

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>26 January 2010</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/09/0265
Planning Proposal:	Erection Of Class 1 Retail Store Together With Associated Landscaping Car Parking And Improvements To Road Layout And Access (Planning Permission In Principle)

## 1 Summary Application Information

- Application Type : Permission in principle
- Applicant : Muse Developments Ltd
- Location : Former High School Site  
Lesmahagow  
ML11 0FE

## 2 Recommendation(s)

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

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

### 2.2 Other Actions/Notes

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

## 3 Other Information

- ◆ Applicant's Agent: GVA Grimley Limited
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **Glasgow & Clyde Valley Joint Structure Plan 2006**  
Strategic Policy 6: Quality of Life and Health of Local Communities  
Strategic Policy 9: Assessment of Development Proposals

### **South Lanarkshire Local Plan (Adopted)**

Policy RES2: Proposed Housing Sites  
 Policy RES6: Residential Land Use  
 Policy COM3: New Retail/Commercial Development  
 Policy COM4: New Retail/Commercial Development proposals  
 Policy TRA1: Development Location and Transport Assessment

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

Environmental Services

Scottish Water

Power Systems

Roads and Transportation Services (South Division)

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

Roads & Transportation Services H.Q.(Transportation)

Transport Scotland

Lesmahagow Community Council

Education Resources

Glasgow and the Clyde Valley Strategic Development Planning Authority

Roads and Transportation Services (Flood Prevention Unit)

# **Planning Application Report**

## **1 Application Site**

- 1.1 The former High School site on School Road, Lesmahagow forms the application site (0.9 ha). The former school building has now been demolished and the crushed demolition material has been graded over the vacant site. An electricity sub station and a vacant, domestic, two storey, traditional villa remain on site at present. The site is bounded to the north by School Road and the new High School campus, to the east by Abbeygreen, to the west by the rear gardens of dwellinghouses on Broompark Drive and to the south by the Category B Listed Abbeygreen Church and Manse. A steep grass verge and stone steps remain on the northern boundary and the ground levels of the western edge of the site fall towards Abbeygreen. The site lies adjacent to Lesmahagow Conservation Area.

## **2 Proposal(s)**

- 2.1 The applicant seeks planning permission in principle for a Class 1 retail development. An indicative plan has been submitted which shows the siting of a new retail store which comprises 2052 sq metres (gross) floorspace, over two storeys. It is proposed to take vehicular access to the site from School Road with the provision of car parking spaces and service yard as well as landscaping around the periphery of the site. Pedestrian access from Abbeygreen is also shown on the plan. As part of the proposal the applicants indicate that they would upgrade the junction of School Road and Abbeygreen to the Council's requirements, form a new bus stop on School Road and upgrade the existing zebra crossing on Abbeygreen. Existing and proposed site sections have also been submitted indicating how the ground level of the site would be treated given the sloping nature of the site. The plans show that the existing ground level would need to be reduced by a significant amount to accommodate a development of the form proposed resulting in the new store sitting a couple of metres higher than the road level of Abbeygreen. A substantial retaining wall 6 metres in height would be constructed along the western boundary of the site.
- 2.3 In support of this proposal, the applicant submitted a planning statement/retail impact assessment (RIA), Drainage Impact Assessment (DIA), Environmental Desk Study, a Transport Assessment (TA) and a Noise Impact Assessment (NIA).
- 2.4 The RIA was backed-up by additional information which was submitted during the assessment of this proposal. The report concludes that the Lesmahagow Catchment Area can support a convenience store of this size which would not undermine the vitality and viability of the village centre.
- 2.5 The DIA states that foul flows from the development into the existing combined sewer network would be less than original flows from the school and therefore reduce the burden on the existing system. In addition, surface water flows would be reduced compared to original flows. The report concludes that the proposals to meet the drainage requirements for retail development would have no impact on the existing sewer network.
- 2.6 The Environment Desk Study considers that as the site has only been used as a school, direct chemical contamination is considered unlikely. The only historical site with the potential for ground contamination is a railway terminal located to the immediate north of the site between 1912 and 1957, where elevated levels of carbon dioxide were discovered.

