

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/00689/PPP

Planning Hierarchy: Local

Applicant: National Grid Property

Proposal: Site for the erection of retail store (Class 1) with associated development including access, car parking and landscaping.

Site Address: Land at former Gas Works Argyll Street/Hamilton Street, Dunoon, Argyll

SUPPLEMENTARY REPORT 2

1.0 Summary

The purpose of this supplementary report is to confirm the receipt of a late letter of objection, to suggest amended conditions, confirm submission of a marginally altered layout plan following a pre-hearing meeting and to update Committee on the submission of a recent application made by Morrison's that may have a bearing on the proposal.

A comparative assessment has also been provided for ease of reference.

2.0 Additional Representations

A late objection (email dated 27th October 2011) has been received from Mr. George Johnstone who is writing on behalf of his family to register their objection to the proposal. The reasons for objection are as follows:

1. *We find it morally offensive that the National Grid is attempting to steal the commercial research and concept of CWP. Equally that Council planners appear to be bending over backward to allow this to happen;*
2. *The old Gasworks site simply does not pass the sequential test in that it doesn't provide sufficient space to accommodate the size and character of the supermarket as proposed by CWP, nor can it accommodate a petrol filling station;*
3. *Unlike the CWP detailed and researched application, we seriously doubt whether the National Grid will ever attract a commercial sponsor;*
4. *In terms of town planning and needs of the community, we believe the gasworks site would more readily lend itself to a leisure complex.*

Comment : George Johnstone has a family interest in PDA 2/5 Dunlsokin that, subject to the successful conclusion of a Section 75 Agreement, Kier Homes will have planning permission for 74 dwellinghouses. The lower part of this housing PDA has however been offered up to CWP for a large foodstore site, the subject of live application ref. 10/00222/PPP.

In terms of the comments raised above, the department considers that the CWP and National Grid are wholly different schemes in respect of support through the adopted Argyll and Bute Local Plan and that the National Grid proposal does satisfy policy LP. Furthermore, the agent for the National Grid scheme has submitted evidence that supports ongoing commercial interest in their site for a smaller foodstore without a petrol filling station.

3.0 RECOMMENDED CONDITIONS NEW LAYOUT PLAN

Following recent discussions with the applicant's agents, it is suggested that suggested that recommended conditions 14 and 15 be amalgamated and revised to request full details of all flood mitigation measures to allow flexibility in the choice of the most appropriate sustainable flood mitigation measures. The agents comment that the flood modelling carried out predicts worst case scenarios but it may be impractical to suggest precise methods of mitigation until more detailed surveys are carried out.

Following similar discussions with our Roads Department the applicant has submitted a revised layout plan showing 125 car parking spaces (original 123) and new location access approximately 10 meters to the west.

Comment: The department is agreeable to this request and a reworded condition 14 is included in the list of recommended conditions in Appendix A below. The Roads department have requested the alterations to the layout / access plan to increase distance to Hamilton St / Argyle St junction.

4.0 OTHER MATERIAL CONSIDERATIONS

An application has just been submitted by Wm Morrison Supermarkets Plc (ref. 11/02015/PP) Morrisons for the erection of an extension to the existing food store, altering the main access and extending the existing car park by the demolition of an industrial/storage building on George Street. The proposed side extension onto the eastern gable of the foodstore will result in an increase of 782 sqm i.e. a 38% increase (net floorspace as well from 914 sqm to 1514 sqm). The increase in the store will also result in a larger car park with an additional 32 spaces taking it from 125 spaces to 157.

As it is in a town centre location, there is a general presumption in favour of retail development, and as the proposed extension is less than 1000 square metres there is no requirement for a Retail Impact Assessment as such.

Comment: A Retail Statement has been submitted in support of this scheme and while this application is yet to be determined, the following concluding statements are made that pertinent to the proposed foodstore by National Grid.

