

Report to:	Planning Committee
Date of Meeting:	6 July 2010
Report by:	Executive Director (Enterprise Resources)

Application No	EK/10/0171
Planning Proposal:	Change of use from shop (Class 1) to form part of adjacent restaurant (Class 3) with external alterations to unit

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Y Titi
- Location : 31A Main Street
East Kilbride

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

- (1) The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: CM Design Consultants
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
Policy DM1 – Development Management
Policy COM6 -Village/Neighbourhood Centres
Policy ENV25 – Conservation Areas

- ◆ Representation(s):
 - ▶ 0 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters
- ◆ Consultation(s):

East Mains Community Council

Roads and Transportation Services (East Kilbride Area)

Planning Application Report

1 Application Site

- 1.1 The application site is a vacant shop unit within the East Kilbride Village Conservation Area. The unit was previously in use as a retail shop. An existing restaurant unit bounds the site to the north and a retail unit bounds the site to the south. A yard area is located to the west of the property and the east facing elevation fronts onto Main Street. There are two storeys of office accommodation located above the unit, some of which are currently vacant. Access to the property can be taken via Main Street.

2 Proposal(s)

- 2.1 The applicant proposes to change the use of the unit from a Class 1 retail unit to form part of the adjacent Class 3 restaurant at 33 Main Street. The shopfront is proposed to be altered to tie in with the adjacent unit.

3 Background

3.1 Local Plan Status

The application site lies within the commercial area of East Kilbride Village as defined in the Adopted South Lanarkshire Local Plan. It also lies within The Village Conservation Area. In this respect Policies DM1 – Development Management, COM6 - Village/Neighbourhood Centres and ENV25 – Conservation Areas 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.
Response: Noted.
- 4.2 **East Mains Community Council** - object to the loss of a retail unit within the East Kilbride Village neighbourhood centre.
Response: Noted. The issues raised have been considered and are addressed in Section 6 of the report.
- 4.3 **Roads and Transportation Services (East Kilbride)** - have no objections to the proposal due to the existence of car parking provision within the Village and the availability of public transport links.
Response: Noted.
- ### 5 Representation(s)
- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the local press as Development Contrary to the Development Plan, Development Requiring Advertisement due to the Scale or Nature of Operations and for neighbour notification purposes. No letters of representation were received in respect of the proposals.
- ### 6 Assessment and Conclusions
- 6.1 The determining issue that requires to be addressed in respect of this application is compliance with local plan policy as set out in the Adopted South Lanarkshire Local Plan 2009 and any other material considerations.
- 6.2 Policy DM1 states that all planning applications will require to take account of the local context and built form and should 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 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.

- 6.3 Policy ENV25 details requirements for planning applications for sites situated within Conservation Areas. The policy states that the Council shall presume against all development that fails to ensure that the character and appearance of the conservation area would be preserved or enhanced. Design, materials, scale and siting of any development should be appropriate to the character of the Conservation Area and its setting. The external alterations proposed will enhance the relationship of the unit with the adjacent unit at 33 Main Street and are considered to be compatible with the surrounding area as a whole. The proposal is therefore considered to be in compliance with Policy ENV25.
- 6.4 Policy COM6, concerning village/neighbourhood centres, states that proposals for changes of use in these areas will be assessed with regard to the appropriate mix of uses, retaining a retail element to serve the needs of the local area and with regard to the amenity of the surrounding area. Within East Kilbride Village, the policy states that proposals for changes of use will not be supported if the representation of units is below 60%, unless it can be demonstrated that the premises have been marketed unsuccessfully for a period of one year.
- 6.5 It is considered that the development as proposed would assist in terms of the provision of an appropriate mix of uses within the commercial area, and would not adversely affect the retail service to the local area. However, it is acknowledged that the representation of retail units within The Village is below 60%. As the unit has been vacant for a period of less than one year the proposal does not comply with Policy COM6.
- 6.6 It has been noted, however, that the unit is one of a number of units within The Village which are currently vacant. The number of vacant units at present is related to the recent economic downturn and the present situation is considered to be detrimental to the vitality and function of The Village. Although the terms of Policy COM6 are intended to assist in the provision of essential retail services to the local area, in this instance given that there remains a wide variety of important retail services in the area and given current economic circumstances, it would be more beneficial for the unit to be occupied at this time, rather than insisting that it remains vacant until such time as a retail service becomes available to occupy the unit. The proposal will allow the expansion of the currently successful restaurant business at the adjoining unit.
- 6.7 Following consultation, Roads and Transportation Services and Environmental Services have stated their satisfaction with the proposal and no letters of representation have been received from members of the public. As part of their consultation response East Mains Community Council have objected to the loss of the Class 1 unit within the neighbourhood centre. However, as discussed above, it is considered preferable for the unit to be occupied at this time rather than requiring it to remain empty until a suitable retail operator is found.
- 6.8 In summary, although the proposed development does not comply with local plan policy, specifically in relation to Policy COM6 of the Adopted South Lanarkshire Local Plan, it is considered that in this instance it would be more beneficial to the Village as a whole for the unit to be occupied at this time rather than for it to continue to lie vacant. Additionally, the proposal is deemed to comply with all other relevant South Lanarkshire Local Plan criteria including Policies DM1 and ENV25, subject to the attached conditions.

