

Report to: **Planning Committee**
 Date of Meeting: **23 August 2011**
 Report by: **Executive Director (Enterprise Resources)**

Application No CL/11/0044
 Planning Proposal: Change of Use and Erection of Extension to Auction Ring to Form Restaurant/Bar and Ancillary Takeaway and Formation of Car parking.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Arianna Properties Ltd
- Location : The Stone Ring
Braidfute Retail Park
Old Market Road
Lanark

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: C B Richard Ellis
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
COM 7 - Out of Centre Retail/Commercial Locations Policy
DM 1 - Development Management Policy
ENV 24 - Listed Buildings Policy

◆ Representation(s):

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

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Clydesdale Area)

The Royal Burgh of Lanark Community Council

Planning Application Report

1 Application Site

- 1.1 The application relates to the Stone Auction Ring within the site of the former Lanark auction market on Hyndford Road in the town. The building is a category B listed building, octagonal in shape, which was retained following the redevelopment of the site as a retail park. It sits in an elevated position adjacent to and overlooking Hyndford Road to the south, beyond which are residential properties. The retail park surrounds the site on the other three sides, with the retail units, access road that serves the retail park and the car park to the north and vacant land to the east and west. The retail park is accessed by a roundabout at the junction of Hyndford Road and Bannatyne Street.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for the change of use of the building and the erection of an extension to form a restaurant/bar and ancillary takeaway facility together with the formation of additional car parking. The applicant is an Italian restaurant chain with existing restaurants in Livingston, Glasgow and Motherwell. The restaurant would have 128 covers.
- 2.2 The existing building has a footprint of 252 sq.m with the extension amounting to 290 sq.m in the form of a flat-roofed semi-circular enclosure on the northern and western elevations. A terrace is proposed which would allow external seating to be formed. It is intended the use would operate from 10am to 12 midnight. A car park with 30 spaces (including three disabled spaces) would be created on the vacant land to the east of the building. The car park would take access from the internal retail park access road and would also be used for servicing and deliveries. Excavations of up to 1.8m would be required in order to form the car park and provide a level entrance to the building. Lighting columns would be erected in the car park and soft landscaping would be formed along the Hyndford Road frontage. A report on an ancillary application for Listed Building Consent is found elsewhere on the agenda.

3 Background

3.1 Local Plan Status

The South Lanarkshire Local Plan shows the application site is situated within an Out of Centre Retail Location and is covered by Policy COM 7: Out of Centre Retail/Commercial Locations. Policy DM 1: Development Management and Policy ENV 24: Listed Buildings are also relevant.

3.2 Relevant Government Advice/Policy

None relevant

3.3 Planning History

Detailed planning permission was granted for what is now Braidfute Retail Park in June 2004. The approved layout showed the retention of stone ring but no use was granted for it at the time (CL/03/0752). In 2007 planning permission was granted for the use of the building as a ceramic pottery workshop (CL/07/0169) however this consent has not been implemented.

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – Originally advised that there was insufficient parking proposed to serve the development. Following discussions with the applicants they have agreed that the 30 spaces proposed can be supplemented by the existing car park serving the retail park. This will necessitate the barrier that currently prevents access to the car park when the retail is closed being left open while the restaurant is in use. The applicants have agreed to take over the responsibility for this. As a result Roads and Transportation Services have no objections to the proposals. .

Response: Noted.

- 4.2 **Environmental and Strategic Services** – offer no objections subject to conditions relating to floodlighting, noise and ventilation.

Response: Noted. Relevant conditions would be attached to any consent granted.

- 4.3 **The Royal Burgh of Lanark Community Council** – offer no objections and welcome the addition of an extra facility in the town.

Response: Noted.

5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour notification and advertisement in the Lanark and Carlisle Gazette due to the nature and scale of development, 7 letters of representation were received. The contents are summarised as follows, together with comments:

- (a) **Will the 'low level evergreen soft landscaping' as shown on the plans be sufficiently high to shield the facing houses from the lights of cars and from being overlooked.**

Response: The inclusion of the evergreen planting along the edge of the car parking is intended to address concerns about potential light pollution affecting the residential properties across Hyndford Road due to the existing level differences. The planting is not intended to prevent overlooking as this is not considered to be an issue due to distance between the car park and restaurant and the nearest residential properties.

