

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>5 April 2011</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/09/0360
Planning Proposal:	Erection of a Class 1 Retail Store with Associated Petrol Filling Station, Car Parking and other Associated Works (Planning Permission in Principle)

## 1 Summary Application Information

- Application Type : Permission in Principle
- Applicant : Asda Stores Ltd & Muse Developments
- Location : Land at Larkhall Academy  
Larkhall

## 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 attached).

### 2.2 Other Actions/Notes

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

## 3 Other Information

- ◆ Applicant's Agent: GVA Grimley
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **Scottish Planning Policy**

### **Glasgow and Clyde Valley Structure Plan :** **Approved April 2008**

Strategic Policy 1 – Strategic Development Locations

Strategic Policy 6 – Quality of Life and Health of Local Communities

Strategic Policy 9 – Assessment of Development Proposals

Strategic Policy 10 – Departures from the Structure Plan

### **South Lanarkshire Local Plan (Adopted 2009)**

Policy STRAT 1 – Regeneration Priorities

Policy RES 2 – Proposed Housing Sites Policy

Policy ENV 2 – Local Green Network Policy

Policy COM 3 – New Retail/Commercial  
Development Policy  
Policy STRAT 10 – Developers’ Contributions  
Policy  
Policy TRA 1 – Development Location and  
Transport Assessment Policy  
Policy TRA 2 – Walking, Cycling and Riding  
Routes Policy  
Policy TRA 4 – Bus Provision  
Policy ENV 30 – New Development Design  
Policy  
Policy DM 1 – Development Management  
Policy

- ◆ Representation(s):
  - ▶ 37 Objection Letters
  - ▶ 1 Support Letter
  - ▶ 0 Comment Letters
- ◆ Consultation(s):

Community Resources: Leisure Services (Amenity Services)

Environmental Services

Glasgow and the Clyde Valley Joint Structure Plan Team

Roads and Transportation Services (Hamilton Area)

Community Resources: Leisure Services (Arboriculture)

Community Resources: Countryside & Greenspace

Roads & Transportation Services H.Q. (Flooding)

Economic Development (Business Development & Projects)

Scottish Water

West of Scotland Archaeology Service

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

Roads & Transportation Services H.Q.(Traffic and Transportation)

Larkhall Community Council

Sustrans

Estates Services

Strathclyde Passenger Transport

Scottish Natural Heritage

## **Planning Application Report**

- 1.1 The application relates to an area of land located to the south of Larkhall Town Centre. The site is bounded to the north by a mixture of residential properties, open space, semi mature trees and areas of scrub, to the south and east by residential properties, the Larkhall Leisure Centre and Larkhall Academy and to the west by a mix of rough grassland, trees and scrub. A former railway embankment runs through the site along its south-eastern boundary. Access to the site is via Broomhill Road.

## **2 Proposal(s)**

- 2.1 The applicants, ASDA Stores Ltd and Muse Developments, seek planning permission in principle for the erection of a Class 1 retail store with associated petrol filling station, car parking and other associated works. Whilst a detailed layout has not been submitted with the application an indicative layout has been provided showing the provision of a retail store measuring 2,927 square metres gross floorspace. Following detailed discussions with the Planning Service the floorspace of the retail store has been reduced from the 5,240 square metres gross originally submitted to the now proposed 2,927 square metres gross. The indicative number of car parking spaces proposed has also been reduced from 384 spaces to 235 spaces.
- 2.2 The foodstore would be located to the west of the new Larkhall Academy school and the site would be accessed via a new roundabout located at the junction between Broomhill Road and Church Street with an additional roundabout located adjacent to the Leisure Centre on Broomhill Road. The proposal would involve the demolition of two residential properties currently fronting Church Street to allow for the construction of the roundabout. It is proposed to retain and improve the existing former railway line as a multi-purpose pathway (cycle and footpath), and a Green Corridor. The proposal also involves the diversion of the Raploch Burn.
- 2.3 A Planning Statement, Transport Assessment and Retail Assessment were submitted with the application as supporting documents in addition to supporting environmental information. The proposal forms part of a wider masterplan for the 'Larkhall Cherryhill Redevelopment' as a separate application for planning permission in principle has been submitted for a mixed use development incorporating the erection of 367 residential units, medical centre, 60 bed care home, children's nursery, restaurant, associated car parking and ancillary works (HM/09/0361). The mixed use application site extends to 19.3ha and would bound the application site on all sides.
- 2.4 Additional supporting information submitted by the applicant states that in terms of the costs associated for delivering the main spine road and roundabouts for the development and the diversion of the Raploch Burn, which are required for both planning applications, it is anticipated that this would amount to approximately £3 million worth of investment up front, with a further £2 million required for the remainder of the mixed use development site. The supporting information states that the delivery of the foodstore would be an essential catalyst in delivering this early infrastructure and opening up the opportunities for the proposed mixed use scheme to come forward. It should be noted that the applicant undertook a pre-application consultation with the local community prior to this requirement formally being introduced under the Planning etc. (Scotland) Act 2006. As a consequence a consultation report was submitted as supporting information by the applicant.

### **3 Background**

#### **National Policy Status**

- 3.1 Scottish Planning Policy (SPP) provides advice on national planning policy issues. SPP highlights that legislation requires that planning decisions are to be made in accordance with the development plan unless material considerations indicate otherwise. SPP provides planning policy advice on a number of issues, including sustainable economic growth and town centres and retailing.

#### **Development Plan Status**

- 3.2 The Glasgow and Clyde Valley Joint Structure Plan includes a number of policies which are relevant to the assessment of the proposal. These will be discussed fully in Section 6 of the report and include Strategic Policies 1, 6, 9 and 10.

- 3.3 A number of policies set out in the South Lanarkshire Local Plan (adopted March 2009) are relevant to the consideration of the proposal specifically:

Policy STRAT 1 – Regeneration Priorities

Policy COM3 – New Retail / Commercial Development

Policy RES 2 – Proposed Housing Sites Policy

Policy ENV 2 – Local Green Network Policy

STRAT 10 – Developers Contributions Policy

Policy TRA 1 - Development Locations and Transport Assessment

Policy TRA 2 - Walking, Cycling and Riding Routes Policy

Policy TRA 4 – Bus Provision

Policy ENV 30 - New Development Design Policy

Policy DM 1 – Development Management Policy

#### **3.4 Planning Background**

- 3.4.1 Through the preparation of the South Lanarkshire Local Plan the Council in 2007 commissioned a Convenience Retail Capacity Assessment for Larkhall. The assessment concluded that there was leakage of convenience retail expenditure from Larkhall and in turn there was retail capacity to support a supermarket in the region of 3,000 square metres net (5,000 sqm gross) in Larkhall without threatening the established town centre. This assessment informed the designation of the site at Raploch Street for new retail/commercial development in the adopted Local Plan. The Raploch Street site is located to the north of the application site and to the west of the railway station and is currently occupied by a football stadium, bowling club, 2 dwellinghouses and lock up garages.

- 3.4.2 It should be noted that a detailed planning application for a foodstore on the Raploch Street site has been submitted by Tesco Stores Ltd for the erection of a Class 1 foodstore and the formation of a car park and associated access on land occupied by Larkhall Football Club, Larkhall Bowling Club (part of) and 75-77 Raploch Street, Larkhall (HM/09/0579). This proposal involves the relocation of Larkhall Thistle to an alternative site within Larkhall and detailed discussions between the applicant and the Council are ongoing in relation to this relocation. This application is a material consideration in terms of the assessment of the ASDA proposal as it has a planning status by virtue of being the designated site for new retail/commercial development in the adopted South Lanarkshire Local Plan.

- 3.4.3 It should be noted that ASDA and Muse Developments submitted a representation in respect of the Finalised South Lanarkshire Local Plan where they promoted the application site for a retail store extending to 5,268 square metres gross floor area. This proposal was resisted by the Council at that time. In turn, as part of the Local Plan process, this proposal was considered by the Scottish Government Reporter

and he concluded that the site would be an unsuitable location for a major new foodstore as it would not support and compliment the existing uses in the town centre and was not well located for access by public transport.

