

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 March 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1665
Planning proposal:	Change of use from dry cleaners (Class 1) to hot food takeaway (Sui generis)

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mayfair Cleaners
Location:	36 Kirkton Park East Kilbride G74 4HX

## 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: Stephen Govan
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (2015)**  
Policy 2: Climate Change  
Policy 4: Development management and placemaking  
Policy 9: Neighbourhood centres  
Policy 15: Natural and historic environment  
**Supplementary Guidance 3**  
Development Management, Placemaking and Design Policy  
DM1: Design  
DM8: Hot food shops  
**Supplementary Guidance 9**  
NHE7: Conservation Areas

## **Proposed South Lanarkshire Local Development Plan 2**

Policy 2: Climate Change

Policy 5: Development Management and  
Placemaking

Policy 9: Network of Centres and Retailing

Policy 14: Nature and Historic Environment

Policy DM9: Hot Food Shops

Policy NHE6: Conservation Areas

### **◆ Representation(s):**

▶	32	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

### **◆ Consultation(s):**

Roads Development Management Team

Environmental Services

East Mains Community Council

## Planning Application Report

### 1 Application Site

- 1.1 The application site relates to a single storey retail shop, currently a dry cleaners, at 36 Kirkton Park, The Village, East Kilbride. The site is the end unit within a single storey, terraced row of six units. To the east is located an access road, Lindsay Grove which leads to the rear service yard area of this row of shops as well as accessing some elderly persons' housing beyond. To the front and south is located a row of chevron parking associated with the parade of shops and beyond to dwellinghouses in Kirkton Park with Lindsay Road lying to the south east. Directly to the rear of the unit is a communal service yard area with common space for car parking. The application site is located within a local neighbourhood centre (East Kilbride Village). The unit also falls within East Kilbride Village Conservation Area. Within the terraced row of shops there exists an Indian restaurant, a Greggs bakery, a delicatessen, a laundrette, a bar and grill together with the dry cleaners.

### 2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for a change of use from Class 1 (dry cleaners) to a hot food takeaway shop (sui generis). A new shop front is proposed with new window and aluminium framed door in a similar breakdown to the existing. An upgraded flue on the rear roof of the unit, in the same position as the existing dry cleaners flue, is also proposed.
- 2.2 The current use of the unit is as a dry cleaners, known as Mayfair Cleaners, who are the applicants in this instance. At time of visiting the site, the dry cleaners was trading.
- 2.3 The applicant proposes to open between the hours of 12:00 noon and 00:00 midnight, seven days per week. The business will potentially provide 6 full time and 4 part time jobs, including serving staff, kitchen staff and delivery drivers. The unit will contain counter services, kitchen, washing and preparation area and a staff toilet.

### 3 Background

#### 3.1 Local Development Plan Status

##### 3.1.1 Adopted South Lanarkshire Local Development Plan (SLLDP) 2015

The application site is on land identified as lying within the East Kilbride Village Local Neighbourhood Centre and the Conservation Area within the adopted South Lanarkshire Local Development Plan (SLLDP) 2015 and contains the following policies against which the proposal should be assessed:-

- ◆ Policy 2: Climate change
- ◆ Policy 4: Development management and placemaking
- ◆ Policy 9: Neighbourhood centres
- ◆ Policy 15: Natural and historic environment

- 3.1.2 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:-

- ◆ Supplementary Guidance 3: Development Management, Placemaking and Design Policy - Policy DM8 – Hot food shops
- ◆ Supplementary Guidance 9: Natural and historic environment- Policy NHE7 – Conservation Areas

### 3.1.3 South Lanarkshire Local Development Plan 2 (SLLDP2)

On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (SLLDP2); a number of modifications to the proposed Plan were recommended. At the Planning Committee on 1 December 2020 members agreed to the approval all of the modifications in the examination report; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers.

