

Report

Report to:	Planning Committee
Date of Meeting:	15 February 2022
Report by:	Interim Executive Director (Community and Enterprise Resources)

Application no.	P/21/1444
Planning proposal:	Erection of retail unit (Class 1) with associated works

1. Summary application information

Application type:	Detailed planning application
Applicant:	Scotsman Group
Location:	Site of Former Stuart Hotel 2 Cornwall Way East Kilbride South Lanarkshire

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: Steve Convery
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
Policy 2 – Climate Change
Policy 5 – Development Management and Placemaking
Policy 9 – Network of Centres and Retailing
Policy DM1 – New Development Design

◆ Representation(s):

▶	7	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Planning Application Report

1. Application Site

- 1.1. The application relates to the site of the former Stuart Hotel at 2 Cornwall Way, East Kilbride. The site, which measures 0.13 hectares in area, is currently vacant as the former hotel building has been removed.
- 1.2. The site is bounded to the south by adjacent retail units on Cornwall Way, to the west by a service access which serves the site and adjacent buildings, to the north by Cornwall Street and to the east by Cornwall Way and an area of landscaped open space. Vehicular access to the site is taken from the service access to the west of the site.

2. Proposal(s)

- 2.1. The applicants seek detailed planning permission for the erection of a retail unit with an associated service yard on the site. It is proposed that the retail unit would be utilised as a licenced convenience store. The proposed building would be single storey in height. The development would utilise approximately 40% of the site. An area of temporary landscaping would be put in place along Cornwall Way to screen the remainder of the site, which would not be developed as part of the current proposals.
- 2.2. Vehicular access to the site for delivery vehicles would be taken via the existing service yard to the west of the site. Pedestrian access to the proposed retail unit for customers would be taken from Cornwall Way.

3. Background

3.1. Local Plan Status

- 3.1.1. The site is designated as forming part of East Kilbride Town Centre under Policy 9 – Network of Centres and Retailing of the Proposed South Lanarkshire Local Development Plan 2 (adopted 2021). Policies 2 – Climate Change, 5 – Development Management and Placemaking and DM1 – New Development Design of the adopted Plan are also of relevance to the proposed development. The proposals are assessed against the relevant policies in Section 6 below.

3.2. Planning Background

- 3.2.1. Following the closure of the Stuart Hotel planning consent was granted in 2013 for the erection of a new hotel with associated facilities on the site (Planning Ref: EK/09/0242). However, the development was not subsequently undertaken and the consent has now expired. There is therefore no planning consent currently in place for the redevelopment of the site.

4. Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – Initially raised concerns with regard to the management of traffic accessing the proposed service yard to the west of the proposed retail premises. Following discussions with the applicants, the access details were amended to ensure that there would be no unacceptable impact on other users of the access route. These amended details have been confirmed as acceptable by the Roads Service and, on this basis, they have confirmed their satisfaction with the proposals subject to standard conditions relating to road safety matters.

Response: Noted. The requested conditions would be attached to any consent issued.

- 4.2. **Environmental Services** – Offered no objection to the proposed development subject to a condition relating to dust management on site.

Response: Noted. The requested condition would be attached to any consent issued.

5. Representation(s)

- 5.1. Statutory neighbour notification was undertaken and the proposal was advertised in the East Kilbride News for neighbour notification purposes and due to the nature of the development proposed. Eight letters of representation were received, comprising seven objection letters and one letter of comment. The points raised are summarised as follows:-

- a) **There are already a number of empty units in the area that would be more appropriate for this proposed use.**

Response: The writer's comments in this regard are noted. However, the Planning Service is required to consider the proposal that has been submitted in respect of this site, irrespective of the number of empty units that exist nearby. In this regard it is noted that the proposal relates to the formation of a retail use in a designated retail area and it is considered that the proposed use would not create any unacceptable amenity impact at this location. It is therefore considered appropriate to recommend that planning permission is granted in this instance as the proposed development fully complies with adopted Council planning policy.

