

Report

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Report to:	Planning Committee
Date of Meeting:	29 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0287
Planning proposal:	Change of Use of the existing retail unit (Class 1) to a Public House (Sui Generis), Restaurant (Class 3) and Hotel (Class 7) (incorporating external alterations and formation of external seating areas)

1 Summary application information

Application type:	Detailed planning application
Applicant:	J D Wetherspoon Plc
Location:	1-3 Duke Street Hamilton ML3 7DT

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: K D Paine & Associates
- ◆ Council Area/Ward: 17 Hamilton North And East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 - Spatial Strategy
Policy 4 - Development Management and Place Making
Policy 8 - Strategic and Town Centres
Policy 11 - Economic Development and Regeneration
Policy 15 - Natural and Historic Environment
Policy 17 - Water Environment and Flooding

**South Lanarkshire Local Development Plan:
Supplementary Guidance
Development Management, Place Making and
Design**

Policy DM1 - Design

Natural and Historic Environment

Policy NHE3 - Listed Buildings

Policy NHE 7 - Conservation Areas

Sustainable Development and Climate Change

Policy SDCC4 - Water Supply

Policy SDCC5 - Foul Drainage and Sewerage

Policy SDCC10 - Sustainable Travel

◆ **Representation(s):**

▶	2	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Access Panel

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application relates to a vacant 3 storey retail unit which was formerly occupied by Baird's department store, located at the corner of Duke Street and Quarry Street, Hamilton. The site, given its location within Hamilton Town Centre, is surrounded by a mix of uses including retail, commercial and residential. A small communal service yard and residents' parking area is located to the rear of the building, accessed via Low Patrick Street.
- 1.2 Quarry Street is pedestrianised at this location and the property sits in close proximity to both Hamilton Bus Station and Hamilton Central Rail Station. A number of public 'pay and display' car parks are found nearby at the New Cross Centre, Hamilton Bus Station and Duke Street Car Park.
- 1.3 Whilst neither listed nor within a conservation area, it is noted that the existing building lies immediately adjacent to both designations.

2 Proposal(s)

- 2.1 The applicants, J D Wetherspoon Plc, propose to change the vacant store to a public house/restaurant; with external seating area on the ground floor and a hotel on the upper floors.
- 2.2 Internally, the bar/restaurant will provide for 222 covers, with an outside terrace and pavement café providing a further 100 covers (56 and 44 respectively). The main entrance to the bar/restaurant will be from the corner of Quarry Street and Duke Street will use the main access to the former store. A second access to the former store on Duke Street will be utilised as the entrance to the hotel on the upper floors of the building. The hotel reception will be located at first floor level along with staff and housekeeping facilities and 11 bedrooms. Public toilets to serve the bar/restaurant will also be accommodated on the first floor. A further 22 bedrooms will be provided on the second floor.
- 2.3 The applicants have advised that minimal changes are proposed to the exterior of the upper storey of the property but that the existing windows and stone cladding will be the subject of further assessment. They have further advised that given the site's location, all full and part time staff and hotel customers will be expected to use public transport but that they intend to discuss the potential for a discounted parking rate with the local car park operators to encourage guests to use them.

3 Background

3.1 Local Plan Policy

- 3.1.1 In determining planning applications, the Council must assess the proposed development against the policies contained within the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In terms of the SLLDP, the application site is designated as being a Strategic Centre (Policy 1 - Spatial Strategy and Policy 8 - Strategic and Town Centres apply). These advise that the Council will encourage sustainable economic growth and regeneration (Policy 1), and will allow a mix of uses within Strategic and Town

Centres compatible with their role as a commercial and community focal point (Policy 8).

