

Report

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/1586
Proposal:	Change of use of former betting shop (sui generis) to hot food takeaway (sui generis) with associated flue
Site Address:	100 Union Street Larkhall ML9 1EF
Applicant:	Mr Junayd Ali
Agent:	Helix Architecture Studio Ltd
Ward:	20 Larkhall
Application Type:	Full Planning Permission
Advert Type:	Bad Neighbour: Hamilton Advertiser 25.01.2024
Development Plan Compliance:	Yes
Departures:	N/A
Recommendation:	Grant subject to conditions
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. This application is required to be determined by the Planning Committee within the context of the approved Planning Application Decision Making Process (2015) as the proposal has attracted more than five objections.

2. Site Description

- 2.1. The application site is located within the town centre of Larkhall and situated on the ground floor of a two-storey, brick building at 100 Union Street, Larkhall. The premises were previously used as a betting shop and are currently vacant. There is an out of school club which operates on the upper floor between 7am to 9am and 1pm to 6pm.
- 2.2. Union Street is the main thoroughfare through Larkhall and the site is within a designated town centre where there is a wide variety of retail and associated uses. The proposal would bring the vacant building back into use and avoid it falling into disrepair. Adjacent to the site towards the north is Trinity Parish Church, whilst to the south, the neighbouring properties are predominantly commercial.

3. Description of Proposed Development

- 3.1. The proposal is a change of use of a former betting shop (sui-generis) to hot food takeaway (sui generis) with associated flue. The layout of the shop indicates it will be an oven fired pizzeria with an area of seating as well as the takeaway element. No external alterations are proposed other than the installation of new signage.

4. Relevant Planning History

- 4.1. HM/07/0620 - Change of use from class 1 (shop) to class 2 (Financial, professional and other services) - Approved.
- 4.2. P/23/0426 - Change of use of Class 1A premises (former Bookmakers) to a cafe/bistro (Class 3) - Pre validation application returned.
- 4.3. P/23/1585 - Erection and display of internally illuminated lettering and logo (advertisement consent) - Pending Consideration.

5. Supporting Information

- 5.1. None.

6. Consultations

- 6.1. Roads and Transportation Services (Development Management) – no objection to the proposal.
Response: Noted
- 6.2. Environmental Services – no objection to the proposal subject to a condition regarding ventilation.
Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, 6 representations have been received (6 objections, 0 supporting, 0 comments). The issues raised are summarised as follows:-

- ◆ Too many takeaways within Larkhall.
- ◆ Does not promote healthy living.
- ◆ Parking.

The above issues are considered in the assessment below and full copies are available to view on the planning portal.

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 27- City, town, local and commercial centres

8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking

SLLDP2 Volume 2 Policies

- ◆ Policy DM9 Hot Food Shops

South Lanarkshire Council (SLC) Supporting Planning Guidance

None

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

10.1. Principle of Development

The site is located within the Town Centre of Larkhall and as such the policies relating to the urban area should be considered in the first instance in order to establish the principle of development.

10.2. Policy 27 of NPF4 supports development proposals that enhance and improve the vitality and viability of city, town and local centres. Development proposals will be consistent with the town centre first approach. In this instance the proposal is to change the use of a vacant property to a hot food takeaway. There are no structural changes to the building, although there will be cosmetic changes to the external face of the shop including signage. The proposal would not have an adverse impact on the nearby properties and therefore the proposal accords with Policy 27 of the NPF4.

