

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>26 May 2009</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	EK/07/0637
Planning Proposal:	Erection of Retail Foodstore and Petrol Filling Station with Associated Car Parking and Other Works

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Sainsbury's Supermarkets Ltd
- Location : Former Strathaven Auction Market  
Kirk Street  
Strathaven  
ML10 6LB

## 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 Attached

### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) That prior to the issue of consent, the applicant shall make an agreed financial contribution of £75,000 towards environmental improvements in Strathaven.

## 3 Other Information

- ◆ Applicant's Agent: Turley Associates
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **Glasgow and Clyde Valley Structure Plan 2006**  
Strategic Policy 1 – Strategic Development Locations  
Strategic Policy 6 – Quality of Life and Health of Local Communities  
Strategic Policy 9 – Assessment of Development Proposals  
  
**South Lanarkshire Local Plan 2009**  
Policy COM3 – New Retail/Commercial Development Policy  
Policy COM4 – New Retail/Commercial Developments Proposal  
Policy DM1 – Development Management Policy

- ◆ Representation(s):
  - ▶ 33 objection letters including a petition with 364 signatures and a petition with 3 signatures

- ◆ Consultation(s):

Strathaven Community Council

Environmental Services

Roads & Transportation Services H.Q.

Scottish Water

West of Scotland Archaeology Service

Power Systems

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

Roads & Transportation Services H.Q. (Geotechnical)

TRANSCO (Plant Location)

Enterprise Resources - Estates

Scottish Natural Heritage

Roads and Transportation Services (East Kilbride)

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site constitutes the existing Strathaven Auction Mart which is located on the south of Kirk Street (A71). The site is irregular in shape and includes a section of Kirk Street, a number of buildings including the agricultural auction market and associated agricultural businesses and the associated access road – Riddell Street. The site covers an area of 1.92 ha (19200square metres) and is predominantly flat apart from the south of the site which slopes down to the industrial estate on Caledonia Road.
- 1.2 The rear gardens of a number of properties in Kirk Street back onto the mutual wall with the auction market. The site is currently serviced from Riddell Street, although an access still exists at Kirk Street/Crofthead Road. This access is currently closed.

### **2 Proposal(s)**

- 2.1 The applicants propose the demolition of the existing auction mart buildings and the erection of a 3105 square metres Class 1 Retail food store. The net sales area constitutes an area of 1858 square metres. The associated works with the proposed foodstore will consist of a four pump Petrol Filling Station (PFS) and associated 112 square metres kiosk, car parking, landscaping and improved accesses.
- 2.2 The proposed foodstore will have a glazed frontage, a mix of blonde sandstone and softwood timber cladding and will be west facing. Footpaths will link the store to Strathaven Town Centre via Kirk Street and Riddell Street. The PFS will be located at the north-western corner of the site adjacent to the public vehicular access. This vehicular access will be taken via a new mini roundabout onto Kirk Street.

### **3 Background**

#### **Structure Plan/Local Plan Background**

- 3.1 The site is covered by several policies in the relevant Development Plan, which in this instance comprises the Glasgow and Clyde Valley Structure Plan and the South Lanarkshire Local Plan. As regards the Glasgow and Clyde Valley Structure Plan, Strategic Policy 1 – ‘Strategic Development Locations’; Strategic Policy 6 – ‘Quality of Life and Health of Local Communities’ and Strategic Policy 9 - ‘Assessment of Development Proposals’ are all relevant.
- 3.2 In the South Lanarkshire Local Plan the site is covered by Policy COM3 – ‘New Retail/Commercial Development Policy’ and Policy COM4 – ‘New Retail/Commercial Developments Proposal’. Policy DM1 – Development management is relevant to all applications.
- 3.3 **Relevant Government Policy/Advice**  
SPP8 – ‘Town Centres and Retailing’ states that the Scottish Government’s key policy objectives for town centres are to promote distinct, competitive places and encourage regeneration. Furthermore, town centres should create a climate that enables all sectors of the community to have access to a wide choice of shopping, leisure and other services. Improving the physical quality and sustainability of town centre environments is key, as is supporting development in existing accessible locations or in locations where accessibility can be improved. Planning authorities should implement these key policy objectives through development plans and other strategies. They should tailor their approach to meet particular local circumstances

and community needs. This should involve identifying gaps in the provision of services.

