

Report

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| Report to: | Planning Committee |
| Date of Meeting: | 24 May 2011 |
| Report by: | Executive Director (Enterprise Resources) |

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| Application No | EK/11/0084 |
| Planning Proposal: | Application Under S42 Town & Country Planning(Scotland) Act for Non-Compliance with Conditions 1, 2 and 3 of Planning Permission EK/07/0147 to Allow Additional Time to Commence Development |

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : JSB (Holdings) Ltd
- Location : St Leonards Shopping Centre
St Leonards
East Kilbride

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Planning Permission in Principle – Subject to Conditions (Based on the Conditions Attached)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The Planning Committee is required to determine this application as the Council has a financial interest in the site.

3 Other Information

- ◆ Applicant's Agent: GVA Grimley Ltd
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
COM 3 - New Retail/Commercial Development Policy
COM 6 - Village/Neighbourhood Centres Policy

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

- ◆ Consultation(s):

Environmental Services

Roads and Transportation Services (East Kilbride Area)

The Coal Authority - Planning and Local Authority Liaison Department

Planning Application Report

1 Application Site

- 1.1 The application relates to the St Leonards Neighbourhood Centre in the east sector of East Kilbride.
- 1.2 The site extends to 6.45 hectares and is bounded by St Leonards Road to the north, High Common Road to the east, Blacklaw Drive to the south and Glen Urquhart to the west. The site is centrally located within the residential area of St Leonards. It is mainly level with a sloping area of open space to the north towards St Leonards Road. The site is designated for commercial use within the Local Plan with the area of open space in the northern section of the site falling within the residential zone. The site is currently operating as a neighbourhood centre providing a supermarket and other shops, library, petrol filling station together with workshop units and other community facilities.

2 Proposal(s)

- 2.1 A previous outline planning consent (EK/07/0147) was granted which established the principle of the redevelopment and reconfiguration of the existing neighbourhood centre with associated access, car parking and servicing arrangements. The applicant sought outline planning consent for a 3,530sqm (c38,000 square feet) supermarket and six small retail units ranging from 88 square metres to 167 square metres in floor area. The existing petrol filling station, betting shop and public house are privately owned and did not form part of the outline proposals. The existing library would be relocated to the eastern edge of the site. This new library has detailed planning permission under a previous planning application (EK/07/0146). The outline planning permission was granted in April 2008 and was granted for a period of three years. This consent has now expired and no further submission has been received. The applicant now wishes to extend the permission for a further three years to allow detailed plans to be prepared and submitted for consideration. It should be noted that the consent lapsed in April and this application was submitted in March. This is due to changes in planning legislation now requiring applications of this scale to be the subject of at least a minimum 3 month Pre Application consultation process. This pre application consultation process has been carried out to the Council's satisfaction.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is zoned as commercial with the area of open space to the north zoned as residential within the adopted South Lanarkshire Local Plan.

3.2 Planning History

- 3.2.1 The existing St Leonards Neighbourhood Centre was originally developed by the New Town Development Corporation in the late 1960s and early 1970s. The Centre is now privately owned and is in need of regeneration and upgrade.

4 Consultation(s)

- 4.1 **Environmental Services** – no objections subject to conditions.
Response: Noted. Appropriate conditions would be attached at the detailed planning application stage.
- 4.2 **Roads and Transportation Services** – no objections.
Response: Noted.

4.3 **Coal Authority** – no objections subject to advisory notes relating to previously mined areas being attached to any consent.

Response: Noted. Advisory notes will be attached to any consent issued.

5 **Representation(s)**

5.1 Following statutory neighbour notification and advertisement in the East Kilbride News for non notification of neighbours, no letters of representation were received.

6 **Assessment and Conclusions**

6.1 The applicant wishes to amend three conditions which were attached to Planning Consent EK/07/0147. The conditions all relate to the time period granted until planning consent expires and are as follows.

- 1 That before the expiration of three years from the date of this outline permission and before any development starts, a written application and plans in respect of the following Reserved Matters shall be submitted to the Council as Planning Authority:
 - (a) a site layout plan at a scale of [1:500] showing the position of all buildings, roads, footpaths, parking areas and service areas (distinguishing where appropriate between private and public spaces), walls, fences, landscaping, and open space;
 - (b) plans and elevations of each building showing their dimensions and type and colour of materials;
 - (c) a landscaping plan at a scale of [1:500] showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
 - (d) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
 - (e) detailed cross-sections of existing and finished ground levels and finished floor levels, in relation to a fixed datum, preferably ordnance datum.
- 2 That the development hereby permitted shall be started either within five years of the date of this permission or within two years of the date on which the last of the reserved matters are approved, whichever is the later;
- 3 That within three years of the date of this permission, an application for approval of the reserved matters, specified in condition (1) above, shall be made to the Council as Planning Authority.

