

**Argyll and Bute Council  
Development and Infrastructure Services**

**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**

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**Reference No:** 11/01422/PP

**Planning Hierarchy:** Local

**Applicant:** Waitrose Ltd and Wandering Wild Ltd

**Proposal:** Erection of Class 1 food store, petrol filling station, associated access, parking landscaping and all associated ancillary development

**Site Address:** Land south of Hermitage Academy, Cardross Road, Helensburgh

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### **SUPPLEMENTARY REPORT 3**

#### **1.0 INTRODUCTION**

The purpose of this supplementary report is to advise Members of a number of late representations and also to outline the latest offer from the applicants on the terms of a potential Planning Agreement.

#### **2.0 FURTHER REPRESENTATIONS**

Since the time that supplementary report no. 2 was published there have been a number of additional representations submitted. Most of these representations do not raise any new issues which are material to the determination of the planning application. The details of the additional representations and a summary of additional points made are listed below:

##### **Support**

Julia Griffith, 8 Kildonan Drive, Helensburgh G84 9SA (dated 19/2/12)

John Brown, 22 Ardenconnel Way, Rhu G84 8RZ (dated 16/2/12)

Gilliam Stewart, Taigh na uillt, Cove (dated 15/2/12 and 16/2/12)

Mrs Elizabeth A. B. Jamieson, Craigomis, 65 Upper John Street, Helensburgh G84 9JZ (dated 15/2/12)

Isabel Bone, 14 Millig Street, Helensburgh G84 9NP (dated 20/2/12)

##### **Objection**

Elsbeth Beaton, Flat 12, Princes Court, Helensburgh G84 8BN (dated 18/2/12)

Kathleen Owen, Crannaig, 18a Millig Street, Helensburgh (dated 17/2/12)

Mrs Katharine Crawford, 14 Sinclair Street, Helensburgh (dated 19/2/12)

Alastair Macbeth, Helensburgh Greenbelt Group (dated 18/2/12)

The letter from Helensburgh Greenbelt Group lists 10 key outcomes based on 6 sources of research on retail issues. These are as follows:

1. That vibrant town centres are not just about retail. Town centres have community value. However, decay of town centre retail can lead to other forms of community failure.
2. That edge of town large stores do challenge town centres, especially in small towns like Helensburgh. Such stores are one of several adverse factors, but they are important. Other forces (internet shopping, commuter shopping, local authority neglect, etc.) can also adversely affect town centres.
3. That there is a dearth of evidence suggesting any beneficial effects of edge-of-town large foodstores on town centres.
4. That **in-town-centre** (or close-to-centre) supermarkets can **assist local retailers**, unlike edge-of-town stores.
5. That if a town centre is close to the "tipping point" (e.g. evidence of charity shops) then the addition of a town-fringe superstore could push it over the edge.
6. That incentives for town centres and help from local authorities assist when town centres are under stress or threat.
7. Ideas are emerging to stop or to stem the creation of edge-of-town large stores, including a suggestion that they would have to be approved by central government, not just by the local authority.
8. That sequential testing is essential. Even the John Lewis Partnership has said so.
9. That instead of an edge-of-town rival retail centre, there should be an alternative vision for an improved town centre and the resources to deliver it.
10. That funding is required to revive town centres adversely affected by town fringe large stores.

## **MSP Representation**

Jackie Baillie MSP (letter dated 20/2/12)

The main points of this letter are summarised as follows:

- This out of town application is against all planning guidance and policy set out by the Scottish Government;
- There has been some disquiet about the nature and legitimacy of the co-applicant for the proposed development at Cardross Road, Helensburgh. I understand that the site was owned by Wandering Wild Ltd which then subsequently changed its' name to Drum Development (Helensburgh) Ltd and is registered in the Isle of Man. I further understand that the site was owned by Palisade Properties and the Directors of these companies are common to both.

Comment: The agent has advised that Wandering Wild Ltd existed at the time of the application, and were notified as part owner of the site at this time, in accordance with planning legislation. Wandering Wild Ltd was a 'single purpose vehicle' as owner of the site (a common practice), and its name has now been changed to Drum Development Company (Helensburgh) Ltd.

- Whilst ownership of the land in question is not a planning consideration there is a suggestion of a disguised local interest and I would urge the Council to investigate this to avoid any suspicion or allegation of impropriety.

Comment: See comment above.

- There is concern that Waitrose offered a contribution for a park remote from the development. This has not been couched in terms of replacing or compensating for the open space lost due to the development. As such, it may be in breach of legislation and it is hoped that Argyll & Bute Council take advice on this point before arriving at a decision.

Comment: This is separate issue and does not form any part of this planning application or any proposed Planning Agreement.

- Given the serious nature of the concerns expressed above, it is requested that the Hearing on 21 February 2012 be postponed until a full and thorough investigation is carried out. It is important that Argyll & Bute Council take the time necessary to consider all aspects of the application to ensure that it is beyond question.

Comment: See comment relating to ownership above, it is not considered that the hearing should be postponed.

