

# Report

Report to:	<b>Hamilton Area Committee</b>
Date of Meeting:	<b>22 November 2017</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application No	HM/17/0437
Planning Proposal:	Change of Use of Car Parking/Open Space to Balcony Extension For Al Fresco Dining at Avonbridge Hotel, Carlisle Road, Hamilton

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Avonbridge Hotel
- Location : Avonbridge Hotel  
Carlisle Road  
Hamilton  
ML3 7DB

## 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: LBG Waterston
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ 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 Letter
▶	0	Comments Letters

◆ Consultation(s):

Environmental Services

Roads Development Management Team

# Planning Application Report

## 1 Application Site

- 1.1 The application relates to the 'Avonbridge Hotel', Carlisle Road, Hamilton. It is a long established hotel with a public house, restaurant and function/conference facilities that in recent years has expanded to incorporate neighbouring properties (Nos. 2 and 4 Carlisle Road) as bedroom accommodation. The rear of the application site adjoins residential properties of Castlehill Gardens which along with a small section of the application site is within the Castlehill Conservation Area.
- 1.2 The site is bordered by the busy Carlisle Road to the north with Barncluith Road to the west. A low stone wall separates the site from these roads. Carlisle Road is a major arterial road into/out of Hamilton. As a result it can have high traffic volumes throughout the day.
- 1.3 To the south and east of the hotel are residential properties of Fergus Gardens and Carlisle Road respectively. These properties are separated from the site by Castlehill Crescent (a short and relatively narrow privately maintained cul-de-sac) and established boundary hedging/bushes both sides of the private road.
- 1.4 Number 4 Carlisle Road, known as the "Priory" is a category 'C' listed building. Number 6 is known as 'Kirklands'
- 1.5 The Avonbridge Hotel site has a long planning history, with many developments taking place over a number of years. The Hotel has previously been the subject of alterations and extensions, associated outbuildings and increased parking provision.
- 1.6 An electricity sub-station exists close to the site adjacent to No. 6 Carlisle Road.
- 1.7 The footprint of the flats on the opposite side of Carlisle Road is approximately 33 metres away. The footprint of 6 Carlisle Road to the east is approximately 42 metres away from the proposed development and separated by car parking, boundary hedging and Castlehill Crescent.

## 2 Proposal(s)

- 2.1 The applicant seeks planning consent for the formation of a balcony for al fresco dining. It will be approximately 5.2 metres wide and 15.5 metres in depth.
- 2.2 The proposed balcony will be at the side of the hotel that faces Castlehill Crescent. It will have a glass balustrade, non slip decking and a steel structural frame. It will command an elevated position (2100 mm) above ground level and five existing car parking spaces. It will not project beyond the front building line of the hotel. It should be noted that this part of the application site is outwith the conservation area.
- 2.3 Additional supplementary information in amplification of the proposal has been lodged by the agent.

## 3 Background

### 3.1 Relevant Government Advice/Policy

- 3.1.1 Scottish Planning Policy (2014) (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle.

### 3.2 **Development Plan**

- 3.2.1 In determining this planning application the Council must assess the proposed development against the applicable policies contained within both the South Lanarkshire Local Development Plan (2015) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.2.2 The South Lanarkshire Local Development Plan (SLLDP) identifies the site, in land use terms, as being within a general residential area (Policy 6 - General Urban Area /Settlements being applicable).
- 3.2.3 Policy 4 (Development Management and Place Making) of the SLLDP is also relevant and requires all development to take account of, and be integrated with, the local context and built form.
- 3.2.4 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

### 3.3 **Planning History**

- 3.3.1 The Avonbridge Hotel site has a long planning history, with many developments taking place over a number of years. This history includes extensions to the main hotel building in the 1970s and 80s. In 1990 the Priory building was granted a change of use from a dwelling house to hotel accommodation. The Kirkland's building was granted similar consent in 1997.
- 3.3.2 A substantial extension to the hotel was refused in 1999, and this decision was subsequently upheld at appeal by Scottish Ministers in 2000. In 2002 consent was granted for the erection of a small single storey extension to the Priory building to act as a garden store, and in 2003 a further hotel extension was approved. In 2006 a new conservatory was granted consent and a further rear extension was approved in 2009.
- 3.3.3 In 2006 consent was also issued for the erection of a dwelling house in the rear garden space behind the 'Kirkland's' and 'Priory' buildings. This followed a refusal for the erection of two dwelling houses in this area the year before.
- 3.3.4 In 2011 there were 2 advertisement consents (HM/11/0034 and HM/11/0359) and in 2012 retrospective planning consent was granted for an extension to the car park (HM/12/0441). Additionally planning consent was granted (HM/14/0180) for a rear extension to the hotel.