- 3.4.4 An outline planning application was submitted to the Council in May 2004 (HM/04/0322) for a mixed use development (including residential recreation, woodland, community use and access) and associated works. This application covered an area partly within the current application boundary. The application identified a notional capacity of 375 residential units across the 44.5 hectare site. This Planning Application was approved at the Planning Committee in April 2005 subject to referral to the Scottish Ministers. The referral was due to the application's non-accordance with the development plan at that time; because the Council had a financial interest in part of the site; and due to the existence of an outstanding objection from Scottish Natural Heritage mainly relating to drainage issues and the potential impact on the adjacent Site of Special Scientific Interest. The objection was not resolved and as a consequence the Scottish Ministers returned the application to South Lanarkshire Council. The application was withdrawn in July 2009.
- 3.4.5 As noted in Paragraph 2.3 an application for planning permission in principle was submitted to the Council by Muse Developments in July 2009 for the erection of 367 residential units, medical centre, 60 bed care home, children's nursery, restaurant, associated car parking and ancillary works on land located directly adjoining the application site (HM/09/0361). This planning application is also under consideration as a separate item at this Planning Committee.
- 3.4.6 For information the planning application for the current application site at Larkhall Academy was registered on 5 August 2009 and the planning application for the site at Raploch Street was registered on 13 November 2009.

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

- 4.1 **Economic Development** – have no objections to the proposal.  
**Response:-** Noted.
- 4.2 **Environmental Services** – have no objections to the application subject to the inclusion of conditions relating to the submission of a noise assessment, contaminated land investigation and remediation proposals and the submission of details relating to air quality monitoring. An informative should also be attached advising the applicant of acceptable noise levels at the site.  
**Response:-** Noted and any consent granted would incorporate appropriately worded conditions and informatives to address the above matters.
- 4.3 **Estates Services** – have no objections to the proposal.  
**Response:-** Noted.
- 4.4 **Glasgow and the Clyde Valley Joint Structure Plan** – noted that strategic issues have been addressed and have no further comments.  
**Response:** Note.
- 4.5 **Community Resources: Countryside & Greenspace** – have no objections to the application subject to the submission of details for the provision of pedestrian and cycle access arrangements, landscape master planning and biodiversity mitigation and enhancement measures for the development. If a section 75 Agreement is to be concluded then adequate provision should be made to ensure these elements are appropriately funded through the development. Specifically in relation to outdoor

access, an access plan should be prepared to identify a network of routes sufficient for the provision of adequate and safe cycling and pedestrian routes throughout the development site. These should be linked to adjacent access infrastructure and be appropriate for both functional and recreational use.

**Response:** Noted. I am satisfied that no Section 75 Agreement is required in this instance as any consent granted would incorporate appropriately worded conditions to address the above matters.

4.6 **Larkhall Community Council** – no response to date.

**Response:-** Noted.

4.7 **Leisure Services (Amenity Services)** – have no objections to the proposal.

**Response:** Noted.

4.8 **Community Resources: Leisure Services (Arboriculture)** – the site is extremely tight and the woodland is in very good condition providing an excellent local amenity. There are concerns that a very high percentage of woodland will be felled to accommodate this proposal and a tree survey should be requested to indicate where trees are to be removed and what measures will be in place to ensure the remaining retained trees are to be protected.

**Response:** The application site is designated as a development site in the Local Plan and, therefore, some form of tree loss would be inevitable. Notwithstanding, any consent granted would incorporate appropriately worded conditions to ensure the submission of a detailed tree survey, tree protection measures and landscaping for the Council's approval.

4.9 **Roads and Transportation Services (Hamilton Area)** – have no objections to the proposal subject to the inclusion of conditions relating to the provision of appropriate visibility splays, 221 car parking spaces and surface water trapping within the site. The above Service also noted a requirement for road works junction improvements.

**Response:-** Noted and any consent granted would incorporate appropriately worded conditions to address the above matters.

4.10 **Roads and Transportation Services HQ (Traffic & Transportation)** – have no objections to the application subject to the inclusion of appropriate conditions. Detailed discussions have taken place regarding the practicalities of the new roundabout and road safety due to the removal of the existing traffic signals. The proposed roundabout is the most suitable form of access for the development and a co-ordinated removal of the existing traffic signals and the installation of the two new pedestrian crossings is required in consultation with the Council and with the required funding provided by the applicant. Conditions should be attached to any consent granted requiring the submission of full details of the internal layout of the development in addition to details relating to the proposed roundabout and alterations to the existing mini-roundabout, pedestrian crossing facilities and traffic signals, road safety features, cycle way connections throughout the site and linkages to the National Cycle Route, car and cycle parking and a public transport strategy and travel plan for the Council's approval.

**Response:-** Noted and any consent granted would incorporate appropriately worded conditions to address the above matters. The costs associated with any infrastructure works including road and transportation matters and works required in relation to public transport shall be borne by the developer.

4.11 **Roads and Transportation Services HQ (Flooding)** – have no objection to the proposed development subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self

certification document. The submitted Flood Risk Assessment (FRA) requires to be updated and the proposal to realign the Raploch Burn would require a Controlled Activities Regulations (CAR) approval from SEPA.

**Response:** - Noted and any consent granted would incorporate appropriately worded conditions to ensure the provision of an acceptable SUDS system within the site and the submission of an updated Flood Risk Assessment for the Council's approval. The applicant has been involved in detailed discussions with the Council regarding the submitted FRA and a copy of the Council's SUDS design criteria has been forwarded to the applicant as requested.

- 4.12 **Scottish Natural Heritage (SNH)** – have no objections to the application. While there are natural heritage interests of national importance within the adjacent Avondale Site of Special Scientific Interest it is considered they will not be affected by the proposal. With regard to bats, no trees or buildings suitable for bat roosting have been identified within the site boundary. Foraging and commuting bats have, however, been recorded within the site and there would be a moderate to minor adverse effect on commuting and foraging bats as a result of the proposals. Provided the mitigation measures detailed in Section 6.7 of the submitted Environmental Statement (ES) are implemented the proposal is unlikely to result in an offence under Regulation 39/43 of the Habitats Regulations 1994 (as amended). An Ecological Clerk of Works should oversee the implementation of the proposed mitigation. No signs of otters have been recorded from the application site, however, SNH recommend that a pre-start walkover of the site be undertaken to ensure the situation has not changed. One badger sett, disused at the time of survey, has been found within the application site and this sett will require to be destroyed to accommodate the development. SNH advise that even with the mitigation as detailed in the confidential badger annex (RPS, March 2009) it may result in an offence under the Protection of Badgers Act (1992). It is considered that it is not practical to make further changes or apply further mitigation that would avoid such impacts. A license is therefore required by the applicant from SNH before starting the development. It is recommended that an updated badger survey of the application site is undertaken to inform the license application. Provided the best practice measures detailed in Section 6.7 of the ES are implemented, the proposal is unlikely to result in an offence under the Wildlife & Countryside Act 1981 (as amended) in respect of breeding birds and on the basis of the information provided, the proposal is unlikely to result in an offence under the Wildlife & Countryside Act 1981 (as amended) in respect of barn owls. However, pre-construction surveys should be undertaken.

**Response:-** Noted and any consent granted would incorporate appropriately worded conditions and informatives to address the above matters.

- 4.13 **Scottish Water** – have no objections to the application and have advised that Balmore Water Treatment Works has capacity to service the proposed development.

**Response:-** Noted.

- 4.14 **SEPA** – have no objection to the proposal subject to the inclusion of conditions requiring the provision of an acceptable sewerage system and SUDS system for the development. Conditions should also be imposed requiring the provision of post-development topography details for the entire site particularly those areas adjacent to the Raploch Burn to demonstrate that the development will not have a detrimental effect on flood risk and the water environment.

**Response:-** Noted and any consent granted would incorporate appropriately worded conditions to address the above matters.