3.1.4 The application site is on land identified as lying within East Kilbride Village Local Neighbourhood Centre as well as the Conservation Area within the proposed South Lanarkshire Local Development Plan (SLLDP2) 2018. The proposed development requires to be assessed against the following policies:-

- ◆ Policy 2: Climate change
- ◆ Policy 5: Development Management and Placemaking
- ◆ Policy 9: Hot food shops
- ◆ Policy 14: Natural and historic environment
- ◆ Policy DM 9: Hot food shops
- ◆ Policy NHE 6: Conservation Areas

## 3.2 **Planning Background**

3.2.1 There is no recent planning history pertaining to this site.

## 4 **Consultation(s)**

4.1 **Roads Development Management Team** – has no objections having considered the proposal in detail and has stated that there is parking available to the front and rear of the row of shops and additional parking available within a relatively short walk (approximately 120 metres away in Stuart Street). In addition, it is evident that this row of shops hosts several premises providing takeaway food including a Greggs bakery, local deli and Indian restaurant. The introduction of another hot food shop will provide a further alternative to potential customers arriving and would not necessarily result in any significant additional vehicle trips to this location. Furthermore, it is stated that from available survey information, the busiest period would generally be between 7pm and 8pm when shops such as Greggs bakery, the deli and laundrette would be closed. Thus, potentially there would be a reduction in competing parking demand at Kirkton Park shops.

**Response:** Noted and agreed. Should the application be approved an informative would be added to encourage the applicant to publicise the additional car parking to the rear of the premises, e.g. by means of a location plan printed on the back of the takeaway menu; signage for customers displayed within the shop etc.

4.2 **Environmental Services** – has no objections subject to a standard condition and informatives relating to the control of odour, through a suitable ventilation system being installed, and noise.

**Response:** Noted. Any consent would have an appropriately worded condition and informatives attached.

4.3 **East Mains Community Council** – Objects to the proposal on the basis that the concentration of traffic for the hot food take away would overwhelm an area that already has severe problems with double parking and pavement parking. This concentration would be focused at peak times and would, therefore, cause safety

concerns for motorists and pedestrians alike. Also, there are no indication of hours of operation, in terms of noise and nuisance. The unit is closest to the residential area.

**Response:** Whilst these points are noted, the observations of both the Council's Environmental Services and Roads and Transportation Services which address these issues, are detailed above and in the representations Section 5 and the assessment and conclusions Section 6 of this report. As detailed, neither of these Services has objected to this proposal.

## **5 Representation(s)**

5.1 Statutory neighbour notification was carried out and the application was advertised in the local press in terms of Non-Notification of Neighbours and as a Bad Neighbour development. Following this, 32 letters of objection were received. The issues raised in these representations can be summarised as follows:-

- a) **Congestion and parking is already a problem and potential hazard outside this row of shops particularly during peak times. Yet another food outlet would further exacerbate the problem of parking of cars, vans and lorries on double yellow lines and pavements.**

**Response:** The Council's Roads and Transportation Services were consulted as part of this application and noted that the premises are within East Kilbride Village with similar uses and shops in the vicinity and there is parking available to the front of the unit and to the rear. Also, additional parking is available within a relatively short walking distance of this row of shops in Kirkton Park at Stuart Street, approximately 120 metres away. Roads and Transportation Services has concluded that the introduction of an additional food outlet would not necessarily result in any significant additional vehicle trips to this location.

- b) **The character of the Village, which is enhanced by its variety of shops, will be reduced by the loss of another shop to a food outlet.**

**Response:** it is considered that a variety of shops still remain within the Village and that this proposal would not reduce the character of East Kilbride Village.

- c) **A hazard is created to pedestrians and motorists alike due to vehicles double parking, turning at the junction with Lindsay Road and the blocking of driveways and access to lock-ups.**

**Response:** There are various restrictions already in place on Kirkton Park and Lindsay Grove. A parking permit also operates along Kirkton Park, commencing east of Lindsay Grove, and extends into Lindsay Road. As detailed in point (a) above, it is considered that there is parking available in the vicinity and, in addition, there are communal spaces within the yard area to the rear of the unit.

- d) **If the premises are opened late at night this would result in noise and disturbance and may result in anti-social behaviour.**

**Response:** The applicant has confirmed the opening hours proposed are 12 noon to 12pm. The premises are located within a commercial area and form part of a row of shop units. Hours of opening would be controlled under the operating licence.

- e) **There are only a small number of car parking spaces, including an inadequate disabled bay, to serve this row of shops and it can get quite chaotic and congested.**

**Response:** As stated above under point (a), in addition to the car parking spaces to the front there are some communal spaces within the rear yard area associated with the row of shops and other general parking in the local vicinity.

