

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 September 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0348
Planning proposal:	Erection of restaurant with ancillary takeaway and new vehicular access, parking and associated works

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr M Naveed
Location:	235 Stonelaw Road Rutherglen

## 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: Keith Edwards
- ◆ Council Area/Ward: 11 Rutherglen South
- ◆ Policy Reference(s): Policy 2 – Climate Change  
Policy 3 - General Urban Areas  
Policy 5 - Development Management and Placemaking  
Policy 9 – Network of Centres and Retailing  
Policy DM1 – New Development Design  
Policy DM9 - Hot Food Shops

### ◆ Representation(s):

▶	21	Objection Letters
▶	13	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

The Coal Authority Planning and Local Authority Liaison

Roads Development Management Team

Petroleum Officer

Burnside Community Council

Environmental Services

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is the former petrol station at 235 Stonelaw Road, Rutherglen. The site, extending to approximately 570 square metres, is flat and is currently vacant though contains security fencing around its perimeter. All equipment associated with the petrol station was removed several years ago following decommissioning on the site.
- 1.2 The site historically has two accesses from its use as a petrol station; one to the north of the site off the private access road serving the adjacent flatted blocks known as Stonelaw Towers, and a second on the western elevation onto Stonelaw Road. The two flatted blocks sit adjacent to the site to its north and east, with a 3-metre-high wall separating the site and the closest residential block to the east. To the south is a Tesco food store and to the west is Stonelaw Road and the junction with Viewpark Drive, with residential properties opposite. There is also a bus stop adjacent to the site.

### **2 Proposal(s)**

- 2.1 The applicant seeks detailed planning permission for the erection of a restaurant with ancillary takeaway incorporating an improved vehicular access, car parking and associated works. This would comprise of a single storey building with a mono pitch roof approximately 140 square metres in floor area located on the southern side of the site. Internally this would provide a kitchen, server, staff facilities, seating area, and takeaway waiting area. The proposed building would be finished in a mix of render, facing brick, insulated roof deck and full height glazing features to the front and side. A flue would be located on the rear of the building, closer to the Stonelaw Road elevation. A screened area to the side of the building where the bins would be located is also proposed on the Stonelaw Road side.
- 2.2 The remainder of the site would be occupied by 7no parking spaces, 2no. disabled spaces, including a bay for electric vehicle charging, and bicycle parking spaces. The existing access from Stonelaw Road would be reconfigured to provide the sole vehicular access in and out of the site. It is noted that the initial plans submitted showed an external seating area; however, these have subsequently been removed from the proposal.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 In determining this planning application, the Council must assess the proposed development against the policies within the adopted South Lanarkshire Local Development Plan 2 (2021). The site is located within the settlement boundary, therefore Policy 3 - General Urban Areas and Policy 5 - Development Management and Placemaking are both applicable. As the site is also within a designated Local Centre, Policy 9 - Network of Centres and Retailing is also relevant. The proposal also includes an ancillary hot food takeaway, therefore Policy DM9 - Hot Food Shops is also applicable. Policy 2 – Climate Change, and Policy DM1 – New Development Design are also relevant.

#### **3.2 Relevant Government Advice/Policy**

- 3.2.1 None relevant.

### 3.3 Planning Background

- 3.3.1 The property was originally a petrol filling station with associated shop. Following its closure, a temporary planning permission was granted for a hand car wash under application CR/12/0137. However, during its period of operation there were various issues, and as such the permission was not renewed. In October 2016, planning permission was granted for use of the site as an office with ancillary external display and storage area for a home improvement business, however, this was never implemented. In October 2017, planning permission was granted for the erection of 1.8m high security fencing following demolition of the existing building and canopy on site. As such, this was implemented. The most recent application at the site was in 2018 where permission in principle was granted for a residential development. However, this consent was never implemented and subsequently expired.

