

Report

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Report to:	Hamilton Area Committee
Date of Meeting:	21 September 2016
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/16/0225
Planning Proposal:	Formation of External Dining Terrace to Front of the Parkville Hotel, 296 Glasgow Road, Blantyre

1 Summary Application Information

- ◆ Application Type : Detailed Planning Application
- ◆ Applicant : Lisini Pub Co
- ◆ Location : Parkville Hotel
296 Glasgow Road
Blantyre
G72 9DG

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 Pears Architect
- ◆ Council Area/Ward: 15 Blantyre
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements
Development Management, Place Making and Design Supplementary Guidance (2015)

Representation(s):

- ◆ 6 Objection Letters
- ◆ 0 Support Letters
- ◆ 0 Comments Letters
- ◆ 1 Petition with 8 signatures

◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)
Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site is located at the Parkville Hotel, 296 Glasgow Road, Blantyre. The application site relates to a long established public house, restaurant and function facility with limited overnight accommodation.
- 1.2 The site fronts onto Glasgow Road beyond which is Rowan Place and residential properties. The site is bounded on both sides by residential properties and to the rear by Cowan Wilson Avenue, beyond which are further residential properties.
- 1.3 Glasgow Road as it passes the site is a major arterial road into/out of Blantyre. As a result it can have high traffic volumes throughout the day.
- 1.4 To the rear of the site there is a parking area that can accommodate 42 vehicles. Access/egress to this car park is gained by means of 'roads' at both sides of the premises with a one way system being in operation.
- 1.5 A number of mature trees line the side boundaries of the site. Close to the front of the premises there is a bus stop.

2 Proposal(s)

- 2.1 The applicant seeks planning consent for the formation of an external dining terrace to accommodate a maximum of 54 people at the front of the hotel. The footprint of the nearest residential dwellings (294 and 298 Glasgow Road) are approximately 25-30 metres from the proposed dining terrace.
- 2.2 The proposed terrace will be located between the existing front entrances to the bar/lounge and the public bar.
- 2.3 The applicant's agent has submitted a noise management plan in support of the proposal highlighting that:-
 - ◆ The proposed operating hours will be limited to 9am to 9pm Monday to Sunday. The terrace will be actively managed by staff and managers. The terrace will be cleared of all waste immediately after 9pm, to avoid noise resulting from it being cleared later. The occupancy will be limited to 54 covers by the number of seats available with access only possible through the public bar and lounge bar. Staff awareness of noise control will be increased through training so that they can assess potential risks and work to minimise disturbances. All staff will be made familiar with this plan as part of an induction protocol. All managers will be fully aware of, and conversant with, this plan.
 - ◆ Smokers using the terrace outwith 9am to 9pm will not be permitted to take their drinks with them. Notices to this effect will be located adjacent to the external doors and staff will control this.
 - ◆ Self-closing doors onto the terrace will be installed and they will not be wedged, or otherwise fixed in an open position. Staff will ensure that this is adhered to.
 - ◆ There will be no amplified music, television or video displays.
 - ◆ A procedure for logging and reporting complaints to the duty manager will be put in place. The duty manager will be required to review any complaints, verify that all of the above measures are being followed and take remedial measures as appropriate.

- ◆ To the north-west of the terrace, at the entrance to the public bar, there will be a full height timber screen to the underside of an existing canopy to protect the nearest residential properties, at 298 and 300 Glasgow Road, from noise disturbance. To the front of the terrace the screening, comprising a masonry wall with a 300mm high glazed balustrade above, will be 1.65m above the level of the terrace. This is a balance between ensuring that the terrace is a pleasant environment, preventing unauthorized access, and proving a physical barrier to noise where patrons are seated.
- ◆ The terrace will be screened from the residential properties to the south-east (292 and 294 Glasgow Road) by the existing restaurant building. The residential properties to the opposite side of Glasgow Road are nearly 40m away, separated from the terrace by a busy main road, a tree belt, and another road directly in front of the properties. The terrace will be a minimum of approximately 25m from the residential properties to the north-west (298 and 300 Glasgow Road).