6.9 The proposal was advertised as Development Contrary to Development Plan in the East Kilbride News as it constitutes a change of use away from Class 1 within an area designated as a Village/Neighbourhood Centre in the Adopted South Lanarkshire Local Plan. The proposal has been fully assessed and I would recommend that planning permission is granted, contrary to the adopted local plan for the following reasons:

1. The proposal complies with Policies DM1 and ENV25 of the Adopted South Lanarkshire Local Plan.
2. The proposal is not considered to adversely affect the amenity or vitality of the surrounding area.
3. There are no adverse infrastructure issues.
4. The proposal is an extension to an existing business.

7 Reasons for Decision

7.1 The proposal is an acceptable departure from the development plan for the reasons stated in paragraph 6.9 above.

Colin McDowall
Executive Director (Enterprise Resources)

28 June 2010

Previous References

♦ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Environmental Services 18/05/2010
 - East Mains Community Council 02/06/2010
 - Roads and Transportation Services (East Kilbride Area) 18/05/2010
- ▶ Representations
 - None

Contact for Further Information

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

Declan King
(Tel: 01355 806322)
E-mail: Enterprise.ek@southlanarkshire.gov.uk

CONDITIONS

- 1 This decision relates to drawing numbers: Unnumbered Plan (location plan), DWG No. 11, DWG No. 12, DWG No. 13.
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 3 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.
- 4 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.
- 5 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 6 That notwithstanding the provisions of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, no fascia signs, adverts or projecting signs shall be erected on the premises without the prior written consent of the Council as Planning Authority.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 To safeguard the amenity of the area.

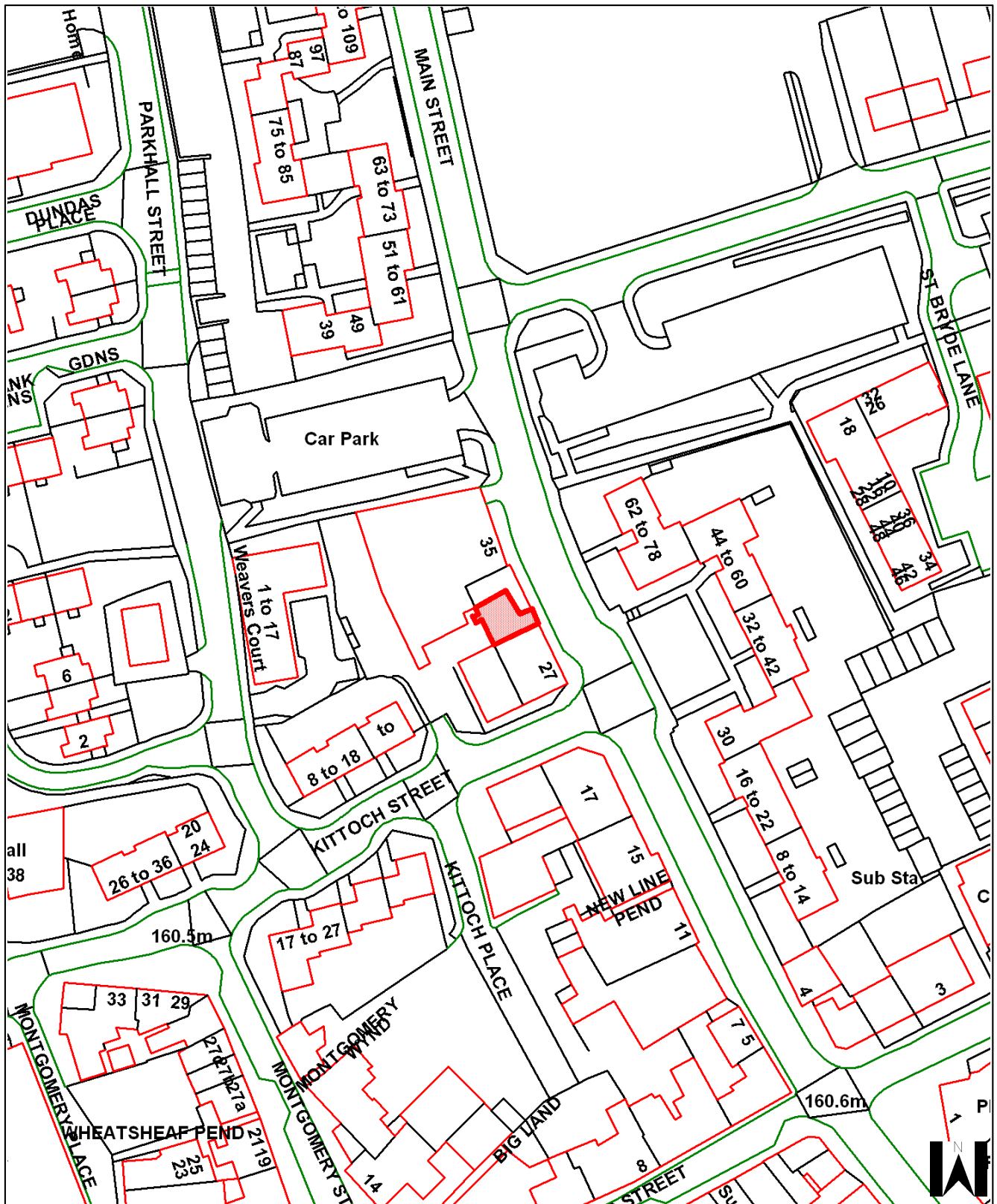
EK/10/0171

31A Main Street, East Kilbride

Planning and Building Standards Services

Scale: 1: 1250

For information only



For information only