- 10.3. The site is also covered by Policy 3 of the adopted Local Development Plan. This policy establishes that developments, and those of an ancillary nature, may be considered acceptable provided that they do not have a significant adverse impact on the amenity and character of the area. The site relates to a vacant property, close to retail and non-retail commercial properties within a town centre which features the main transport route through Larkhall. In addition, Environmental Services and Roads and Transportation Services were consulted in relation to the proposed development and have not raised any concerns. Therefore, it is considered that the proposed change of use raises no issues within the context of Policy 3 of the adopted Local Development Plan 2.
- 10.4. Policy 5 of the adopted Local Development Plan identifies that all development proposals will require to take account of and be integrated with the local context and built form. In this instance, the proposal involves only limited external alterations to the property. The change of use from a betting shop to a hot food takeaway would not have any significant adverse impact upon the visual amenity or character of the area. The proposed flue would not be visually prominent and similar examples are located on other buildings in the area. It is considered that the change of use is acceptable and will not result in a significant material impact on the streetscape or any nearby properties. There is sufficient on street parking and the site is within the established town centre. Therefore, the proposal raises no issues within the context of Policy 5 of the adopted Local Development Plan 2.
- 10.5. Policy DM9 – Hot Food Shops requires proposals to be assessed against the following criteria, where they are located in retail or commercial areas:-
- ◆ An adequate level of shopping provision is maintained and the viability of the retail/commercial centre and its retail function is not adversely affected.
 - ◆ A satisfactory balance is retained between retailing and non-retailing uses.
 - ◆ The proposal does not have a significant impact in terms of environmental, traffic, public safety and amenity considerations (for example noise, disturbance or smell), particularly in relation to residential properties above, adjacent or near to the site.

The site is a designated town centre with a wide variety of retail and associated uses, and the change of use of this unit from a betting shop to a takeaway will not harm the viability or function of the town centre. Indeed, the proposal would bring the vacant building back into use and avoid it falling into disrepair. Sufficient shopping provision is available in the town centre and the balance of retailing to non-retailing uses will not be impacted by this proposed change of use. The applicant intends to install a suitable ventilation system which will be secured by condition and the proposal will not adversely impact or change the amenity of the area. Such uses are to be expected in town centres and amenity can be protected by provision of a suitable waste management system and through the proposed ventilation system. As such, it is considered that the proposal complies with Policy DM9.

- 10.6. Six letters of objection have been received in connection with this application and the matters raised have been summarised in section 2 of this report. The objections focus on the number of takeaways within Larkhall, stating the addition of more takeaways are reducing the option for healthier lifestyle. It is noted from the plans that the proposal is for a wood fired pizzeria. Restaurants and takeaways are constantly evolving their menus to produce a wide variety of dishes to cater for everyone and most have a variety of options available.

10.7. Climate Change

Policies 1 and 2 of NPF4 and Policy 2 of the SLLDP2 relate to the climate crises and identify that all development should seek to minimise and mitigate the effects of climate change. The Council as Planning Authority recognises its role in combating the climate crises, however, due to the scale of the proposed development, it's not considered that any significant action can be taken through the development management process in this instance.

10.8. Conclusion

In conclusion, it is noted that the proposed change of use to a hot food takeaway is an acceptable use within the town centre area. There is sufficient on street parking and the proposal does not adversely impact shopping provision available in the town centre. The proposal is compliant with the provisions of the relevant policies of the adopted National Planning Framework 4 and the South Lanarkshire Local Development Plan 2. It is therefore considered appropriate for planning permission to be granted for the proposed development subject to the attached conditions.

11. **Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

Grant full planning permission subject to the following conditions:-

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. That the hot food take-away shall not be brought into use until the proposed method of ventilation is submitted to and approved in writing by the Council as Planning Authority. The hot food take-away shall not be brought into use until the ventilation system is operational in accordance with the approved details. All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.

The ventilation system shall:-

- a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary;
- b) Be constructed, designed, installed and operated employing the principles of best practical means, to minimise noise and vibration transmission via plant and the building structure;
- c) Noise associated with the business shall not give rise to a noise level, assessed with the windows closed, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.

Reason: To minimise the risk of nuisance from smells, fumes, vapours and noise to nearby occupants.

