

	<h1>Report</h1>	<p>Agenda Item</p> <h1>12</h1>
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Report to: **Planning Committee**
Date of Meeting: **1 December 2009**
Report by: **Executive Director (Enterprise Resources)**

Application No CL/09/0277
Planning Proposal: Erection Of Class 1 Retail Store Together With Associated Landscaping, Car Parking And Formation Of New Access (Planning Permission In Principle)

1 Summary Application Information

- Application Type : Planning Permission in Principle
- Applicant : Milton Quarry Developments Ltd
- Location : Gilmours Yard
Land between Strathaven Road & Carlisle Road
Lesmahagow
ML11 0DN

2 Recommendation(s)

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

- (1) Refuse Planning Permission in Principle. (For reasons stated).

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: James Baird Associates
 - ◆ Council Area/Ward: 04 Clydesdale South
 - ◆ Policy Reference(s): **Glasgow & Clyde Valley Joint Structure Plan 2006**
 - Strategic Policy 6: Quality of Life and Health of Local Communities
 - Strategic Policy 9: Assessment of Development Proposals
 - Strategic Policy 10: Departures from the Structure Plan
- South Lanarkshire Local Plan (Adopted)**
- Policy COM3: New Retail/Commercial Development
 - Policy COM4: New Retail/Commercial Development proposals
 - Policy RES2: Proposed Housing Sites

- Policy RES6: Residential Land Use
- Policy TRA1: Development Location and Transport Assessment

◆ Representation(s):

- ▶ 1 Objection Letter
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Scottish Water

Roads and Transportation Services (Area Manager, Clydesdale)

S.E.P.A. (West Region)

Roads & Transportation Services H.Q.(Transportation)

Transport Scotland

Lesmahagow Community Council

Planning Application Report

1 Application Site

- 1.1 The application site is located on Carlisle Road in Lesmahagow (the B7078, the former A74). It extends to some 1.1 hectares and is currently occupied by a haulage/service yard. The site is located within a hollow and sits some 5 metres lower than Strathaven Road on its western boundary and up to 2 metres lower than Carlisle Road to the east. The site is bounded by Strathaven Road and 2 storey dwellinghouses to the west, a fire station, the existing access road to the yard and Lesmahagow High School to the south, Carlisle Road to the east and residential properties and garage lock-ups to the north.

2 Proposal(s)

- 2.1 The applicant seeks planning permission in principle for a Class 1 retail development on the site. An indicative plan has been submitted which shows the siting of a new retail store which comprises 1858 sq metres (20,000 sq.ft) floorspace. It is proposed to take vehicular access to the site from Carlisle Road with the provision of car parking spaces, service yard as well as landscaping around the periphery of the site. Pedestrian access from Strathaven Road is also shown on the plan.

3 Background

3.1 Structure Plan Background

- 3.1.1 There are a number of relevant policies contained in the Glasgow & Clyde Valley Joint Structure Plan 2006 which are relevant; i.e. Strategic Policy 6: Quality of Life and Health of Local Communities, Strategic Policy 9: Assessment of Development Proposals and Strategic Policy 10: Departures from the Structure Plan.

3.2 Local Plan Background

- 3.2.1 The application site is located within the residential area of Lesmahagow and the site is identified as part of a proposed housing site. Policy RES2: Proposed Housing Sites therefore applies. Due to the residential zoning of the area, Policy RES6: Residential Land Use is relevant. Given that the proposal is for a retail store Policy COM3: New Retail/Commercial Development and Policy COM4: New Retail/Commercial Development Proposals are applicable. Finally, Policy TRA1: Development Location and Transport Assessment is relevant.

3.3 Government Advice/Policy

- 3.3.1 Policy SPP8: Town Centres and Retailing seeks to direct new development into town centres unless a qualitative and quantitative need can be established and it can be shown that there will be no impact on town centres. A sequential test should be undertaken to demonstrate that the optimum site within the town centre or as close as possible to the town centre has been chosen.

3.4 Planning Background

- 3.4.1 Planning permission was granted in 2007 for the erection of 63 flatted dwellings, 5 detached dwellings, associated roadworks and landscaping on this site CL/05/0097).
- 3.4.2 In January this year the same applicant submitted an outline application for the erection of a class 1 retail store. The application was not registered as the submitted information was insufficient. The applicant failed to submit the required information and subsequently the application was returned at the end of March this year (CL/09/X0034/INVALID).

- 3.4.3 There are two separate applications currently under consideration for retail developments in the village. These are a detailed application by Tesco for a site at the existing Truck Stop on Tieglum Road and an application for planning permission in principle for the former Lesmahagow High School site.

4 Consultation(s)

- 4.1 **Lesmahagow Community Council** – urge the Council not to approve this application. They advise that a survey of local traders was undertaken for the retail planning application which has been submitted for the former Lesmahagow High School site. They advise that the results of that survey showed that there was almost unanimous opposition to that application. They consider that the results of the survey could also be applied to this development. They state that the main reasons for opposing this plan would include the detrimental effect on the main street having a retail store so close to the village centre. They note there has been no attempt made by the applicant to consult with the local community or to contribute to the regeneration of the village. They do not consider the vehicular access is in a suitable place in terms of traffic safety and have concerns about it interfering with the access for the fire station. They suggest that a better use of the site would be the enhancement of the social and support services to residents, particularly young people, families and the elderly.

