

# Report

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Report to: **Planning Committee**  
Date of Meeting: **21 June 2011**  
Report by: **Executive Director (Enterprise Resources)**

Application No EK/11/0037  
Planning Proposal: Change of Use of Shop to Licensed Lounge Bar and Alterations to Shopfront

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Village Enterprises Ltd
- Location : 17 Stuart Street  
East Kilbride  
G74 4NG

## 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: David Napier
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**  
Policy COM6 – Village/Neighbourhood Centres  
Policy ENV25 – Conservation Areas  
Policy DM1 – Development Management

### ◆ Representation(s):

- ▶ 17 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 forms half of a former hairdressers business, which occupied both units 15 and 17 Stuart Street. The units have recently been subdivided with the hairdressers (No.15) reducing in size and the remaining part (No.17) now vacant. The site is the end unit of a row of single-storey commercial units within the East Kilbride Village Conservation Area. The adjacent unit is occupied by a hot-food takeaway, East Kilbride Bowling Club lies to the rear (east) of the site, Clydesdale Bank to the south and a mixture of residential and commercial units lie to the west.

### 2 Proposal(s)

- 2.1 The applicant proposes to change the use of 17 Stuart Street from a hairdressers (class 1) to a licensed lounge bar (sui generis). During the course of the application, the applicant also submitted additional plans for consideration, which show alterations to the shop front (new doors, windows and white painted timber finish). The floor area of the unit is approximately 78 square metres.

### 3 Background

#### 3.1 Local Plan Status

The application site lies within the commercial area of East Kilbride Village as defined in the Adopted South Lanarkshire Local Plan. It also lies within The Village Conservation Area. In this respect Policies DM1 – Development Management, COM6 - Village/Neighbourhood Centres and ENV25 – Conservation Areas all apply in this instance.

### 4 Consultation(s)

- 4.1 **Environmental Services** - have raised no objections, subject to the imposition of a condition requiring the submission of a noise statement prior to the start of development.

**Response:** Noted, an appropriate condition can be imposed on any consent issued.

- 4.2 **Roads and Transportation Services (East Kilbride)** – have no objections to the proposal due to the existence of car parking provision within the Village and the availability of public transport links.

**Response:** Noted.

- 4.3 **East Mains Community Council** – object to the application as the proposal is in direct contravention of Policy COM6 of the Adopted South Lanarkshire Local Plan.

**Response:** It is acknowledged that the proposal does not comply with Policy COM6 as the unit has not been marketed for Class 1 use for a period of at least 12 months and the representation of retail units within the Village is currently below 60% (approximately 50%). It is considered, however, that due to current economic conditions the proposal should be supported, in this instance, to help ensure the continued operation of East Kilbride Village as a successful commercial centre.

### 5 Representation(s)

- 5.1 Following neighbour notification and advertisement of the application, a total of seventeen letters of representation have been received. In addition, one of the letters (Elizabeth Court Residents Association) has 14 signatures on it. The points raised are summarised as follows:

- a) **Lack of shops in the village/too many licensed premises – there are at least 16 licensed premises (over provision) in the area and a distinct lack of shops.**

**There is insufficient choice of shops/commercial outlets. The village is the main shopping area for East Mains residents.**

**Response:** The village is identified as a village/neighbourhood centre in the Local Plan (COM6), where protection is given to retail premises to ensure that appropriate shopping provision is available to local residents. It is considered, however, that the village also performs a function in terms of providing non-shopping attractions for the residents of East Kilbride. The Planning Service seeks to balance these competing interests, i.e. the provision of sustainable, local retail services, the protection of amenity for local residents and the demand for leisure uses, especially in relation to the night-time economy. In this instance, it is considered that the loss of this retail unit will not have a detrimental impact on the viability and vitality of the Village as a retail centre and a lounge bar is an appropriate addition to this area.

- b) **Advertisement notice - no advertisement was displayed on the premises to indicate that a planning application had been made.**

**Response:** In this case there was no statutory requirement to display a notice at the application site.

- c) **Noise disturbance – the proposal will bring nightlife closer to residential areas on Stuart Street. There is existing noise disturbance due to people standing outside smoking at licensed premises.**

**Response:** The property is not immediately adjacent to any residential properties, although there are flats on the opposite side of Stuart Street. It is considered that any potential disturbance by customers would not be significant and would not merit refusal of this application. Environmental Services have not objected to the application, although they have recommended that a condition requiring a noise statement is placed on any planning permission. Should any mitigation measures be necessary, these will require to be implemented prior to the use being brought into operation.

