

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>14 December 2010</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/10/0381
Planning Proposal:	Extension to Existing Retail Unit (Unit 8)

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : County Properties
- Location : Unit 8  
Braidfute Retail Park  
Lanark

## 2 Recommendation(s)

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

- (1) Refuse Detailed Planning Permission (For Reasons Stated – based on the reasons attached)

### 2.2 Other Actions/Notes

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

## 3 Other Information

- ◆ Applicant's Agent: Cooper Cromar
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**
  - Policy COM7 : Out of Centre Retail Locations
  - Policy DM1: Development Management
  - Policy ENV30: New Development Design

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

- ◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Clydesdale Area)

# Planning Application Report

## 1 Application Site

- 1.1 The application site relates to part of the Braidfute Retail Park in Lanark and specifically to Unit 8 which is 5,000 square feet in footprint and lies at the southern end of a row of units. To the western side, or front, of this Unit lies the parking for the retail park, with grassed earth banking immediately adjoining on the south. The eastern boundary of the application site is formed by a landscaping strip beyond which lie residential properties on Bidders Gait. These dwellings sit approximately 2 metres lower than the retail park. The properties closest to the site are approximately 32 metres from the existing back elevation of Unit 8.
- 1.2 The retail park, as a whole is bordered by residential properties – to the north at Portland Place and along its entire eastern side at Bidders Gait and Auctioneers Way. At its minimum, the separation distance between the nearest house in Portland Place and the retail units is 21 metres.

## 2 Proposal(s)

- 2.1 The applicants are seeking detailed planning permission for an extension to the southern elevation of Unit 8 to increase the gross floor area of the unit by 5,000 square feet. The extension will replicate the rectangular foot-print of the existing unit apart from the south-east corner containing the staff facilities, which will be splayed or chamfered. The bulk of the building will be 8.5 metres in height to tie in with the ridgeline of the existing unit and finished in the same metal wall cladding. The proposals have been amended involving a small reduction in the height of the building at its corner with the properties in Bidders Gait. This would contain staff facilities and would project two metres out from the main unit, will be 3.5 metres in height and finished in facing block and have a flat roof. The proposed extension would be 23 metres from the rear elevation of the nearest residential premises at 17 Bidders Gait. It would also be within 13 metres of the rear garden areas of the adjoining houses.
- 2.2 The proposal to extend the Unit will necessitate the removal of part of the grass banking and regrading its levels down to the edge of the Unit. The applicant proposes to erect a 2.5 metres high timber acoustic fence along the boundary of the retail park for the full width of the extended Unit 8, with the fence returning at right angles to meet the back wall of the unit.

## 3 Background

### 3.1 Local Plan Background

- 3.1.1 The adopted South Lanarkshire Local Plan shows the application site lies within an area which is defined as an Out of Centre Retail location where Policy COM7 applies. This policy states Out of Centre Retail locations will continue primarily in retail/commercial use. It further states that, for the avoidance of doubt, they do not form part of the town centre framework. The site is also covered by a number of other policies, namely ENV30: New Development Design and DM1: Development Management.
- 3.1.2 Policy ENV 30: New Development Design recognises that the design of new buildings, together with alterations and extensions to existing buildings, is vital to the quality of both the built and natural environment. New development must be appropriate in terms of its location, scale, design, materials and its relationship with the surrounding environment. Similarly Policy DM1 advises that all planning

applications will require 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 and design.

### **3.2 Relevant Government Guidance**

- 3.2.1 Scottish Planning Policy (SPP) is the statement of the Scottish Government's policy on nationally important land use planning matters. This document has a section on town centres and retailing, which is directly relevant to this application and supersedes the previous guidance in SPP8. SPP states that the planning system has a significant role in supporting successful town centres and commercial centres including out-of centre shopping centres. Where proposals support a centre's role and function as identified in the development plan, there is no requirement to provide a detailed assessment of need. Investment to maintain and improve commercial centres should be supported where the centres are part of the network and where such investment will not undermine town centres.

