

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>6</h1>
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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>7 June 2005</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/04/0804
Planning Proposal:	Retention and Renovation of Façade, Demolition of Remainder of Building and Erection of Extension to Form Entertainment Complex

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Lynnham Properties Ltd
- Location : Former Vogue Bingo Hall  
Keith Street  
Hamilton

## 2 Recommendation(s)

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

- (1) Grant Detailed Permission (Subject to Conditions – based on the conditions attached).

### 2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent: Russell Paterson Associates
- ◆ Council Area/Ward: 38 Whitehill
- ◆ Policy Reference(s): **Hamilton District Local Plan**  
Policy ED13b – Town Centre Extension  
Policy EN4 – Conservation Areas  
Policy EN25 – Heritage Preservation

◆ Representation(s):

- ▶ Objection Letters
- ▶ Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

Environmental Services

Scottish Water

West of Scotland Archaeology Service

Historic Scotland

Strathclyde Police - Community Safety Dept. (SLC)

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application relates to a 0.12 hectare site incorporating the Vogue Building on the north side of Keith Street, Hamilton. The Vogue was originally built as a cinema in the 1920s and was latterly in use as a bingo hall until its closure several years ago. Since then it has remained vacant. It is a category B listed building and is within the outer limit of the Hamilton Conservation Area. The main feature of the building is the front elevation onto Keith Street which is of an Art Deco classical design. There are few internal features of note, the exception being the proscenium arch around the stage.
- 1.2 Land to the east is occupied by the Hamilton Palace nightclub, while the land on the opposite side of Keith Street is occupied by the Salvation Army Hall, a bar and residential properties at upper floor level. Remaining land to the north and west is currently vacant.

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

- 2.1 The application is for the retention and renovation of the frontage, the demolition of the main rear part of the building and the erection of a new structure behind the retained façade to form an entertainment complex.
- 2.2 The new building to the rear will accommodate a pub/club in the rear portion, together with associated kitchen, bars and storage facilities. The front section immediately behind the Keith Street frontage will provide a deli/bar, childrens play zone and candy shop, ice cream bar servery and pizza take away facility. An external seating area will be provided outside the building adjacent to its eastern boundary. Toilet and ancillary facilities will be provided at upper level. The existing Keith Street frontage will be retained and made good to a high quality specification.
- 2.3 The new building will extend approximately 27 metres in length, 18 metres in width and 8.5 metres in height. It will be finished externally in metal cladding paneled walls with a facing brick basecourse and a metal cladding roof. It is anticipated that this elevation will be hidden by a future development on the land between the proposed extension and Town Square.
- 2.4 The development will be serviced to the rear of the building from the service road that serves the cinema complex at Hamilton Palace Road together with an existing service area between the Vogue and Palace nightclub which currently serves the latter.
- 2.5 An associated listed building consent application for the demolition and new build elements of the development has also been submitted and is considered on this agenda under HM/04/802.

### **3 Background**

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

- 3.1.1 The application site is affected by policy ED13b in the adopted Hamilton District Local Plan. This states that the Council proposes to redevelop the Palace Grounds as an extension to the Town Centre to provide modern commercial facilities including shops, community and cultural facilities and sports and leisure provision.

3.1.2 In addition, policy EN4 advises that the Council will protect and enhance the built environment through control of development within conservation areas, while policy EN25 states that there will be a general presumption against development that will destroy, adversely impinge or significantly damage any heritage feature, including listed buildings.

### 3.2 Relevant Government Advice

3.2.1 National Planning Policy Guidance 8 on Town Centres and Retailing states that a sequential approach should be adopted in selecting sites for new retail and commercial leisure developments. First preference should be for town centre sites, followed by edge of centre sites, with finally, out-of-centres sites that are easily accessible by a choice of means of transport.

3.2.2 NPPG8 also states that vitality and viability is important in maintaining and enhancing town centres. This depends on the range and quality of activities in the centre, its mix of uses, accessibility and general amenity and appearance. A diversity of uses in the town centre throughout the day and evening is encouraged.

### 3.3 Site History

3.3.1 The masterplan prepared for the development of the Palace Grounds identified this site for a new arts centre to provide a link between the existing town centre and the new Town Square. Detailed planning permission and listed building consent was granted in January 1999 for the demolition of the Vogue, retention of the Keith Street façade and the erection of an arts centre library and theatre (planning application nos. HM/98/0415 and HM/98/0426). However, the Town House and Town Hall in Cadzow Street were subsequently refurbished to provide these facilities, providing an opportunity to develop this site for entertainment and leisure purposes.