- (b) **Will the opening hours of the restaurant/bar be restricted to minimize noise from customers using the facilities, especially those on the terrace?**

Response: The site is located within an area designated as an out of town retail location. It is located adjacent to the busy Hyndford Road (A73) which separates it from the nearest residential units. Environmental Services has recommended that a condition be attached to ensure noise levels are controlled in relation of existing background levels and this would be attached to the consent if granted together with a requirement to submit a noise report prior to work commencing. The hours of opening proposed by the applicants are considered reasonable for the type of use proposed and its relationship with nearby residential properties although this will be determined through the licensing system.

- (c) **There are already an adequate number of restaurants, public houses, cafes and take away premises serving food in this small market town. The addition of another restaurant will lead to an over provision. Most of the existing food and licensed premises are privately owned by local families**

who undoubtedly put back a great deal to the town. This expanding chain will not put anything back into the local economy and will ultimately threaten the existence of the current hospitality industry owners, and the jobs they create, at a time when all our businesses are already feeling the recession bite.

Response: The capacity of Lanark and the surrounding area to support the proposed restaurant/bar is not a valid consideration in assessing this application nor is competition with similar operators. The ownership of, or the input to the local economy of, the existing businesses is also not a valid consideration in this application. It should be noted that the applicants expect to employ up to 50 staff at the premises.

(d) Object to any future granting of a licence to sell alcohol in this proposed restaurant. The Licensing (Scotland) Act gives the local Licensing Board powers to refuse licences on the grounds of over provision and I would suggest that approximately 24 licensed premises in the Lanark town centre area is a sufficient number.

Response: The granting of the necessary licences for the proposed business on this site is not a material planning consideration in relation to this application.

5.2 These letters have been copied and made available in the usual manner and are available on the Planning Portal.

6 Assessment and Conclusions

6.1 The application seeks detailed consent for the use and extension of the former stone auction ring in Lanark to form a restaurant and bar. The determining issues that require to be addressed in respect of this application are compliance with the adopted local plan and its impact on the visual and residential amenity of the area.

6.2 In terms of the adopted South Lanarkshire Local Plan the application site is identified as being within an existing Out of Centre Retail/Commercial Location and is covered by Policy COM 7 which states that these areas will continue primarily in retail/commercial use. As a result the introduction of the proposed use is acceptable in land use terms. The impact of the proposals on residential amenity must be considered. In this case the building is sited in an isolated position an appropriate distance from nearby residential properties and on the opposite side of a busy road. In view of this I do not consider that there would be an adverse impact on amenity. I do not propose to limit the hours of opening through a planning condition as this is more properly addressed through the licensing regime. In addition, the soft landscaping along the Hyndford frontage will prevent glare from headlights while conditions would be used to ensure light pollution from the lighting columns is addressed.

6.3 The proposals also involve an extension to the auction ring that would double the footprint of the building. Policy DM 1 outlines the broad criteria for development and states that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Policy ENV 24 states that as a first principle development should seek to preserve the building and its setting, or any features of special architectural interest which it has. Development should be sensitive to, and respect the character and appearance of, the listed building and its setting.

- 6.4 The building is a prominent feature in the townscape and any extension and alteration must be sympathetic to respect the octagonal shape. In this case, a clear design concept to separate the new from the old has been developed. This has resulted in a submission which combines the sensitive repair and reuse of the existing building and the addition of a low sitting extension with smooth clean lines and modern finishes which is subservient to the existing building. The extension has been designed to tie its flat roof design into the existing box gutter detail on the auction ring which will allow the existing roof structure of the listed building to be seen in its entirety therefore helping to preserve the overall integrity of the structure.
- 6.5 The proposed car park would be supplemented by existing spaces that serve the retail park. This is acceptable to Roads and Transportation Services and they offer no objections to the application. The existing car parking area has a barrier which prevents access when the retail units are closed. This barrier system is at present operated by Homebase who have the longest opening hours of any of the units on site. As the proposed restaurant/bar will operate longer hours in the evening the applicants have agreed to assume the role of closing the barrier at the end of business.
- 6.6 In conclusion the proposed use of the building as a restaurant/bar at this location is acceptable and in line with the continued use of the existing out of centre retail location. The site is served with an adequate access and parking provision and the extension is of an acceptable scale and design. As a result it is recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposed change of use and extension of the redundant auction room will not have a significant detrimental effect on the amenity of the area or the character and setting of the existing listed building in compliance with Policies COM 7, DM 1 and ENV 24 of the adopted South Lanarkshire Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

08 August 2011

Previous References

- ◆ None.