### **3.3 Planning Background**

- 3.3.1 Planning permission was granted in 2004 for the erection of a retail park on the site of the former Lanark Auction Market (CL/03/0752). In 2005 consent was granted for the sub-division of one of the retail units and alterations to four units, including the formation of mezzanine levels (CL/05/0482 and CL/05/0661).

## **4 Consultation(s)**

- 4.1 **Environmental Services** – have no objection to the proposal subject to the inclusion of a number of conditions relating to noise levels.

**Response:** Noted. I would propose to attach suitable conditions should consent be granted.

- 4.2 **Roads and Transportation Services (Clydesdale)** – have no adverse comments to make, as there is adequate parking provision within the retail park to accommodate any likely increase in customers from the extension of this unit.

**Response:** Noted.

## **5 Representation(s)**

- 5.1 Following the carrying out of statutory neighbour notification, 11 representations were received in respect of the original proposal. Following the submission of amended plans, neighbour notification was re-served. A further 8 letters of objection were received in response. The points raised in the representations are summarised as follows:

**a) There are currently two empty units within the retail park as well as empty shops in the High Street. Therefore there appears to be no requirement to make the site larger. Details of the prospective occupiers of the extended Unit 8 should be available to the public as it could well have a detrimental impact on the remaining traders in the town.**

**Response:** The applicant has advised that one of the vacant units within the retail park will be combined with the adjacent unit to create a larger floorspace for Watt Brothers. It is also intended that the current occupiers of Unit 8 will relocate to the second vacant unit. In terms of the enlarged Unit 8, an end user has been identified

by the owners of the retail park. The use of the Unit is currently restricted to retail use as defined in the Use Classes Order.

**b) The proposed extension would be 3 metres from the gabion wall/site boundary and uses a chamfered corner on the building as a design solution to the tight site. The size and sheer height of the extended Unit 8, together with its proximity to the boundary will have a negative impact on the rear of the properties in Bidders Gait due to overshadowing of rear gardens and reduction of natural light especially in the latter parts of the day.**

**Response:** The extended retail unit will, at its closest point, will be 21 metres away from the rear elevation of 17 Bidders Gait but due to the elevated position of the retail park the visual impact of the extension would be amplified. There is a difference of 1.75 metres in the ground levels between Unit 8 and the rear of the properties in Bidders Gait. The extension to Unit 8 will be 8.5 metres high at the apex of the roof to tie in with the existing unit. A small section of the extended building that would be closest to Bidders Gait would be 3.5 metres in height. This lower section, which contains staff facilities, projects beyond the main part of the proposed extension by 2 metres. As a result the overall scale and massing of the building would be excessive in terms of its relationship with adjacent houses. In terms of potential overshadowing however, there would be no adverse impact on the adjoining properties including their garden areas due to the orientation of the extension with the houses.

**c) Two car parking spaces are proposed at the rear of the extension and these will be 2 metres from the site boundary, despite there being sufficient parking for all in the main car park. Currently there are no staff parking spaces to the rear of the units, and this could encourage employees to frequent the rear and so significantly increase the potential for residential property to be overlooked.**

**Response:** Noted. If planning consent was granted, I would propose to attach a condition advising that the consent did not extend to these parking spaces. Roads and Transportation Services have not identified a need for any dedicated staff parking.

**d) A number of amendments could still be made to the proposal to reduce its impact, such as dropping the central ridge height of the extension to below the height of the existing Unit 8. This would reflect the design of the Unit 8 relative to Unit 7, and would reduce the scale and massing of the unit when viewed from adjacent properties and also from the main road. The supplied cross sections illustrate the large, unused roof void, or would this also be intended for future expansion? An opportunity exists to extend into the roof void of Unit 8 as it stands thereby dramatically lessening the space any extension would require.**

**Response:** Noted. The possibility of utilising existing space within the current Unit 8 through the creation of a mezzanine level has been discussed with the applicant, who advises that the preference from retailers is for sales floors to be all on one level. Amendments to the roof height have also been discussed, and although the applicant has made a variation to the height of proposal at the south-east corner of the building where the staff facilities are located this does not overcome the concerns relating to the visual impact of the extension.

