

# Report

6

Report to:	<b>Cambuslang and Rutherglen Area Committee</b>
Date of Meeting:	<b>16 December 2008</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CR/07/0363
Planning Proposal:	Erection of Side Extension and Alteration to Existing Car Park Layout/Provision

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Aldi Stores Ltd
- Location : Aldi Store  
Harriet Street  
Rutherglen

## 2 Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Refuse detailed Planning permission (For reasons stated)

### 2.2 Other Actions/Notes

The Area Committee has delegated powers to determine this application

## 3 Other Information

- ◆ Applicant's Agent: Turley Associates
- ◆ Council Area/Ward: 12 Rutherglen Central and North
- ◆ Policy Reference(s): **Cambuslang/Rutherglen Local Plan 2002**,  
Policy RES 9 – Residential Land Use  
Policies DC 1 and SLP 6 – Development  
Control General  
**South Lanarkshire local Plan (Final after  
Modification) 2007**,  
Policy RES 6 – Residential Land Use Policy  
Policy Dm 1 – Development Management

- ◆ Representation(s):
  - ▶ 0 Objection Letters
  - ▶ 0 Support Letters
  - ▶ 0 Comments Letters
- ◆ Consultation(s):

Rutherglen Community Council

Environmental Services

Roads and Transportation Services (Cambuslang/Rutherglen Area)

Roads and Transportation Services (HQ)

## **Planning Application Report**

### **1 Application Site**

- 1.1 On the west side of Mill Street Rutherglen, opposite the junction with Greenhill Road the application site relates to the premises and car park of an 'Aldi' discount food store. The store itself is of single storey 'portal frame' style construction with pitched roof (concrete roof tiles) and shopfront excluded, red and brown facing brick walls.
- 1.2 The building itself was built in the early 1990's and occupies a site that extends to 3432 square metres or thereby. Within this area the building, which is located in the southern half of the site, has a total footprint of just over 1000 square metres of which 641 square metres is retail floorspace. Parking for 68 cars, including 2 disabled spaces, exists within the northern half of the site and adjacent to the store's eastern (Mill Street) elevation.
- 1.3 In terms of levels the site is relatively flat this being due to the existence of retaining walls along the sites southern and northern boundaries. As a result the land to the south of the site which is occupied by a local bakery is at a higher level whilst the northern boundary as it adjoins the public footway on the south side of Farie Street, is established by a two metre high retaining wall.
- 1.4 Vehicular access to the site is from Harriet Street which runs parallel with the sites western boundary. This road is primarily occupied by industrial/commercial properties but at either end of it, both Farie Street to the south and Wallace Street to the north, there are residential properties, three and four storey flats in the former with cottage flats, semi detached dwellings and local shops in the latter. Harriet Street has on street parking available both sides of the carriageway and is also used by all vehicles delivering goods to the retail store, there being a dedicated small service yard at the western side of the store. Furthermore Harriet Street is used as a 'rat run' by vehicles wishing to bypass the traffic light controlled junction at Mill Street/Glasgow Road/ Main Street and Burnhill Street Rutherglen.
- 1.5 Mill Street as it passes by the eastern side of the store is a busy dual carriageway (part of the A 730) separated from the site by a pedestrian guardrail and a grassed landscaped area that contains small trees. A pedestrian link from the footway parallel with Mill Street into the site has been provided. Two sets of traffic light controlled crossings exist within 70 metres north and south of the aforementioned pedestrian footpath.
- 1.6 The site although outwith Rutherglen Town Centre as defined in the Cambuslang/Rutherglen Local Plan, is adjacent to it.
- 1.7 At present the store trades seven days a week between 09-00 hrs and 20-00hrs Monday to Saturday and 10-00hrs to 18-00 hrs on a Sunday.

### **2 Proposal(s)**

- 2.1 It is now proposed to erect a side extension at the Mill Street elevation of the store and alter the existing car park layout and provision. In detailed this will result in:
  - The provision of an additional 360 (approximately) square metres of floorspace, 210 of which will be for the sale of goods/produce (the other 150 square metres of floorspace will essentially provide increased storage space.)
  - A reduction in the number of car parking spaces associated with the store from 68 to 53.