- 2.7 The TA considered the existing accessibility of the site, completed a people trip assessment and predicted the impact of additional traffic on the road network. The report concludes that the location of the site, the existing footway network, levels and location of public transport facilities and the infrastructure measures proposed will provide the development with appropriate access and transport provision.
- 2.8 The NIA concludes that the noise from the development is not likely to have a detrimental effect on the amenity of the closest residential premises in the vicinity of the site.

### **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 6: Quality of Life and Health of Local Communities, specifically 6 (c), 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 The application site is located within the residential area of Lesmahagow and the site is identified as part of a proposed housing site where Policy RES2: Proposed Housing Sites applies. Due to the residential zoning of the area, Policy RES6: Residential Land Use is relevant. The following retail policies are also relevant i.e. Policy COM3: New Retail/Commercial Development and Policy COM4: New Retail/Commercial Development Proposals. Policy TRA1: Development Location and Transport Assessment also needs to be taken into account.

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

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

#### **3.4 Planning Background**

- 3.4.1 A separate application is also under consideration at this Committee for another retail development in the village. Detailed Planning permission is sought for a retail store at the Lesmahagow Truck Stop at Teiglum Road by Tesco (CL/08/0617).
- 3.4.2 Outline planning permission was granted for a residential development on the current application site in September 2004 (CL/04/0481). This consent has now lapsed.

### **4 Consultations**

- 4.1 **Lesmahagow Community Council** – urge the Council not to approve the planning application. They provide details of a survey of local traders, where they had a 78% response rate. The results are as follows:
- 57% of traders were not aware of the public event that the applicants ran to publicise the development.
  - 100% of respondents were aware of the proposed Tesco development
  - 93% did not feel the site was suitable for a retail development
  - 3 respondents were not concerned about the effect on their business

- 2 ½ more respondents felt the current proposal would be more harmful on their business than the Tesco development
- General comments on the development from respondents were that its too close to the main street, the Council should be developing the main street to assist existing businesses, the proposal will take away trade from the main street, the main street will be full of boarded up premises, why not a sports facility, would detract from conservation village.

From the results of the survey the community council confirm they have similar concerns to that of the traders and are also concerned about the safety of school children.

**Response:** Noted. A full assessment of the proposal is contained under Section 6 of this report. The RIA submitted by the applicants demonstrates that the Lesmahagow Catchment Area can support a store of this size which would not undermine the vitality and viability of the 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 many shoppers are travelling outwith the area rather than staying within Lesmahagow. The impact on schoolchildren has been the subject of consultation and neither Roads and Transportation Services or Education Resources have raised concerns.

4.2 **Education Resources** – have no adverse comments.

**Response:** Noted.

4.3 **Environmental Services** – offer no objections subject to advisory notes being attached to any consent granted in relation to health and safety, food safety, and noise. They also recommend that a condition be attached requiring a contaminated land site investigation. In terms of noise they note that the NIA submitted by the applicant states that noise from the use of the car park and deliveries/service yard usage are not likely to cause an increase in background noise levels at the nearest noise sensitive properties. They recommend conditions to ensure that deliveries to the store only take place during the hours of 0700-2300 Monday to Saturday and 1000-1800 hours on Sundays. In addition a condition should be attached which gives a maximum noise level for fixed plant.

**Response:** Noted. Relevant conditions and advisory notes have been attached to address these issues.

4.4 **Roads & Transportation Services (Area Office)** – offer no objections.

**Response:** Noted.

4.5 **SEPA** – offer no objections and ask that a condition is attached requiring the discharge of surface water to be in accordance with the principles of the Sustainable Urban Drainage.

**Response:** Noted a relevant condition has been attached to address this issue.

4.6 **SP Energy Networks** – offer no objection however they advise that they have apparatus within/adjacent to the site which may require alteration or protection.

**Response:** Noted, a copy of SP Energy Network's response has been forwarded to the applicant for their information.

4.7 **Scottish Water** – offer no objection.

