

Report

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Report to:	Hamilton Area Committee
Date of Meeting:	14 February 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0550
Planning Proposal:	Change of Use From Class 10 Nursery to Sui Generis - Public House With Associated External Alterations at 69-71 Church Street, Larkhall

1 Summary Application Information

- ◆ Application Type : Detailed Planning Application
- ◆ Applicant : Q Bar & Restaurant
- ◆ Location : 69-71 Church Street
Larkhall

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: Richard Moss Architectural Consultant Ltd
- ◆ Council Area/Ward: 20 Larkhall
- ◆ 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):

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

◆ Consultation(s):

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The property is located on Church Street, Larkhall, at the corner with Wellbrae and is presently vacant. Church Street forms part of the main route through Larkhall and, whilst mainly residential, it does have a number of shops, services and food establishments. The application site relates only to the street level property and is approximately 250 metres from Larkhall town centre.
- 1.2 The site was previously part of a hotel which was subdivided into a number of units over 10 years ago. These units are now occupied by various enterprises including a dental surgery and licensed premises (The Q Bar) which is owned by the applicant.
- 1.3 Residential properties exist to the front and rear of the site. There is also a flat above.

2 Proposal(s)

- 2.1 It is now proposed to extend the existing licensed premises (Q Bar) into the vacant unit to increase the floor area of the existing premises. Previously the application site been used as a take away/restaurant.
- 2.2 Internally, the additional property will provide an extension to the kitchen, a WC, staff room and office, but the majority of the floorspace will be used for playing pool and darts. Two openings will be formed between the properties; one in the kitchen and one between the existing dining area and proposed pool and darts area. Externally, there will be a small lobby added to the existing entrance, patio doors will replace a window in the original building and in the new building (71 Church Street) one window will be blocked up and the remaining three will be extended to full length windows.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 None are directly applicable given the scale and nature of the proposal.

3.2 Local Plan Status

- 3.2.1 The South Lanarkshire Local Development Plan (SLLDP) identifies the site as being within a general urban settlement which is covered by Policy 6. Policy 6 states that all proposals should be assessed in terms of their potential impact upon the character and amenity of the area. Developments, particularly “bad neighbour” uses which by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety shall not be permitted if they are detrimental to the amenity of residents.
- 3.2.2 All development proposals are also affected by additional policies within the local plan. Policies 4 – Development Management and Placemaking seeks to ensure that any proposed development takes due cognisance of the local context and provides high quality design.
- 3.2.3 A full assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.3 Planning History

- 3.3.1 Both 69 and 71 Church Street have previously had consent for use as restaurants. In 2002 both properties were originally granted consent to extend the public house and form a restaurant as part of the Berries Hotel which, at that time, was located at 59 Church Street. An application for alterations to the ‘shop’ front of the restaurant at

number 71 was also approved under HM/15/0212 and consent for the existing Q Bar and Restaurant was issued under HM/15/0268 at which point consent was given for a change of use from a bar to restaurant, cafe, ancillary hot food take away and erection of a flue.

3.3.2 According to the applicant the last known use of 71 Church Street was a children's nursery. There is however no planning consents to substantiate this.

3.3.3 Consent has also twice been refused for a hot food take away at 71 Church Street under applications HM/10/0101 and HM/11/0101.

4 Consultation(s)

4.1 **Roads and Transportation Service** - have no objection to the proposal.

Response: Noted.

4.2 **Environmental Services** - have no objection to the proposal.

Response: Noted.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken in respect of the proposal which was also advertised in the Hamilton Advertiser. Following this publicity seven letters of objection were received from adjoining residents. The grounds of objection can be summarised as follows;

(a) A number of the objections received relate to concerns associated with a take away window proposed at the rear of the building. This window will be located in an area that cannot be seen from the road and is already popular with groups of youths. It is therefore believed that the proposal will exacerbate anti-social behaviour, noise disruption, vandalism and littering in the area. There are additional concerns that the take away element of the proposals will increase traffic in the area, result in overflowing bins and vermin and produce strong food smells. Furthermore any increase vehicular traffic generated by the take-away (customers/delivery drivers) will result in obstruction of existing driveways/access to property.

Response: The take away element of the proposal has been removed from the application after discussion with the applicant.

(b) A number of local residents have vehicular access to their properties from the car park to the rear of the site and are concerned that the proposed changes to the building will increase traffic and parking problems which will block their accesses and make maneuvering difficult.

Response: There are no proposed alterations to the rear of the property which would encourage additional vehicular movement/activity in this area. Clearly incidents of blocked access already occur due to inconsiderate and selfish parking by car owners. Such behaviour is outwith the control of the planning system and such incidents should be reported to Police Scotland in the first instance.