**e) The grassed hillock area which separates the dwellings in Bidders Gait from the retail park's car park provides much needed screening and acts as a noise baffle. Incidences of the car park being used by "boy racers" are increasing and the removal of the hillock will have a negative impact on the surrounding**

**environment. The grass hillocks also screen this part of the retail park from the main road and should be retained.**

**Response:** The grass bank will not be removed but shortened to accommodate the footprint of the extension and re-graded to tie in with the remainder of the grass area. The remaining grass banking will function in the same way, as providing a visual separation of the car park from the residential properties and screening the views into the retail park. Incidences of vandalism and the general security of the site are a matter for the site owners.

**f) During the removal of the grass embankment and construction of the extension there will be considerable disruption for a prolonged period with site traffic and heavy machinery which will impact on the privacy of neighbouring residential properties. Construction traffic will cause health and safety issues to users of the retail park and cause disruption to the current road network.**

**Response:** Noted. The management of construction sites and their traffic is a matter for the on-site contractors rather than the Council as Planning Authority, while safety issues would be governed by Health and Safety Legislation.

**g) There are frequent deliveries to the units with unloading from 07:00 hours, and sometimes lorries parking overnight at the rear of the retail units. Noise is caused by the emptying of waste during the day and evening, as well as there being an audible hum from air conditioning units. The proposed extension will undoubtedly exacerbate these noise disturbances. Light pollution is also a problem from the lights in the retail park, and again this will be worsened by further lighting. The rear service area is already the subject of vandalism involving waste being set alight, or young drivers utilising the area and fencing which would screen these individuals would exacerbate the situation, and the flat roof to the projecting extension would be an ideal platform for further incidences of anti-social behaviour.**

**Response:** Conditions could be attached to any planning consent issued to ensure that any air conditioning units on the extension would require to operate within specified noise tolerances and that security lights attached to the extension were hooded to ensure that there was no light spill. No further lighting is proposed in the service yard. There are no restrictions on the delivery hours on the original consent for the retail park. Incidences of vandalism and the general security of the site are a matter for the site owners.

**h) It is unclear why the proposed 2.5 metre fence behind the houses of Bidders Gait, is only being erected behind the extension. This fence is not an acoustic barrier but rather a solid screen which will be affixed to the gabion retaining wall. It will ruin the landscaped appearance of the embankment and overshadow everything to an unacceptable degree. A more beneficial effect would be achieved by repositioning the fence closer to the retail units and introducing a substantial amount of semi-mature trees to soften the visual effect and increase noise reduction. Tree planting should also occur on the reworked earth-bund to help improve the visual amenity from neighbouring properties and the main road.**

**Response:** The proposed 2.5 m high fence will not impact on any existing planting as it is proposed to fix it to the face of the gabion baskets at the edge of the application site. The applicant has amended the plans to show the fence running the full width of the extended Unit 8 and returning to join its side elevation. Conditions could be attached to any consent granted requiring the revision of the position of the fence and to provide landscaping proposals for the site.

**i) There is currently wildlife residing within the vicinity of the proposed extension to Unit 8 namely protected species bats, and also badgers have been witnessed within this area. Any further construction could potentially have a devastating effect on this wildlife and fall foul of protection orders.**

**Response:** It is unlikely that the landscaped area between Bidders Gait and the retail park accommodates any badger setts, and any foraging areas that they may travel along does not form part of this application site. Bats may utilise the rear service area for foraging as insects will be attracted by the security lights but it is unlikely they would be affected by the proposals in the long term.

**j) There is a constant problem with litter piling up on the embankment between the retail units and the houses, and as the litter is not lifted frequently enough, it often blows into the private gardens. This will only be aggravated by this proposal which will create a wind tunnel.**

**Response:** Amended plans have been submitted which show the 2.5m high fence being returned to join the side elevation of the unit and reduce the prevailing wind which blows up between the units.