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Environmental Services 18/02/2011
 - Roads and Transportation Services (Clydesdale Area) 16/03/2011

► Representations

Representation from : Prego Restaurant, 3 High Street, Lanark, ML11 7LU,
DATED 14/03/2011

Representation from : Mr B Laidlaw, 80 Hyndford Road, Lanark, ML11 9AU, ,
DATED 02/02/2011

Representation from : Ian Dick, 1 The Butts, Lanark, ML11 9EP, DATED
01/03/2011

Representation from : Gerry McGarrigle, Woodpecker, 20 Wide Close, Lanark,
ML11 7LX, DATED 02/03/2011

Representation from : G Harvie, 6 Wide Close, Lanark, ML11 7LX, DATED
02/03/2011

Representation from : Anne Dick, Wee Mans, 34 Castlegate, Lanark, ML11 9EF,
DATED 02/03/2011

Representation from : Janet Finlay, Wallace Cave, 11 Bloomgate, Lanark, ML11
9ET, DATED 02/03/2011

Contact for Further Information

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

Steven Boertien, Planning Officer, Council Offices, South Vennel, Lanark, ML11 7JT
Ext 3266 (Tel :01555 673266)
E-mail: planning@southlanarkshire.gov.uk

CONDITIONS

- 1 This decision relates to drawing numbers: LAN 00A, LAN 01, LAN 03D, LAN 04D, LAN 05A, LAN 06, LAN 07 AND LAN 08
- 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 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 or within the application site without the prior written consent of the Council as Planning Authority.
- 4 Repairs to the slated roof areas shall be undertaken in natural slate to match existing.
- 5 Before the restaurant/bar is brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Council as Planning Authority. The restaurant/bar shall not be brought into use until the ventilation systems are 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 by employing 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.
- 6 Prior to development commencing on site, details of the proposed lighting and floodlighting schemes shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall include, where appropriate, details of all aspects of the installation including specific luminaire and lamp type; beam control; wattage; the use of reflectors; baffles; louvres; cowling (including colouring); lux contours/distribution diagrams and column type/colour. The approved scheme shall be implemented prior to the development being brought into use and shall thereafter be operated in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.
- 7 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.

- 8 That before development starts, details of all boundary treatment and barriers around the proposed car parking shall be submitted to and approved by the Council as Planning and Roads Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 9 That before development starts on site details of a 2m wide level footway access to the building from the existing footpath in the area hatched blue on approved plans LAN 00A and LAN 04D shall be submitted to and approved by the Council as Planning and Roads Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 10 That before development starts, details of crossing points with dropped kerbs shall be submitted to and approved by the Council as Planning and Roads Authority and thereafter all approved works shall be completed at the applicant's expense at the positions marked in blue on the approved plans to permit access to the disabled parking bays and completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 11 That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 12 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 13 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 14 That before work starts on site, details of the management of the barrier system within Braidfute Retail Park shall be submitted for the approval of the Council as Planning Authority. This shall include evidence of any lease or maintenance arrangements with the owners of the retail park. The approved details shall thereafter be implemented to the satisfaction of the Council.

- 15 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 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.

