

	<h1>Report</h1>	<b>Agenda Item</b>  <h2>9</h2>
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Report to: **Planning Committee**  
 Date of Meeting: **10 October 2006**  
 Report by: **Executive Director (Enterprise Resources)**

Application No: HM/06/0534  
 Planning Proposal: Extension To Unit 4 and Sub-Division To Form 2 Units, Extension To Unit 5, Erection of New Restaurant Unit and Installation of ATM

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Keppie Design
- Location : Hamilton Palace Grounds Retail Park  
Motherwell Road  
Hamilton

## 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 Listed)

### 2.2 Other Actions/Notes

- (1) The Planning Committee has the delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent: Keppie Design Ltd.
- ◆ Council Area/Ward: 38 Whitehill
- ◆ Policy Reference(s): **Hamilton District Local Plan**  
Policy DC1 – Development Control – General  
Policy ED13B – Town Centre Extension  
**South Lanarkshire Local Plan (Finalised)**  
Policy COM1 – Town Centre Land Use  
Policy ENV11 – Design Quality Policy  
Policy DM1 – Development Management

- ◆ Representation(s):  
  - ▶ 0 Objection Letters

◆ Consultation(s):

Environmental and Strategic Services

Economic Development (Regeneration Services)

Enterprise Resources - Estates

Roads and Transportation Services (Hamilton Area)

Power Systems

Scottish Gas Networks

Scottish Water

# Planning Application Report

## 1 Application Site

- 1.1 This report relates to land and buildings within Hamilton Palace Grounds Retail Park which is located on the perimeter of Hamilton Town Centre. Specifically, the application relates to an area of ground adjacent to the KFC restaurant, currently utilised for car parking and an area located within the corner of the existing retail buildings between units 4 and 5 which is currently occupied by an ATM and service area to the rear.

## 2 Proposal(s)

- 2.1 Through this submission the applicants proposes three elements. Firstly, it is proposed to erect a further free standing restaurant. The building would provide approximately 280 square metres of floorspace and would include the restaurant seating area, kitchen and toilet facilities. The building would be of a single storey modern style complimentary to other facilities within the retail park. No operators have been identified for the restaurant.
- 2.2 Secondly, it is proposed to extend and alter units 4 and 5, joining the corner to the exiting retail building. Unit 4 (1253 sqm) will be extended by approximately 605 sqm and be subdivided into two units of 929 sqm each. Unit 5 would be increased from 706 sqm to 938 sqm. The proposed external changes will match the adjoining buildings on site.
- 2.3 Thirdly, as a result of the above works the existing ATM machine would be relocated approximately 15 metres forward from its current location.

## 3 Background

### 3.1 Local Plan Status

- 3.1.1 The application site is affected by Policy ED13B in the Hamilton District Local Plan, which identifies the Palace Grounds as an area for extending Hamilton Town Centre for a range of modern commercial facilities, cultural facilities and sports and leisure provision. Policy DC1 Development Control General of the Plan requires that all applications for planning permission shall take fully into account the local context and built form and must take cognisance of scale, position and materials of adjacent buildings and surrounding streetscene.
- 3.1.2 In terms of the South Lanarkshire Local Plan (Finalised) the site is affected by Policy COM1 – Town Centre Land Use. Within such areas the Council will allow a mixture of uses compatible with their role as a commercial and community focal point, examples of compatible uses are shops, offices, restaurants etc. In addition, the emerging local plan requires that all new development must comply with Council design policy as set out in Policy ENV11 – Design Quality Policy and Policy DM1 – Development Management. Policy ENV11 advises that the quality of the design and layout of new developments must be such that they can demonstrate the application of the principles of sustainable development and make a positive contribution to the character and appearance of the urban environment in which it is located. Through the requirements of Policy DM1, all planning applications are required to take account of the local context and built form and should be compatible with adjacent

buildings and streetscene in terms of scale, massing, design, external materials and impact on amenity.

#### Relevant Government Advice

3.2.1 National Planning Policy Guidance 8 on Town Centres and Retailing recognizes that town centres are a focus of commercial and community activities resulting in a mix of land uses. The provision of a variety of uses and services contributes to maintaining the vitality and viability of town centres and therefore the guidance encourages diversification of uses, including restaurants and eating places. In addition, planning authorities should consider the traffic generation and congestion implications of proposals; although it is recognised that new development in town centres can encourage the use of public transport and enable one car journey to serve several purposes.

#### 3.3 Site History

3.3.1 Detailed planning consent was granted in November 1998 for the Palace Grounds Retail Park comprising 10 retail units, garden centre, two fast food restaurants, car parking and landscaping (ref no HM-97-0483). Subsequent to this approval, consent was granted for the siting of a further fast food restaurant (now trading as KFC - Application No:HM-03-0404).

### 4 **Consultation(s)**

4.1 **Roads and Transportation Services** – have no objections subject to the undertaking of a parking study, to prove sufficient surplus capacity within the existing car parking layout to accommodate the developments.