**k) Doubling the size of Unit 8 to 10,000 square feet should require a Retail Impact Assessment to be undertaken as it will have a very significant impact on Lanark town centre, and negate some of the improvements that have occurred in the High Street. Whilst the proposal could narrowly fall short of the floorspace requiring an impact assessment this could be considered an objective of the design given the empty units within the retail park. The Council should alert developers to use available resources as part of sustainable development.**

**Response:** Government guidance suggests a retail impact assessment should be undertaken where a retail development over 2,500 square metres, outwith a defined town centre, is proposed which is not in accordance with the development plan. The corresponding figure in the adopted local plan for non-food retail proposals is 2,000 square metres. As the application site lies within an established retail park, and identified in the adopted local plan as an out of centre retail site the Council does not consider it necessary to have a retail impact assessment. However in any event the thresholds referred to are not exceeded.

**l) The original planning conditions for the retail park stated that no further new units would be created on the site. The preservation and future use of the original auction rings were part of the initial consent to develop the retail park. This has not occurred with one being left in a poor state of repair and one missing from the site; therefore no further expansion at the retail park should be considered.**

**Response:** The original consent for the retail park contained a condition preventing the sub-division of any of the units – however this is not the intention with this proposal, which is for an extension to an existing unit. In relation to the timber auction ring, the matter is being monitored and will be dealt with separately as it is not related to the current proposal.

**m) The drawing (AL(0)203 Revision E) does not demonstrate that the amended proposal would be discernibly different. The difference appears to be a retraction of the chamfered edge to the extension by 40cm. Utilising different materials on this extension to break up the vertical massing of the retail unit, actually has the effect of making it a visual focal point and breaks up the uniformity as it would be very different in shape, size and colour.**

**Response:** Noted. Whilst the splayed corner extension to the proposed retail unit will not be overly prominent to users of the retail park due to its orientation and the grass

banking, its roof-line will be apparent behind the 2.5m acoustic timber fence. Notwithstanding the amendment to reduce the height of this element of the retail unit, the scale and overall massing of the building in relation to adjoining domestic properties is considered inappropriate.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the Council's Planning Portal.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks detailed planning permission for an extension to Unit 8 of the Braidfute Retail Park, Lanark. The extension would be the same height as the existing unit other than that portion containing the staff facilities which would have a small section of flat roof approximately 3.5 metres high. The unit would be clad in metal sheeting and facing block to match the other units in the retail park. The application site is bordered on the east by a number of dwellings, with the gardens of those on Bidders Gate being 10.5 metres from the nearest point of the extension.
- 6.2 The main determining factors in considering this planning application relate to its compliance with relevant national and Local Plan policies as well as the impact upon the amenity of adjoining residents and the area in general. As such the application must be assessed against Scottish Planning Policy (SPP) and Policies COM7, DM1 and ENV30 of the adopted South Lanarkshire Local Plan.
- 6.3 The SPP requires development plans to identify a hierarchy of centres which provide a range of retail and commercial services to an area, with town centres and commercial centres providing different functions. Commercial centres generally have a more specific focus on retailing or retailing and leisure uses, and are distinct from town centres as their range of uses and physical structures make them different in character and sense of place. The network of identified centres provides a context for the assessment of proposals for new development. Where proposals support a centre's role and function, as identified in the development plan, there is no requirement to provide a detailed assessment of need. Investment to maintain and improve commercial centres should be supported where the centres are part of the network and where such investment will not undermine town centres. It is considered that the extension to Unit 8 will provide a size of floorspace which is attractive and marketable and will assist in the long term strategy of boosting occupancy levels within the retail park. The applicants have confirmed that they are in discussions with an operator to occupy the extended unit which, together with the filling of other vacancies in the retail park, would enhance its role. As such it is not considered that there would be significant retail impact issues.
- 6.4 In terms of local plan policy, the site is affected by Policy COM7 – Out of Centre Retail/ Commercial Locations – as identified within the adopted South Lanarkshire Local Plan. This policy states these locations will continue primarily in retail/commercial use, and emphasises that they do not form part of the town, village/neighbourhood centre framework. Clearly the principle of retail provision at Braidfute has been recognised by the South Lanarkshire Local Plan, and previous planning consents and an extension to one of the units would not have an adverse affect on the town centre. It is therefore considered that the proposed extension is acceptable in terms of this land use policy.
- 6.5 In terms of compliance with other Policies of the South Lanarkshire Local Plan, the proposal requires to be assessed against DM1 and ENV30 which are primarily