- 4.15 **Strathclyde Passenger Transport** – have no objections to the proposal. A condition

should be attached to any consent for the phasing of the development to ensure walking, cycling and public transport routes are integrated into the development at appropriate stages. A Section 75 Agreement should be considered to facilitate a contribution towards the cost of initiating a bus service for the site for at least the first 5 years at an initial estimated cost of around £80,000 per year. As the details of the finalised travel plan are being prepared, a budget/financial sum is considered to ensure implementation of the travel plan measures.

**Response:-** Noted. The applicant's Transport consultants have held a number of meetings with local service operators (Whitelaw) within the area to discuss the extension of bus services. Whitelaw have confirmed that they would be content to enter into further discussions with the applicant's following approval of the planning application to secure bus services to the site. It is considered that it would not be necessary for this matter to be addressed by a legal agreement and that any consent granted could incorporate an appropriately worded condition to ensure the submission of a public transport strategy for the Council's approval in consultation with Strathclyde Passenger Transport bus service provision at the site.

- 4.16 **SUSTRANS** – have no objections to the proposal. They suggest that the developer makes a financial contribution through a Section 75 Agreement towards the implementation of the proposed cycle routes from Larkhall to Chatelherault and Strathclyde Country Parks. It is suggested that there should be no timescale attached to the spending of the Section 75 monies to ensure that there is greater flexibility as to where the funds can be directed within the scheme. Alternatively, it is suggested that the developer implements the section of cycle route in the vicinity of the site. It is also recommended that adequate cycling provision should be made for staff, customers and residents.

**Response:-** Noted. The applicant, in consultation with SUSTRANS and the Council's Roads and Transportation Services, has committed to delivering the required cycle way connections of National Cycle Route 74 within the application site. On this basis, it is considered that it would not be necessary for this matter to be tied into a legal agreement. Any consent granted would incorporate a condition requiring the submission of full details of these works for the Council's approval and future implementation following the submission and approval of the required application for the approval of the matters specified in condition.

- 4.17 **West of Scotland Archaeology Service (WOSAS)** – have no objections to the application, however, they recommend that the site be subject to a pre-determination evaluation in order to assess the nature, depth of, and extent of any potential archaeological features within the development area. Should this not be possible they recommend that a suspensive condition be attached to any consent issued to secure a programme of archaeological works to be conducted in advance of any development.

**Response:-** Noted. As the application is for planning permission in principle I am satisfied that the matters raised can be addressed through a condition requiring the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be approved by the Council.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised under Article 12 (5) Due to the Nature or Scale of Development, under Non-Notification of Neighbours and as Development Potentially Contrary to the Development Plan in the Hamilton Advertiser. Thirty seven letters of objection were received in addition to one letter of support. The grounds of objection are summarised below.



- (a) **Another supermarket store will have a negative impact on the current retail shops on Union Street even though the proposed store has been reduced in size. There is insufficient convenience expenditure capacity within the Larkhall catchment to support an additional store at the site without undermining the future viability of Larkhall town centre.**

**Response:** It is considered that there is sufficient capacity for the proposed store without threatening the vitality and viability of the town centre. This matter is discussed in detail in Section 6 of this report.

- (b) **The proposal does not comply with national, structure plan and local plan policies and fails the sequential test.**

**Response:** These matters are discussed in detail in Section 6 of this report.

- (c) **The sequentially preferable site at Raploch Street should be given a reasonable opportunity to be brought forward, and therefore consent for this application be refused.**

**Response:** As previously noted, a planning application for the Raploch Street site has been submitted by Tesco Stores Ltd. The Council has been, and continues, to work closely with Tesco to facilitate the delivery of their development. This follows extensive work by the Council in the preparation of the Local Plan. On this basis, I am of the view that a reasonable opportunity has been given to deliver retail development of the Raploch Street site. The issue of retail policy and basis for determining this application is discussed in Section 6 of the report.

- (d) **Impact on the viability of the convenience retail operators in the town centre and use of incorrect trading figures levels in the applicant's RA.**

**Response:** The RA submitted by the applicant demonstrates the source and methodology of determining the company average turnover figures and the household shopping survey provides evidence of the market share and value. As such it is considered that the figures used provide a reasonable basis to undertake the retail assessment. This matter is discussed further in section 6.

- (e) **The proposal will have an adverse impact on road safety. The proposed access road is a residential street which does not have capacity for the volume of traffic that this development will generate and the roads infrastructure in the area including traffic signals is inadequate.**

**Response:** Whilst the application is for planning permission in principle detailed discussions have taken place regarding the proposed access to the site and Roads and Transportation Services are satisfied that the proposal raises no access or road safety issues subject to the submission of full details of the internal layout of the development in addition to details relating to the proposed roundabout and alterations to the existing mini-roundabout, pedestrian crossing facilities and traffic signals, road safety features etc for the Council's approval. Should planning permission in principle be granted these further details would be submitted and assessed under an application for the approval of matters specified in conditions.

- (f) **The introduction of a roundabout so close to Larkhall Academy and the Leisure Centre is irresponsible and will restrict access for surrounding properties. The extra traffic caused by the development during and after completion will have an adverse impact on road safety particularly for children and older people in the area.**

**Response:** Roads and Transportation Services are satisfied that the proposed roundabouts are the most suitable forms of access for the development and that the proposal raises no access or road safety issues. Any consent granted would incorporate conditions requiring the submission of a detailed design of the proposed roundabouts and new pedestrian crossings for the Council's approval.

- (g) **Due to traffic congestion parking restrictions were introduced to regulate parking in the area. There is currently insufficient parking in the area and any increase in traffic caused by this development will make matters worse.**

**Response:** Whilst Roads and Transportation Services are satisfied that the proposal would have no adverse impact on parking in the area, should planning permission in principle be granted full details of the proposed car parking arrangements for the development would have to be submitted and approved by the Council under an application for the approval of matters specified in conditions.

- (h) **The road layout at the existing listed Archway entrance into the Broomhill Estate should not be altered to suit the developer.**

**Response:** Roads and Transportation Services are satisfied that the proposal raises no access or road safety issues and as the application is for planning permission in principle. Any impact on the listed Archway would be assessed upon the submission of an application for the approval of matters specified in conditions should planning permission in principle be granted.

- (i) **The proposal will have an adverse impact on the local sewerage system.**

**Response:** Neither Scottish Water nor SEPA raised any adverse comments in relation to any potential impact on the existing sewerage system. This is a matter which would be addressed through the submission an application for the approval of matters specified in conditions should planning permission in principle be granted.

- (j) **There are concerns that the proposal will have an adverse impact on the character of the existing Archway located at Broomhill Gate both visually and physically.**

**Response:** The application is for planning permission in principle and no detailed drawings, including elevations of the building, have been submitted at this stage. Notwithstanding, due to the proposed distance between the store and the Archway it is considered unlikely that the proposal would have a significant adverse impact on the Archway either visually or physically.

- (k) **Deliveries to the store will cause traffic and noise disturbance during both day and at night.**

**Response:** Neither Roads and Transportation Services or Environmental Services raised any objection to the proposal in relation to the above matters. However, any consent granted would incorporate a condition requiring the submission of a noise assessment for the Council's approval.

- (l) **The proposal will have a detrimental impact on the environment and daily lives of the local residents in terms of noise, dust, fumes etc.**

**Response:** Environmental Services raised no objections to the proposal subject to the inclusion of conditions relating to the submission of a noise assessment and details relating to air quality monitoring for the Council's approval.

- (m) **The proposal is within close proximity to Morgan Glen and it will have a detrimental visual impact and will overshadow the area.**

**Response:** Whilst the application is for planning permission in principle and no detailed drawings have been submitted, due to the distance between the site and Morgan Glen I am satisfied that the proposal would not have a significant adverse impact on the Glen or that it would overshadow the area. It should be noted that SNH raised no objections to the application in this regard.

- (n) **The proposal will have an adverse impact on property values and rental income.**

**Response:** These are not material planning considerations.

- (o) **There should be open discussion on alternative uses for the site.**

**Response:** The application requires to be assessed on its own merits and a detailed assessment is undertaken in Section 6 of this report.