## 4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – advise that whilst there is a shortfall in parking compared to the required standards, there are a number of eateries that operate in the vicinity without parking due to it being a Local Centre. As there is other car parking available nearby, Roads consider the site is suitable for reduced parking and are satisfied with the amended parking layout to include 7no. parking spaces, including an electric vehicle charging point, and 2no. disabled spaces. Furthermore, as the existing access onto Stonelaw Road will be reduced to comply with current standards and part of the footway reinstated, this will increase the distance between the existing bus stop and the access in comparison to what was previously in operation when the site operated as a petrol station. This is therefore considered an improvement. As such, Roads have no objection to the proposal subject to the attachment of conditions in relation to parking, formation of access, reinstatement of the footway, maintenance of visibility splays and a construction traffic management plan.

**Response:** Noted. Appropriate conditions can be attached to any consent issued.

- 4.2 **Environmental Services** – no objections subject to the attachment of conditions in relation to ventilation, provision of a mine gas risk assessment, storage of waste, and dust mitigation.

**Response:** Noted. Appropriate conditions can be attached to any consent issued.

- 4.3 **The Coal Authority** – initially objected to the application as a Coal Mining Risk Assessment had not been submitted with the application. However, as this has now been submitted and reviewed, The Coal Authority have removed their objection subject to the attachment of conditions requiring further site investigations relating to past coal mining activity, including remediation/mitigation works, and confirmation from a qualified person that the site has been made safe.

**Response:** Noted. Appropriate conditions can be attached to any consent issued.

- 4.4 **Council's Petroleum Officer** – advised that records show the underground storage tanks (UST's) and associated pipe work were decommissioned under previous works to the site. As such, no objections to this proposal.

**Response:** Noted.

- 4.5 **Burnside Community Council** – advised that they do not object to the principle of the application. However, asked for clarification in relation to ownership of the site, and asked for consideration to be given to a number of points including reducing the number of tables within the restaurant. It was also noted that there are existing traffic issues in the vicinity of the site which may be exacerbated by the proposal and suggested parking restrictions in the area be reviewed, including a consultation with

residents of Stonelaw Towers. It was also requested that bins be uplifted from within the site, and that further details of the screen fence be provided.

**Response:** The agent has confirmed that the site owner is, as stipulated on the application form, Mr M. Naveed. As detailed above, the Council's Roads and Transportation Services have no objections to the proposal in terms of traffic requirements and consider the proposed parking provision appropriate for the site. As such, there is no requirement to reduce the number of tables within the restaurant. In terms of uplift of bins, should permission be granted, a condition would be attached for full details of the storage and collection of waste to be submitted.

## **5 Representation(s)**

5.1 Statutory neighbour notification was undertaken, and the proposal was also advertised in the local press due to the nature of the proposal, and as not all neighbours could be identified. 21 letters of objection and 13 letters of support were received, the points of which are summarised below:-

### Objections

a) **Burnside currently has a number of restaurants/takeaways and does not need another takeaway.**

**Response:** Whilst it is noted there are other takeaways in Burnside, this is not a valid reason for refusal of the application.

b) **The proposed exit from the car park onto the access road to Stonelaw Towers will further restrict parking for residents. It will result in a vast increase in traffic onto this quiet access road and would not allow for emergency vehicles should they be required at Stonelaw Towers. The access should be reconsidered and rerouted to the main road.**

**Response:** It is noted that the proposed development is to be accessed solely from the new improved access off Stonelaw Road and there will be no vehicular access from the private access adjacent to Stonelaw Towers. Should permission be granted, an appropriate condition will be attached to stipulate this.

c) **The proposal will result in increased dirt, pollution, odours and litter for the local area and may result in pest issues.**

**Response:** The Council's Environmental Services were consulted on the proposal and have offered no objections in this regard.

d) **The proposal will result in noise and disruption, as well as loss of amenity and privacy to the residents at Stonelaw Towers.**

**Response:** It is not considered that the proposed restaurant will result in significant noise and disruption for local residents. Furthermore, there will be no loss of privacy as the existing boundary wall separating the site and the closest block of Stonelaw Towers will be retained screening the majority of the proposed building.