### 3.4 **Planning Background**

None

## 4 **Consultation(s)**

- 4.1 **Roads and Transportation HQ** – accept the findings put forward in the applicant's Transport Assessment, subject to a number of conditions being attached to the planning consent. These relate to pedestrian link improvements, signal plans and signal controlled crossings.  
**Response:** Noted. These conditions have been attached and the improvements will be implemented prior to the foodstore opening.
- 4.2 **SNH** – no objections subject to conditions following the submission of a Habitat survey. The survey showed no evidence of roosting bats however there was bats recorded foraging. The proposed border planting will allow the bats to continue to use the site. Birds are no longer likely to use the site once the store is constructed as they are currently attracted by the existing grain store. SNH recommend that the developer carry out a further survey of the existing buildings and vegetation prior to them being cleared.  
**Response:** Noted. These details have been passed on to the applicant.
- 4.3 **SEPA** – no objections. Advise they are satisfied with the findings of the Drainage Assessment and note that the proposal will connect to the public sewer.  
**Response:** Noted.
- 4.4 **Roads and Transportation Services (EK)** – have advised that they are satisfied with the updated Transport Assessment and associated parking and access arrangements. Recommend conditions relating to footway provision and floodlighting to the south-eastern gable.  
**Response:** Noted. These conditions have been attached.
- 4.5 **Environmental Services** – advise that conditions relating to the control of pollutants and floodlighting should be attached. In addition, delivery and opening times should be controlled to protect against noise pollution to the upper floors of the residential properties adjacent.  
**Response:** Noted. These conditions have been attached.
- 4.6 **Scottish Water** – no objections as there is sufficient capacity in the network to cope with the proposal. The applicant should contact SW prior to development commencing.  
**Response:** Noted. These details have been passed to the applicant.
- 4.7 **West of Scotland Archaeology Service** – no archaeological issues raised by the proposal.  
**Response:** Noted.
- 4.8 **Power Systems** – have submitted a standard holding objection until they are clear as to how the application will affect their apparatus.  
**Response:** Noted. These details have been passed to the applicant.
- 4.9 **Roads & Transportation Services H.Q. (Geotechnical)** – advise that conditions should be attached relating to a suitable analysis of slope stability along the

southeastern boundary and that any remedial works recommended by the slope stability analysis must be completed prior to the store being occupied.

**Response:** Noted. These conditions have been attached.

4.10 **TRANSCO (Plant Location)** – contact should be made with TRANSCO prior to any work commencing.

**Response:** Noted. These details have been passed to the applicant.

4.11 **Enterprise Resources – Estates** – no objections.

**Response:** Noted.

4.12 **Strathaven & Glassford Community Council** – the proposed supermarket is contrary to the existing local plan. Acknowledge the designation is under consideration; however have serious concerns about many aspects of the proposal namely:

- The proposed scale of convenience supermarket shopping in an out of town location;
- Neither Retail Impact Assessment has shown that Strathaven will not be adversely affected;
- The proposal will have an adverse impact on the character and residential amenity of the town due to the increase in traffic;
- Unacceptable increases in noise, light and petrol fumes;
- The proposal contravenes SPP8, the Glasgow and Clyde Valley Structure Plan in that it would constitute more than twice the existing retail provision of the town in its entirety;
- There are no measures to safeguard and enhance the Town Centre to ensure its survival in the face of competition;
- A significant increase in traffic further encouraged by a PFS as Strathaven has an above average level of car ownership;
- Contribution to qualitative provision has not been clearly identified in either retail study;
- The proposal will have a detrimental impact on residential amenity through increased vehicular traffic, loss of trees, light pollution and noise;
- The proposal will result in a loss of habitat for a number of species such as bats, house sparrows, swallows and blackbirds.

The Community Council also make specific comments regarding the Transport Assessment. The main points raised relate to:

- Existing volumes of high traffic;
- Survey times do not reflect the current situation;
- Strathaven is not as well served by public transport as identified in the TA;
- The proposal will intensify traffic (both existing and proposed) at the main entrance point;
- If the recommended pedestrian crossing on Kirk Street was implemented, the proposal would result in 3 roundabouts and 3 sets of traffic lights within less than a ½ mile.

**Response:** The proposal complies with the adopted South Lanarkshire Local Plan and Central Government policy (as will be further discussed in Section 6). Although it was contrary to the East Kilbride and District Local Plan, this has now been superseded. The construction of a super market will help to claw back retail leakage and encourage combined shopping trips to the benefit of local traders. SNH have recommended measures that the applicant should take in order to protect any

wildlife. These details have been passed on to the applicant. The Roads and Transportation Service have confirmed that they are broadly satisfied with the findings of the TA. They have recommended specific details which will be conditioned and implemented prior to consent being issued.

In addition to a number of objections to the proposal, the Community Council have requested that a number of matters be addressed should the proposal be granted. These points have been responded to individually below:

- 1 Access for customers should be taken from Station Road rather than Kirk Street due to proximity of the roundabout on the bend of the A71. Furthermore it is unrelated to the town centre.**

**Response:** The access proposed by Sainsbury's complies with the requirements of the relevant guidance, PAN75 – 'Planning for Transport' and the requirements of the Roads and Transportation Service. The proposal provides good footpath links to the town centre, encouraging combined shopping trips. It is therefore considered to be acceptable

- 2 Opening hours should be restricted to 8 am to 8 pm Monday to Saturday and further on Sundays to avoid conflict with the adjoining Church. These should be strictly observed and no leeway permitted through further applications.**

**Response:** The opening hours for the foodstore have been restricted to the following hours:

Mon – Sat 08:00hrs to 22:00 hrs, Sunday – 08:00hrs to 21:00hrs.

The PFS opening hours will be:

Mon – Sat 07:30hrs to 22:30 hrs and Sunday – 08:00hrs to 21:30hrs. These times are in keeping with stores in similar locations and are deemed satisfactory by Environmental Services.

- 3 To reduce light pollution, conditions should be attached to ensure there is only limited external lighting in use when the store is closed.**

**Response:** These conditions have been attached.

- 4 There should be no services such as dry cleaning, café or a pharmacy and all goods for sale should be strictly limited.**

**Response:** The conditions for the consent specifically exclude a dry cleaning facility, post office and pharmacy. No restrictions have been placed on a café as this could be provided as an ancillary use by the applicant. The range of goods for sale has been restricted by condition.