- 2.2 The proposed extension will have a series of low pitched roofs that will project from the main store at right angles and the extension along with the existing building will be finished externally with white render walls with contrasting grey piers. A new shop front and entrance foyer will be provided.
- 2.3 In support of the proposal the applicant lodged a Parking Review examining parking provision and car park occupancy rates based on a number of their stores in Scotland. In addition subsequent to the Parking Review, a further detailed parking study relating to the Rutherglen store was also lodged. Furthermore the applicant has highlighted that the increase floorspace will result in a marginal increase in turnover of approximately one million or less which in the context of the Rutherglen/Cambuslang Structure Plan catchment area equates to less than one percent.
- 2.4 In general terms the retail study and parking documents highlight:
- The aim of the extension is to improve the retail environment for customers and staff by bring the building 'up to date' to reflect 'Aldi' stores elsewhere.
  - The extension will not result in any further product lines; it will allow the presentation of more of each item, including special purchases to avoid customer disappointment and allow fewer deliveries.
  - The Rutherglen store is the smallest in Scotland and is also located on the smallest site.
  - Relocation was considered but no other suitable sites in Rutherglen have been identified.
  - The range of products sold in Aldi stores is limited to 750 items (unlike other grocery stores) and they do not sell lottery tickets, cigarettes, newspapers, magazines, stationary or pharmaceutical goods. In addition the stores do not offer butchery, fishmonger or greengrocer services.
  - They essentially provide a neighbourhood shopping role as well as attracting town centre customers and the store is therefore complementary to existing patterns of trading.
  - Government policy as detailed in Scottish Planning Policy 17 (SPP 17) 'Planning for Transport' is to reduce the demand for the use of the private car through the management of parking.
  - Survey data indicates that the maximum occupancy of the car park was 54%, this occurring between 13-30 hrs and 13-45 hrs on a Thursday, this day being popular due to the stores promotion of 'Special Offer Thursdays.' In addition the survey highlighted that a high percentage of vehicles (57%) are parked for less than 15 minutes.
  - 12 spaces in the car park were never used.
  - Using the survey data and extrapolating it to reflect the proposed store, it is estimated that the maximum demand for car parking would result in 45 spaces being occupied on a Thursday, namely 85% of the proposed spaces
  - Whilst on street parking does occur in Harriet Street this is mainly focused towards the southern end of the street due to the present of local shops.
  - The parking provision set out in SPP17 over estimates (by almost 50 %) the actual operating parking requirement for a typical Aldi store on a typical day due to the short term nature (15 minutes or less) of customer parking.
- 2.5 The applicant has also provided a list of suggested conditions which would be acceptable to them, these conditions designed primarily to ensure that the trading ethos and pattern of the existing store does not alter; to ensure that there is no sub-division of the unit or that it is sold to another food retailer without the need of a further planning consent.

### **3 Background**

3.1 In terms of the adopted Cambuslang/Rutherglen local Plan 2002 the site is within a Residential Land Use area policy RES 9 applicable. Essentially this policy aims to insure that the character and amenity of such areas is not adversely affected by inappropriate development. In this regard all forms of development have to satisfy a number of criteria, including an adequate provision of parking.

3.2 The South Lanarkshire Local Plan (Final after Modification) 2007 has a similar land use classification and policy as the adopted local plan, policy RES 6 being applicable. Again this policy aims to protect the character and amenity of such areas and has similar criteria that have to be addressed in order to be viewed favourably.

#### **3.3 Relevant Government Advice/Policy**

Scottish Planning Policy 17 'Planning for Transport' establishes maximum parking standards with the aim of reducing the use of the private car. In this regard development has to be sustainable in terms of its location and to reduce the need for travel.

#### **3.4 Planning Background**

There have been no previous planning applications relating to the site within the last five years. Consent for the store was issued in the early 1990's.

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

4.1 **SLC Roads and Transportation Services** – Highlight that the proposal will result in the removal of 18 car parking spaces and that in accordance with the Council's 'Guidelines for Development Roads' the extended store would require a minimum of 90 spaces. The proposed parking provision associated with the extended store (50 spaces) does not meet or accord with departmental requirements.

The development is located in an area with nearby residential properties and on street parking is prevalent. Any reduction in off road parking is not acceptable. Consequently in light of the above, recommend refusal of the application.

**Response:** It is a fundamental aspect of good planning practice that all development, where appropriate, should have sufficient off street parking to prevent overspill parking taking place on neighbouring streets; such parking can have a detrimental impact in terms of amenity considerations and road/traffic safety. The Council standards for off street parking are detailed in 'Guidelines for Development Roads' a document that was produced in 2000 and is widely available to all developers. Indeed the standards relating to free standing retail units derive from guidelines used by the former Strathclyde Regional Council which date from 1986. Clearly over the last 20 years the ownership and use of cars has increased substantially and therefore the adherence to the Councils off street parking requirements becomes increasingly more important.

Discussions have taken place with the applicant's agent with the view to resolving or overcoming the identified deficiency in parking. Unfortunately these discussions have not identified any credible solution. It is clear that the extended store would be significantly underprovided with parking (30 spaces) and as public reliance on, and use of cars increases, it would be extremely inappropriate to sanction a development that does not adhere to Council standards that have been applied consistently throughout the Council area.