03. That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

12. Reason for Decision

- 12.1. The proposed development would redevelop a vacant unit within Larkhall town centre and bring it back into use which would contribute to the vitality and viability of the surrounding area. Technical matters have also been met or could be addressed through condition. Consequently, the proposal is considered to comply with Policies 1, 2 and 27 of the National Planning Framework 4 and Policies 2, 3, 5 and DM9 of the adopted South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

Further information relating to the application can be found online:

[P/23/1586 | Change of use of former betting shop \(sui-generis\) to hot food take-away \(sui generis\) with associated flue | 100 Union Street Larkhall ML9 1EF \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

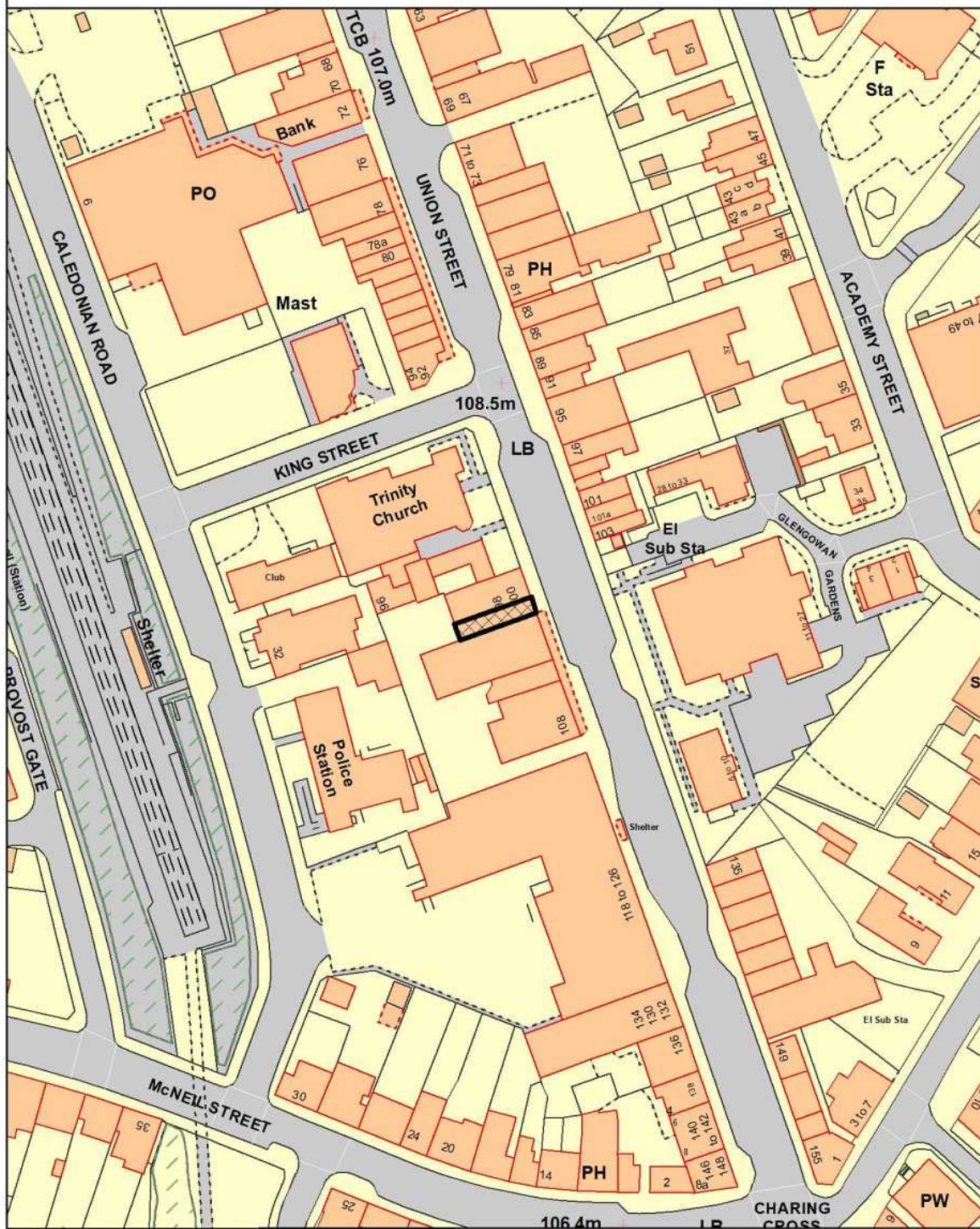
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/1586, 100 Union Street, Larkhall



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Scale:
1:1,250
Date:
19/02/2024



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