**Response:** Noted.

4.8 **Roads and 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. They

therefore offer no objections to the proposal subject to conditions attached to any consent granted in relation to the provision of adequate visibility splays, a 2 metre wide footway along the frontage of the development which connects to the existing network, provision of a guardrail on Abbeygreen, provision of a new bus shelter on School Road, provision of a Puffin crossing to replace the existing zebra crossing on Abbeygreen, and submission of a finalised Travel Plan. They also advise that the number of parking spaces shown on the submitted, indicative layout are not sufficient for the size of the proposed store (2052 sq m). They advise that if the store size is reduced to 1999 sq m, then 141 parking spaces within the development will be sufficient.

**Response:** Noted. The applicants have confirmed that they are agreeable to the size of the store being limited to 1999 sq m in order to meet the parking requirements. If committee agree to grant consent for this proposal all of these matters can be covered by a condition.

- 4.9 **Roads and Transportation Services (Flood Prevention Unit)** – offer no objection subject to the surface water drainage complying with the Council's Sustainable Urban Drainage design criteria. In addition to this a flood risk assessment should be undertaken.

**Response:** Noted. If Committee agree to grant consent for the proposal, this matter can be covered by a condition.

- 4.10 **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 6 and 9. They also confirm that the proposal accords with these policies.

**Response:** Noted.

- 4.11 **Transport Scotland** – offer no objections.

**Response:** Noted.

## **5 Representation(s)**

- 5.1 Following statutory neighbour notification and advertisement of the proposal in the local press as a Development requiring Advertisement due to the Scale or Nature of Operations and as 'development potentially contrary to the development plan', 10 letters of objection were received. The content of the letters is summarised as follows:

- (a) **The proposed development is contrary to the structure plan and local plan as the site is zoned as a proposed housing site. There are no gaps for a convenience store in the market.**

**Response:** Disagree. A full assessment of the proposal against the Structure and Local Plan policies is contained under Section 6 of this report.

- (b) **Concerns about the noise created by the development and the impact on amenity given that the local residents will be affected by extended opening times of the store, vehicles using the car park and delivery vehicles servicing the store. As well as potential noise from chiller systems.**

**Response:** The applicant submitted a NIA with the application which demonstrates that noise from the development is not likely to have a detrimental effect on the amenity of the closest residential premises in the

vicinity of the site. Conditions can be attached to any consent granted to restrict servicing times and noise from fixed plant.

- (c) **The store would have a major adverse effect on the economy of Lesmahagow. There are sites on the outskirts of the village better suited for development of a larger store allowing employment of more people and the potential to attract people from further afield to the village of Lesmahagow.**

**Response:** A full assessment of the impact on the centre of Lesmahagow has been undertaken in Section 6.0 of this report. The retail assessment demonstrates the catchment area can support a convenience store of this size which would not undermine the vitality and viability of the village centre. In addition, Section 6.0 of this report concludes that the Lesmahagow Catchment Area can support two convenience retail developments of the scale proposed in this application and that by Tesco.

- (d) **The proposed building would jar with the existing parkland and Victorian buildings. A bespoke, high value development of residential properties would be better suited to the site.**

**Response:** The application is only 'in principle' at this stage so the design of the unit is not under consideration. However, should Committee agree to grant consent to this proposal a condition could be attached to ensure the design and use of materials of the unit to be submitted under the future detailed application, respects the character of the area.

- (e) **The traffic, rubbish, vermin, congestion and smell coming from the development would be unacceptable.**

**Response:** In terms of traffic, the Roads Service offer no objections and confirm that the development will have no major impact on the existing road network. The potential issues of rubbish, vermin and smell are not planning issues and the Council's Environmental Services have specific legislation that can deal with these issues.

- (f) **Although the initial plans show a relatively discrete building this does not guarantee what the final structure's dimensions would be.**

**Response:** Noted. The indicative plans are intended to show the scale of unit which could be accommodated on this site. As this application is only 'in principle', the issues of scale and design are not under consideration at this stage. If committee agree to grant consent for this proposal conditions can be attached to ensure the design and scale of the unit is appropriate to this location. The Roads Service have confirmed after detailed assessment that in order to provide adequate parking facilities the size of the unit should be no larger than 1999 sq m. The applicant has confirmed that this is acceptable, therefore the floorspace of the unit would actually be smaller than the one shown indicatively.

