



Council Offices, Almada Street  
Hamilton, ML3 0AA

Thursday, 08 November 2018

Dear Councillor

## **Planning Local Review Body**

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

**Date:** Monday, 30 April 2018

**Time:** 10:30

**Venue:** Committee Room 5, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

<b>Members are reminded to bring their fully charged tablets to the meeting</b>
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Yours sincerely

**Lindsay Freeland**  
**Chief Executive**

### **Members**

Alistair Fulton (Chair), Isobel Dorman (Depute Chair), Walter Brogan, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Richard Nelson, Graham Scott, David Shearer, Jim Wardhaugh

### **Substitutes**

Alex Allison, John Bradley, Jackie Burns, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Martin Lennon, Katy Loudon, Julia Marrs, Kenny McCreary

## **BUSINESS**

### **1 Declaration of Interests**

### **2 Minutes of Previous Meeting**

3 - 6

Minutes of the meeting of the Planning Local Review Body held on 12 February 2018 submitted for approval as a correct record. (Copy attached)

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### **Item(s) for Decision**

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### **3 Review of Case- Application CL/17/0445 - Alterations to Shopfront Including Removal of Existing Timber Shopfront and Replacement of Aluminium and Timber Clad Frontage, Tiled Stallriser and Replacement of Fascia Board at 94-96 High Street, Lanark 7 - 72**

Report dated 10 April 2018 by the Executive Director (Finance and Corporate Resources). (Copy attached)

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### **Urgent Business**

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### **4 Urgent Business**

Any other items of business which the Chair decides are urgent.

### ***For further information, please contact:-***

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: [pauline.macrae@southlanarkshire.gov.uk](mailto:pauline.macrae@southlanarkshire.gov.uk)

## PLANNING LOCAL REVIEW BODY (PLRB)

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Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 12 February 2018

### Chair:

Councillor Alistair Fulton

### Councillors Present:

John Bradley (*substitute for Councillor Dorman*), Walter Brogan, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Richard Nelson, Graham Scott, Jim Wardhaugh

### Councillors' Apologies:

Isobel Dorman (Depute), David Shearer

### Attending:

#### Community and Enterprise Resources

G McCracken, Planning Adviser to the Planning Local Review Body

#### Finance and Corporate Resources

P MacRae, Administration Officer; K Moore, Legal Adviser to the Planning Local Review Body

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### 1 Declaration of Interests

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No interests were declared.

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### 2 Minutes of Previous Meeting

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The minutes of the meeting of the Planning Local Review Body held on 20 November 2017 were submitted for approval as a correct record.

**The PLRB decided:** that the minutes be approved as a correct record.

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### 3 Review of Case - Application EK/17/0262 - Erection of 2 Houses with Detached Garages and Formation of Access Road at Newton Road, Strathaven

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A report dated 23 January 2018 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application EK/17/0262 by H Nelson for the erection of 2 houses with detached garages and the formation of an access road at Newton Road, Strathaven.

To assist the PLRB in its review, copies of the following information had been appended to the report:-

- ◆ planning application form
- ◆ report of handling by the planning officer under the Scheme of Delegation, together with the responses from statutory consultees and representations received
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ notice of review, including the applicant's statement of reasons for requiring the review

- ◆ further submissions from interested parties following notification of the request for the review of the case
- ◆ comments from the applicant's agent on the further submissions received from the interested parties

The PLRB heard:-

- ◆ the Planning Adviser on the background to the case
- ◆ the Legal Adviser on the role of the PLRB which was to consider the application anew and on its own merits and assess it against the relevant policies

The relevant drawings in relation to the review were available for inspection prior to and at the meeting of the PLRB.

On the basis of the above, the PLRB considered it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance (SG):-
  - ◆ Policy 3 – green belt and rural area
  - ◆ Policy 4 – development management and place making
  - ◆ Policy DM1 – design
  - ◆ Policy GBRA5 – development of gap sites
  - ◆ Policy GBRA6 – consolidation of existing building groups

Following its review of the information, the PLRB concluded that the proposed development was contrary to Policies 3 and 4 of the Adopted South Lanarkshire Local Development Plan, Policy DM1 of the Development Management, Place Making and Design Supplementary Guidance and Policies GBRA5 and GBRA6 of the Green Belt and Rural Area Supplementary Guidance. It also concluded that there were no material considerations that warranted granting planning permission for planning application EK/17/0262 by H Nelson for the erection of 2 houses with detached garages and the formation of an access road at Newton Road, Strathaven contrary to the relevant policies.

**The PLRB decided:**

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application EK/17/0262 by H Nelson for the erection of 2 houses with detached garages and the formation of an access road at Newton Road, Strathaven be upheld.

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#### **4 Review of Case - Application CR/17/0104 - Erection of Balcony at First Floor Level Above Existing Extensions (Retrospective) at 18 Buchanan Drive, Cambuslang**

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A report dated 29 January 2018 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application CR/17/0104 by J Docherty for the erection of a balcony at first floor level above existing extensions (retrospective) at 18 Buchanan Drive, Cambuslang.

To assist the PLRB in its review, copies of the following information had been appended to the report:-

- ◆ planning application form
- ◆ report of handling by the planning officer under the Scheme of Delegation, together with representations received
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ notice of review, including the applicant's statement of reasons for requiring the review
- ◆ further submissions from interested parties following notification of the request for the review of the case
- ◆ comments from the applicant's agent on the further submissions received from the interested parties

The PLRB heard:-

- ◆ the Planning Adviser on the background to the case
- ◆ the Legal Adviser on the role of the PLRB which was to consider the application anew and on its own merits and assess it against the relevant policies

The relevant drawings in relation to the review were available for inspection prior to and at the meeting of the PLRB.

On the basis of the above, the PLRB considered it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance (SG):-
  - ◆ Policy 4 – development management and place making
  - ◆ Policy 6 – general urban area/settlements
  - ◆ Policy DM2 – house extensions and alterations

Following its review of the information, the PLRB concluded that the proposed development was contrary to Policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan and Policy DM2 of the Development Management, Place Making and Design Supplementary Guidance. It also concluded that there were no material considerations that warranted granting planning permission for planning application CR/17/0104 by J Docherty for the erection of a balcony at first floor level above existing extensions (retrospective) at 18 Buchanan Drive, Cambuslang contrary to the relevant policies.

**The PLRB decided:**

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application CR/17/0104 by J Docherty for the erection of a balcony at first floor level above existing extensions (retrospective) at 18 Buchanan Drive, Cambuslang be upheld.

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## 5 Urgent Business

There were no items of urgent business.