6.2 The applicant has not fulfilled the above conditions as there has not been a subsequent detailed planning application submitted. This is due to the economic downturn, however the applicant wishes to be able to pursue the redevelopment of the shopping centre in the future and therefore has requested that the above conditions are amended to allow further time to prepare and submit a detailed planning application.

6.3 It should be noted that, since the approval of the outline consent in April 2008, planning legislation has changed and the procedures relating to this application are now amended. Firstly, the application is classed as a 'Major' development as it provides over 2000 square metres of retail floorspace. 'Major' developments require to be the subject of a pre-application consultation process which requires the applicant to consult with the local community over a minimum period of three months. Only when the pre application consultation period lapses, can a planning application be submitted. Whilst the original planning consent expired in April 2011, the applicant submitted this application in March, prior to this. The second change

which affects this application is the description of the application type. The term 'Outline Planning Permission' is no longer in use, and has been replaced by the term 'Planning Permission in Principle'. Therefore the amended conditions attached to this report therefore refer to 'Planning Permission in Principle'.

6.4 Planning consent EK/07/0174 was considered to be an acceptable departure from the development plan on the following grounds.

- The proposal was in outline and involved the redevelopment and reconfiguration of an existing, established commercial centre, albeit with additional floorspace; and
- The applicant submitted a retail assessment which demonstrated that the proposed additional floorspace will not have a detrimental impact on the East Kilbride town centre or nearby village and neighbourhood centre and the proposed development accords with Structure and Local Plan Policy.

The issuing of Planning consent EK/07/0147 established the principle of the redevelopment of St Leonards Shopping Centre and it is not necessary to revisit this principle when assessing this current proposal. The approval of this application would allow the applicant to recover from the economic downturn and resurrect the desired redevelopment and reconfiguration of the shopping centre.

6.5 Given the above, I can confirm that I am satisfied that the applicant has carried out the appropriate pre application consultation and that the principle of redevelopment of the St Leonard's Shopping Centre remains acceptable. I would therefore recommend that planning permission be granted to allow the applicant a further three years to submit an application for the Reserved Matters detailed in Conditions 2 and 3 attached to this report.

7 Reasons for Decision

7.1 The proposal complies with the adopted South Lanarkshire Local Plan and the principle of development established by the grant of planning consent EK/07/0147.

Colin McDowall
Executive Director (Enterprise Resources)

10 May 2011

Previous References

- ◆ EK/07/0147 – Granted 1 April 2008

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - The Coal Authority - Planning and Local Authority Liaison Department 23/03/2011
 - Environmental Services 07/04/2011

- ▶ Representations
None

Contact for Further Information

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

Maud McIntyre, Planning Officer, Civic Centre, East Kilbride
Ext 6385, (Tel :01355 806385)
E-mail: Enterprise.ek@southlanarkshire.gov.uk

CONDITIONS

- 1 This decision relates to drawing numbers:03013(-)01; 03013(-)04 RevD.
- 2 Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
 - (a) the layout of the site, including all roads, footways, parking areas and open spaces;
 - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
 - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
 - (d) the means of access to the site;
 - (e) the design and location of all boundary treatments including walls and fences;
 - (f) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
 - (g) the means of drainage and sewage disposal.
 - (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
- 3 The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:
 - (a) expiry of 3 years from when permission in principle was granted
 - (b) expiry of 6 months from date when an earlier application for approval was refused, and
 - (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

- (i) different matters, and
 - (ii) different parts of the development
- at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