- 5 The petrol station should not be supported by a convenience store. The hours of opening restriction should also relate to the PFS.**

**Response:** The PFS includes a small convenience store. The opening hours of the PFS will be as follows:

Mon – Sat 07:30hrs to 22:30 hrs

Sunday – 08:00hrs to 21:30hrs

These times represent only 30 mins at the start and end of weekdays and 30 mins at the end of Sundays. Given this, it is unlikely that the PFS will create a negative amenity issue.

- 6 Existing trees and shrubs should be retained as much as possible and screen planting increased. The landscaping should also be used to break up the land surfacing in the car park together with a mixture of materials.**

**Response:** An extensive, 5.5m wide landscaping strip is proposed on the gap between the proposed superstore and the adjacent properties at Kirk Street. This is together with the retention of the existing trees on the boundary. The finishes of the car park will be agreed following the submission of acceptable details, post-decision.

**7 A system stopping trolleys being taken off site should be established.**

**Response:** Sainsbury's have confirmed that all trolleys will be coin operated to prevent them being taken off site. Any problems can be reported to Environmental Services.

**8 Limited, but effective, CCTV cameras should be provided for security services.**

**Response:** This is a management issue for Sainsbury's.

**9 It is believed the scrap yard has been purchased by Sainsbury's and should therefore be properly landscaped as part of the development process – even whilst awaiting further consideration.**

**Response:** As the scrap yard is not part of the application site, the Council has no jurisdiction over any landscaping on that site.

**10 Meaningful Planning Gain should be provided for the local community by implementing projects.**

**Response:** The applicant has agreed to provide a financial contribution towards environmental improvements in Strathaven.

**5 Representation(s)**

5.1 Following statutory neighbour notification and advertisement in the local press, 33 letters of objection including a petition with 364 signatures and one petition with 3 signatures, have been received. The points raised are summarised as follows:

a) **The proposed superstore will result in a loss of amenity to the properties on Kirk Street, due to the proximity of the new building to the mutual boundary.**

**Response:** The applicants have responded to concerns raised by both residents and the Planning Service, by reconfiguring the floor space of the superstore and the car park to allow the building to be moved 5.5 metres from the boundary. This gap will be supplemented with landscaping to ensure that there is no loss of visual amenity to the properties on Kirk Street. The new building will be further off the boundary than the Auction Mart is at present.

b) **The proposal will result in an increase in traffic to surrounding roads, particularly on Kirk Street and Crofthead Road.**

**Response:** It is acknowledged that the proposal will result in an increase in traffic; however the proposal has been designed to cope with this. The Council's Roads and Transportation Service have confirmed that they are satisfied with the applicant's Transportation Assessment subject to the implementation of a number of conditions. The majority of these conditions will be implemented prior to the store opening. This is also the view taken by the Reporter in his findings following the South Lanarkshire Local Plan inquiry. The location of a supermarket within the town will also reduce the number of journeys currently made to supermarkets out with the town.

c) **The proposal will have an adverse impact on the existing traders in Strathaven, predominantly those in the Common Green. The proposed superstore will be**

**used as a one-stop weekly shopping destination. The Retail Impact Assessment says that the existing shops will lose 12.5% of trade.**

**Response:** The Retail Impact Assessments carried out by the Council for the Local Plan Inquiry and by the applicant for the development both agree that Strathaven Town Centre over-trades by between approximately 10 -13%. In addition to this, the town suffers leakage to both East Kilbride and Hamilton. The construction of a super market will help to claw back this leakage and encourage combined shopping trips to the benefit of local traders.

- d) **Strathaven town centre will suffer a loss of amenity from the proposal and the Conservation Area and associated Listed Buildings will be detrimentally affected.**

**Response:** In his findings, the reporter confirmed that, *“Although on the edge of the conservation area, re-development of this site for retail or other uses should not have any significant detrimental effect on its character or appearance.”* The Council accepted this view in their Statement of Decisions & Pre Adoption Modifications. The existing Auction Mart building is of little architectural merit and the proposal will not reduce the quality of the streetscape.

- e) **The proposal is contrary to existing council policy for the Auction Mart site**

**Response:** The proposal was contrary to the East Kilbride & District Local Plan which has since been superseded; however it complies with the South Lanarkshire Local Plan and has been accepted by the Scottish Government Reporter.

- f) **The proposal is contrary to existing Government planning advice namely SPP1 and SPP8.**

**Response:** Whilst the proposed food store is not within or adjoining Strathaven town centre, there are no alternative sites that would be preferable in terms of the sequential approach. The proposal is supportive of the considerations in SPP8 in regard to the assessment of development proposals in relation to: convenient and safe access; the sequential approach; impact of vitality and viability; qualitative and quantitative deficiencies and the objectives of the development plan.

- g) **There is already a good variety of shops in Strathaven.**

**Response:** Agreed, however the proposed supermarket site included in the new local plan is to address the leakage of shoppers to East Kilbride and Hamilton. Furthermore, it will encourage combined shopping trips.

- h) **Has the sequential test been carried out? There has been no research done into alternative sites by the Council.**

**Response:** Yes. The site was the only suitable site available when carrying out the sequential test. The site is brownfield and is on the edge of the centre with good links to the town centre. These links will be further improved. This justification has been accepted by the Reporter.