# Report

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Report to:	<b>Planning Local Review Body</b>
Date of Meeting:	<b>30 April 2018</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Review of Case – Application CL/17/0445 – Alterations to Shopfront Including Removal of Existing Timber Shopfront and Replacement of Aluminium and Timber Clad Frontage, Tiled Stallriser and Replacement of Fascia Board</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation, on the following application:-

### 1.2. Summary Application Information

Application Type:	Detailed Planning Application
Applicant:	Thomas Auld and Sons Ltd
Proposal:	Alterations to Shopfront Including Removal of Existing Timber Shopfront and Replacement of Aluminium and Timber Clad Frontage, Tiled Stallriser and Replacement of Fascia Board
Location:	94-96 High Street, Lanark ML11 7ES
Council Area/Ward:	2 Clydesdale North

### 1.3. Reason for Requesting Review

<input checked="" type="checkbox"/> Refusal of Application	<input type="checkbox"/> Conditions imposed	<input type="checkbox"/> Failure to give decision (deemed refusal)
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## 2. Recommendation(s)

2.1. The Planning Local Review Body is asked to:-

- (1) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
  - (a) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied
  - (b) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed
- (2) in the event that further procedure is required to allow it to determine the review, consider:-

- (a) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided
- (b) what procedure or combination of procedures are to be followed in determining the review

### 3. Background

- 3.1. The Council operates a Scheme of Delegation that enables Council officers to determine a range of planning applications without the need for them to be referred to Area Committees or the Planning Committee for a decision.
- 3.2. In terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, where an application for planning permission relates to a proposal that falls within the category of “local development” and has been or could have been determined under the Scheme of Delegation, the applicant is entitled to request that the determination be reviewed by the Planning Local Review Body.

### 4. Notice of Review – Statement of Reasons for Requiring the Review

- 4.1. In submitting their Notice of Review, the applicant has stated their reasons for requiring a review of the determination in respect of their application. **(Refer Appendix 5)**
- 4.2. The applicant is entitled to state a preference for procedure (or combination of procedures) to be followed and has indicated that their stated preference is as follows:-

<input type="checkbox"/>	Further written submissions	<input type="checkbox"/>	Site inspection
<input type="checkbox"/>	Hearing session(s)	<input checked="" type="checkbox"/>	Assessment of review documents only, with no further procedure

- 4.3. However, members will be aware that it is for the Planning Local Review Body to determine how a case is reviewed.

### 5. Information Available to Allow Review of Application

- 5.1. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.
- 5.2. The following information is appended to this report to assist the Planning Local Review Body in its review of the decision taken by officers:-
- ♦ Planning Application Form **(Appendix 1)**
  - ♦ Report of Handling by the Planning Officer under the Scheme of Delegation **(Appendix 2)**
  - ♦ Site photographs and location plan **(Appendix 3)**
  - ♦ Decision notice **(Appendix 4)**
  - ♦ Notice of Review including statement of reasons for requiring the review **(Appendix 5)**



5.3. Copies of the following information are either attached or will be available for reference at the meeting of the Planning Local Review Body:-

- ◆ Relevant drawings (available for inspection within Administration Services prior to the meeting and available for reference at the meeting)

**6. Notice of Review Consultation Process**

6.1. A Statement of Observations from the Planning Officer on the Applicant's Notice of Review, was received in the course of the 14 day period from the date on which notification of the request for a review of the case was given. This is listed at and attached as **Appendix 6**.

6.2 The applicant had the opportunity to comment on the further representation received, however, no comments were received from the applicant's agent.

**Paul Manning**

**Executive Director (Finance and Corporate Resources)**

10 April 2018

**Link(s) to Council Values/Ambitions/Objectives**

- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities
- ◆ Accountable, effective, efficient and transparent

**Previous References**

None

**List of Background Papers**

- ◆ Guide to the Planning Local Review Body

**Contact for Further Information**

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

Pauline MacRae, Administration Officer

Ext: 4108 (Tel: 01698 454108)

E-mail: pauline.macrae@southlanarkshire.gov.uk



# Appendix 1

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## Planning Application Form





Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100067204-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Proposed new shopfront.

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Nicholson McShane Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	Ladyburn Business Centre
Last Name: *	Nicholson	Building Number:	10
Telephone Number: *		Address 1 (Street): *	Pottery Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Greenock
Fax Number:		Country: *	Scotland
		Postcode: *	PA15 2UH
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	94-96
Last Name: *		Address 1 (Street): *	High Street
Company/Organisation	Thomas Auld & Sons Ltd	Address 2:	
Telephone Number: *		Town/City: *	Lanark
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	ML11 7ES
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

South Lanarkshire Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

643661

Easting

288374

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

98.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Bakery.

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<input style="width: 100%;" type="text" value="0"/>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<input style="width: 100%;" type="text" value="0"/>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input checked="" type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	



If Yes or No, please provide further details: \* (Max 500 characters)

No change to existing refuse storage facilities.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☐ Yes ☒ No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Douglas Nicholson

On behalf of: Thomas Auld & Sons Ltd

Date: 25/09/2017

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☐ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☐ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Douglas Nicholson

Declaration Date: 25/09/2017

## Payment Details

Cheque: Nicholson McShane Chartered Architects Ltd, 000000

Created: 25/09/2017 12:02




# Appendix 2

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## Report of Handling

Report dated 19 February 2018 by the Council's Authorised Officer under the Scheme of Delegation



	<h2>Delegated Report</h2>	Reference No	CL/17/0445
		Date	19 February 2018

**Planning proposal:** Alterations to shopfront including removal of existing timber shopfront and replacement of aluminium and timber clad frontage, tiled stallriser and replacement of fascia board.

**Location:** 94-96 High Street  
Lanark  
ML11 7ES

**Application** Detailed Planning Application

**Type :**

**Applicant :** Thomas Auld & Sons Ltd

**Location :** 94-96 High Street  
Lanark  
ML11 7ES

**Decision:** Refuse detailed planning permission (based on the conditions overleaf)

**Report by:** Area Manager (Planning & Building Standards)

**Policy ref:**

**South Lanarkshire Local Development Plan (adopted 2015)**

Policy 4 - Development management and placemaking

Policy 15 - Natural and Historic Environment

**Development management, placemaking and design supplementary guidance (2015)**

DM1 – Design

Shopfront Design Guide.

