

Report

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/1409
Proposal:	Change of use of office space to form 6no. flatted dwellings
Site Address:	29 St James Avenue East Kilbride G74 5QD
Applicant:	CVO Ltd
Agent:	Block Architects Ltd
Ward:	East Kilbride West
Application Type:	Full Planning Permission
Advert Type:	Schedule 4: East Kilbride News 15 November 2023
Development Plan Compliance:	No
Departures:	Not applicable
Recommendation:	Refuse
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. This application is presented to Committee within the context of Section 5.2 of the approved South Lanarkshire Planning Application Decision Making Process in that the Head of Planning and Regulatory Services, in consultation with the Chair of the Planning Committee, considered that the application generated policy issues that would merit its consideration by elected members.

2. Site Description

- 2.1. The application site is within the St James Retail Centre, an established neighbourhood centre located to the west of Eaglesham Road, East Kilbride. The site relates to a portion of the upper floor of the existing two storey retail centre, which is currently designated as office space. The site is accessed via a spur road from Eaglesham Road through an existing car park, located within the application site boundary.

3. Description of Proposed Development

- 3.1. The proposal is to change the use of a section of upper floor office space to form 6 flatted dwellings, comprising 4 x three-bedroom flats and 2 x two-bedroom flats. Small scale external alterations to the building are proposed as part of the proposed development, including the installation of roof lanterns.

4. Relevant Planning History

- 4.1. EK/07/0403 - Erection of 7 retail units and erection of 3 office units and associated car parking (granted September 2007).
- 4.2. EK/08/0213 - Extension of retail/office development to add 3 additional retail units and 1 office unit (amendment to EK/07/0403) (granted November 2008).

5. Supporting Information

- 5.1. None

6. Consultations

- 6.1. Environmental Services – requested that the applicants undertake a noise assessment to determine the impact of noise from the ventilation systems and commercial activities of the various commercial premises on the ground floor, and the public house opposite the proposed development.

Response: Given that the recommendation is to refuse planning permission for the proposed development on the grounds of amenity concerns and under-provision of car parking space, the applicants were not asked to undertake a noise assessment at this time.

- 6.2. Roads and Transportation Services (Development Management) – advised that the proposed development would require the provision of additional car parking, however, no additional car parking provision is proposed. It is considered that the existing car park is insufficient to cater for the existing uses on site and, therefore, object to the development on grounds of insufficient car parking provision.

Response: Noted. It is recommended that this would also be a reason to refuse planning permission for the proposed development.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, no valid representations have been received.

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local Living and 20 minute neighbourhoods
- ◆ Policy 16 - Quality homes
- ◆ Policy 27 - City, town, local and commercial centres

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 – General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 9 - Network of Centres and Retailing

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design

9. Guidance

9.1. The South Lanarkshire Council Residential Design Guide (2011).

10. Assessment and Discussion

10.1. Introduction

Planning permission is sought to change the use of a section of upper floor office space at the St James Centre, 29 St James Avenue, East Kilbride to form 6 flatted dwellings, comprising 4 x three-bedroom flats and 2 x two-bedroom flats. Small scale external alterations to the building are proposed as part of the proposed development including the installation of roof lanterns. The main issues to be addressed in the determination of this application include the acceptability in principle of the proposed development, its layout, siting and design, and an assessment of technical matters. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.

10.2. Principle of Development

The application site lies within the existing St James Centre, East Kilbride, which is a designated local neighbourhood centre within the South Lanarkshire Local Development Plan 2. Within the SLLDP2, Policy 3 supports residential developments on appropriate urban sites within settlements. Policy 9 seeks to retain an appropriate

mix of uses that will meet economic and social needs, including retail. Under Policy 27 of NPF4, in terms of town centre living, part e) (iii) supports the conversion or reuse of vacant upper floors for residential purposes. Policy 16(f) requires that new homes on land not allocated will only be supported in limited circumstances.