concerned with design and the fit of the development to the locale. Policy DM1 requires planning applications to take account of the local context and built form, and to be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Similarly, Policy ENV30 – New Development Design recognises that the good design of buildings and extensions to existing buildings is vital to the quality of the built environment, and advises that design which is of poor quality or which does not respect its context would be refused. Issues of layout, scale, massing and landscaped and hard surfaced areas and how they dovetail with the built form of the surrounding area are also considered in the policy, which goes on to make specific reference to the impact on adjacent users in terms of overlooking, loss of privacy, overshadowing, noise and disturbance.

- 6.6 Given the entirely different nature of the retail unit in relation to the residential properties in Bidders Gait it is apparent that there can be no direct comparison in terms of design and scale. Nonetheless, Policy DM1 also requires development to utilise design to ensure that there is no significant adverse impact on the local environment, and that basic amenity is safeguarded. I am concerned at the proximity of the proposed development to adjoining properties, particularly in relation to 17 Bidders Gait. In addition, while the impact would be of less significance with other nearby houses, I consider the effect the proposal would have on the amenity of these properties in terms of the physical presence of the extension and its visual impact would be significant. Although it is noted that the retail park was constructed prior to the residential development detailed consent was granted for the latter before the retail park. As a result, the layout of the retail park took account of the proximity of the site to the proposed houses and the position of the units were designed accordingly. The applicant has made the point that properties in Portland Place are closer to the retail unit than would be the case with those in Bidders Gait if the application were approved. However, the relationship of these houses to the retail park is different and I do not consider a direct comparison is relevant. Overall, the proposed extension would bring the built development significantly closer to these houses and as such the visual impact would be aggravated to an unacceptable level.
- 6.7 As noted above, concerns of overshadowing, noise and general disturbance have been raised by a number of residents in terms of the operation of the existing retail units and subsequent impact on the quality of their amenity. While the proposed extension of Unit 8 would not adversely affect the levels of daylight or sunlight achievable during the majority of the day on the rear of the properties in Bidders Gait, it is considered that its physical scale and height would have an overbearing impact on the visual amenity and that this is emphasised by the differences in ground levels. Given the separation distances between the development and the site boundary there is little scope to provide robust landscaping or extend the grass hillock to act as a visual barrier or a noise baffle, and instead the applicant proposes to utilise a 2.5m high timber fence. Presently the retail units do not overlook the residential properties as there are no windows and only service accesses on the rear elevation, but it is considered that the presence of two staff parking spaces at the rear and in close proximity to the staff facilities may alter the way the service yard is utilised and increase the opportunities for overlooking. If consent were granted, a condition could be attached to prohibit the formation of these spaces. It is noted that although there are ongoing issues with noise from delivery vehicles and air-conditioning units affecting the properties on Bidders Gait, it is considered that the proposed extension would not substantially increase these levels. These matters could be controlled by suitably worded conditions.
- 6.8 To summarise, the principle of extending the retail unit complies with the relevant

government guidance, and Policy COM 7 of the South Lanarkshire Local Plan. However, when assessing the design, siting and scale of proposal and its impact against policies DM 1 and ENV 30 it is considered that there would be an adverse impact on the residential amenity of adjacent dwellings. These concerns have not been satisfactorily assuaged by the amended plans submitted by the applicant, which essentially retains the same footprint but reduces the height of the unit over a limited area.

- 6.9 Given the above it is considered that the proposal would have a significant adverse impact on residential amenity and it is therefore recommended that planning permission be refused.

