

Report

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Report to:	Hamilton Area Committee
Date of Meeting:	17 November 2010
Report by:	Executive Director (Enterprise Resources)

Application No	HM/10/0438
Planning Proposal:	Change of Use of Former YMCA Building to Form Office Unit (Class 2) and Hot Food Takeaway (Sui-Generis) with External Alterations to Building and Installation of External Flue at 251/253 Glasgow Road, Blantyre

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : United Leisure and Investments Ltd
- Location : 251-253 Glasgow Road
Blantyre
G72 0YS

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 attached conditions)

2.2 Other Actions/Notes

The Area Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: Jones Lang Lasalle
- ◆ Council Area/Ward: 15 Blantyre
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan**
Policy COM1 –Town Centre Land Use
Policy ENV11 – Design Quality
Policy DM1 – Development Management
Policy DM10 – Hot Food Shops

- ◆ Representation(s):

- ▶ 5 Objection Letters
- ▶ 1 Petition signed by 233 parties
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Planning Application Report

1 Application Site

- 1.1 The application site is a vacant building on Glasgow Road, Blantyre, which was previously in use as a facility for Blantyre YMCA. The premises of a funeral director bounds the site to the north-west and an off-licence bounds the site to the south-east. A vehicle repair garage is situated to the south-west of the site, directly to the rear of the building. The building has a north-east facing frontage onto Glasgow Road with retail units and a nursery situated opposite. Vehicular access to the property is taken from Glasgow Road via a lane at the side of the building. Pedestrian access can be taken directly from Glasgow Road.

2 Proposal(s)

- 2.1 The applicants propose to divide the unit into two separate premises and to change the use of the unit from a non-residential institution (Class 10) to form a hot food takeaway (Sui Generis) and an office unit (Class 2). The design of the existing frontage is proposed to be altered to accommodate two separate units and an external ventilation flue for the hot food takeaway is proposed to be positioned to the rear of the premises. The proposed shop fronts will be of modern design with floor to ceiling glazing.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 There is no specific Government guidance or advice relevant to the proposed development.

3.2 Local Plan Status

- 3.2.1 The application site lies within the commercial area of Blantyre Town Centre as defined in the Adopted South Lanarkshire Local Plan. In this respect Policy DM1 – Development Management, Policy COM1 – Town Centre Land Use, Policy DM10 – Hot Food Shops and Policy ENV11 – Design Quality all apply in this instance. The content of the above policies and how they relate to the proposal is assessed in Section 6 of this report.

4 Consultation(s)

- 4.1 **Environmental Services:** have raised no objections to the proposed development subject to the imposition of a number of conditions relating to noise and waste control.

Response: Noted. The requested conditions would be attached to any consent issued.

- 4.2 **Roads and Transportation Services (Hamilton Area):** Have no objections to the proposal due to the existence of public car parking provision within the surrounding area and the availability of servicing and staff parking spaces to the side and rear of the building.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the local press as development requiring advertisement due to the scale or nature of operations and for neighbour notification purposes. Five individual letters of representation were received in respect of the proposals. A petition

containing 233 signatures was also received with regard to the proposed development. The grounds of objection are summarised as follows:

(a) The development could create traffic congestion in the surrounding area.

Response: The Council's Roads and Transportation Services were consulted on the proposed development and noted that room for servicing and staff parking exists to the side and rear of the property. They consider that normal parking requirements are satisfied by the availability of public parking in the form of on-street/lay-by spaces at Glasgow Road. As a result they have offered no objections to the proposed development. It is therefore considered that the development would not have any adverse impact in terms of traffic congestion.

(b) The proposed take-away could cause litter and noise pollution in the surrounding area

Response: The Council's Environmental Services were consulted on the application and stated that they had no objection to the proposed development subject to the imposition of conditions relating to noise and waste control. These conditions would be attached to any consent issued. Subject to these conditions, it is considered that the proposed development would not have an adverse impact in this regard, especially given the fact that there already are a number of similar establishments in the near locality.

