

Report

Report to:	Planning Committee
Date of Meeting:	23 June 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1050
Planning proposal:	Erection of single storey extension to side of public house premises, associated raised decking areas and alterations to existing car park

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Colin Smith
Location:	The Tillietudlem Inn 14 Lanark Road Crossford Carluke ML8 5RE

2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

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

3 Other information

- ♦ Applicant's Agent: Derek Hollywood
- ♦ Council Area/Ward: 01 Clydesdale West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development Management and Placemaking
Policy 6 - General Urban Area/Settlements

Supplementary Guidance 3: Development Management, Placemaking and Design
Policy DM13 - Development within General Urban Area/Settlement

**Proposed South Lanarkshire Development Plan
2**
Policy 3 - General Urban Areas
Policy 5 - Development Management and
Placemaking

♦ **Representation(s):**

▶	6	Objection Letters
▶	0	Support Letters
▶		Comment Letters

♦ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Planning Application Report

1 Application Site

- 1.1 The irregular shaped application site consists of part of a former hotel building, The Tillietudlem Inn on Lanark Road, Crossford, which is currently used as a public house on the ground floor, with flats above. The site also includes an associated car park area, and an area of landscaping to the south of the main building. The existing site extends to approximately 0.076 hectare, with vehicular access to the car park taken directly from Lanark Road. Historically, the original Inn premises date from the late 1800's.
- 1.2 The remainder of the two and a half storey, former hotel/restaurant premises, with residential flats above, adjoins the site to the north, whilst further residential properties adjoin the site to the east and west. An area of open space, part of a former orchard, adjoins the site to the south.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of a single storey, 42 square metre extension to the side of the existing public house premises and two associated raised decking areas, measuring 24 square metres around the side and front of the proposed extension and 32 square metres within a separate raised decking beer garden area above the car park. The proposals would create additional seating areas within the public house. Alterations to the layout of the existing car park and the associated vehicular access are also proposed.
- 2.2 The detailed plans indicate that the new extension proposed will be finished externally with a smooth render on the walls and a flat grey roof tile. Internally, the new extension will enable the provision of a further 24 covers/seats for the premises.

3 Background

3.1 Local Plan Status

- 3.1.1 Within the adopted 2015 South Lanarkshire Local Development Plan, the application site lies within the settlement boundary of Crossford. Policies 4 - Development Management and Place Making and Policy 6 - General Urban Area/Settlements, therefore apply. The application also requires to be assessed against the guidance contained within the associated supplementary guidance documents, namely the Development Management, Place Making and Design SG. Collectively, these policies seek to promote the principles of sustainability in development and seek to make a positive contribution to the character and appearance of the environment in which they are located, taking account of and being integrated with the local context and built form. Proposals which integrate successfully with their surroundings and which are well related to existing development, public transport, local services and facilities are also encouraged. Policy DM 13 – Development within general urban area/settlements of the Development Management, Place Making and Design SG provides specific guidance and criteria that any new development must also satisfy.

3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the proposed SLLDP2 is now a material consideration in determining planning applications. The relevant policies in the proposed plan are specifically Policies 3 – General Urban Area / Settlements, and 5 – Development Management and Placemaking. In broad terms, the aims and objectives of these policies are similar to those within the adopted Local Development Plan.

3.2 **Relevant Government Advice/Policy**

3.2.1 Given the scale and nature of the proposals, there is no applicable Scottish Government advice or policy directly relevant.

4 **Consultation(s)**

4.1 **Roads Development Management Team** – No objections to the application. The parking provision shown on the submitted drawings is sufficient to serve the proposed development particularly taking into account that there is an extended area of layby on Lanark Road, adjacent to the existing pub, where vehicles park without causing road safety issues, and car parking facilities nearby within the village. Some minor alterations will be needed to relocate a gully to accommodate the widening of the vehicular access.

Response: Noted, these issues can be covered by suitable conditions and informatives, should the Committee be minded to grant permission for the proposals.

4.2 **Environmental Services** – No objections to the proposals, subject to the attachment of various conditions and informatives to any consent restricting the hours of use and potential noise nuisance issues associated with the beer garden decking areas, and advising that formal action may be taken should nuisance occur.

Response: Noted, these issues can be covered by suitable conditions and informatives should the Committee be minded to grant permission for the proposals.

4.3 **Roads Flood Risk Management** – To date have not responded to the consultation request.

Response: Noted.

