

	<h1>Report</h1>	<b>Agenda Item</b>  <h2>9</h2>
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Report to: **Planning Committee**  
Date of Meeting: **26 January 2010**  
Report by: **Executive Director (Enterprise Resources)**

Application No CL/08/0617  
Planning Proposal: Erection Of Class 1 Retail Store And Petrol Station Together With The Formation Of Associated Car Park, Service Areas And Vehicular Access

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Tesco Stores Limited
- Location : Europa Truck Stop  
Wellburn Interchange  
Teiglum Road  
Lesmahagow ML11 0HY

## 2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission (Subject to conditions – Based on the Conditions Listed)

### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine the application.
- (2) It is recommended that a Section 75 Agreement is entered into between the Council and the applicant prior to the issuing of the final decision to ensure the applicant submits an agreed financial contribution towards environmental improvements in Lesmahagow prior to the development coming into operation.

## 3 Other Information

- ◆ Applicant's Agent: Pritchett Planning Consultancy
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **Glasgow & Clyde Valley Joint Structure Plan 2006**  
Strategic Policy 5: Competitive Economic Framework  
Strategic Policy 6: Quality of Life and Health of Local Communities  
Strategic Policy 9: Assessment of Development Proposals  
**South Lanarkshire Local Plan (Adopted)**

Policy STRAT1: Regeneration Priorities  
Policy ECON1: Industrial Land Use  
Policy ECON13: Non-Conforming uses in  
Industrial Areas  
Policy COM3: New Retail/Commercial  
Development  
Policy COM4: New Retail/Commercial  
Development proposals  
Policy TRA1: Development Location and  
Transport Assessment  
Policy DM1: Development Management  
Policy ENV30: New Development Design  
Policy ENV11: Design Quality

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

- ◆ Consultation(s):

S.E.P.A.

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

Roads and Transportation Services (South Division)

Roads & Transportation Services H.Q.(Transportation)

Transport Scotland

Lesmahagow Community Council

Glasgow & Clyde Valley Strategic Development Planning Authority

# **Planning Application Report**

## **1 Application Site**

- 1.1 The existing Truck Stop facility at the north end of Lesmahagow on Teiglum Road forms the application site (2.1 hectares). The Truck Stop provides a roadside service area for the adjacent motorway (M74), and also for the local road network. The site comprises of two main buildings and a substantial parking area for lorries. Vehicular access to the site is currently taken from Teiglum Road. The ground level of the site is generally flat and the site is well screened to the south and south-west by a belt of trees and shrubs. The site is located immediately adjacent to junction 10 of the M74 with the north-bound slip road bordering the site to the north and north-east. Land to the west and south consists of vacant land which is allocated for industrial use in the local plan. Teiglum Road bounds the site to the south-east.

## **2 Proposal(s)**

- 2.1 The applicant seeks detailed planning permission for a Class 1 retail development on the site. Vehicular access would be taken via the existing access from Teiglum Road which would be upgraded. The proposal involves the construction of a 3,411 square metres (gross) floorspace store on the south-western part of the site. The building will be single storey, measuring 7 metres in height. Externally the building will be finished in glazing, larch board cladding and coloured composite cladding. The roof has a shallow pitch with roof lights and wind catcher ventilators. A petrol station is also proposed on the south-eastern part of the site close to the vehicular access at Teiglum Road which would be enclosed by a canopy and served by a small kiosk measuring 70 square metres in size. A total of 270 car parking spaces are proposed (including 14 disabled & 10 parent and toddler spaces). The parking area would wrap around the proposed store to the north and east. Trolley bays, cycle racks, a recycling point, an ATM cash machine pod as well as a public information/amenity area are all shown on the plans. The service area for the store would be situated just off the vehicular access from Teiglum Road and would include a sprinkler tank, generator and pump house. The applicants propose the installation of a pedestrian crossing on Teiglum Road. A bus stop/layby has been shown within the site.
- 2.2 Tesco have advised that the proposed new store will provide over 160 local jobs (approximately 60% full time & 40% part time). They advise that they work closely with Job Centre Plus to offer positions to the long term unemployed, and are keen to work with the Council to ensure key local agencies are approached and consulted. During the recruitment process they would set up a recruitment centre in Lesmahagow and advertise all their vacancies in the local media. They have also given an undertaking that they will submit a financial contribution for a sum to be agreed, towards environmental improvements in Lesmahagow before the store opens.
- 2.3 The applicant submitted various documents in support of the application i.e. Planning and Retail Impact Statement (RIA), Sustainability Statement, Transportation Assessment (TA) and Geotechnical & Environmental Assessment Report.
- 2.4 The RIA was backed-up by additional information which was submitted during the assessment of this proposal. The report concludes that the proposal will not adversely affect the long term vitality and viability of the town centre, instead the new store would add a new, much needed dimension to shopping in the town and would compete with more distant stores which are over-trading. The store is therefore

designed to attract trade which is currently leaking out of the catchment area for the store to other larger centres and stores and is well located to attract such trade.