- (p) **There are concerns that not all neighbours were notified where required.**

**Response:** I am satisfied that the correct statutory neighbour notification procedures were undertaken.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the Planning Portal.

## **6 Assessment and Conclusions**

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Glasgow and Clyde Valley Joint Structure Plan and the adopted South Lanarkshire Local Plan 2009.

- 6.2 In assessing any planning application it is also necessary to evaluate the proposal against the most up to date policies and criteria contained in the relevant national planning policy. Scottish Planning Policy (SPP) states that the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places. Planning authorities should take a positive approach to development recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth. The proposed development can be considered to support the Scottish Government's wider strategy for economic growth by bringing into productive use a vacant site and has the potential to create jobs and support economic development in Larkhall. In relation to retail policy set out in the SPP, this is considered at paragraphs 6.36 and 6.37 below.

- 6.3 The planning application in principle has been submitted to the Council to establish a Class 1 retail use on the site with an associated petrol filling station, car parking and other associated works. The main determining issues are compliance with the approved Glasgow and the Clyde Valley Joint Structure Plan, the adopted South Lanarkshire Local Plan and any other material considerations. These will be considered in turn.

- 6.4 Structure Plan Assessment

6.5 The policies in the Structure Plan which are relevant to this application are Strategic Policy 1, Strategic Policy 6, Strategic Policy 9 and Strategic Policy 10.

#### 6.6 Strategic Policy 1 (SP1) - Strategic Development Locations

SP1, identifies strategic town centres in Schedule 1(a) as a priority for future investment. Within the catchment area of the proposal as defined by the applicant in the accompanying Retail Assessment (RA), there is one strategic centre. Larkhall is the only strategic town centre in the catchment area.

#### 6.7 Strategic Policy 6 (SP6) – Quality of Life and Health of Local Communities

SP6 safeguards strategic town centres as the preferred location for focusing the economic potential of new retail developments. The proposal is not within a town centre listed in Schedule 1(a), nor is it identified in Schedule 6(c)(iii) – Out of Centre Retail Locations. The proposal therefore requires to be further considered in relation to the criteria listed in Schedule 6(c)(i) and 6(c)(ii).

6.8 The main operator for the superstore is ASDA and for the quantitative analysis the RA has utilised turnover figures based on data from Mintel UK company average figures for ASDA . The proposed retail store has the following floorspace split:

##### *Superstore*

Total Floorspace	2,927 sq. metres gross (1,858 sq. metres net)
Convenience	1,301 sq. metres net
Comparison	557 sq. metres net

6.9 Schedule 6(c)(i) sets out a number of criteria that new retail proposals require to be considered against and in regard to convenience and comparison floorspace. The relevant criteria are set out as follows:

- (a) expenditure compared to turnover;
- (b) impact on strategic centres;
- (d) contribution to the improvement of the vitality and viability of town centres; and
- (j) the contribution the development will make to remedying any qualitative deficiencies in existing retail provision.

These will be considered in turn.

#### 6.10 Convenience Floorspace

Criterion (a) - expenditure compared to turnover. Within the Larkhall catchment area the Structure Plan Technical Report TR07 identified a surplus of expenditure of approximately £10.53m at 2011 (based on 2003 shopping survey patterns). A household shopping survey was undertaken by NEMS Market Research, commissioned by Asda in respect of their development proposals at Larkhall for the catchment area and wider study area. The catchment area of the foodstore has been defined in the RA and relates to postcodes ML9-1, ML9-2, ML9-3 and 15% of ML3-7, which takes in Larkhall, Netherburn, Stonehouse, Ashgill, Ferniegair, Allanton and a proportion of the south-eastern area of Hamilton (Silvertonhill and Meikle Earnock). The RA estimates a total expenditure in 2012 of £57.13m for convenience goods within the catchment area. The total average turnover of the existing convenience stores in the catchment area is forecasted as £16.86m in 2012. This is based on sales data sourced from Verdict on Grocery Retailers 2008 and Mintel. This results

in a surplus of £40.27m within the catchment. The Council's own assessment of this is broadly consistent with this conclusion. A surplus of convenience expenditure was also supported by the Council's assessment undertaken by Roderick McLean for Convenience retail capacity assessment for Larkhall in 2007. From the NEMS Market Research survey approximately 64% of total expenditure outflow from the catchment. A cumulative assessment of the retail developments at Strathaven and Lesmahagow, together with the Raploch Street local plan site are taken into account in the RA. The outcome of the assessment shows that the catchment expenditure can support the turnover of the proposed ASDA and Raploch Street proposal while the existing town centre convenience stores trade at their average turnover. I am satisfied that given the large amount of leakage from Larkhall sufficient expenditure can be 'clawed back' by the proposed floorspace and there is adequate expenditure available within the catchment area to support this proposal without prejudicing the Raploch Street local plan retail designation site or affecting the viability and vitality of Larkhall Town Centre.

#### 6.11 Comparison Floorspace

Criterion (a) - It is noted that there is an element of comparison floorspace within the proposed store. In this respect it is noted that the Structure Plan Technical Report TR07 identified a surplus of comparison expenditure of approximately £65.49m at 2011 (based on 2003 shopping survey patterns). The total turnover for comparison good sales is £4.84m. The level of proposed comparison floorspace can be accommodated by way of potential growth in expenditure and clawback of leakage.

6.12 Criterion (b) - Impact on Strategic Centres. Convenience floorspace of the superstore is predicted in the RA to have an impact on Larkhall town centre of 9% based on 2012 turnover levels which would be a trade diversion of £1.58m. Otherwise, the main impact would not be on strategic centres but is more likely to be on the designated Raploch Street site, which would incur an impact of 19% with a trade diversion of £3.94m in 2012. With the impact on Larkhall town centre, I do not consider that at this level it will undermine the vitality and viability of Larkhall town centre, or Hamilton.

6.13 Criterion (d) - As noted above Strategic Policy 1 identifies Larkhall as a town centre to be safeguarded. The proposed site is out-of-centre, though the sequential approach has been undertaken as noted below in paragraph 6.15. Though the proposal does not contribute directly to the improvement of the town centre a view can be taken that it will provide greater choice for the food retail offer within the catchment area, without having a detrimental impact on the town centre. By improving the quality of retail provision it provides opportunities to retain expenditure and encourage local shopping trips at the proposed store and to the town centre. Notwithstanding the above, the proposal is not strictly in accordance with criterion (d) and SP1 as it is not directing major retail investment to town centres listed in Schedule 1(a).

6.14 Criterion (j) - The criterion relates to the contribution the development would make to remedying any qualitative deficiencies in existing retail provision. The proposed development will provide a retail foodstore to serve Larkhall and reduce the outflow of expenditure to towns outwith the catchment area. This proposal will enhance the retail function of Larkhall catchment promoting more sustainable food shopping patterns. The proposal is therefore supportive of criterion (j).

6.15 Schedule 6c(ii) sets out the sequential approach to retailing and other town centre uses and is considered as follows. A sequential assessment was undertaken in the

RA in accordance with the requirements of Scottish Planning Policy (SPP) and Schedule 6c(ii). SPP states that where development proposals in out-of-centre locations are not consistent with the development plan, it has to be demonstrated by the applicant that more central options have been thoroughly assessed and that the impact on existing centres is acceptable. It is demonstrated above at paragraph 6.12 that impact on the existing centre is acceptable. With regard to Schedule 6c(ii) - one other potential and sequentially preferable location was identified in the RA, which was the Raploch Street site. No other town centre or edge of centre locations were identified. This is due to the historic built pattern of Larkhall and lack of other suitable sites in and around the town centre. The town centre is principally surrounded by residential properties which are in a large number of individual ownerships. Areas not developed represent town centre car parks which play an important role in the function of the town centre. As stated in paragraph 3.4.2 the current proposal for a foodstore on Raploch Street is a material consideration in this assessment, and as such has been taken into account in the sequential approach. The RA examines the Raploch Street site in terms of its location, suitability, viability and availability and concludes that it can be discounted on the basis of these factors.