- d) **Other disturbance/social problems - there is an endemic problem of urination in the street. The large number of licensed premises in the area has led to social problems culminating in the tragic death of a young man. There is a narrow pavement in front of the wine bar that will cause problems with smokers obstructing pedestrians.**

**Response:** Anti-social behaviour and violence are predominately matters to be dealt with by the Police in association with the Council as Licensing Authority. The Planning Service is aware of concerns in relation to these serious issues, however, in terms of the assessment of this application, the proposal is considered to be acceptable in planning terms, as set out in section 6 of the report.

- e) **Loss of business - The loss of shops makes the area less attractive to shoppers, which may harm business. Little is done to encourage retail in the area. The proposal is likely to lead to a loss of jobs in existing licensed premises. It is unfair on tenants to be trading in an environment full of licensed premises.**

**Response:** The Local Plan states that village and neighbourhood centres provide a day to day retail function and essential services to their locality. It is considered that the Village performs this function successfully and the loss of part of a single retail frontage, in this instance, will not adversely impact on the vitality and viability of the village as a shopping destination. Potential loss of business for a rival, licensed premise is not a material planning consideration.

- f) **Traffic/parking – the village area is already too busy with major traffic and parking problems. The proposal will increase demand for parking, particularly for residents.**

**Response:** No objections have been received from Roads and Transportation in this regard.

- g) **Planning policy – The local Council has already set down a rule whereby retail outlets in the Village should occupy 60% of available commercial space. This regulation is clearly being breached. I would expect elected Councillors to uphold their own rules, and to do so rigorously.**

**Response:** This issue relates to the terms of Policy COM6 of the Local Plan, which has been addressed in paragraphs 4.3 and 5.1(a) above and is further considered in the assessment section 6 below.

- h) **Alterations to front elevation – the premises have clearly been altered in anticipation of change of use. I do not recall an application being made for the alteration of this frontage.**

**Response:** The alterations to the front elevation during the course of the application were made without planning permission. Revised plans were subsequently submitted showing this amendment (in retrospect). Additional neighbour notification was then carried to ensure that all notifiable neighbours were aware of this change to the application.

These letters have been copied and are available for inspection in the usual manner and on the Planning Portal.

## **6 Assessment and Conclusions**

- 6.1 The determining issue that requires to be addressed in respect of this application is compliance with local plan policy as set out in the Adopted South Lanarkshire Local Plan 2009 and any other material considerations.
- 6.2 Policy DM1 states that all planning applications will be required 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. In this instance it is considered that the alterations to the front elevations are acceptable and compatible with the surrounding streetscape. Furthermore, given the mix of uses in the vicinity of the site, the development should have minimal impact on amenity in terms of noise or other forms of disturbance.
- 6.3 Policy ENV25 details requirements for planning applications for sites situated within Conservation Areas. The policy states that the Council shall presume against all development that fails to ensure that the character and appearance of the conservation area would be preserved or enhanced. Design, materials, scale and siting of any development should be appropriate to the character of the Conservation Area and its setting. As described above, the proposed alterations are considered acceptable and as such the proposal is considered to comply with Policy ENV25.
- 6.4 Policy COM6, concerning village/neighbourhood centres, states that proposals for changes of use in 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 regard to the amenity of the surrounding area. Within East Kilbride Village, the policy states that proposals for changes of use will not be supported if the representation of retail units is below 60%, unless it can be demonstrated that the premises have been marketed unsuccessfully for a period of one year.

- 6.5 It is considered that the proposed development would assist in terms of the provision of an appropriate mix of uses within the commercial area and would not adversely affect the retail services available to the local area. However, it is acknowledged that the representation of retail units within the Village is currently below 60% and the proposal is therefore contrary to Policy COM6.
- 6.6 It is also noted, however, that until recently 15-17 Stuart Street operated as one business (hairdressers split into ladies and gents). The proposal will therefore result in one retail unit continuing to operate from 15 Stuart Street, with No.17 as the proposed lounge bar. In this regard, the provision of a hairdressers in this location will remain as existing, albeit there will be one, additional, non-retail frontage. The applicant has not provided any information on marketing and although the unit is currently vacant, this factor cannot carry significant weight in any assessment. In conclusion, although the proposal is contrary to the terms of Policy COM6 as it will result in the loss of one retail frontage, given that the number of retail services within the village will remain unaltered (due to the sub-division) and given the current economic circumstances, the addition of a further business to the Village is considered acceptable.
- 6.7 In summary, although the proposed development does not comply with Local Plan policy, specifically in relation to Policy COM6 of the adopted South Lanarkshire Local Plan, it is considered that, in this instance, the addition of an appropriate village/neighbourhood centre use will not harm amenity or the vitality and viability of The Village. Additionally, the proposal is deemed to comply with all other relevant South Lanarkshire Local Plan policies.
- 6.8 The proposal was advertised as Development Contrary to the Development Plan in the East Kilbride News as it constitutes a change of use away from Class 1 within an area designated as a Village/Neighbourhood Centre in the adopted South Lanarkshire Local Plan. The proposal has been fully assessed and I would recommend that planning permission is granted contrary to the adopted Local Plan for the following reasons:
1. The proposal complies with Policies DM1 and ENV25 of the adopted South Lanarkshire Local Plan (2009).
  2. The proposal is not considered to adversely affect the amenity or vitality and viability of the surrounding area.
  3. There are no adverse infrastructure issues.