3.1.3 In addition to these primary designations, a number of other policies within the adopted SLLDP are also considered appropriate to the determination of this application, namely Policy 4 - Development Management and Placemaking, Policy 11 - Economic Development and Regeneration, Policy 15 - Natural and Historic Environment and Policy 17 - Water Environment and Flooding. These policies are supported by Supplementary Guidance, which forms part of the Development Plan for South Lanarkshire, including:

- Development Management, Place Making and Design SG
Policy DM 1 - Design
- Natural and Historic Environment SG
Policy NHE3 - Listed Buildings and Policy NHE 7 - Conservation Areas
- Sustainable Development and Climate Change SG
SDCC 4 - Water Supply, SDCC 5 - Foul Drainage and Sewerage and Policy SDCC10 - Sustainable Travel

The aim of these policies and guidance is to seek well designed developments which are located in appropriate locations, appropriately serviced and result in no adverse impact in terms of the historic environment and servicing.

3.1.4 The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 **Relevant Government Advice/Policy**

3.2.1 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 and advises that proposals that accord with up-to-date plans should be considered acceptable in principle.

3.3 **Planning Background**

3.3.1 The existing building was operated by T Baird and Sons Ltd, as a retail store for more than 30 years until its closure in 2014. Since this time the store has lain vacant.

4 **Consultation(s)**

4.1 Roads and Transportation Services (Hamilton Area) – have advised that they have no objections to the proposal subject to conditions relative to the occupation of the public footway for external seating.

Response:- Appropriately worded conditions can be incorporated into any consent granted to address the matters raised.

4.2 Environmental Services – have confirmed that they have no objections to the proposal, subject to conditions and/or informatives relative to the submission of a noise management plan, construction and demolition works, method of ventilation and food safety.

Response:- Appropriately worded conditions can be attached to any consent granted to address the matters raised.

4.3 Access Panel – no formal response received.

Response:- The Access Panel requested to be consulted on the application, which was undertaken. Whilst the notification was forwarded to the relevant panel members no formal response has been made to date.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the application was advertised in the Hamilton Advertiser due to the scale and nature of the application and potential impact on a conservation area. Two letters of representation were received from a neighbouring residential property. The grounds of objection can be summarised as follows:

a) Unsuitable location given proximity to residential flats.

Response: The property is located within the Town Centre of Hamilton where a mix of uses, including pubs, restaurants and residential properties, currently exist in close proximity to each other. This is common in towns and city locations. The proposal to change this vacant retail unit to the proposed uses does not therefore introduce a new feature within the area. Furthermore, the policies of the adopted SLLDP support a mix of uses within its designated Strategic and Town Centres to assist in maintaining their function as a commercial and community focal point.

b) Concerns over the impact on amenity due to the proximity of the entrance to public house to residential properties.

Response: It is confirmed that a doorway is shown on the submitted drawing in close proximity to the entrance for the adjacent flats. However, this is an existing doorway, formerly associated with the retail store and is not a new feature. Furthermore, it is noted that this is identified on the submitted drawings as a fire escape door and, therefore, is not in general use as an entrance/exit.

c) Concerns over the impact of the proposal, in terms noise, food/alcohol/smoke odour and asbestos).

Response: It is advised that Environmental Services, who were consulted on the proposal, have offered no objections to the proposal subject to the submission of a noise management scheme and details of the proposed ventilation details. These matters can be addressed through the use of appropriately worded conditions, where appropriate.

In terms of concerns in relation to the presence of asbestos, this is not a planning consideration, however, will be addressed through other legislation.

d) Concerns over the lack of parking associated with the proposed use and potential road safety concerns.

Response: The existing building occupies the entire site and, therefore, has no capability to provide for on-site parking. This is not uncommon in built-up town centres. However, there are a number of 'pay and display' car parks within close proximity to serve the proposed development. In addition, the property is located near to public transport facilities which could be utilised by both staff and customers. It is also noted that Roads and Transportation Services have offered no objections in terms of the concerns raised and the proposal can be considered acceptable in road safety terms.

e) Concerns in terms of construction access.

Response: Whilst it is accepted that redevelopment proposals within town centre locations have the potential to cause concerns, these can be addressed through proper on-site management to minimise any issues. In addition, where considered appropriate, conditions can be attached to any consent issued

requiring the submission of details of the proposed material storage, site facilities and construction access.

f) Impact on the listed building resultant from the new build proposal.

