



Council Offices, Almada Street
Hamilton, ML3 0AA

Thursday, 15 March 2018

Dear Councillor

Hamilton Area Committee

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

Date: Wednesday, 14 February 2018

Time: 14:00

Venue: Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

Members are reminded to bring their fully charged tablets to the meeting

Yours sincerely

Lindsay Freeland
Chief Executive

Members

Mary Donnelly (Chair), Peter Craig (Depute Chair), Jackie Burns, Stephanie Callaghan, Andy Carmichael, Maureen Chalmers, Maureen Devlin, Allan Falconer, Graeme Horne, Martin Grant Hose, Joe Lowe, Kenny McCreary, Mark McGeever, Jim McGuigan, Davie McLachlan, Lynne Nailon, Richard Nelson, Mo Razzaq, John Ross, Bert Thomson, Josh Wilson

BUSINESS

- 1 **Declaration of Interests**
- 2 **Minutes of Previous Meeting** 3 - 8
Minutes of the Hamilton Area Committee held on 22 November 2018 submitted for approval as a correct record. (Copy attached)
- 3 **Hamilton Citizen Advice Bureau**
Presentation by Jennifer Howdle, Team Leader and Stephen Griffiths, Caseworker, Hamilton Citizens Advice Bureau
- 4 **Community and Learning Home School Partnership Service**
Presentation by Fiona Robertson, Senior Community Learning and Home School Partnership Worker, Education Resource

Item(s) for Decision

- 5 **Application HM170442 - Installation of an ATM and Associated Freestanding Steel Secure Room (Retrospective) at Petrol Station, 1 Machan Road, Larkhall** 9 - 18
Report dated 25 January 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 **Application HM17/0550 - Change of use from Class 10 Nursery to Sui Generis - Public House with Associated External Alterations at 69-71 Church Street, Larkhall** 19 - 28
Report dated 25 January 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 **Community Grant Applications** 29 - 32
Report dated 31 January 2018 by the Executive Director (Finance and Corporate Resources). (Copy attached)

Urgent Business

- 8 **Urgent Business**
Any other items of business which the Chair decides are urgent.

For further information, please contact:-

Clerk Name: Margaret Macdougall

Clerk Telephone: 01698 4543661

Clerk Email: margaret.macdougall@southlanarkshire.gov.uk

HAMILTON AREA COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 22 November 2017

Chair:

Councillor Mary Donnelly

Councillors Present:

Jackie Burns, Andy Carmichael, Maureen Chalmers, Peter Craig (Depute), Maureen Devlin, Allan Falconer, Joe Lowe, Kenny McCreary, Mark McGeever, Davie McLachlan, Lynne Nailon, Richard Nelson, Mo Razzaq, John Ross, Bert Thomson, Josh Wilson

Councillors' Apologies:

Stephanie Callaghan, Graeme Horne, Martin Grant Hose, Jim McGuigan

Attending:

Community and Enterprise Resources

S Clark, Planning Team Leader (Hamilton); A Cunningham, Network Team Leader; I Russell, Roads Area Manager

Education Resources

K Duff; Acting Headteacher, KEAR Campus; A MacLeod, Inclusion Education Manager; G Murray, Headteacher, Glengowan Primary School; S Nicolson, Head of Education (Curriculum, Learning and Teaching, Hamilton Area)

Finance and Corporate Resources

G Cochran, Administration Assistant; J Muirhead, Administration Adviser

Also Attending:

Police Scotland

T Flynn, Community Liaison Officer; Inspector D Hamilton

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Hamilton Area Committee held on 13 September 2017 were submitted for approval as a correct record.

The Committee decided: that the minutes be approved as a correct record.

3 Education Scotland Report for Glengowan Primary School, Larkhall

A report dated 6 November 2017 by the Executive Director (Education Resources) was submitted on the outcome of the inspection of Glengowan Primary School, Larkhall made by Education Scotland.

The inspection had taken place in June 2017 as part of a national sample of primary education and the inspection letter reporting on the findings had been published on 29 September 2017.

A number of particular strengths of the school had been identified in the inspection letter. The areas for improvement, agreed with the school and education authority, had been incorporated into the school's improvement plan and parents would be informed of progress. Education Scotland had intimated that they would make no further visits in connection with this inspection.

The Head of Education spoke on key aspects of the report and responded to members' questions.

The Committee decided: that the report be noted.

4 Education Scotland Report for KEAR Campus, Blantyre

A report dated 6 November 2017 by the Executive Director (Education Resources) was submitted on the outcome of the inspection of KEAR Campus, Blantyre made by Education Scotland.

The inspection had taken place in June 2017 as part of a national sample of primary education and the inspection letter reporting on the findings had been published on 3 October 2017.

A number of particular strengths of the school had been identified in the inspection letter. The areas for improvement, agreed with the school and education authority, had been incorporated into the school's improvement plan and parents would be informed of progress. Although Education Scotland had intimated that they would make no further visits in connection with this inspection, they had requested that a report on a key development area to work with partners to reduce part-time timetables in the area bases to help ensure young people received their full entitlement be provided to them within 1 year of the inspection.

The Inclusive Education Manager spoke on key aspects of the report, responded to members' questions and agreed to provide an update on the key development report to be prepared for Education Scotland at a future meeting of this Committee.

The Committee decided:

- (1) that the report be noted; and
- (2) that an update on the key development report be submitted to a future meeting of this Committee.