- b) **The proposed use is not needed as there are a number of other similar uses in the local area.**

Response: The writer's comments in this regard are noted. However, the existence of other similar uses nearby is not a valid planning reason to refuse permission for a proposed development. In such cases, it is considered that market forces will dictate the success or otherwise of approved uses. As noted above, the proposed development is considered to fully comply with adopted Council planning policy in this instance. It is therefore considered appropriate to recommend that planning permission is granted for the proposed development.

- c) **The opening of a licenced store at this location will create anti-social behaviour issues in the vicinity of the site.**

Response: It is not considered that the formation of the proposed use within an urban commercial centre is likely to have a significant adverse amenity impact in terms of issues such as anti-social behaviour. In particular, given that the proposed development site is not located directly adjacent to any residential properties, this is considered to be an appropriate site for a commercial use such as the one proposed in this case.

- d) **More should be done to regenerate the town centre which is in a state of decline rather than developing another retail unit.**

Response: The writer's comments in this regard are noted. However, the Planning Service is required to consider the proposal that has been submitted in respect of this site in this case, which is for the erection of a retail unit. In this regard it is considered that the proposed use would not create any unacceptable amenity impact at this location and is fully compliant with adopted Council planning policy. It is therefore considered appropriate to recommend that planning permission is granted in this instance, subject to the attached conditions.

- e) **The writer objects to the provision of a servicing layby to the rear of the proposed development as it could impact on mail delivery vehicles accessing and egressing from the adjacent service lane which is used by the Royal Mail.**

Response: The writer's comments in this regard are noted and the potential access restrictions at this location were also noted by the Council's Roads and Transportation Services in their consultation response. Following discussions with the applicants, amended proposals have been submitted with regard to the servicing of the site and the proposed service layby has been removed from the plans. The Council's Roads and Transportation Services have confirmed their satisfaction with regard to the revised proposals and it is noted that they should allow both the existing and proposed businesses at this location to be appropriately served.

- f) **It should be ensured that no protected species, flora or fauna are harmed as a result of the proposed development works.**

Response: It is noted that, in this case, the building that was previously on site has been demolished and the site is currently vacant. It is therefore considered extremely unlikely that any such species would be harmed as a result of the proposed development of this vacant site in this instance.

5.2. These letters are available for inspection on the planning portal.

6. Assessment and Conclusions

- 6.1. The applicants seek detailed planning permission for the erection of a retail unit with an associated service yard on the site of the former Stuart Hotel located at Cornwall Way, East Kilbride. It is proposed that the retail unit would be utilised as a licenced convenience store. The proposed building would be single storey in height. The development would utilise approximately 40% of the site. An area of temporary landscaping would be put in place along Cornwall Way to screen the remainder of the site, which would not be developed as part of the current proposals.
- 6.2. The proposed development requires to be considered against the relevant policies of the South Lanarkshire Local Development Plan 2 (adopted 2021). It is noted that the site is located within an area designated as a town centre location under Policy 9 – Network of Centres and Retailing of the adopted Plan. This policy promotes the siting of retail and other commercial uses within designated commercial areas. As such, the principle of the proposed development of this site for the proposed retail use is considered to be compliant with the provisions of Policy 9.
- 6.3. Policies 5 – Development Management and Placemaking and DM1 – New Development Design seek to ensure that all developments are appropriately designed and sited and do not adversely impact on the amenity of the area in which they are situated. In this case it is noted that the proposed licenced convenience store would be located in an appropriate town centre location and would not be situated in close proximity to any residential areas. The design is considered to be appropriate to the location of the site and the existing adjacent retail units fronting onto Cornwall Way. In addition, it is noted that both the Council's Roads and Environmental Services have advised of their satisfaction with the proposals subject to conditions that would be attached to any consent issued.
- 6.4. Furthermore, it is noted that the proposed development would bring part of a vacant site back into commercial use, with landscaping also being provided to screen the remaining area until such time as suitable proposals are brought forward for its redevelopment. This would result in the visual amenity at this location being

significantly improved relative to the current situation on site. As such, the proposed development is considered to be fully compliant with the provisions of Policies 5 and DM1 of the adopted Plan.