## 4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Hamilton Area)** – No objection commenting that the applicant has demonstrated that the parking area beneath the proposed balcony will still be available for use. Also highlight that the hotel has an overflow parking area with marked bays and in order to maximise available parking the parking bays within the application site should be marked or lined out including the area beneath the proposed balcony.

**Response:** The imposition of a condition will address this should consent be granted.

- 4.2 **Environmental Services** – No objection subject to the imposition of a planning condition to ensure that the hours of use are restricted to no later than 9pm.

**Response:** The imposition of a planning condition will address this should consent be issued. Indeed the applicant's agent has indicated that this is acceptable.

## 5 Representation(s)

5.1 Statutory neighbour notification procedures were undertaken in respect of the proposal. The application was also advertised in the Hamilton Advertiser due to the nature of the development and non-notification of neighbours. Six letters of objection were received.

5.2 The grounds of objection can be summarised as follows: -

**(a) The outside dining area will create too much noise and will turn into a smoking area which the hotel lacks. Most people congregate smoking on the front stairs which is an ongoing noise issue together with outdoor drinkers and hotel music and the proposal will exacerbate this. Potentially it will become a beer garden and smoking area as the opportunity for al fresco dining will be limited. Additionally the elevated nature of the extended platform will result in a disproportionate increase in noise volume which will exacerbate the existing unacceptable noise levels and nuisance to neighbouring residential properties/gardens.**

**Response:** The Avonbridge Hotel is a well known and long established business located on a main road which in general terms is surrounded by residential properties. Consequently whilst being lawful licensed premises, it can be viewed as a non conforming land use. Accordingly it must be acknowledged that there is potential for residential amenity to be occasionally impacted by noise, inconsiderate behaviour etc. The level of residential amenity associated with the area surrounding the hotel must take account of the existence of the hotel and cannot be to the same degree, level or extent as that associated with a house in a residential estate divorced from non residential uses. Indeed many of the objections received acknowledge this in that they refer to existing instances of noise and disturbance associated with patrons of the hotel.

The proposed balcony will be open and exposed to the weather. It is therefore likely that its use will be weather dependant. The applicant has also intimated that it will not be used after 21-00 hrs. In addition the terrace will be in close proximity to existing car parking and the busy Carlisle Road where traffic noise will exist. Undoubtedly it will provide a new 'facility' at the premises but it is unlikely to generate significantly different 'external factors' as the representations clearly indicate that drinkers and smokers already congregate outside the premises close to the entrance steps.

The terrace will be enclosed on two sides by the existing building. A new glass balustrade will be erected on the other two sides. There is a road and car parking between the proposed development and the majority of neighbouring properties are located over 30 metres away. Taking all these aspects together I am not persuaded that there would be a significant and material increase in the loss of amenity that would justify the refusal of consent.

Environmental Services offered no objection to the proposal subject to the imposition of a planning condition to ensure that the hours of use are restricted to no later than 9pm as detailed above in paragraph 4.2.

Additionally the applicant's agent has commented that there is no intention to play music nor have a bar located on the balcony.

**(b) Loss of privacy to neighbouring properties due to overlooking.**

**Response:** Given the physical characteristics of the site, the location of the proposed balcony and the separation distance from residential dwellings, along with the presence of trees and bushes which provide an element of screening it is considered

that any potential for overlooking/loss of privacy will be marginal. Accordingly the objector's concern in terms of overlooking/loss of privacy can not be supported from a planning point of view.

**(c) Insufficient parking for patrons and guests which the proposed development will exacerbate. The hotel is aware that a number of patrons park in private residents parking area in Avonbridge Drive.**

**Response:** The terrace will primarily provide an additional 'facility' at the premises and it is debatable whether or not the terrace itself will result in additional traffic generation.

Public on road parking is possible (and legal if no parking restrictions) in the surrounding roads. The instances of inconsiderate parking are regrettable but this is due to human behaviour rather than the premises themselves. In addition Police Scotland has applicable authority to address same if the vehicles are parked irresponsibly and causing a traffic offence.

As detailed previously Roads and Transportation Services have no objection to the proposal and have requested that in order to maximise available parking the parking bays within the application boundary should be marked or lined out including the area beneath the proposed balcony.

**(d) Concern about smell of food into atmosphere and potential passive smoking to diners.**

**Response:** The hotel already has kitchen facilities and an extract system. In addition smokers also use the hotel. The introduction of the balcony will not significantly increase to a material extent the presence of odours. Again Environmental Services have offered no objection to the proposal.