Councillors Devlin and McGeever entered the meeting during this item of business

5 Police Scotland - Presentation

Inspector Hamilton, Local Problem Solving Team, provided the following details of the South Lanarkshire Policing Plan:-

- ◆ counter terrorism
- ◆ serious organised crime and drugs
- ◆ serious violent crime and public protection
- ◆ road safety
- ◆ public confidence and local engagement
- ◆ acquisitive crime
- ◆ anti-social behaviour and hate crime

Information was also provided on the following local successes:-

- ◆ wellbeing pilot being rolled out throughout Police Scotland
- ◆ new operating model introduced on 9 May 2017:-
 - ◆ Local Policing Team (LPT) resilience to respond to emergencies
 - ◆ Local Problem Solving Team (LPST) - increased visibility and community engagement
- ◆ working with community partners and pro-active patrols to tackle anti-social behaviour
- ◆ working with partners to support vulnerable adults and children
- ◆ working with the Council to tackle anti-social tenants
- ◆ campus officers delivering interactive inputs at local schools

Inspector Hamilton and Community Liaison Officer Flynn, having responded to members' questions, were thanked for their informative presentation.

The Committee decided: that the presentation be noted.

[Reference: Minutes of 30 November 2016 (Paragraph 3)]

Councillors Burns and Lowe left the meeting during this item of business

6 Roads Investment Plan - Progress Report

A report dated 8 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on progress with roads investment activity within the Hamilton Area Committee area.

Details were provided on:-

- ◆ phasing of the £126 million expenditure on the Roads Investment Programme from 2008/2009 to 2018/2019
- ◆ progress made in relation to the schemes within the Hamilton Area Committee area which showed that, as at 19 September 2017, 21 schemes had been completed and 10 were in progress or programmed to be completed by the end of March 2018

The Roads Area Manager gave a presentation on key aspects of the Roads Investment Plan and responded to members' questions. The Chair, on behalf of the Committee, thanked the Roads Area Manager and his employees for their efforts to progress the Programme.

The Committee decided: that progress with the Roads Investment Plan within the Hamilton Area Committee area be noted.

[Reference: Minutes of 30 November 2016 (Paragraph 5)]

Councillor Nailon left the meeting during this item of business

7 Application HM/17/0437 - Change of Use of Car Parking/Open Space to Balcony Extension for Al Fresco Dining at Avonbridge Hotel, Carlisle Road, Hamilton

A report dated 8 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0437 by LBG Waterston for the change of use of car parking/open space to balcony extension for al fresco dining at Avonbridge Hotel, Carlisle Road, Hamilton.

The Committee decided:

that planning application HM/17/0437 by LBG Waterston for the change of use of car parking/open space to balcony extension for al fresco dining at Avonbridge Hotel, Carlise Road, Hamilton be granted subject to the conditions specified in the Executive Director's report.

8 Community Grant Applications

A report dated 7 November 2017 by the Executive Director (Finance and Corporate Resources) was submitted on applications for community grant.

Following discussion, it was agreed that the recommended grant allocation be made to Hamilton Bowling Club Winter Section subject to confirmation that it was a properly constituted group with its own bank account.

The Committee decided:

that community grants be awarded as follows:-

- | | | |
|-----|-------------------|---|
| (a) | Applicant: | Hamilton District Arts Guild (<i>HA/62/17</i>) |
| | Purpose of Grant: | Materials, equipment and entrance fees |
| | Amount Awarded: | £450 |
| (b) | Applicant: | 112th Lanarkshire Cub Scout Group, Hamilton (<i>HA/67/17</i>) |
| | Purpose of Grant: | Outing |
| | Amount Awarded: | £70 |
| (c) | Applicant: | 112th Lanarkshire Scout Group, Hamilton (<i>HA/69/17</i>) |
| | Purpose of Grant: | Entrance fees |
| | Amount Awarded: | £200 |
| (d) | Applicant: | Larkhall OAP Association Town Branch (<i>HA/70/17</i>) |
| | Purpose of Grant: | Outing |
| | Amount Awarded: | £200 |
| (e) | Applicant: | Saffronhall Art Club, Hamilton (<i>HA/72/17</i>) |
| | Purpose of Grant: | Outing, administration and publicity costs |
| | Amount Awarded: | £300 |
| (f) | Applicant: | Larkhall Youth Group (<i>HA/75/17</i>) |
| | Purpose of Grant: | Specialist transport and entrance fees |
| | Amount Awarded: | £300 |
| (g) | Applicant | Dalserf Village Garden Club, Larkhall (<i>HA/76/17</i>) |
| | Purpose of Grant: | Environmental project |
| | Amount Awarded: | £350 |
| (h) | Applicant: | St John's Church Guild, Hamilton (<i>HA/77/17</i>) |
| | Purpose of Grant: | Outing and entrance fees |
| | Amount Awarded: | £250 |
| (i) | Applicant: | Hamilton Bowling Club Winter Section (<i>HA/78/17</i>) |
| | Purpose of Grant: | Outing |
| | Amount Awarded: | £200 |

- | | | |
|-----|-------------------|---|
| (j) | Applicant: | The Lanarkshire Festival of Male Voice Choirs, Hamilton
(HA/82/17) |
| | Purpose of Grant: | Materials |
| | Amount Awarded: | £300 |
| (k) | Applicant: | Friends of Beckford, Hamilton (HA/85/17) |
| | Purpose of Grant: | Equipment |
| | Amount Awarded: | £200 |

9 Urgent Business

There were no items of urgent business.

Report

5

Report to:	Hamilton Area Committee
Date of Meeting:	14 February 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0442
Planning Proposal:	Installation of an ATM and Freestanding Steel Secure Room. (Retrospective)

1 Summary Application Information

- ◆ Application Type : Detailed Planning Application
- ◆ Applicant : NoteMachine UK Ltd
- ◆ Location : Petrol Station
Machan Road
Larkhall
ML9 1HX

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 the Conditions attached)

2.2 Other Actions/Notes

- (1) The Hamilton Area Committee has delegated powers to determine the application.

