

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
23 June 2015**

Agenda Item	7.1
Report No	PLS/044/15

**15/01381/S42 : Morbaine Ltd
South Side of Alcan Site Entrance, North Road, Fort William**

Report by Area Planning Manager - South

SUMMARY

Description : Amend Condition 17 of 14/02865/FUL to allow Simply Food store to operate from Unit C

Recommendation - GRANT

Ward : 22 Fort William and Ardnamurchan

Development category : Major

Pre-determination hearing : Not required.

Reason referred to Committee : Section 42 relating to Major application

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission has been granted to erect a mixed use retail development (food retail and unrestricted Class 1 retail) set within four units. Unit A (intended as an Aldi store) is a single storey unit positioned at the south western end of the site, nearest to the existing garages. Existing buildings will be demolished to accommodate this building. Unit A extends to 1524sqm gross floor area (to be split 80/20 convenience/comparison goods). Units B, C and D are positioned parallel with the rear boundary of the site in the north eastern portion of the site and form a terrace of units. Unit B is the largest of these units, extending to 1394sqm gross floor area and is intended for use by Home Bargains (to be split 67/33 comparison/convenience goods). Unit C extends to 929sqm gross floor area and Unit D to 465sqm. The use of these two units is currently restricted by planning condition to comparison retail use.

The current application seeks to amend Condition 17 of planning permission 14/02865/FUL to allow a Marks and Spencer Simply Food store to operate from Unit C. This requires the restriction on comparison only retailing on Unit C to be amended to allow for convenience retailing with ancillary café and Bureau de Change/ATM.

- 1.2 No formal pre-application consultation required.
- 1.3 The site is currently accessed from the A82 trunk road through the North Road industrial estate. The main entrance to the site is from the existing North Road/Rio Tinto access which is to be significantly upgraded/alterd to provide a new roundabout. One spur will serve the customer parking on the site (239 spaces) and the other will serve the existing Rio Tinto site with a new spur into a service yard for Units B, C and D. Connection is available to the public water main and the public sewer.

1.4 A Retail Statement has been submitted in support of the application.

1.5 **Variations:** None

2. SITE DESCRIPTION

2.1 The site extends to approximately 2 ha (5 acres) and lies 1.5km north east of Fort William town centre. The site lies adjacent to the North Road (A82 trunk road), and is currently accessed via the industrial estate to the immediate south west comprising the Ford garage, National Tyres and some smaller units which are to be demolished. On the north eastern boundary is the access road to the Rio Tinto site, and on the south eastern boundary is the railway. The site is screened from the A82 by an existing mature hedge. The site itself is generally level and has formerly had an industrial use, and more recently has been used for storage and parking.

3. PLANNING HISTORY

3.1 Current Permission

14/02865/FUL : Redevelopment of the site to demolish existing structures and to construct food and non-food retail floorspace with associated car parking, servicing and access : Granted 29 January 2015

3.2 06/00115/OUTLO : Erection of foodstore with associated parking and servicing : Withdrawn 29.11.06

3.3 06/00521/OUTLO : Non-food retail development : Granted 9.5.07

3.4 07/00419/FULLO : Variation of conditions 2 and 20 and deletion of condition 3 and 4 of 06/00521/OUTLO : Granted with replacement conditions following appeal 9.4.09

3.5 08/00119/FULLO : Variation of conditions 2 and 20 and development of conditions 3 and 4 of 06/00521/OUTLO. Withdrawn 28.4.09

3.6 10/01345/FUL : Section 42 application for variation of condition 1 of permission 06/00521/OUTLO to extend the time limit for submission of approval of matters specified by conditions to 9 May 2012. Granted 22.4.10

3.7 10/01930/PIP : Site for foodstore with associated car parking, servicing and highway works. Refused 27.9.10

3.8 12/01664/PIP : Renewal of planning permission 06/00521/OUTLO for non food retail development (as varied by 07/00419/FULLO and 10/01345/FUL). Granted 2.7.12

3.9 12/02789/S42 : Section 42 application for the variation of conditions 2, 3 and 4 of planning permission in principle 12/01664/PIP in order to widen the range of non-food retail goods and size of retail units to be permitted at the site. Granted 6.11.12

4. PUBLIC PARTICIPATION

4.1 Advertised : Yes
Representation deadline : 19.5.14
Timeous representations : 0
Late representations : 0

5. CONSULTATIONS

5.1 **Transport Planning Team** : No response
5.2 **Transport Scotland** : No objections
5.3 **Lochaber Disability Access Panel** : No response
5.4 **Inverlochy and Torlundy Community Council** : No response

6. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28	Sustainable Development
29	Design Quality and Place Making
34	Settlement Development Areas
40	Retail Development
56	Travel

6.2 West Highland and Islands Local Plan 2010 (as continued in force)

2	Development Objectives and Developer Requirements
16	Commerce
B5	Land Allocation: North Road - 1.6ha allocated principally for bulky goods retailing, or for business development. Development dependent upon: transport assessment; exception siting and design quality; and a contamination assessment and any necessary remediation.