**Response:** Noted. The Divisional Roads Engineers requirements can be conditioned as part of any consent.

4.2 **Environmental Health** - no objections subject to conditions on the provision of a suitable ventilation system, maximum noise levels that should be emitted from the building, a restriction on hours when construction should occur, measures to control dust and the submission of a site investigation report.

**Response:** The issues relating to the provision of a ventilation system and site investigation report can be covered by planning conditions if consent is granted. It should be noted that a full report was submitted for the overall retail park development, including remediation measures which were fully implemented during its construction. The control of noise and dust are more properly dealt with under Environmental Health legislation and cannot be covered by planning conditions.

4.3 **Regeneration Services** – have offered no objections.

**Response:** - Noted.

4.4 **Estate Services** – have offered no objection to the proposals.

**Response:** - Noted.

4.5 **Scottish Water** – have offered no objections.

**Response:** - Noted.

4.6 **Scotland Gas Networks** – have offered no objection.

**Response:** - Noted.

4.7 **Power Systems** – have not yet responded to the consultation request.

**Response:** - Noted.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was carried out by the applicant while the application was advertised in the local press as an Application Requiring Advertisement due to the Scale or Nature of Operations. No letters of representation were received in respect of the developments.

## **6 Assessment and Conclusions**

- 6.1 The application seeks consent for the extension and alteration to units 4 and 5, the sub-division of unit 4 to form an additional unit, the erection of a stand alone restaurant and relocation of an ATM, within the established Hamilton Palace Grounds Retail Park.
- 6.2 The main planning considerations in the determination of this application are whether the proposals accord with local planning policy, the traffic implications and the impact on the amenity of the area.
- 6.3 In terms of policy, the application site is within the Palace Grounds Retail Park and forms part of the area identified in the adopted Hamilton District Local Plan for an extension to Hamilton Town Centre. The Finalised South Lanarkshire Local Plan, which is a material consideration in the determination of this application, identifies the site as being within the Town Centre. The provision of a mix of uses within town centres is encouraged by the local plan and government guidance in order to maintain their attractiveness as places to visit. In this case, the provision of an additional restaurant of the type proposed and the provision of additional retail floor space will add to the variety of facilities in the centre of Hamilton. It is considered that this proposal will further enhance the retail park and the role of Hamilton Town Centre as an attractive place to visit, therefore aiding the local economy.
- 6.4 In terms of the traffic implications of the proposals Roads and Transportation Services are of the view that sufficient capacity should exist within the car park to accommodate the proposals. However, they have recommended the undertaking of a parking survey, the requirement for which I intend to condition as part of any consent. The remaining statutory consultees have raised no objections to the proposal and no representations have been received from third parties.
- 6.5 The proposal involves the erection of a single storey restaurant building and extensions to existing units which are identical in scale and massing as existing buildings within the retail park. The strong landscaped setting of the retail park will be unaffected and I am satisfied that the proposed developments, in terms of their scale and design are in accordance with the policies contained within both the adopted Hamilton District Local Plan and emerging South Lanarkshire Local Plan with regards to these matters and therefore raise no planning issues.
- 6.6 In view of the above I would recommend that planning consent be granted.

## **7 Reasons for Decision**

- 7.1 The proposals are consistent with the policies of the adopted Hamilton District Local Plan and the emerging South Lanarkshire Local Plan (Finalised). There is no significant adverse amenity, environmental or traffic issues arising from this approval and the development will further enhance the facilities within Hamilton Palace Grounds Retail Park and Hamilton Town Centre.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**27 September 2006**

### **Previous References**

- ◆ HM/97/0483
- ◆ HM/03/0404

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
  
- ▶ Consultations
  - Scottish Gas Networks 03/08/2006
  - Scottish Water 07/08/2006
  - Environmental and Strategic Services 08/08/2006
  - Enterprise Resources - Estates 22/08/2006
  - Roads and Transportation Services (Hamilton Area) 04/09/2006
  - Regeneration Services 30/08/2006
  
- ▶ Representations
  - None

### **Contact for Further Information**

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

James Watters, Planning Officer, Brandon Gate, Hamilton  
Ext 3522 (Tel :01698 453522 )  
E-mail: [Enterprise.hamilton@southlanarkshire.gov.uk](mailto:Enterprise.hamilton@southlanarkshire.gov.uk)

**CONDITIONS**

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That 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.
- 4 That notwithstanding the terms of Conditions 2 and 3 above, the roof and walls of the extensions to Units 4 and 5, hereby approved, shall be finished to match the adjoining buildings on site.
- 5 That before the restaurant hereby approved is completed and operational details of the method of ventilating the food preparation and food sales areas shall be submitted to and approved by the Council as Planning Authority.
- 6 That before the restaurant is brought into use the ventilation system approved under Condition 5 above shall be installed and operative to the specification of the Head of Public Protection and to the satisfaction of the Council as Planning Authority.
- 7 That notwithstanding the provisions of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, no fascia signs, adverts or projecting signs shall be erected on the premises without the prior written consent of the Council as Planning Authority.
- 8 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 9 That before the development starts, a report from a professionally qualified source detailing the nature, concentration and distribution of any contaminants found within the application site, shall be submitted to and approved by the Council as Planning Authority and the development shall not be commenced until such action as is recommended by this report, in order to remove, or render harmless, any such contaminants, has been implemented and completed to the full specification and entire satisfaction of the Council. The developer shall give the Council at least 7 working days notice in writing prior to the commencement of any decontamination works on the site.
- 10 That prior to works commencing on site a parking survey, will be submitted to and approved by the Council as both Planning and Roads Authority. This survey should confirm that there is sufficient surplus capacity within the existing car parking layout to accommodate the development.