- (g) **Concerns about boundary walls/foundations being adversely affected by the ground works.**

**Response:** This is not a material planning consideration. Any damage caused to adjoining properties by the developer would be a civil matter between the two parties involved.

- (h) **Concerns about the impact on infrastructure and drainage.**

**Response:** The proposal would have no adverse impact on infrastructure and drainage. No objections have been received from consultees in respect

of this and conditions can be attached to any consent granted to cover these issues.

- (i) **Sheltered housing or a sports facility would be better suited to this site.**  
**Response:** Proposals for these uses have not been submitted. The Planning Service has no option but to assess the planning application which has been put forward.
- (j) **Concerns about noise from the site during construction.**  
**Response:** Environmental Services have specific legislation in respect of this issue.
- (k) **Concerns about the use of the proposed car park for the store being used as race track and loitering. In particular concerns that members of the adjacent church may feel intimidated.**  
**Response:** Issues of anti-social behaviour are a policing matter. Control of the car park outwith opening hours can be addressed at the detailed application stage.
- (l) **It is not appropriate to have a large licenced establishment adjacent to a primary and secondary school.**  
**Response:** This is not a material planning consideration. Licensing issues are a matter for the Licensing Committee.
- (m) **Concerns about the landscaped areas not being maintained.**  
**Response:** This matter can be covered by condition if consent is granted.
- (n) **Why does no one in the village know about this proposal except the immediate neighbours. The meetings that Muse and Grimley had in the Jubilee Hall were by personal invitation of immediate neighbours. Should it not have been the whole of the village as this is who it affects.**  
**Response:** At the time of the submission of the application there was no statutory requirement for the applicant to carry out pre-consultation with the public. Statutory neighbour notification took place, the local community council was consulted and the application was advertised in the press.

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

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks planning permission in principle for the a Class 1 Retail store together with associated landscaping, car parking and improvements to road layout and access on the site of the former Lesmahagow High School on School Road, Lesmahagow. The determining issues which require to be taken into account when assessing this proposal are its compliance with structure and local plan policies, impact on residential amenity and road safety.

### **6.2 Structure Plan Context**

The main policy in the Structure Plan which is relevant to this application is Strategic Policy 6: Quality of Life and Health of Local Communities, specifically 6 (c), 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 for Sustainable Development.

Lesmahagow is not identified as a town centre to be safeguarded. In addition, schedule 6 (c) (i) requires significant retail proposals to be assessed against a range of criteria.

- 6.3 The application also requires to be assessed against Strategic Policy 9 which identifies the criteria which should be applied in the assessment of any planning proposal in order to determine if it accords with the Structure Plan.
- 6.4 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 over 1,000m<sup>2</sup> for convenience stores and therefore it is applicable. Criteria 9A (iv) relates to the criteria set out in Schedule 6 (c) (i) (Assessment of Significant Retail Proposals). Current data held by the Structure Plan 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 retains it within the catchment area. The RIA demonstrates that there will not be an adverse impact on the village centre. The assessment illustrates that an element of trade will be diverted from existing provision in Lesmahagow Centre. However it is not to the extent that it would undermine the vitality and viability of the village centre, as stores are shown to be overtrading and turnovers would return to average trading levels. The proposals for retail development accords with the strategic objectives of the Structure Plan and has been assessed in terms of capacity and impact. It will encourage more shopping locally and address quantitative deficiencies in retail provision.
- 6.5 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.
- 6.7 With regard to 9B (iii) (b), the sequential approach to 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 that identifies specific site opportunities within the village centre which are relatively small in size and would not provide the opportunity for a store of the size proposed on the former High School site. In addition there are constraints for the village centre sites in terms of ownership, market availability and difficulties in achieving site assembly. I would concur with the conclusion that the proposed development site is considered the best option in terms of the sequential test.
- 6.8 With regard to 9B (vi), the proposed development is located edge of centre. 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 proposed development site is easily accessible by foot, cycle and local transport with existing bus services passing either side of the site.

- 6.9 With regard to 9B (ii), the proposed development would be located on a vacant site upon which the former Lesmahagow High School stood. 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.
- 6.10 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.