3.3.2 Planning permission and listed building consent for the conversion of the Vogue to form a nightclub, together with an extension on vacant land in Castle Street to provide a licensed bar and food court was granted in May 2001 (HM/01/0114 and HM/01/0115). Amendments were latterly made to these applications under HM/03/0740 and HM/03/0741 for alterations and repairs to the frontage.

## 4 **Consultation(s)**

4.1 **Roads and Transportation Services** – No objections. The site is located within the Hamilton Retail Core adjacent to public parking. The developer should provide a method statement advising how the works will be carried out and further details on servicing.

**Response:** The submission of a method statement can be dealt with by imposition of condition. Servicing will be to the rear via the service road serving the cinema complex.

4.2 **Environmental Health Services** – no objections subject to the following:

- (a) Installation of appropriate ventilation and air conditioning systems to serve the proposed development
- (b) Limitation on noise levels emitted from the premises during its operation
- (c) Limitation on the hours during which construction/demolition works take place
- (d) Submission of a noise impact assessment incorporating suitable sound attenuation measures.
- (e) The structure should be surveyed for the presence of materials containing asbestos and removal should be in accordance with current requirements

- (f) Measures should be employed to ensure dust from the site does not create a nuisance
- (g) An action plan should be formulated to deal with any contaminants encountered.

**Response:** Appropriate conditions can be attached to any consent issued to address the issues detailed above, although limitation on the hours of construction/demolition/dust and asbestos are more appropriately dealt with under Environmental Health and other legislation.

- 4.2 **Scottish Water** - no objections to the proposal.

**Response:** Noted.

- 4.3 **West of Scotland Archaeology Service** – no substantive archaeological issues are raised.

**Response:** Noted.

- 4.4 **Historic Scotland** - Have commented verbally that they welcome the re-use of the Vogue building. Further details are required on the treatment of the front elevation.

**Response:** I agree that detailed issues such as the cleaning and repair of this important elevation need to be clarified and will require the submission of these details before works start on site.

- 4.5 **Architectural Heritage Society for Scotland** – Welcome the retention of an important example of Scotland's cinema architecture and hope that the restoration of the Keith Street frontage will be to a high standard.

**Response:** Noted.

- 4.6 **Strathclyde Police Community Safety** – No response to date.

**Response:** Noted.

## **5 Representation(s)**

- 5.1 The statutory neighbour notification procedure has been carried out and the application was advertised in the local press. No representations have been received.

## **6 Assessment and Conclusions**

- 6.1 The application is for the retention of the façade, the demolition of the rear building and erection of a new build area behind the facade of the existing vacant Vogue building to form a pub/club, deli/bar and childrens play zone area and food area. The Vogue is a category B listed building and consent is also sought for demolition and alterations to these premises under the associated listed building application (HM/04/0802). The main considerations in determining the proposals are whether they comply with the local plan policies for the area, their impact on the character of the listed building and the impact on the residential amenity of the locality.

- 6.2 The application site is identified in the Hamilton District Local Plan as lying within an area identified as forming an extension to Hamilton Town Centre, within which the development of modern commercial facilities including leisure provision, is proposed. I therefore consider that the proposals are in accordance with the adopted planning policy for the town centre which fully supports the introduction and

expansion of leisure facilities. In addition, national policy guidance encourages a diversity of uses within the centre of towns in order to create interest, variety and activity. The proposed uses comply with this.

- 6.3 With regard to the demolition of the rear part of the building and the erection of a new structure in this location, none of the amenity bodies consulted on the application have objected to the proposals. It is recognised that it is the frontage of the building which makes a strong contribution to the streetscene and, as this is to be retained and restored, the proposals are welcomed. The applicant has advised that the building has suffered from considerable water penetration and that dry rot is rampant. The structure itself would require such costly structural and external alterations that it would make the proposals financially unviable. It is in view of these circumstances that the applicant wishes to retain and restore the frontage, while constructing a new building to the rear which is designed to meet present day regulations. I am therefore satisfied that sufficient justification has been made to allow demolition of the rear part of the building while retaining the important frontage. Conditions requiring the detailed improvement of the frontage can be imposed on any consent issued.
- 6.4 With regard to potential impact on residential amenity, the centre of Hamilton does contain residential properties and the effect of late night activities on residents is an important consideration. The proposed club and deli/bar will add to the wide range of leisure and entertainment facilities already found in Hamilton Town Centre and in the Keith Street area in particular. The proposals will help to enhance the role of Hamilton for entertainment purposes and contribute to the local economy. A full assessment of the likely noise impact of the proposals and appropriate sound attenuation measures require approval prior to the development being brought into operation. The applicants are aware of the type of measures required and this issue should not prevent determination of the application.
- 6.5 In view of the above, I am satisfied that the proposals are acceptable in this town centre location and recommend that planning permission consent be granted.