- f) **There is a problem with illegal parking because of the takeaway food outlets, parents dropping off/picking up school children and Lidl customers using the underpass instead of the supermarket car park.**  
**Response:** As mentioned under point (c), various parking restrictions already exist. Illegal parking is against the law and falls to the Police or traffic wardens to enforce.
- g) **Increase in air pollution from cooking, litter and environmental risk from waste due to rodents.**  
**Response:** It is noted that the location of the flue on the flat rear roof section of the unit is the same position as the existing flue associated with the dry cleaning business, currently operating from the unit. The proposed flue would be designed to a modern standard to ensure minimal noise, odours etc. As such, Environmental Services have raised no objection to the proposal provided the ventilation system operates in accordance with their guidelines and is maintained as such. An appropriate condition and informatives would be attached to any planning consent.
- h) **There are six sheltered houses at the back of the shop which would be affected by anti-social behaviour and smell from the premises.**  
**Response:** The sheltered houses in Lindsay Grove are located some 36 metres to the north of the application site. As Lindsay Grove is a cul-de-sac, there will be no through movement of customers using the hot food shop and, therefore, it is considered that the occupiers of the sheltered houses will not be adversely affected by the proposed hot food takeaway.
- i) **Could the new owner combat the parking issues by encouraging parking and collection from the rear of the premises?**  
**Response:** Any planning consent would have an informative to encourage the applicant to publicise the availability of parking to the rear of the unit.
- j) **This end unit is directly beside and opposite several residences and evening opening would be very disruptive.**  
**Response:** It is recognised that this is the end unit in the row of shops and, therefore, is the closest to the residences located to the east within Kirkton Park. However, there exists the road, Lindsay Grove, between the row of shops and the first house, No. 22 Kirkton Park and the application site lies within a commercial zoning.
- k) **Large lorries making deliveries early in the morning or taking away crates and glass cause disturbance, this proposal would add to this problem.**  
**Response:** This is an established shop unit in a terraced row of shops. It is considered that the use of this unit as a hot food takeaway will not exacerbate existing disturbance associated with shops within a local neighbourhood centre.
- l) **The Mayfair Dry Cleaners is a valued business in the community and would be a loss to everyone.**  
**Response:** While it is accepted that the local community may miss the dry cleaning facility, Mayfair Cleaners is the applicant in this instance. The circumstances are not known why they wish to terminate the dry cleaning business at this property, however, this is not a planning matter.

## **6 Assessment and Conclusions**

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance. Other material considerations to be taken into account include the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) (2018).
- 6.2 In the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) the application site is located within the East Kilbride Village Local Neighbourhood Centre and the Conservation Area.
- 6.3 Policy 2: Climate Change seeks to minimise and mitigate against the effects of climate change. The proposals entails a change of use from a dry cleaners to a hot food takeaway. The proposal would involve minimal change to an existing shop unit with the applicant utilising the existing extract flue position which is located to the rear of the unit on a flat roofed section of the building. A modern extract system to the satisfaction of the Council's environmental Services would be installed. The proposals do not involve any large scale construction and, therefore, would not have a detrimental impact upon the local environment nor biodiversity and air quality.
- 6.4 Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.5 Policy 9: Neighbourhood Centres advises any proposals for changes of use within neighbourhood centres will be assessed with regard to the need to have an appropriate mix of use with a retail element retained to serve the needs of the local community. Policy DM8 – Hot food shops of the supplementary guidance is also relevant. This advises in relation to retail/commercial areas, there will be a general presumption in favour of granting planning permission subject to compliance with the following criteria:-
- ◆ An adequate level of shopping provision is maintained and the viability of the centre and its retail function is not adversely affected
  - ◆ A satisfactory balance is retained between retailing and non-retailing uses
- The proposal does not have a significant impact in terms of environmental, traffic, public safety and amenity considerations, particularly in relation to residential properties near the site.
- 6.6 Policy 15: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. In this instance, the site is located within the East Kilbride Village Conservation Area. As it is an existing shop unit with minimal external change to its appearance, the Conservation area would not be detrimentally impacted upon in this instance. This advice is supported within Natural and Historic Environment Supplementary Guidance under Policy NHE6- Conservation Areas.
- 6.7 The modified SLLDP2 and associated documents were approved by the Planning Committee on 1 December 2020. The Council has now advised the Scottish Ministers of its intention to adopt the Plan. Local Development Plan 2 is, therefore, the Council's

most up to date policy position and is afforded significant weight in the assessment and determination of planning applications.