- 6.5. Policy 2 – Climate Change of the adopted Plan seeks to ensure that proposals are appropriately designed and sited in terms of climate change considerations. In this case, it is noted that the town centre location is considered to be suitable for the proposed use and in particular, the proximity of the site to East Kilbride Bus Station is noted. The chosen location would allow the development to be easily accessed through a sustainable transport mode. As such, it is considered that the proposed development would comply with the provisions of Policy 2, particularly with regard to the sustainable location of the development site.
- 6.6. Following neighbour notification and advertisement of the application eight letters of representation were received comprising seven objection letters and one letter of comment. The points raised are summarised in Section 5 above. It is not considered that the points raised merit refusal of the application in this case.
- 6.7. Taking all of the above into account it is noted that the proposed development is fully compliant with the relevant provisions of the South Lanarkshire Local Development Plan 2 (adopted 2021) with specific regard to Policies 2, 5, 9 and DM1. In particular it is noted that the development would return an area of vacant land within the town centre to commercial use, which is to be welcomed. It is therefore recommended that planning permission is granted for the proposed development, subject to the attached conditions.

7. Reasons for Decision

- 7.1. The proposal would have no significant adverse impact on amenity and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan 2 (Policies 2, 5, 9 and DM1). There are no additional material considerations which would justify refusing to grant consent.

Alistair McKinnon

Interim Executive Director (Community and Enterprise Resources)

Date: 25 January 2022

Previous references

- ◆ EK/09/0242 – Planning Committee – 22 September 2009

List of background papers

- | | |
|---|------------|
| ▶ Application form | |
| ▶ Application plans | |
| ▶ South Lanarkshire Local Development Plan 2 (adopted 2021) | |
| ▶ Neighbour notification letter dated | 20.08.2021 |
| ▶ Consultations | |
| Roads Development Management Team | 14.09.2021 |
| Environmental Services | 01.09.2021 |

► Representations	Dated:
J. E Allan, 94 Franklin Avenue, Westwood, East Kilbride, G75 8LS	10.09.2021
Ms C Paterson, 28 Kirkton Park, East Kilbride, G74 4HT	31.08.2021
Ms L Thompson, 21 Strathnairn Avenue, East Kilbride, G75 8FW	31.08.2021
Mrs Gwen Phillips, 5, Macfie Place, East Kilbride, G74 4TY	31.08.2021
Mrs Ann Walker, 4 Whitsundale, Stewartfield, East Kilbride, G74 4NL	01.09.2021
Mrs Susanne Mclean, 11 Ochil Court, East kilbride, G75 9GJ	31.08.2021
Mrs Lesley Daley, 37 Glen Tennet, St Leonards, East Kilbride, G74 3UX	31.08.2021
Claire Pegg, No 1 Marsden Street, Manchester, M2 1HW	15.09.2021

Contact for further information

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

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
 Phone: 01698 455049
 Email: declan.king@southlanarkshire.gov.uk

Conditions and reasons

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority. The development shall thereafter be carried out in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority. The development shall thereafter be carried out in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

03. Prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To safeguard the environmental amenity of the area.

04. That, before the development hereby approved is completed or brought into use, a suitable system of site drainage shall be provided to prevent surface water flowing onto the public road and shall be satisfactorily maintained thereafter, all to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

05. That, during the construction stage associated with the development hereby approved:

- Appropriate cleaning systems should be put in place within the site to ensure mud and debris is not deposited on the public road;
- Wheel wash facilities/ road cleaning regime must be provided;

to the specification and satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

06. That, before works commence on site, a plan showing details of a turning area and parking provision for site staff/operatives shall be submitted to and approved by the Council as Roads and Planning Authority. Thereafter, the approved details shall be put in place on site and maintained for the duration of the works to the satisfaction of the Council as Roads and Planning Authority.