5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local paper due to the nature of the application and for non-notification of neighbours, following which 6 letters of objection have been received. The issues raised can be summarised as follows;

(a) **Loss of privacy/overlooking to a number of residential properties adjoining the application site. A potential increase in existing noise, nuisance and anti-social behaviour in close proximity to neighbouring properties, adversely impacting upon their amenity.**

Response: These various concerns are noted, however, following a detailed assessment of the application, noting the physical characteristics of the proposed raised beer garden and its relationship with the nearest residential properties, it is considered that the use of the raised decking beer garden element of the proposals

is acceptable, subject to the use of a restrictive planning condition to limit the hours of use to not beyond 21.00 hours. It should also be noted that the existing public house is long established, (nearly 20 years), and that the property has historically operated as a hotel since its original construction in 1879. The applicant is aware of the potential for noise and adverse impacts on adjacent residential properties, however has agreed to the restriction of use to 21.00 hours (and will also be subject to a premises licence), to erect 1.8 metre high screen fencing on the mutual boundaries with the adjoining residential properties, and ensure no live or amplified music is played within the beer garden area. The proposed decking is screened from adjoining properties by existing topography and landscaping so overlooking and loss of privacy would not occur. Accordingly, any impact on residential amenity is likely to be within acceptable limits.

- (b) There is insufficient car parking within the site for the proposals. This will result in customers parking on the main road, creating traffic congestion and road safety issues.**

Response: The Council's Roads and Transportation Services have been consulted on the application and offer no adverse comments or objections. There is considered to be adequate parking for the premises, both within the application site and locally within the village.

- (c) The proposed design is not in keeping with the local character of the surrounding area and will detract/ruin the entrance to the village.**

Response: This opinion is noted, however, no specific comments have been submitted to clarify which part of the proposals they are in reference to. The proposed extension is considered to be of an appropriate scale, mass and design that reflects and compliments the traditional design of the existing property. In terms of the decking areas proposed, it is not unusual for licensed premises of this type to have such areas, constructed from timber predominantly. It should also be noted that the elevated, beer garden decking area is to be set back from the principal elevation of the main building, and that the smaller decking area associated with the proposed extension is considered to be of an appropriate scale and design, incorporating a level access ramp. Further, the proposed site is not at the entrance to Crossford, and in view of all of the above, is not considered to detract from the village.

- (d) The applicant requires the approval of the adjoining neighbour for any new boundary walls or fencing on the mutual boundary.**

Response: These comments are noted, however are a private legal matter between the relevant parties. Notwithstanding this, there are no new walls or fences proposed on the edge/mutual boundary of the applicant's site.

- (e) The location and block plan are incorrect in terms of the ownership details indicated.**

Response: Noted, the applicant has confirmed that the red line on the original application plans was incorrect and has submitted amended plans that reflect the true position.

- (f) There is an empty part of the existing building that could be converted and brought into use.**

Response: This comment is noted, however, the current submitted proposals do not include this part of the former hotel and the application requires to be assessed on its own individual merits.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the erection of a single storey extension to the side of an existing public house premises, associated raised decking areas, and alterations to an existing car park and vehicular access at the Tillietudlem Inn on Lanark Road in Crossford. The main considerations in determining this application are the scale, siting and detailed design of the proposed extension and decking areas, their compliance with local plan policy, and the potential impact on both the visual and residential character of the area, in particular the potential for noise nuisance and disturbance associated with the proposed external beer garden. Impacts on road safety are also a main consideration.
- 6.2 Within the adopted 2015 South Lanarkshire Local Development Plan, the application site lies within the settlement boundary of Crossford. Policies 4 - Development Management and Place Making and Policy 6 - General Urban Area/Settlements therefore apply. The application must also be assessed against the guidance contained within the associated supplementary guidance documents, namely that within the Development Management, Place Making and Design SG. Collectively, these policies seek to promote the principles of sustainability in development and seek to ensure that all forms of development make a positive contribution to the character and appearance of the environment in which they are located, taking account of and being integrated with the local context and built form. Proposals which integrate successfully with their surroundings and which are well related to existing development, public transport, local services and facilities are also encouraged.
- 6.3 Policy DM 13 of the Development Management, Placemaking and Design Supplementary Guidance provides specific guidance for development within general urban areas and settlements. In general terms, this guidance aims to ensure that all development respects the context and built environment within which the development is located and resists development that would be out of context, scale and character. Proposed developments must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. Further, the character and amenity of the area must not be impaired by reason of traffic generation, parking, visual intrusion, noise or emission of gases or particulates, the development must be adequately serviced in terms of access, and there must be no adverse effect on public safety.
- 6.4 Following a detailed assessment, the proposed built extension to the public house is considered to represent an acceptable form of development for the site, in terms of its overall scale, mass and design. The application site is considered to be of a size that can accommodate the scale of the new extension proposed and, further, the design will not result in any notable issues of overlooking or privacy for any of the existing adjacent dwellings/flats next to the site. In terms of road safety issues, it is considered that whilst the proposed extension will require the removal of 3 parking spaces within the existing car park, adequate parking will remain both within

the site and within the local surrounding area. Consequently, it is considered that the extension element of the proposals does comply with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan. On this basis, the proposed extension is also considered to comply with the relevant policies and guidance contained in the Development Management, Place Making and Design SG.