- 6.16 Following on from the above a number of points are noted. The Raploch Street site is sequentially preferable to the application site given both its proximity to the town centre and its local plan designation. The Raploch Street site currently consists of a number of occupiers, Larkhall Thistle Football Club, Larkhall Bowling Club, and two residential properties. Importantly it is noted Tesco Stores Ltd has an interest in the site and has submitted a planning application for a foodstore. As such this raises the issue on whether the site can be considered to be available to the applicant. On the basis of Tesco's interest in the Raploch Street site it is my view that it would be reasonable to conclude that it is not available to ASDA. Therefore, in terms of the sequential approach for the ASDA proposal, the Raploch Street site can be discounted in terms of lack of availability of the site. In any event, as discussed elsewhere in the report the development of the ASDA proposal will not prejudice the Raploch Street site. The sequential approach has been followed and therefore complies with SP 6 (c) Schedule 6c(ii).
- 6.17 In light of the above, I am satisfied that the scale of development can be accommodated in terms of retail capacity, retail impact and conformity with the sequential approach. The proposal also contributes to addressing the qualitative deficiencies in the existing retail provision.
- 6.18 Strategic Policies 9 (SP9) Assessment of Development Proposals  
SP 9 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.
- 6.19 In relation to SP9A criterion (iv) the assessment in regard to Schedule 6(c)(i) has been set out in paragraphs 6.7 to 6.17 above. I am satisfied that the development can be accommodated in terms of retail capacity, retail impact and conformity with the sequential approach and is therefore supportive of Strategic Policy 9A.
- 6.20 Strategic Policy 9B relates to the location of the development and its impact on strategic resources. Strategic Policy 9B(i) refers to the need to safeguard the strategic development locations identified in strategic policies 1 and 6 relevant to this application. In terms of criterion (i) the proposal is not supportive of SP1 as it is not directing major retail investment to town centres listed in Schedule 1 (a). In regard to criterion (iii) the proposal will not undermine the vitality and viability of strategic centres, specifically, Larkhall town centre. Notwithstanding, the application is therefore, not fully in accordance with Strategic Policy 9B.

6.21 As the application is not fully in accordance with Strategic Policy 9 it requires to be assessed against the criteria in Strategic Policy 10.

#### 6.22 Strategic Policy 10 (SP10) Departures from the Structure Plan

In regard to Strategic Policy 10A (iv) the proposal for a retail foodstore for the Larkhall catchment area can be justified in terms of the contribution it will make to remedying the qualitative deficiencies in existing retail provision for the town and promote more sustainable shopping patterns.

6.23 The proposal has regard to SP 10B (i) economic benefit as it will result in new employment opportunities for local people and investment in the Larkhall economy. This proposal also supports SP 10 B (iii) environmental benefit as the proposal is developing a vacant site and enhancing the Green Network and its connectivity. The creation of 160 jobs in the area, developing vacant land and creating Green Network links, is therefore supportive of SP 10.

#### Local Plan Assessment

6.24 With regard to the adopted South Lanarkshire Local Plan there are a number of policies relevant to the assessment of the proposal. With regard to the Local Plan strategy, Policy STRAT 1 – Regeneration Priorities is relevant. Policy STRAT1 identifies town centres as a particular Regeneration Priority and maintaining the vitality and viability of town, village and neighbourhood centres is an integral part of the strategy. Whilst the proposal is not within the town centre it has been demonstrated that it will not have an adverse impact on the vitality and viability of Larkhall town centre. As such I am of the view that it is broadly supportive of Policy STRAT 1 as it is complementary to the wider aims of the Local Plan strategy to promote economic growth and provide enhanced facilities for the community.

6.25 Policy COM 3 – New Retail/Commercial Development Policy sets out the criteria to assess new retail development proposals and reflects the national (SPP) and strategic policy framework for assessing new development. With regard to criterion (a) - one other potential and sequentially preferable location was identified in the RA, which was the Raploch Street site. The sequential approach has been assessed as set out in paragraph 6.15 above. The sequential approach has been followed and, therefore, complies with Local Plan Policy COM 3(a). Criterion (b) requires that proposals do not undermine the vitality and viability of town, village or neighbourhood centres. In terms of cumulative impact, the RA demonstrates that there will be 9% impact on Larkhall Town Centre which results in £1.58m being diverted from existing convenience stores. Outwith the town centre the main impact would be on the Raploch Street designation. The impact of 19% with a trade diversion of £3.94m would not be considered detrimental to an extent that it would not undermine its retail feasibility. The analysis shows that the Asda proposal and the Raploch Street foodstore proposal by Tesco can be accommodated within the catchment area without undermining the vitality and viability of the town centres, and that the proposed development accordingly complies with Local Plan Policy COM 3(b).

6.26 With regard to criterion (c) the proposal is for a retail store with a split of 70% convenience floorspace and 30% comparison floorspace. In the RA dated October 2010, the turnover of the convenience goods sales total is £19.69m with 80% (£15.75) being generated from the catchment area. The main catchment area for Larkhall covers Larkhall, Netherburn, Stonehouse, Ashgill, Ferniegair, Allanton and a proportion of the south-eastern area of Hamilton (Silvertonhill and Meikle Earnock).

This area is partly based on the Structure Plan 2003 household shopping survey. More recent information on food shopping patterns is provided by GVA Grimley from a NEMS household shopping survey in 2008. Corroboration with the 2008 survey findings on the shopping patterns confirms the validity of the selected area as the main catchment. The RA shows that both the proposed retail store by Tesco at Raploch Street and the Asda proposal can be supported by the area's catchment population.

- 6.27 Further, the Council's Retail Capacity Assessment in 2007 concluded that there is spare capacity in Larkhall to support a new supermarket of around 5,000 sqm gross floorspace. As stated in paragraph 3.4.2 the planning application at Raploch Street by Tesco is a material consideration in the assessment of the ASDA planning application due to its local plan designation. As such its existence has been taken into account in the preparation of the RA by GVA Grimley, ASDA's retail consultants in terms of cumulative impact. The proposal at Raploch Street site and the proposal by ASDA amounts to 6,297sqm gross retail floorspace. This is an excess of the floorspace identified in the Council's Retail Capacity Assessment i.e. c. 5,000 sqm gross. However, having regard to the available expenditure within the catchment area and the reduced scale of the ASDA proposal it is considered that this combined floorspace will not be detrimental to the designated retail site at Raploch Street in the Local Plan and the town centre. It should be noted that this conclusion is not a detailed assessment of the Tesco planning application as a whole, as that will require to be reported to the Committee in due course. However, I am of the view that the proposed ASDA store will not prejudice the local plan designation. The quality of retail provision in Larkhall will also be significantly improved with no threat to the vitality and viability of the town centre. The proposal therefore accords with Local Plan Policy COM3 (c).
- 6.28 Following consideration of the transportation assessment and other supporting information the proposal can be made accessible by a choice of transport modes and takes account of infrastructure implications, and therefore accords with Local Plan Policy COM 3(e).
- 6.29 Whilst the proposal promoted by ASDA at the time of the Finalised South Lanarkshire Local Plan was considered to be unacceptable a number of considerations require to be taken into account now:
- the current proposal is of a reduced scale,
  - the scale of the proposal at the Raploch Street site is reduced from that envisaged in the local plan preparation, and
  - the scheme provides significant infrastructure improvements on Broomhill Road, Church Street and the wider road network in addition to enhanced pedestrian and cycle connections in the area and the implementation of a public transport strategy.

Given the above, it is considered that there is sufficient capacity for both stores without threatening the vitality and viability of the town centre. I am, therefore, satisfied that the proposal accords with Policy COM 3.

- 6.30 With regard to the additional Local Plan policies relevant to the application site Policy RES 2 identifies the site as a proposed housing site. This application is not consistent with Policy RES 2 as it is proposing retail development. However, in terms of housing land supply the loss of this land to non-residential use is not considered to be a significant issue.