(c) There is an over-supply of food outlets already in existence in Blantyre and the provision of a further outlet would have a detrimental impact on existing businesses in the vicinity of the proposed development.

Response: While it is acknowledged that there are a significant number of food outlets in existence in the surrounding area, it is not considered appropriate for Planning consent to be refused for this reason. In instances such as these, opportunities must be given to businesses to become established and market forces must dictate the commercial success or otherwise of the proposed uses. Indeed Scottish Planning Policy (February 2010) clearly advises (para. 23) that 'The Planning system does not exist to protect the interests of one person or business against the activities of another.'

(d) The provision of an additional hot food take-away would increase the number of lower cost, unhealthy eating options available in the Blantyre area, to the detriment of the health of the local population.

Response: It is not appropriate for this application to be refused consent on these grounds. A significant variety of eating options are available in the surrounding area and customers are free to choose whether to utilise both the existing and proposed food outlets. The Council's Environmental Services did not raise any general health concerns with regard to the proposed development.

(e) The YMCA is a historic building which should be utilised to improve the health and image of Blantyre.

Response: The existing building is not a Listed Building and is not situated within a Conservation Area. Furthermore it is noted that, at present, the building has fallen into a state of disrepair. It is considered that the proposed works to the front of the property would assist in the rehabilitation of the

existing building and would provide an improved aesthetic appearance when compared with the existing frontage. Although the proposed shop front will be of modern appearance there are others nearby of similar design.

The above letters 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 proposes to change the use of the former YMCA building on Glasgow Road, Blantyre to form two separate units, a hot food takeaway and an office unit. External changes to the front elevation of the building area also proposed as is the installation of an external flue to the rear of the property. The determining issues that require to be addressed in respect of this application are the proposals compliance with Government Guidance and advice, Local Plan policy as set out in the Adopted South Lanarkshire Local Plan as well as any other material considerations.
- 6.2 With regards to Government guidance and advice, given the nature and scale of the proposed development there is no relevant Government guidance against which the proposal requires to be assessed. It is therefore considered that there are no significant issues raised by the proposal in this regard.
- 6.3 In terms of Local Plan policy, the application site is affected by Policy COM1 which relates to town centre land use. This policy states that the Council will allow a mixture of uses compatible with the role of a town centre as a commercial and community focal point. Examples of compatible uses are shops, offices, housing, pubs and restaurants, leisure facilities and community, health and social facilities. It is considered that both of the uses proposed are suitable town centre land uses. Policy COM1 also states that development must comply with Council design policy as set out in Policy ENV 11 - Design Quality and in Policy DM1 - Development Management.
- 6.4 Policy ENV11 requires the quality of the design and layout of new developments to make a positive contribution to the character and appearance of the environment in which they are located. In this instance alterations are proposed to the frontage of an existing building to form two separate new units. The existing building has fallen into disrepair and it is considered that the alterations proposed would improve the external appearance of the building and as such make a positive contribution to the appearance of the local area.
- 6.5 Policy DM1 states that all planning applications should take account of the local context and built form and be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In this instance it is considered that the external alterations proposed are compatible with the surrounding streetscape and that, given the mix of uses in the vicinity of the site and the commercial nature of the area in general, the development should have minimal impact on surrounding amenity. It is therefore considered that the proposed development is in compliance with Policies COM1, ENV11 and DM1 of the adopted Local Plan.
- 6.6 Policy DM10 provides specific requirements relating to hot food shops within commercial areas. The policy states that there will be a general presumption in favour of hot food shops provided that: (1) the viability of the commercial centre is not affected; (2) a satisfactory balance is retained between retailing and non-retailing

uses; (3) within core retail areas a concentration of non-retail frontages will not be formed and (4) the proposal does not have an adverse impact in terms of environmental, traffic, public safety and amenity considerations.