Response: The proposal is for the reuse of an existing vacant building. No significant external alterations are proposed and, as such, it is considered that there will be no adverse impact on the setting of the adjacent listed building or conservation area. Indeed, it is considered that the renovation and reuse of the vacant building will improve the setting.

g) Concerns over the potential for increased public disorder – (shouting/intoxicated people stumbling down the street/urinating) as result of the proposal.

Response: Such matters are not material planning considerations in the determination of this application and should not, therefore, influence its determination.

h) Lack of designated smoking area.

Response: It is confirmed that no smoking shelter has been detailed on the submitted drawings, however, there is no requirement under current planning legislation to provide such a feature.

5.2 These representations have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

6.1 In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. The determining issues in consideration of this application, therefore, are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and the area within which it is located.

6.2 Scottish Planning Policy highlights that, where a proposal accords with up-to-date development plans, it should be considered acceptable in principle. In this instance the site is located within an area designated in the adopted South Lanarkshire Local Development Plan (SLLDP) as being a Strategic Centre (Policy 1 and Policy 8) where a mix of uses compatible with its role as a commercial and community focal point are acceptable. The proposed uses are common with Strategic and Town Centre locations and, therefore, raise no issues from a land use perspective and can be considered to accord with national planning policy.

6.3 In addition to the above, the application site is noted as being affected by a number of other applicable policies with the adopted SLLDP and its Supplementary Guidance. In assessing the proposal against the requirements of these policies, it is considered acceptable.

6.4 In terms of the detailed design of the development, it is considered that the proposal raises no significant concerns, given that minimal changes are proposed in terms of its external appearance. The provision of external seating areas are commonplace within town centres and, given the pedestrian nature of the area and wide footpath at this location, there is unlikely to be any adverse impact on pedestrian movement. In addition, given its location, there will be no adverse impact in roads safety terms. The proposal is, therefore, acceptable in terms of Policies 4 - and DM1 of the adopted

plan. With regard to the impact on adjacent listed buildings and conservation area, given the limited external changes, it is considered that there will be no significant adverse impact on these designations (Policies 15 - Natural and Historic Environment, NHE3 – Listed Buildings and NHE 7 – Conservation Areas apply).

- 6.5 The site lies within an established town centre and is, therefore, capable of being served in terms of water and sewerage provision. On this basis, it is considered that the proposal accords with Policies 17 - Water Environment and Flooding, SDCC4 - Water Supply and SDCC5 - Foul Drainage and Sewerage.
- 6.6 Policy 11 – Economic Development and Regeneration advises the Council will support “activities that maximise economic development and regeneration” and “proposals that deliver physical and community regeneration and positively contribute to the local economy”. It is considered that the proposal will assist in achieving these aims through the reuse of a vacant retail unit in a prime location within Hamilton Town Centre to the benefit of the immediate area. In addition, it will provide increased employment opportunities within Hamilton.
- 6.7 In terms of proposals which may be major trip generator, Policy SDCC10 – Sustainable Travel advises that such developments will be directed to locations accessible by walking, cycling and public transport. The proposed uses will be located within a town centre, which is partly pedestrianised, and in close proximity to an established travel hub, containing both bus and rail services
- 6.8 No specific concerns, subject to conditions, have been raised by the various consultees. Any requirements of the various consultees can be addressed through the use of conditions, where appropriate to do so. The third party representations received in respect of the development are either unsupported or are not of significant weight or merit to warrant the refusal of the proposal, in this instance.
- 6.9 On the basis of the above assessment, I am satisfied that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance. I would, therefore, raise no objection to the application and recommend that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on residential or visual amenity and raises no road safety concerns and will bring back the building into beneficial use. The proposal complies with the applicable provisions of the South Lanarkshire Local Development Plan (adopted 2015) namely Policy 1 - Spatial Strategy, Policy 4 - Development Management and Placemaking, Policy 8 - Strategic and Town Centres, Policy 11 - Economic Development and Regeneration, Policy 15 - Natural and Historic Environment and Policy 17 - Water Environment and Flooding. In addition, the proposal accords with the relevant Development Plan Supplementary Guidance (Policies DM1 – Design, NHE3 - Listed Buildings, NHE 7 - Conservation Areas, SDCC4 - Water Supply, SDCC5 - Foul Drainage and Sewerage, SDCC10 - Sustainable Travel. There are no other planning aspects that are material to the assessment and determination of this application.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

