

Planning Local Review Body

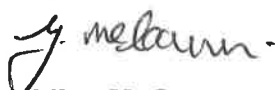
Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/CL/18/001

- ◆ Site address: 94 to 96 High Street, Lanark ML11 7ES
- ◆ Application for review by Thomas Auld and Sons Limited ("the Applicant") of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application CL/17/0445
- ◆ Application CL/17/0445 for alterations to shopfront, including removal of existing timber shopfront and replacement of aluminium and timber clad frontage, tiled stallriser and replacement of fascia board
- ◆ Application Drawings: 2576-LP, 2576-D.001, 2576-D.002 Rev B

Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application CL/17/0445 for the reasons detailed in the Council's decision notice dated 19 December 2017.



Geraldine McCann
Head of Administration and Legal Services

Date of Decision Notice: 22.8.2018

1. Background

- 1.1 This Notice constitutes the formal decision notice of the Planning Local Review Body (PLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the PLRB at its meetings on 30 April and 30 July 2018. The PLRB meeting on 30 April 2018 was attended by Councillors Walter Brogan, Isobel Dorman (Depute), Fiona Dryburgh, Alistair Fulton (Chair), Mark Horsham, Ann Le Blond, Richard Nelson, Graham Scott and Jim Wardhaugh. The meeting held on 30 July 2018 was attended by Councillors Isobel Dorman (Depute), Alistair Fulton (Chair), Ann Le Blond, Richard Nelson and Graham Scott.

2. Proposal

- 2.1 The proposal is for alterations to shopfront, including removal of existing timber shopfront and replacement of aluminium and timber clad frontage, tiled stallriser and replacement of fascia board at 94 to 96 High Street, Lanark.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

3. Determining Issues

- 3.1 The determining issues in this review were:-

- ◆ the proposal's compliance with the Adopted South Lanarkshire Local Development Plan (SLLDP) and Supplementary Guidance (SG)
- ◆ whether the loss of the existing frontage was acceptable
- ◆ impact on the character and appearance of the Conservation Area

- 3.2 The PLRB established that, in terms of the Adopted South Lanarkshire Local Development Plan, the site was located within the strategic town centre of Lanark and the Conservation Area. The following policies applied to the application site:-

- ◆ Policy 4 – development management and place-making
- ◆ Policy 8 – strategic and town centres
- ◆ Policy 15 – natural and historic environment
- ◆ Policy NHE7 – conservation areas
- ◆ Policy DM1 – design

The Council's Shopfront Design Guide was also of relevance.

- 3.3 Policy 4 states that all planning applications will require to take account of and be integrated with the local context and built form and that an assessment of development proposals should ensure no significant adverse impact on built heritage.
- 3.4 Policy 8 states that, within strategic and town centres, the Council will allow a mixture of uses compatible with their role as commercial and community focal points. Development proposals must also accord with other relevant policies and proposals in the Development Plan and appropriate Supplementary Guidance.
- 3.5 Policy 15 states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. In Conservation Areas, development which would affect these areas, following the implementation of any mitigation measures, will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected.
- 3.6 Policy NHE7 states that development and demolition within a Conservation Area or affecting its setting shall preserve or enhance its character. The design, materials, scale and siting of any development will be appropriate to the character of the Conservation Area and its setting.
- 3.7 Policy DM1 states that the Council will expect the design and layout of new development to meet the appropriate criteria within the Local Development Plan and Supplementary Guidance. This requires an assessment of the proposal to be made in relation to the criteria within the Council's Shopfront Design Guide. The Guide states that the removal of a traditional frontage within a conservation area and its replacement with a new shopfront will only be permitted where both the following apply:-

- ◆ the Council is satisfied that the design of the new shopfront will not detract from the appearance of the building or surrounding area
- ◆ it is not feasible to adapt or retain the existing frontage

3.8 At its initial meeting to consider the review on 30 April 2018, the PLRB considered that, prior to determining the review, it wished to have further written submissions from the Applicant and the Area Manager, Planning and Building Standards Services, on behalf of the appointed person in terms of the Scheme of Delegation, respectively.