6.3 Highland Council Supplementary Guidance

Flood Risk and Drainage Impact Assessment (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June 2014)

Town Centre Action Plan – The Scottish Government Response

Planning Advice Note 52 : Planning and Small Towns

Planning Advice Note 59 : Improving Town Centres

Planning Advice Note 75 : Planning for Transport

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Development Plan Policy Assessment

8.3.1 The North Road site has the benefit of planning permission for a mixed use retail redevelopment (granted in January of this year). No changes are proposed to the scheme design or layout. The current application seeks only to vary Condition 17 of the planning permission for retail redevelopment to allow the 929sqm of retail floorspace within Unit C to be used for convenience retailing.

The overall site at North Road is allocated within the adopted local development plan for 'bulky goods' retailing. The report on application 14/02865/FUL discusses in detail the retail policy issues relating to this site. Application 14/02865/FUL was subsequently granted as a justified departure from the development plan having regard to the following material considerations:

- Uncertainty over development of the Blar Mor site
- The need for greater choice and competition in the area and modern retail facilities
- The proposed retail store (Aldi) would act as an anchor store for the development
- The development would provide significant employment opportunities.

Since this decision was made, Tesco have announced they are not going ahead with their previously planned store on the Blar Mor site.

The current application advises that the change to the trading type is as a result of firm interest from M&S for their 'Simply Food' convenience shopping format in Unit C. The application seeks to change Unit C to convenience and comparison retailing with provision for a small scale ancillary Bureau de Change facility and café/hot food counter facility. The application further advises that the proposed relaxation of the trading restriction will mean that around 90% of the total retail floorspace of the whole development will be assigned, adding certainty that the positive economic benefits arising from this development will be realised. This will provide both economic benefits and benefits for local residents from improved range and choice of shopping facilities.

It has previously been accepted that this level of additional retail floorspace can be accommodated within the Fort William catchment area without having a detrimental impact on the vitality and viability of the Fort William town centre. The trading restriction is there to prevent over-provision of food retailing on this site when considered cumulatively with the existing permission at the Blar Mor site. Taking into account the following issues, the proposal to vary Condition 17 of the planning permission is considered to be acceptable:

- existing permission on this site
- the previous acceptance of additional retail floorspace within the Fort William catchment
- withdrawal of Tesco from the Blar Mor site; albeit there remains an extant planning permission for retail use of this site
- the fairly limited uplift of convenience retail floorspace as a result of this application
- the increase in certainty of the North Road development proceeding, and
- the benefits to the local community.

As a consequence of the additional planning permission and changes to the commitments on retail development sites, the current review of the West Highland and Islands Local Plan will provide an opportunity to consider updated retail policy for the Fort William catchment.

8.4 Other Material Considerations

The change in retailing type can affect the pattern of vehicular movements at the site, however this is unlikely to be significant given the nature of the consented scheme. Transport Scotland has been consulted on the proposed variation and has raised no objection.

8.5 Other Considerations – not material

None

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal broadly accords with the extant permission and in light of the benefits associated with the development and the uncertainty over the delivery of the Blar Mor retail site, the proposal can be supported as a minor justified departure from development plan policy.

10. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended to **agree to vary** Condition 17 of planning permission 14/02865/FUL to the following wording:

17. The maximum Class 1 retail area hereby approved shall be restricted to a total 4,312 square metres gross floor area including any upper or mezzanine floors, unless otherwise first agreed in writing by the Planning Authority.

The retail units hereby approved shall be retained in perpetuity in the use, format and floor area allocation as shown in the current application; namely

Unit A - 1524sqm GFA (1152sqm Net Floorspace split 80%/20% convenience/comparison goods)

Unit B - 1394sqm GFA (1185sqm Net Floorspace split 33%/67% convenience/comparison goods)

Unit C - 929sqm GFA (790sqm Net Floorspace, convenience and/or comparison goods with provision for ancillary café/hot food counter and Bureau de Change facility/ATM)

Unit D - 465sqm GFA (395sqm Net Floorspace, comparison goods only)

- Reason : To ensure the use of the site is appropriately controlled and that the development does not undermine the vitality and viability of the Fort William town centre to its detriment in conflict with national policy and local development plan policy; to ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment; and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