e) **The proposed external benches will result in anti-social behaviour and disturbance for adjacent residents. This aspect of the proposal should be removed.**

**Response:** This aspect of the proposal has been removed by the applicant to allow the required parking provision.

- f) **The double-sided illuminated sign by the road will be an eyesore and out of keeping with the area.**  
**Response:** Any proposed signage requires to be considered under a separate application for Advertisement Consent. As such, the suitability of the proposed signage would be assessed then. The applicant notes on the supporting statement that any signage would be submitted under an advertisement application.
- g) **The proposed flue should be located towards the main road and therefore away from the adjacent residential properties. The ventilation should be agreed now with Environmental Services as any amendment to the design could have implications for the design and appearance of the development and impact the streetscene.**  
**Response:** The proposed flue is located towards the rear of the roof adjacent to the Stonelaw Road side of the building. Environmental Services have been consulted and have raised no objection to this, however, have requested that an appropriate condition be attached for full details to be submitted, should permission be granted. This is standard practice. Any significant change to the size/location of the proposed flue would require an amended planning application.
- h) **There is an existing problem with road safety as it's already a congested area. People currently park at the bus stop and on double yellow lines to collect food from nearby takeaways. It is already difficult to get in and out of the access at Stonelaw Towers due to the existing bus stop. This development will only exacerbate the problem.**  
**Response:** The Council's Roads and Transportation Services have been consulted as part of this proposal and raised no objection in relation to these matters. As noted above, the reconfiguration of the access is considered to be an improvement to the previous layout.
- i) **It notes in the plans that the trees will be unaffected, however, the trees do not belong to the site in any case.**  
**Response:** This is noted, and the applicant will be reminded that the site does not include the trees within Stonelaw Towers.
- j) **Will gates be erected at night to close the site?**  
**Response:** There are no proposals at present to erect gates to close the site at night.
- k) **What time can contractors start and finish work should permission be granted? It should be stipulated that they cannot park on Stonelaw Towers land.**  
**Response:** The acceptable working hours for building works, stipulated by Environmental Services are: Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday - No audible activity. As there are already parking restrictions in place, there is no requirement for this to be stipulated in any future consent. It should be noted that any breach of parking restrictions/dangerous parking is a Police matter.
- l) **This proposal does not add to the diversity of the existing retail mix within Burnside.**  
**Response:** This is noted, however, there is no requirement for the site to be a retail use. As such, this is not a valid reason for refusal of the application.

- m) **This will put more pressure on existing businesses and may result in closures.**

**Response:** Whilst this is noted, competition is not a valid reason for refusal of an application.

- n) **Even though access to the site will be from Stonelaw Road, the plans appear to leave the existing access to the north of the site open which will inevitably be used by customers at the restaurant causing access issues for residents at Stonelaw Towers. Can the existing access be removed?**

**Response:** Should permission be granted; a condition will be attached for details of some form of barrier to be submitted and approved by the Council and thereafter implemented prior to the development coming into use to prevent use of the existing access adjacent to Stonelaw Towers.

- o) **This site should be used for something useful to the community such as a park, community garden or play area.**

**Response:** Whilst this is noted, the Planning Service must assess the proposal submitted.

- p) **The proposed parking is insufficient for a restaurant of this size. Furthermore, the parking space sizes are less than the current standard.**

**Response:** As noted above, the Council's Roads and Transportation Services were consulted and consider the site is suitable for reduced parking given its Local Centre location. The parking layout has been amended and Roads are satisfied that appropriate space sizes have been provided.

- q) **The air conditioning units and two floodlights on the east elevation facing Stonelaw Towers may cause a nuisance for residents and should be relocated. Will the floodlights be angled to limit impact on residents?**

**Response:** Whilst the air conditioning units are on the eastern elevation adjacent to one of the flatted blocks at Stonelaw Towers, given the scale of the wall separating the flats from the site, it is not considered there will be a significant impact as a result. In terms of floodlighting, these are both placed on the side of the building below the height of the existing boundary wall. As such, it is not considered this will impact on the adjacent residential properties.