- i) **Strathaven has the same population as Bothwell which only has one supermarket.**

**Response:** Bothwell is located directly adjacent to Hamilton which has three large supermarkets. Furthermore, Strathaven has a larger geographical catchment area to support. The associated Retail Impact Assessments both agree that Strathaven requires to address the leakage of trade to East Kilbride and Hamilton.

- j) **The proposal will result in two distinct and separate shopping areas, namely the application site and the Common Green and is not helped by the road and footpath infrastructure. This is contrary to Policy COM2 of the South Lanarkshire Local Plan.**  
**Response:** The applicant is proposing good footpath links to the town centre. Furthermore, a number of conditions have been attached to improve these even further. Notwithstanding this, the application site is located only a short walk from the Common Green. As confirmed previously, the Council's Retail Impact Assessment has identified the need to address leakage to East Kilbride and Hamilton from Strathaven. The ideal way to do this is through the provision of a supermarket. The sequential test found that the best possible site for this was the Auction Mart. This view has been supported by the Reporter's findings. The proposal is not located within the Core Retail Area; therefore Policy COM2 is not relevant.
- k) **There is no pressure for housing in Strathaven; therefore there is no need for a food superstore.**  
**Response:** The need for the superstore is based on the current population and the current catchment area.
- l) **The proposal will result in a loss of jobs due to independent traders being forced out of business. The new superstore will become a "one-stop-shop".**  
**Response:** The associated Retail Impact Assessments both agree that Strathaven requires to address the leakage of trade to East Kilbride and Hamilton. The proposed food store will have good pedestrian links to the Common Green which will encourage combined shopping trips where shoppers will utilise existing shops to supplement what they purchase from the superstore. In order to aid this, Sainsbury's have confirmed that they are happy for their customers to park within their car park whilst utilising the shops in the town centre.
- m) **The store has an "off-the-peg" design which is unacceptable in such a sensitive location. The minimum requirement should be a pitched roof.**  
**Response:** The design is in keeping with the locality. It is lower than and covers less floor space than the existing Auction Mart building on the boundary with Kirk Street. The layout and design of the building has been amended to ensure that there is no detrimental amenity to the adjacent houses.
- n) **Why are the plans only available for inspection in East Kilbride when the proposal only affects Strathaven?**  
**Response:** The plans are available for inspection in the Civic Centre building as required by the Council's agreed arrangements.
- o) **It is unfair that loss of value of property cannot be taken into account when considering the proposal.**  
**Response:** Planning legislation states that potential effect on property values is not a material planning consideration.
- p) **The PFS should be located nearer to the SE boundary of the site adjacent to the dismantled railway and far removed from any houses. This would minimise the effect of vehicle noise, petrol/diesel fumes and vehicle exhaust gases. Furthermore, it would reduce the risk to householders of a possible fire or explosion.**  
**Response:** Environmental Services are satisfied with the findings of the noise survey regarding the location of the PFS and have not raised any health and safety

concerns. A condition has been attached requiring the submission of details relating to the control of pollutants. These details will have to be agreed prior to the store opening.

q) **The application is premature given that it was submitted prior to the South Lanarkshire Local Plan Inquiry.**

**Response:** The application was placed on hold until the Reporter's findings were published. Determination can now take place given that this has been finalised. The Council's local plan proposal has now been accepted by the Scottish Government Reporter.

r) **The development impinges on the residential amenity of Abbeyfield House nursing home due to the additional traffic, road safety issues, noise and lack of parking.**

**Response:** As outlined above, it is considered that the road network can cope with the proposal. Furthermore, the applicants require to provide increased pedestrian safety proposals prior to the store opening. The noise assessment shows that there will be no detrimental impact to surrounding properties subject to the erection of the acoustic fencing and the limiting of opening/delivery hours. Notwithstanding this, the applicant has taken a further measure to address noise concerns with an acoustic docking pod which allows the delivery lorries to be unloaded from inside the building. As mentioned in the response to point (l), Sainsbury's have confirmed that they are happy for their customers to park within their car park whilst using other shops in the town centre.

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

## **6 Assessment and Conclusions**

6.1 The determining issue in this instance is the proposal's compliance with the approved Development Plan, in this instance the Glasgow and Clyde Valley Structure Plan and the South Lanarkshire Local Plan.

6.2 As regards the Glasgow and Clyde Valley Structure Plan 2006, the proposal is covered by Strategic Policies 1 – Strategic Development Locations, 6 – Quality of life and health of Local Communities and 9 – Assessment of Development Proposals.

### **Structure Plan Policy Assessment**

6.3 Strategic Policy 1 states that priority will be given to investment in a range of locations, including Strathaven Town Centre, in order to maximise economic growth and safeguard their future. Strategic Policy 6 states that the quality of life and health of communities will be supported by the protection management and enhancement of Town Centres as the preferred location for retailing and other community focused activities. Developments should support the renewal and improvement of the existing network of town centres as the most appropriate location for retailing. New retail development should be directed to town centres except where it can be demonstrated that no alternatives exist in or adjoining town centres. No proposal should have an adverse impact on the vitality or viability of existing town centres and should offer customer choice with good access to a variety of means of transport. The sequential test should be applied to all retail proposals.