- *We are aware of two other development proposals for retail development in the Dunoon area; namely the application by CWP application (10/00222/PPP) and the National Grid application at the former Gas Works site on Victoria Road (11/00689/PPP). With regards to the former, this site is not identified as a retail location. In relation to the latter site, the Argyll and Bute Council Main Issues Report (MIR) suggests that this site is suitable for redevelopment. The MIR indicates that this site should be identified as a redevelopment opportunity but not specifically for retail. The site is identified within an edge of centre location in the adopted local plan.*
- *In reviewing both of the supporting retail impact assessments, it is noted that each proposal also relies heavily upon an assumption that the Morrisons is overtrading in order to justify trade diversion and turnover. In addition, both proposals will cause trade diversion and retail impact on the town centre. Whilst the impact on individual stores is*

less of a consideration compared to the overall impact on the town centre in overall terms, an inevitable consequence of retail development outwith the main town centre is a degree of retail impact.

- *The proposed extension of the Morrisons store represents part of a long term programme of improvement and investment in Dunoon by Morrisons. This investment programme was highlighted in representations submitted (26 July 2010) to application reference 10/00222/PPP. The proposed extension will provide an improved retail offer including a range of qualitative improvements – as discussed above.*
- *Finally, the additional retail floorspace within the new enlarged Morrisons will result in a reduction in any available expenditure within the Dunoon catchment due to a higher turnover of the store – and therefore also a higher level of town centre turnover in overall terms. This will also render any assumptions in relation to over trading at the store obsolete and will not be applicable in the justification for out of town centre retail proposals under consideration at this time. The effect of this is that less expenditure available will lead to higher levels of impact from out of town centre retail proposals.*

Comment: While this application has just recently been submitted, Members should be aware of the Retail Statement submitted by Morrisons and the implications for reduced available expenditure and current assessments based on potential overtrading.

Currently the National Grid and CWP retail statements indicate the turnover of existing convenience floorspace to be between £21,472,989 and £22,551,965, which would give a residual convenience expenditure of between £10,560,636 and £9,481,659.

As the Morrison's store and its proposed extension is within the Town Centre identified in the Adopted Local Plan, in retail policy terms there are no objections to this proposal. This presumption in favour should be taken into consideration when calculating capacity to accommodate an edge of town centre application such as the former gas works site, and then an out of town centre location such as the Walkers site.

The proposals, if approved, would result in an additional 600 square meters of retail floorspace, and as Morrisons have not indicated what the actual turnover of their Dunoon store is, we will have to assume that for purposes calculating capacity that they are trading at their average turnover levels. These average turnover levels are detailed in table 9 of the Retail Impact Assessment for application 10/00222/PP. This indicates that Morrisons have an average convenience turnover of £ 11,814 per square metre and comparison of £ 8,801 per square metre.

The extended Morrisons store would reduce the residual convenience expenditure of between £10,560,636 and £9,481,659 to between £9,134,003 and £8,212,507. This level of expenditure would represent an additional floor space of between 763 and 686 square metres using the average turnover of the top four foodstore operators.

Ultimately our calculations indicate there is still an element of leakage even if the Morrison's extension was approved and therefore it's pragmatic to progress towards determination for a new store. Both retail consultants have been made aware of this issue but consider the impact is negligible given over estimations in terms of floorspace, fact there is still leaked expenditure even if approved and extended store is still likely not to compete with new modern superstore

5.0 COMPARATIVE SUMMARY

It is appreciated that there is a high degree of technical information spanning a number of months presented before Members. To this extent and to assist deliberations and

referencing, a comparative summary has been provided below. We would stress this must still be considered in conjunction all the previous reports relating to application 10/00222/PPP (CWP) and 11/00689/PPP (National Grid).

- **Total Available Expenditure in Dunoon** – £33.9M for convenience and £48M for comparison;
- **Leaked expenditure** – CWP consider this to be £11.1M compared the NG = estimation that the figure is £10.4M. The difference can be largely attributed to the assumption by NG that the Co-op is trading at a higher level.