- 6.8 Within the modified SLLDP2, the application site is located within the East Kilbride Village Local Neighbourhood Centre and the Conservation Area.
- 6.9 The applicant proposes to change the use of this end terraced unit from a dry cleaners (class 1) to a hot food takeaway (sui generis) at 26 Kirkton Park, East Kilbride Village. The main determining issues in assessing this proposal are whether it accords with local development plan policy and its impact on amenity and road safety matters.
- 6.10 Within SLLDP2 Policy 2 (Climate change), similar to the adopted Plan, seeks to minimise and mitigate against the effects of climate change. The proposal entails a change of use from a dry cleaners to a hot food takeaway. The proposal would involve minimal change to an existing shop unit with the applicant utilising the existing extract flue position which is located to the rear of the unit on a flat roofed section of the building. A modern extract system to the satisfaction of the Council's environmental Services would be installed. The proposals do not involve any large scale construction and, therefore, would not have a detrimental impact upon the local environment nor biodiversity and air quality.
- 6.11 Policy 5 (Development Management and Placemaking) of the adopted South Lanarkshire Local Development Plan and associated supplementary guidance seek to ensure that development takes account of and is integrated within the local context and built form. Proposals should have no significant adverse impacts on the local community and include where appropriate measures to enhance the environment.
- 6.12 Policy 9 (Network of Centres and Retailing) recognises the need to retain a retail element in neighbourhood centres whilst having regard to the impact of any proposals on the role and function of the centre. Furthermore, Policy DM9 (Hot food shops) is relevant and has a general presumption in favour of granting planning permission in town centre locations, for hot food shops, subject to compliance with a number of criteria.
- 6.13 As the application site is also located within East Kilbride Conservation Area, Policy 14 – Natural and Historic Environment is also applicable and assesses all development proposals in terms of their effect on the character and amenity of the natural and built environment. Policy NHE6 – Conservation Areas advises that development and demolition within a conservation area affecting its setting shall preserve or enhance its character. The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting.
- 6.14 The hot food takeaway use is considered to be an appropriate use in the neighbourhood centre and is considered to be compatible with the existing use as a neighbourhood centre. The proposal is not considered to have a significant adverse impact on residential amenity given that there are no residential properties immediately adjacent to or above the premises. A condition has been attached in respect of waste storage and collection. The location benefits from the provision of communal parking to the front of the unit and the availability of car parking within the rear yard area off Lindsay Grove. Sufficient off street parking is located within walking distance within East Kilbride Village itself and Roads and Transportation Services had no objections to the proposed change of use. Environmental Services raised no objections to the proposed hot food takeaway.



- 6.15 In terms of policies 5, 14 and NHE6, there are some alterations to the front of the building by way of new glazing and entrance door. The applicant is aware that any proposed signage will be subject to a separate application for Advertisement Consent. The installation of the flue within the roof space on the rear of the building is to be in the same position as the existing one associated with the dry cleaning business. As this is on a flat roofed section of the building and not on a public elevation, it will sit below the ridgeline of the building and is not visible from the public street. I am satisfied it will have no adverse impact on the character of the conservation area.

The proposal is, therefore, considered to be in accordance with Policies 2, 5, 9, 14, DM9 and NHE6 of the adopted South Lanarkshire Local Development Plan 2 and associated Supplementary Guidance.

- 6.16 In summary, following a full and detailed assessment of the proposed development, it is considered that the proposed development is in accordance with the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance and the modified South Lanarkshire Local Development Plan 2 and for the above reasons, planning permission can be granted.

## **7 Reasons for Decision**

- 7.1 The proposal will not have a significant adverse impact on amenity or public safety and complies with Policies 2, 4, 9, DM8 and NHE7 of the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance. The proposal also complies with Policies 2, 5, 9, 14, DM9 and NHE6 of the Modified South Lanarkshire Local Development Plan 2. There are no other material considerations that would outweigh the policy position.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

12 March 2021

### **Previous References**

- ◆ None

### **List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated
  
- ▶ Consultations
  - Roads Development Management Team 04.02.2021
  - Environmental Services 10.12.2020
  - East Mains Community Council 02.12.2020
- ▶ Representations
  - Dated:  
Mr Paul Meechan, 1 Lindsay Road, East Kilbride, G74 4HZ 01.12.2020
  - Mrs Claire Paterson, 28 Kirkton Park, East Kilbride, G74 4HT 02.12.2020  
02.12.2020