- 2.5 The Sustainability Statement provides information on the energy efficiency measures and renewable technologies they intend to use on the property (e.g. improving air tightness, dimmable lighting, wind catchers, combined heating and power generation). The report also provides information on Tesco's wider sustainability policies such as investing in communities, recycling, creating local jobs and sale of local products.
- 2.6 The TA demonstrates that the predicted vehicle trips generated by the proposed development will have a minimal impact on the performance of the respective junctions in the study area. It summarises a number of measures including encouraging further walking trips by installing a good standard of footways within the site to link with existing footways on Teiglum Road and the provision of a controlled pedestrian crossing adjacent to the entrance to the site. It would promote cycling with cycle parking facilities. The nearest bus stops to the site are currently located on Strathaven Road and are within the recommended 400m maximum walking distance. Notwithstanding this the applicant proposes the provision of a bus stop within the site which will afford direct bus services to the development. The developer has reached agreement to fund the extension of a local bus service for a minimum of 3 years into the site.
- 2.7 The Geotechnical and Environmental Assessment Report addresses the issues of potential ground contamination at the site. It recommends that a further phase of soil sampling in order to ensure any fuel spillages have not resulted in contamination and additional gas monitoring around the zone of influence from leakage/spillage around the Liquified Natural Gas tank should take place.

### **3 Background**

#### **3.1 Structure Plan Background**

- 3.1.1 The main policies in the Glasgow and Clyde Valley Structure Plan 2006 which are relevant to this application are Strategic Policy 5 – Competitive Economic Framework which addresses issues such as industrial land supply and Strategic Policy 6: Quality of Life and Health of Local Communities, specifically 6 (c), which encourages the protection, management and enhancement of Town Centres as the preferred locations for retailing and other community focused activities. Strategic Policy 9: Assessment of Development Proposals is also relevant.

#### **3.2 Local Plan Background**

- 3.2.1 Policy STRAT1: Regeneration Priorities of the adopted South Lanarkshire Local Plan is relevant to this application. The site is located within an industrial area where Policy ECON1: Industrial Land Use applies. As the proposal is not for an industrial use, Policy ECON 13: Non-Conforming uses in Industrial Areas applies. The following retail policies are also relevant i.e. Policy COM3: New Retail/Commercial Development and Policy COM4: New Retail/Commercial Development Proposals. Policies DM1: Development Management, ENV30: New Development Design and ENV11: Design Quality also need to be taken into account as well as Policy TRA1: Development Location and Transport Assessment.

#### **3.3 Government Advice/Policy**

- 3.3.1 Policy SPP8: Town Centres and Retailing seeks to direct new development into town centres unless a qualitative and quantitative need can be established and it can be shown that there will be no impact on town centres. A sequential test should be

undertaken to demonstrate that the optimum site within the town centre or as close as possible to the town centre has been chosen.

- 3.3.2 Policy SPP2: states that the planning system should be responsive and sufficiently flexible to accommodate the particular requirements of mobile inward investment, growing indigenous firms and other major investments. In particular, marketable land should be provided in sufficient quantity and quality to meet the diverse range of industrial, business and commercial requirements. It further advises that in rural areas development plans should recognize and encourage the potential of small towns to provide employment for the wider local community. The regeneration of previously developed land is also encourage not only to sustain the process of physical regeneration but also to provide easily accessible employment opportunities for local communities.

#### 3.4 **Planning Background**

- 3.4.1 A separate application is also under consideration at this Committee for another retail development in the village. Planning permission in principle is sought for a retail store on the former Lesmahagow High School site by MUSE Developments.
- 3.4.2 In terms of planning history of the current application site, planning permission was granted in 1999 for the erection of a 22.5 metre high lattice tower and associated telecommunications equipment (CL/99/0572). Then in 2001 consent was granted for a subsequent 15 metre high telecommunications tower and associated equipment (CL/01/0427). Permission was then granted in 2004 for the use of part of the site for a car boot sale (CL/04/0296).

#### 4 **Consultation(s)**

- 4.1 **Lesmahagow Community Council** – support the application subject to the applicants committing to an appropriate regeneration fund and local recruitment and local products being able to be sold in the store. They advise that they have not formally canvassed opinion from villagers however they advise that the general feedback from residents has been positive. However they advise that concern has been expressed about the impact on local traders and the resulting further deterioration of the village centre.

**Response:** Noted. The applicant has confirmed that if the application is approved they will submit a financial contribution towards environmental improvements in Lesmahagow. In addition, during the recruitment process they would set up a recruitment centre in Lesmahagow and advertise all their vacancies in the local media. Tesco also support the sale of local produce and therefore supports local farmers. The impact on local traders is addressed in section 6 of the report.

- 4.2 **Environmental Services** – offer no objections subject to advisory notes being attached to any consent granted in relation to noise, smoking shelters, and demolition both in relation to asbestos and pest control. They advise that the site investigation report which was submitted with the application satisfactorily addresses contamination issues on the site and that the recommendations within the report in relation to a further phase of soil sampling in order to ensure that any fuel spillages have not resulted in contamination and additional ground gas monitoring in the zone of influence from leakage/spillage around the LNG tank should be undertaken are appropriate.

**Response:** Noted. If Committee agree to grant consent for this proposal, advisory notes can be attached and the recommendations in respect of the contamination issues can be covered by a condition.