There are a number of other assumptions made by both NG and CWP which relate to turnover and whilst these differ it must be noted that, realistically, both proposals are after the same store so regardless of the estimates in either retail impact assessment, at the end of the day all the factors will be determined by the actual operator and will be the same for any proposal.

	National Grid	CWP	Commentary
Location Designation /	Vacant Site - Edge of Town Centre & Area For Action	Part operational garden centre, part Greenfield which is a PDA for Housing.	CWP site is located outside Town Centre and Edge of Town Centre locations.
Gross Floor Area	3,200 m sq (34.4k sq ft)	3,716 m sq (40k sq ft)	CWP is larger by approx 500sq m
Sales Floor Area	2,000 m sq (21.5k sq ft)	2,228 m sq (24k sq ft)	CWP is larger by approx 300sq m
Convenience Sales	1,448 m sq (15.6k sq ft)	1,448 m sq (15.6k sq ft)	Identical everyday purchase floorspace
Comparison Sales	552 m sq (5.9k sq ft)	780 m sq (8.4k sq ft)	CWP is larger by approx 230sq m
Estimated Clawback of Leaked Convenience Expenditure	50%	60%	The CWP application assumes more clawback of leaked expenditure given the larger store/better offer. NG contest CWP's assumptions and consider a store of 3,716 m sq and offering same convenience floorspace as theirs cannot clawback 60% from the likes of Tesco Extra in Greenock which has much larger range of goods.
Convenience impact on Town Centre (inc Morrisons)	20.5%	19%	The marginal difference is based on the above difference in estimated clawback. Both stores principal impact in Town Centre convenience is on Morrison's
Comparison Impact on Town Centre	2.8%	3.2%	The marginal difference is based on the difference in estimated clawback and comparison floorspace which is higher for CWP. Noted that Local traders

			have not submitted a formal representation to NG application. They objected to CWP proposal.
Overall Impact on Town Centre	9.5%	7.9%	Overall the impacts are relatively similar with the biggest impacts on Morrison's. Different clawback assumptions are made due to difference in comparison floorspace.
Car Parking	125 spaces	238 spaces	Both figures are within thresholds identified in Appendix C of Local Plan
Planning Gain	Not less than £100,000 (TBC)	£276,000 for Town Centre Improvements + contribution for loss of 9 affordable units (TBC)	In principle, NG have confirmed they shall provide planning gain for Town Centre, however, their organisation cannot confirm amount until an appropriate board meeting is convened. CWP have tabled a generous offer of no less than £276,000. A lower figure has been apportioned to NG site due to opportunity for link trips and physical proximity to town centre.

This table hopefully allows consideration of the two proposals on a level playing field and highlights the key differences in assumptions as the opinions on the clawback of leaked expenditure.

In retail assessment terms the principle difference is the larger size of the CWP proposal in comparison terms which has led them to assume they can clawback more leakage from the larger stores in Inverclyde which offer foodstores with large convenience and comparison ranges, ample car parking and petrol filling stations and cafes. The CWP proposal also aim's to relocate / expand the existing Walkers Garden Centre (although application not submitted), provide a petrol filling station and considers the proposal will lay infrastructure to enable housing development in the vicinity. Their £276,000 offer + offsetting of affordable housing as part of a planning gain contribution is also considered to be generous.

Both proposals are commendable in that they both address leakage and lost expenditure the Bute and Cowal.

Notwithstanding this, the opening rows of the table above reiterate to Members the current designations of National Grid site as a vacant brownfield Area for Action within the identified 'Edge of Town Centre' which in planning terms is sequentially preferable.