3 Background

3.1 Relevant Government Advice/Policy

3.1.1 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. Proposals that accord with up-to-date plans should be considered acceptable in principle.

3.2 Development Plan

3.2.1 In determining this planning application the Council must assess the proposed development against the policies contained within both the South Lanarkshire Local Development Plan (2015) and associated Supplementary Guidance (SG) produced in support of the South Lanarkshire Local Development Plan.

3.2.2 The South Lanarkshire Local Development Plan (SLLDP) identifies the site, in land use terms, as being within a general residential area (Policy 6 - General Urban Area/Settlements applies).

3.2.3 Policy 4 (Development Management and Place Making) of the SLLDP is also relevant and requires all development to take account of, and be integrated with, the local context and built form.

3.2.4 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.3 Planning Site History

3.3.1 Planning consent (reference HM/12/0243) was granted in August 2012 for the erection of a partially roofed front extension to accommodate a smoking area.

3.3.2 Planning consent (reference HM/13/0273) was granted in July 2013 for external alterations to front of public house/restaurant including erection of a canopy, wall and steps (retrospective).

4 Consultation(s)

4.1 **Roads and Transportation Services (Hamilton Area)** – No objection commenting that the proposed external dining area does not affect the current level of parking provision.

Response: Noted.

4.2 **Environmental Services** – No objection subject to the imposition of a planning condition to ensure that the submitted noise management plan, revision B dated 20 August 2016 by Richard Pears, Architect, is adhered to at all times. In addition, standard advisory notes relating to noise and smoking shelters are recommended.

Response: Noted. The imposition of a planning condition and standard informatives will address this should consent be granted.

5 Representation(s)

5.1 Statutory neighbour notification procedures were undertaken in respect of the proposal. The application was also advertised in the Hamilton Advertiser due to the nature of the development. Six letters of objection were received and one petition with 8 signatures

5.2 The grounds of objection can be summarised as follows: -

(a) The establishment has been overdeveloped and is out of keeping with the original residence and the immediate area. An outside eating area and the building of a wall in the front of the premises will not benefit anyone living nearby within the residential area and will bring down the ambience.

Response: The scale and mass of the proposed terrace is relatively small when compared with the existing premises. It will essentially be a small 'infill' development between the gable of the existing restaurant/dining area and the canopied entrance to the public bar. Accordingly it is considered that the proposed development in terms of its impact will not have a significant adverse presence on the physical environment and that in terms of visual amenity it can be accommodated without adverse consequences. Indeed, in design terms the terrace will have limited physical presence on the front elevation of the Parkville Hotel as it will essentially be a wall with balustrade glazing which will be viewed against the backdrop of the building.

(b) Unacceptable increase in noise and associated impact on the quality of life, health and safety of neighbouring proprietors. Windows will have to be kept closed. Nuisance, anti social behavior and cigarette smoke/extractor fumes, odours/food smells, litter in garden area, vermin, bird droppings in close proximity to neighbouring properties/rear gardens adversely impacting on their amenity.

Response: The Parkville Hotel is a long established licensed premises surrounded by neighbouring properties. As a result, there is potential for residential amenity to be adversely affected by loud noise, inconsiderate behaviour etc and the representations received do make reference to such activities. Accordingly, the level of residential amenity associated with such a location must take account of this relationship and cannot be to the same degree, level or extent as that associated with a house in a residential estate divorced from non residential uses.

The proposed terrace will be relatively small in terms of the existing premises. It will not be used for drinking purposes after 21-00 hrs (smokers will be allowed to use it but at present they do stand outside the premises smoking and therefore there will be no significant change in circumstances). In addition, the terrace will be at the front of the property where traffic noise will exist. Undoubtedly it will provide a new 'facility' at the premises but it is unlikely to be used consistently or at full capacity especially given the substantial likelihood of inclement weather.