6.11 **Local Plan Context**

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

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

- 6.12 The applicant has undertaken a RIA which primarily focuses on convenience retailing and has been reviewed to assess the proposal in Lesmahagow at 2012. Further information was also received to clarify points raised in the RIA.
- 6.13 The retail assessment demonstrates that there is capacity for a development of this size as over 80% of the convenience expenditure generated from the catchment area is spent outwith the Lesmahagow catchment area. In addition the RIA shows that the local convenience stores in Lesmahagow are currently trading above the company average turnover figures. The assessment considers the impact of the proposed retail development on the existing village centre. It is considered there will be an impact on existing convenience stores although it will not be significant due to the current high level of turnover for the stores. The predicted turnovers in 2012 for the local convenience stores are likely to be diluted though performance will remain strong in relation to their national averages.

- 6.14 To assess the site location a sequential test was undertaken as part of the retail assessment. The site is considered edge-of-centre. Although a village centre site would be preferred the specific site opportunities within the centre are limited to a number of vacant units and sites, which singularly would not accommodate a store of this size. Furthermore there would be constraints with ownership and site assembly.
- 6.15 The retail assessment demonstrates the catchment area can support a convenience store of this size which would not undermine the vitality and viability of the village centre. The site is demonstrated as the sequential preferable location as it is edge-of-centre with good accessibility links by foot, cycle and public transport.
- 6.16 In terms of the proposal for a comparison retail store, the assessment provided has not demonstrated fully that the catchment area population would support such a proposal or that there is a need for comparison shopping in this location. In addition to this it does not comply with Policy COM 4 as the proposal is not located in Lanark, East Kilbride or Hamilton where there are identified opportunities for additional comparison retail floorspace. However, having regard to the relatively small scale of the proposed development a limited comparison floorspace of up to 560 sq. metres is deemed acceptable as it will not significantly or materially impact on other centres.
- 6.17 Furthermore, an additional assessment has been undertaken by the Council to establish if the Lesmahagow catchment area can support the proposed convenience store development and the proposal of a Tesco retail development at Teiglum Road, Lesmahagow, which the Committee will note is also on the agenda today with a recommendation for 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 of between £29.3 - £30.19m within the catchment area. The total projected turnover for both stores combined in 2012 is estimated 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. Accordingly, the catchment area can accommodate two modest stores of the scale proposed in order to meet the shortfall in retail provision. I therefore conclude that the proposal complies with Policy COM3.
- 6.18 The site is zoned as a proposed housing site in the Local Plan where Policy RES2: Proposed Housing sites applies. This policy states that the Council will support development for housing on these sites. Given that this proposal is for retail use, the application must be considered as contrary to the Land Use zoning and therefore is contrary to Policy RES2. Policy RES6 Residential Land Use is also relevant. This policy states that the Council will resist any development that will be detrimental to the amenity of these areas. The proposal is 'in principle' at this stage so the final detail of the design and location of the store are not under assessment under this application. The applicant has however provided indicative drawings of how the proposed store would sit on the site, and I am satisfied that the proposed store will not have an adverse impact on the residential amenity of the area. The previous use of the site was as a school which generated a significant amount of people and traffic to this area of Lesmahagow, I therefore consider the proposed use of the site for retail use would generate a similar amount of activity. The adjoining residential properties to the site have deep rear gardens and as such the proposed store would

not be situated too close to the dwellinghouses themselves. In addition the dwellings on Abbeygreen are situated some distance away from the store with the car park area being situated between the store and the dwellings. The issue of noise from the store including the proposed servicing can be appropriately controlled by condition. I therefore consider that the proposed development complies with Policy RES6.