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

**18 May 2005**

#### **Previous References**

- ◆ HM/98/0415
- ◆ HM/98/0426

#### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
  - Roads and Transportation Services (Central Division) 10/11/2004
  - Environmental Services 09/11/2004
  - Scottish Water 10/11/2004
- ▶ Representations
  - None

**Contact for Further Information**

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

Karen Brown, Planning Officer, Brandon Gate, Hamilton  
Tel: Ext 3509 (01698 453509)  
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 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.
- 3 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 4 That the external rainwater goods shall be painted black.
- 5 That before any work starts on site, detailed drawings at a scale of not less than 1:50 shall be submitted which illustrate a historically accurate refurbishment of the front elevation of the Vogue building, including reinstatement of Art Deco timber windows and doors, sympathetic stone and render repairs and removal of inappropriate signage. No work shall commence on site until these details have been agreed in writing with the Council as Planning Authority and the works shall thereafter be implemented in accordance with the approved plans.
- 6 That before any work starts on site, a detailed specification of the method of cleaning the front elevation of the Vogue building shall be submitted for approval by the Council as Planning Authority. A sample panel on an inconspicuous part of the building shall be prepared for inspection and written approval prior to the commencement of cleaning.
- 7 Details of the extent of stonework repairs and details of the treatment required shall be submitted to and agreed in writing with the Council as Planning Authority once cleaning is complete and prior to commencement of this aspect of the work. A sample panel of stonework repairs shall be prepared to match the cleaned stonework in colour, texture and coursing for inspection and written approval from the Council as Planning Authority prior to the commencement of this aspect of the works.
- 8 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.
- 9 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.



- 10 That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 9 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 11 That before the development hereby approved is brought into use, 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.
- 12 That before the development is brought into use the ventilation system approved under Condition 11 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.
- 13 That before any work starts on site, details of the location and design of any air conditioning units relating to the development shall be submitted to and approved in writing by the Council as Planning Authority.
- 14 Development shall not commence until an assessment of the potential for the proposed use to cause noise disturbance to nearby residents, including noise produced by the use of the bars, the club and any ventilation equipment. Where potential noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Council as Planning Authority and shall thereafter be implemented prior to the development being brought into use.  
Such an assessment and the recommendation of any attenuation measures shall be carried out by a suitably qualified person
- 15 Between the hours of 0800 and 2000 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90(1/2hour)) by more than 4dB (A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.  
Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq (5mins) ) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.
- 16 Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated hazards, shall then require to be submitted to and approved by the Council as Planning Authority. An Action Plan shall be formulated and be available in the event of any contaminated material being encountered. This should address the safe handling of the material, its storage and disposal, for which the advice of SEPA should be sought.
- 17 Prior to the development being brought into use, a scheme for the storage and collection of waste shall be submitted for the consideration and written approval of the Council as Planning Authority; and thereafter the development shall be carried out in accordance with that scheme.

- 18 There shall be no loading or unloading of service vehicles visiting the development from Keith Street.
- 19 Prior to any development commencing on site, a method statement detailing how the demolition and construction works are to be carried out, shall be submitted to and agreed in writing by the Council as Planning Authority. The development shall thereafter be implemented in accordance with the approved method statement.

## 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.
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- 8 In the interests of amenity and in order to retain effective planning control.
- 9 In the interests of amenity and in order to retain effective planning control.
- 10 To safeguard the amenity of the area.
- 11 These details have not been submitted or approved.
- 12 In the interests of amenity and in order to retain effective planning control.
- 13 To safeguard the amenity of the area.
- 14 To ensure that the premises do not cause significant loss of amenity to occupiers of nearby buildings due to noise.
- 15 To ensure that the premises do not cause significant loss of amenity to occupiers of nearby buildings due to noise.
- 16 To avoid unacceptable risks to human health and the environment and to ensure that the land is remediated and made suitable for its proposed use
- 17 To ensure that adequate refuse arrangements are implemented that do not prejudice the enjoyment of neighbouring occupiers of their properties and to maintain the visual appearance of the locality.
- 18 In the interests of traffic and public safety.
- 19 To safeguard the amenity of the area.

For information only

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