- 10.3. Taking this into account, while no justification has been provided to demonstrate that the offices are vacant, the residential use can be supported in principle as it would create a mixed use in line with local living principles, and the loss of office space is not considered significant enough to warrant refusal. Furthermore, the proposal would not affect retail provision within the existing local centre. This proposal is considered to generally comply with the criteria listed under Policy 16(f) as the proposed development is consistent with the spatial strategy including local living and 20-minute neighbourhoods and is a small-scale opportunity within the East Kilbride settlement.
- 10.4. However, while the principle of residential development in this location may generally be acceptable in land use terms, Policy 27 part (g) of NPF4 and Policy 3 of SLLDP2 together state that developments which would be detrimental to the amenity of residents will not be permitted. In addition, the intent of Policy 16 to deliver good quality homes, which contribute to strengthening the health and wellbeing of communities, should be considered. Such amenity considerations are discussed below.
- 10.5. Climate Change
Policies 1 and 2 of NPF4 and Policy 2 of the South Lanarkshire Local Development Plan 2 seek to encourage, promote and facilitate development which addresses the global climate emergency and nature crisis and which minimises emissions and adapts to the current and future impacts of climate change. Given that development has already been established at this location and that the site is situated within an existing neighbourhood centre with close proximity to Hairmyres Station and bus links providing active travel options, this application is not considered to raise any issues which conflict with the aims of Policies 1 and 2 of NPF4 or Policy 2 of the South Lanarkshire Local Development Plan 2.
- 10.6. Layout, Siting and Design
Policies 14 and 15 of NPF4 relate to liveable places. Policy 14 sets out that all developments should be designed to improve the quality of an area and be consistent with the six qualities of a successful place: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policy 15 seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.
- 10.7. While Policy 27 is supportive in principle of town centre living proposals that encourage, promote and facilitate vibrant, creative and healthy places for people to live; under part (g) it states that development proposals for town/city living will take into account the residential amenity of the proposal and this must be clearly demonstrated where the proposed development is in the same built structure as hot food premises, restaurants, cafes and where there is a common shared access with other uses likely to be detrimental to residential amenity.
- 10.8. While the proposal would comply with the principles of a 20 minute-neighbourhood and local living including access to sustainable transport, employment, shopping and wider servicing under Policy 15, there are a number of design considerations which would result in a negative amenity impact for residents of the proposed flats, deeming

this unacceptable in terms of layout, siting and design. It is noted that the layout of the proposed flats is such that in the case of five of the six proposed properties, no windows would be provided to any of the proposed bedrooms. Instead, these rooms would be provided with light through roof lanterns. In total, 25 roof lanterns would be provided for the development; however, the bedrooms would not receive any other form of natural light. The agent for the application has advised that the roof lanterns will be openable and that, although not yet designed, mechanical ventilation will be provided to the rooms in question.