- 4.3 **Roads & Transportation Services (Area Manager, Clydesdale)** – advise a decision should be deferred until a full TA has been carried out.  
**Response:** Noted. The applicant has subsequently submitted a TA which has been fully assessed by the Roads HQ Service and their comments are covered under section 4.4 below.
- 4.4 **Roads & Transportation Services (Transportation Engineering Manager)** – offer comments on the TA which was submitted with the application. They confirm that the development will have no major impact on the existing road network and that in this instance the 270 parking spaces within the development are sufficient. They therefore offer no objections to the proposal subject to conditions attached to any consent granted in relation to the provision of a right turn storage lane on Tieglum Road, a 2 metre wide footway along the frontage of the development connecting to the existing network, a controlled pedestrian crossing on Teiglum Road, and the submission of a finalised Travel Plan.  
**Response:** Noted. If Committee agree to grant consent for this proposal, these matters can be covered by a condition. It should be noticed that the applicants have agreed to these measures.
- 4.5 **Roads & Transportation Services (Flood Prevention Unit)** – offer no objection subject to the surface drainage complying with the Council's Sustainable Urban Drainage design criteria.  
**Response:** Noted. If Committee agree to grant consent for this proposal, this matter can be covered by a condition.
- 4.6 **Transport Scotland** – offer no objection subject to conditions requiring the submission of a Travel Plan, and details of lighting and barriers.  
**Response:** Noted. If Committee agree to grant consent for this proposal, these matters can be covered by a condition.
- 4.7 **SEPA** – offer no objections. They state that the site must discharge to the public sewerage system and that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development in terms of foul drainage will not cause or contribute to the premature operation of consented storm overflows.  
**Response:** Noted.
- 4.8 **Scottish Water** – offer no objection, and advise that there may be a requirement for the developer to carry out works on the local water and wastewater network to ensure there is no loss of service to existing customers.  
**Response:** Noted. Should consent be granted, this would be a matter for the developer to resolve directly with Scottish Water. A condition would be attached to the consent if granted to ensure the store is served before it is occupied.
- 4.9 **Glasgow & Clyde Valley Strategic Development Planning Authority** – confirm that this proposal is of strategic significance which requires to be assessed against the relevant policies of the approved Glasgow and Clyde Valley Joint Structure Plan (2000 Plan) Third Alteration 2006, in this case Strategic Policies 5, 6 and 9. They confirm that the proposal is in accordance with these policies.  
**Response:** Noted.

## **5 Representation(s)**

5.1 Following statutory neighbour notification and advertisement of the proposal in the local press as 'Development Contrary to the Development Plan', 'Bad Neighbour Development' and 'Non-notification of Owners of the Site', two letters of objection were received from the applicants for the current retail planning application for the former Lesmahagow High School site and a local resident. The contents of the letters are summarised as follows:

- (a) **The proposal is a potential departure from the approved Structure Plan.**  
**Response:** A full assessment of the proposal against the Structure Plan policies is contained under section 6 of this report.
- (b) **Concern that the proposal does not accord with Policy ECON1 and subsequently ECON13 of the local plan. The applicant has not provided details of any marketing for the site for appropriate uses and no details have been provided of the new bus service mentioned by the applicant in supporting information.**  
**Response:** Disagree. A full assessment of the proposal against these policies is contained under section 6 of this report. The applicant has provided information in respect of Policy ECON13. The site is not currently counted as part of the marketable industrial land supply for the Clydesdale area given its current use as a truck stop facility. I am satisfied with the explanation the applicant has put forward in respect of the previous marketing of the site and consider that the loss of this industrial site to retail use will not have an adverse effect on the quantity, range and quality of industrial supply in Clydesdale. The applicant has reached agreement with a local bus operator to extend the service to the site for a minimum period of 3 years.
- (c) **The proposal is contrary to Policy COM3 of the local plan. It does not take into account the preferable edge-of-centre location at the former Lesmahagow High School site, it will undermine the vitality and viability of Lesmahagow village centre, and the site is in a low accessibility location with the primary visitors likely to visit by private car.**  
**Response:** Disagree. A full assessment of the proposal against this policy is contained under section 6 of this report. This concludes that there is sufficient spare capacity in the catchment area to accommodate two retail stores of the scale proposed in this application and that of the objector. The objectors application is found elsewhere on the agenda with a recommendation to grant consent. It is my view that their proposal together with the Tesco application are mutually acceptable. The applicant has agreed a range of measures to encourage walking and cycling while agreement will be reached to extend an existing bus service to serve the store. As such, I consider this location is accessible by a choice of transport modes. It is also important to note that there is a significant proportion of shoppers currently travelling to Hamilton and Lanark from Lesmahagow. By providing this retail facility within the village, car journeys will be reduced.
- (d) **The objectors consider that their proposal for the edge of centre, former Lesmahagow High School site is an appropriate scale for a retail unit that reflects the size of the village and the potential shopping catchment in and around Lesmahagow.**  
**Response:** Noted. In Section 6 of this report it is conducted that the Catchment Area covering the village can support two convenience retail developments, so in planning terms the scenario that the objector refers to,

i.e. the former High School site being more appropriate than this site, is not relevant.

(e) **Concerns about increased traffic at an already busy junction.**

**Response:** The Councils Roads Service and Transport Scotland were consulted and neither offer any objections. The Roads Service in particular confirm that the development will have no major impact on the existing road network. If approved, the applicant would be required to install a right turn storage lane and a controlled pedestrian crossing on Teiglum Road.

(f) **Lack of information around how many permanent full and part-time jobs will be created.**

**Response:** The employment associated with this store is outlined in section 2.2 of this report. Tesco have advised that the proposed new store will provide over 160 local jobs approximately 60% of which will be full time and 40% part time.