Officer's retain the position that approval of the National Grid application would promote the use of a prominent vacant 'brownfield' site within a sequentially preferable site within an edge of centre location. Whilst the expected impact of trade diversion from town centre convenience and comparison outlets is estimated to be of the order of 9.5%, this would be offset by its edge of centre location within walking distance of the town centre and potential

to create more linked trips. This and a developer contribution to fund improvements in Dunoon Town Centre (no less than £100,000) would mitigate against perceived impact on the existing town centre.

6.0 CONCLUSION

The recent application by Morrisons could have a significant impact on the assessments made in support of this proposed development and that of the CWP scheme. The applicants are aware of this new application but will provide additional details at the Hearing where they will be able to fully explain the impact of the Morrisons extension, proposed flood mitigation measures and car parking issues.

7.0 RECOMMENDATION

It is recommended that planning permission be approved as per the original report subject to the rewording of one of the conditions (new condition 14). Appendix A overleaf includes the revised planning condition list.

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Angus J Gilmour
Head of Planning & Regulatory Services
8th November 2011

APPENDIX A

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 11/00689/PPP

1. This permission is granted in terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 and Regulation 10 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 on the basis of an application for planning permission in principle and the further approval of Argyll and Bute Council or of the Scottish Minister on appeal shall be required with respect to the under-mentioned additional matters (to be applied for within an application/s of matters specified in conditions) before any development is commenced.

- a. The siting, design and external appearance of the proposed development.
- b. The landscaping of the site of the proposed development.
- c. Details of the access arrangements.
- d. Details of the proposed water supply and drainage arrangements.

Reason: To comply with Section 59(1) of the Town and Country Planning (Scotland) Act 1997.

2. In the case of the additional matters specified in (1) above, an application/s for compliance with this condition, in terms of Regulation 10 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 must be made to Argyll and Bute Council before whichever is the later of the following :

a) the expiration of a period of 3 years from the date of this permission.

b) the expiration of a period of 6 months from the date on which an earlier application for the requisite approval was refused.

c) the expiration of a period of 6 months from the date on which an appeal against such refusal is dismissed.

and in the case of b and c above only one such application can be made after the expiration of the period of 3 years from the original planning permission in principle.

Reason: In accordance with Section 59(1) of the Town and Country Planning (Scotland) Act 1997

3. In the case of the application for approval of matters specified in condition (1) above, the development to which the permission relates must be begun within 2 years of the date of this approval; or in the case of there being other matters remaining outstanding 2 years from the date of such further approval; or such other period as the planning authority may determine, provided that such a further application can be submitted in accordance with the approved timelines specified in the ongoing planning permission in principle.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

4. The development shall be implemented in accordance with the details specified on the application form dated 5th May 2011 and the approved drawing reference numbers: 1:1250 Location Plan (PL)001, 1:500 Illustrative Foodstore Layout (PL)002 RevB, 1:250 Proposed Foodstore Illustrative Elevations (SK)004, 1:500 Former Gas Works Site Survey GJ169/CDA/02 Rev0, unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

5. The net convenience sales area of the development shall not exceed 1448 sq.m. and the net comparison sales area shall not exceed 552 sq.m.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the submitted retail assessment.

6. The level of noise emanating from the site shall not exceed 40dB(A) $L_{\text{night, outside}}$ nor 45dB $LA_{\text{eq}(5 \text{ mins})}$ nor 60 dB LA_{max} between 23:00 hours and 07:00 hours and must not exceed 50 dB $LA_{\text{eq}(1 \text{ hour})}$ at any other time. The level of noise from the site is to be measured at the facade of the nearest noise sensitive receptor for daytime noise.

Reason: In the interests of public health and amenity.

7. The development shall not commence until a scheme for protecting residents in nearby properties from noise emanating from fixed plant and/or machinery has been submitted to and approved in writing by the Planning Authority. The development shall not commence until the measures in the approved noise prevention scheme operate to the satisfaction of Public Protection.

Reason: In the interests of the amenity of surrounding properties.