## **Councillor Representation**

Councillor Andrew Nisbet, Helensburgh and Lomond South

### **3.0 POTENTIAL MITIGATION / PLANNING AGREEMENT**

In an email dated 20/2/12 the applicants have made an offer to address the concerns outlined in Supplementary 2 and reasons for refusal. There is a marked difference between the perceived impacts from the proposed store in terms of the Council Planning Officer's and applicants' professional opinion. While those differences exist the applicant is prepared to recognise that the concerns of the Council are genuine concerns and as a result have sought to address them in the offer set out in the list below.

The table below identifies quantitative figures that have been set against actions or projects which could potentially mitigate against the remaining reasons for refusal. The table highlights the offer submitted by the applicant and also the Planning Officers professional opinion of what a proportionate offer should constitute.

**WAITROSE POTENTIAL MITIGATION – PLANNING AGREEMENT LIST**

**LOSS OF BUSINESS & INDUSTRY LAND**

DESCRIPTION OF MITIGATION	JUSTIFICATION & INFORMATION	DELIVERY	RESOURCE PUT FORWARD BY APPLICANT	LEVEL OF MITIGATION DEEMED PROPORTIONATE BY PLANNING DEPARTMENT
1. Right hand turn lane into remainder of B&I allocation to South of development site	Increase viability / take up / deliverability of remainder of B&I land.  Loss of through access off roundabout.	Bond paid to Council for delivering right hand lane (10 years). To be done on completion of the store.	-	£300,000

**OR**

2. To establish fund to encourage businesses to expand, relocate or move into Business and Industry Land allocations in Helensburgh and Lomond	Increase viability / take up / deliverability of remainder of B&I land.	Ring fenced payment to be administered by the Council in the form of marketing, grants or enabling works.	£40,000	£150,000
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**IMPACT ON TOWN CENTRE**

DESCRIPTION OF MITIGATION	JUSTIFICATION	DELIVERY	RESOURCE	LEVEL OF MITIGATION DEEMED PROPORTIONATE BY PLANNING DEPARTMENT
3. Improvements to Town Centre Car Parking	To ensure TC remains principal shopping destination  Gardiner & Theobald Report January 2012 stated that 350 car parking spaces in TC would cost £875k	Financial contribution to Council managed TC Carpark improvements prior to commencement of development	-	£250,000 (contribution of less than 1/3 of Car Park works)

4. Improvements to public realm / public space	To ensure TC remains principle shopping destination.  Increase viability and vitality of Helensburgh as a town & place for business to invest  Gardiner & Theobald Report January 2012 stated that new public open space at pierhead would cost in region of £441k	Financial contribution to Council managed improvements	£115,000	£220,000  (contribution of less than 1/2 of public realm and public space works)
5. Shop frontage enhancement scheme	Increase viability and vitality of Helensburgh TC as a shopping destination and day trip location	Financial contribution	£2,000 for 70 existing retail units in TC <u>£140,000</u>  (as per offer)	£140,000
6. Improvements to pedestrian / cycle links to and from Development Site to TC	Encouragement of linked trips between sites	Applicant to identify desire route between two sites and improve linkages to satisfaction of Council	-	£15,000
7. Electrical switchgear for Xmas lighting / events in Colquhoun Square	Increase viability and vitality of Helensburgh TC as a shopping destination and leisure / day trip location	Financial contribution	£20,000  (as per offer)	£20,000
<b>LOSS OF OSPA</b>				
<b>DESCRIPTION OF MITIGATION</b>	<b>JUSTIFICATION</b>	<b>DELIVERY</b>	<b>RESOURCE</b>	<b>LEVEL OF MITIGATION DEEMED PROPORTIONATE BY PLANNING DEPARTMENT</b>
8. Increased tree planting in Helensburgh	Offset of loss of trees by replacing with boulevard of trees, linked to improved	Applicant planting prior to store opening. Landscaping	£10,000  (as per offer)	£10,000

	cycle and pedestrian links and enhanced gateway to site	plan to be agreed in writing with Council.		
9. Funding of Helensburgh gateway	Existing provides soft gateway to Helensburgh. Given area becoming developed new public art / signage / landscaping to provide new destination at entrance to town from the east. Potentially around roundabout. Upgrade of visual appearance of existing roundabout access to the site (public art/landscaping)	Financial contribution to new signage or art installation	-	£20,000

Whilst it is acknowledged that an attempt has been made to offset the perceived impacts, Officers consider that the mitigation is based on the applicants' own assessment methodology and assumptions that are disputed. This dispute is recorded extensively in the Officers original report and is principally based on the differences in professional opinion over retail impact and loss of employment land. To this extent, mitigation is considered to be light in terms of a true mechanism to negate significant impact particularly in terms of the vibrancy of the Town Centre but also on the loss of business and industry land.

#### 4.0 RECOMMENDATION

It is recommended that Members note the content of this report and refuse the application for the reasons outlined in Supplementary Report No.2.

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**Angus J Gilmour**  
**Head of Planning & Regulatory Services**

20 February 2012