**Natural and historic environment supplementary guidance (2015)**

NHE7 - Conservation Areas

**Assessment**

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	Yes
Traffic issues?	No
Adheres to development plan policy?	No
Adverse comments from consultees?	No

**Representations:** None

## **1 Material Considerations**

- 1.1 The application seeks shopfront alterations to an existing retail unit on Lanark High Street. The application site is located within Lanark's conservation area and town centre. As such it is important to consider the proposal's visual impact upon the surrounding area.
- 1.2 The shop front as existing is a timber frontage containing traditional features including a curved fan light and top of the shop windows, each with attractive decorative turned wood detailing. The stallriser has decorative timber panelling detailing and the existing timber door has a traditional kickboard detail. The proposed replacement frontage proposes an aluminium frontage with timber curved sections, timber clad mullions and transoms which separate the display window into four sections. A tiled stall riser is also proposed.
- 1.3 A request was sent on 6<sup>th</sup> October 2017 requiring details of whether it is feasible to retain the existing frontage and requesting amendments to the design within 21 days. No information was received and further requests for the information were then sent. Additional information was provided on the 4<sup>th</sup> December and amendments to the proposals were submitted. These amendments added a kickboard to the proposed door and timber inserts to the aluminium frame to create a curved fanlight and windows.
- 1.1 The relevant policies in this case are Policies 4, 15, DM1 and NHE7. Policy 4 - Development Management and Placemaking seeks to ensure proposals integrate well with the surrounding area. Policy DM1 Design provides more guidance on design and in this case directs the reader to the Shopfront Design Guide. Policy 15 seeks to protect and enhance the natural and historic environment and Policy NHE 7 provides specific advice on conservation areas.

## **2 Assessment and conclusion**

- 2.1 The application entails the replacement of an existing timber frontage with an alluminium framed shopfront with timber details within an existing retail unit on Lanark's High Street and Conservation Area.
- 2.2 The main determining issues in assessing this application are whether the proposal complies with the development plan policies, in particular whether the loss of the existing frontage is acceptable and whether the proposed development can successfully integrate with its surroundings.
- 2.3 Policy DM1 directs the reader in this case to the Council's Shopfront Design Guide. This Guide notes within the General Design Principles for Listed Building and Conservation Areas that the removal of a traditional frontage and its replacement is only permitted where 2 criteria can be met, namely, where it is not feasible to adapt or retain the existing frontage and where the new shopfront will not detract from the building or surrounding area. It has to be considered whether the proposal meets these 2 criteria.



- 2.4 The submitted reasoning as to why it would not be feasible to retain the existing frontage was based on 4 points, as follows: timber doors shrink causing issues with pest ingress; maintenance issues with timber frontages; time and cost to repair timber frontages and large areas of glazing in the event of vandalism, and the fact that Aulds are rebranding to have a more modern look and the traditional frontage does not fit in with this image.
- 2.5 Each point presented by the applicant is considered in turn. Timber doors can shrink and contract with age and if the current door is shrinking a replacement door which is properly seasoned, weatherproofed and maintained could be considered which should stop any movement or a barrier on the bottom of the door could be used to prevent any pests entering the property. Nevertheless, this point only relates to the door and does not provide reasoning as to why the rest of the frontage cannot be retained. The applicant has noted that wood deteriorates quicker than aluminium and leads to the shop looking 'shabby'. However, with proper and regular maintenance timber shopfronts can remain looking good for a long period of time. In addition, there are attractive traditional features such as the turned wood and curved features on the fanlight and display window which cannot be emulated by aluminium; it is these features which are unique to this shopfront and features which should be protected. Thirdly, the applicant notes that timber frontages with decorative features and large areas of glazing are more costly and longer to repair in cases of vandalism. However, the incidence of vandalism in Lanark High Street is low and Aulds does not carry high value items which would attract burglary. Additionally, depending on the level of damage timber may not always take longer to repair as a local joiner could fix a timber frontage with timber they have available to them whereas a standardised aluminium frontage may require to be ordered up or go out of stock. It is not therefore considered appropriate to compromise on the character of a shopfront in this conservation area based on the justification of possible vandalism; a circumstance which may never happen. Finally, it is understood Aulds are operating a companywide re-brand; however in planning terms proposals are assessed on the basis of their location, in this case a historic conservation area, not a company's national branding or commercial competition. It is possible to achieve an attractive rebranding of a company whilst working within the constraints of each individual site. For example, the existing shopfront could be repainted to follow the re-branding. In view of the above, the applicant has not provided sufficient reasoning as to why it is not feasible to retain or adapt the existing shopfront. Thus, the proposal fails on the first criteria of the Shopfront Guide.
- 2.6 The second criterion is whether the proposed frontage would detract from the building or surrounding area. The Shopfront Design Guide requires: original features to be incorporated in the design; stall risers to use materials sympathetic to the shop front; windows and doors to be of appropriate proportions to the building and those adjoining the street; where timber framed shop fronts are still predominantly intact, timber should be used to reinstate the frontage. The applicant has now amended plans to include curved features on the fanlight and window; however the turned wood details are lost. The Shopfront Guide details that frontages should be finished in predominately one material, in this proposal the main frame and door is aluminium with timber curved features and timber clad mullions; it is considered the mix of

materials would not achieve a coherent and unified frontage. In addition, the High Street still comprises predominately timber shop frontages; as such any replacement shopfront should be timber. If timber was used the decorative turned wood features could be incorporated in a new design. The proposed tiled stallriser is not an acceptable replacement for the existing timber stallriser and other stallrisers within the street use mainly timber or rendered stone. In addition, the consistent approach in the High Street is a set back entrance door with a single display window; many of the shops on the High Street have a similar sized display windows. The proposal seeks to divide this display window which would result in an anomaly within the streetscape. Therefore the proposal, through the loss of traditional and original features of the existing shopfront together with the use of inappropriate materials for the stallriser and frontage, would detract from the surrounding area and fails on the second criteria within the Shopfront Guide.

- 2.7 The proposal fails to comply with the Shopfront Guide and therefore does not comply with Policy DM1.
- 2.8 Policy 15 seeks to protect and enhance the natural and historic environment and Policy NHE 7 provides specific advice on conservation areas, namely that proposals should preserve and enhance its character. As detailed in the assessment above the proposal would result in the loss of attractive turned wood detailing and timber panelled stallriser, without proper justification, to replace with inappropriate materials. Consequently, the proposal fails to preserve the existing attractive features in the conservation area and proposes to replace with features and materials which do not enhance the area. Therefore, the proposal does not preserve and enhance and is deemed to have an adverse impact on the conservation area; the proposal therefore fails to meet Policy NHE7. Consequently, the development has an adverse impact upon a Category 3, local, designation and does not comply with Policy 15.
- 2.9 Policy 4 - Development Management and Placemaking seeks to ensure proposals integrate well with the surrounding area and, specifically, that there is no significant adverse impact upon the built heritage. It has been established above that there is a significant adverse impact on the conservation area which is considered built heritage. Therefore, the proposal fails to meet Policy 4.
- 2.10 In view of the above, the application site contains an attractive timber shopfront which contributes towards the appearance and character of Lanark's High Street and conservation area. There has been insufficient reasoning provided as to why it is not feasible to retain or adapt the existing frontage and the proposed frontage uses inappropriate materials resulting in the original and attractive features which make the shop frontage special being lost. It is therefore recommended that planning permission is refused.