## **7 Reasons for Decision**

- 7.1 The proposal fails to comply with the criteria of Policies DM1 and ENV30 of the South Lanarkshire Local Plan.

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

**6 December 2010**

### **Previous References**

- ◆ None

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Roads and Transportation Services (Clydesdale Area) 10/09/2010
  - Environmental Services 30/08/2010
- ▶ Representations
  - Representation from : Mrs Alison Habasque, 21 Bidders Gait, Lanark, ML11 9FG, DATED 02/09/2010
  - Representation from : Mr and Mrs A Dodds , 23 Bidders Gait, Lanark, ML11 9FG, DATED 02/09/2010
  - Representation from : Duncan Murray, 7 Bidders Gait, Lanark, ML11 9FG, DATED 08/09/2010
  - Representation from : Duncan Murray, 7 Bidders Gait, Lanark, ML11 9FG, DATED 08/09/2010
  - Representation from : Morag Smith, 17 Bidders Gait, Lanark, , DATED 10/09/2010
  - Representation from : Morag Smith, 17 Bidders Gait, Lanark, , DATED 10/09/2010

Representation from : Ms Beverley Gracie, 19 Bidders Gait, Lanark, ML11 9FG,  
DATED 03/11/2010

Representation from : C Adam, 15 Bidders Gait, Lanark , DATED 08/11/2010

Representation from : Ms Beverley Gracie, 19 Bidders Gait , Lanark, ML11 9FG,  
DATED 01/11/2010

Representation from : Graeme Buckingham, 19 Bidders Gait, Lanark, ML11 9FG,  
DATED 01/11/2010

Representation from : Derek Flynn, 15 Bidders Gait, Lanark, ML11 9FG, DATED  
04/11/2010

Representation from : Morag Smith, Whitehaven House, 17 Bidders Gait, Lanark,  
ML11 9FG, DATED 05/11/2010

Representation from : B Gracie, 19 Bidders Gait, Lanark, ML11 9FG, DATED  
13/09/2010

Representation from : Mr D G Buckingham, 16 Bidders Gait, Lanark, ML11 9FG,  
DATED 13/09/2010

Representation from : Duncan Murray, 7 Bidders Gait, Lanark, ML11 9FG, DATED  
08/09/2010

Representation from : Morag Smith, 17 Bidders Gait, Lanark, DATED 08/09/2010

Representation from : Caroline Adam & Derek Flynn, 15 Bidders Gait, Lanark,  
DATED 31/08/2010

Representation from : Mrs Alison Habasque, 21 Bidders Gait, Lanark, ML11 9FG,  
DATED 08/11/2010

Representation from : Royal Burgh of Lanark Community Council  
DATED 05/11/2010

### **Contact for Further Information**

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

Ailsa Graham, Planning Officer, Council Offices, South Vennel, Lanark ML11 7JT  
Ext 3190 (Tel :01555 673190 )  
E-mail: [Enterprise.lanark@southlanarkshire.gov.uk](mailto:Enterprise.lanark@southlanarkshire.gov.uk)

**REASONS FOR REFUSAL**

- 1 This refusal relates to drawing numbers: AL(0)001 RevD; AL(0)002 RevD; AL(03)001 RevC; AL(02)001 RevD; AL(0)202 RevD; AL(04)201 RevB; AL(04)001 RevC; AL(02)201 RevF; AL(03)201 RevC; AL(0)203 RevE; AL(0)204 RevA.
- 2 The proposal is contrary to Policy DM 1 of the adopted South Lanarkshire Local Plan as by virtue of its scale, massing and siting, the proposed extension would constitute an over-dominant and obtrusive form of development, and would therefore have a significant adverse impact on the visual amenity of the adjoining residential properties.
- 3 The proposal is contrary to Policy ENV 30 of the adopted South Lanarkshire Local Plan in that it fails to respect the local context, specifically that of the residential development adjoining the site, and therefore fails to integrate successfully with its surroundings. Accordingly the proposal would have an adverse impact on the visual amenity of the area and the residential amenity of adjoining residents.