(g) **The local bus planned to take shoppers outwith the village centre to the store will compound the fact that local shops are already at a disadvantage due to existing parking restrictions in the main street. Local stores are unable to match Tesco's buying power resulting in unfair competition. The objector considers this is a faceless giant, taking over the rural area and is concerned about the loss of jobs if existing retailers go out of business.**

**Response:** The concerns of the objector are noted, however as shown in section 6 of this report, the proposal complies with the development plan policy. The applicant's RIA demonstrates the need for a store of this size in the area. It is noted that there will be some trade diversion from the existing convenience stores though it is not likely to be of any significance as many shoppers are already travelling outwith the area rather than staying within Lesmahagow. The bus service proposed by the applicants would link the store to the village centre. In addition, a range of environmental improvements have been carried out by the Council, including the enhancement of parking facilities, while the contribution that would be made by Tesco would allow further works to be undertaken.

5.2 In addition, a letter of objection has been received from Karen Gillon MSP, the grounds of which are summarised as follows:

(a) **The proposal is not in line with Council or Government policy as it is an out of town development and would have an adverse impact on the retail life of the village. The location of the store would encourage people away from the village centre which may result in shops closing resulting in a deterioration of the conservation area.**

**Response:** A full assessment of the proposal against Council and Government policies is contained under section 6 of this report. Recent survey data on shopping patterns shows that there is substantial leakage of expenditure from the Lesmahagow catchment area to Lanark and Hamilton. This retail development proposal would contribute to clawing back this expenditure and retaining it within the catchment area. The applicant's RIA demonstrates that there will be no significant impact on the centre of Lesmahagow. The survey data shows that a high proportion of shoppers within the catchment area are not frequenting local shops. It is likely that retaining shoppers within the village will actually promote greater use of facilities in the centre. The bus service proposed by the applicants would



certainly encourage this. In terms of the Conservation Area, the applicants have confirmed that they will submit a financial contribution to the Council for physical regeneration and environmental/streetscape improvements within Lesmahagow.

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

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks detailed planning permission for a Class 1 retail store and petrol station together with the formation of associated car park, service areas and vehicular access on the site of the existing Truck Stop facility at the north end of Lesmahagow on Teiglum Road. The determining issues which require to be taken into account when assessing this proposal are its compliance with structure and local plan policies and road safety.

### **6.2 Structure Plan Context**

Strategic Policy 5 requires that (a) a minimum 10 year potentially marketable and serviceable industrial land supply is maintained and (b) that the strategic economic locations identified below are developed for business and industry and safeguarded from inappropriate alternative uses:

- (a) Strategic Business Centres
- (b) Strategic Industrial and Business Locations
- (c) Core Economic Development Areas
- (d) Safeguarded High Amenity Locations

The application site does not lie within any of the strategic economic locations identified in Strategic Policy 5.

- 6.3 Strategic Policy 6 (c) requires the protection, management and enhancement of Town Centres as the preferred locations for retailing and other community focused activities. Schedule 1 (a) identifies the network of town centres that provides vital social and economic functions recognised in the Guiding Principles of Sustainable Development. Lesmahagow is not identified as a town centre to be safeguarded. Schedule 6 (c) (i) requires significant retail proposals to be assessed against a range of criteria.
- 6.4 The application also requires to be assessed against Strategic Policy 9 which identifies the criteria that should be applied in the assessment of any planning proposal in order to determine if it accords with the Structure Plan. These criteria are explicitly linked to those in Strategic Policies 5 and 6 as described above.
- 6.5 Strategic Policy 9A requires the case to be established for development which exceeds thresholds in Schedule 9. In the case of retail proposals this means floorspace exceeding 1,000m<sup>2</sup> for convenience stores and therefore it is applicable. Two criteria are of relevance. Firstly, criteria 9A(i) relates to the 10 year marketable land supply for industrial and business development. The 2009 industrial land audit indicates a marketable industrial land supply of 48 ha in Clydesdale. Over the last 5 years take-up has averaged 1.6 ha per annum. This represents a 30 year land supply which considerably exceeds the 10 year supply required by the Structure Plan.
- 6.6 Secondly, criteria 9A(iv) relates to the criteria set out in Schedule 6 (c) (i) (Assessment of Significant Retail Proposals). Current data from National Survey of

Local Shopping Patterns 2008 and survey data provided by the applicant identifies substantial leakage of expenditure from the Lesmahagow catchment area to Lanark and Hamilton. This retail development proposal would contribute to clawing back expenditure and retaining it within the catchment area. Furthermore the RIA demonstrates that there will be no significant impact on the centre of Lesmahagow. The survey data shows that a high proportion of shoppers within the catchment area are not frequenting local shops. Providing such a proposed retail development in this area and of this size will encourage more shopping to be undertaken locally. The proposal would address quantitative deficiencies in retail provision and therefore accords with the strategic objectives of the Structure Plan.

6.7 Strategic Policy 9B requires an assessment of the appropriateness of the location of the development. The criteria in Policy 9B which are relevant to this proposal are:

- (a) Criteria 9B (iii) (b) – ‘safeguard and promote the vitality and viability of town centres identified in schedule 1 (a) by taking a sequential approach to proposals for retail development as set out in Schedule 6 (c) (ii).
- (b) Criteria 9B (vi) (a) and (b) – ‘promote sustainable transport by (a) the application of the Hierarchy of Accessibility as set out in Schedule 3 (a) (i) and (b) the application of criteria of sustainable locational choices as set out in Schedule 3 (a) (ii).
- (c) Criteria 9B (ii) – “promote Urban Regeneration by (a) giving preference to the use of Brownfield urban land rather than Greenfield land or open space.