Roads and Transportation Services have advised that there is restricted parking in the area but that there is good public transport available given the proximity to the town centre. Accordingly they consider that any increase of traffic due to the development will be negligible. Indeed any potential occupier of the premises is likely to generate some traffic.

(c) Noise nuisance from both loud music being played until late at night and drunk patrons leaving the bar or hanging around outside the building are already disruptive to local residents and it is considered that extending the bar into the next building will only increase the number of people using it and thus the noise levels will also increase.

Response: The size of the bar/restaurant area is not increasing as the additional floor space is to be used for pool and darts. On this basis it is not anticipated that the number of patrons will substantially increase and as such it is considered that there should be no significant increase in noise from people leaving/entering the pub or smoking outside. In addition, Environmental Services have not expressed any concerns in relation to noise.

(d) Heavy goods vehicles and deliveries associated with the bar and restaurant have already damaged the access at the rear of the property and residents who use this access daily are concerned that this will only get worse if the proposal is approved.

Response: The accesses at the rear of the building and the car parking area are all privately owned and as such any damage to the ground surface would be a private legal matter to be resolved by the parties involved.

All letters of objection 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 consent for a change of use to public house with associated external alterations. The determining issues in consideration of this application are its compliance with local plan policy and, in particular, its impact on the amenity of the surrounding area.
- 6.2 The existing Q Bar and Restaurant at 69 Church Street will change very little internally with the bar/dining area remaining in the same area as it is at present and only two small openings being made in the wall to link numbers 69 to 71. The main changes will be to the front of the building where there will be a new lobby porch at the main entrance and alterations to the windows of both buildings to improve the appearance of the premises. It is not considered that these physical changes associated with the change of use will have a detrimental impact on the surrounding area.
- 6.3 In terms of the change of use, it is acknowledged that the Q-Bar is within a mainly residential area but a 'hospitality' use has long been established at this site, as can be seen from the planning history in Section 3.3. 71 Church Street has in the past been a separate restaurant and its linkage to number 69 as now proposed to form a larger sports bar will not introduce a totally new use to the area. Furthermore the additional space will be primarily used for pool tables and darts and any increase in patrons is unlikely to be substantial or to a material extent. In light of the above, the change of use is not expected to negatively affect the neighbouring residents.
- 6.4 Environmental Services and Roads and Transportation Services were consulted as part of the assessment of the application. They have both responded stating that they have no objections to the proposal, nor do they suggest the inclusion of any conditions or informatives to the consent, if granted.

- 6.5 Seven letters of objection were received the points of which have been summarised in Section 5. I am satisfied that the concerns raised do not merit refusal especially since the hot food take-away element has been deleted from the proposal.
- 6.6 In summary, it is considered that, given the historical use of the site, the surrounding mixed uses and the fact that no concerns have been raised by either consultee, the proposal is acceptable in terms of local plan policy. On this basis it is therefore recommended that planning permission be granted subject to the conditions listed.
- 7 Reasons for Decision**
- 7.1 The proposed change of use and external alterations will have no significant adverse impact on either residential or visual amenity and complies with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted June 2015) and the associated Supplementary Guidance. There are no additional material considerations which would justify the refusal of planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

25 January 2018

Previous References

- ◆ HM//02/0482
- ◆ HM/10/0101
- ◆ HM/11/0101
- ◆ HM/15/0212
- ◆ HM/15/0268

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 22 November 2017 and 17 January 2018
- ▶ Press advert, Hamilton Advertiser dated 30 November 2017

▶ Consultations

Environmental Services	22/01/2018
Roads and Transportation Service	23/01/2018

▶ Representations

Representation from : Stevie Sutton, 59 Church Street
Larkhall, ML9 1EZ, DATED 30/11/2017

Representation from : John and Lynn Cunningham , Via email ,
DATED 10/12/2017

Representation from : Robert Lockhart , Via email ,
DATED 10/12/2017

Representation from : Margaret Kelly, 42 Marshall Street
Larkhall, ML9 2HD, DATED 14/12/2017

Representation from : David & Louise Gardiner, 72 Church Street
Larkhall, ML9 1HE, DATED 07/12/2017

Representation from : Gary and Sharis Pheonix , Via email ,
DATED 12/12/2017

Representation from : Nicola Marshall, Via email,
DATED 14/12/2017

Contact for Further Information

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

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Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/17/0550

CONDITIONS

- 1 That the facing materials to be used for the external walls and roof of the new entrance lobby hereby approved shall match in colour and texture those of the existing building on the site to the satisfaction of the Council as Planning Authority.

REASONS

- 1.1 To ensure satisfactory integration of the proposed extension with the existing building both in terms of design and materials.

For information only



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