3 Other Information

- ◆ Applicant's Agent: Ms Jan Clark
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development Management and Placemaking
Policy 6- General Urban Area/Settlements
Development management, placemaking and design supplementary guidance (2015)

◆ Representation(s):

▶	6	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The applicant seeks retrospective planning permission for the installation of a freestanding secure room and automated teller machine (ATM) within the grounds of a petrol filling station at Machan Road, Larkhall.
- 1.2 The area directly surrounding the garage is largely residential in nature. However Machan Road (B7078) is a busy arterial road leading through Larkhall providing access to the nearby Strutherhill Industrial Estate as well as the M74. The defined Larkhall Town Centre is broadly to the North of the site while the newly developed Asda Superstore and other retail units are within general walking distance.
- 1.3 The petrol filling station has been in existence for a long period of time, is relatively large and operates on a 24 hour basis. As well as offering petroleum products there is also a garage shop as well as facilities for car washing. Part of the forecourt is covered and illuminated. The site also has a variety of signs including an internally illuminated totem sign. Machan Road is well lit from the existing street lighting. Traffic lights exist at the nearby junction of Machan Road and John Street.

2 Proposal(s)

- 2.1 The application is for retrospective planning permission for the installation of a freestanding automated teller machine (ATM) positioned within a 'secure room' at the side of the shop nearest the forecourt vehicular exit. The ATM faces the petrol pumps/forecourt of the filling station. The 'secure room' is painted white.
- 2.2 The freestanding secure room measures, including the base plinth, 1170mm wide, 2320mm deep and 2120mm high.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 None directly applicable given the scale and nature of the proposal.

3.2 Local Plan Status

- 3.2.1 The South Lanarkshire Local Development Plan (SLLDP) identifies the site, in land use terms, as being within a general urban area/settlement, covered by Policy 6. Policy 6 states that all proposals should be assessed in terms of their potential impact upon the character and amenity of the area. Developments, particularly "bad neighbour" uses which by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety shall not be permitted if they are detrimental to the amenity of residents.
- 3.2.2 All development proposals are also affected by additional policies within the local development plan. Policies 4 – Development Management and Placemaking seeks to ensure that any proposed development takes due cognisance of the local context and provides high quality design. Policy DM13 – Development within general urban area/settlement is also applicable in this instance.
- 3.2.3 A full assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.3 Planning History

- 3.3.1 In the last 28 years there have been four previous planning applications for the site, namely:

HN-90- 051 - installation of an automatic car wash. Approved.

HM/98/0112 - refurbishment of the filling station incorporating the enclosure of the car wash and extension to the sales building. Approved.

HN-95-0415 – Installation of an ATM. Refused on the grounds of public and traffic safety as the applicant was unable to provide adequate levels of parking provision within the site. (It should be noted that this application was determined prior to the refurbishment/modernisation of the filling station as authorised by consent HM/98//0112).

HM/17/0431- Installation of illuminated fascia signage associated with ATM. Approved.

4 Consultation(s)

- 4.1 **Roads Development Management Team.** – Have confirmed that they have no objections to the proposal.

Response:- Noted.

- 4.2 **Environmental Services:-** Have confirmed that they have no objection to the proposal.

Response:- Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken in respect of the proposal following which six letters of objection were received (two are from the same individual). A local Councillor has also asked that the application be heard at Committee due to their concerns regarding the proposal. The grounds of objection and comment can be summarised as follows;

(a) I surmise that an ATM would only encourage more anti social attractiveness to this residential area instead of the town/main street. There is very loud noise and a disregard for long term residents within this area. The additional custom generated by this machine again creates additional noise and disturbance for us again often at night. Since its installation the ATM has acted as a magnet to late night delinquents.

Response:- It must be accepted that there will always be an element of noise associated with a petrol filling station that is open 24 hours each day, especially one located on a busy arterial road.

The filling station will already generate traffic to the site both vehicular and pedestrian whether to purchase fuel or to use the associated shop. Clearly the major consideration in this instance is whether the ATM will generate such additional traffic that it will be to a material extent and degree in terms of increased noise and disturbance.

Without doubt the ATM will result in additional 'customers' to the filling station to solely use the cash machine. It will however also be used by customers purchasing fuel or buying provisions from the shop.

As highlighted in point (b) below there are already a number of other cash machines in the general locality of the filling station. In addition the use of such machines is generally during 'normal' trading hours rather than late evening or early morning. Given all these factors, especially the sites location on a arterial road, I am not

persuaded that any increase in traffic to the filling station as a direct result of the ATM, either vehicular or pedestrian, will be so significant that there will be a material or adverse impact on residential amenity. Indeed Environmental Services have offered no objection to the ATM.

If, on the off chance, regular excessive noise disturbance occurs from the petrol station for any reason then Environmental Services can be contacted as they have the appropriate legislative provisions to address such matters. Furthermore if any anti social behaviour is noted then Police Scotland should be contacted immediately.

(b) Why is the Shell garage open 24hrs within a small town? Who is the ATM accommodating? Garage customers? Valeting business? Larkhall is already well served by ATMs (there are 11 cash points and 4 banks less than half a mile from this location) and the provision at this location is superfluous to local requirements?

Response:- The filling station at this site is a lawful 24 hour business and it is located on one of the busy main arterial routes into/out of Larkhall. Many filling stations open 24 hours, this reflecting the fact that peoples lifestyles and working practices have changed and that some customers now require access to petrol/diesel and other services on a 'round the clock' basis. Many filling stations now also act as a small 'corner shop' where a variety of products can be purchased when other traditional retailers are closed.

It is not within the remit of this application for an ATM to question the opening hours of the filling station which ultimately is for the commercial judgement of the owners/operator of the facility. In a similar manner the planning process cannot be used to regulate the demand/supply of ATM's.

(c) The valeting business at the site ignores advice from the planning officials where others would have been fined.

Response:- This application is for the assessment of the ATM at the site only. That said applications for advertisement consent and planning permission related to the car wash business have now been lodged with the Planning Service. These applications will be assessed against the policies established in the adopted South Lanarkshire Local Development Plan.

(d) I live directly opposite the Petrol Station at No. 8. Blue lights surround the ATM which shine all day and night. There appearance is intrusive and unnecessary. They shine very brightly into both rooms at the front of my house. They impact significantly on my sleep despite blinds and heavy curtains.

