

Report

Report to:	Planning Committee
Date of Meeting:	11 May 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0395
Planning proposal:	Change of use of tanning salon (class 2) to hot food takeaway (sui generis) and associated ventilation

1 Summary application information

Application type: Detailed planning application

Applicant: Ovenfeast Limited
Location: 214 Main Street
Cambuslang
G72 7EN

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: Ian Molloy
- ◆ Council Area/Ward: 13 Cambuslang West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**
Policy 5 Development Management and Placemaking
Policy 9 Network of Centres and Retailing
Policy DM9 Hot Food Shops

◆ Representation(s):

- | | | |
|---|-------------------------------|-------------------|
| ▶ | 20 | Objection Letters |
| ▶ | 0 | Support Letters |
| ▶ | 1 petition
(11 signatures) | Comment Letters |

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Economic Development Services

Planning Application Report

1 Application Site

- 1.1 The application site is located at 214 Main Street in Cambuslang. The site is a former tanning salon (Class 2) located in the town centre, approximately 30 metres to the west of West Coats Road. The unit has been vacant since the summer of 2019. There are other commercial properties close to the unit, with a bookmakers to the east and cake shop and chemist to the west. To the rear of the unit is a service area which backs onto the Glasgow to Newton railway line.

2 Proposal(s)

- 2.1 The applicant seeks permission for a change of use from Class 2 (tanning salon) to hot food takeaway. The unit will contain counter services, kitchen, preparation and storage area, staff toilet and waste bins in an enclosed external storage area to the rear of the premises. The applicant has provided details of the proposed ventilation system which will terminate 1 metre above the roof space to the rear of the unit. The applicant has not put forward any proposed opening hours.

3 Background

3.1 Local Plan Status

- 3.1.1 In this regard, the application site and associated proposal is affected by the following policies contained in South Lanarkshire Local Development Plan 2:-

Policy 5 Development Management and Placemaking
Policy 9 Network of Centres and Retailing
Policy DM9 Hot Food Shops

- 3.1.2 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (Revised 2020) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle.

3.3 Planning Background

- 3.3.1 The following applications have previously been submitted for the application site:-

- CR/10/0081 - Change of use from Class 11 (Assembly and leisure) to Class 2 (Financial, professional and other services)
- CR/07/0162 - Sub-division of existing shop unit to two units and change of use of unit 1 to a ladies slimming and toning centre

4 Consultation(s)

- 4.1 **Environmental Services** – no objections subject to conditions relating to the provision of a ventilation system proposed and facilities for the collection of commercial waste.

Response: Noted. These conditions have been attached.

- 4.2 **Roads and Transportation Services (Development Management)** – no objections. Parking is available within the town centre.

Response: Noted

- 4.3 **Economic Development Services** – have advised that they are encouraged that a vacant unit will be occupied and that the proposal does not conflict with the wider environmental proposals for Cambuslang Main Street.

Response: Noted. It is agreed that from an economic development perspective, it would be beneficial to see the unit occupied.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken, and the proposal was advertised in the Rutherglen Reformer as 'Bad Neighbour' development. Following this publicity, 20 letters of representation and a petition with 11 signatures have been received. The points raised are summarised as follows:-

- a) **The street is already crammed full of takeaway shops, leaving no scope for other shops. The amount of litter from takeaways is also an issue as is illegal parking. The Scottish Government advocate the 20-minute neighbourhood and allowing unlimited takeaways leaves no scope for a diverse day time economy or scope for other essential shops and services encouraging trade to go elsewhere. This is not a Town Centre First principle. There are many residents within Cambuslang with obesity and poor health and we know that takeaway food contributes to this. The Main Street is currently being revamped and encourage diversity of shops to increase footfall on the street. This is an example of another night-time business which would not attract any day-time footfall.**

Response: The proposal relates to an acceptable town centre use. There is no policy which would require the site to be occupied by a retail use. The proposal also complies with the relevant policy in relation to hot-food takeaways. Conditions have been attached requiring the operator to provide suitable ventilation and litter receptacles. Cambuslang Main Street benefits from the provision of a drop off short stay parking area to the east of the unit.

- b) **There are nearly ten hot food takeaways within half a mile in surrounding area. Business is already affected by COVID-19 and slow because of competition and business survival is becoming harder so it should be considered during final decision about the application of opening a new hot food takeaway.**

Response: Whilst noted, potential competition between operators is not a material planning consideration. This is a town centre location where this type of use is considered acceptable.