- 6.19 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 accessible by all modes of transport with a good level of public transport links within the vicinity of the development. The central location of the site ensures that a significant proportion of the population is within walking distance of the site while it is also adjacent to the town centre so that combined trips are likely to be generated. The impact of the development traffic on the local road network has been assessed and all junctions are predicted to perform satisfactorily. Given the above I consider that the development complies with Policy TRA1.
- 6.20 Having carefully assessed this proposal I consider it complies with Structure Plan policy and there will be no adverse impact on residential amenity or road safety. I also consider it complies with the local plan policies with the exception of Policy RES2. 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 an impact on existing convenience stores although it will not be significant due to the current high level of turnover of the stores. The site is demonstrated as the sequential preferable location as it is an edge-of centre with good accessibility. 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 Tesco at Teiglum Road, Lesmahagow which is being reported to Committee. It is clear that the proposed use of the site as retail does not with the residential land use zoning, however the RIA has demonstrated a need for improved facilities in Lesmahagow and this site is well located adjacent to the centre of Lesmahagow. In view of this I consider a departure to the Local Plan Policy RES2 is acceptable.
- 6.21 Members will note that the Tesco application is recommended to be granted subject to the conclusion of a Section 75 Agreement to ensure a financial contribution towards environmental improvements in the village centre. It is not appropriate to seek a similar contribution in this case as the application is in principle and an operator has not been identified. However, this matter will be addressed at a detailed application stage and a contribution sought at that point.
- 6.22 In conclusion, I consider that the proposal is acceptable and a departure from the adopted South Lanarkshire Local Plan can be justified for the following reasons:
- (i) The site is sequentially an acceptable location as it is located adjacent to the centre of Lesmahagow.
  - (ii) The site can be easily accessed by cars, pedestrians and by cycles.
  - (iii) There are no infrastructural issues.

(iv) There is capacity for this retail store in the Lesmahagow catchment area.

(v) It will constitute re-development of a currently vacant brownfield site.

## **7.0 Reason for Decision**

7.1 For the reasons set out in 6.22 above.

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

**18 January 2010**

### **Previous References**

♦ CL/04/0481

### **List of Background Papers**

▶ Application Form	
▶ Application Plans	
▶ Consultations	
Power Systems	01/07/2009 and 20/07/2009
Glasgow & Clyde Valley Strategic Development Planning Authority	05/01/2010
Roads and Transportation Services (Floos Prevention Unit)	10/08/2009
Lesmahagow Community Council	05/07/2009
Scottish Water	08/07/2009
Environmental Services	20/08/2009 and 14/10/2009
Education Resources – School Modernisation Team	19/11/2009
Roads and Transportation Services (South Division)	19/11/2009
S.E.P.A (west Region)	04/09/2009
Transport Scotland	29/09/2009 and 07/10/2009
Roads and Transportation Services H.Q (Transportation)	04/11/2009 and 30/12/2009

► Representations

- Representation from : C J & A K Paton, 17 Broompark Drive, Lesmahagow, ML11 0DH, DATED 01/07/2009
- Representation from : Arthur C Baxter, 3 Broompark Drive, Lesmahagow, ML11 0DH, DATED 07/07/2009
- Representation from : Kenneth Baxter, 5 Broompark Drive, Lesmahagow, ML11 0DH, DATED 06/07/2009
- Representation from : Ms Moira Baxter, 12 Meadows Road, Lochgilphead, PA31 8AF, DATED 17/07/2009
- Representation from : Gavin Forrest, Cragneithan, Strathaven Road, Lesmahagow, ML11 0DN, DATED 17/07/2009
- Representation from : David Brown, Orchard House, 1 Abbeygreen, Lesmahagow, DATED 02/07/2009
- Representation from : Dr Robert L Nicol, 5 Cairncross Crescent, Lesmahagow, ML11 0PR, DATED 07/07/2009
- Representation from : Mr I Callan, Maplebank, 19 Broompark Drive, Lesmahagow, ML11 0DH, DATED 07/07/2009
- Representation from : Dr Richard Martin, Abbeygreen Church of Scotland, Abbeygreen, Lesmahagow, ML11 0DB, DATED 03/07/2009
- Representation from : Rev David S Carmichael, Abbeygreen Manse, Lesmahagow, ML11 0DB, DATED 03/07/2009