Response:-The ATM is installed within the grounds of a 24 hour petrol station which already has an internally lit canopy and illuminated totem signage. Machan Road also has a degree of street lighting present and there will be a multitude of cars, vans and trucks all with lighting during the night passing by this property. There is therefore already a relatively high degree of light pollution within the area surrounding the petrol station, as must be expected.

The front wall of the house at 8 Machan Road is approximately 20 metres from the ATM. The front of the ATM, where the illuminated signage is positioned, sits at an acute angle to the front of the objector's house. This must therefore reduce the visual presence of the signage and in turn its impact. Given the relatively diminutive size of the illuminated signage on the ATM, the existing illumination of the filling station and again the presence of the main road I am of the view that the proposal will cause no material loss of amenity through its lighting.

(e) The position of the ATM and freestanding steel secure room has been sited carelessly. It has been positioned in a way as to remove part of a sound protection fence necessary for fridges and freezers within the garage. The increase in volume from the fans is marked again impacting on my sleep.

Response:- There are AC/Condenser units sited at the side of the petrol station shop. These were previously screened by a wooden panelled fence and gate with sound insulation materials attached. The installation of the steel secure room and ATM has necessitated the removal of the wooden gate, however, the fencing on two sides of the AC/Condensers and its associated sound insulation remains.

Environmental Services have previously investigated a complaint relating to potential noise nuisance breakout from the AC/Condenser units at the site as a result of the installation of the ATM. Environmental Services concluded that the bulk of the sound insulation material around the enclose remains and is functioning adequately as the condenser units cannot be heard over the background noise. Environmental Services have confirmed that they have no concerns in relation to the development.

(f) Parking road safety concerns; cars are parked on the adjoining pavement blocking pedestrians who have to pass on the road carriageway, others are parking adjacent to the machine causing vehicles problems when entering the carriageway from the petrol station. Already the Police have been called. People are not parking on the forecourt to use the machine but in Orchard Gate and the main road. Sight lines from Orchard Gate traffic are also being blocked by the ATM causing a major, unnecessary safety risk. Why can't the ATM be located within the garage shop instead? Vehicles are often unaware of the opening of Orchard Gate close by and I have often had to brake suddenly when vehicles come out of the garage at speed. Additional signs tied to the fence further block driver's vision.

Response:- Any inconsiderate parking by drivers has potential to obstruct visibility splays or block pavements. Unfortunately the planning system cannot prevent thoughtless parking. The ATM however is associated with a filling station where on the balance of probability there is sufficient off street parking in the forecourt and as most drivers are responsible individuals the provision of such off street parking should be sufficient, especially as such 'spaces' are closer to the ATM than Orchard Gate for example. In addition parking spaces beside the fuel pumps are covered thereby providing an element of protection from any inclement weather.

Roads and Transportation Services have no objections to the proposal on road safety grounds. They have advised, however, that a couple of bollards should be installed on the footway directly next to the ATM in order to restrict parking on the pavement to discourage parking at the exit to the filling station. This will improve visibility at the exit. A condition to this effect can be imposed should consent be issued.

In terms of the 'additional signs' these are small scale mobile free standing boards. The filling station manager has been advised that such 'pavement signs' should be located in such a position that visibility is unaffected.

(g) Litter; These premises generate enormous amounts of litter and broken glass including disregarded slips from the ATM. The petrol station takes no responsibility for any litter outwith its boundary despite having come from items sold by them.

Response:-The petrol station cannot be held responsible for any unsociable littering that patrons make when they are not on their premises. Notwithstanding this and whilst the irresponsible dropping of any litter cannot be condoned, the impact of an ATM in terms of litter generation will be marginal.

- 5.2 The letters of representation have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks retrospective planning approval for the installation of an ATM within a freestanding steel secure room within the grounds of a petroleum filling station. The determining issues in consideration of this application are its compliance with local plan policy and, in particular, its impact on the amenity of surrounding properties and road and public safety.
- 6.2 The ATM and associated secure room is relatively small and located within the garage forecourt of a popular and long established petrol station. The station is located on a busy arterial route through Larkhall and is within general walking distance of the defined town centre and newly constructed retail units. Given the scale of the development and the context of the built environment surrounding the site, the physical impact of the proposal and its operating consequences will be relatively minor and can be accommodated in terms of Policy 4 and 6 in that any impact upon the amenity of the site or surrounding area will be marginal.
- 6.3 Environmental Services were consulted as part of the assessment of the application. They have responded that they have no objections to the proposal.
- 6.4 It is acknowledged that there was a previous application for the installation of an ATM at this site in 1995, which was refused planning permission due to Roads and Transportation recommendations. However, Roads and Transportation Services have now stated that they have no objection to the proposal, this revised position acknowledging that sufficient parking does now exist within the forecourt of the filling station.
- 6.5 The requirements of the remaining statutory consultees can be addressed through the use of conditions where appropriate.
- 6.6 In summary, it is considered that the application conforms with local plan policy and that the proposal raises no amenity or public/road safety issues that cannot be satisfactorily mitigated. I would, therefore recommend that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposed development will have no material impact on residential amenity and poses no risk to public or road safety. It therefore complies with Policies 4, and 6 of the South Lanarkshire Local Development Plan (adopted June 2015) and the associated Supplementary Guidance. There are no additional material considerations which would justify the refusal of planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

25 January 2018

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 20 September 2017
- ▶ Press advert, Hamilton Advertiser dated 28 September 2017

- ▶ Consultations

Environmental Services 28/09/2017

Roads & Transportation Services 16/10/2017

- ▶ Representations

Representation from : Dianne Maclellan, DATED 25/09/2017

Representation from : William Stevely, 4 Orchard Gate, Larkhall DATED 28/09/2017

Representation from : Robert Hawke, 1 Orchard Gate, Larkhall, DATED 01/10/2017

Representation from : Jennifer Barton, DATED 04/10/2017

Representation from : Gini Huis, DATED 10/10/2017

Representation from : William Stevely, 4 Orchard Gate, Larkhall DATED 09/10/2017

Contact for Further Information

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

Robert McIntosh, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB

Ext 3601 (Tel : 01698 453601)