- r) **There is no proposed landscaping as part of the development. This is contrary to Council policies on new development and sustainability.**

**Response:** Whilst ideally new development should include some form of landscaping, this is a Local Centre location, and the site is fully occupied with the proposed building and the required parking. It is therefore not considered necessary in this case for landscaping to be implemented.

- s) **The proposal is not of a high-quality design and does not respect the character of Burnside. Furthermore, the proposed fencing at the bin store will sit adjacent to a blank elevation at the Tesco store therefore this will have an adverse impact on the streetscape.**

**Response:** Burnside comprises of a variety of building designs and ages. Whilst this is a modern design, it is not considered to be out of keeping with the character of Burnside. Whilst it is noted that the proposed bin screen will be located adjacent to the street, should permission be granted, a condition would be attached for full details of the proposed screen to be submitted and agreed prior to it being erected.

- t) **There are many other shops lying vacant in the vicinity that could be used instead.**  
**Response:** As noted above, the Council must assess the proposal submitted.
- u) **Several of the supporters of this application do not live in the vicinity of the development and therefore do not know the impact this development would have on local residents.**  
**Response:** Whilst noted, any member of the public may comment on any planning application.
- v) **This proposal will make it more hazardous for traffic exiting Viewpark Drive and will inevitably increase traffic flow and congestion at this street.**  
**Response:** As detailed above, the Council's Roads and Transportation Services have raised no objections in this regard.

#### Letters of Support

- a) **This proposal would be great for the main street and provide another venue to socialise/eat locally for the community.**  
**Response:** This is noted. As detailed in the assessment and conclusions section below, the Planning Service considers the site suitable for the proposed use.
- b) **Burnside needs more than just one restaurant. This will enhance the area. This application should be supported.**  
**Response:** This is noted. The Planning Service considers there is sufficient justification for the proposal.
- c) **This proposal will result in the redevelopment of a site that is currently an eyesore. It will bring jobs and revenue to the community. New businesses in the community should be supported.**  
**Response:** This is noted.

5.2 These letters are available for inspection on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 Detailed planning permission is sought for the erection of a restaurant with ancillary takeaway and new vehicular access, parking and associated works at 235 Stonelaw Road, Rutherglen. The determining issues in the assessment of this application are compliance with local plan policy, its impact on the amenity of the adjacent properties and road safety matters.
- 6.2 As noted above, Policy 3 – General Urban Areas of the adopted South Lanarkshire Local Development Plan 2 (2021) is applicable and advises proposals within or adjacent to residential areas will be assessed on their individual merits, with particular regard to their effect on the amenity and character of the area. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. Policy 5 – Development Management and Placemaking advises that to ensure development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area.
- 6.3 Policy 2 – Climate Change seeks to ensure that developments aim to minimise and mitigate against the effects of climate change and that development does not result in any significant environmental or amenity impacts. Policy DM1 – New Development



Design also requires development to promote quality and sustainability in design and layout.