- 6.7 In this instance the application site is situated within Blantyre Town Centre but is not located within the 'Core Retail Area' as defined in the Local Plan. It is not considered that the vitality of the commercial area is likely to be adversely affected by this development and, in particular, it is noted that there would be no reduction in the provision of Class 1 retail units as a result of this change of use. With regard to any potential impact on amenity, the Council's Roads and Transportation Services and Environmental Services have declared satisfaction in terms of road safety and environmental issues respectively. In summary, it is considered that a satisfactory balance of uses within the commercial centre would be maintained and there would be no adverse impact on amenity as a result of the development. It is therefore considered that the proposal conforms to the criteria set out in Policy DM10.
- 6.8 In terms of consultations undertaken, Environmental Services have advised that they have no objection to the proposal subject to the attachment of conditions. The requested conditions would be attached to any consent issued. Roads and Transportation Services have stated that they have no objection to the proposed development. A number of concerns have been raised by third parties in respect of the development, primarily relating to noise, waste, public health, traffic and visual amenity issues as well as with regard to the potential impact of the development on existing businesses in the locality. The issues raised are not, in this instance, significant enough to justify refusal of the application.
- 6.9 In summary, it is considered that the proposal complies with the provisions of the adopted South Lanarkshire Local Plan. Furthermore there are no other material planning considerations of significant weight or merit that can justify the setting aside of the presumption in favour of issuing consent. It is therefore recommended that planning permission be granted for the development.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on either residential or visual amenity and complies with the provisions of Policies COM1, ENV11, DM1 and DM10 of the adopted Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

2 November 2010

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan 2009
- ▶ Neighbour notification letter, dated 8 September 2010
- ▶ Press advertisement, Hamilton Advertiser, 16 September 2010

- ▶ Consultations
 - Roads and Transportation Services (Hamilton Area) 16/09/2010
 - Environmental Services 17/09/2010
- ▶ Representations
 - Representation from : Mrs Margaret Neilson, 239c Glasgow Road, Blantyre, G72 9RE, DATED 05/10/2010
 - Representation from : David Agnew T/A Agnews, 237 Glasgow Road, Blantyre, G72 0YS, DATED 01/10/2010
 - Representation from : M T Jalraid, 18 Clydeview Shopping Centre, Blantyre, G72 , DATED 07/10/2010
 - Representation from : Carol Bates, 15 Boswell Drive, Blantyre, G72 0BJ, DATED 07/10/2010
 - Representation from : Mrs C A Graham, 250 Glasgow Road, Blantyre, G72 0AB, DATED 30/09/2010
 - Representation from : Alison Bate, 79 Backmuir Road, Hamilton, ML3 0PY, DATED 29/09/2010

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Contact for Further Information

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

Declan King, Planning Officer, Brandon gate, Hamilton
Ext 3554(Tel :01698 453554)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