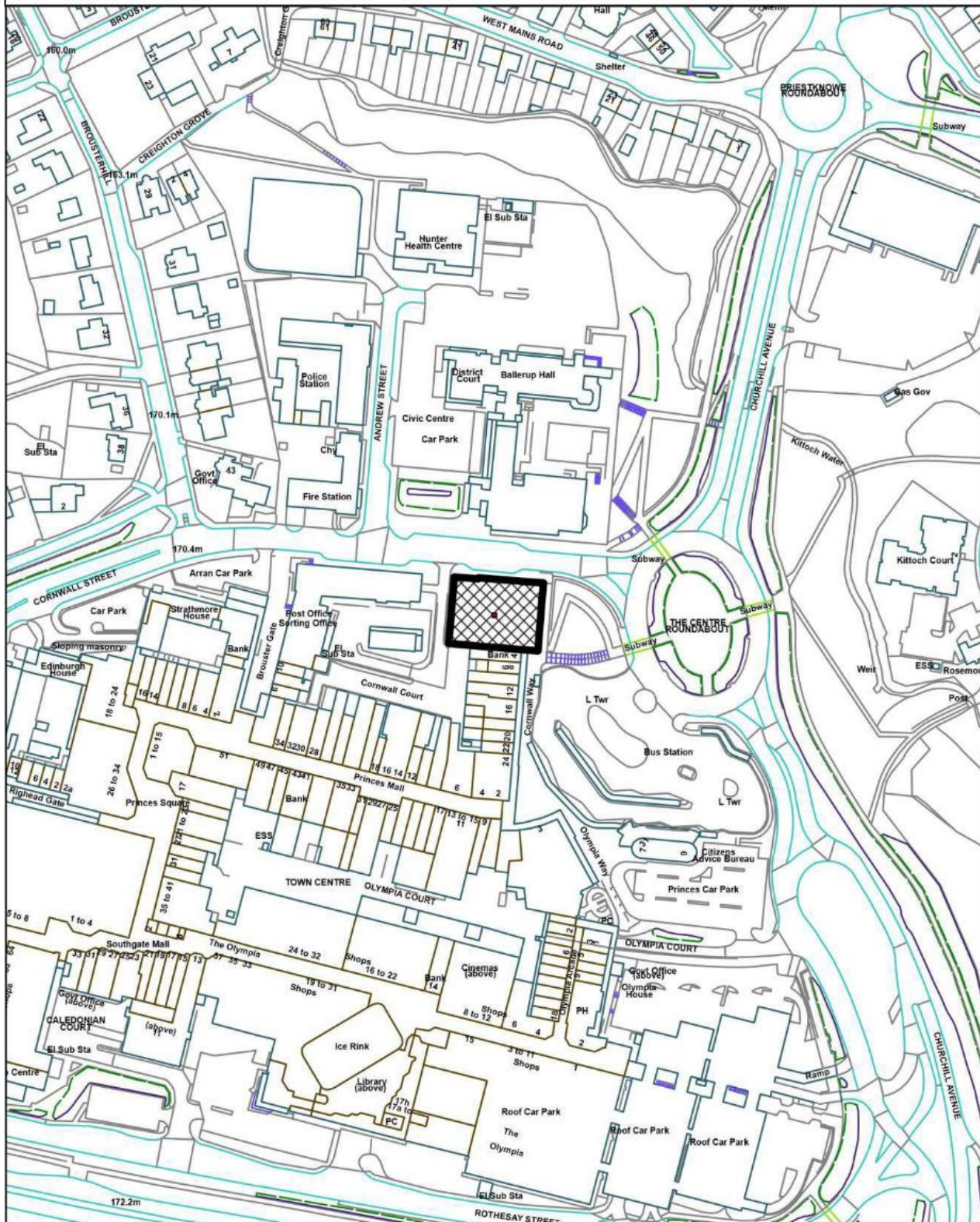
Reason: In the interests of road safety.

07. That, prior to the commencement of works on site, full details of the proposed temporary landscaping along Cornwall Way shall be submitted to and approved by the Council as Planning Authority. The approved details shall be put in place on site before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council until such time as it is agreed by the Council that they can be removed from the site.

Reason: In the interests of visual amenity.

P/21/1444

Site of former Stuart Hotel, 2 Cornwall Way, EK



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Scale:
1:2,500
Date:
20/01/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development