6.8 With regard to 9B (iii) (b), the sequential approach for retailing and other town centre uses must be applied. First preference should be for town centre location sites, followed by edge-of-centre sites, and only then by out-of-town sites which can be made accessible by a variety of means of transport. The RIA provides a sequential test which argues that none of the potential sites are large enough in their own right to provide an appropriately sized store in order to address the shown quantitative and qualitative requirement identified. As set out elsewhere in this report, the catchment area requires in excess of the floorspace proposed by Tesco alone to meet quantitative deficiencies. This scale of development cannot be accommodated at one site and therefore two or more separate sites are required to be identified. The former High School site on Strathaven Road is the sequentially preferable location but a further site is needed to absorb the balance. I would agree with the RIA that there are no suitable alternative sites within the catchment area and therefore the development of the Truck Stop site is acceptable and meets the sequential test.

6.9 With regard to 9B (vi), the proposed development is in an out-of-centre location. In terms of the hierarchy of accessibility it would be accessible by foot, cycle and public transport. Schedule 3 (a) (ii) sets out locational preferences to be applied in the assessment of development proposals and requires that shopping, leisure, office and other town centre uses should be sited where there is a choice of transport and should not be dependent on access predominantly by car. The application site is located on a bus corridor and would be serviced directly by an extension of an existing local service.

6.10 With regard to 9B (ii), the proposed development would be located on a site which is currently being used as a Truck Stop facility. The development would not encroach onto an area of open space or Greenfield land but would constitute development of a

Brownfield site. As a result I am satisfied that the proposal complies with this part of the Structure Plan Policy.

- 6.11 Strategic Policy 9C relates to the provision by the developer of appropriate infrastructure/mitigation measures including reducing travel demand, environmental remediation, SUDS provision and energy conservation. The appropriateness of the mitigation measures proposed by the developer is acceptable as described elsewhere. As a result I am satisfied that the proposal satisfies the criteria in Strategic Policy 9 and therefore it accords with the Structure Plan.

6.12 **Local Plan Context**  
**Business and Industry Policy**

In terms of local plan policy, Policy Strat1: Regeneration Priorities sets out the Local Plan's priorities for regeneration, the Plan's aims and objectives are to pursue Regeneration and sustainable growth for the South Lanarkshire area. In terms of local plan policy the site forms part of an area zoned for industrial use where Policy ECON1 Industrial Land Use applies. This policy states that areas identified for industry will continue primarily in industrial use and proposals for other uses will only be appropriate if the criteria contained in Policy ECON13 Non Conforming Uses in Industrial Areas are met. This includes:

- the effect the loss of the site will have on the continuity of the industrial land supply in terms of quantity, range and quality;
- that the development of the site would not adversely affect the industrial operation amenity, industrial character and function of the area;
- the site has been subject to an independent development viability and marketing appraisal;
- the site is located at the edge of an industrial area and can easily be accessed from main road routes and have satisfactory access by walking, cycling and public transport;
- will not have an adverse affect on public safety
- the infrastructural implications are acceptable and would not have an adverse impact on the natural and built environment.

- 6.13 In terms of the industrial land supply, the site is not currently counted as part of the marketable industrial land supply for the Clydesdale area given its current use as a truck stop facility. There are other vacant industrial sites in close proximity to the north of the application site and there are 2 extensive sites with consent for industrial use relatively close to Lesmahagow at Birkhill and Poniel. As explained above, there is currently a 30 year land supply in the Clydesdale area. In terms of a marketing appraisal the applicant advises that in 2003 when the current owners of the site purchased the facility the site was openly marketed by Graham and Sibbald. At that time there was no interest expressed in the site as a business or general industrial redevelopment site as the value of the site lay in the operation of a truck stop and not as a redevelopment opportunity. They further advise that the only other interest expressed in the site since 2003 has been speculative for retail purposes or to continue to run a roadside operation. There has been no interest in the site from developers or businesses seeking land for industrial or business purposes. I am therefore satisfied that the loss of this industrial site will not have an adverse effect on the quantity, range and quality of industrial supply in Clydesdale.

- 6.14 I am also satisfied that the development of the site would not adversely affect the industrial operation amenity, industrial character and function of the area as, it can be accessed independently from main road routes. The proposal would not have an adverse impact on the natural and built environment and there are no infrastructure

issues. The site is located at the edge of the industrial area close to a bus route and measures proposed by Tesco would encourage cycling and walking. As such the proposal complies with Policy ECON13 and as a result accords with Policy ECON1.

**6.15 Retail Policy**

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

- (a) they follow the sequential approach set out in SPP8 – Town Centres and Retailing
- (b) they do not undermine the vitality and viability of town centres or village centres
- (c) they can support the areas' catchment population
- (d) they complement regeneration and strategies for the area
- (e) they promote sustainable development by taking account of the development location and accessibility, minimise environmental and traffic impact, promotes design quality and takes account of drainage and service infrastructure implications.

