

Report

Report to:	Planning Committee
Date of Meeting:	16 August 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/1975
Planning proposal:	Change of use of retail unit (Class 1) to hot food takeaway (Sui Generis) with associated alterations including the installation of a flue

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Frank McCabe
Location:	78 Main Street Cambuslang G72 7EP

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: Frank McCabe
- ◆ Council Area/Ward: 13 Cambuslang West
- ◆ Policy Reference(s): Policy 5 Development Management and Placemaking
Policy 9 Network of Centres and Retailing
Policy DM9 Hot Food Shops

◆ Representation(s):

▶	6	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site is located at 78 Main Street in Cambuslang. The site is a former retail unit (Class 1) located within the town centre, 35 metres south-east of Cambuslang Gate which is on the opposite side of the Main Street. The unit has most recently been used as a florist and it appears to have been vacant for more than a year.
- 1.2 The majority of the surrounding units are in commercial use, with an existing hot food takeaway and convenience store to one side and a restaurant and public house to the other, with some residential properties on upper floors. To the rear of the unit is a communal courtyard which backs onto the Glasgow to Newton railway line. The site is also located adjacent to an existing loading bay on Main Street.

2 Proposal(s)

- 2.1 The applicant seeks permission for a change of use from Class 1 (retail unit) to a hot food takeaway. No external alterations are proposed to the front of the unit, save for the installation of new signage. A new door is intended to be formed to the rear of the unit to provide access to the rear courtyard area and a new flue is proposed to the rear elevation of the property which would extract fumes from the kitchen. The proposed ventilation system would terminate one metre above the roof eaves to the rear of the unit. Internally, the space would be divided to form a large kitchen space with a small customer area and counter to the front of the unit. The applicant has not indicated the proposed opening hours.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is identified as being within Cambuslang town centre in South Lanarkshire Local Development Plan 2 where Policy 9 Network of Centres and Retailing is applicable. In addition Policy 5 Development Management and Placemaking and Policy DM9 Hot Food Shops are relevant.
- 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 There is no recent planning history for the site as it appears to have been used as a Class 1 retail unit for some time, latterly as a florist and before that as a hairdressers and barbers.

4 Consultation(s)

- 4.1 **Environmental Services** – No objections to the proposal subject to the inclusion of conditions relating to the ventilation system and waste collection, as well as the inclusion of relevant advisory notes.

Response: Noted. These conditions and advisory notes have been attached to this recommendation.

- 4.2 **Roads Development Management Team** – No objections to the proposal as there are no roads or transportation issues associated with this proposal.

Response: Noted

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken, and the proposal was further advertised in the Rutherglen Reformer. Following this publicity, 6 letters of objection have been received. The matters raised are summarised as follows:-

- a) **Concerns that there are too many hot food takeaway shops on Cambuslang Main Street and that no further takeaways are required. More retail shops are required to bring people back to the street.**

Response: The relevant policies of the adopted Local Development Plan support a mixture of uses compatible with town centres' role as commercial and community focal points and this includes restaurants and hot food takeaways. With the increase in online retailing there has been reduced demand for retail units, even in town centres, and it is noted that this unit appears to have been vacant for more than a year without a replacement Class 1 retail occupant being identified. This proposal will bring the unit back into use and it is considered that an appropriate mixture of uses will remain in the town centre to meet the needs of residents.

- 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 of this unit from retail (Class 1) to a hot food takeaway (Sui Generis) at 78 Main Street in Cambuslang. In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), planning applications require 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 The application site is identified as being within Cambuslang town centre in the adopted South Lanarkshire Local Development Plan 2 where Policy 9 Network of Centres and Retailing is applicable. It 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. 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.

- 6.3 Hot food takeaways are considered to be an appropriate use in town centres. In this case the proposal would be located in a mixed use/commercial area where there are similar uses in the surrounding area. If consent is granted an adequate mix of retail and non-retail units will be retained to enable the town centre to function effectively for residents. The proposal is not considered to have any significant adverse impact on residential amenity given that there are similar existing hot food takeaways in the area and that suitable ventilation is proposed to serve the property. The ventilation and storage of waste can be controlled by suitably worded conditions to protect residential

amenity and the applicant has advised that they have the consent of the owners of the upper floor properties to install the proposed flue to the rear of the property. The flue itself would be similar to that of other hot food shops in the area and it would not be visually prominent in the wider area. In addition, hours of operation can be controlled through the licensing process.

- 6.4 The location benefits from the provision of a loading bay to the front of the shop which will allow deliveries to be made near the unit, whilst the town centre is served by existing parking and public transport. Roads and Transportation Services have raised 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. The proposal will bring this vacant unit back into productive use to serve the residents of the town.
- 6.5 Six letters of objection have been received that focus on concerns about the number of hot food takeaways within the town centre and the need to encourage more retail use. The function of town centres has shifted over recent years and traditional retailing is becoming less prominent for a number of reasons. In terms of current policy at a national and local level over-proliferation of a particular use is not a planning matter.
- 6.6 In summary, following a full and detailed assessment of the proposed development the proposal is considered to be in accordance with Policies 5, 9 and DM9 of the adopted South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and there would not be an adverse impact on amenity or road safety in the area. It is therefore recommended that planning permission is granted.

7 Reasons for Decision

- 7.1 The proposal will have no significant adverse impact upon amenity or upon the character or function of the town centre and it complies with the relevant policies of the adopted South Lanarkshire Local Development Plan 2 (2021) (Policies 5, 9 and DM9).