8. The development shall not commence until a scheme for protecting residents in nearby properties from noise emanating from service yard activity has been submitted to and approved in writing by the Planning Authority. Such a scheme shall provide for an acoustic barrier or other similar noise control measures. The development shall not commence until the acoustic barrier or other measures in the approved noise prevention scheme shall be installed in its approved form prior to the start of any other construction process on site.

Reason: In the interests of the amenity of residents at McArthur Street.

9. Prior to any works commencing on site, the applicant shall have regard to the Scottish Executive Guidance Note Controlling Light Pollution and Reducing Light Energy Consumption (March 2007) and follow the lighting design process described in the Guidance Note. The information recorded should be of good standard to enable the lighting submission proposal to be evaluated. All lighting proposals shall be submitted to and approved in writing by the Planning Authority in consultation with Public Protection.

Reason: In order to avoid the potential of light pollution infringing on surrounding land uses/properties

10. No development or any works whatsoever shall take place on site until an assessment of the condition of the land has been undertaken and has been approved in writing by the Planning Authority in consultation with the Public Protection Unit. The assessment shall determine the nature and extent of any contamination on the site and identify any potential risks to human health, the water environment, property or designated ecological sites. Where such risks are identified then a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be prepared, and is subject to the approval of the Planning Authority in consultation with the Public Protection Unit. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In the interest of public health and amenity as previous site investigation has concluded that contamination is present that may pose a hazard to the development.

11. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of any development with the exceptions of those actions required to carry out remediation, unless otherwise agreed, in writing, with the Planning Authority, in consultation with the Public Protection Unit. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation shall be produced, and subject to approval in writing of the Planning Authority in consultation with the Public Protection Unit.

Reason: In the interest of public health and amenity as previous site investigation has concluded that contamination is present that may pose a hazard to the development.

12. In the event that contamination was not previously identified is found at any time when carrying out the approved development it shall be reported in writing immediately to the Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is deemed necessary then a remediation scheme shall be prepared in accordance with the requirements of condition 8 above which is subject to the approval in writing by the Planning Authority. Following completion measures identified in the approved remediation scheme a verification report shall be prepared which is subject to the approval in writing by the Planning Authority in accordance with condition 10 above.

Reason: In the interest of public health and amenity as previous site investigation has concluded that contamination is present that may pose a hazard to the development.

13. Before development commences, an Environmental Action Plan shall be submitted to and approved in writing by the Planning Authority. This plan shall address issues such as foul drainage, contamination, the potential for dust, mitigation measures to be adopted and the methods of monitoring and recording matters relating to dust control, all to the satisfaction of the Planning Authority in consultation with the Head of Public Protection.

Reason: In the interests of public health and amenity.

14. Prior to the commencement of any works, full details of all flood mitigation measures shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA and the Council's Flood Risk Management. The compensatory flood storage scheme shall be designed to include the 200 year plus 50% culvert blockage scenario. The detail design peak water levels shall be based on the 0.5 % annual exceedence probability (AEP) event given in Carl Bro Report December 2006 and in particular, the design shall take heed of the report's recommendations for the gas works site particularly the training wall at Hamilton Street Bridge. The storage requirements for 50% culvert blockage shall also be based upon the Carl Bro report figures. All works shall be carried out in accordance with the approved scheme.

Reason: In order to maintain the capacity of the floodplain and in order to prevent flooding.

15. Prior to submitting the detailed design, a site investigation including CCTV to locate and identify existing pipe work shall be carried out. Full details including a marked up site plan identifying any implications to adjacent roads drainage shall be submitted to the Planning Authority in consultation with the Roads Authority for written approval

Reason: In order to assess this aspect in detail and in order to prevent flooding.

16. The pathway for overland flow during 1:200 AEP at Hamilton Street Bridge shall be designed and submitted to the Planning Authority in consultation with the Roads Authority for written

approval. Such information shall show the pathway for overland flow re-entering Milton Burn as close to the bridge as possible. The designer is advised to liaise directly with the Council's Design Services (refer to Advisory Note 6 below).