### **3 Reason for decision**

- 3.1 The proposal fails to comply with Policy 4, 15, DM1 and NHE7 in that: there is insufficient reasoning as to why existing frontage cannot be retained and the proposal would have an adverse impact upon the conservation area and built heritage.

**Delegating Officer: Lynda Dickson**

**Date: 18/12/17**

**Previous references**

- ◆ None

**List of background papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management, placemaking and design supplementary guidance (2015)
- ▶ Natural and historic environment supplementary guidance (2015)
- ▶ Shopfront Design Guide
- ▶ Neighbour notification letter dated 06.10.2017
- ▶ Lanark Gazette advert dated 18.10.2017
- ▶ Site Notice dated 18.10.2017

**Contact for further information**

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

Fiona Bailie

(Tel : 01698 455271 )

E-mail: [fiona.bailie@southlanarkshire.gov.uk](mailto:fiona.bailie@southlanarkshire.gov.uk)

## **REASONS FOR REFUSAL**

- 1           The proposed shopfront would be contrary to Policy DM1 of the Development Management, Placemaking and Design Supplementary Guidance in that it fails to comply with the Shopfront Guidance as sufficient and valid reasoning has not been provided as to why it is not feasible to retain or adapt the existing shopfront.
  
- 3           The proposal is contrary to Policy NHE7 of the Natural and Historic Environment Supplementary Guidance in that it would lead to the loss of attractive decorative features on an existing shopfront, failing to preserve or enhance the character of the conservation area.
  
- 4           The proposed shopfront would be contrary to Policy 15 of the South Lanarkshire Local Plan as it would have an adverse impact on the conservation area.
  
- 5           The proposed shopfront would be contrary to Policy 4 of the South Lanarkshire Local Plan as it would have an adverse impact on the built heritage.

## **INFORMATIVES**

- 1           This decision relates to drawing numbers: 2576-LP, 2576-D.001, 2576-D.002 Rev B

# Appendix 3

3

**Site photographs and location plan**



Photos of Site.



Photo 1. – Shop front



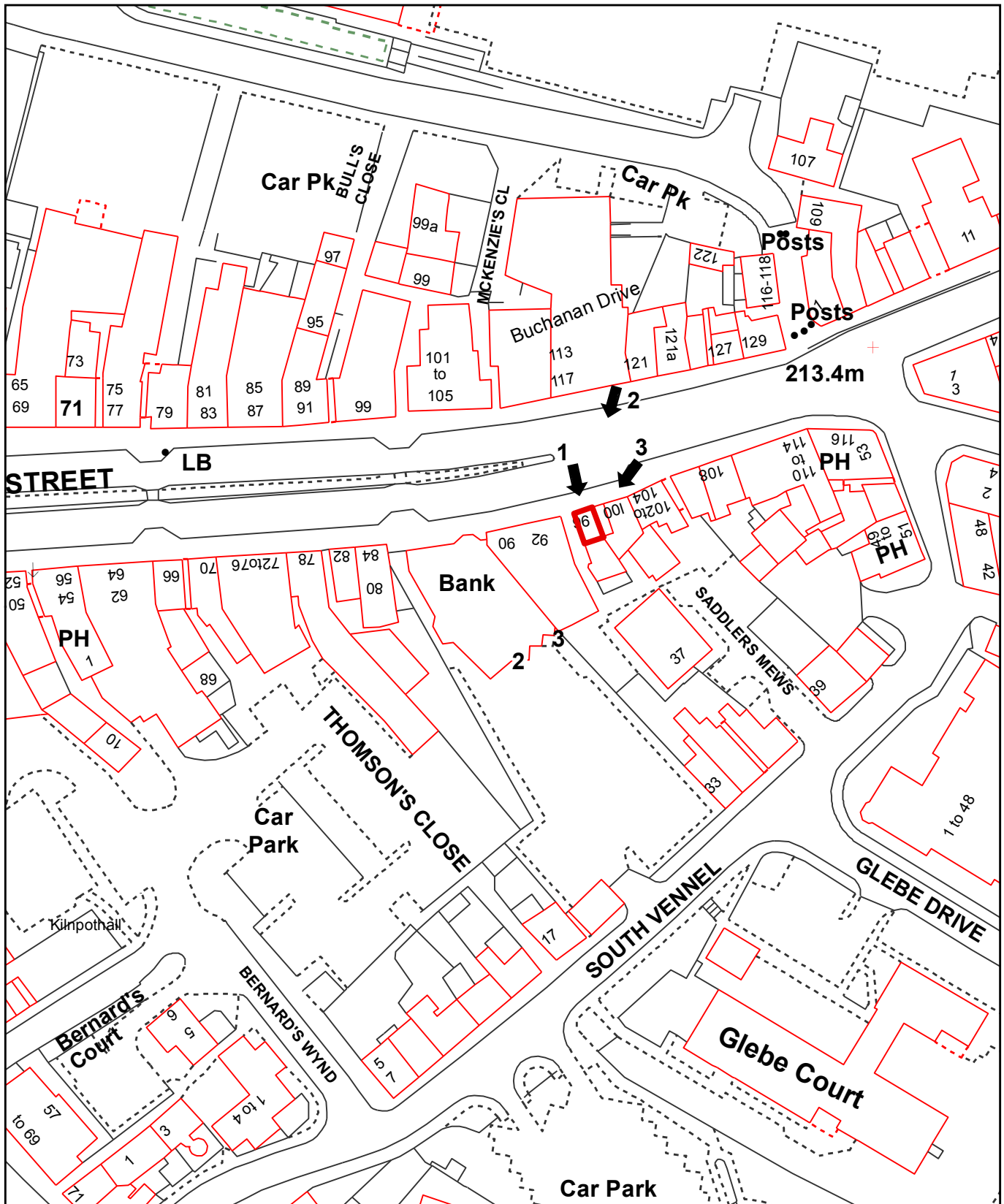
Photo 2 – High Street from North side



Photo 3 – High St from South side



Planning Review PLRB/NOR/CL/17/0445  
Aulds, 96 high Street, Lanark



This map indicates from where photographs were taken



Application site

Photograph viewpoints

Community and Enterprise Resources  
Planning and Economic Development



Scale: 1:1,000

Date:

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## **Appendix 4**

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### **Planning Decision Notice and Reasons for Refusal**





## Town and Country Planning (Scotland) Act 1997

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To : **Thomas Auld & Sons Ltd**      Per : **Nicholson McShane**  
**94-96 High Street**                      **Architects**  
**Lanark**                                      **Ladyburn Business Centre**  
**ML11 7ES**                                **10 Pottery Street**  
    **Greenock**  
    **PA15 2UH**

With reference to your application dated 25 September 2017 for Planning Permission under the above mentioned Act :

**Description of Proposed Development :**

Alterations to shopfront including removal of existing timber shopfront and replacement of aluminium and timber clad frontage, tiled stallriser and replacement of fascia board.