The terrace will be screened at the sides by the existing building and a new screen that will be erected. There are also trees/vegetation along the mutual boundaries with the adjoining residential properties which are separated from the proposed terrace by an access/egress road associated with the rear parking. Taking all these aspects together and the fact that consent for a similar facility has been issued previously, I am not persuaded that there would be a significant increase in loss of amenity that would justify the refusal of consent. In reaching this viewpoint, it must be acknowledged that anti social behavior is a Police issue and does not constitute a material planning consideration in the assessment of this planning application.

Finally, Environmental Services have offered no objection to the proposal as detailed above in paragraph 4.2.

c) Proposal was previously included in an application to the licensing board in September 2014 and was rejected after objection from residents and the Police Authority on the grounds of being inconsistent with the objectives of preventing crime and disorder and preventing public nuisance.

Response: Licensing and Registration Services has confirmed that a major variation of premises licence was applied for in September 2014. This application was presented to the Licensing Board in December 2014. The part of the application relating to the external area was refused because the Board considered that the application would be inconsistent with the licensing objectives of preventing crime and disorder and preventing public nuisance and that having regard to:-

- (i) the nature of the activities carried on or proposed to be carried on in the premises,
- (ii) the location, character and condition of the premises, and
- (iii) the persons likely to frequent the premises,

The licensing consideration/process is a separate legislative process and procedure from obtaining planning consent. Accordingly, it is possible to receive planning permission for a development that is then refused consent under other legislative requirements such as licensing. Furthermore, a historical Licensing Board determination, whilst having to be acknowledged, does not constitute a material planning consideration in the assessment of a planning application.

d) Proposal will be detrimental to road safety where there has been a recent fatality directly outside the Parkville. Increased traffic and exacerbation of existing parking problems in the area where neighbouring properties driveways are blocked because the Hotel is already overdeveloped.

Response: It is acknowledged that no additional parking is proposed. The Parkville Hotel, however, is an established licensed outlet and the proposal will not result in the loss of existing parking spaces. The terrace will primarily provide an additional 'facility' at the premises and it is debatable whether or not the terrace itself will result in additional traffic generation.

Public on-road parking is possible in the surrounding roads. The instances of inconsiderate parking are regrettable but this is due to human behaviour rather than the premises themselves. In addition, Police Scotland has applicable authority to address same.

Any fatality on public roads is extremely regrettable. Experience suggests that there are many reasons for such accidents with driver behaviour being an exceptionally important consideration. The presence of a relatively small external terraced area is, on the balance of probability, unlikely to be a major contributing factor to road safety.

e) Children sitting in the area and people using the nearby bus stop would be victims of inhaling fumes and enduring bad language.

Response: The area immediately outside the entrances to the public and lounge bar are already used by people. The additional impact on children of fumes or inappropriate language is likely to be marginal.

f) Overlooking/loss of privacy

Response: Given the physical characteristics of the site, the location of the proposed terrace and the separation distance from residential dwellings, it is considered that any potential for overlooking/loss of privacy will be marginal. Accordingly, the objector's concern in terms of overlooking/loss of privacy can not be supported from a planning point of view.

g) Property in Straiten Place did not receive neighbour notification.

Response: In terms of the applicable planning legislation, the Council has a legal duty to notify all owners/occupiers of properties within 20 metres of the application site following the receipt of a planning application. This application resulted in 13 properties in Glasgow Road and Cowan Wilson Avenue, Blantyre, being 'neighbour notified'. Unfortunately, the property at Straiten Place is outwith the 20 metre distance, hence the reason it did not receive correspondence from the Council. Notwithstanding the above, the application was also advertised in the Hamilton Advertiser on 9 June 2016. All appropriate publicity required for the application has been undertaken by the Council as Planning Authority.

5.3 All letters of representation 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 planning consent for the formation of a relatively small external dining terrace to the front of the Parkville Hotel, 296 Glasgow Road, Blantyre.

6.2 The relevant policies of the adopted Local Development Plan and Supplementary Guidance are Policy 4 – Development Management and Place Making General Urban Areas/Settlements and Policy 6 – General urban area/settlements.