Reason: In order to assess this aspect in detail and in order to prevent flooding.

17. Any details pursuant to Condition 1 (d) above shall provide for full drainage details including foul drainage details, and a SuDS scheme with methods to deal with surface water drainage of the site. Prior to the commencement of any works, such a SuDS scheme shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA.

Reason: In order to provide for sustainable development of the site, and to protect existing and proposed development from the effects of potential increased surface water run-off to surrounding areas.

18. Within a minimum of two months from the commencement of any works, a Construction Method Statement shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. All works shall be carried out in accordance with the approved method statement.

Reason: To control pollution of air, land and water.

19. Any details pursuant to Condition 1 (b) above shall provide for a full tree survey, landscaping scheme and boundary treatment incorporating a plan (at a scale of 1:200 or greater) to indicate all trees, shrubs and other features to be retained, felled and replanted. This scheme shall specifically include the age species and location of tree planting as suitable screen planting around the application site (that shall be planted as heavy standards) and method to protect surrounding/overhanging trees during and after construction. No trees shall be felled without prior written approval of the Planning Authority in advance of approval of a tree planting scheme.

Reason: In order to integrate the proposed development within its surroundings.

20. No development, including any site works, shall commence until the written agreement of Scottish Water has been received confirming that the site foul drainage system can be connected to the public sewerage system.

Reason: In order to provide for sustainable development of the site, and to avoid any unacceptable adverse impact on the water environment.

21. No development, including any site works, shall commence until the written agreement of Scottish Water has been received confirming that the proposed development can be served with a water supply from the public mains system.

Reason: In order to ensure that the proposed development can be connected to the public water main.

22. No works in connection with the development hereby approved shall take place unless a Waste Management Plan for the site has been submitted to and approved in writing by the Planning Authority in consultation with Protective Services and the Scottish Environment Protection Agency. This plan shall include details of the arrangements for the storage, including the design and location of all bin stores together with the separation and collection points for waste from the site or roadside collection points, including provision for the safe pick up by refuse collection vehicles. The approved Waste Management proposals shall be carried out in accordance with the approved scheme.

Reason: To ensure the waste from the proposed site is dealt with in a sustainable manner in accordance with the National Waste Strategy for Scotland and the Area Waste Plan for Argyll & Bute.

23. No development, including any site works, shall commence until a detailed design for the junction between Hamilton Street and Argyll Street has been submitted to and approved in writing by the Planning Authority in consultation with Roads. Such detailed design shall mitigate the reduced junction capacity due to the predicted traffic volumes generated by the development and the base line traffic.

Reason: In the interests of road safety.

24. The visibility splays required for the Hamilton Street access shall be 42 metres in each direction from a 2.4 metre setback. All walls, hedges and fences within the visibility splays shall be maintained at a height not greater than 1.0 metre above the road. Additionally, a minimum of 25 metres is required as forward visibility from Argyll Street onto Hamilton Street.

Reason: In the interests of road safety.

25. The Hamilton Street access shall be a minimum width of 6 metres with radii of 6 metres. The gradient of the access shall not exceed 5% for the first 10 metres or 8% for the remainder. The location of this access is some 35 metres from Argyll Street junction, the access should be moved as far from Argyll Street as the site will permit.

Reason: In the interests of road safety.

26. The visibility splays required for the service access on Argyll Street shall be 42 metres in each direction from a 2.4 metre setback. All walls, hedges and fences within the visibility splays shall be maintained at a height not greater than 1.0 metre above the road.

Reason: In the interests of road safety.

27. The gradient of the service access onto Argyll Street shall not exceed 5% for the first 10 metres or 8% for the remainder. Provision shall be made within the service bay to ensure that all vehicles must be able to enter and leave in a forward manner.

Reason: In the interests of road safety.