10 May 2018

Previous references

None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (2015)(adopted)
- ▶ South Lanarkshire Local Development Plan – Supplementary Guidance
- ▶ Neighbour notification letter dated 15/03/2018
- ▶ Newspaper Advertisement dated 29/03/2018

- ▶ Consultations
 - Roads & Transportation Services (Development Management Team) 23/04/2018
 - Environmental Services 24/04/2018

- ▶ Representations
 - Representation from : Miss Leanne Mains, Flat 3, 99 Quarry Street, Hamilton
ML3 7AG DATED 05/04/2018 (online 2.25pm and 3.03pm)

Contact for Further Information

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

James Watters, Planning Officer
Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 4970 (Tel: 01698 454970)
E-mail: james.watters@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/0287

Conditions and reasons

1. 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.

2. 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.

3. The new front windows shall match the originals in all aspects of their design and in their main method of opening to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the existing building and surrounding area.

4. That, unless otherwise agreed with the Council as Planning Authority, there shall be no external ducting on the Quarry Street and Duke Street elevation(s) of the building.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the existing building and surrounding area.

5. That, in relation to the occupation of the public footway with tables and chairs, the following requirements shall be fully implemented at all times:

- 1) The seating areas must be enclosed on three sides (with access points)
- 2) The barriers should be 1m in height, should contain a lower tapping rail, and should be of a colour which contrasts with the surrounds in order to be distinguishable to pedestrians
- 3) Barriers should be able to resist wind loads, and should be able to withstand accidental collision by pedestrians.
- 4) Should table umbrellas be used, they must not protrude from the enclosures into the pedestrian area
- 5) Outside licensed or trading hours the barriers must be removed, to allow free access to the footway
- 6) The enclosed areas should be cleaned or washed as necessary at the end of each period of operation
- 7) No permanent alterations to the footway are permitted
- 8) A clear 2m (minimum) wide unobstructed passage should be made available during operating times for pedestrians passing the enclosed areas
- 9) Access to public utilities should be available at all times in the event of emergencies

10) Any damage caused to the fabric of the footway within the enclosed areas will require to be repaired at the Applicant's expense

Reason: In the interest of public safety and amenity.

6. That, prior to any works commencing on site a Noise Management Plan, or other appropriate assessment; shall be submitted to and agreed by the Council as Planning Authority. The scope of which shall be agreed with the Council as Planning Authority, in consultation with Environmental Services. Any recommendations following this assessment shall be fully implemented, and thereafter maintained to the satisfaction of the Council as Planning Authority. That development shall not commence until a noise management plan has been submitted and approved by the Council as planning authority. Guidance for the noise management plan may be sought from within the British Beer and Pub Association Guidance on Licensed Property Noise Control

Reason: In the interest of amenity.

7. Before the property is brought into use, the proposed method of ventilation shall be operational in accordance with the approved details and thereafter maintained to the satisfaction of the Council as Planning Authority.

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.

8. Prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority. Monitoring results shall be readily available to Officers of the Council investigating adverse comments.