Detailed Planning Application

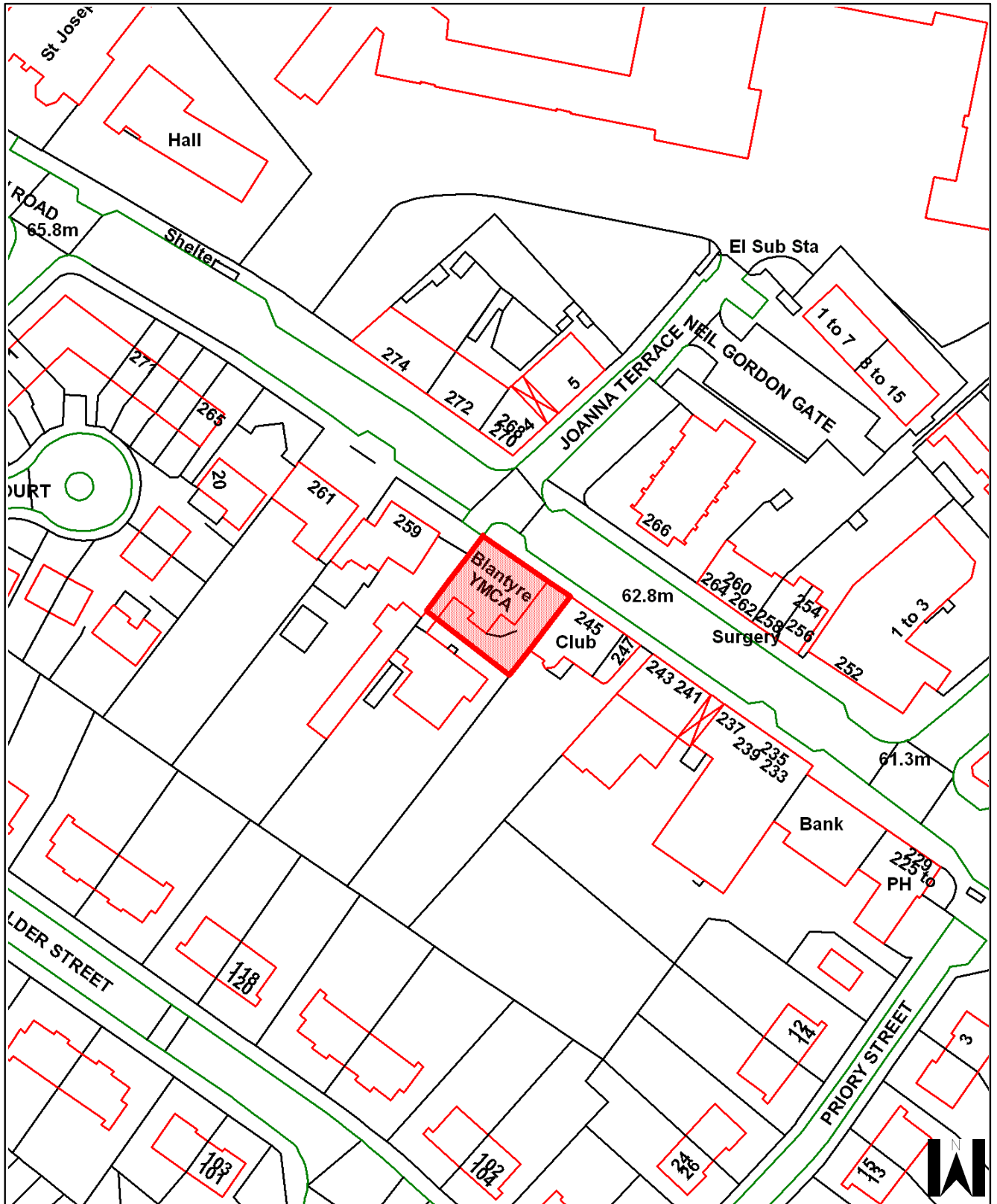
PAPER APART – APPLICATION NUMBER : HM/10/0438

CONDITIONS

- 1 The consent shall be carried out strictly in accordance with drawing numbers:
gla/01,
gla/02.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 Development shall not commence until an assessment of the potential for the proposed use to cause noise nuisance including, if applicable, noise produced by the ventilation equipment, to adjacent properties, has been submitted to the Council as Planning Authority. Where potential noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Council as Planning Authority. The approved scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.
Such an assessment and the recommendation of any attenuation measures shall be carried out by a suitably qualified person.
- 4 Prior to the development being brought into use, details of the storage of waste arising from the commercial activity shall be submitted to and approved in writing by the Council as Planning Authority. The agreed details shall be in place prior to the development being brought into use.
- 5 All cooking smells, noxious fumes or vapours from the premises shall be disposed of by means of a mechanical ventilation system which is ducted to at least 1 metre above eaves level.
The ventilation system shall:
 - a) incorporate activated carbon filters;
 - b) be capable of achieving at least 20 air changes per hour in rooms where food preparation/cooking takes place;
 - c) be suitably isolated from the structure of the building and fan units positioned in a ducted system shall be suitably isolated from the ducting by means of flexible connections.

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 To minimise noise disturbance to adjacent occupants.
- 4 To minimise nuisance, littering and pest problems to nearby occupants.
- 5 In the interests of amenity and in order to retain effective planning control.



For information only

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