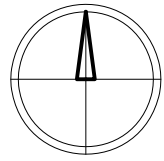
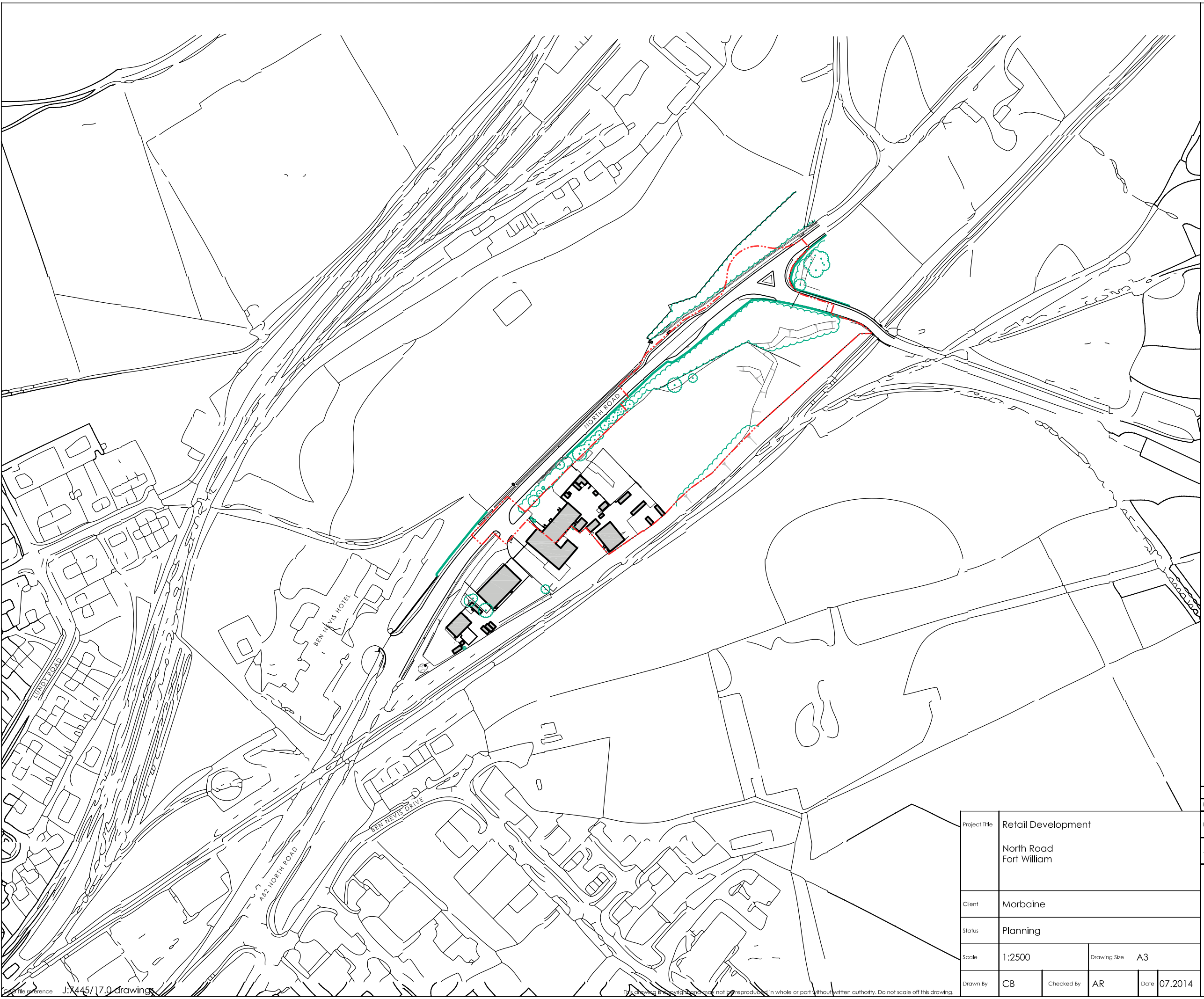
Signature: Allan J Todd

Designation: Area Planning Manager - South

Author: Susan Macmillan

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Location Plan



NORTH

NOTE:
SURROUNDING CONTEXTUAL BUILDINGS AND INFORMATION
ARE BASED ON ORDINANCE SURVEY INFO AND ARE SHOWN
FOR ILLUSTRATIVE PURPOSES ONLY. THE APPLICATION SITE IS
REPRESENTED FROM A MEASURED TOPOGRAPHICAL SURVEY.

Rev	Date	Description	Rev By	Chk'd By
-	dd-mm-yy	-	-	-

Project Title	Retail Development		
	North Road Fort William		
Client	Morbaine		
Status	Planning		
Scale	1:2500	Drawing Size	A3
Drawn By	CB	Checked By	AR
		Date	07.2014

Drawing Title	Location Plan	
Job-Dwg No	7445_100	Rev -

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