

Report

Report to:	Planning Committee
Date of Meeting:	5 December 2006
Report by:	Executive Director (Enterprise Resources)

Application No	CL/06/0762
Planning Proposal:	Change of Use from Class 1 (Retail) to Class 2 (Financial, Professional and Other Services)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Cheque Centre Properties Ltd
- Location : 47 High Street
Lanark

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 Listed)

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: ADF Planning
 - ◆ Council Area/Ward: 01 Lanark North
 - ◆ Policy Reference(s): Lower Clydesdale Local Plan (Adopted)
 - Policy COM4: Retail Core Areas
- South Lanarkshire Local Plan (Finalised Draft)
- Policy COM1: Town Centre Land Use Policy
 - Policy COM2: Core Retail Areas Policy

- ◆ Representation(s):
 - 0 Objection Letters

- ◆ Consultation(s):

Roads and Transportation Services (South Division)

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site consists of the ground floor premises at 47 High Street in the town centre of Lanark. The unit in question is at present unoccupied and was previously used as a retail shop unit and latterly as a temporary marketing suite by a housing developer. It is adjoined by a hot food shop unit on one side and an optician's premises on the other. The site is also identified as being a Category C(s) Listed Building, located within the Lanark Outstanding Conservation Area.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for a change of use from Class 1 (Shops) to Class 2 (Financial, Professional and Other Services). No external alterations to the building are proposed, other than the provision of new signage within the existing fascia board on the premises.

3 Background

3.1 Local Plan Status

The adopted Lower Clydesdale Local Plan identifies the site as lying within a commercial area where Policy COM4: Retail Core Areas applies. The policies of the South Lanarkshire Local Plan (Finalised Draft) also apply to the assessment of the proposal. Policies COM1: Town Centre Land Use Policy and COM2: Core Retail Areas Policy apply.

3.2 Relevant Government Advice/Policy

National Planning Policy Guideline 8: Town Centres and Retailing, affirms that planning authorities should encourage diversification of uses in the town centre as a whole. The appropriate mix of uses will depend on the nature and size of the town. As part of this mix, uses such as restaurants and eating places, banks and building societies provide a variety of essential services in town centres. Positive contribution to diversification should be considered alongside cumulative effects such as parking and the effect on residential amenity. Other activities, particularly residential, leisure and recreational uses and, where appropriate, tourism can bring life into the town centre throughout the day and evening.

3.3 Planning History

There are no previous planning applications relating to this site.

4 Consultation(s)

- 4.1 Environmental Services – to date have provided no response to the consultation request.

Response: Noted.

- 4.2 Roads and Transportation Services – have no objections to the proposal and state that any vehicles will have to make use of the existing parking provision in the town centre.

Response: Noted.

5 Representation(s)

- 5.1 Following the carrying out of neighbour notification and the advertisement of the application as Development Potentially Contrary to the Development Plan, no representations have been received.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed consent for the change of use of a vacant Class 1 retail shop premises at 47 High Street, Lanark. Consent is sought for a Class 2 Financial, Professional and Other Services use for the premises. The proposal does not involve alterations to the existing shop front and the site is within Lanark Conservation Area. Supporting documents have been provided by the applicant, confirming that unsuccessful marketing of the property for Class 1 Retail use has taken place. The planning considerations in determining the application are whether the proposal complies with local plan policy and the impact on the amenity of the area.
- 6.2 The site is identified as lying within a Commercial Land Use area in the Lower Clydesdale Local Plan. Policy COM4: Retail Core Areas applies and states that proposals for change of use of the ground floor properties in Lanark High Street which would bring the representation of class 1 use to below 75% of units within any one continuous block of properties or would result in two adjacent units coming into non-retail use will not be supported. The premises, in this instance, are located next to a hot food shop premises on one side and an optician's premises on the other, both existing Class 2 uses. The proposal is, therefore, contrary to this policy. I am satisfied, however, that the applicant has submitted adequate information to demonstrate that there is no current demand for a Class 1 operator for the premises subject of this application. The introduction of a Class 2 use at this location is not, however, considered to threaten the viability of the existing shopping area. I consider that, due to the mix of existing uses present within Lanark town centre, the approval of a Class 2 use at this location will make a positive contribution to diversification of the town centre and is a preferable option to the unit continuing to lie vacant. I therefore consider that a departure from adopted policy in this instance is acceptable. In addition, I consider the proposed Class 2 use is compatible with the surrounding area and I am satisfied that there would not be an adverse impact on amenity.
- 6.3 Policies contained in the South Lanarkshire Local Plan (Finalised Draft) are also a material consideration in determination of this application. The draft plan also identifies the site as being located within the town centre, subject to Policy COM1: Town Centre Land Use Policy. This policy states that within town centres the Council will allow a mix of uses compatible with their role as a commercial and community focal point. Compatible uses are shops, offices, housing, pubs and restaurants, leisure facilities and community, health and social facilities. As the proposal is for a Class 2 use, I conclude it accords with Policy COM1.
- 6.4 Policy COM2: Core Retail Areas Policy, states that within the areas identified, proposals for change of use of properties which would bring the representation of Class 1 retail uses to below 75% of units within any one continuous block of properties or would result in two adjacent units coming into non-retail use will not be supported. As stated above, the premises in this instance are located next to a hot food shop premises and an optician's premises, both existing Class 2 uses. Approval would therefore result in two neighbouring properties falling out of retail use. The proposal would therefore also be contrary to this policy. I am nevertheless satisfied,

for the reasons stated at Paragraph 6.2 above, that an exception to this policy can be justified in this instance.

6.5 In conclusion, the proposal is contrary to the adopted Lower Clydesdale Local Plan, Policy COM4 and the replacement South Lanarkshire Local Plan (Finalised Plan), Policy COM2 as approval would result in two neighbouring properties falling out of retail use. However, I am of the view that a departure from the development plan is justified for the following reasons:

- ◆ the proposal will bring back into use a vacant unit in a prominent location in Lanark Town Centre;
- ◆ the proposal will extend the range of facilities and the vitality of the town centre;
- ◆ the proposal accords with the provisions of NPPG8;
- ◆ there will be no adverse impact on the amenity or character of the area; and
- ◆ the applicant has adequately demonstrated that the property has been unsuccessfully marketed for an appropriate period of time.

7 Reasons for Decision

7.1 For the reasons stated at Paragraph 6.5 above.

Iain Urquhart
Executive Director (Enterprise Resources)

15 November 2006

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
Roads and Transportation Services (South Division) 09/11/2006

- ▶ Representations
None received

Contact for Further Information

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

Stuart Ramsay, Technical Officer, South Vennel, Lanark
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CONDITIONS

- 1 That the use hereby permitted shall be instituted 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.
- 3 That the permission hereby granted relates to a change of use only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any other such order revoking or re-enacting that order) no alterations shall be made to the external appearance of the building without the prior written consent of the Council as Planning Authority.

REASONS

- 1 In the interests of amenity and in order to retain effective planning control.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In order to retain effective planning control

For information only

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