**Site Location:**

94-96 High Street  
Lanark  
ML11 7ES

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South Lanarkshire Council in exercise of their powers under the above mentioned Act hereby:

**REFUSE PLANNING PERMISSSION**

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

---

Date: 19/12/17

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**Head of Planning and Economic Development**

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This permission does not grant any consent for the development that may be required under other Legislation, e.g. Planning Permission, Building Warrant or Roads Construction Consent.

**South Lanarkshire Council**  
**Community and Enterprise Resources**  
**Planning and Economic Development**

**South Lanarkshire Council  
Refuse Planning Permission**

Application Number: [CL/17/0445](#)

**Reason(s) for Refusal:**

- 1 The proposed shopfront would be contrary to Policy DM1 of the Development Management, Placemaking and Design Supplementary Guidance in that it fails to comply with the Shopfront Guidance as sufficient and valid reasoning has not been provided as to why it is not feasible to retain or adapt the existing shopfront.
- 2 The proposal is contrary to Policy NHE7 of the Natural and Historic Environment Supplementary Guidance in that it would lead to the loss of attractive decorative features on an existing shopfront, failing to preserve or enhance the character of the conservation area.
- 3 The proposed shopfront would be contrary to Policy 15 of the South Lanarkshire Local Plan as it would have a significant adverse impact on the conservation area.
- 4 The proposed shopfront would be contrary to Policy 4 of the South Lanarkshire Local Plan as it would have a significant adverse impact on the built heritage.

**Reason(s) for Decision:**

- 1 The proposal fails to comply with Policy 4, 15, DM1 and NHE7 in that: there is insufficient reasoning as to why existing frontage cannot be retained and the proposal would have a significant adverse impact upon the conservation area and built heritage.

## NOTES TO APPLICANT

APPLICATION NUMBER: [CL/17/0445](#)

### Important

The following notes do not form a statutory part of this Decision Notice. However, it is recommended that you study them closely as they contain information which guides you to other relevant matters that may assist in ensuring that the development is properly carried out.

1 This decision relates to drawing numbers: [2576-LP](#), [2576-D.001](#), [2576-D.002 Rev B](#)





## **Appendix 5**

**3**

**Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Thomas Auld and Sons Limited**





Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100067204-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Nicholson McShane Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	Ladyburn Business Centre
Last Name: *	Nicholson	Building Number:	10
Telephone Number: *		Address 1 (Street): *	Nicholson McShane Chartered
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Greenock
Fax Number:		Country: *	Scotland
		Postcode: *	PA15 2UH
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? \*

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="19"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="5-9 Brisbane Street"/>
Company/Organisation	<input type="text" value="Thomas Auld &amp; Sons Ltd."/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Greenock"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA16 8LS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="South Lanarkshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="643661"/>	Easting	<input type="text" value="288374"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Alterations to shopfront including removal of existing timber shopfront and replacement of aluminium and timber clad frontage, tiled stallriser and replacement of fascia board.

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to separate "Statement of Review to the Local Review Body".

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

"Statement of Review to the Local Review Body"

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

CL/17/0445

What date was the application submitted to the planning authority? \*

25/09/2017

What date was the decision issued by the planning authority? \*

19/12/2017

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Douglas Nicholson

Declaration Date: 14/02/2018



**Alterations to shopfront including removal of existing timber shopfront and replacement of aluminium and timber clad frontage, tiled stallriser and replacement of fascia board**

**(CL/17/0445)**

**At**

**94-96 High Street, Lanark, ML11 7ES**

### **Statement of Review to the Local Review Body**

#### **Introduction**

1. The applicant is Thomas Auld & Sons Ltd., a bakery business which has been providing quality and fresh bakery products on the High Streets of Central Scotland since the Company's inception in 1900.
2. Aulds is currently in the process of updating their corporate identity and, as a result of this, are committing considerable investment in new shopfronts and other works within many of their stores. This is positively contributing to the quality of many of the High Streets where Aulds has a presence and securing the viability of their shops going forward.
3. The proposal is for an appropriately scaled and modestly detailed intervention into the streetscape.

#### **Reason for Refusal**

4. The reason for refusal set out in the decision notice is as follows:  
"The proposal fails to comply with Policy 4, 15, DM1 and NHE7 in that: there is insufficient reasoning as to why the initial frontage cannot be retained and the proposal would have an adverse impact upon the conservation area and built heritage".

#### **Response to Report of Handling and Reason for Refusal**

5. The Report of Handling concludes that our proposal fails to accord with Policy 4. The criteria indicating compliance with this policy are integration with the surrounding area, and impact on the built heritage. In each case we argue that our proposal has no significant impact. We contend that the statement that High Street contains "predominantly timber shop





frontages” is misleading and that there are, in fact, a large number of aluminium shopfronts evident in very close proximity to the Aulds unit. We argue that the proposed alterations must be viewed in this context.

6. The Report of Handling also concludes that our proposal fails to accord with Policy 15 and with NHE 7. Policy 15 seeks to ensure that proposals “protect and enhance the natural and historic environment”. Although a material change is proposed, again this is of a relatively modest nature and little of consequence is being lost to the streetscape.
7. Policy DM1 requires that new shopfronts comply with the local authority’s Shopfront Guide. This is supported by the processing officer’s comments that “proposals are assessed on the basis of their location, in this case the historic conservation area, not a company’s national branding or commercial competition”. We note that many of the large national retail outlets located on High Street, including Santander, Holland & Barrett, Costa, Poundland and Ladbroke’s, have aluminium shopfronts which reflect their corporate branding and are substantially at variance with the Shopfront Guide.
8. The applicant has made clear the requirements for the change to the shopfront in the following statement submitted to the planning processing officer on 4<sup>th</sup> December 2017:  
*“One of the main reasons for moving to a metal shopfront is the difficulty we have with wooden doors. Wooden doors, as is the case in Lanark move with temperature and moisture leaving small gaps at thresholds that leads to pest ingress and drafts. As we all know it only needs the smallest of gaps under a door for the ingress of many types of pest. This has been a constant issue with our Lanark front door.*