## **7 Reasons for Decision**

- 7.1 The proposal is an acceptable departure from the development plan for the reasons stated in paragraph 6.8 above.

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

**6 June 2011**

## Previous References

- ◆ None

## List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - S.E.P.A. (West Region) 10/02/2011
  - East Mains Community Council 16/02/2011
  - Roads and Transportation Services (East Kilbride Area) 25/02/2011
  - Environmental Services 23/02/2011
- ▶ Representations
  - Representation from : Gillian Scott, The Village Optician, Unit 2, Elizabeth Court Stuart Street, East Kilbride, G74 4NG, DATED 01/03/2011
  - Representation from : J Thompson, address not given, DATED 21/02/2011
  - Representation from : Owner/Occupier, 94 Franklin Place, Westwood, East Kilbride, G75 8LS, DATED 04/05/2011
  - Representation from : Miss Ann Don, 47 Shiel Avenue, East Mains, East Kilbride, G74 4AP, DATED 24/02/2011
  - Representation from : Mr Joseph Gallacher, 12 Lindsay Road, East Kilbride, G74 4JA, DATED 24/02/2011
  - Representation from : Mr John J Farrell, 2 Lindsay Road, East Kilbride, G74 4JA, DATED 24/02/2011
  - Representation from : Elizabeth Court Residents Association, Elizabeth Court, Stuart Street, The Village, East Kilbride, G74 4NG, DATED 03/03/2011
  - Representation from : Alastair Gunning, 27 Kirkton Park, East Kilbride, G74 4HU, DATED 23/02/2011
  - Representation from : Owner/ occupier, 16 Threshold, East Kilbride, G74 4HW, DATED 23/02/2011
  - Representation from : W Arthur, 11 Threshold, Whitemoss, East Kilbride, DATED 23/02/2011
  - Representation from : Owner occupier, 18 Threshold, East Kilbride, DATED 23/02/2011
  - Representation from : Mrs R Anderson, 1 Bosfield Road, East Kilbride, G74 4BE, DATED 23/02/2011
  - Representation from : Gillian Scott, 4 Stuart Street, The Village, East Kilbride,

G74, DATED 28/02/2011

Representation from : Diane Grant, The Village Inn, 1-3 Stuart Street, The Village, East Kilbride, G74, DATED 28/02/2011

Representation from : Mr Allan, 94 Franklin Place, Westwood, East Kilbride G75 8LS, DATED 01/04/2011

Representation from : Mr James A McWilliam, 45 Avondale Avenue, East Kilbride G74 1NS, DATED 06/05/2011

Representation from : Mrs M Roberts, 18 Stuart Street,, East Kilbride G74 4NG, DATED 08/05/2011

**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, East Kilbride  
(Tel :01355 806652 )  
E-mail: Enterprise.ek@southlanarkshire.gov.uk



## Detailed Planning Application

PAPER APART – APPLICATION NUMBER : EK/11/0037

### CONDITIONS

- 1 This decision relates to drawing numbers:  
Location Plan (Drawing No. VEL/2011/01)  
Block Plan (Drawing No. VEL/2011/02)  
Existing Floor Plan (Drawing No. VEL/2011/03)  
Proposed Floor Plan (Drawing No. VEL/2011/04 Rev B)  
Existing & Proposed Drainage Layout (Drawing No. VEL/2011/05)  
Existing Rear Elevation (Drawing No. VEL/2011/06)  
Existing Side Elevation (Drawing No. VEL/2011/07)  
Proposed Side Elevation (Drawing No. VEL/2011/09)  
Proposed Rear Elevation (Drawing No. VEL/2011/08)  
Existing Front Elevation (Drawing No. VEL/2011/11)  
Proposed Front Elevation (Drawing No. VEL/2011/12)
- 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 Development shall not commence until an assessment of the potential for the proposed use to cause noise nuisance including, if applicable, noise produced by the ventilation equipment, to occupants in Stuart Street and Elizabeth Court, has been submitted to the Council as Planning Authority. Where potential noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Council as Planning Authority. The approved scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.  
Such an assessment and the recommendation of any attenuation measures shall be carried out by a suitably qualified person.