4.2 **SLC Roads and Transportation Services (HQ)** – Reiterate concern over any reduction in the parking provision below that stated in the Guidelines for

Development Roads. The parking rate in the 'guidelines' is based on a non specific retailer as would the planning consent if issued. Although the additional information provided by the applicant is informative (Parking Review/Study) it would be short sighted to consider the application on the basis of the specific owner/operator as change does occur and the potential lack of parking facilities could have a detrimental effect on the business and surrounding road network.

It is the Councils responsibility to consider the potential impact of the application on the surrounding road network and the parking rate detailed in the 'Guidelines' should apply. The recommendation for refusal is appropriate in this circumstance.

**Response:** See response above.

- 4.3 **SLC Environmental Services** - No objections are offered to the proposal subject to the imposition of appropriate conditions relating to contaminated land investigation/assessment and dust mitigation and control.

**Response:** Noted. Appropriate conditions to address these aspects can be imposed should consent be issued.

- 4.4 **Rutherglen Community Council** – No objections.

**Response:** Noted

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken. Following this publicity no third party letters of representation have been received.

## **6 Assessment and Conclusions**

- 6.1 The existing Aldi store has been trading for over ten years and during this time it has provide a shopping 'service' for a number of residents. It is located within a residential land use area in terms of the both the adopted local plan and its future replacement, this designation reflecting the general character of the wider surrounding area rather than being site specific. Indeed the sites use for retail purposes is lawful.
- 6.2 The extension itself is of an appropriate design and size such that it will be subsidiary to the main store. It will be located in such a position that its impact on neighbouring land uses and occupiers will be minimal. From a physical and built environment perspective therefore the extension can be viewed positively as it generates no adverse concerns.
- 6.3 The proposed store with its greater floorspace will obviously have potential to increase turnover at the store; indeed I am reasonably confident that if this was not identified in the applicant's business plan then no application would have been lodged. The applicant's style and marketing philosophy however is based on discount retailing and therefore they do operate in a niche corner of the retail food market. On this basis the increased floorspace and turnover will in my opinion have minimal impact, if any, on retail (especially food) expenditure patterns in Rutherglen. From a viability and vitality perspective therefore the proposed extension due to its limited floorspace does not represent a serious threat to the health or liveliness of Rutherglen Town Centre or undermine the general thrust of local plan retail policy which has a focus towards preserving and enhancing the role and function of existing town centres by directing investment towards them. From a retail planning point of view no adverse concerns or comments are generated by the extension.
- 6.4 It is a legal requirement to determine all planning applications in accordance with the provisions of the development plan unless material considerations indicate

otherwise. In this instance the proposal is not, in my opinion, of strategic significance and therefore the Structure Plan is not material to the assessment of the application. Clearly the policies of the adopted Cambuslang/Rutherglen local Plan are of the utmost importance and to a lesser extent those of the future replacement South Lanarkshire Local Plan (Final after Modification).

- 6.5 In terms of both local plans the site is unequivocally within a residential area where the applicable policy (RES 9 or RES 6) resists any development that would impact negatively on the character or amenity of such an area. In this context the policy lists a number of criterion that all proposals must comply with, the provision of adequate off street parking being one of these criteria. In this regard the provision of an appropriate level of parking is not a new necessity and is a requirement of nearly all forms of development from the erection of houses to the provision of new schools etc. In town centre locations however parking requirements are relaxed (primarily as suitable public parking is provided elsewhere) and whilst the site is adjacent to Rutherglen town centre, there would appear to be very little connectivity or linked trips between the site and the town centre. Indeed this is not surprising given the busy dual carriageway that separates the site from the town centre and this viewpoint is further re-enforced by the applicant's parking study which emphasises that most customers to the store park for less than 15 minutes.
- 6.6 Clearly having given due consideration to all material aspects it is the proposals parking provision (or absence of it) that is the prime determining factor with this application. In this regard discussions between the applicant and Roads and Transportation Services have taken place with the aim of identifying a resolution or a mutually acceptable compromise. Unfortunately these discussions have been unsuccessful.
- 6.7 The Council's 'Guidelines for Development Roads' have been in existence since 2000 and have been used consistently throughout the Council area to provide information and guidance on all aspects of design and standards etc in relation to road related matters. They are based on the former Strathclyde Regional Council Guidelines which in relation to free standing stores have not changed since 1986. Clearly since 1986 car ownership and usage has increased significantly.
- 6.8 At present the Aldi store operates with sufficient parking (68 spaces) in relation to the size of the store in terms of Roads Guidelines. These Guidelines refer to the total floorspace (gross) of the store and therefore the split between sales area and storage/other accommodation is to a degree unimportant. The fact remains however that the application would result in the size of the store increasing by approximately 350 square metres (an increase in gross floorspace of a third) whilst reducing the amount of off street parking to 53 spaces, a reduction of 15. In terms of Council parking standards the extended store should provide a minimum of 90 spaces. Clearly the shortfall in parking amounts to 37 spaces, a significant deficit in anyone's estimation. On this basis it is evident that the proposal does not accord with the Councils Guidelines for Development Roads and by default, policy RES 6 of the adopted Local Plan in that substandard off street parking would be provided for the development. As a result it is inevitable that if insufficient parking is provided on site vehicles will park on surrounding roads to the detriment of residential amenity in general and road safety in particular. From a policy perspective therefore the application does not merit support.
- 6.9 In terms of the 1997 Planning Act other material considerations must also receive due and proper assessment in relation to the application. In this respect the applicant has lodged a detailed Parking Assessment/Survey which does indicate that at