- 6.4 Policy 9 – Network of Centres and Retailing is also relevant as the site is located within a local centre. This policy advises that the Council seeks to support a network of Strategic, Town and Local Centres to provide retail and other local services to communities. Within Local Centres, any proposals for a change of use will be assessed with regard to the provision of an appropriate mix of uses that will meet economic and social need. A retail element should be retained to serve the needs of the local community.
- 6.5 Policy DM9 – Hot Food Shops is also relevant and advises that where the proposal is located within a grouping of shops, it must be ensured that an adequate level of shopping provision is retained at the location and that there is no significant impact in terms of environmental, traffic and amenity considerations. All proposals for hot food shops must demonstrate that they have the ability to implement any ventilation system required.
- 6.6 In this case, the site is located within a local centre and adjacent to an established residential area. The proposed restaurant would be located on the southern end of the site, adjacent to the Tesco food store and one of the flatted blocks at Stonelaw Towers, with the remainder of the site being occupied by parking. In terms of Policy 9, the use of the proposed building as a restaurant with ancillary takeaway is an acceptable use within a local centre. As the site is currently vacant, there is no impact on the retail mix within Burnside. It is also noted that whilst there are a number of takeaways in the vicinity, there are very few restaurants within Burnside, as such, this proposal would provide an additional option for the local community.
- 6.7 In terms of Policies 2, 5 and DM1, the proposed building has a modern design consisting of a single storey unit with mono pitch roof and full height glazed features on the front and side elevations. As there are a variety of building types within the local centre, it is not considered this building will look out of place and will therefore integrate with the surrounding properties as well as the wider local centre. It is also noted that this development would see the redevelopment of a site that has been vacant and unkempt for several years and subjected to substantial graffitiing. Whilst the proposed materials are considered to be acceptable in this instance, a condition would be attached to any permission granted for full samples to be submitted prior to works commencing on site. In terms of promoting sustainability, bicycle parking will also be provided within the site for customers.
- 6.8 In terms of Policies 3 and DM9, and the impact of the proposal on residential properties, the existing 3-metre-high wall separating the site from the closest residential block will ensure no overlooking of adjacent properties. Whilst the applicant has indicated the wall will be retained, should permission be granted, a condition would be attached to ensure this. In terms of noise and disturbance, it is not considered a restaurant with ancillary takeaway will result in an unacceptable noise level affecting nearby residents. It is noted that the external seating area has been removed from the proposal. In terms of noise and disturbance from vehicles entering and exiting the car park, the site was previously a petrol station where there would have been significant traffic movement, therefore it is not considered this proposal is unacceptable. In terms of smells resulting from the proposed flue, this has been located on the side of the building closer to Stonelaw Road. It is therefore considered this has been positioned as far away as reasonably practical from the residential properties and Environmental Services have not raised any concern in this regard. It is noted that there is an air conditioning unit and 2no. floodlights on the eastern elevation adjacent to the closest block of Stonelaw Towers, however, it is considered

the existing boundary wall will minimise any impact on adjacent properties. Should permission be granted, Environmental Services have requested the attachment of suitable conditions in relation to ventilation, provision of a mine gas risk assessment, storage of waste and dust mitigation.

- 6.9 In terms of road safety impacts, the proposal will bring back into use a site that previously operated as a petrol station. This will result in the existing access onto Stonelaw Road being reduced to comply with current standards and part of the footway reinstated to improve pedestrian connectivity. This will also increase the distance between the existing bus stop and the improved access in comparison to the way the site operated as a petrol station. As such, this is considered an improvement by Roads. In addition, should permission be granted, a condition would be attached to ensure the existing access to the north of the site from the private access owned by Stonelaw Towers is blocked to prevent vehicles using this to access the site. Therefore, as the layout of the car park has been reconfigured to ensure the parking and access specifications are in compliance with the Council's standards and adequate pedestrian connectivity is retained, the Council's Roads Development Management Section have confirmed their satisfaction with the layout subject to the attachment of conditions.
- 6.10 The Coal Authority were also consulted as part of the application process due to the site sitting within an area that has been defined as containing potential hazards arising from former coal mining activity. Initially they raised concern about the proposal as the required Coal Mining Risk Assessment had not been submitted. However as this has been submitted, The Coal Authority have removed their objection subject to the attachment of conditions for further site investigations relating to past coal mining activity to be carried out, including remediation/mitigation works, and confirmation from a qualified person that the site has been made safe. As noted, should permission be granted, suitable conditions can be attached.
- 6.11 As detailed above, the statutory neighbour notification process was carried out and the application advertised in the local press. As such, twenty-one letters of objection and thirteen letters of support were received, the points of which are summarised in section 5 above. However, following consideration of the points raised, it is not considered they merit refusal of the application.
- 6.12 In conclusion, the proposed building and use are considered to be acceptable at this location and it is recommended that planning permission is granted, subject to the attached conditions.