6.4 The Council's Retail Impact Assessment, prepared for the Local Plan Inquiry showed that a food store up to 3,500square metres can be supported by the catchment population. This information has been supported by Sainsbury's own Retail Impact Assessment. The sequential test has been applied and it has been shown that there are no suitable sites in the Town Centre. The Auction Mart site represents the

best possibility as it is a short walk to the Town Centre. The proposal is considered in conformity with Schedule 6 (c) (i) criteria (a) (b) of Strategic Policy 6 and is in conformity with Schedule 6 (c) (ii) – the sequential approach and sets out a number of criteria which new retail development proposals should comply with. The criterion based in Strategic Policy 9 compliment those of Strategic Policy 6 and having considered the Retail Assessment as prepared by the Council and that prepared by the applicant, I am satisfied that the proposal is in conformity with Strategic Policies 6 and 9.

### **Local Plan Policy Assessment**

- 6.5 Policies COM3 - New Retail/Commercial Development Policy and Policy COM4 – New Retail/Commercial Developments Proposal of the adopted South Lanarkshire Local Plan are both relevant. Policy COM3 follows the principles of Strategic Policy 6 of the Structure Plan and SPP8 in that it advises that new retail proposals should follow the sequential approach, should not undermine the vitality and viability of town centres, can be supported by catchment population, compliment regeneration and promote sustainable development. For the reasons stated in paragraph 6.4, the proposal is in conformity with the criteria and is supportive of Policy COM3.
- 6.6 Policy COM4 specifically relates to a proposed retail site in Strathaven at the Auction Mart. Strathaven was identified as a location where shortfall in floor space required to be addressed. It was Policy COM4 which was the subject of objections when the Local Plan was at its draft stage. The South Lanarkshire Local Plan was subsequently adopted in May 2009 with the Reporter determining that the site was suitable for the following reasons:
- the existing superstores in East Kilbride and Hamilton attract a very significant proportion of the available convenience expenditure from the Strathaven area, including a large majority of its main food shopping trips;
  - a new food store, located anywhere in Strathaven, would claw back a substantial amount of that 'leaking' expenditure;
  - "sustainability" benefits of reduced car journeys which could be secured by providing a new food store to meet the needs of Strathaven's residents;
  - the provision of a larger food store in Strathaven is likely to provide significant benefits in making available a much wider range of food and other convenience goods in a large modern store, and there may be financial benefits to be derived generally from lower prices or the effects of increased competition;
  - it is likely that shoppers will combine trips, or make a separate trip, to the town centre for other purposes, such as a visit to a more specialist retailer or service, which would otherwise have been undertaken in East Kilbride or Hamilton;
  - there will be an incentive for existing retailers or other occupiers in the town centre, or their successors, to adjust to the new challenges and opportunities, and to respond to the changing needs of their customers, and potential customers;
  - the provision of a new large food store would be an important facility to meet the modern needs of the population of a town the size of Strathaven;
  - the proximity of the Auction Market site to the town centre provides a good opportunity of ensuring that the potentially adverse effects on the town centre of the new store are minimised, and that the potential advantages are maximized;
  - the proposal fulfils the sequential approach to new retail development set out in the government policy;
  - it would enable the town centre to move forward with greater certainty, adjusting to the new competition and retail environment and maintain its role as the principal focus for civic life in Strathaven;

- satisfactory vehicular access can be obtained from the A71;
- the proposed footway connections would enable short pedestrian trips of less than five minutes between the town centre and the store, removing the need for joint car trips to be made to the respective car parks;
- Although on the edge of the conservation area, re-development of the site for retail or other uses should not have any significant detrimental effect on its character or appearance.

6.7 The proposed allocation of the site as a Retail Masterplan Site (RMS) has already been supported by the findings of the Council's Retail Assessment. There is sufficient retail capacity to support the proposal as a large proportion of households within Strathaven shop in Hamilton or East Kilbride for their main food shopping. The floor space proposed by Sainsbury's - some 3,000 square metres (500 square metres less than that justified by the Local Plan) - will offer enhanced retail facilities and reduce the number of shopping trips out with Strathaven. Of this, 3,105 square metres, 1,858 square metres will be net retail floorspace split 70:30 in favour of convenience:comparison goods.

6.8 As regards the sequential test, the site is located on the edge of the Town Centre. Subsequently, it is not considered that this will have a detrimental impact on the Town Centre's vitality or viability as it is within a short walking distance and will encourage joint shopping trips.

#### **Retail Impact Assessment**

6.9 Sainsbury's have submitted a Retail Impact Assessment (RIA) with their planning application. This assessment comes to many similar conclusions as the RIA submitted on behalf of the Council for the Local Plan Inquiry. The main points raised by the applicant's RIA are:

- Strathaven performs well when compared to settlements of a similar size and location;
- Strathaven is approximately 9% ahead of the national average in services such as hairdressing, health and beauty services and reflects national trends in terms of financial/legal service provision;
- It has a slightly lower than average provision of restaurant, café and fast food;
- Strathaven has a higher than average level of convenience retail units – 17% to 9%;
- It has a notable absence of supermarket retailers with the exception of two small scale stores;
- It has a lower than average percentage of comparison retail units – 30% to 46%;
- Strathaven has a lower than average representation of national retailers, but a strong presence of specialist retailers;
- The Glasgow and Clyde Valley Household Shopping Survey 2003 stated that 65% of the respondents did their main shopping outwith the town, supported by a figure of 60% from Sainsbury's own survey carried out in 2007;
- Provision of a high quality supermarket would enhance range and choice within the area;
- There is a clear demonstrable need for a new foodstore in Strathaven based on qualitative benefits, regeneration benefits relating to linkages, accessibility, transportation and employment;
- The proposed store will meet current retail need and bolster local retail provision.