*Secondly the maintenance of the wood is a large issue for us. Our image is important to us and all our shops except Lanark and a unit in Paisley, which is soon to be changed, have metal shopfronts. Metal shopfronts remain looking good throughout their lifetime whereas, even with maintenance, the wood goes from looking good to looking poor very quickly, leading to the shop looking shabby. This is particularly the case in Lanark High Street where the shop is very exposed to the elements.*

*Thirdly, vandalism and the cost of replacing/repairing wooden and decorative finishes is unfortunately becoming a large issue. The potential to quickly replace decorative wooden surrounds is small whereas metal standard items can be replaced much more easily and quickly. With the absence of shutters on the shop this becomes a major concern and is linked to the aim of reducing the size of window pane as the cost and ability to replace glass is directly linked to the pane size.*



*Finally, our company has recently rebranded as we have a need to move away from the old fashioned Aulds if we are to succeed on the high street. This means that it is essential that we have a more modern look to our retail outlets, more in keeping with a lot of the metal shopfronts that have appeared in Lanark High Street. We cannot drag Aulds into the old fashioned bracket, with wooden shopfront, where we struggle to compete with retailers with more contemporary images.*

*I hope this explains why we really must move away from the wooden frontage".*

### **Summary**

9. The proposal represents a modest intervention into a busy, vibrant streetscape which displays a high degree of variety in shopfront design and materials. The consistency in materials and detailing assumed by Shopfront Guide is in no way reflected in this streetscape.
10. The inability of the applicant to upgrade the shopfront in a modern manner compromises the ability of Thomas Auld & Sons Ltd. to compete with businesses which already have modern shopfronts on the High Street.

Nicholson McShane Architects

# Appendix 6

3

## Further Representations

### Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review



## **1.0 Planning Background**

- 1.1 Thomas Auld & Sons Ltd submitted a planning application (CL/17/0445) on 26<sup>th</sup> September 2017 to South Lanarkshire Council for shopfront alterations on 94-96 High Street, Lanark. The application was subsequently registered on 6<sup>th</sup> October 2017. After due consideration of the application in terms of the Development Plan and all other material planning considerations, the planning application was refused by the Council under delegated powers on 19<sup>th</sup> December 2017. The report of handling dated 18<sup>th</sup> December 2017 explains the decision and the reasons for refusal are listed in the decision notice. These documents are available elsewhere in the papers.

## **2.0 Assessment against the Development Plan and other relevant policies.**

- 2.1 Section 25 of the Town & Country Planning (Scotland) Act 1997, as amended, requires that an application for planning permission is determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.2 The development plan in this instance comprises the adopted South Lanarkshire Local Development Plan (2015) within which the site is identified as being located within a conservation area where Policy 15: Natural and Historic Environment and Policy NHE7 Conservation Area are relevant. Policy 15 seeks to protect and enhance the natural and historic environment and Policy NHE7 provides specific advice on conservation areas namely that proposals should preserve and enhance its character. Policy 4 Development Management and Placemaking is relevant to all proposals and seeks to ensure proposals integrate well with the surrounding area and, specifically, that there is no significant adverse impact upon the built heritage. Policy DM1 Design is relevant to this type of proposal and directs the reader, in this case, to the Council's Shopfront Design Guide providing principles and guidance for alterations to shopfronts across South Lanarkshire and specific guidance in conservation areas, where high quality design is expected.
- 2.3 Policy DM1 directs the reader, in this case, to the Council's Shopfront Design Guide. The Shopfront Design Guide details that there is a presumption in favour of retaining existing traditional frontages within conservation areas. The application proposes to alter a timber frontage which contains traditional features such as a curved fan light and shop window with attractive decorative turned wood detailing (*see Production 2-Photos 2-5*), therefore the frontage in question can be considered a traditional frontage. The Shopfront Design Guide details that the removal of a traditional frontage in conservation areas and its replacement is only permitted where 2 criteria can both be met, namely, where it is not feasible to adapt or retain the existing frontage and the Council is satisfied the design of the shopfront will not detract from the appearance of the building or surrounding area.
- 2.4 The applicant submitted information alongside the application detailing why they consider that the existing timber frontage cannot be retained and why a timber frontage cannot be used for the replacement. The reasoning is based on 4 points namely: shrinkage of timber causes pest ingress; time and cost to replace timber and large areas of glazing in the event of vandalism; deterioration of timber frontages; and the traditional frontage does not fit with modern image Aulds intend to rebrand with.

- 2.5 I am of the view the applicant's reasoning is insufficient to demonstrate that it is not feasible to retain or adapt the existing frontage. Firstly, it is possible to retain and adapt the existing timber frontage to solve issues of pest ingress such as using barrier below door or replacing existing timber with seasoned, weatherproofed timber reducing shrinkage. Secondly, I would consider vandalism unlikely to occur due to historic low incidences of this circumstance on Lanark High Street and that the unit sells low value perishable items which are unlikely to be an attraction for theft. It is not considered that a timber frontage would necessarily take longer to fix than aluminium for example a local joiner can easily repair timber compared to ordering up aluminium frames. Therefore, is not considered appropriate to compromise on seeking high quality design in conservation area on the basis of the low likelihood of vandalism.
- 2.6 Furthermore, regarding the deterioration and maintenance of timber frontages and designing them to fit with a modern brand image. It is possible to achieve a brand image whilst working with what is already there on site. The primary purpose of a shopfront is to attract the customer and creative signage, decorative paint finishes, inviting entrances and attractive window displays are all used to attract. 94-96 High Street already has decorative turned wooden features (*see Production 2*) which are relatively rare on Lanark High Street, as rural locations generally have less detail and decoration as a result of less competition between retailers. Thus, 94-96 High Street already has the unique elements creating an attractive window display and inviting entrance which will draw customers and allow the shop to compete. The modern brand image of Aulds can be shown via the choice of paint colours and the fascia, which has been successfully done by national and global brands in locations of historic importance across the world. There are recent examples of relocations of shops within Lanark High Street which have adapted their brand image to fit the within the conservation area successfully. Additionally, with proper maintenance timber frontages can remain looking good for long periods of time. It is important to retain traditional shopfronts for the wider good of the shopping area as detailed in the Historic Environment Scotland Traditional Shopfronts Guidance '*Conserving the historic features of shops enhances shopping districts and may, in turn, bring economic benefits to an area by encouraging tourism and improving footfall*'. The South Lanarkshire Council's Shopfront Design Guide concurs with this view and recognises the importance historic shopfronts bring. Therefore, in view of above the applicant has not provided sufficient reasoning as to why it is not feasible to retain or adapt the existing frontage. Thus, the proposal fails to meet first criterion of the Shopfront Guide.
- 2.7 The second criterion of the Shopfront Design Guide is whether the proposed frontage would detract from the building or surrounding area. Policy NHE7 provides specific advice on conservation areas namely that proposals should preserve and enhance its character. The following features (*see Production 2*): a curved fanlight and display window; with turned wood detailing at the tops; a setback entrance way which is tiled; a larger sized window display; and that historic maps indicate the building has been there since the late 1800's would indicate the shopfront is from the Victorian era. The Shopfront Design Guide requires: original features to be incorporated in any proposed design; stall risers to use materials sympathetic to the shop front; windows and doors to be of appropriate proportions to the building and those adjoining the street; where timber framed shop fronts are still predominant, timber should be used to reinstate the frontage. The proposed frontage is predominately aluminium with timber curved inserts to emulate original design and separate the existing window into 4, and the total height of stallriser is proposed to be tiled. Of the 69 properties on the High Street 74% are timber frontages or stone buildings with timber windows (*see*