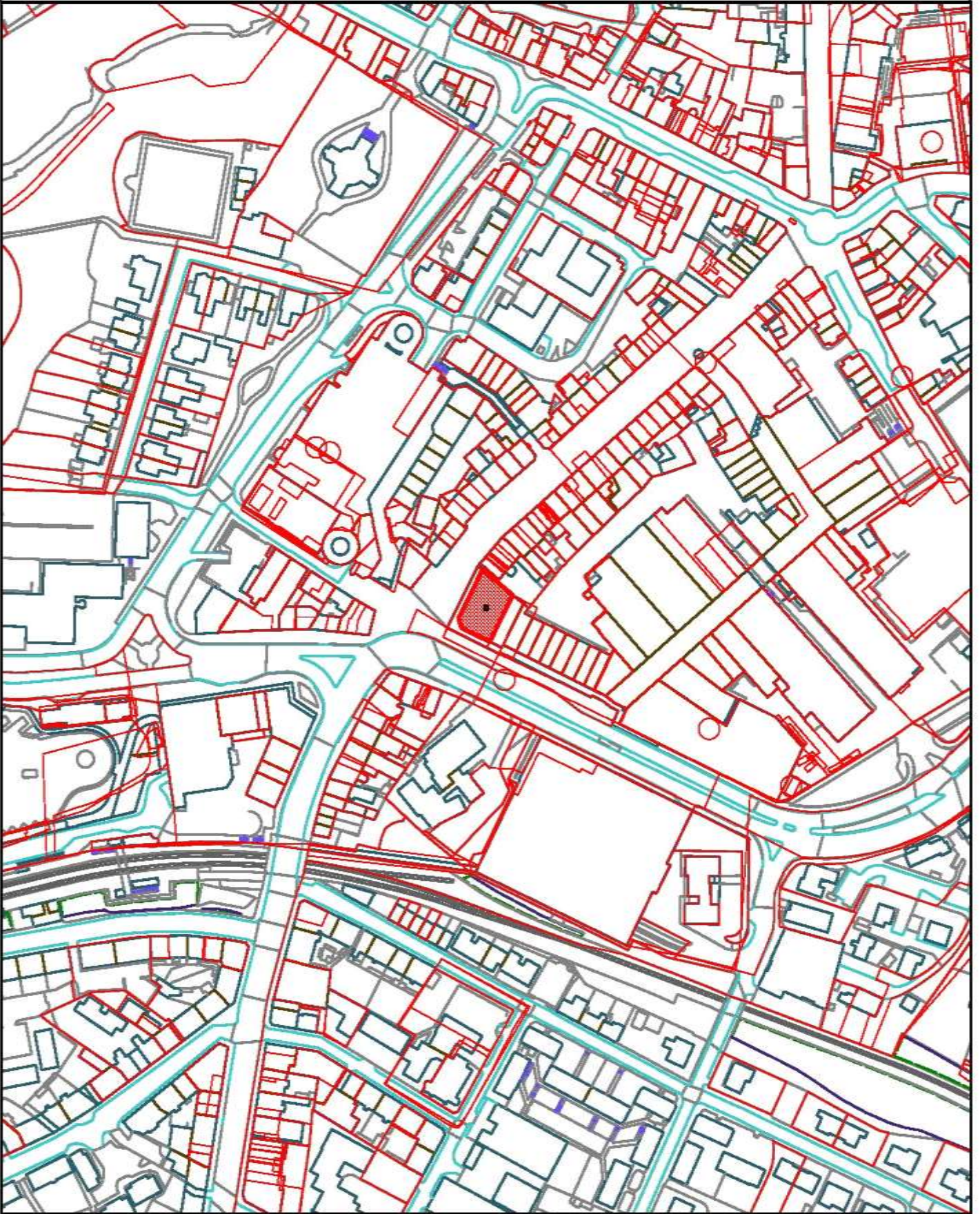
Reason: To minimise the risk of nuisance from dust to nearby occupants.

9. That, unless otherwise agreed with the Council as Planning Authority, prior to works commencing on site details of the proposed site compound and workers facilities shall be submitted to, and agreed by, the Council as Planning Authority. Thereafter the scheme approved shall be fully implemented and maintained to the satisfaction of the Council as Planning Authority.

Reason: These details have not been submitted to, or approved by, the Council as Planning Authority.

P/18/0287

Duke Street, Hamilton



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Scale:
1:2,500
Date:
08/05/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development