6.10 The proposed allocation for a foodstore in the RMS is supported by the findings of the Retail Assessment carried out on behalf of the Council. There is sufficient retail capacity to support a proposal for a foodstore of up to 3500 square metres. This RIA

included a retail impact test on a supermarket of the scale proposed, which estimated that there would be a trade diversion of £2.2m from existing convenience shops in the town centre in 2012. The associated retail impact would be 10%. The assessment has shown, however, that 72% of the proposed store's trade will be generated by 'claw back' of leaked expenditure, which is currently being spent elsewhere as opposed to the majority of the new store trade being diverted from existing shops in Strathaven. It is considered, therefore, that the predicted impact is at a level which will not adversely affect the vitality and viability of the town centre and will bring wider benefits of the choice and range of retail floorspace to households in Strathaven and reduce the necessity for shopping trips outwith the town.

- 6.11 As a large proportion of households within Strathaven shop in Hamilton or East Kilbride for their main food shopping, the proposed floorspace will provide the community with an enhanced retail experience and reduce the requirement for the number of shopping trips to locations outwith Strathaven. Whilst the site is located outside the town centre, the Retail Assessment has shown that there will be a level of impact on the town centre which will not be considered to significantly undermine its vitality and viability.

## **7 Reasons for Decision**

- 7.1 The proposal complies with Strategic Policies 1 and 9 of the Glasgow and Clyde Valley Structure Plan 2006 and Policies COM3 and COM4 of the South Lanarkshire Local Plan 2009

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**18 May 2009**

### **Previous References**

- ◆ None

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Glasgow and Clyde Valley Structure Plan 2006
- ▶ South Lanarkshire Local Plan 2009
- ▶ Convenience Retail Capacity Assessment for Strathaven (Submitted for South Lanarkshire Local Plan Inquiry) by Roderick MacLean Associates Ltd dated August 2007
- ▶ Retail Statement by Turley's for Sainbury's Supermarkets Ltd dated November 2007
- ▶ Planning Statement by Turley's for Sainbury's Supermarkets Ltd dated November 2007
- ▶ Transport Assessment by Steer Davies Gleave dated October 2007 amended by Savell Bird & Axon dated 11 July 2008
- ▶ Noise Assessment by New Acoustics dated 25 October 2007
- ▶ Sainsbury's Public Consultation Statement by PPS (Local & Regional) Ltd dated October 2007
- ▶ Drainage Assessment by Halcrow Yolles dated August 2007
- ▶ Phase 1 Geoenvironmental Site Assessment by Halcrow Yolles dated March 2007

- ▶ Ecological Survey by Halcrow Yolles dated October 2007
- ▶ Consultations

Enterprise Resources - Estates	21/12/2007
Power Systems	18/12/2008
Strathaven Community Council	11/12/2007
West of Scotland Archaeology Service	14/12/2007
Scottish Water	08/01/2008
TRANSCO (Plant Location)	08/01/2008
Roads and Transportation Services (East Kilbride)	11/05/2009
S.E.P.A. (West Region)	11/04/2008
Scottish Natural Heritage	30/04/2008
Environmental Services	30/04/2008
Roads & Transportation Services (HQ)	30/04/2008
Roads and Transportation (Geotechnical)	06/03/2009

- ▶ Representations

- Representation from : Alastair Murdoch & Helen CM Murdoch, 7A Crofthead Street, Strathaven, ML10 6BB, DATED 14/11/2007
- Representation from : Lorna Stuart, 3 Crofthead Street, Strathaven, ML10 6BB, DATED 19/11/2007
- Representation from : Mr Crawford Millar, Room 10, Abbeyfield House, 1 Station Road, Strathaven, ML10 6BE, DATED 20/11/2007
- Representation from : Mrs A M Cruikshank, 83 Kirk Street, Strathaven, ML10 6BA, DATED 20/11/2007
- Representation from : Mr John Miller, Chairman, Abbeyfield House, 1 Station Road, Strathaven, ML10 6BE, DATED 20/11/2007
- Representation from : Mrs J Aiton, Room 8, Abbeyfield House, 1 Station Road, Strathaven, ML10 6BE, DATED 20/11/2007
- Representation from : Mr & Mrs C Clarkson, 63 Kirk Street, Strathaven, ML10 6BA, DATED 20/11/2007
- Representation from : Scott Davidson, MRTPI, 73 Kirk Street, Strathaven, ML10 6BA, DATED 19/11/2007
- Representation from : Brian Lawrie, 7 Crofthead Street, Strathaven, ML10 6BB, DATED 16/11/2007