E-mail: robert.mcintosh@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/17/0442

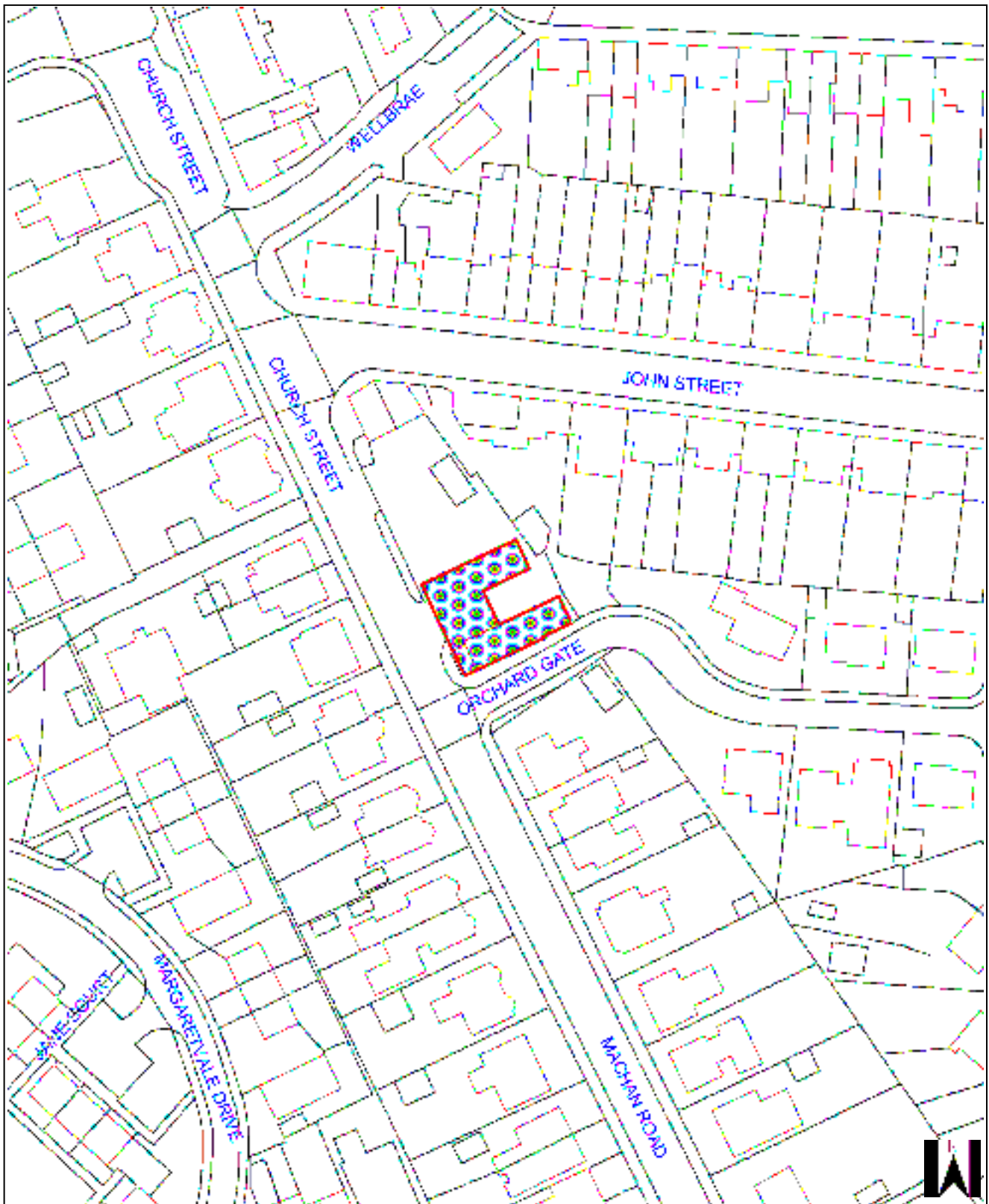
CONDITIONS

- 1 That within one month of the date of this consent, details of the traffic bollards to be installed, along the area of public footpath, located between the exit of the petroleum filling station and the entrance of Orchard Gate, shall be submitted to and approved by the Council as Planning Authority. Within three months of the date of this consent, the approved traffic bollards shall be installed, at the applicant's expense, and will be maintained in perpetuity to the satisfaction of the Council.

REASONS

- 1 In the interest of public safety

For information only



For information only

Report

Report to:	Hamilton Area Committee
Date of Meeting:	14 February 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0550
Planning Proposal:	Change of Use From Class 10 Nursery to Sui Generis - Public House With Associated External Alterations

1 Summary Application Information

- ◆ Application Type : Detailed Planning Application
- ◆ Applicant : Q Bar & Restaurant
- ◆ Location : 69-71 Church Street
Larkhall

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 the conditions attached)

2.2 Other Actions/Notes

- (1) The Area Committee has delegated powers to determine the application

3 Other Information

- ◆ Applicant's Agent: Richard Moss Architectural Consultant Ltd
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements
Development management, placemaking and design supplementary guidance (2015)

◆ Representation(s):

▶	7	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The property is located on Church Street, Larkhall, at the corner with Wellbrae and is presently vacant. Church Street forms part of the main route through Larkhall and, whilst mainly residential, it does have a number of shops, services and food establishments. The application site relates only to the street level property and is approximately 250 metres from Larkhall town centre.
- 1.2 The site was previously part of a hotel which was subdivided into a number of units over 10 years ago. These units are now occupied by various enterprises including a dental surgery and licensed premises (The Q Bar) which is owned by the applicant.
- 1.3 Residential properties exist to the front and rear of the site. There is also a flat above.