## **7 Reasons for Decision**

- 7.1 The proposal will have no significant adverse impact on residential amenity and complies with Policies 2, 3, 5, 9, DM1 and DM9 of the adopted South Lanarkshire Local Development Plan 2 (2021).

**David Booth**  
**Executive Director (Community and Enterprise Resources)**

25 August 2022

## Previous References

- ◆ CR/07/0031
- ◆ Cambuslang and Rutherglen Area Committee – 1 December 2009 (CR/09/0175)
- ◆ Planning Committee - 6 November 2012 (CR/12/0137)
- ◆ Planning Committee - 19 November 2013 (CR/13/0146)
- ◆ CR/13/0050
- ◆ CR/16/0166
- ◆ CR/17/0145
- ◆ Planning Committee - 6 November 2018 (P/18/0259)

## List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 27.04.2022
- ▶ Consultations
  - The Coal Authority Planning and Local Authority Liaison 05.05.2022  
18.05.2022  
10.08.2022
  - Roads Development Management Team 24.08.2022
  - Petroleum Officer 24.08.2022
  - Burnside Community Council 07.05.2022
  - Environmental Services 18.08.2022
- ▶ Representations Dated:
  - Erin Graham, 23 Stonelaw Towers, Stonelaw Road, Rutherglen, G73 3RL 16.05.2022
  - Mr Stuart Scott, Flat 2, 5 Lower Bourtree Drive, Glasgow, G73 4RG 12.05.2022
  - Mrs Emily Scott, Flat 2, 5 Lower Bourtree Drive, Glasgow, G73 4RG 12.05.2022
  - Mr Anonymous Resident, 1-6 Stonelaw Towers, Rutherglen, G73 3RL 12.05.2022
  - Mr Bryan Miller, 3/1 22 Rutland Court, Glasgow, G51 1JW 12.05.2022
  - Mr Marc Frossman, 60 Springfield Park Road, Glasgow, G73 3RG 20.05.2022
  - Mrs Sharon D, 16 D, Burnside, G73 20.05.2022
  - Miss Alison Fenton, 0-1, Viewpark Court 3 Viewpark Drive, Rutherglen Glasgow, South Lanarkshire, G73 3QE 19.05.2022

Mrs Kirstin Coyle, 61 Springfield Park Road, Glasgow, G73 3RG	20.05.2022
Mrs Kara Thorpe, 1 St. Stephens Crescent, Rutherglen, Glasgow, G73 5NA	20.05.2022
Mr Alan Buchan, 8, Cathkin Avenue, Rutherglen, G73 3HN	20.05.2022
Miss L Craig, 16 Stonelaw Towers, Rutherglen, G73 3RL	20.05.2022
Mr S Blackwood, 16 Stonelaw Towers, Rutherglen, G73 3RL	17.05.2022
Miss Niamh Mackay, 9 Stonelaw Towers, Rutherglen, Glasgow, G733rl	20.05.2022
Mr James Dalby, 144 Brownside Road, Cambuslang, Glasgow, G72 8AH	23.05.2022
Mrs Sarah-Jane Garbett, 19 Burnside Road, Glasgow, G73 4RW	04.05.2022
Mrs Anna McKearney, Stonelaw Towers, Rutherglen, G73 3RL	06.05.2022 & 23.05.2022
Mrs Suzanne McClafferty, 138 Brownside Road, Glasgow, G72 8AH	20.05.2022
Mrs Colin Morris, 16 Viewpark Drive, Burnside, Rutherglen, G73 3QD	31.05.2022
Mr Michael McKearney, 10, Stonelaw Towers, Rutherglen, G73 3RL	17.05.2022
Miss Emma Smith, 24 Stonelaw Towers, Burnside, Rutherglen, G73 3RL	19.05.2022
Mrs Susan Russell, 13 Highburgh Drive, Burnside, Glasgow, G73 3RR	20.05.2022
Mr Thomas Russell, 13 Highburgh Drive, Burnside, Rutherglen, G73 3RR	20.05.2022
Mr Greg Waters, Station Cottage, 4 Burnside Road, Glasgow, G73 4SA	29.04.2022
Mr Alan Teenston, Stonelaw Towers, Rutherglen, G73 3RL	13.05.2022
Miss Kathleen Kieran, 67 Menock Road, Kingspark, Glasgow, G44 5SB	20.05.2022
Mr Billy Garbett, 19 Burnside Road, Rutherglen, Glasgow, G73 4RW	06.05.2022