- 6.31 Policy ENV 2 – Local Green Network Policy seeks to protect and support actions to enhance the Local Green Network as identified on the Proposals Map. Development that is likely to have an adverse effect on its connectivity or its value for biodiversity or as an amenity will not be supported. Opportunities for creating new links to the Network will be promoted by the Council as part of planning consents for new developments and in partnership with other public sector agencies. Developer contributions for this will be sought in accordance with Policy STRAT 10 where there is a need to provide for a direct shortfall in infrastructure, or mitigate a specific impact, and where the requirement is so directly related to the regulation of the proposed development that it should not be permitted without it. The subject areas for developer contributions include transportation infrastructure and services and strategic landscaping open space, public access and environmental mitigation. A former railway embankment runs through the site along its south-eastern boundary and the applicant proposes to fund and directly implement improvements to ensure that this former railway line is retained as a multi-purpose footpath and cycle way and as a green corridor. Any consent granted would include a condition requiring the submission of a landscaping scheme for the Council's approval to ensure the enhancement of the site and a positive contribution on the green network connectivity and its value of biodiversity and amenity space. I am, therefore, satisfied that the proposal meets the terms of Policies ENV 2 and STRAT 10 in this regard.
- 6.32 Policy TRA 1 – Development Location and Transport Assessment Policy states that the Council will promote transport and land use planning principles which encourage and support the use of land in highly accessible locations for predominantly people-based development and seek to ensure that development takes account of the need to provide proper provision for walking, cycling and public transport. The transportation implications of major developments as defined by the Council's Guidelines for Development Roads will require to be set out in a Transport Assessment and the preparation of Green Travel Plans will be required for such developments. A Transport Assessment was submitted with the application which has assessed the impact on the local road network. Conditions would be attached to any consent granted to ensure that the required infrastructure improvements would be completed prior to the opening of the development where appropriate.
- 6.33 Policy TRA 2 – Walking, Cycling and Riding Routes Policy states that The Council will seek to safeguard existing and proposed walking and cycling routes within the Local Plan area as identified on the Proposals Map. Particular support is given to the development of the Clyde Walkway and National Cycle Network Routes 74 and 75 on or around the lines identified. In addition, linear routes, such as former railway lines, will be safeguarded to provide walking, cycling and riding opportunities. Development proposals adjacent to or on the line of a route as defined above will require to take account of the route and where appropriate, developer contributions will be sought (in accordance with Policy STRAT 10) to the provision or upgrading of the route. As discussed, the applicant proposes to retain the existing disused railway line and has agreed to fund works to improve the railway line as a multi-purpose footpath and cycle way and as a green corridor. Conditions would be attached to any consent granted requiring the submission of details of the proposed cycle way connections through the site and its linkages to the National Cycle Route 74. Policy TRA 4 – Bus Provision Policy seeks to ensure that developers of major developments will work with Strathclyde Partnership for Transport and bus operators to extend bus services and improve bus infrastructure at or in the vicinity of the site and on this basis the applicant is required to prepare a public transport strategy for the Council's approval in consultation with Strathclyde Partnership for Transport and

to implement the strategy prior to the opening of the development as appropriate. It is considered, therefore, that the proposed improvements to walking, cycling and public transport infrastructure and the required improvements to the road network can be achieved satisfactorily and that the proposal conforms with Policies TRA1, TRA 2 and TRA 4.

- 6.34 In terms of design and layout issues, Policies ENV 30 – New Development Design Policy and DM 1 – Development Management Policy are also relevant to the assessment of the application. These policies generally require all development to take into account the local context and built form of the area and require that new development support quality and sustainability in its design and layout and enhance or make a positive contribution to the character and appearance of the environment. In this instance the application is for planning permission in principle and whilst an indicative layout has been submitted showing the footprint of the building and the proposed car parking arrangements no detailed information relating to the design of the proposed development has been submitted. However, I am satisfied that a retail store of the scale proposed would not be detrimental to the amenity of the area and subject to meeting normal development design standards upon the submission of any application for the approval of matters specified in conditions I consider the proposed development to be acceptable and in accordance with the terms of the above policies.
- 6.35 Whilst the issues of access and additional traffic generation have been matters of concern amongst local residents it is considered that these concerns can be addressed through the use of appropriate conditions. Detailed discussions have taken place in relation to the formation of the new roundabout and the removal of the existing traffic signals and Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is considered that the proposed roundabout is the most suitable form of access for the development and a co-ordinated removal of the existing traffic signals and the installation of the new pedestrian crossings would be required in full consultation with the Council and funded by the applicant. With regard to natural heritage issues SNH are satisfied that the proposed mitigation and survey work can be addressed through planning conditions to ensure that there would be no impact on protected species.
- 6.36 In terms of national planning policy relating to retail development, Scottish Planning Policy states that the sequential approach should be used when selecting locations for all retail and commercial leisure uses unless the development plan identifies an exception. The sequential approach requires that locations are considered in the following order: town centre, edge of town centre, other commercial centres identified in the development plan, out of centre locations that are or can be made easily accessible by a choice of transport modes. When a proposed retail or commercial leisure development is contrary to the development plan, planning authorities should ensure that:
- the sequential approach to site selection has been used,
  - there is no unacceptable individual or cumulative impact on the vitality and viability of the identified network of centres,
  - the proposal will help to meet qualitative and quantitative deficiencies identified in the development plan, and
  - the proposal does not conflict with other significant objectives of the development plan or other relevant strategy.

These points will be considered in turn.

- 6.37 A sequential assessment has been undertaken and in terms of site availability no sequentially preferable sites exist for a foodstore development within either the town centre or at edge of centre locations other than the Raploch Street site designated in the Local Plan. The submitted RA has taken into account the allocation of a retail store at the Raploch Street site and it demonstrates that the cumulative diversion and impact on the town centre is acceptable. It is considered that there is sufficient capacity to accommodate both stores without threatening the vitality and viability of the town centre. It is also considered that the proposed store would alleviate an identified qualitative and quantitative retail convenience deficit within Larkhall and deliver a foodstore in a sustainable and accessible location at the scale necessary to meet the established need without undermining the vitality and viability of the town centre. The proposal would significantly improve the quality of retail provision in Larkhall and would not conflict with other planning objectives for the area and will not prejudice the delivery of the designated retail site in the adopted Local Plan. I am, therefore, satisfied that the proposal conforms with Scottish Planning Policy guidance.
- 6.38 In conclusion the following points are noted. During the South Lanarkshire Local Plan process the proposal for a retail store at this location was successfully resisted by the Council. However, since then the applicants have significantly altered the proposal in terms of its scale and improvement to transportation infrastructure. A planning application by Tesco for the Raploch Street site has been submitted, which is a material consideration in the assessment of this planning application. Whilst the Tesco application will require to be assessed on its own merits, it has been demonstrated that the proposed ASDA store will not prejudice the local plan designated site on planning retail or transportation grounds. It is noted that taken together the gross floorspace of both stores exceeds that set out in the Council's own study in 2007. However, it has been shown that this additional floorspace will not be detrimental to the town centre or the local plan designated site. Further, scope to accommodate two stores in the town will increase the range of goods and retail offer to the residents of Larkhall, bring further investment into the town and increase employment opportunities. Whilst the proposal is not wholly consistent with strategic or local plan retail policies in that it is an out of centre site, it is broadly in conformity with other relevant policies. Moreover, it has been tested against the relevant criteria set out in SPP, the Structure Plan and the Local Plan and has concluded that the proposal is acceptable. On that basis I therefore consider that the proposal is not a significant departure from the development plan.
- 6.39 The application was advertised as contrary to the development plan and following detailed assessment of the proposal, I am of the opinion that planning permission in principle can be granted and a departure justified for the following reasons:
1. The approval of the planning application will not have a detrimental impact on the Larkhall town centre or Hamilton.
  2. The approval of the planning application will not prejudice the local plan designated retail site.
  3. The proposal would create 160 jobs and support economic development in Larkhall.
  4. The delivery of the foodstore and associated infrastructure would be an essential catalyst in delivering the proposed mixed use development adjacent to the site.

5. The site can be safely accessed with adequate levels of car parking provision and the proposal raises no significant environmental or infrastructure issues.