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

6 Assessment and Conclusions

6.1 The applicants propose to change the use from Class 2 (tanning salon) to hot food takeaway at 214 Main Street in Cambuslang. In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. The main determining issues in assessing this proposal are whether it accords with adopted local development plan policy and its impact on amenity and road safety matters.

6.2 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. Policy 9 (Strategic and town centres) supports a mixture of uses compatible with town centres' role as commercial and community focal points and this includes restaurants and hot food takeaways. Furthermore, Policy DM9 (Hot food shops) 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. Business competition or protecting units for only retail use do not form part of the adopted retail policy.

6.3 The hot food takeaway use is considered to be an appropriate use in the town centre. The location in a mixed use/commercial area where there are similar uses in the surrounding area is considered acceptable. The proposal is not considered to have an adverse impact on residential amenity given that there are no residential properties immediately adjacent to the premises and conditions have been attached in respect of ventilation and commercial base. Hours of operation can be controlled through the licensing process. A condition has also been attached in respect of waste storage and collection. The location benefits from the provision of a drop off short stay parking area to the east of the unit, 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 subject to the provision of appropriate ventilation

and commercial waste collection services – both of which have been conditioned. These details will require to be agreed and in situ prior to the premises opening. In addition, the Council's Economic Development Service are content that a unit, which is currently vacant, will be occupied and that it does not conflict with any of their proposals for Cambuslang Main Street. The proposal is, therefore, considered to be in accordance with Policies 5, 9 and DM9 of the adopted South Lanarkshire Local Development Plan 2 (Volumes 1 and 2).

- 6.4 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 2 (Volumes 1 and 2) and for the above reasons, the granting of planning permission is recommended.

7 Reasons for Decision

- 7.1 The proposal complies with policies 5, 9 and DM9 of the adopted South Lanarkshire Local Development Plan 2.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

Date: 29 April 2021

Previous References

- ◆ None

List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated
- ▶ Consultations

Roads Development Management Team	29.04.2021
Environmental Services	26.03.2021
Economic Development Services	29.04.2021
- ▶ Representations

Linda Frame, 27 Prospect Avenue, Cambuslang, G72 8BW	Dated: 09.04.2021
Mr Robert McDougall, 16, Central Court, Cambuslang, Glasgow, G72 8FA	26.03.2021
Owner/occupier, No Address Provided	25.03.2021
Mrs Angeline Dickson, 80 Newton Avenue, Cambuslang, G72 7rt	26.03.2021
Mrs Maisie Wilson, 3 Cedar Grove, Cambuslang, G72 7ZB	29.03.2021
Mrs Stephanie Russell, 22 Westburn Road, Cambuslang, G72 7LG	26.03.2021
Miss Olivia Jack, 37 Croft Road, Cambuslang, G72 8LB	26.03.2021
Mrs Catherine Fraser, 51 Stewarton Drive, Cambuslang, Glasgow, G72 8DQ	06.04.2021

Mr Gerry Boyd, 19 Tanzielknowe Road, Cambuslang, Glasgow, G72 8RD	26.03.2021
Mr Robert Wilson, 5 Fir Court, Cambuslang, G72 7GU	29.03.2021
Mrs Marianne Simpson, 56 Kirkton Road, Cambuslang, G72 8LF	26.03.2021
Mrs Suzy Quinn, 19 Brownside Road, Cambuslang, Glasgow, G72 8NL	26.03.2021
Miss Claire Hurley, 18 Morriston Park Drive, Cambuslang, G72 7LB	26.03.2021
Kolar King, 194 Main Street, Cambuslang, Glasgow, South Lanarkshire, G72 7EN	30.03.2021
Mr James Coyle, 28 Walnut Gate, Cambuslang, G72 7FH	30.03.2021
Mr Robert Wilson, 3 Cedar Grove, Cambuslang, G72 7ZB	29.03.2021
Mr Muhammad Khalid Ijaz, 42 Carleton Gate, Giffnock, Glasgow, G46 6NU	29.03.2021
Ms Clare Williamson, 82 Greenlees Road, Cambuslang Glasgow, G72 8DX	13.03.2021
Mrs Amy Davison, 17 Grenville Drive, Cambuslang, Glasgow, G72 8DS	26.03.2021
Miss Gill Smith, 35 Logan Tower, Cambuslang, G72 8XP	26.03.2021
Ms Angeline Coyle, 28 Walnut Gate, Cambuslang, G72 7FH	26.03.2021

Contact for further information

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

Iain Morton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455048
Email: iain.morton@southlanarkshire.gov.uk

Conditions and reasons

01. Before the development hereby approved is brought into use, the proposed method of ventilation shall be operational in accordance with the approved details and thereafter maintained to the satisfaction of the Council as Planning Authority.