- 6.5 The raised external decking area of the proposals, to be utilised as a beer garden, would be set above the existing car park, and will be over 5 metres from the nearest part of the existing public house/flats. Concerns have been raised that the use of this external beer garden will adversely affect the residential amenity of the flats within the former hotel. In this respect, it should be noted that planning permission was previously given for a larger area of timber decking within the area above the car park, for use as a smoking area (planning ref: CL/09/0111). This consent does not appear to have been implemented, however, it was granted consent despite similar objections to those currently lodged. In order to minimise any potential adverse impacts on neighbours from the use of the proposed decking, the applicant is proposing to erect an 1800 mm high timber screen fence to enclose the majority of the structure. He is also in agreement to a planning condition restricting the use of the beer garden to no later than 21.00 hours. The decking itself, with the proposed screen fence mitigation, is considered to be located a sufficient distance from the nearest residential flats within the former hotel. It should also be noted that living above any commercial property of this type is likely to result in more noise and disturbance than that likely to be experienced in a predominantly residential area.
- 6.6 Following a detailed assessment of the decking element of the proposals, including the carrying out of relevant consultations, the proposed decking is considered to be of an acceptable scale, mass and design. The various concerns raised in the letters of objection are noted, however this Service is satisfied that appropriate planning conditions restricting the use and associated noise levels emitted from the decking can adequately mitigate and address the concerns raised. In summary, the proposed beer garden decking does not dominate the surrounding, predominantly residential area to a degree and extent that is physically imposing and/or detrimental to the amenity of the area in general. Consequently, it is considered that, in terms of scale, design and siting, the decking and its resultant use will not have a detrimental impact on the amenity of the adjacent houses. Accordingly, it is once again considered that the proposals do comply with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan, and the proposals are also considered to comply with the relevant policies and guidance contained in the Development Management, Place Making and Design SG.
- 6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2). Therefore, the proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the adopted South Lanarkshire Local Development Plan. It, therefore, follows that the application accords with Policies 3 and 5 of the proposed plan.
- 6.8 In view of all of the above, as the proposals represent an appropriate form of development for the site, in accordance with the policies and guidance of the adopted South Lanarkshire Local Development Plan and its associated

supplementary guidance, it is recommended that the application be approved by Committee.

7 Reasons for Decision

- 7.1 It is considered that the proposals will not result in a significant or adverse impact on either residential or visual amenity and comply with the provisions of Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted June 2015) and the associated Supplementary Guidance. The proposals are also considered to comply with Policies 3 and 5 of the proposed South Lanarkshire Local Development Plan 2. Further, there are no additional material considerations which would justify refusing planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 1 June 2020

Previous references

- ◆ CL/01/0364, CL/02/0261, CL/02/0512, CL/03/0096, CL/09/0111

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Supplementary Guidance 3: Development Management, Placemaking and Design
- ▶ Newspaper advert, Hamilton Advertiser, dated 18.12.2019

- ▶ Neighbour notification letter dated 6 December 2019

- ▶ Consultations
 - Roads Development Management Team 03.02.2020
 - Environmental Services
 - Roads Flood Risk Management

- ▶ Representations Dated:
 - Mark Dewart And Wanda Guarini, 1 Nethan View, Blair Road, Crossford, Carluke, South Lanarkshire, ML8 5RH 24.12.2019
 - M McGarvey, Geannethan, Blair Road, Crossford, Carluke, South Lanarkshire, ML8 5RF 31.12.2019
 - Mr Colin Lamond, Kilmarnock, East Ayrshire, KA1 3AJ 24.12.2019
 - Henry Murdoch, Received By Email 30.12.2019

Will Dewart, Received Via Email

30.12.2019

Laura Neilson, Received Via Email

30.12.2019

Contact for further information

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

Stuart Ramsay, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB

Phone: 01698 453601

Email: stuart.ramsay@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/19/1050

Conditions and reasons

01. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

03. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees within the site.

04. That before the development hereby approved is completed or brought into use, the upgraded vehicular access so far as it lies within the boundaries of the road abutting the site, and the amended car parking layout indicated on the approved plans, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

05. The use of the beer garden decking area hereby approved shall not operate after 21.00 hours.

Reason: To minimise noise disturbance and retain effective planning control

06. That no live sound or amplified music equipment shall be installed or used within the beer garden hereby approved.

Reason: To safeguard the amenity of the surrounding area.

