

Report

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Report to:	Planning Committee
Date of Meeting:	23 January 2007
Report by:	Executive Director (Enterprise Resources)

Application No	HM/06/0715
Planning Proposal:	Change Of Use Of Vacant Unit (Class 1) To Financial/Professional (Class 2)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Asda Stores Limited
- Location : Clydeview Shopping Centre
Glasgow Road
Blantyre

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

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

3 Other Information

- ◆ Applicant's Agent: Colliers CRE
- ◆ Council Area/Ward: 35 Burnbank/Blantyre
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy ED29 – Primary Shopping Frontage
Policy ED17 – Blantyre Town Centre
Policy DC1 - Development Control General
Finalised South Lanarkshire Local Plan
Policy COM1 – Town Centre Land Use
Policy COM2 – Core Retail Areas
Policy DM1 – Development Management

- ◆ Representation(s):
▶ 0 Objection Letters

- ◆ Consultation(s):
None

Planning Application Report

1 Application Site

- 1.1 The application site relates to a vacant unit within Clydeview Shopping Centre in Blantyre. There are neighbouring shop units to the north and east with a large pedestrianised area to the front.

2 Proposal(s)

- 2.1 This application relates to a proposed change of use of the existing vacant unit (Class 1) as identified in the 1997 Use Classes (Scotland) Order to that of a financial/professional use (Class 2). The application relates solely to the change of use of the unit and does not involve any external alterations.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the adopted Hamilton District Local Plan, the application site is affected by Policy ED17 – Blantyre Town Centre – states that Blantyre Town Centre is recognized as an area of mixed uses, within which the Council will consider all proposals in the light of the balance between retail and non-retail uses and in the context of Policy ED29 together with their need to meet consumer expectations. Policy ED29 – Primary Shopping Frontage. This policy states that within primary shopping areas the Council will seek to maintain a 75%:25% ratio of retail to non-retail uses in shopping streets and will not permit two adjoining frontages to be put to non-retail use. Policy DC1, Development Control General, states that all planning applications shall fully take into account the local context and built form - i.e. development should not take place in isolation and must take cognisance of scale, position and materials of adjacent buildings and surrounding streetscape.
- 3.1.2 In terms of the Finalised South Lanarkshire Local Plan, the site is affected by Policy COM1. This policy states that within town centres the Council will allow a mixture of uses compatible with their role as a commercial and community focal point. Examples of compatible uses are shops, offices, housing, pubs and restaurants, leisure facilities and community, health and social facilities. Policy COM2 – Core Retail Areas – also applies and identifies the application site as lying in such an area. Proposals that involve the representation of retail uses within any one block falling below 75% will not be supported and no more than two neighbouring properties will be allowed to fall out of retail use. Policy DM1 also requires applications to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscapes.

3.2 Relevant Government Guidance

- 3.2.1 There is no government advice relevant to this application.

3.3 Site History

- 3.3.1 There are no applications on this site relevant to this application.

4 Consultation(s)

- 4.1 No consultations were carried out during the determination of this application.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the application was advertised as a Development Potentially Contrary to the Development Plan during which period no letters of representation were received against the application.

6 Assessment and Conclusions

- 6.1 This application relates to the change of use of an existing vacant unit within Clydeview Shopping Centre from a Class 1 use to a Class 2 use. The main determining factors in assessing the planning application relate to its ability to comply with relevant local plan policy as well as its impact upon the character and amenity of the surrounding area.
- 6.2 In terms of the adopted Hamilton District Local Plan the application site is affected by Policy ED17 – Blantyre Town Centre. This policy states that the Council will consider all proposals in the light of the balance between retail and non-retail uses together with their need to meet consumer expectations. While the balance between retail and non-retail does not meet the standard required within Policy ED29 of the adopted Local Plan, Policy ED17 states that the Council will take into consideration the need to meet consumer expectations. The applicant has displayed through the submission of a planning statement that there was no demand for the vacant unit to be put to a retail use and that the only interest was from the applicant (a Class 2 use). The current proposals can therefore be considered to reflect the market demand for non retail uses at this location.
- 6.3 Policy ED29 – Primary Shopping Frontage. As the adjoining unit is a hairdresser (which is Class 1 as defined within the Use Classes (Scotland) Order 1997) and there is a (vacant) retail unit to the rear of the application site the proposed change of use will not result in two adjoining non-retail uses. The ratio of retail to non-retail within the shopping centre will be close to that suggested by ED29. It is considered, however, that in the interests of retaining a vibrant and viable consumer destination that the proposed change of use can be justified in this instance.
- 6.4 In terms of Policy COM1 – Town Centres – as contained within the Finalised South Lanarkshire Local Plan, it is considered that the proposed development complies with the above policy in that it represents works associated to a use compatible with the uses listed above. The proposed use would be compatible with those use identified within the above policy. Policy COM2 – Core Retail Areas – as contained within the Finalised South Lanarkshire Local Plan also identifies the application site as being affected by this policy. This policy also requires the representation of retail units in such locations to not stand below 75% in one continuous block and does not permit more than two neighbouring properties to fall out of retail use. As noted above the ratio of retail to non-retail uses is below the threshold identified by this policy. It is considered that the justification provided by the applicant addresses this issue and that the change of use of the unit is required in order to maintain the vitality of the town centre. It is further noted that the application would result in the formation of no more than two adjoining non-retail which would comply with Policy COM2 above.
- 6.5 Both Policies DC1 and DM1 of the adopted and Finalised Local Plans should be referred to. These policies require that development does not occur on its own but rather takes fully into account the local context and built form. It is considered that the proposed development will not conflict with the above policies and that any application for the formation of a shop front of the unit, should permission be granted for the change of use, will be considered in terms of the impact upon the streetscape.
- 6.6 Statutory neighbour notification was undertaken and the application was advertised as Development Potentially Contrary to the Development Plan during which period no letters of representation were received. No consultations were undertaken during the determination of the application.

6.7 The proposal for the change of use of the unit to Class 2 from Class 1 is contrary to the adopted Hamilton District Local Plan in that the proposals would result in the retail to non-retail ratio falling below the threshold required in Policy ED29. The proposal is also contrary to the terms of Policy COM2 of the Finalised South Lanarkshire Local Plan which contains similar provisions. I am of the view, however, that a departure from the development plan is justified in this case for the following reasons:

- (a) The unit has been unsuccessfully marketed for a Class 1 use and it would therefore appear that the market would not support a retail use at this location.
- (b) In terms of maintaining the viability and vitality of the core retail area, it is considered that the introduction of a Class 2 use to the site would be preferable to a vacant unit.
- (c) The proposals raise no amenity or other policy issues.

7 Reasons for Decision

7.1 For the reasons given in paragraph 6.9 above.

Iain Urquhart
Executive Director (Enterprise Resources)

28 December 2006

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:-

Jamie McCracken, Planning Officer, Brandon Gate, Hamilton
Ext 3552 (Tel :01698 453552)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

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.
- 3 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), the use of the unit hereby approved shall be restricted to use as financial and professional purposes and for no other purpose within Class 2 as defined in the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, without the prior written consent of the Council as Planning Authority.
- 4 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.
- 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.

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.
- 3 In order to retain effective planning control
- 4 In order to retain effective planning control
- 5 To safeguard the amenity of the area.

For information only

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