6.3 In terms of Local Plan policy, the application site is located within a designated residential area. The site however relates to an established public house, restaurant and function use. The lawful use of the premises must therefore be acknowledged and in this context the principle of an external terrace in relation to the licensed premises is not contentious from a land use perspective as it represents a relatively minor form of development in terms of the overall licensed premises. Accordingly, the impact of the proposed terrace on the existing level of residential amenity will be marginal and not to an extent or degree that would justify the refusal of consent. On this basis, the proposed development raises no significant issues from a land use context in terms of Policy 6 of the South Lanarkshire Local Development Plan.

- 6.4 In relation to Policy 4 of the Local Development Plan and the associated Development Management, Place Making and Design Supplementary Guidance, it is considered that given the physical containment of the proposed external dining area and the distances from the nearest residential properties, the proposal is acceptable at this particular location. In amplification of this, the proposed terrace will be screened from the residential properties to the southeast (292 and 294 Glasgow Road) by the existing restaurant building and given the distance to the residential properties to the north-west (298 and 300 Glasgow Road) it is considered that there would not be a significant increase in loss of privacy or amenity that would justify the refusal of consent. It must also be noted that planning consent (HM/12/0243) was previously granted for the erection of a partially roofed front extension to accommodate a smoking area in the same general area of the terraced now proposed. The introduction of 'al fresco' dining is unlikely to impact significantly on the established level of amenity presently enjoyed by neighbouring proprietors.
- 6.5 As detailed previously, none of the consultees have raised any objection to the proposal.
- 6.6 Statutory Neighbour Notification was undertaken and 6 letters of objection and one petition with 8 signatures were received. The points of representation have been summarised in Section 5 above. In this regard, the concerns raised, either individually or collectively, are not of sufficient weight or merit from a planning perspective that could justify the refusal of consent.
- 6.7 On the basis of the above it is recommended that planning permission be granted subject to conditions.

7 Reasons for Decision

- 7.1 It is considered that the proposal will not result in a significant or adverse impact on either residential or visual amenity and complies with the provisions of Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted June 2015) and associated Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

6 September 2016

Previous References

- ◆ HM/07/0335
- ◆ HM/08/0358
- ◆ HM/09/0340
- ◆ HM/10/0412
- ◆ HM/12/0243
- ◆ HM/13/0273

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 25 May 2016
- ▶ Press advert dated 9 June 2016
- ▶ Noise Management Plan Revision B dated August 2016 by Richard Pears Architect.
- ▶ Licensing email dated 24 August 2016

- ▶ Consultations
 - Roads and Transportation Services (Hamilton Area) 17/06/2016
 - Environmental Services 23/08/2016

- ▶ Representations
 - Representation from : Owner/Occupier , 1 Cowan Wilson Avenue
Blantyre, DATED 15/06/2016

 - Representation from : Miss Linda Burns, 300 Glasgow Road
Blantyre G72 9DG, DATED 13/06/2016

 - Representation from : Ms Lorna McIlvaney, 292 Glasgow Road
Blantyre G72 9DG, DATED 13/06/2016

 - Representation from : Mr and Mrs William and Mary Dawson, 294 Glasgow Road
Blantyre, Glasgow G72 9DG, DATED 13/06/2016

 - Representation from : Gerard Pew, 23 Rowan Place
Blantyre G72 9HL, DATED 16/06/2016

 - Representation from : John and Marion Graham, 298 Glasgow Road
Blantyre, DATED 16/06/2016

 - Representation from : Ms Patricia O'Donnell, 23 Straiten Place
Blantyre G72 9DH, DATED 16/06/2016

Contact for Further Information

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

Murray Reid, Planning Officer

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Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/16/0225