Response: Noted.

- 4.2 **Environmental Services** – offer no objections subject to conditions in relation to noise, waste control, dust mitigation, and contaminated land. In addition they advise that the applicant should undertake a noise assessment prior to the development taking place.

Response: Noted. These issues could be covered by conditions however there are overriding reasons which result in this proposal being unacceptable.

- 4.3 **Roads & Transportation Services (Area Manager, Clydesdale)** – have verbally advised they are unable to offer comments until a Transport Assessment has been submitted.

Response: Noted. The applicants have been requested to submit this information but it has not been received.

- 4.4 **SEPA** – offer no objections. They state that the site must discharge to the public sewerage system and that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development in terms of foul drainage will not cause or contribute to the premature operation of consented storm overflows.

Response: Noted.

- 4.5 **Scottish Water** – No response to date.

Response: Noted.

- 4.6 **Transport Scotland** – offer no objection.

Response: Noted.

- 4.7 **Roads & Transportation Services (Transportation Engineering Manager)** – advise that due to the size, nature and location of the proposed development a Transport Assessment is required.

Response: Noted. The applicant was advised of this requirement however the assessment has never been submitted.

5 Representation(s)

5.1 Following statutory neighbour notification and advertisement of the proposal in the local press as Development Contrary to the Development Plan, one letter of objection was received from the applicants of the retail planning application which has been submitted for the former Lesmahagow High School site. The content of the letter is summarised as follows:

- (a) **The proposal is a potential departure from the approved Structure Plan. The site is an out-of-centre location, remote from the village centre and will encourage predominantly car-borne visitors and will not encourage linked trips to the village centre.**

Response: Noted. The applicant has not submitted enough information to date to allow full consideration of this proposal against the Structure Plan.

- (b) **The proposal is not in accordance with the adopted Local Plan. No planning policy statement has been submitted justifying the use of the site as retail as opposed to residential nor any testing against the relevant retail policies.**

Response: Agreed. The proposal cannot be fully assessed against the local plan policies at the current time due to the lack of information submitted by the applicant.

- (c) **The objectors consider that their proposal for the edge of centre, former Lesmahagow High School site is an appropriate size for a retail unit that reflects the size of the village and the potential shopping catchment in and around Lesmahagow.**

Response: No decision has yet been made on the above application. A full assessment of the proposal against the relevant development plan policies will be made in due course.

This letter has been copied and is available for inspection in the usual manner.

6 Assessment and Conclusions

6.1 The applicant seeks planning permission in principle for the erection of a retail store at a site known as Gilmour's Yard between Strathaven Road and Carlisle Road, Lesmahagow. The determining issues which require to be taken into account when assessing this proposal are its compliance with government guidance, structure and local plan policies, road safety and the impact on residential amenity.

6.2 Scottish Planning Policy 8: Town Centres and Retailing states that planning authorities and developers should adopt a sequential approach to selecting sites for all retail and commercial uses. The sequential approach requires that locations are considered in the following order:

- (i) Town centre site
- (ii) Edge of town centre sites;
- (iii) Other commercial centres identified within the development plan;
- (iv) Out-of-centre sites in locations that are, or can be made, easily accessible by a choice of modes of transport.

6.3 In respect of the approved Glasgow and Clyde Valley Structure Plan 2006 Strategic Policy 6: Quality of Life and Health of Local Communities states that the quality of life

and health of the communities of the Glasgow and Clyde Valley area will be supported through the protection, management and enhancement of Town Centres as the preferred locations for retailing and other community focused activities. Schedule 6(c) (i) sets out the criteria against which significant proposals for retail development will be assessed. This requires the submission of a Retail Impact Assessment. Strategic Policy 9: Assessment of Development Proposals states that retail development which exceeds the thresholds set out in Schedule 9 in the Plan (in the case of convenience retail developments this means proposals involving over 1,000 sq.m of floorspace) should be regarded as significant development and the proposal should be tested against Schedule 6(c)(i). Strategic Policy 10: Departures from the Structure Plan is also relevant and this policy states that consideration shall require to be given to the appropriateness of the development having regard to clear evidence of a shortfall in the existing and planned supply of land for retail development within the appropriate Retail Catchment Area; the contribution the development would make to remedying any qualitative deficiencies in existing retail provision; or specific locational need.

6.4 In terms of local plan policy the site forms part of an area zoned as a proposed housing site where Policy RES2: Proposed Housing sites applies. Policy RES2 advises that the Council will support development for housing on these sites. In broad terms, the proposal fails to accord with the land use designation for the site. However, I do not consider that issue in itself is a key consideration in determining the application as the proposal would involve the redevelopment of a brownfield site. The suitability of retail development on the site is however subject to assessment under a range of retail policy.