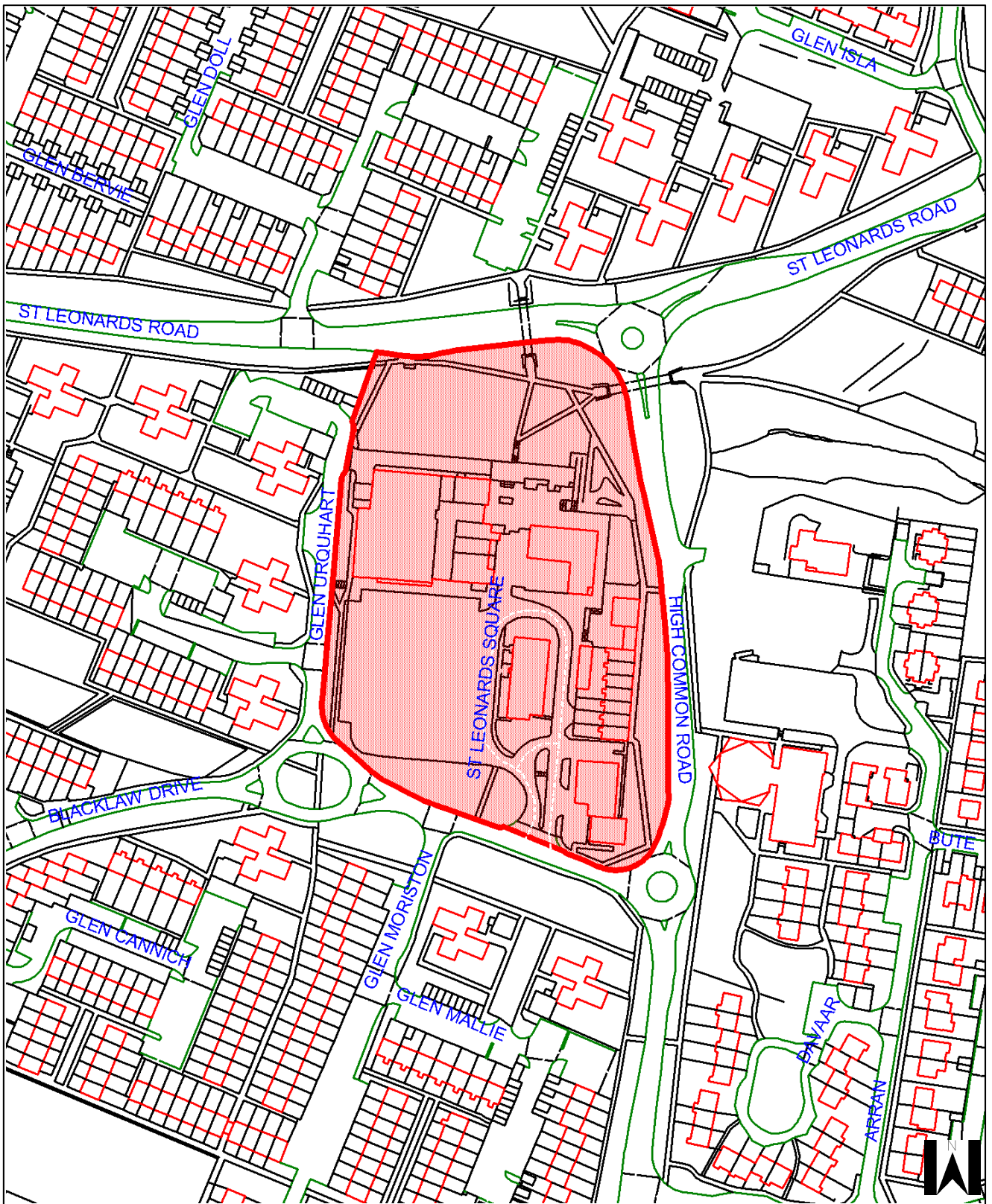
- 4 That prior to the commencement of site works, a Drainage Impact Assessment (including a detailed scheme for surface water drainage) shall be submitted to and approved in writing by the Council as Planning and Roads Authority.
- 5 Surface water discharge from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and shall be agreed with the Council as Planning Authority and Scottish Water.
- 6 That the floorspace of the supermarket hereby approved (3530 sq m gross) represents a maximum floor area and that no increase in floorspace will be

permitted, including mezzanine floors, without the approval of the Council as Planning Authority.

- 7 That prior to the commencement of site works, details of the provision of flood prevention works, together with subsequent management and maintenance arrangements shall be submitted to and approved by 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 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 5 To ensure a satisfactory disposal of surface water in a safe and sustainable manner with minimum adverse impact on people and the environment and to alleviate the potential for 'off-site' flooding.
- 6 To comply with planning policy and not to undermine the role of town centres and to retain effective planning control.
- 7 To ensure that there will be no increased risk of flooding to land and properties either on site or down stream.



For information only

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