- 10.9. In the context of Policies 14 and 27 of NPF4 it is not considered that the use of roof lanterns as an alternative to windows is appropriate in terms of the requirement to create healthy and pleasant places, or in terms of preserving health and wellbeing. Furthermore, it is noted that the proposed residential properties would be located on an upper floor above a variety of commercial units including hot food takeaways, raising concern regarding noise from nearby properties, an issue also raised by Environmental Services.
- 10.10. Given that the proposed residential units would be negatively impacted by the surrounding uses, it is considered that the proposal does not comply with the provisions of Policies 14 and 27 of NPF4. Furthermore, the proposal is not considered to provide suitable quality homes due to adverse amenity impacts resulting from the development's layout, siting and design, and therefore the proposal cannot be supported under Policy 16.
- 10.11. Similarly, Policies 3, 5 and DM1 of the South Lanarkshire Local Development Plan 2 require all proposed developments to complement existing land uses and make a positive contribution to the character and appearance of the environment in which they are located. Proposals must not have any significant adverse impacts on existing amenity within or in the vicinity of the proposed development site. This is further reinforced by the Council's Residential Design Guide. It is considered that the layout of the proposed flatted dwellings would create a significant adverse amenity impact on residents of the flats and the proposal fails to comply with Policies 5 and DM1 of the adopted South Lanarkshire Local Development Plan 2 and the South Lanarkshire Council Residential Design Guide.
- 10.12. Technical Matters
Consultation responses have been received from both the Council's Roads and Transportation Services and Environmental Services. Roads and Transportation Services have advised that there is insufficient car parking provision on site to serve the requirements of the proposed development and have therefore objected to the application. In planning policy terms, Policies 5 and DM1 of the adopted Local Development Plan require all proposed developments to be served by appropriate roads infrastructure and parking spaces. As such, in addition to the amenity considerations outlined above, the proposed development also fails to comply with Policies 5 and DM1 due to the insufficient provision of car parking in this instance.
- 10.13. Environmental Services have raised further concerns in relation to potential noise impact on the proposed flatted dwellings arising from surrounding uses within the commercial centre and requested a noise impact assessment and details of ventilation. Similarly, as a result of the siting above hot food takeaways the proposed development has the potential to give rise to additional odour amenity impacts. However, given the view of the Planning Service that the proposals fail to comply with relevant national and local planning policy for a number of reasons as set out above, it was not deemed appropriate to require the provision of noise or odour impact assessments at this time.

10.14. Conclusion

In conclusion, it is considered that the use and design of the proposed development would not afford appropriate amenity to residents of the proposed flatted dwellings. The proposals would also be inconsistent with the six qualities of successful places as set out in National Planning Framework 4. Furthermore, insufficient car parking space would be available to serve the needs of the flatted dwellings alongside the existing operations within the commercial centre and there remains outstanding concerns in relation to noise, ventilation and odour. The proposals are therefore considered to fail to comply with the provisions of Policies 14 and 27 of National Planning Framework 4 as well as Policies 5 and DM1 of the South Lanarkshire Local Development Plan 2 (adopted 2021). It is therefore recommended that planning permission is refused in this instance for the reasons set out below.

11. **Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

Refuse Detailed Planning Permission for the reasons outlined below:-

01. The proposed development fails to comply with Policy 14 of National Planning Framework 4 as it is not appropriately designed, would be detrimental to residential amenity and is inconsistent with the six qualities of successful places as set out in the Policy.
02. The proposed development fails to comply with Policy 16 of National Planning Framework 4 as it is not considered to deliver good quality homes and gives rise to adverse amenity impacts for residents of the proposed flatted dwellings.
03. The proposed development fails to comply with Policy 27 of National Planning Framework 4 as the development would be detrimental to amenity and the health and wellbeing of residents of the proposed flatted dwellings.
04. The proposed development fails to comply with Policy 3 of the South Lanarkshire Local Development Plan 2 (adopted 2021) as the proposal would not be well designed and would adversely impact on the amenity of residents of the proposed flatted dwellings.
05. The proposed development fails to comply with Policy 5 of the South Lanarkshire Local Development Plan 2 (adopted 2021) as the proposal would not be well designed, does not allow for the provision of appropriate car parking on site and would adversely impact on the amenity of residents of the proposed flatted dwellings.
06. The proposed development fails to comply with Policy DM1 of the South Lanarkshire Local Development Plan 2 (adopted 2021) as it would adversely impact on the amenity of residents of the proposed flatted dwellings and it does not ensure provision of an appropriate vehicle parking and electric vehicle charging points.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

Further information relating to the application can be found online:-

[P/23/1409 | Change of use of office space to form 6no. flatted dwellings | 29 St James Avenue East Kilbride G74 5QD \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