## **7 Reasons for Decision**

7.1 For the reasons stated in Section 6.39 above.

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

**29 March 2011**

### **Previous References**

HM/09/0361

HM/09/0579

HM/04/0322

## **List of Background Papers**

Application Form  
Application Plans

### Consultations

Roads and Transportation Services (Hamilton Area)	02/09/2009
Environmental Services	08/09/2009
Estates Services	26/08/2009
S.E.P.A. (West Region)	16/10/2009
Strathclyde Passenger Transport	06/10/2009
Scottish Natural Heritage	16/12/2010
Roads & Transportation Services H.Q. (Flooding)	24/09/2009 09/04/2010 & 14/12/2010
Roads & Transportation Services H.Q. (Traffic & Transportation)	04/02/2011 & 02/03/2011
Community Resources: Greenspace & Countryside	22/12/2010
Community Resources: Leisure Services (Arboriculture)	29/07/2010
Community Resources: Leisure Services (Amenity Services)	30/12/2010
SUSTRANS	30/09/2009

Economic Development (Business Development & Projects)	22/12/2010
West of Scotland Archaeology Service	22/08/2009
Scottish Water	16/03/2011
Glasgow and the Clyde Valley Joint Structure Plan Team	17/03/2011

► Representations

- Representation from : Marion McTavish, 15 Broomhill Road,Larkhall,ML9 1QW, DATED 17/08/2009
- Representation from : Margaret McKillop, 17 Broomhill Road,Larkhall,ML9 1QW, DATED 17/08/2009
- Representation from : Robin Frame, Glenharvie,Netherburn,Larkhall,ML9 3DJ, DATED 18/08/2009
- Representation from : Sandra Hoey, 67 Margaretvale Drive,Larkhall,ML9 1EH, DATED 13/08/2009
- Representation from : Friends of Morgan Glen, FAO Mr T. Malcolm,5 Jura Gardens,Larkhall,ML9 2JS, DATED 25/08/2009
- Representation from : Amy J Ritchie, 55 Church Street,larkhall,ML9 1EZ, DATED 12/08/2009
- Representation from : Mr & Mrs Gibb, 12 Broomhill Road,Larkhall,ML9 1QW, DATED 24/08/2009
- Representation from : James Barr, 226 West George Street,Glasgow,G2 2LN, DATED 24/08/2009 & 21/12/10
- Representation from : Bernard McLaughlin, 19 The Croft,Larkhall,ML9 1AX, DATED 31/08/2009
- Representation from : Mr & Mrs W Whip, 11 Broomhill Gate,Larkhall, DATED
- Representation from : David McLachlan, 4 Ness Gardens,Larkhall ,ML9 1QQ, DATED 27/08/2009
- Representation from : Robert Murray, 26 Craigbank Road,Larkhall,ML9 1QF, DATED 27/08/2009
- Representation from : Jean Gilfillan, 18 Tweed Street,Larkhall,ML9 1HR, DATED 27/08/2009
- Representation from : Ann Rankin (Secretary), Friends Of Morgan Glen,18 Cherrytree Crescent,Larkhall,ML9 2AP, DATED 28/08/2009
- Representation from : Margaret Rankin, 18 Cherrytree Crescent,Larkhall,ML9 2AP, DATED 28/08/2009
- Representation from : DPP, FAO Roderick MacLeod,The Hatrack,144 St Vincent

Street,Glasgow,G2 5LQ, DATED 02/09/2009

- Representation from : Elizabeth J McLachlan, 4 Ness Gardens,Larkhall,ML9 1QQ, DATED 26/08/2009
- Representation from : John Jamieson, 194 Glen Avenue,Larkhall, DATED 26/08/2009
- Representation from : Friends Of Morgan Glen, Mary Jamieson,194 Glen Avenue,Larkhall,ML9 1JZ, DATED 26/08/2009
- Representation from : Friends Of Morgan Glen, John Jamieson,194 Glen Avenue,Larkhall,ML9 1JZ, DATED 26/08/2009
- Representation from : Mary Jamieson, 194 Glen Avenue,Larkhall,ML9 1JZ, DATED 26/08/2009
- Representation from : Tym and Partners, 19 Woodside Crescent,Glasgow G3 7UL, DATED 20/10/09
- Representation from : Mary Jamieson, 194 Glen Avenue,Larkhall, DATED 27/10/2009
- Representation from : Ann Rankin, 18 Cherrytree Crescent,Larkhall,ML9 2AP, DATED 27/10/2009
- Representation from : Friends of Morgan Glen, FAO Ann Rankin (Secretary),18 Cherrytree Crescent,Larkhall,ML9 2AP, DATED 27/10/2009
- Representation from : John Jamieson, 194 Glen Avenue,Larkhall, DATED 27/10/2009
- Representation from : David McLachlan, 4 Ness Gardens,Larkhall, DATED 27/10/2009
- Representation from : The Owner/Occupier, 20 Tweed Street,larkhall, DATED 27/10/2009
- Representation from : Elizabeth McLachlan, 4 Ness Gardens,Larkhall, DATED 27/10/2009
- Representation from : Margaret Rankin, 18 Cherrytree Crescent,Larkhall,ML9 2AP, DATED 27/10/2009
- Representation from : J Forsyth, 7 Broomhill Gate,Larkhall,ML9 1EB, DATED 14/05/2010
- Representation from : E B Jamie, East and West Watston Farm,Boghall Street,Stonehouse,ML9 3PH, DATED 14/05/2010
- Representation from : Gordon Graham, The Barn,Watstone Farm,Stonehouse,ML9 3PH, DATED 17/05/2010
- Representation from : Mrs M Frew, 9 Broomhill Road,Larkhall,ML9 1QW, DATED 11/05/2010

Representation from : Mr Robert M Stillie, 2 Broomhill Road,Larkhall,ML9 1QW,  
DATED 01/07/2010

Representation from : DPP, The Hatrack,144 St Vincent Street,Glasgow,G2 5LQ,  
DATED 15/04/2010

Representation from : Mrs Marion McTavish, 15 Broomhill Road,larkhall,ML9  
1QW, DATED 13/05/2010

**Contact for Further Information**

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

Jim Blake

(Tel :01698 453508 )

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

## CONDITIONS

- 1 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, car parking areas (221 spaces), cycle parking 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 including those annotated a-b and c-d on the approved plans;
  - (f) the landscaping proposals for the site, including details of existing trees and other planting to be retained and tree protection measures together with proposals for new planting specifying number, size and species of all trees and shrubs and a woodland management plan;
  - (g) the means of drainage and sewage disposal including Sustainable Urban Drainage Systems (SUDS);
  - (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
  - (i) Design and access Statement
  
- 2 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.
  
- 3 This decision relates to drawing numbers:
  - L(-- )2001 Rev A
  - L(-- )01 Rev A
  - L(-- )02 Rev C
  - L(-- )1001 Rev A
  
- 4 That the further application(s) required under the terms of Condition 1 above shall include a detailed design of the new roundabout on Church Street at Broomhill Road along with alterations to the existing roundabout on Broomhill Road/Broomhill Drive/Margaretvale Drive generally in accordance with drawing



no's 60034706-SK2062 and 60034706 SK2071 for the consideration and detailed approval of the Council as Planning Authority.