**(e) The hotel sits within the Castlehill Conservation Area, designated to safeguard the architectural interest and continuity of this area of Victorian mansions of which the Hotel was one. More steel and glass will not add to the architectural quality of the area. It is also worth remembering that this is primarily a residential area of the town with any commercial or "entertainment" considerations being subordinate.**

**Response:** The application site relates to an established hotel with a public house, restaurant and function/conference facility. The rear part of the application site encroaches into the conservation area however the proposed balcony will be outwith the conservation area. The lawful use of the premises must therefore be acknowledged and in this context the principle of an external balcony for al fresco dining in relation to the premises is not contentious from a land use perspective as it represents a relatively minor form of development in terms of the overall premises. The balcony will also be erected next to a elevated conservatory style structure which already has a very high glass content. The introduction of additional balustrade glazing will therefore not be out of place.

**(f) Will the deck area need a license, how is al fresco dining controlled to stop it becoming beer garden/smoking area, will patio heaters, canopies, fairy lights and music speakers be required ? How many people will use the space and what will the proposed opening hours be ?**

**Response:** The applicant's agent has commented that it is intended that the balcony be used as an optional Alfresco Dining experience for 40 covers and there is no intention to play music nor have a bar located on the balcony. The imposition of a planning condition will prevent it being used after 9 pm. Any issues in relation to noise should be reported to Environmental Services to investigate. The introduction of external heaters, fairy lights etc would not require planning permission.

- 5.2.1 All 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 planning consent for the formation of a balcony extension for al fresco dining at the 'Avonbridge Hotel', Carlisle Road, Hamilton.
- 6.2 The relevant policies of the adopted Local Development Plan and Supplementary Guidance are Policy 4 – Development Management and Place Making General Urban Areas/Settlements and Policy 6 – General urban area/settlements.
- 6.3 In terms of Local Development Plan policy, the application site is located within a designated residential area. The site however relates to an established hotel with a public house, restaurant and function/conference facility. The lawful use of the premises must therefore be acknowledged and in this context the principle of an external balcony for al fresco dining in relation to the premises is not contentious from a land use perspective as it represents a relatively minor form of development in terms of the overall premises. Accordingly the impact of the proposal on the existing level of residential amenity should be marginal and not to an extent or degree that would justify the refusal of consent. On this basis the proposed development raises no significant issues from a land use context in terms of Policy 6 of the South Lanarkshire Local Development Plan.
- 6.4 In relation to Policy 4 of the Local Development Plan and the associated Development Management, Place Making and Design Supplementary Guidance, it is considered that given the physical containment of the proposed external dining area and the distances from the nearest residential properties the proposal is acceptable at this particular location. In amplification of this the proposed terrace would not project beyond the established building lines of the hotel. The footprint of the flats on the opposite side of Carlisle Road is approximately 33 metres away and the footprint of 6 Carlisle Road approximately 42 metres from the proposed development. Given these distances to the residential properties and the likely presence of traffic background noise when the balcony is in use, it is considered that any increase in noise would not be significant. Furthermore within residential areas a mutual degree of overlooking is commonplace and any increase in loss of privacy or amenity associated with the balcony is unlikely to be to a degree or extent that would justify the refusal of consent. Accordingly I am of the view that the introduction of 'al fresco' dining is unlikely to impact significantly on the established level of amenity presently enjoyed by neighbouring proprietors.
- 6.5 As detailed previously none of the consultees have raised any objection to the proposal.
- 6.6 Statutory Neighbour Notification was undertaken and 6 letters of objection were received. The points of representation have been summarised in Section 5 above. In this regard the concerns raised, either individually or collectively, are not of sufficient weight or merit from a planning perspective that could justify the refusal of consent.
- 6.7 On the basis of the above it is recommended that planning permission be granted subject to conditions.

## **7 Reasons for Decision**

- 7.1 It is considered that the proposal will not result in a significant or adverse impact on either residential or visual amenity and complies with the provisions of Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted June 2015) and associated Supplementary Guidance.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

**8 November 2017**

### **Previous References**

- ◆ HM/14/0180
- ◆ HM/12/0441
- ◆ HM/11/0472
- ◆ HM/11/0359
- ◆ HM/11/0034
- ◆ HM/11/0440
- ◆ HM/06/0365
- ◆ HM/06/0020
- ◆ HM/03/0219
- ◆ HM/02/0648
- ◆ HM/02/0623
- ◆ HM/02/0072
- ◆ HM/01/0288
- ◆ HM/00/0442

### **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 13 September 2017
- ▶ Press adverts dated 21 September and 12 October 2017
- ▶ Agent's supporting email dated 19 October 2017
  
- ▶ Consultations
  - Environmental Services 28/09/2017
  - Roads Development Management Team 06/10/2017
  