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

- 6.16 The applicant has undertaken a RIA which sets out the expenditure capacity, the impact of the proposed development and the sequential test to support the proposal in Lesmahagow at 2012. Further information was also received to clarify points raised in the RIA.
- 6.17 Within the Lesmahagow catchment area the capacity assessment identified a turnover of £4.58m in 2012, and a projected expenditure of £29.3m. The results identify leakage from the catchment area to larger stores of £19.24m and spare expenditure from stores within the catchment area at £10.06m. The retail assessment demonstrates that the area's catchment can accommodate a convenience store of this size.
- 6.18 The Retail Assessment considers the impact of the proposed development on the existing village centre. It is noted that there will be some trade diversion from the existing convenience stores though it is not likely to be of any significance as shoppers are already travelling outwith the area rather than staying within Lesmahagow. I also consider that the proposed will complement local traders and the services they provide rather than compete against them. Other impacts relate to larger stores outwith the catchment area. It is considered there will be an impact on these larger stores although it will not be significant due to the current high level of turnover for these stores.
- 6.19 The proposal is for a foodstore with a split of 72% convenience floorspace and 28% comparison floorspace. This limited comparison floorspace of 557 sq. metres is deemed acceptable as a proportion of the convenience store floorspace as it will not significantly or materially impact on other centres in the catchment area.
- 6.20 Furthermore, an additional assessment has been undertaken by the Council to establish if the Lesmahagow catchment area can support the proposed Tesco development and the Muse Development proposal for a retail development at the

Former High School site, which the Committee will note is also on the agenda with a recommendation of approval. Based on the 2008 household shopping survey data - National Survey of Local Shopping Patterns (NSLSP), the market share of shoppers staying within the Lesmahagow catchment area to shop is low (5.28%). The data also shows that the majority of shoppers go to Lanark and Hamilton for their convenience shopping. The additional assessment identified projected expenditure in 2012 between £29.3 - £30.19m within the catchment area. The total projected turnover for both stores combined in 2012 is estimated to be between £31.6 - £32.2m. Therefore, although there is a slight excess of turnover to available expenditure within the catchment area, it is considered that by supporting both retail applications, the quality of retail provision in Lesmahagow will significantly improve with no threat to the vitality and viability of the existing convenience stores.

- 6.21 The retail assessment has demonstrated the need for a store of this size to address the leakage of expenditure. It claims that a smaller store (and specific reference is made to the form proposed at the High School site) would not be appropriate to retain the shoppers in the area and compete with the larger stores elsewhere. The sequential test in the RIA considered other sites in the centre of the village (including the former High School site) concluding that they were smaller in size and were not at high profile or accessible main road frontage locations, and were dismissed as unsuitable. In view of my comments in 6.20 above, it is clear that the catchment area can support two modest stores of the scale proposed. The application site is one of only two sites that can accommodate a store of the scale necessary to meet the shortfall in retail provision in the catchment area. As a result I would conclude that the proposal complies with Policy COM3. This out of centre location is therefore irrelevant.

6.22 **Design and Other Considerations**

Policies ENV11: Design Quality, ENV30: New Development Design and DM1: Development Management encourage good quality designs which adhere to the principles of sustainability and which respect the local context and amenity. The site is located within an industrial area, and the current use of the site as a truck stop facility with significant lorry parking does not at the present time contribute positively to the amenity of the area. The proposed store is sensitively designed with timber cladding on the elevations, and is situated appropriately in this site with the backdrop of the tree belt along the south-western boundary. The design of the building has incorporated energy efficiency/renewable features which cumulatively result in at least a 15% reduction in carbon dioxide over and above current Building Standards regulations. A petrol filling station, situated at the entrance to the site is also proposed. Given that the site is located adjacent to the motorway, within an existing industrial area, away from residential properties, I consider the installation of a petrol filling station is acceptable. It should also be noted that a filling station previously occupied the site as part of the Truck Stop facility. In view of this the proposal complies with Policies ENV11, ENV30 and DM1.

- 6.23 In terms of road safety, Policy TRA1 states that development should take account of the need to provide proper provision for walking, cycling and public transport and encourage the use of land in highly accessible locations. It further advises that the transportation implications of major developments need to be set out in a TA. The applicant submitted the required assessment and Roads and Transportation Services are satisfied with the findings. The site is served by well maintained and well lit pedestrian footways linking the site to the main residential and commercial areas of Lesmahagow. The existing bus stops adjacent to the proposed site are located on Strathaven Road to the south of the site. The existing bus stops are within 400 metres walking distance from the proposed site. There is a bus which is

operated by Muir Travel which is a town circular service offering links to various residential/commercial areas within Lesmahagow. Currently this service extends as far as The Crescent, approximately 800 metres to the south of the development site. However, the applicant reached an agreement with the operator to fund an extension of the service to the site for at least 3 years. It is intended to use the existing access to the site from Teiglum Road, which will be improved to meet the requirements of the development. The site is well located adjacent to the motorway and B7078 Carlisle Road dual carriageway local distributor road. Given the above I consider that the development complies with Policy TRA1.

- 6.24 In conclusion the proposal complies with both structure and local plan policy and there will be no adverse impact on road safety. The RIA shows that there is a significant amount of shoppers within the Lesmahagow Catchment Area who travel outwith Lesmahagow and shop in Hamilton and Lanark. The catchment area can accommodate a convenience store of this size. It is noted that there will be some trade diversion from the existing convenience stores in Lesmahagow itself, however this is not likely to be significant. Although this site is in an out-of-centre location I am satisfied that development here is appropriate to meet the retail needs of the area. This out-of-centre location is highly accessible. In addition to the retail assessment submitted, further analysis by the Council has demonstrated that there is capacity within the catchment area to support both this application and the proposed retail development by Muse Developments for the former high school site in Lesmahagow which Committee.