### 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 To minimise noise disturbance to adjacent occupants.

EK/11/0037

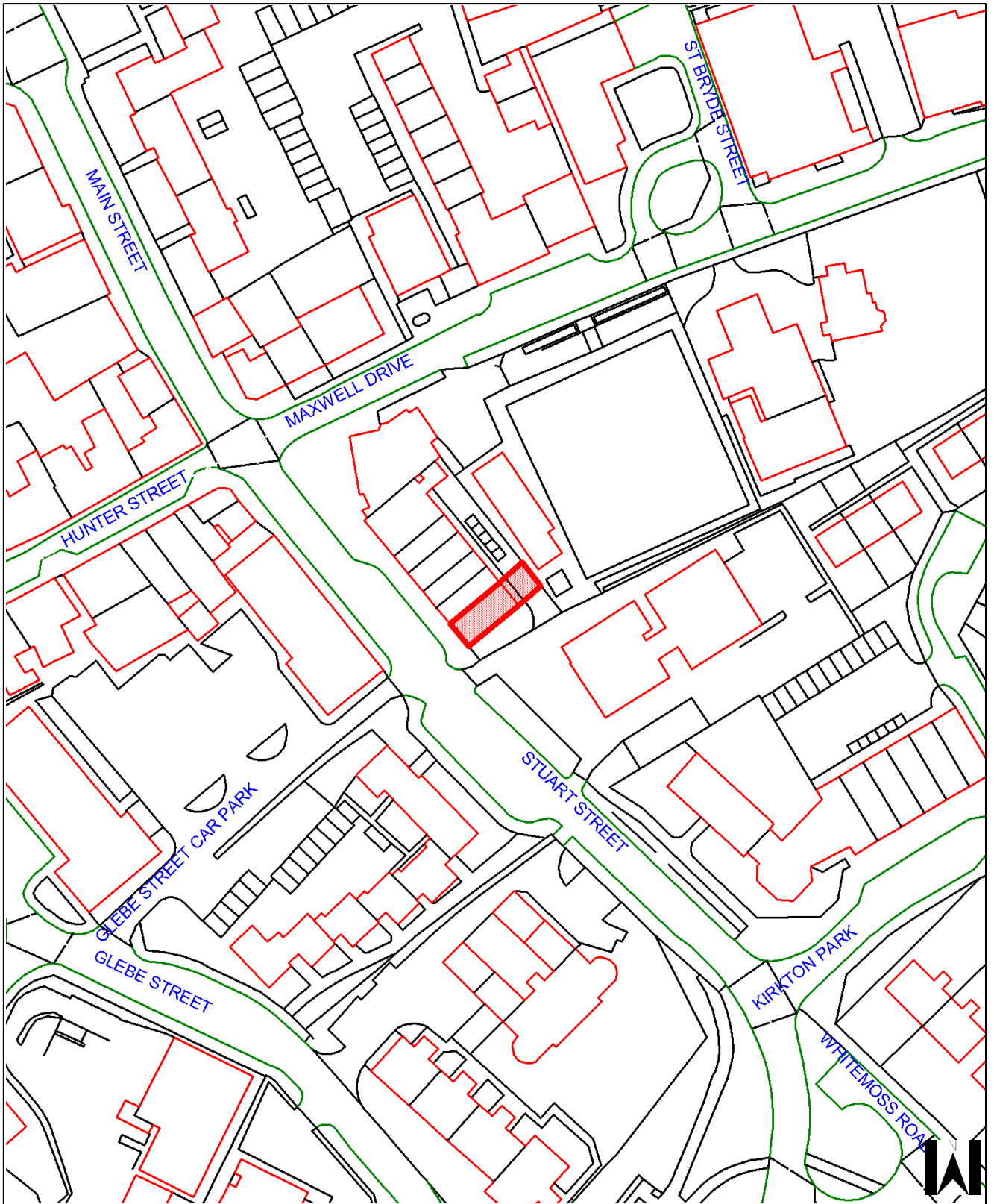
15-17 Stuart Street, East Kilbride

Planning and Building Standards Services

Scale: 1: 1250

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