2 Proposal(s)

- 2.1 It is now proposed to extend the exiting licensed premises (Q Bar) into the vacant unit to increase the floor area of the existing premises. Previously the application site been used as a take away/restaurant.
- 2.2 Internally, the additional property will provide an extension to the kitchen, a WC, staff room and office, but the majority of the floorspace will be used for playing pool and darts. Two openings will be formed between the properties; one in the kitchen and one between the existing dining area and proposed pool and darts area. Externally, there will be a small lobby added to the existing entrance, patio doors will replace a window in the original building and in the new building (71 Church Street) one window will be blocked up and the remaining three will be extended to full length windows.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 None are directly applicable given the scale and nature of the proposal.

3.2 Local Plan Status

- 3.2.1 The South Lanarkshire Local Development Plan (SLLDP) identifies the site as being within a general urban settlement which is covered by Policy 6. Policy 6 states that all proposals should be assessed in terms of their potential impact upon the character and amenity of the area. Developments, particularly “bad neighbour” uses which by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety shall not be permitted if they are detrimental to the amenity of residents.
- 3.2.2 All development proposals are also affected by additional policies within the local plan. Policies 4 – Development Management and Placemaking seeks to ensure that any proposed development takes due cognisance of the local context and provides high quality design.
- 3.2.3 A full assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.3 **Planning History**

- 3.3.1 Both 69 and 71 Church Street have previously had consent for use as restaurants. In 2002 both properties were originally granted consent to extend the public house and form a restaurant as part of the Berries Hotel which, at that time, was located at 59 Church Street. An application for alterations to the 'shop' front of the restaurant at number 71 was also approved under HM/15/0212 and consent for the existing Q Bar and Restaurant was issued under HM/15/0268 at which point consent was given for a change of use from a bar to restaurant, cafe, ancillary hot food take away and erection of a flue.
- 3.3.2 According to the applicant the last known use of 71 Church Street was a children's nursery. There is however no planning consents to substantiate this.
- 3.3.3 Consent has also twice been refused for a hot food take away at 71 Church Street under applications HM/10/0101 and HM/11/0101.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Service** - have no objection to the proposal.
Response: Noted.

- 4.2 **Environmental Services** - have no objection to the proposal.
Response: Noted.

5 **Representation(s)**

- 5.1 Statutory neighbour notification was undertaken in respect of the proposal which was also advertised in the Hamilton Advertiser. Following this publicity seven letters of objection were received from adjoining residents. The grounds of objection can be summarised as follows;

(a) A number of the objections received relate to concerns associated with a take away window proposed at the rear of the building. This window will be located in an area that cannot be seen from the road and is already popular with groups of youths. It is therefore believed that the proposal will exacerbate anti-social behaviour, noise disruption, vandalism and littering in the area. There are additional concerns that the take away element of the proposals will increase traffic in the area, result in overflowing bins and vermin and produce strong food smells. Furthermore any increase vehicular traffic generated by the take-away (customers/delivery drivers) will result in obstruction of existing driveways/access to property.

Response: The take away element of the proposal has been removed from the application after discussion with the applicant.

(b) A number of local residents have vehicular access to their properties from the car park to the rear of the site and are concerned that the proposed changes to the building will increase traffic and parking problems which will block their accesses and make maneuvering difficult.

Response: There are no proposed alterations to the rear of the property which would encourage additional vehicular movement/activity in this area. Clearly incidents of blocked access already occur due to inconsiderate and selfish parking by car owners. Such behaviour is outwith the control of the planning system and such incidents should be reported to Police Scotland in the first instance.

Roads and Transportation Services have advised that there is restricted parking in the area but that there is good public transport available given the proximity to the town centre. Accordingly they consider that any increase of traffic due to the development will be negligible. Indeed any potential occupier of the premises is likely to generate some traffic.

(c) Noise nuisance from both loud music being played until late at night and drunk patrons leaving the bar or hanging around outside the building are already disruptive to local residents and it is considered that extending the bar into the next building will only increase the number of people using it and thus the noise levels will also increase.

Response: The size of the bar/restaurant area is not increasing as the additional floor space is to be used for pool and darts. On this basis it is not anticipated that the number of patrons will substantially increase and as such it is considered that there should be no significant increase in noise from people leaving/entering the pub or smoking outside. In addition, Environmental Services have not expressed any concerns in relation to noise.

(d) Heavy goods vehicles and deliveries associated with the bar and restaurant have already damaged the access at the rear of the property and residents who use this access daily are concerned that this will only get worse if the proposal is approved.

Response: The accesses at the rear of the building and the car parking area are all privately owned and as such any damage to the ground surface would be a private legal matter to be resolved by the parties involved.

All letters of objection have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks consent for a change of use to public house with associated external alterations. The determining issues in consideration of this application are its compliance with local plan policy and, in particular, its impact on the amenity of the surrounding area.
- 6.2 The existing Q Bar and Restaurant at 69 Church Street will change very little internally with the bar/dining area remaining in the same area as it is at present and only two small openings being made in the wall to link numbers 69 to 71. The main changes will be to the front of the building where there will be a new lobby porch at the main entrance and alterations to the windows of both buildings to improve the appearance of the premises. It is not considered that these physical changes associated with the change of use will have a detrimental impact on the surrounding area.
- 6.3 In terms of the change of use, it is acknowledged that the Q-Bar is within a mainly residential area but a 'hospitality' use has long been established at this site, as can be seen from the planning history in Section 3.3. 71 Church Street has in the past been a separate restaurant and its linkage to number 69 as now proposed to form a larger sports bar will not introduce a totally new use to the area. Furthermore the additional space will be primarily used for pool tables and darts and any increase in patrons is unlikely to be substantial or to a material extent. In light of the above, the change of use is not expected to negatively affect the neighbouring residents.
- 6.4 Environmental Services and Roads and Transportation Services were consulted as part of the assessment of the application. They have both responded stating that they

have no objections to the proposal, nor do they suggest the inclusion of any conditions or informatives to the consent, if granted.