Mr Leon Paterson, 28 Kirkton Park, The Village, East Kilbride, Glasgow, G74 4HT	02.12.2020
Mr John Farrell, 2 Lindsay Road, East Kilbride, G74 4JA	02.12.2020
Miss Vivien Jarvie, 16 Kirkton Park, East Kilbride, Glasgow, G74 4HT	02.12.2020
Mr Philip Collins, 26, Lindsay Road, East Kilbride, G74 4JA	02.12.2020
Ms Norma Churchill, 17 Melrose Terrace, East Kilbride, East Kilbride, Glasgow, G74 4EQ	02.12.2020
Mr Michael Mcateer, 32 Kirkton Park, GLASGOW, G74 4HT	02.12.2020
Mr Alastair Gunning, 27 Kirkton Park, East Kilbride, G74 4HU	05.12.2020
Mr Nigel Heath, 25 Kirkton Park, East Kilbride, G74 4HU	30.11.2020
Mr Phillip Clark, 30 Lindsay Road, East Kilbride, G74 4JA	08.12.2020
Mrs Christine Garcia, 48 Lindsay Road, East Kilbride, G74 4JA	09.12.2020
Isobel Desport, 2 Kirkton Park, East Kilbride, Glasgow, South Lanarkshire, G74 4HT	10.12.2020
Donna Love, 3 Whitemoss Road, East Kilbride, Glasgow, South Lanarkshire, G74 4JB	10.12.2020
Peter Pang, 3A Whitemoss Road, East Kilbride, Glasgow, South Lanarkshire, G74 4JB	10.12.2020
Fong Dong, 30 Kirkton Park, East Kilbride, Glasgow, South Lanarkshire, G74 4HT	10.12.2020
Kenneth MacBeen, 16 Maxwell Drive, East Kilbride, Glasgow, South Lanarkshire, G74 4HG	10.12.2020
Anne Cropp, 18 Maxwell Drive, East Kilbride, Glasgow, South Lanarkshire, G74 4HG	10.12.2020
Mr Billy Allan, 33 Kirkton Park, East Kilbride, Glasgow, G74 4HX	07.12.2020
Mr James Docherty, 4 Lindsay Road, East Kilbride, Glasgow, G74 4JA	02.12.2020
Mandy Penman, 9 Lindsay Road, East Kilbride, G74 4HZ	10.12.2020
Mr William Arthur, 11 Threshold, Whitemoss, East Kilbride, G74 4HN	02.12.2020
Mr James Marshall, 4 Kirkton Place, Village, East Kilbride, G74 4HR	02.12.2020

Mrs Sandra Allan, 33 Kirkton Park, East Kilbride, Glasgow, G74 4HX	03.12.2020
Mr David Blake, 21 Lindsay Road, East Kilbride, G74 4HZ	07.12.2020
Mrs Patricia Whelan, 8 Lindsay Road, East Kilbride, G74 8JA	07.12.2020 09.12.2020
Margaret Duffy, By Email	04.12.2020
Miss Elizabeth Farrell, 43 Lindsay Road, East Kilbride, G74 4HZ	09.12.2020
Ms Joan Mallan, 18 Kirkton Park, Village, East Kilbride, G74 4HT	03.12.2020
Ross Ditchburn, Received Via Email	16.12.2020
Lesley Cunningham, 42 Lindsay Road, East Kilbride, G74 4JA	16.12.2020
Mrs Kay Stanton, 9 Kirkton Park, East Mains, East Kilbride, G74 4HT	16.12.2020

**Contact for further information**

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

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
 Phone: 01698 455043  
 Email: [maud.mcintyre@southlanarkshire.gov.uk](mailto:maud.mcintyre@southlanarkshire.gov.uk)

### Conditions and reasons

01. That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

02. That no consent is hereby granted for any of signage, for which a separate advertisement consent will be required.

Reason: In order to retain effective planning control.

03. 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 open, 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.
- d) The discharge stack shall:
  - ◆ Discharge the extracted air not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen.
  - or
  - ◆ The extracted air shall be discharged not less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen. Additional control measures may be required.
  - or
  - ◆ Reiterate the proposed mitigation scheme as part of the condition.

Reason: In the interests of amenity.

P/20/1665

36 Kirkton Park, East Kilbride G74 4HX



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Scale:  
1:1,150  
Date:  
25/02/2021



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development