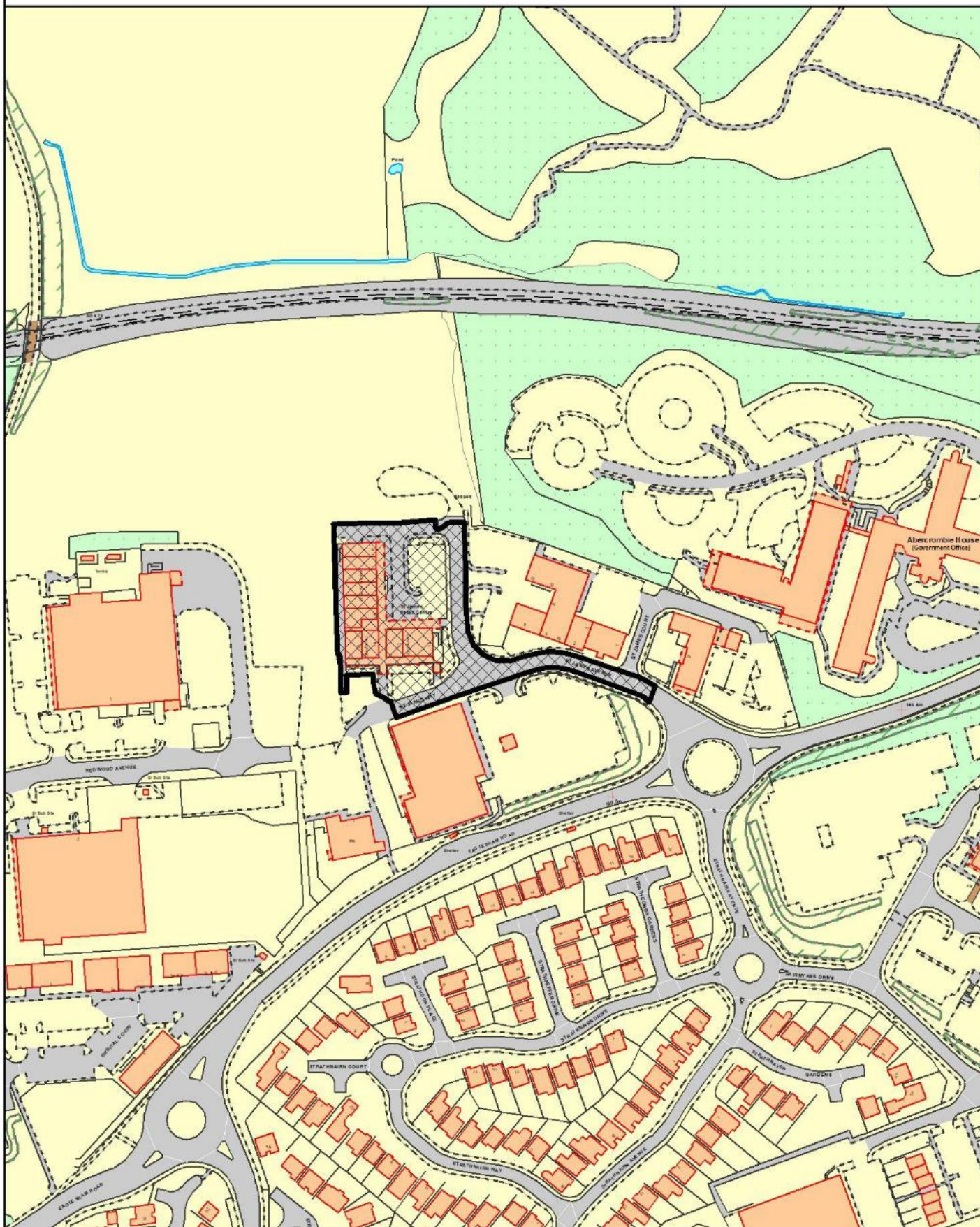
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/1409, 29 St James Avenue, East Kilbride
Change of use of office space to six flatted dwellings



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Scale:
1:2,500
Date:
12/02/2024



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