**Contact for Further Information**

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

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Permission in principle

PAPER APART – APPLICATION NUMBER : CL/09/0265

## CONDITIONS

- 1 This decision relates to drawing numbers: SK01 Rev C, SK02 Rev E, SK09 Rev D, SK10 Rev A, SK11 Rev B, SK15, 60099830-SK-008 Rev B.
- 2 Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
  - (a) the layout of the site, including all roads, footways, parking areas and open spaces;
  - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
  - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
  - (d) the means of access to the site;
  - (e) the design and location of all boundary treatments including walls and fences;
  - (f) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
  - (g) the means of drainage and sewage disposal.
  - (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
  - (i) submission of an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO2 emissions beyond the 2007 building regulations carbon dioxide emissions standard.
  - (j) a design statement.
- 3 Unless development commences, planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.
- 4 The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:
  - (a) expiry of 3 years from when permission in principle was granted
  - (b) expiry of 6 months from date when an earlier application for approval was refused, and
  - (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

- (i) different matters, and
  - (ii) different parts of the development
- at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

- 5 The energy statement required by condition 2 above, shall include:

- a) the total predicted energy requirements and CO2 emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO2 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.

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.

- 6 That no consent is hereby granted for the indicative design, footprint or infrastructural details shown on the application plan.
- 7 That the further application required under the terms of Condition 2 above, shall include a flood risk assessment and a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- 8 That notwithstanding the terms of Condition 2 above, the design and materials of the building(s) on the site shall take due cognisance of the traditional character of the location.
- 9 That the retail development hereby approved shall not exceed 1,999 sq metres (gross), 1,368 sq metres (net) sales floorspace. The convenience/comparison floorspace ratio shall be a minimum of 60% convenience and a maximum of 40% comparison. For the avoidance of doubt, no mezzanine floorspace shall at any time be provided without the benefit of planning consent from the Council.
- 10 That the further application required under the terms of condition 2 above shall include:
  - (a) a priority junction on School Road with a visibility splay of 4.5 metres by 90 metres in both directions. The junction of School Road/Abbeygreen should have a visibility splay of 4.5 metres by 90 metres in both directions in accordance with drawing no 60099830-SK-008-Rev B.
  - (b) a minimum 2 metres wide footway along the frontage of the development which connects into the existing network. The previous redundant access should be closed off by means of a footway and full upstand kerb.
  - (c) a guardrail on Abbeygreen in accordance with drawing no 60099830-SK-008-Rev B.
  - (d) provision of a new bus shelter on School Road, the details and position of which to be agreed by the Planning Authority in consultation with Roads and Transportation Services.
  - (e) a Puffin crossing to be provided by the applicant to replace the existing zebra crossing on Abbeygreen, the design of which shall be agreed by the Planning Authority in consultation with Roads and Transportation Services. In addition a

ducting and signal layout drawing should be submitted for written approval.  
(f) a Travel Plan.

- 11 That for the avoidance of doubt, no consent is hereby granted for the pedestrian crossings on School Road as shown on drg no 60099830-SK-008 Rev B.
- 12 That store servicing shall be restricted to between 0700 and 2300 hours Monday to Saturday and 1000 to 1800 hours on Sundays.
- 13 That noise from fixed plant shall not exceed 32dB LA90, during 2300-0700 hours. Any fixed plant which will only operate during daytime hours (0700-2300 hours) should be restricted such that noise emissions do not exceed 45dB LA90 during these time periods.
- 14 That before the development starts, a report from a professionally qualified source detailing the nature, concentration and distribution of any contaminants found within the application site, shall be submitted to and approved by the Council as Planning Authority and the development shall not be commenced until such action as is recommended by this report, in order to remove, or render harmless, any such contaminants, has been implemented and completed to the full specification and entire satisfaction of the Council. The developer shall give the Council at least 7 working days notice in writing prior to the commencement of any decontamination works on the site.

## REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 5 These details have not been provided or approved.
- 6 Permission is granted in principle only and no approval is given for these details.
- 7 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.
- 8 In the interests of amenity and to ensure satisfactory integration of the new store with the traditional character of the area.
- 9 In order to retain effective planning control
- 10 In the interest of road safety
- 11 There is no requirement for the pedestrian crossings and in the interest of pedestrian and traffic safety
- 12 To minimise noise disturbance to adjacent occupants.
- 13 To minimise noise disturbance to adjacent occupants.
- 14 To ensure the site is free from contamination