- 11 That notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 no mezzanine floor levels shall be created within any of the units hereby approved without the prior written consent of the Council as Planning Authority.

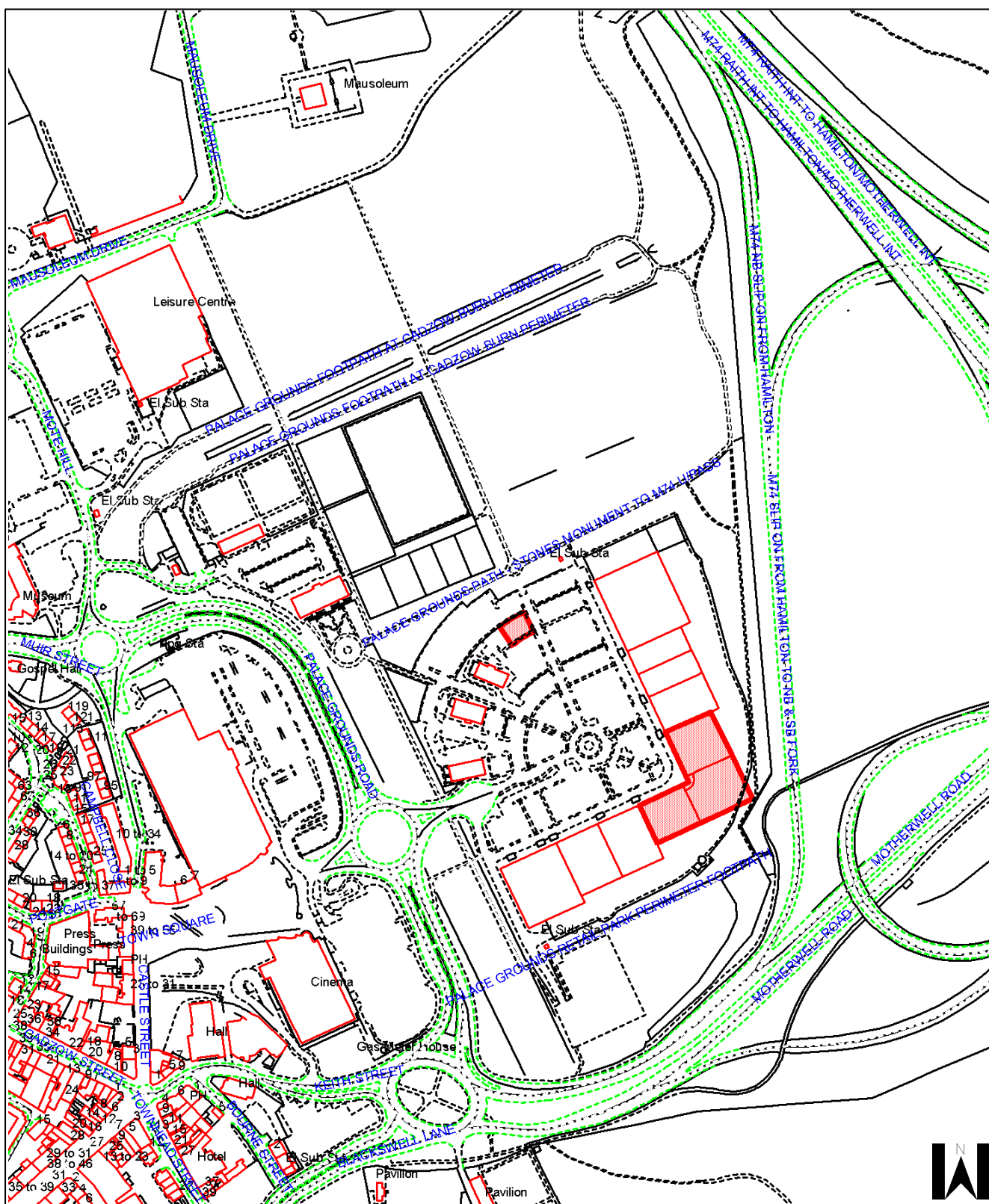
## **REASONS**

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 To ensure a satisfactory integration of the proposed development with the existing building both in terms of design and materials
- 5 To safeguard the amenity of the area.
- 6 To safeguard the amenity of the area.
- 7 To safeguard the amenity of the area.
- 8 In order to retain effective planning control
- 9 To ensure the site is free from contamination
- 10 In the interest of public safety
- 11 In the interests of amenity and in order to retain effective planning control.



For information only

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