6.5 Seven letters of objection were received the points of which have been summarised in Section 5. I am satisfied that the concerns raised do not merit refusal especially since the hot food take-away element has been deleted from the proposal.

6.6 In summary, it is considered that, given the historical use of the site, the surrounding mixed uses and the fact that no concerns have been raised by either consultee, the proposal is acceptable in terms of local plan policy. On this basis it is therefore recommended that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

7.1 The proposed change of use and external alterations will have no significant adverse impact on either residential or visual amenity and complies with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted June 2015) and the associated Supplementary Guidance. There are no additional material considerations which would justify the refusal of planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

25 January 2018

Previous References

- ◆ HM/02/0482
- ◆ HM/10/0101
- ◆ HM/11/0101
- ◆ HM/15/0212
- ◆ HM/15/0268

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 22 November 2017 and 17 January 2018
- ▶ Press advert, Hamilton Advertiser dated 30 November 2017

► Consultations

Environmental Services
Roads and Transportation Service

22/01/2018
23/01/2018

► Representations

- Representation from : Stevie Sutton, 59 Church Street
Larkhall, ML9 1EZ, DATED 30/11/2017
- Representation from : John and Lynn Cunningham , Via email ,
DATED 10/12/2017
- Representation from : Robert Lockhart , Via email ,
DATED 10/12/2017
- Representation from : Margaret Kelly, 42 Marshall Street
Larkhall, ML9 2HD, DATED 14/12/2017
- Representation from : David & Louise Gardiner, 72 Church Street
Larkhall, ML9 1HE, DATED 07/12/2017
- Representation from : Gary and Sharis Pheonix , Via email ,
DATED 12/12/2017
- Representation from : Nicola Marshall, Via email,
DATED 14/12/2017

Contact for Further Information

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

Mariona Doig, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 3648 (Tel : 01698 453648)
E-mail: mariona.doig@southlanarkshire.gov.uk

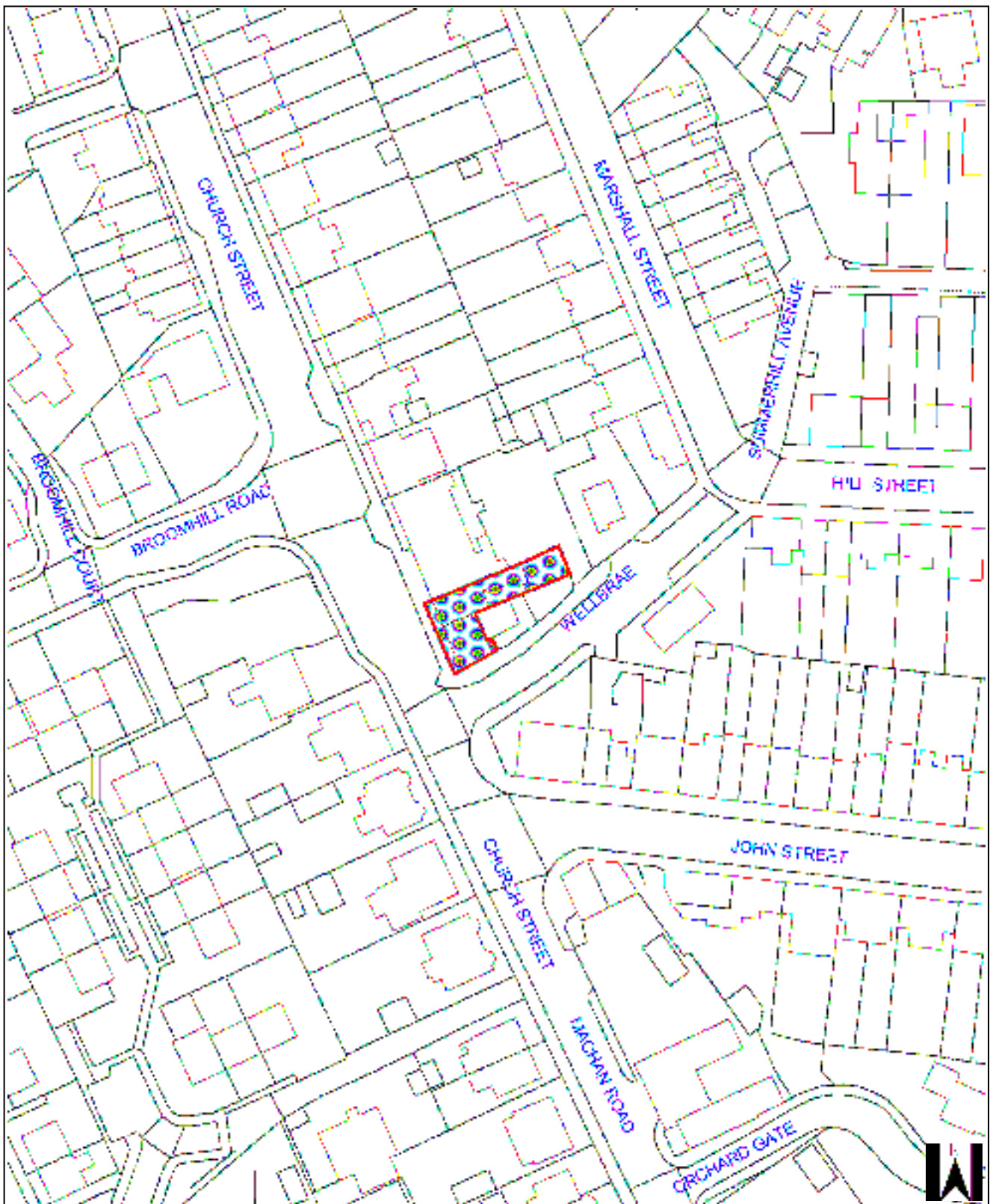
CONDITIONS

- 1 That the facing materials to be used for the external walls and roof of the new entrance lobby hereby approved shall match in colour and texture those of the existing building on the site to the satisfaction of the Council as Planning Authority.