CL/10/0381

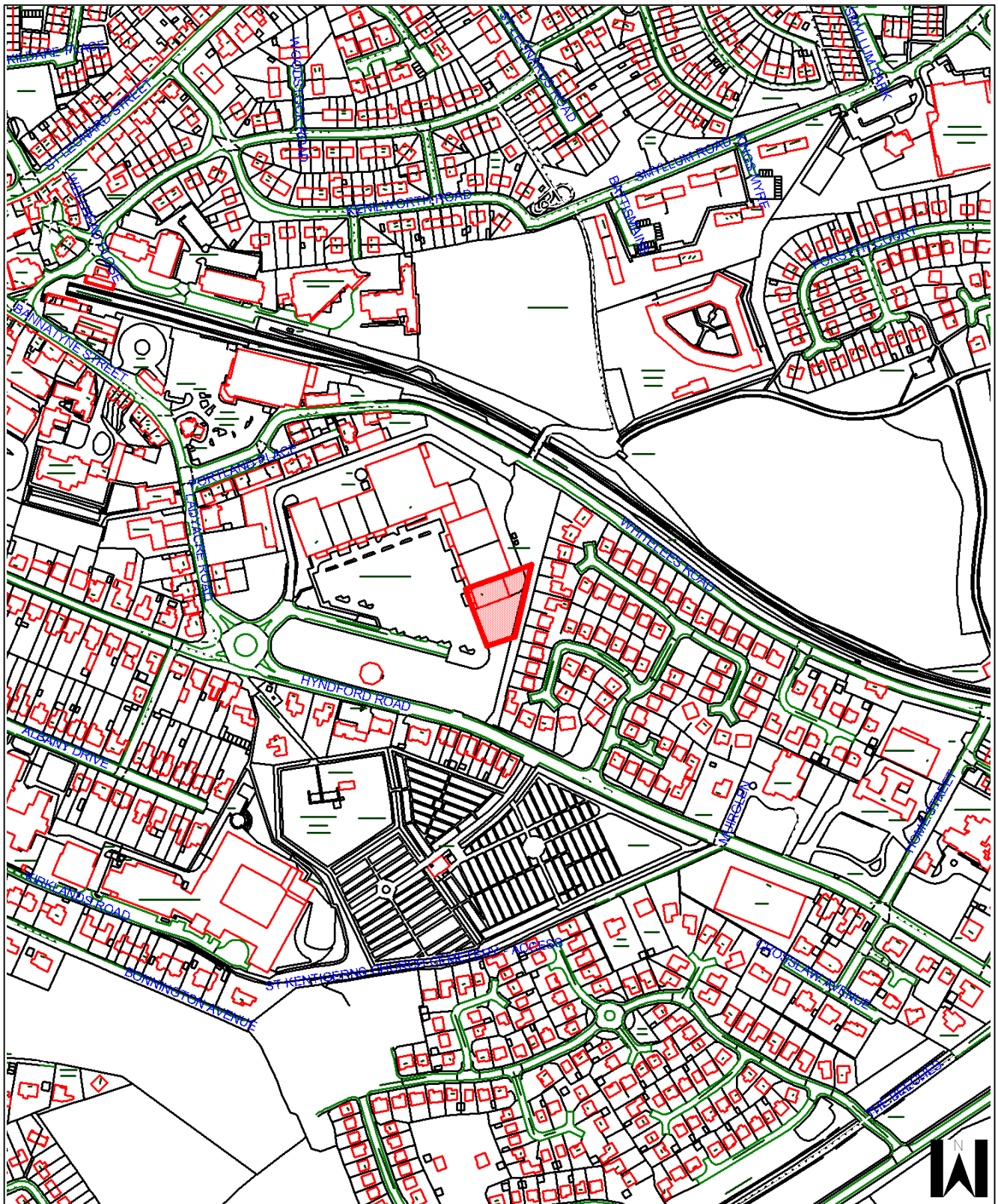
Unit 8 Braidfute Retail Park, Lanark

Planning and Building Standards Services

Scale: 1: 5000

For information only

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