*Production 1*); as such the street is predominately timber and the guide requires any replacement shopfront to be timber. It has been established earlier there is no substantive reasoning as to why this shopfront cannot remain timber. If timber was used the decorative turned timber features, which are original features lost in proposed design, could be incorporated. The Shopfront Design Guide details that frontages should be finished in predominately one material, in this proposal the main frame and door is aluminium with timber curved features and timber clad mullions; it is considered the mix of materials would not achieve a coherent and unified frontage. The proposed tiled stallriser is not an acceptable replacement for the existing detailed panelled timber stallriser with only one tile depth at pavement and does not reflect other stallrisers within the street which are mainly timber or rendered stone. In addition, the consistent approach in the High Street is a set back entrance door with a single display window and many of the shops have a similar sized display window as the existing Aulds unit has. The proposal seeks to divide this display window in 4 which would result in an anomaly within the streetscape and fail to respect original design features. Therefore the proposal, through the loss of traditional and original features of the existing shopfront together with the use of inappropriate materials for the stallriser and frontage and inappropriate proportions of window design, would detract from the surrounding area and fails on the second criterion within the Shopfront Design Guide. Consequently, the proposal fails to preserve the existing attractive features in the conservation area and proposes to replace with features and materials which do not enhance the area. Therefore, the proposal does not meet the Shopfront Design Guide and is contrary to Policy DM1 and NHE7.

- 2.8 Policy 15 and 4 seek to protect natural and historic environment and the built heritage, respectively. Policy 15 terms the conservation area as a Category 3 designation where proposals shall only be permitted where after mitigation measures there would be no significant adverse impact. It has been established above there is a significant adverse impact upon the conservation area and there are no mitigation measures which would negate that impact therefore the proposal is contrary to Policy 15. Policy 4 requires specifically, that there is no significant adverse impact upon the built heritage. It has been established above that there is a significant adverse impact on the conservation area which is built heritage. Therefore, the proposal fails to meet Policy 4.
- 2.9 The proposed development would have an adverse impact upon the conservation area by the way it fails to incorporate original materials, design features and proportions and would result in the loss of a unique and relatively rare shop frontage within Lanark High Street. Additionally, there are no other materials considerations or relevant justification which would have warranted a departure from the Local Development Plan. Therefore, the proposal is not consistent with the Local Development Plan.
- 2.10 In view of all of the above I remain convinced that the proposal is contrary to the policies contained in the Local Development Plan and in particular raises concern over the loss of traditional shopfronts, the character and visual amenity in Lanark High Street, a conservation area.

### **3.0 Other material considerations**

- 3.1 There are no other material considerations which are relevant in the assessment of this application.

### **4.0 Observations on applicant's 'Notice of Review'**

4.1 The applicant has submitted a statement to support the review. The grounds are summarised below:

**(a) Aulds is updating corporate identity and as a result is committing considerable investment in new shopfronts, which is contributing to quality of High Streets.**

**Response:** As detailed in officer's report and above the proposed frontage is not considered an appropriate replacement for the current shopfront. The investment could be directed to maintaining or refreshing the existing frontage which would enhance the quality of the High Street and conservation area and retain original features.

**(b) Reason for refusal is set out in the decision notice as follows '*The proposal fails to comply with Policy 4, 5, DM1 and NHE7 in that there is insufficient reasoning as to why the initial frontage cannot be retained and the proposal would have an adverse impact upon the conservation area and built heritage*'.**

**Response:** The notice of review submitted is referring to the reason for decision, there are 4 reasons for refusal which detail that the proposal: fails to demonstrate why it would not be feasible to retain existing frontage; and the proposed frontage would lead to loss of attractive decorative features and fails to preserve or enhance character of conservation area and; due to the impact upon the conservation area the proposal consequently fails to meet Policies 4 and 15. These reasons are detailed in the decision notice and officers report and above.

**(c) Argue our proposal has no significant impact on surrounding area and built heritage and contend that the High Street contains predominately timber shop frontages – there is a large number of aluminium shop frontages in very close proximity to the Aulds Unit and request the proposed alterations are viewed in that context.**

**Response:** Planning decisions are taken in the context of the surrounding area and planning policies. There are some of the units within the proximity of Aulds with aluminium frontages, however over the 69 units on the High Street counted a total of 74% of frontages are timber frontages or are stone buildings with timber windows (see *Production 1*). Therefore, the High Street does contain predominately timber shop frontages and this is the context within which the proposal was considered. The policies in this regard have a presumption in favour of retaining traditional frontages as it is recognised good design contributes to the overall area. As detailed in the assessment against the development plan policy requires reasoning for a loss of a traditional frontage, which is not considered to have been provided in this case. The surrounding area is predominately timber frontages, however few properties have the decorative timber turned wood which 94-96 High Street has; this should be retained to contribute to the surrounding area. Due to the loss of decorative unique features on a traditional frontage to be replaced by a proposed frontage with an inappropriate mix of materials and design features failing to reflect original features it is considered the proposal would have a significant adverse impact on the conservation area.

**(d) The change of a modest nature and little consequence is being lost to the streetscape.**

**Response:** The following features would be lost from the existing frontage turned wood detailing the tops of the window and fanlight, the timber panelled stallriser and the proportion of the window design and use of a traditional material of timber (see *Production 2*). These features together show the history of the shopfront and surrounding area and indicate this is a shopfront from the Victorian era. The decorative detailing is relatively rare in Lanark High Street, possibly due to the rural



nature where competition historically is lower and the shopfront required to be less detailed to attract customers. Therefore, the change is not of a modest nature as several elements of the traditional frontage are lost. In addition, this loss has not been properly justified or reflected in the proposed design.