6.5 Policy COM3: New Retail/Commercial Development in the adopted local plan is relevant in the assessment of this proposal. This Policy states that proposals for new retail/commercial development shall be assessed against the following criteria:-

- (a) they follow the sequential approach set out in SPP8 – Town Centres and Retailing
- (b) they do not undermine the vitality and viability of town centres
- (c) they can support the areas' catchment population
- (d) they complement regeneration and strategies for the area
- (e) they promote sustainable development

The Policy further advises that major development proposals should be accompanied by a retail assessment for foodstore proposals of over 1,000 sq.m floorspace. Policy COM4: New Retail/Commercial Development Proposals states the Council will support new retail opportunities identified in the local plan. Such an opportunity has not been promoted in Lesmahagow .

6.6 In order to assess the proposal against the policy and guidance described above, a Retail Impact Assessment is required. When the previous planning application for this site was submitted in January this year the applicant was made aware of the requirement of the submission of a retail assessment. The application at that time was subsequently returned to the applicant as the outstanding information was never received. Prior to the submission of the current application, discussions took place with the applicant's agent at which time the requirement of a retail assessment was again explained. The application was subsequently submitted without this information. A reminder letter was sent during the processing of this application however no assessment has yet been received. Given that this information has not been received a full assessment of this proposal against the criteria listed under the

relevant government guidance, the structure plan policies and Policy COM3 of the adopted local plan cannot be made. In view of this it has not been demonstrated that the proposal complies with this range of retail policies.

- 6.7 In addition, Policy COM4 of the local plan does not specifically identify a need for new foodstore provision in Lesmahagow. It may be that through the submission of a retail assessment such provision could be justified. However in the absence of such detail, a thorough assessment cannot be made in terms of this particular application.
- 6.8 In terms of road safety, Policy TRA1 advises that the transportation implications of major developments will be required to be set out in a Transportation Assessment. Again the applicants have been aware of the need for a TA since January but to date has not been submitted. Indeed there has been no substantive contact with Roads and Transportation Services in that time. The proposal therefore fails to accord with Policy TRA1.
- 6.9 Given the lack of information submitted in support of this proposal, the applicant has failed to demonstrate that it can be justified against the Structure and Local Plan policies and government guidance. In addition the applicant has not demonstrated that the proposal would not have an adverse impact on road safety given that a Transportation Assessment has not been submitted. The applicant has been aware of the need to submit the RIA and TA since January this year which I consider is sufficient time to prepare the necessary documents. In view of this I recommend refusal of this application.

7.0 Reason for Decision

- 7.1 Insufficient information has been submitted in support of this application to allow a full and proper assessment of the application.

Colin McDowall
Executive Director (Enterprise Resources)

23 November 2009

Previous References

- ◆ CL/05/0097

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Roads & Transportation Services H.Q.(Transportation) 21/07/2009
 - Environmental Services 13/07/2009
 - Transport Scotland 10/09/2009
 - Lesmahagow Community Council 30/07/2009

Environmental Services

12/10/2009

S.E.P.A. (West Region)

08/10/2009

► Representations

Representation from : GVA Grimley, 206 St Vincent Street, Glasgow, G2 5SG,
DATED 07/08/2009

Contact for Further Information

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

Gail Rae

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Permission in principle

PAPER APART – APPLICATION NUMBER : CL/09/0277

REASONS FOR REFUSAL

- 1 This decision relates to drawing number: Block and Location Plan 731/01 dated Jan 09
- 2 The applicant has failed to supply sufficient information to allow proper consideration of the proposal.
- 3 The proposal is contrary to Strategic Policies 6 and 9 of the Glasgow and Clyde Valley Structure Plan 2006 in that
 - a) The site is outwith the town centre of Lesmahagow where retail development of this scale is preferred;
 - b) the applicant has not demonstrated that the proposal is required to meet qualitative or quantitative shortfalls in convenience floorspace in the catchment area in which the site is located;
 - c) the applicant has not shown the proposal will not impact upon the vitality and viability of the town centre of Lesmahagow.
- 4 The proposal is contrary to Policy COM3 : New Retail/Commercial Development of the adopted South Lanarkshire Local Plan in that the applicant has failed to submit a retail assessment resulting in the Council being unable to determine if the proposal complies with criteria (a)-(e) of this Policy.
- 5 The proposed development is contrary to policy COM4 - New Retail/Commercial Development Proposals of the adopted South Lanarkshire Local Plan in that the need for additional foodstore provision has not been identified in the local plan and the applicant has failed to demonstrate a need for the form and scale of development proposed.
- 6 The proposal is contrary to policy TRA1 - Development Location and Transport Assessment of the adopted South Lanarkshire Local Plan as the applicant has failed to submit a Transport Assessment to allow the transportation implications of the proposal to be assessed.

CL/09/0277

Planning and Building Standards Services

Gilmours Yard, Land between Strathaven & Carlisle Rd,
Ipswich

Scale: 1: 2500

For information only

For information only