- 5 That unless otherwise agreed, prior to the opening of the retail store or any approved mixed use development, construction of the new roundabout on Church Street at Broomhill Road along with alterations to the existing roundabout on Broomhill Road/ Broomhill Drive/Margaretvale Drive shall be undertaken to the satisfaction of the Council as Planning Authority.
- 6 That the further application(s) required under the terms of Condition 1 above shall include a detailed design of pedestrian crossing facilities within the site and new controlled pedestrian crossing points on Church Street for the consideration and detailed approval of the Council as Planning Authority.
- 7 That prior to the opening of the retail store pedestrian crossing facilities (as identified in Condition 6 above) shall be constructed to the satisfaction of the Council as Planning Authority.
- 8 That the further application(s) required under the terms of Condition 1 above shall include a detailed assessment of the need for traffic signals at Church Street/John Street for the consideration and detailed approval of the Council as Planning Authority.
- 9 That unless otherwise agreed, prior to the opening of the retail store alterations to the traffic signals at Church Street/John Street shall be undertaken to the satisfaction of the Council as Planning Authority.
- 10 That the further application(s) required under the terms of Condition 1 above shall include details of SCOOT or MOVA control measures with associated operational costs at the following junctions for the consideration and detailed approval of the Council as Planning Authority.
  - 1) Machan Road/Keir Hardie Road
  - 2) Church Street/John Street
  - 3) Church Street/McNeil Street/Union Street/Muir Street
  - 4) Union Street/Raploch Street/Wellgate Street
  - 5) Duke Street/Hamilton Street/Wellgate Street/Drygate Street
  - 6) Hamilton Street/Hamilton Road/Summerlee Road
- 11 That the further application(s) required under the terms of Condition 1 above shall include details of the new traffic signal junction along with staging and timing plans at Duke Street/Hamilton Street/Wellgate Street/Drygate Street for the consideration and detailed approval of the Council as Planning Authority, generally in accordance with drawing no 60034706 SK2022.
- 12 That the design and layout of all new infrastructure and improvements shall be in accordance with the "Design Manual for Roads and Bridges" and the Council's "Guidelines for Development Roads" unless otherwise agreed by the Council as Planning Authority.
- 13 That the further application(s) required under the terms of Condition 1 above shall include a detailed internal layout of the development including a swept path assessment for servicing for the consideration and detailed approval of the Council as Planning Authority.

- 14 That the further application(s) required under the terms of Condition 1 above shall include details of suitable road safety features and the extension/alterations to the existing Part Time Mandatory 20mph speed limit for the consideration and detailed approval of the Council as Planning Authority and thereafter this shall be implemented with timescales set by and to the Council's satisfaction unless otherwise agreed.
- 15 That the further application(s) required under the terms of Condition 1 above shall include details of the cycle way connections throughout the site and linkages to the proposed National Cycle Route 74 and upgrading of the existing disused railway for the consideration and detailed approval of the Council as Planning Authority.
- 16 That unless otherwise agreed, prior to the opening of the retail store the approved cycle way connections throughout the site and linkages to the proposed National Cycle Route 74 and upgrading of the existing disused railway line shall be implemented to the satisfaction the Council as Planning Authority.
- 17 That the further application(s) required under the terms of Condition 1 above shall include a public transport strategy detailing the frequency and routing of new/amended bus services for the consideration and detailed approval of the Council as Planning Authority in discussion with Roads and Transportation Services and Strathclyde Partnership for Transport. The strategy shall include public transport infrastructure (bus stops and shelters), travel information to ensure users are aware of pedestrian, cycle and public transport provision which shall also include for the provision of real time information unless otherwise agreed by the Council.
- 18 That before any development is operational on the site the recommendations of the public transport strategy, outlined in condition 17 above be implemented to the satisfaction of the Council as Planning Authority.
- 19 That unless otherwise agreed, prior to the opening of any aspect of the development where a Travel Plan is justified (employment), a Travel Plan shall be submitted for the consideration and detailed approval of the Council as Planning and Roads Authority and any measures to reduce car trips shall be implemented and thereafter monitored as specified by the Council as Planning Authority.
- 20 Development shall not commence until an assessment of the potential for the proposed use to cause noise nuisance including, if applicable, noise produced by the ventilation equipment, to occupants in the surrounding area, has been submitted to the Council as Planning Authority. Where potential noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Council as Planning Authority. The approved scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.  
Such an assessment and the recommendation of any attenuation measures shall be carried out by a suitably qualified person.
- 21 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:

(i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);

(ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;

(iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

22 (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

23 That before work commences on site a local air quality monitoring and modelling assessment shall be carried out and the information submitted to and approved by the Council unless otherwise agreed by the Council as Planning Authority. The information shall be used to assess potential impacts of the development on existing air quality during the construction phase and when the development is in use. The assessment shall have regard to the contributory impact on air quality that the development may pose

24 That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant approved by the Council as Planning Authority in consultation with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of

archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council in agreement with the West of Scotland Archaeology Service.

- 25 That unless otherwise agreed, before the development hereby approved is completed or brought into use, 221 no. parking spaces (2.5m x 5m modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Planning Authority.
- 26 That before the development hereby approved is completed or brought into use, a visibility splay of 9 metres by 90 metres measured from the road channel at the access to the retail store shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 27 The surface of access road shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.
- 28 That the further application(s) required under the terms of Condition 1 above shall include full details of the provision of post-development topography for the entire site particularly those areas adjacent to the Raploch Burn to demonstrate that the development will not have a detrimental effect on flood risk and the water environment for the consideration and detailed approval of the Council as Planning Authority in consultation with SEPA.
- 29 That the mitigation measures and best practice measures detailed in Section 6.7 of the Environmental Statement undertaken by RPS in July 2009 shall be implemented to the satisfaction of the Council as Planning Authority in consultation with SNH.
- 30 That unless otherwise agreed, prior to work commencing on site a pre-start walkover survey of the site shall be undertaken and the survey results shall be submitted for the consideration and detailed approval of the Council as Planning Authority in consultation with SNH and thereafter any required mitigation measures shall be implemented to the Council's satisfaction.
- 31 That the further application(s) required under the terms of Condition 1 above shall include an updated badger survey of the application site for the consideration and detailed approval of the Council as Planning Authority.
- 32 That the further application(s) required under the terms of Condition 1 above shall include an updated Flood Risk Assessment for the consideration and detailed approval of the Council as Planning and Roads Authority.
- 33 That unless otherwise agreed, an Ecological Clerk of Works shall be appointed to oversee the implementation of the proposed mitigation proposals outlined in the submitted Environmental Statement undertaken by RPS in July 2009 to the satisfaction of the Council in consultation with SNH.
- 34 That the Class 1 retail store shall not exceed 2,927 sq. metres (gross) floor area, with a maximum net sales floor area of 1,858 sq. metres with a dedicated floorspace split of 1,301 sq. metres (net) convenience and 557 sq. metres (net)

comparison.

- 35 That the development shall be carried out in accordance with the indicative plan number L(--)-02 Rev C hereby approved and no change to the layout, or the allocation of specified uses within the site as shown on the plan shall take place without the consent of the Council as Planning Authority.
- 36 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), no sub-division of the retail store shall take place and no mezzanine floor shall be constructed within the store without the prior written consent of the Council as Planning Authority.

## REASONS

- 1 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 4 In the interest of public and road safety.
- 5 In the interest of public and road safety.
- 6 These details have not been submitted or approved.
- 7 In the interest of road safety.
- 8 These details have not been submitted or approved.
- 9 In the interest of road safety.
- 10 These details have not been submitted or approved.
- 11 These details have not been submitted or approved.
- 12 In the interest of public and road safety.
- 13 These details have not been submitted or approved.
- 14 These details have not been submitted or approved.
- 15 These details have not been submitted or approved.
- 16 In the interest of public and road safety and to encourage sustainable travel to and from the development.
- 17 These details have not been submitted or approved and to encourage sustainable travel to and from the development.
- 18 To encourage sustainable travel to and from the development.
- 19 To encourage sustainable travel to and from the development.
- 20 To minimise noise disturbance to adjacent occupants.
- 21 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 22 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 23 To avoid unacceptable risks to human health and the environment.
- 24 To ensure that any archaeological remains located within the application site are adequately dealt with before the development proceeds.
- 25 To ensure the provision of adequate parking facilities within the site.
- 26 In the interest of road safety
- 27 In the interest of public safety
- 28 To ensure that the development will not have a detrimental effect on flood risk and the water environment.
- 29 To ensure there is no adverse impact on protected species.

- 30 To ensure the presence of habitats on the site has not changed since initial surveys were undertaken.
- 31 To ensure there is no adverse impact on protected species.
- 32 To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 33 To ensure there is no adverse impact on protected species.
- 34 In order to retain effective planning control.
- 35 In order to retain effective planning control.
- 36 In order to retain effective planning control.

For information only

For information only