REASONS

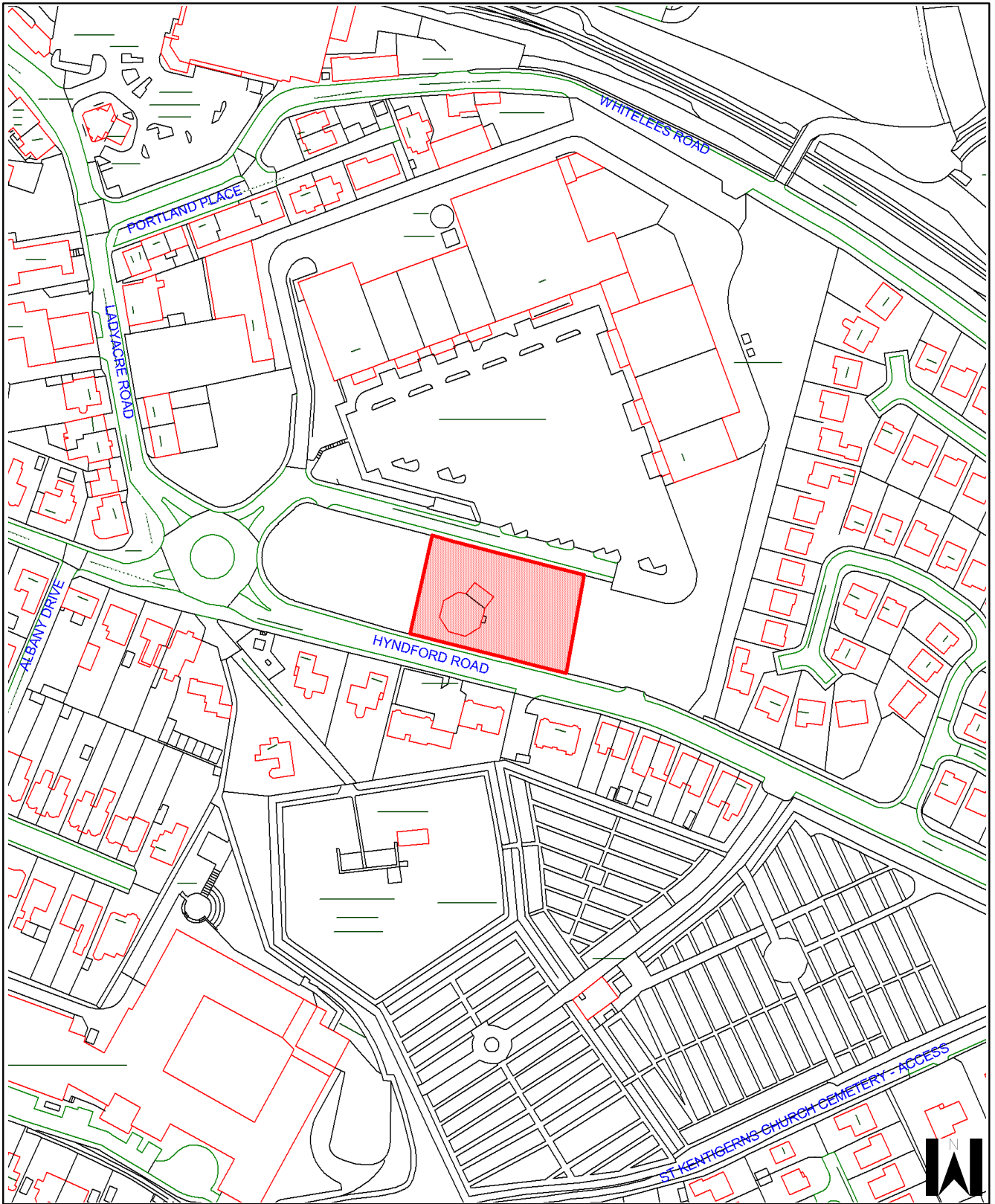
- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 To minimise nuisance to occupants of nearby buildings as a result of cooking smells, vapours, airborne pollutants or noise from the premises.
- 6 To minimise the risk of nuisance from light pollution to nearby occupants.
- 7 To minimise noise disturbance to adjacent occupants.
- 8 These details have not been submitted or approved.
- 9 In the interest of public safety
- 10 In the interest of public safety
- 11 In the interests of amenity and in order to retain effective planning control.
- 12 In the interests of amenity and in order to retain effective planning control.
- 13 In the interests of amenity and in order to retain effective planning control.
- 14 In the interests of amenity and in order to retain effective planning control.
- 15 In the interests of amenity and in order to retain effective planning control

CL/11/0044

Planning and Building Standards Services

TheStone Ring, Braidfute Retail Park, Old Market Road,
Leamington Spa

Scale: 1: 2500



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