The PLRB had requested that the Applicant, in their submission:-

- ◆ advise whether the proposal could be amended to make it more compatible with the Conservation Area setting
- ◆ submit amended drawing(s) to show those amendment(s)
- ◆ explain, in the event that it was not possible to amend the proposal, the reasons why this was the case

The PLRB had also requested that the Area Manager, Planning and Building Standards Services, provide further written information as follows:-

- ◆ information as to why some shops in Lanark High Street appeared to have been allowed an aluminium frontage while others had not
- ◆ whether any of the aluminium shopfronts cited in Production 1 did not have the benefit of planning consent
- ◆ whether any of the premises cited in Production 1 had been the subject of an application for an aluminium frontage which had been refused

3.9 In considering the case, the PLRB had regard to the Applicant's submission that:-

- ◆ the proposal would have no significant impact as Lanark High Street had a large number of aluminium shopfronts and these were in close proximity to the review site
- ◆ the streetscape did not reflect the Council's Shopfront Design Guide
- ◆ the proposal represented a modest intervention into a busy, vibrant streetscape which displayed a high degree of variety in shopfront design and materials. The proposed alterations were modest in scale and would have little impact on the streetscape or the historic environment
- ◆ there were existing national retail outlets with aluminium shopfronts on Lanark High Street which reflected their corporate branding and did not conform to the Council's Shopfront Guide
- ◆ the shop's existing wooden doors were affected by change in temperature and moisture. This had resulted in gaps at the doorway's threshold and allowed pests and draughts into the shop
- ◆ the existing timber shopfront was difficult to maintain in good condition. Metal shopfronts continued to look good throughout their lifetime
- ◆ the existing shopfront was being affected by vandalism and the cost of replacing/repairing wooden and decorative finishes was becoming an issue. Metal standard items could be replaced more quickly and the replacement of smaller areas of glazing was less expensive
- ◆ the existing shop frontage was old fashioned and, if the Applicant was to succeed on the High Street, it required to have a more modern look in order to compete with other retailers with more contemporary images. The proposed shopfront would also contribute to the quality of Lanark High Street

3.10 The PLRB also had regard to the further written submissions which it had requested from the Applicant and the Area Manager, Planning and Building Standards Services, respectively. It considered the information received from the Applicant's agent that any further changes to the proposal would not reflect the Applicant's new corporate identity and that the new shopfront required to compete visually with those of other retailers and not

appear old fashioned or out of place. It also considered the information received from the Area Manager, Planning and Building Standards Services, that:-

- ◆ the Council's Shopfront Design Guide seeks to maintain traditional timber shopfronts and resist their loss. Although there were aluminium shopfronts on Lanark High Street, those had generally been installed, not as replacements for timber shopfronts, but as updated aluminium or other non-timber shopfronts
- ◆ there were no outstanding enforcement cases for the replacement of shopfronts in Lanark High Street
- ◆ there was no record of refusal of planning permission for the replacement of a timber shopfront with an aluminium shopfront in Lanark High Street
- ◆ there had been 1 application where the replacement shopfront had been changed from aluminium to timber through negotiation with the applicant
- ◆ most of the existing aluminium shopfronts on Lanark High Street predated the Council's Shopfront Design Guide and the planning records held

- 3.11 Following its review of all the information and after discussion, the PLRB concluded that it had not been demonstrated that the existing shopfront could not be retained or adapted to comply with the Council's Shopfront Design Guide. It further concluded that the proposed shopfront would have an adverse impact on Lanark Conservation Area. As a result, it concluded that the proposal did not accord with Policies 4 and 15 of the Adopted South Lanarkshire Local Development Plan and Policies DM1 and NHE7 of the associated Supplementary Guidance

4. Conclusion

- 4.1 The PLRB considered a request to review the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application CL/17/0445 for alterations to shopfront, including removal of existing timber shopfront and replacement of aluminium and timber clad frontage, tiled stallriser and replacement of fascia board at 94 to 96 High Street, Lanark.
- 4.2 The PLRB considered that it had not been demonstrated that the existing shopfront could not be retained or adapted to comply with the Council's Shopfront Design Guide. It further concluded that the proposed shopfront would have an adverse impact on Lanark Conservation Area. It concluded, therefore, that the proposal did not accord with Policies 4 and 15 of the Adopted South Lanarkshire Local Development Plan and Policies DM1 and NHE7 of the associated Supplementary Guidance. The PLRB was not unanimous in its decision, a motion to reverse the decision of the appointed officer and grant planning permission for the proposal on the basis that the design of the proposed shopfront would not detract from the appearance of the building or the surrounding area and that it was not feasible to adapt or retain the existing frontage, having been defeated by 3 votes to 2.
- 4.3 The PLRB, therefore, upheld the decision to refuse planning permission for planning application CL/17/0445 for the reasons detailed in the Council's decision notice dated 19 December 2017.

5. Accompanying Notice

- 5.1 Attached is a copy of the Notice to Accompany Refusal, etc in the terms set out in Schedule 2 to the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.



NOTICE TO ACCOMPANY REFUSAL ETC

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