Mrs Lesley Callaghan, 21 Mitchell Drive, Burnside, Glasgow, G73 3QP	17.05.2022
Mr Renato Delvecchio, 232 Stonelaw Road, Burnside, Glasgow, G77 5DW	04.05.2022
Ms Emma McNulty, 5 Stonelaw Towers, Burnside, Rutherglen, G73 3RL	04.05.2022
Mr Chris Smith, 12 Viewpark Drive, Burnside, Glasgow, G73 3QD	23.05.2022
Mr David Glassford, 37 Drumsagard Road, RUTHERGLEN, Glasgow, G73 5AL	11.05.2022
Mr Bob McGirr, 17 Viewpark Drive, Rutherglen, Glasgow, G73 3QE	02.06.2022
Chris Miller, 187C Stonelaw Road, Rutherglen, G73 3PD	21.06.2022

**Contact for further information**

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

Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 07551842709

Email: [julie.pepper@southlanarkshire.gov.uk](mailto:julie.pepper@southlanarkshire.gov.uk)

### Conditions and reasons

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

03. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), the use of the unit hereby approved shall be restricted to use as and for no other purpose within Class restaurant with ancillary takeaway as defined in the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, without the prior written consent of the Council as Planning Authority.

Reason: To ensure that the Council retains control over future developments on the site.

04. Before the development is brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Council as Planning Authority. The proposed development 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 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.

Reason: To minimise the risk of nuisance from smells, fumes, vapours and noise to nearby occupants.

05. This development has been highlighted as falling within an area previously subject to mineral mining. No works are to commence until a mine gas risk assessment has been approved in writing by South Lanarkshire Council as the Planning Authority. Site

investigation information must include an assessment of the risks associated with ground gas from disused mineral mines including any mitigation measures deemed necessary. In undertaking such an assessment, reference should be made to BS 8485: Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings (2015) and BS 8576 Guidance on investigation of ground gas (2013) and CL:AIRE Publication: Good Practice for Risk Assessment for Coal Mine Gas Emissions.

Reason: To ensure all appropriate assessments have been carried out.

06. 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.

07. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

08. No development shall commence until;  
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and  
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure all appropriate investigations have taken place.

09. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Council as Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: This detail has not been submitted.

10. That before the development hereby approved is completed or brought into use, all of the parking spaces shown in Drawing A1493.21.02 of the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

11. That before the development hereby approved is brought into use, a scaled plan showing details of a formal restraint/barrier/fence along the northern elevation of the site bounding the private access road to Stonelaw Towers shall be submitted to and approved by the Council as Roads and Planning Authority and shall thereafter be implemented and maintained as such to our satisfaction.

Reason: To prevent use of the existing access to the site.

12. For the avoidance of doubt, the only vehicular access to the site shall be from the new upgraded access off Stonelaw Road.

Reason: In the interests of residential amenity.

13. That the existing rear wall separating the application site from Stonelaw Towers shall be retained and thereafter maintained at its current height to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity.

14. That prior to works commencing on site, full details of the design and materials of the proposed screen to the side of the building, shall be submitted to and approved in writing by the Council as Planning Authority, and thereafter implemented and maintained to our satisfaction.

Reason: In the interests of visual amenity.

15. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

16. That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access to the development.

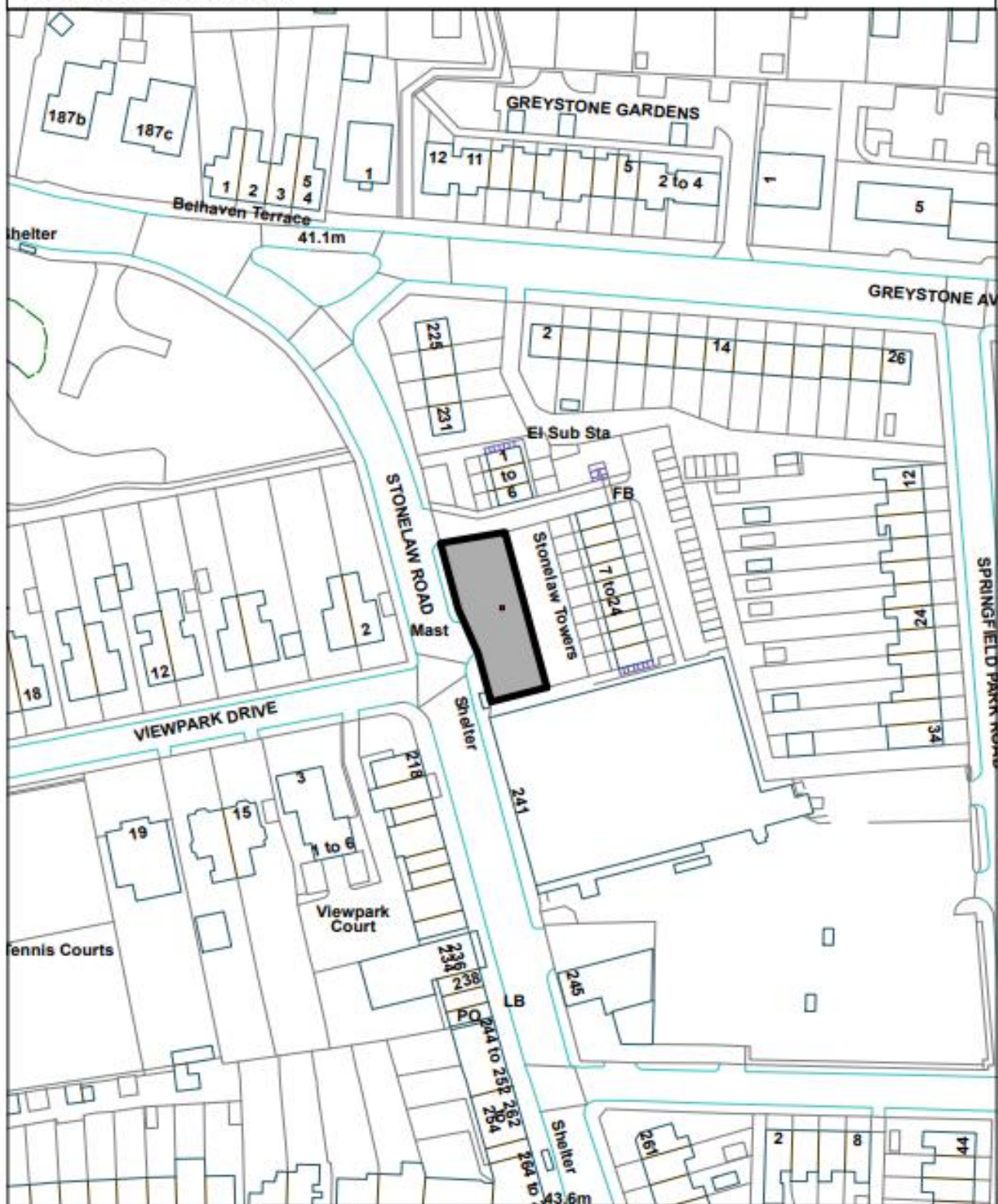
17. That prior to any works associated with the construction of the development commence a Construction Traffic Management Plan shall be submitted to the Council as Roads and Planning Authority for approval. This should provide details of access and parking provision for staff and visitors, intended working hours, how deliveries of materials will be managed and stored.

Reason: in the interests of traffic and public safety as well as to preserve the amenity of the surrounding area.



P/22/0348

235 Stonelaw Road, Rutherglen



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Scale:  
1:1,250  
Date:  
25/08/2022



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