- ▶ Representations
  - Representation from : M Molley, Avonbridge Drive  
DATED 25/09/2017



Representation from : Mrs J MacRoberts, 6 Carlisle Road  
Hamilton, ML3 7DB, DATED 03/10/2017

Representation from : Mrs Mary & Mr William Dawson, 7 Fergus Gardens  
Hamilton, ML3 7DF, DATED 03/10/2017

Representation from : Pauline Quigley, 4 Avonbridge Drive  
Hamilton ML3 7EJ, DATED 16/09/2017

Representation from : Mike Marron, 14 Fergus Gardens  
Hamilton, ML3 7DF, DATED 27/09/2017

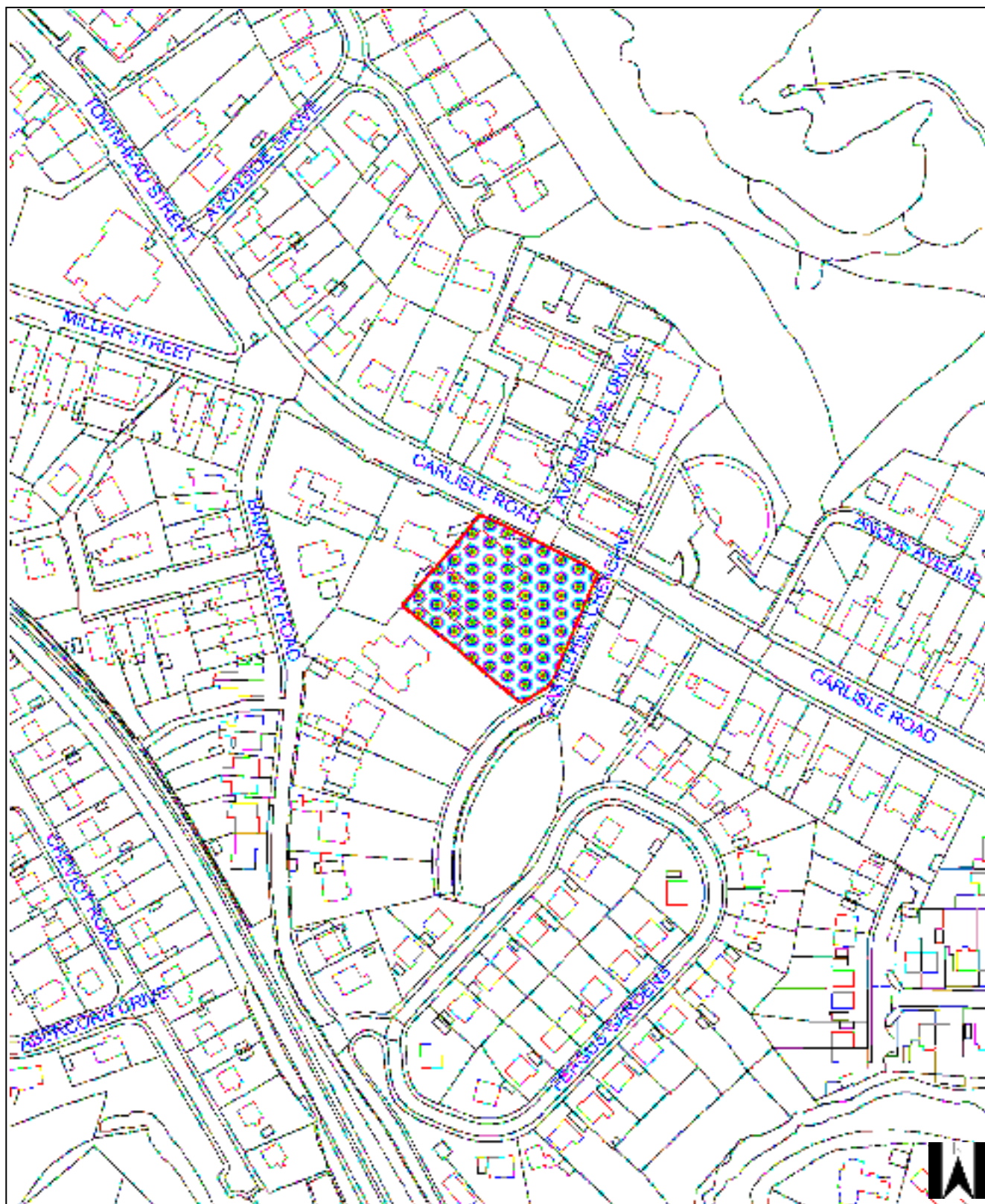
Representation from : Robert Alistair Hackston, 5 Fergus Gardens  
Hamilton, DATED 29/09/2017

**Contact for Further Information**

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

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