid and as a result, neighbour notification was not completed until all the relevant information had been received and the application validated. All neighbours have since been notified and the proposal was also advertised in the Rutherglen Reformer (28 July 2010)

- c) **That the smoking shelter does not comply with current 2005 smoking ban regulations.**

Response: Environmental Services have confirmed that the smoking shelter complies with their requirements and is fit for purpose.

- d) **That the location of the smoking shelter is in an unsuitable position.**
Response: The Bowling Green Pavilion is surrounded on all sides by residential properties and locating this at the entrance reduces the potential noise from patrons moving between 2 different locations on a regular basis.
- e) **That local residents have had to call the Police and other Services regarding noise disturbance.**
Response: The Briefing note of the Noise Sub Committee on the 12th of October 2010 stated that Police records had indicated three complaints and that Environmental Services had received 2 complaints. The Briefing Note also stated that both the Police and Environmental Services had agreed that the measures which have now been put in place demonstrated that the proprietors were acting in a reasonable and responsible manner to address the noise issues.

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 applicant seeks retrospective planning consent for a smoking shelter in the grounds of Whitefield Bowling and Recreation Club. The determining issues in consideration of this application are its compliance with local plan policy and in particular, its impact on the amenity of adjacent properties.
- 6.2 The main material consideration in the assessment of the proposal is the adopted South Lanarkshire Local Plan. The policies which are relevant to the application are Policy RES6 – Residential Land Use, DM1 – Development Management.
- 6.3 The application site is located within a designated residential area, and covered by Policy RES6 of the adopted local plan. The development is within the curtilage of an existing, established Bowling Green. The existing nature of the area will be unaltered as a result.
- 6.4 The development is of a similar nature to comparative structures and is considered to be of an appropriate scale. The materials, whilst differing from the existing building are considered acceptable for this type of development.
- 6.5 As part of the processing of the application, neighbour notification was carried out, with all properties within a 20 metre radius of the application site being notified of the proposal. As a result of this publicity, seven letters of objection were received. The points raised within the letters of objection are summarised in Section 5 above and relate mainly to the noise issue. Environmental Services were consulted regarding the development and raised no objections.
- 6.6 With regard to noise disturbance, Environmental Services were consulted regarding this application and had no objections to the proposal. In response to the complaints and concerns of local residents the Bowling Club set up a Noise Sub-committee. This Sub-committee meeting was attended by 2 Community Police officers, an officer from Environmental Services and representatives from the bowling green committee. The Sub-committee discussed several issues including noise disturbance and the smoking shelter. Both of the Services working with the Bowling Green committee were satisfied that the actions, taken by the Bowling Club in response to noise concerns were acceptable and the issue was being addressed in a responsible manner.
- 6.7 The Bowling Green was established in 1874 and the club house was erected in 1875. The club therefore is a historic feature of the local community and has been the centre for social functions for over a century. The introduction of the Smoking,

Health and Social Care (Scotland) Act 2005' and the 'Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 has resulted in external smoking areas being provided for patrons in most licensed premises. As smoking has been banned within premises, patrons must move outside should they wish to smoke. The smoking shelter not only provides an area where the patrons can shelter from the elements but encourages patrons to use one particular area where it is easier for management to police and control noise issues.

6.8 In conclusion, while there have been reported issues of noise disturbance, partly relating to the smoking shelter, the services who monitor these disturbances have not objected to the proposal. The information received from Environmental Services and the briefing of the meeting regarding noise, demonstrates the measures and commitment to address and resolve these matters. Patrons are required by law to smoke outside and a dedicated area, close to the entrance minimises disturbance by containing it to one area and allowing it to be supervised more effectively.

6.9 Overall I am satisfied that the proposal complies with the relevant South Lanarkshire Local Plan policies. It is therefore recommended that planning permission be granted.

7 Reasons for Decision

7.1 The proposal will have no adverse impact on either residential or visual amenity and complies with Policies DM1 and RES6 of the South Lanarkshire Local Plan (adopted) and the guidance notes contained therein. I therefore recommend that planning permission be granted subject to the attached conditions.

Colin McDowall
Executive Director (Enterprise Resources)

10 August 2011

Previous Reference

◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

▶ Consultations

Environmental Services

03/09/2010

▶ Representations

Representation from : Kevin Smith, 24 Croft Road, Cambuslang G72 8LB, DATED 29/10/2009

Representation from : Aileen Porter, 22 Croft Road, Cambuslang G72 8LB, DATED 30/10/2009

Representation from : Margaret Paton, 26 Croft Road, Cambuslang, G72 8LB, DATED 06/11/2009

Representation from : Mr & Mrs J McGuire, 28 Croft Road, Cambuslang, G72 8LB, DATED 26/07/2010

Representation from : Mrs Margaret Paton, 26 Croft Road, Cambuslang, G72 8LB,
DATED 13/07/2010

