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|  | <h1>Report</h1> | Agenda Item <h1>5</h1> |
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| Report to: | Planning Committee |
| Date of Meeting: | 13 February 2007 |
| Report by: | Executive Director (Enterprise Resources) |

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| Application No | EK/06/0635 |
| Planning Proposal: | Change of Use from Shop (Class 1) to Estate Agents (Class 2) |

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr L Blackwell
- Location : 82B Calderwood Square
East Kilbride
Glasgow

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 conditions attached)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Artemis Architects Ltd
- ◆ Council Area/Ward: 18 Maxwellton
- ◆ Policy Reference(s): **East Kilbride and District Local Plan (Adopted 2003)**
Policies COM1, COM4 -
Neighbourhood/Village/Local Shopping Areas,
COM5 – Core Retail Areas, DC1 & SLP6 –
Development Control General

South Lanarkshire Local Plan (Finalised Plan 2006)

Policies COM5 – Village/Neighbourhood Centres Policy, DM1 – Development Management Policy

◆ Representation(s):

| | | |
|---|---|-------------------|
| ▶ | 0 | Objection Letters |
| ▶ | 0 | Support Letters |
| ▶ | 0 | Comments Letters |

◆ Consultation(s):

None

Planning Application Report

1 Application Site

- 1.1 The application site relates to an existing ground floor vacant unit (formerly a shop) within Calderwood Square shopping centre.

2 Proposal(s)

- 2.1 The proposal is to change the use of the shop (Class 1) to estate agents (class2). No external changes are proposed to the shopfront.

3 Background

Local Plan Status

- 3.1 The application site lies within a neighbourhood centre as defined in the Adopted and Finalised Local Plans therefore Policies COM1, COM4 and COM5 of the East Kilbride and District Local Plan (Adopted 2003) and Policy COM5 of the South Lanarkshire Council (Finalised Plan 2006) apply. The development does not comply with Policy COM5 of the Adopted Local Plan and was therefore advertised as potentially contrary to the development plan.

4 Consultation(s)

- 4.1 No consultations were required in respect of this application.

5 Representation(s)

- 5.1 Following statutory neighbour notification and advertising of the proposal as Development Potentially Contrary to the Development Plan in the East Kilbride News, no representations were received.

6 Assessment and Conclusions

- 6.1 The determining issues that require to be addressed in respect of this application are its compliance with local plan policy
- 6.2 Policy COM5 of the Adopted East Kilbride and District Local Plan states that “within the shopping network, change of use proposals will be required to comply with the following criteria:

- ? Should not result in a reduction of Class1 retailing to below 75% of all the units.
- ? Should not result in two adjoining units coming into non-retail use.”

The proposal is contrary to Policy COM5 of the adopted local plan as the current level of retail use within Calderwood Square is below 75% of the units. This proposal would result in a total of 58% of units being in retail use.

- 6.3 Policy COM5 of the South Lanarkshire Local Plan (Finalised Plan) states that ‘proposals for changes of use in village/neighbourhood centres 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 to the amenity of the surrounding area. Within the village and neighbourhood centres proposals for change of use will not be supported if the representation of retail units is below 60%’. Only in circumstances where it can be proven to the satisfaction of the Council that the premises have been marketed unsuccessfully for a substantial period of time, will changes of use be considered.

- 6.4 The neighbourhood shopping centre of Calderwood (as designated in the Local Plans) totals 25 units, which covers Calderwood Square in addition to units on Pollock Lane and Maxwellton Avenue. Four units are vacant at present (one of which is the application site, two have planning permission for Class 1 (shops) and one has permission for class 3 (food and drink). The overall percentage of Class 1 (shops) that would remain as a result of the proposed change of use would be 58.3%, which falls just below the figure of 60% in the Finalised Plan.
- 6.5 The relevant Policy of the Finalised Local Plan, the fact that there are no estate agents currently within the shopping centre and the number of vacant units are all material considerations which all have to be weighed up against the Adopted Local Plan Policy in the assessment of the application. In this instance it is considered that the benefit of bringing a vacant unit back into productive use and the introduction of an estate agents are positive benefits in terms of maintaining the viability and variety of the shopping centre and that these benefits outweigh the Adopted Policy (COM5) of the East Kilbride and District Local Plan.
- 6.6 In summary, although the proposal does not comply with Policy COM5 of the East Kilbride and District Local Plan (Adopted 2003), given the individual circumstances of this application (outlined in paragraph 6.5 above) the proposal is considered acceptable. The development would additionally have no adverse impacts on residential amenity or traffic safety.
- 6.7 Given the above, I would recommend that the proposal is granted contrary to the development plan for the following reasons:
- 1) The unit is currently vacant. Two other vacant units also exist within the centre that have planning permission for Class 1, therefore there is still scope for new retailers to move into this area.
 - 2) The change of use will introduce a service to the shopping centre that does not exist at present and removes a vacant unit, thereby increasing the variety and vitality of the shopping centre.
 - 3) The proposal will have no adverse impact on residential amenity or traffic safety.