REASONS

- 1.1 To ensure satisfactory integration of the proposed extension with the existing building both in terms of design and materials.

For information only



For information only

Report

7

Report to: **Hamilton Area Committee**
 Date of Meeting: **14 February 2018**
 Report by: **Executive Director (Finance and Corporate Resources)**

Subject: **Community Grant Applications**

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ request approval for the allocation of community grants to 12 groups in the Hamilton area from the 2017/2018 community grant budget
- ◆ request authorisation for the Executive Director (Finance and Corporate Resources), in consultation with the Chair, to approve further community grants applications meeting the relevant criteria in the period to 31 March 2018 from the 2017/2018 budget

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

(1) that community grants be awarded as follows:-

- | | | |
|-----|---|---|
| (a) | Applicant:
Amount Requested:
Purpose of Grant:
Amount Awarded: | The TACT Sewing Group, Blantyre (<i>HA/83/17</i>)
£350
Equipment and materials
£250 |
| (b) | Applicant:
Amount Requested:
Purpose of Grant:
Amount Awarded: | South Lanarkshire Self-Directed Support Network,
Hamilton (<i>HA/84/17</i>)
£677
Equipment
£350 |
| (c) | Applicant:
Amount Requested:
Purpose of Grant:
Amount Awarded: | 78 th Lanarkshire (3 rd Blantyre) Scout Group
(<i>HA/87/17</i>)
£410
Entrance fees and materials
£300 |
| (d) | Applicant:
Amount Requested:
Purpose of Grant:
Amount Awarded: | St Machan's Guild, Larkhall (<i>HA/88/17</i>)
£200
Outing
£200 |

- | | | |
|-----|-------------------|--|
| (e) | Applicant: | Hillhouse Community Council, Hamilton <i>(HA/90/17)</i> |
| | Amount Requested: | £250 |
| | Purpose of Grant: | Materials |
| | Amount Awarded: | £200 |
| | | |
| (f) | Applicant: | Sharp and Gentles Fly Tying and Fishing Club, Hamilton <i>(HA/91/17)</i> |
| | Amount Requested: | £500 |
| | Purpose of Grant: | Equipment and outing |
| | Amount Awarded: | £300 |
| | | |
| (g) | Applicant | Inter Cultural Milan Club, Hamilton <i>(HA/92/17)</i> |
| | Amount Requested: | £400 |
| | Purpose of Grant: | Outing |
| | Amount Awarded: | £200 |
| | | |
| (h) | Applicant: | Eddlewood Bowling Club Ladies Section, Hamilton <i>(HA/93/17)</i> |
| | Amount Requested: | £200 |
| | Purpose of Grant: | Outing |
| | Amount Awarded: | £200 |
| | | |
| (i) | Applicant: | Hamilton South Church Craft Class <i>(HA/95/17)</i> |
| | Amount Requested: | £350 |
| | Purpose of Grant: | Outing and materials |
| | Amount Awarded: | £250 |
| | | |
| (j) | Applicant: | Handmades, Hamilton <i>(HA/96/17)</i> |
| | Amount Requested: | £250 |
| | Purpose of Grant: | Outing and entrance fees |
| | Amount Awarded: | £250 |
| | | |
| (k) | Applicant: | Livingstone Memorial Church Guild, Blantyre <i>(HA/97/17)</i> |
| | Amount Requested: | £300 |
| | Purpose of Grant: | Outing |
| | Amount Awarded: | £200 |
| | | |
| (l) | Applicant: | Lanarkshire Ethnic Minority Action Group, Blantyre <i>(HA/98/17)</i> |
| | Amount Requested: | £800 |
| | Purpose of Grant: | Outing and entrance fees |
| | Amount Awarded: | £250 |

- (2) request authorisation for the Executive Director (Finance and Corporate Resources), in consultation with the Chair, to approve any further community grant applications meeting the relevant criteria in the period to 31 March 2018 from the 2017/2018 budget

3. Background

- 3.1. The Council operates a community grants scheme to support local constituted community groups and voluntary organisations. Applications are invited throughout the financial year.

- 3.2 All applications require to be supported by a constitution, audited accounts or annual income and expenditure accounts, a bank statement, and confirmation that the group/organisation will adhere to the conditions of the grant award.

4. Employee Implications

- 4.1. None.

5. Financial Implications

- 5.1. The current position of the community grant allocation for the Hamilton Area in 2017/2018 is as follows:-

Total allocation for Community Grants	£25,000
Grants previously allocated	£18,965
Community Grants recommended in this report	£2,950
Remaining balance	£3,085

- 5.2 In view of the fact that this is the last meeting of the Committee in the current financial year and to allow any further applications submitted prior to the end of the current financial year to be considered, it is proposed that the Executive Director (Finance and Corporate Resources), in consultation with the Chair, be authorised to approve any further community grant applications meeting the relevant criteria in the period to 31 March 2018. Information on those grants awarded would be reported to a future meeting.

6. Other Implications

- 6.1. The risk to the Council is that grant funding is not utilised for the purpose for which it was intended. This risk is mitigated by internal controls including audit procedures and a conditions of grant agreement.

- 6.2. There are no apparent implications in terms of sustainable development.

7. Equality Impact Assessment and Consultation Arrangements

- 7.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore no impact assessment is required.
- 7.2. All the necessary consultation with the community groups has taken place.

Paul Manning

Executive Director (Finance and Corporate Resources)

31 January 2018

Link(s) to Council Values/Ambitions/Objectives

- ♦ Accountable, effective, efficient and transparent. Work with communities and partners to promote high quality, thriving and sustainable communities.

Previous References

- ♦ None

List of Background Papers

- ◆ Individual application forms

Contact for Further Information

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

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E-mail: geraldine.wilkinson@southlanarkshire.gov.uk