Representation from : Mr Kevin Smyth, 24 Croft Road, Cambuslang, G72 8LB,
DATED 13/07/2010

Representation from : Aileen Porter , 22 Croft Road, Cambuslang, G72 , DATED
22/07/2010

Contact for Further Information

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

Evelyn Ann Wilson, Planning Officer, Civic Centre, East Kilbride
Ext 6315, (Tel: 01355 806315)
E-mail: Enterprise.ek@southlanarkshire.gov.uk
Detailed Planning Application

CONDITIONS

- 1 The consent shall be carried out strictly in accordance with drawing numbers: Plan 1, Plan 2.
- 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 That written proposals for the attenuation of noise shall be submitted to and approved in writing by the Council as Planning Authority. The approved scheme shall be implemented and shall thereafter be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

REASONS

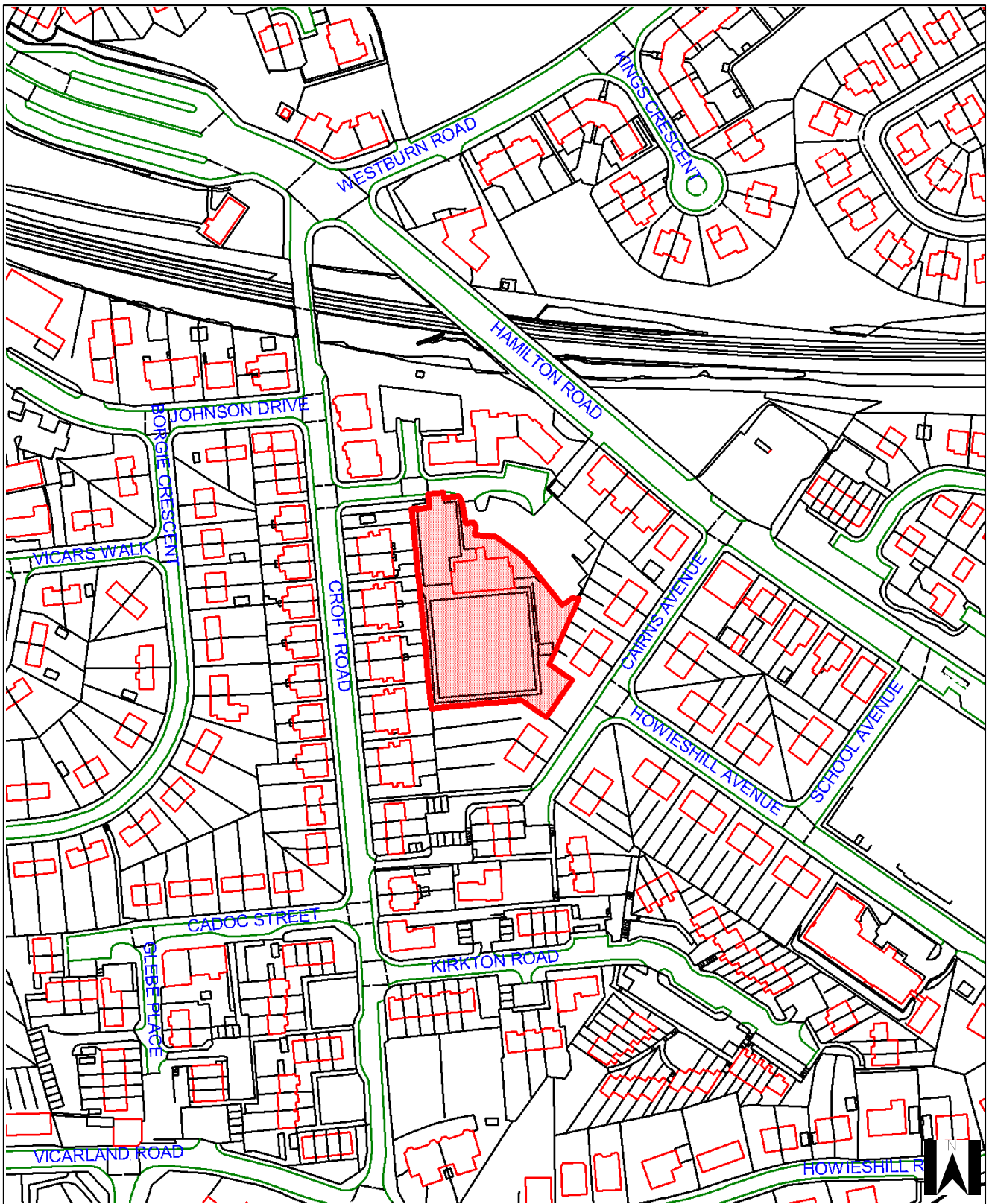
- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 To minimise noise disturbance to adjacent occupants.

CR/10/0156

Planning and Building Standards Services

Whitefield Bowling and Recreation Club, Croft Road,
Cambuslang

Scale: 1: 2500



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