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:-

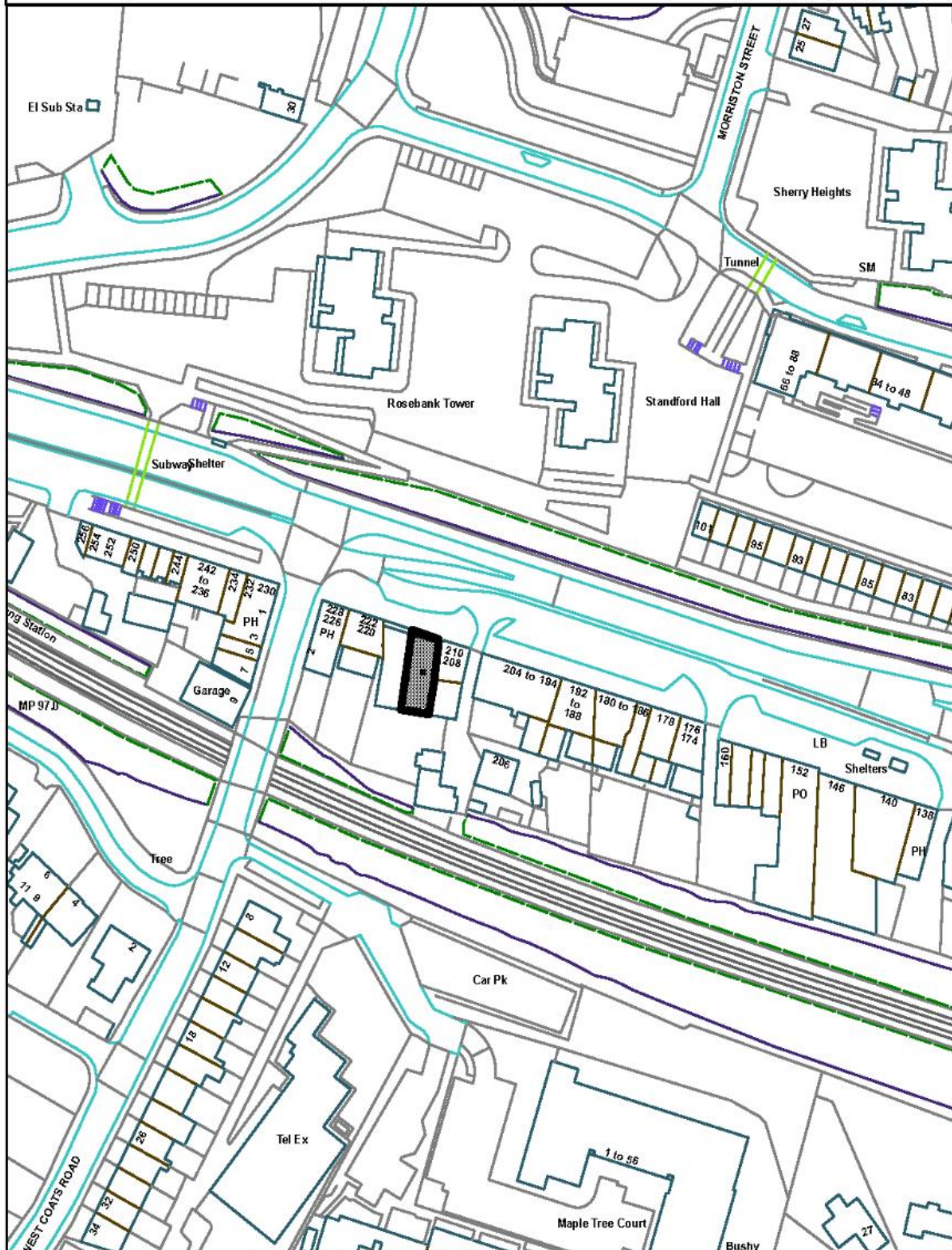
- a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary;
- b) Be constructed, designed, installed and operated employing the principles of best practical means, to minimise noise and vibration transmission via plant and the building structure;
- 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.

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

02. 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.

214 Main Street, Cambuslang G72 7EN



**SOUTH
LANARKSHIRE**
COUNCIL

South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development