- Representation from : A S Cameron, Tigh Ban, 7B Crofthead Street, Strathaven, ML10 6BB, DATED 16/11/2007
- Representation from : Botterills Convenience Stores Ltd, Block 9 South Avenue, Blantyre Industrial Estate, High Blantyre, G72 0XB, DATED 18/12/2007
- Representation from : K M Parker, Tidy Garden Services, 21 Golf View, Strathaven, ML10 6AZ, DATED 19/12/2007
- Representation from : Alan Montgomery, 'Wingfield', 78 Kirk Street, Strathaven, ML10 6BA, DATED 14/12/2007
- Representation from : G M MacGregor, Inglenook Cottage, 81 Kirk Street, Strathaven, ML10 6BA, DATED 14/12/2007
- Representation from : Laura and Robert Thomson, 11 Green Street, Strathaven, ML10 6LT, DATED 17/12/2007
- Representation from : James Alexander & Son, 10 Common Green, Strathaven, ML10 6AF, DATED 17/12/2007
- Representation from : Owner/Occupier, "Men A Loud", Strathaven, DATED 17/12/2007
- Representation from : Scottish Grocers Federation, 222/224 Queensferry Road, Edinburgh, EH4 2BN, DATED 14/12/2007
- Representation from : Angus MacDougall, Avondale Services, 27 Hamilton Road, Strathaven, ML10 6AJ, DATED 12/12/2007
- Representation from : Scott Davidson, 73 Kirk Street, Strathaven, ML10 6BA, DATED 17/12/2007
- Representation from : Anne & John Henderson, Tackhouse Farm, Strathaven, ML10 6QP, DATED 13/12/2007
- Representation from : J & J Preston, 11 Green Street, Strathaven, ML10 6LT, DATED 13/12/2007
- Representation from : Nicola Duddy, Strathaven Gift Shop & Tea Room, 12-16 Common Green, Strathaven, ML10 6AF, DATED 12/12/2007
- Representation from : Alliance Pharmacy, 13 Green Street, Strathaven, ML10 6LT, DATED 12/12/2007
- Representation from : Craig's Newsagent & Card Gallery, 1/3/5 Common Green, Strathaven, ML10 6AH, DATED 10/12/2007
- Representation from : Sarah Smith Cards, 6 Townhead Street, Strathaven, ML10 6AB, , DATED 10/12/2007
- Representation from : Soave's, 13 Barn Street, Strathaven, DATED 07/12/2007

- Representation from : The Computer Shop, 34 Barn Street, Strathaven, ML10 6LU,  
DATED 12/12/2007
- Representation from : Lorraine Robb, Chocolat, 6A Common Green, Strathaven  
DATED 13/12/2007
- Representation from : Ian & Janet Gemmell, 9 Golf View, Strathaven, ML10 6AZ,  
DATED 07/01/2008
- Representation from : E Murray 10 Southfield Crescent, Strathaven, DATED  
15/01/2008
- Representation from : Alan Montgomery, Wingfield, 78 Kirk Street, Strathaven,  
ML10 6BA, DATED 04/03/2008
- Representation from : Alan Montgomery, Wingfield, 78 Kirk Street, Strathaven,  
ML10 6BA, DATED 28/02/2008

**Contact for Further Information**

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

Iain Morton, Planning Officer, Civic Centre  
Ext 6341 (Tel :01355 806314 )  
E-mail: [Enterprise.ek@southlanarkshire.gov.uk](mailto:Enterprise.ek@southlanarkshire.gov.uk)

**CONDITIONS**

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 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.
- 3 That the landscaping scheme required by condition 2 above 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 the 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.
- 4 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.
- 5 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.
- 6 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 7 That the fences and walls referred to in Condition 6 above shall be completed prior to the opening of the foodstore hereby approved.
- 8 Prior to development commencing on site, a scheme to control and minimise the emission of pollutants from and attributable to the development, shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall set out measures which will be implemented to ensure that the emission of pollutants shall meet the requirements of the Air Quality (Scotland) Regulations 2000 and Air Quality (Amendment) Regulations 2002. The approved scheme shall thereafter be implemented prior to the development being brought into use and shall thereafter be implemented in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.
- 9 Prior to development commencing on site, details of the proposed floodlighting scheme shall be submitted to and approved in writing by the Council as Planning Authority. 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 and shall include floodlighting to south-eastern gable . 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.

- 10 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.
- 11 That the required drainage scheme shall be completed in accordance with the approved details prior to the occupation of the superstore hereby approved.
- 12 That prior to occupation/operation of the foodstore hereby approved, the applicant shall provide written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme and water scheme designed in accordance with Scottish Water's standards.
- 13 That prior to the commencement of development on site, an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO<sub>2</sub> emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:
  - a) the total predicted energy requirements and CO<sub>2</sub> emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO<sub>2</sub> standard;
  - b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
  - c) an indication of the location and design of the on-site energy technologies; and
  - d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.
- 14 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.
- 15 That prior to works commencing on site, details of a short length of new footway on the south side of Kirk Street to the east of the new site access roundabout shall be submitted to and approved by the Council as Planning Authority.
- 16 That prior to works commencing on site, details of the 2m wide footways on the site access road leading from Kirk Street and linking to a route through the car park to the store entrance shall be submitted and approved by the Council as Planning and Roads Authority.