In view of this I recommend approval of this application subject to the conclusion of a Section 75 Legal Agreement requiring the applicant to submit a financial contribution towards environmental improvements in Lesmahagow prior to the store opening.

## **7.0 Reasons for Decision**

- 7.1 The proposed development is in accordance with Strategic Policies 5, 6 and 9 of the Glasgow and Clyde Valley Joint Structure Plan (2000 Plan) Third Alteration 2006. In addition it complies with Policies STRAT1, ECON1, ECON13, COM3, COM4, TRA1, DM1, ENV30 and ENV11 of the adopted South Lanarkshire Local Plan. Similarly it adheres with the principles set down in SPP8 and can be successfully integrated with its surroundings without adversely affecting visual amenity or road safety.

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

**18 January 2010**

## **Previous References**

- ◆ CL/99/0572
- ◆ CL/01/0427
- ◆ CL/04/0296

## **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Environmental Services	31/10/2008 and 11/12/2008
Scottish Water	27/10/2008
S.E.P.A.	21/11/2008
Roads and Transportation Services (South Division)	20/11/2008
Roads & Transportation Services H.Q.(Transportation)	12/11/2008
Glasgow & Clyde Valley Strategic Development Planning Authority	05/01/2010
Lesmahagow Community Council	18/11/2008
Roads & Transportation Services H.Q. (Flooding)	23/12/2008
Transport Scotland	28/04/2009

► Representations

Representation from : Carole Forrest, Cragneithan, Strathaven Road,  
Lesmahagow, ML11 0DN, DATED 11/11/2008

Representation from : GVA Grimley, 206 St Vincent Street, Glasgow, G2 5SG,  
DATED 24/06/2009

Representation from : Karen Gillon MSP, 7 Wellgate, Lanark, ML11 9DS, DATED  
31/08/2009

**Contact for Further Information**

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

Gail Rae

(Tel :01555 673205 )

E-mail: [Enterprise.lanark@southlanarkshire.gov.uk](mailto:Enterprise.lanark@southlanarkshire.gov.uk)

**CONDITIONS**

- 1 This decision relates to drawing numbers: 1528(P)001, 1528(P)002, 1528(P)003 Rev B, 1528(P)004, 1528(P)005, 1528(P)006, 1528(P)007 Rev A, 1528(P)008 Rev A, 1528(P)009 Rev A, 1528(P)010 Rev A, 1528(P)011 Rev A, 1528(P)012, 1528(P)013, 1528(P)014
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 3 That the retail development hereby approved shall not exceed 3,411 sq metres (gross), 1,997 sq metres (net) sales floorspace. The convenience/comparison floorspace ratio shall be a minimum of 70% convenience and a maximum of 30% comparison. For the avoidance of doubt no mezzanine floorspace shall at any time be provided without the benefit of planning consent from the Council.
- 4 Details of the phasing of the development shall be submitted to the Council for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.
- 5 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 6 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 7 That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 8 That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 9 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.



- 10 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 8 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.
- 11 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 12 That before the development hereby approved is completed or brought into use it shall be served by a priority junction with a visibility splay of 4.5 m by 90 m in both directions with a right turn storage lane on Teiglum Road designed and provided in accordance with the Design Manual for Roads and Bridges, all to the satisfaction of the Council as Roads and Planning Authority.
- 13 That before the development hereby approved is completed or brought into use, a 2 metre wide footway shall be constructed along the frontage of the development which connects to the existing network to the specification of the Council as Roads and Planning Authority.
- 14 That before the development hereby approved is completed or brought into use, a controlled pedestrian crossing (Puffin) shall be provided on Teiglum Road at a position to be agreed and to the specification of the Council as Roads and Planning Authority and that prior to work commencing on site a ducting drawing and signal layout drawing shall be submitted to and approved in writing by the Council as Planning Authority.
- 15 That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the the Council as Roads and Planning Authority.
- 16 That before the development hereby approved is completed or brought into use, the existing Travel Plan framework shall be developed further and shall be submitted to and approved in writing by the Council as Planning Authority.
- 17 That before development starts, details of a proposed barrier along the boundary of the site with the trunk road shall submitted to and approved in writing by the Council as Planning Authority after consultation with Transport Scotland and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 18 That notwithstanding the provisions of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, no fascia signs, adverts or projecting signs shall be erected on the premises without the prior written consent of the Council as Planning Authority.
- 19 Prior to development commencing on site, details of the proposed external lighting scheme shall be submitted to and approved in writing by the Council as Planning Authority after consultation with Transport Scotland. The scheme shall include, where appropriate, details of all aspects of the installation including specific luminaire and lamp type; beam control; wattage; the use of reflectors; baffles; louvres; cowling (including colouring); lux contours/distribution diagrams and

column type/colour. The approved scheme shall be implemented prior to the development being brought into use and shall thereafter be operated in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

- 20 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 21 That the required drainage scheme shall be completed in accordance with the approved details prior to the store coming into operation.
- 22 That the development shall not be brought into use until the developer provides a written agreement from Scottish Water that the site can be served by a sewerage and water scheme constructed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.
- 23 That the recommendations contained in the Geotechnical and Environmental Assessment Report dated August 2008 by Goodson Associates Ltd shall be undertaken and prior to work commencing on site results of a further phase of soil sampling and in the area of Borehole 1 results of additional ground gas monitoring shall be submitted to and approved in writing by the Council as Planning Authority.
- 24 The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

## REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 In order to retain effective planning control
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 In the interests of amenity and in order to retain effective planning control.
- 7 These details have not been submitted or approved.
- 8 In the interests of the visual amenity of the area.
- 9 In the interests of amenity.
- 10 In the interests of amenity.
- 11 To ensure the provision of adequate parking facilities within the site.
- 12 In the interest of public safety
- 13 In the interest of public safety
- 14 In the interest of public safety
- 15 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 16 These details have not been provided or approved.
- 17 To minimise the risk of pedestrians and vehicles gaining uncontrolled access to the trunk road with the consequential risk of accidents.