David Booth
Executive Director (Community and Enterprise Resources)

26 July 2022

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 11 February 2022
- ▶ Newspaper Advert, Rutherglen Reformer dated 23 February 2022
- ▶ Supporting information from agent, various dates
- ▶ Consultations
 - Environmental Services 25.04.2022
 - Roads Development Management Team 21.02.2022

► Representations	Dated
:	
Mrs Stephanie Russell, 22 Westburn Road, Cambuslang, G72 7LG	22.02.2022 22.02.2022
Miss Amanda Kyle, 23 Westfarm Court, Cambuslang, G72 7TU	22.02.2022
Miss MargaretAnne McElwee, 87a, Croft Road Cambuslang, Glasgow, G72 8LG	22.02.2022
Mr Alexander Thomson, 41 Overton Road, Cambuslang, G72 7QR	22.02.2022
Mr Steven Russell, 2/2 22 Westburn Road, 22 Westburn Road, Cambuslang, Glasgow, G72 7LG	21.02.2022
Miss Tami McKinnon, 31 Queen's Avenue, Cambuslang, G72 7IN	21.02.2022

Contact for further information

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

Andrew Muir, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455058

Email: andrew.muir2@southlanarkshire.gov.uk

Conditions and reasons

01. Before the Hot Food Takeaway 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.

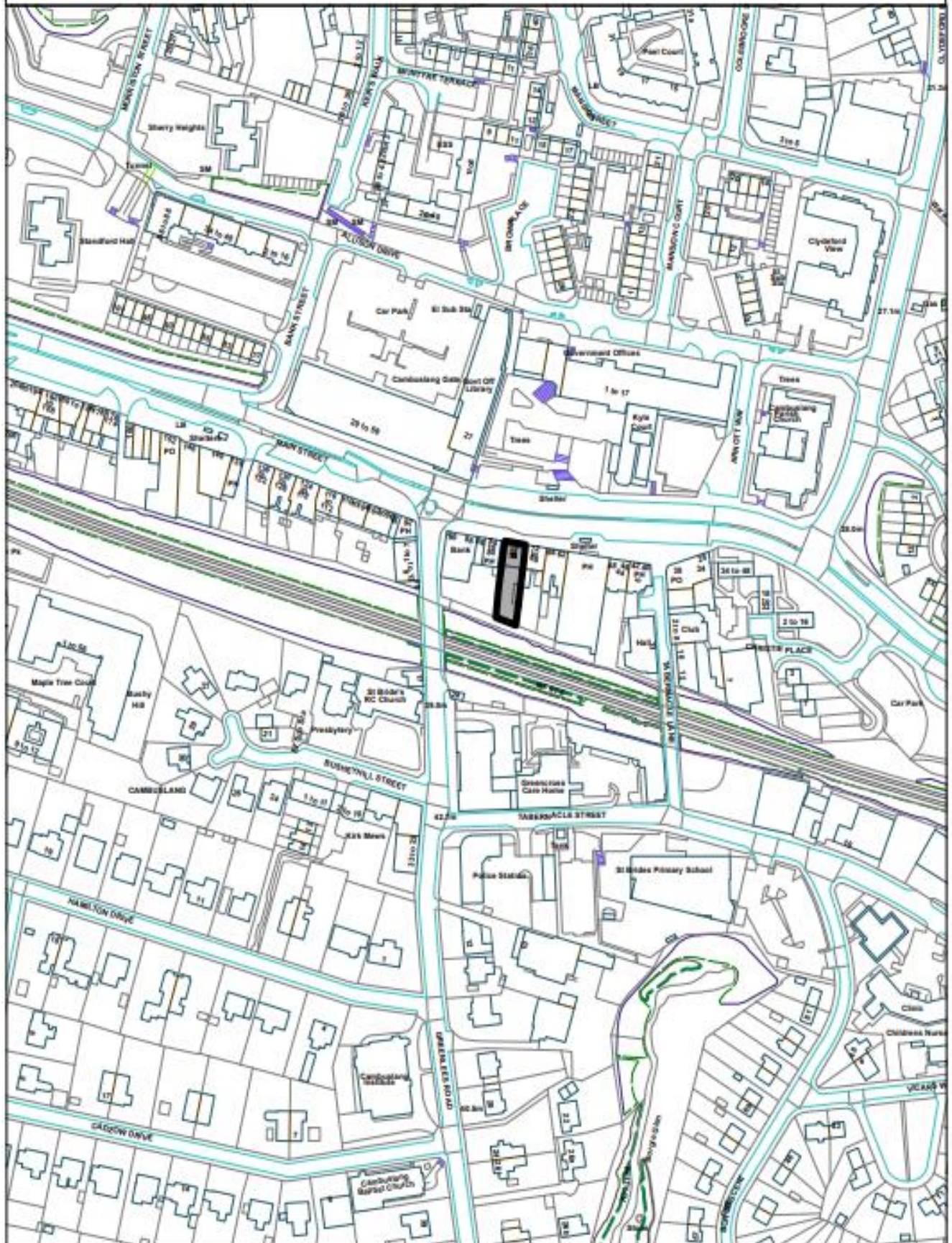
Reason: To minimise the risk of nuisance from smells, fumes, vapours and noise to nearby occupants.

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.

P/21/1975

78 Main Street, Cambuslang



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Scale:

1:2,500

Date:

22/07/2022



South Lanarkshire Council
Community and Enterprise Resources

Planning and Economic Development