**(e) Many of the large national retail outlets located on High Street including Santander, Holland and Barrett, Costa, Poundland and Ladbroke's have aluminium shopfronts which reflect their corporate branding and are at substantially variance to the Shopfront Guide.**

**Response:** There are 20 properties which could be described as large national retail outlets on Lanark High Street including RBS, Nationwide, Boots, Card Factory, Greggs. Of these national retail outlets, 76% of the properties are in timber units or a stone building with timber windows (*see Production 1*). This is a similar percentage as across the whole High Street taking into account local retailers. Therefore it does follow that aluminium shopfronts are required to reflect corporate branding or compete with modern retail outlets.

**(g) The applicant made clear their requirements for change to the shopfront when submitted to the Planning Officer on 4<sup>th</sup> December 2017**

**Response:** These requirements were taken into account during the processing of the application and have been responded to within the Officers Report of Handling but were deemed to constitute insufficient reasoning for justifying why a timber frontage is not feasible to retain.

**(h) The consistency in materials and detailing assumed by the Shopfront Guide is no way reflected in this streetscape.**

**Response:** The Shopfront Design Guide is not a description of Lanark High Street but is a guide for decision making for shopfront alterations across all shopping areas within South Lanarkshire and represents best practice to ensure attractive and original features are retained and good designs proposed. The Guide allows for the incorporation of modern frontages under certain circumstances, i.e. where it is not feasible to retain the original frontage and reflects the surrounding area. As has been detailed, there is insufficient evidence to demonstrate that this is applicable in this case.

**(i) The inability of the applicant to upgrade the shopfront in a modern manner compromises the ability of Aulds to compete within modern shopfronts on the High Street**

**Response:** An aluminium frontage is not considered necessary for competition between retailers. Competition between retailers is not a valid planning matter however, there is evidence that attractive traditional shopfronts will draw customers, increase footfall and in return provide economic benefit for all retailers. The investment intended for a replacement of the frontage in aluminium could be redirected to retaining, renewing and refreshing the existing frontage which is unique in nature. The modern branding can still be shown through colours of paint and the fascia board.

## **5.0 Conclusions**

- 5.1 In summary the proposal would result in the loss of unique and decorative features within the conservation area and Lanark town centre resulting in a significant adverse impact upon the conservation area. It is therefore respectfully suggested that the decision be upheld.

### List of productions

Production 1 – Type of Shopfronts on Lanark High Street

Production 2 – Site Information Photos

Production1 – Type of Shopfronts on Lanark High Street					
North Side of High St (East to West)		Type of Shopfront	South Side of High St (West to East)		Type of Shopfront
1	Ladbrokes*	Timber	37	Clydesdale	Stone & Timber
2	Subway*	Timber	38	Remax*	Timber
3	Scotzone	Timber	39	Tolbooth	Timber
4	Canton House	Timber	40	Sweet Occasions	Timber
5	Chillies	Aluminium	41	The Tool Shop	Timber
6	Debra	Aluminium	42	Ladbrokes*	Aluminium
7	Holland and Barratt *	Aluminium	43	Empty Unit	Timber
8	WHS Smith*	Aluminium	44	Empty Unit	Timber
9	St Andrews Hospice	Timber	45	Specsavers*	Timber
10	Capital House	Aluminium	46	Empty Unit	Timber
11	Card Factory*	Timber	47	Greggs*	Timber
12	Boots*	Timber	48	Savers*	Timber
13	Nationwide*	Timber	49	Thomas Cook*	Timber
14	More Choice	Timber & Aluminium	50	Horse and Jockey	Stone and Timber
15	Costa*	Timber	51	Poundland*	Aluminium
16	Clarks Bakers	Timber	52	Marie Curie	Aluminium
17	M&Co*	Timber	53	Smail and Ewart	Aluminium
18	Morrison & Smith	Aluminium	54	Dentists	Stone
19	SAC	Stone and Timber	55	Hugh Blacks	Stone and Timber
20	Lanarkshire Printhouse	Stone and Timber	56	Smoke Max	Timber
21	Flower of Scotland	Timber	57	Lloyds Pharmacy*	Timber
22	Empty Unit - McKellars	Aluminium	58	Empty Unit	Timber
23	Taj Mahal	Timber	59	Alfies	Timber
24	Empty Unit	Timber	60	RBS*	Stone and Timber
25	Brooks Men's	Timber	61	Ebis	Timber
26	Brooks Shoes	Timber	62	Aulds*	Timber
27	Brooks Ladies	Timber	63	Sweeti-licious	Aluminium
28	Florists	Timber	64	Timpson*	Timber
29	Hair Chair	Timber	65	Empty Unit	Timber
30	Millar Blinds	Aluminium	66	Bits and PCs	Aluminium
31	Empty Unit	Timber	67	Santander *	Aluminium
32	Clothes Unit	Timber	68	Fringes	Aluminium
33	Directors Box	Timber	69	Port Vaults	Stone and Timber
34	Rug and Flooring	Timber	* denotes Large National Retail Outlet		
35	Prego	Timber & Aluminium			
36	Bridal	Timber			
<b>Total Units</b>		<b>69</b>	<b>Total Large National Retail Outlets</b>		<b>21</b>
Total Timber Shopfronts		43	62%		
Total Aluminium Shopfronts		16	23%		
Total Stone & Timber Shops		8	12%		
Total Timber & Aluminium Shops		2	3%		
			Timber Shopfronts		15
			Aluminium Shopfronts		5
			Stone & Timber Shops		1



Photo 1 - Aulds Shopfront ( taken 12/10/2017)



Photo 2 – Curved fanlight above door( taken 12/10/2017)





Photo 3 - Curved fanlight and window details with turned wood detailing.( taken 8/03/2018)



Photo 4 – Curved window detail ( taken 12/10/2017)



Photo 5 – Curved window detail ( taken 12/10/2017)





Photo 6 - Tiled entranceway, timber door with kickboard and timber paneled stallriser ( taken 12/10/2017)



Photo 7 - Timber paneled stallriser ( taken 12/10/2017)





Photo 8 - Timber paneled stallriser ( taken 12/10/2017)



Photo 9 – Fascia board ( taken 12/10/2017)





Photo 10 - Fascia board ( taken 12/10/2017)



Photo 11 – Looking west down High Street towards shop front, taken from north side of street. ( taken 8/3/2018)





Photo 12 - Looking west down High Street towards shop front, taken from south side of street. ( taken 8/3/2018)



Photo 13 - Looking east up High Street towards shop front, taken from south side of street ( taken 8/3/2018)