7 Reasons for Decision

- 7.1 For the reasons outlined in paragraph 6.7 above.

Iain Urquhart

Executive Director (Enterprise Resources)

5 February 2007

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

▶ Consultations
None

▶ Representations
None

Contact for Further Information

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

Alan Pepler, Planning Officer, Civic Centre
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E-mail: Enterprise.ek@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : EK/06/0635

CONDITIONS

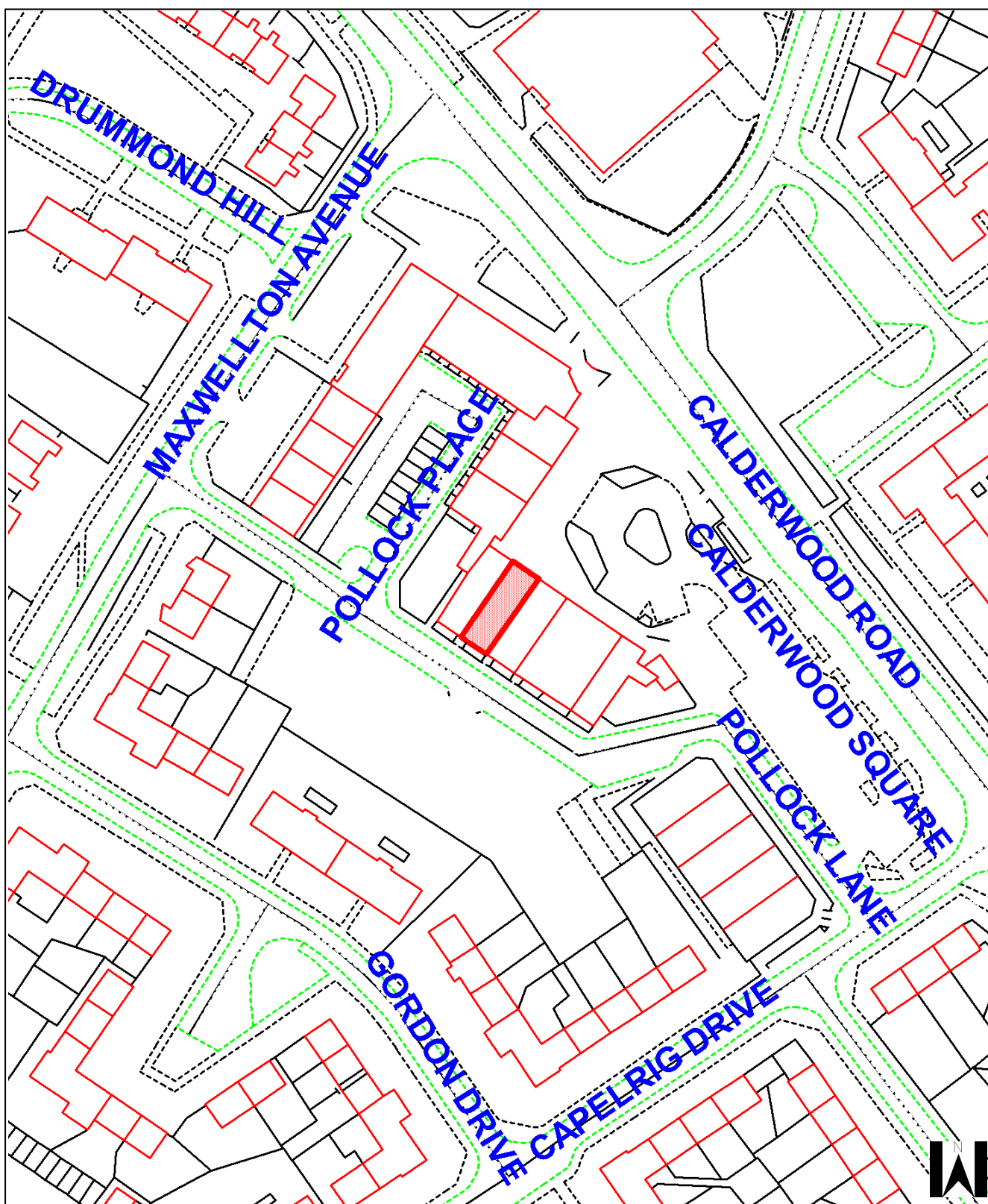
- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.

For information only

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