- 17 That prior to works commencing on site, details of a new footway on the north side of Caledonia Place and Riddell Street, providing benefit to the properties accessed from these roads shall be submitted to and approved by the Council as Planning and Roads Authority.
- 18 That prior to works commencing on site, agreement shall be sought from the Council as Planning and Roads Authority as to the detailed location and design of a signalised pedestrian crossing on Kirk Street between the site access and Thomson Street
- 19 That prior to works commencing on site, a detailed design of the proposed modifications to the layout and signal timing plan at the junction of A723 Townhead Street/Lethame Road/Common Green shall be submitted to and approved by the Council as Planning and Roads Authority.
- 20 That prior to works commencing on site, a detailed design of dropped kerb crossings at Thomson Street, Ryeland Street and across the site access shall be submitted and approved by the Council as Planning and Roads Authority.
- 21 That prior to works commencing on site, a detailed layout and analysis for the conversion of the Kirk Street/Station Road priority junction to signal control incorporating a pedestrian facility and linked with the existing controlled crossing on Kirk Street shall be submitted to and approved by the council as Planning and Roads Authority.
- 22 That prior to works commencing on site, a continuous footway shall be provided on the rear access of Ryeland Street at it's junction with Kirk Street.
- 23 That prior to works commencing on site, agreement shall be sought from the Council as Planning and Roads Authority for the detailed design and implementation of a mini roundabout accessing the site from Kirk Street.
- 24 That all works required by conditions 15-23 shall be implemented prior to the operation of the foodstore hereby approved and to the satisfaction of the Council as Roads and Planning Authority.
- 25 That all parking spaces proposed shall be laid out and implemented prior to the development opening.
- 26 That prior to the commencement of development on site, a programme indicating the construction phasing of the scheme together with the proposed traffic management operation during construction, including the circulation of vehicles and pedestrians shall be submitted to and approved by the Council as Planning and Roads Authority.
- 27 That the construction phasing programme required by condition 23 above shall be implemented prior to the commencement of development on site.
- 28 That the design and layout of all infrastructure improvements shall be designed in accordance with the "Design Manual for Roads and Bridges" (DMRB) and the Council's "Design Guidelines for Development Roads".
- 29 That no work shall commence on site until a suitable analysis of slope stability along the southeastern boundary has been approved by the Council as Planning

Authority. The analysis shall be based on parameters obtained from detailed ground investigation and shall recommend remedial measures where necessary.

30 That the foodstore hereby approved shall not be occupied or brought into use until remedial works recommended by the slope stability analysis have been completed to a standard approved by the Council as Planning Authority.

31 That the opening times for the foodstore hereby approved shall be limited to the following:

Mon – Sat 08:00hrs to 22:00 hrs  
Sunday – 08:00hrs to 21:00hrs

32 That the opening times for the Petrol Filling Station hereby approved shall be limited to the following:

Mon – Sat 07:30hrs to 22:30 hrs  
Sunday – 08:00hrs to 21:30hrs

33 That the delivery times for both the Superstore and Petrol Filling Station hereby approved shall be limited to the following:

Mon – Sat 07:00hrs to 23:00 hrs  
Sunday – 08:00hrs to 22:00hrs

34 That the net sales area of the store hereby approved shall not exceed 1,858 square metres, the comparison floorspace shall not exceed 557 square metres and no mezzanine floorspace shall at any time be provided without the benefit of planning consent from the Council.

35 That no part of the foodstore and petrol filling station hereby approved shall contain a pharmacy, post office or dry cleaners.

36 That notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the retail store hereby approved shall be used as a single unit and shall not be subdivided without the benefit of planning permission.

37 Notwithstanding the provisions of Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the premises which is the subject of this application shall be used only for a retail food store and for no other use without the prior written consent of the Council as Planning Authority.

38 That should more than 6 months elapse from the date of the initial survey and the commencement of demolition; a further bat survey shall be carried out. Should any evidence of bats be identified during demolition, work must stop immediately and Scottish Natural Heritage should be contacted immediately.

## **REASONS**

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity.
- 3 In the interests of amenity.
- 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 These details have not been submitted or approved.
- 7 In the interests of amenity and in order to retain effective planning control.
- 8 To minimise the risk of nuisance from pollutants to nearby occupants.
- 9 To minimise the risk of nuisance from light pollution to nearby occupants.
- 10 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.
- 11 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.
- 12 To ensure the provision of a suitable sewerage scheme.
- 13 To secure a reduction in carbon dioxide emissions.
- 14 To secure the timeous implementation of on-site zero and low carbon energy technologies.
- 15 In the interest of public safety.
- 16 In the interest of public safety.
- 17 In the interest of road safety.
- 18 In the interest of public safety.
- 19 In the interest of public safety.
- 20 In the interest of public safety.
- 21 In the interest of public safety.
- 22 In the interest of public safety.
- 23 In the interest of road safety.
- 24 In the interest of public safety.
- 25 In the interest of public safety.
- 26 In the interest of road safety.
- 27 In the interest of road and public safety.
- 28 In the interest of road and public safety.
- 29 In the interest of public safety.
- 30 In the interest of public safety.
- 31 In the interests of amenity and in order to retain effective planning control.
- 32 In the interests of amenity and in order to retain effective planning control.
- 33 In the interests of amenity and in order to retain effective planning control.
- 34 In order to retain effective planning control.
- 35 In order to retain effective planning control.
- 36 In order to retain effective planning control.
- 37 In order to retain effective planning control.
- 38 In order to safeguard protected species.

For information only

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