- 18 To safeguard the amenity of the area.
- 19 To minimise the risk of nuisance from light pollution to nearby occupants.
- 20 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 21 To ensure the provision of a satisfactory land drainage system.
- 22 To ensure that the development is served by an appropriate effluent disposal system and water supply.
- 23 In order to ensure any fuel spillages, during the intervening period between the date of the report and the sites current use ending, have not resulted in contamination, and to determine the extent of the zone of influence from leakage/spillage around the LNG tank.
- 24 To secure the timeous implementation of on-site zero and low carbon energy technologies.

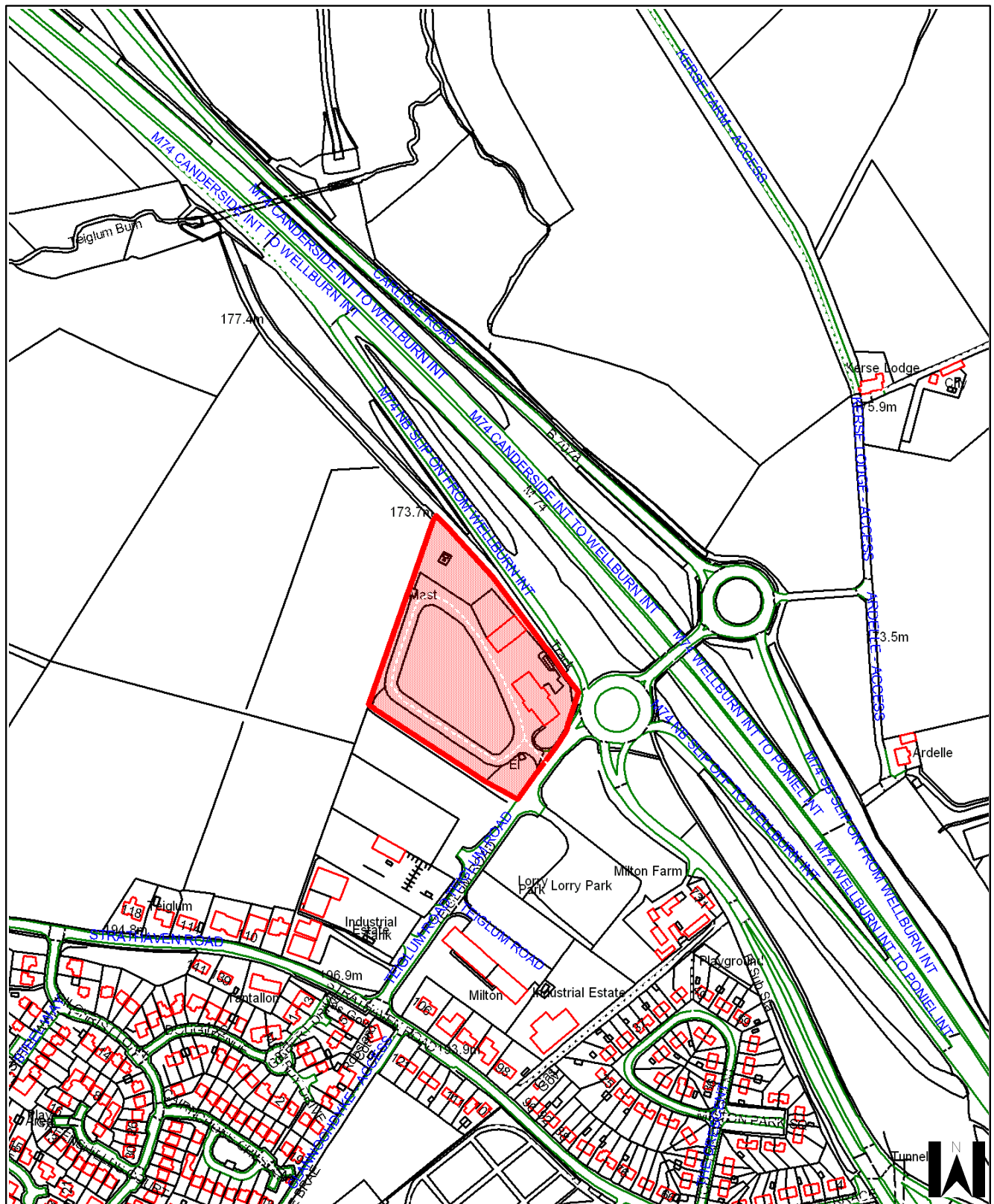
CL/08/0617

Planning and Building Standards Services

Wellburn Interchange, Teiglum Road, Lesmahagow, ML11  
NHV

Scale: 1 : 5000

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