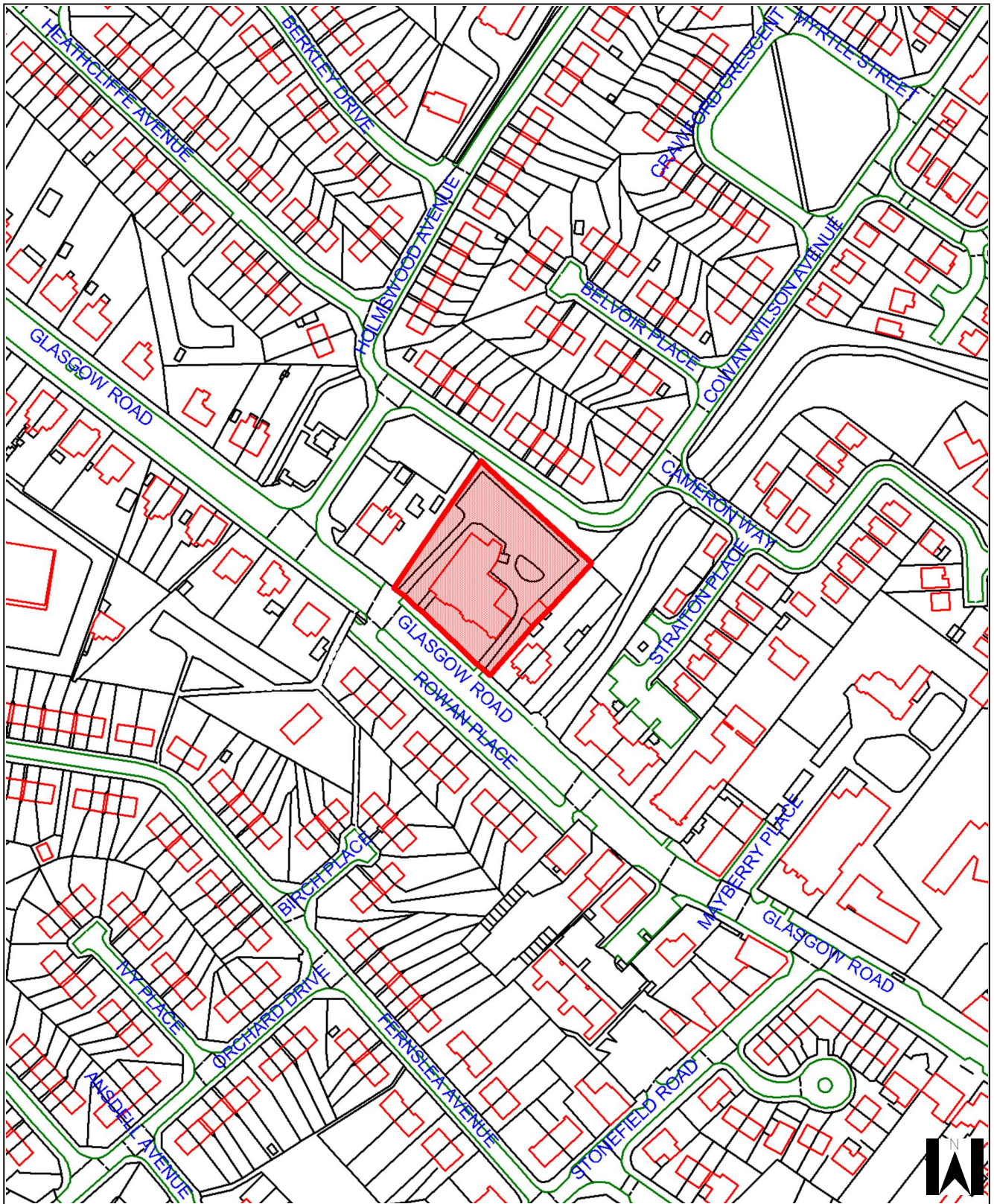
CONDITIONS

- 1 That the Noise Management Plan, Revision B dated 20 August 2016, submitted by Richard Pears Architect must be implemented in full and adhered to at all times to the satisfaction of the Council as Planning Authority whilst the terrace hereby approved is available for use.

REASONS

- 1 To minimise noise disturbance and retain effective planning control.

For information only



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