

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>7</h1>
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Report to: **Planning Committee**  
 Date of Meeting: **7 September 2010**  
 Report by: **Executive Director (Enterprise Resources)**

Application No           EK/10/0196  
 Planning Proposal:    Change of Use from Class 11 (Health Club) to Class 3 (Restaurant)

## 1 Summary Application Information

- Application Type :       Detailed Planning Application
- Applicant :             Fairways Land & Estates Limited
- Location :              9 Main Street  
East Kilbride  
G74 4JH

## 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:       G D Lodge & Partners
- ◆ Council Area/Ward:       08 East Kilbride Central North
- ◆ Policy Reference(s):     **Adopted South Lanarkshire Local Plan (2009)**  
Policy DM1 – Development Management  
Policy COM6 – Village/Neighbourhood Centres  
Policy ENV25 – Conservation Areas Policy

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

- ◆ Consultation(s):

Environmental Services

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 unit that was formerly operated as a health club (class 11) within the East Kilbride Village Conservation Area, located on Main Street. The unit sits within a row of commercial properties with a flower shop to the south of the site, a restaurant to the north, a car park to the west and residential properties to the east. The unit is accessed directly from Main Street.

### 2 Proposal(s)

- 2.1 The proposal is for a change of use from a health club (class 11) to a restaurant (class 3). The proposal does not involve an extension to the building; however it does involve the installation of a flue onto the side of an existing extension to the rear of the property.

### 3 Background

- 3.1 The application site lies within the commercial area of East Kilbride Village as defined in the Adopted South Lanarkshire Local Plan (March 2006). In addition, it lies within the East Kilbride Village Conservation Area. Given this, the policies DM1 – Development Management, COM6 – Village/Neighbourhood Centres and ENV25 – Conservation Areas all apply.

### 4 Consultation(s)

- 4.1 **Environmental Services** – no objections subject to the attachment of conditions and advisory notes.

**Response:** Noted, any consent would include the appropriate conditions and advisory notes.

- 4.2 **Roads and Transportation** – no objections given the existing parking provision in the surrounding area.

- 4.3 **East Mains Community Council** – while accepting that this proposal would not be 'a contravention of the local plan', the Community Council object to the proposal on the grounds that it will result in another restaurant use in the Village and will deny a more appropriate use of the premises. They have also queried how long the property has been marketed for.

**Response:** The Planning Service is satisfied this is an appropriate use for this property. This property has been vacant and was marketed by South Lanarkshire Council from February 2009 until May 2010.

### 5 Representation(s)

- 5.1 Following neighbour notification, one letter of objection has been received, the points of which are summarised below:

- a) **The proposed restaurant will add to the problem of noise and traffic congestion residents of the Village currently experience. Where will the new parking facilities be located?**

**Response:** Having consulted the Roads and Transportation Service, they have advised that they are satisfied there is sufficient parking available within the existing car parks in the surrounding area that can accommodate the parking associated with this proposal. In terms of noise pollution, Environmental Service have raised no objection, however a noise condition has been attached to ensure that any noise levels emitted from the premise does not exceed an inappropriate level.

This letter has been copied and is available for inspection in the usual manner and on the Planning Portal.

## **6 Assessment and Conclusions**

- 6.1 The determining issues of this application are its compliance with local plan policy and in particular, its impact on the amenity of the surrounding area and any adjacent properties.
- 6.2 Policy DM1 – Development Management of the Adopted South Lanarkshire Local Plan (March 2009) 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. Development should enhance the quality and appearance of the local environment and take account of environmental, accessibility and sustainability issues. In this instance, the proposal involves internal alterations to form the restaurant and an extract flue to the rear of the property. There are no proposed changes to the shopfront, though any proposed signage will be controlled through an advertisement application. I am therefore satisfied that these alterations are compatible with the surrounding streetscape and will have no adverse impact on amenity.
- 6.3 Policy ENV25 – Conservation Areas Policy states that development within a Conservation Area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area guidance. The design, materials, scale and siting of any development shall be appropriate to the character of the Conservation Area and its setting. Again, I am satisfied that the proposed alterations are appropriate to the building and surrounding area. Conditions would be attached to any consent requiring details and samples of all materials and colours to be used externally to be submitted to and approved by the Planning Service prior to commencement of works on site. I am therefore satisfied that the proposal complies with Policy ENV25.
- 6.4 Policy COM6 – Village/Neighbourhood Centres states that proposals for changes of use within 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 further regard for the amenity of the surrounding area. Within village and neighbourhood centres, proposals for change of use will not be supported if the representation of retail units is below 60%, unless it can be demonstrated to the Council that the premises have been marketed unsuccessfully for a period of one year.
- 6.5 In this case, there are currently a number of vacant units within the East Kilbride Village. This can be most likely attributed to the recent economic downturn which is detrimental to the vitality and functioning of the Village. Although policy COM6 is intended to ensure the provision of essential retail services, in this instance, the unit was previously a health studio and has been marketed unsuccessfully for over a year. Therefore approval of this proposal would not result in a reduction in retail floorspace. On balance it is considered that it would be more beneficial for the unit to be occupied at this time rather than remain vacant, given that there remains a wide variety of important retail services within the local area. I am therefore satisfied that the proposal will not contravene policy COM 6 of the Local Plan.
- 6.6 In addition to neighbour notification, this proposal was advertised in the East Kilbride News due to the nature of works proposed. One letter of representation has been received, the points of which are summarised above. East Mains Community Council was consulted and has also objected to the application. However, it is not

considered that these concerns would warrant refusal of this application. Roads and Transportation and Environmental Services were also consulted as part of this application, though neither had any objections subject to the attached conditions.

- 6.7 In conclusion, I am satisfied that the proposal complies with the relevant local plan policies and forms an acceptable change of use from class 11 to class 3. I would therefore recommend that planning permission is granted subject to attached conditions.

## **7 Reasons for Decision**

- 7.1 The proposal has no significant impacts on either amenity or the vitality of the surrounding area and therefore complies with policies DM1, ENV25 and COM6 of the Adopted South Lanarkshire Local Plan (March 2009) and related guidance.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**23 August 2010**

## **Previous References**

- ◆ EK/00/0353

## **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
  
- ▶ Consultations
  - Roads and Transportation Services (East Kilbride Area) 11/06/2010
  - Environmental Services 14/06/2010
  
- ▶ Representations
  - Representation from : Jean Knox, 15 Main Street, Flat G, The Village, East Kilbride, G74 4JH, DATED 07/06/2010

## **Contact for Further Information**

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

Morag Neill, Planning Officer, Civic Centre, East Kilbride  
Ext 6548, (Tel: 01355 806548)  
E-mail: Enterprise.ek@southlanarkshire.gov.uk

## CONDITIONS

- 1 The consent shall be carried out strictly in accordance with drawing numbers:  
100 - Location Plan  
300 - Existing Plans & Elevations  
310 - Proposed Plans & Elevations
- 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 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.
- 4 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 5 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.
- 6 Between the hours of 0800 and 2000 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90(1/2hour)) by more than 4dB (A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.  
Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq (5mins) ) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.
- 7 Before the restaurant is brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Council as Planning Authority. The restaurant shall not be brought into use until the ventilation systems are operational in accordance with the approved details.  
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 by employing 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.

- 8 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.

## **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 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 To safeguard the amenity of the area.
- 6 To minimise noise disturbance to adjacent occupants.
- 7 To minimise nuisance to occupants of nearby buildings as a result of cooking smells, vapours, airborne pollutants or noise from the premises.
- 8 To minimise nuisance, littering and pest problems to nearby occupants.

For information only

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