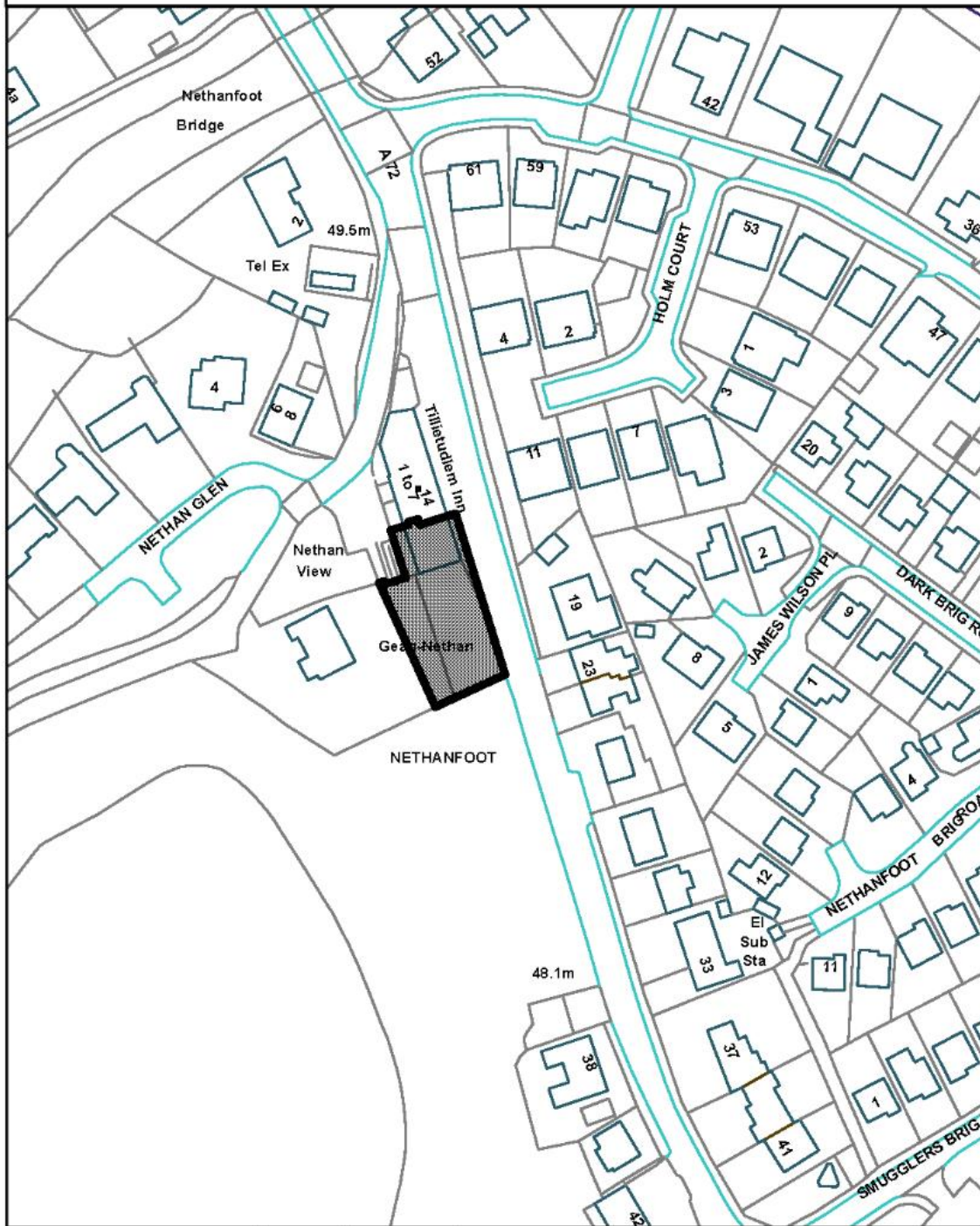
07. Development shall not commence until a noise report examining the design and use of the proposed outdoor facilities has been submitted to and approved by the Council as Planning Authority. The report shall identify any measures required to ensure that there is minimal noise impact on neighbouring properties and shall include issues such as management of the facilities, the use of self-closing doors within the public house and hours of operation. Any measures required to minimise noise shall be implemented prior to the development being brought into use and

shall thereafter be implemented in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

Reason: To minimise potential noise disturbance to nearby residents.

P/19/1050

The Tillietudlem Inn, 14 Lanark Road, Crossford



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Scale:
1:1,250
Date:
30/03/2020



South Lanarkshire Council
Community and Enterprise Resources
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