present the parking provision associated with the existing store is more than adequate and even if reduced as proposed, will still be sufficient to accommodate parking associated with the enlarged premises. Obviously the prediction of future demand is not scientific and is based on a number of variable and to an extent, unpredictable factors outwith the control of the applicant and/or Council. The significance therefore of the applicants predicted parking requirements must be questionable. As a result the weight and merit afforded to this survey in the determination of this application can not be so significant that it overrides long established Council policy.

- 6.10 The conditions suggested by the applicant do appear reasonable and may help alleviate some concerns relating to the under provision of parking at the site e.g. the prohibition on sub division. The fact remains however that the suggested conditions can be challenged at a later date by the submission of an application to have them revoked. To address this aspect a legal agreement between the Council and the applicant has been suggested but this was not acceptable. In addition economic conditions could change remarkably such that the percentage share of the grocery market attributable to Aldi increases dramatically which in turn would result in a significant increase in traffic visiting the site, a situation in which the suggested conditions would be inadequate.
- 6.11 Overall despite acknowledging that a number of aspects associated with the proposal are acceptable in planning terms the development fails to address the fundamental requirement of providing sufficient off street parking to serve the development. This aspect, given the location of the store and the serious traffic and public safety concerns that can arise, can not be overlooked. On balance therefore the refusal of consent is appropriate given all material planning considerations.

## **7 Reasons for Decision**

- 7.1 The proposal fails to comply with the parking requirements as detailed in the Council's 'Guidelines for Development Roads' and Policy RES 9 of the adopted Cambuslang/Rutherglen Local Plan and RES 6 of the South Lanarkshire Local Plan (Final after Modification) 2007 and the other material considerations advanced by the applicant are of insufficient weight or merit to overcome the aforementioned Council policy.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**3 December 2008**

## **Previous References**

- ◆ None

## **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Neighbour notification certificate dated 8 November 2007
- ▶ Cambuslang/Rutherglen Local Plan 2002
- ▶ South Lanarkshire Local Plan (Final after Modification) 2007
- ▶ SLC Roads and Transportation services 'Guidelines for Development Roads' 2000
- ▶ Letter dated 12 December 2007 to agent

- ▶ Letter dated 19 December 2007 from agent
- ▶ Parking Review, Aldi Rutherglen, February 2008 Colin Buchanan and Partners Ltd
- ▶ Parking Provision for Aldi stores in Scotland, Colin Buchanan and Partners Ltd, April 2008
- ▶ Letter dated 11 February 2008 from agent
- ▶ E-mail dated 12 February 2008 to C Bradley Planning and Building Standards Services
- ▶ E-mail dated 12 February 2008 to agent
- ▶ Letter dated 15 February 2008 from agent
- ▶ Memo dated 20 February 2008 to Divisional Engineer, Roads and Transportation Services.
- ▶ Memo dated 28 February 2008 from Divisional Engineer, Roads and Transportation Services.
- ▶ Memo dated 6 March 2008 from Roads and Transportation Services, Transportation Engineering
- ▶ Fax dated 27 March 2008 to agent
- ▶ E-mail dated 21 April 2008 to k Hyland, Roads and Transportation Services
- ▶ E-mail dated 12 June 2008 to C Bradley, Planning and Building Standards Services
- ▶ E-mail dated 12<sup>th</sup> June 2008 to K Hyland, Roads and Transportation Services
- ▶ Letter dated 3 June 2008 from agent
- ▶ Fax dated 12 June 2008 to K Hyland, Roads and Transportation Services
- ▶ E-mails dated 12 June 2008 from K Hyland, Roads and Transportation Services
- ▶ Fax dated 16 July 2008 from C Bradley, Planning and Building Standards Services
- ▶ E-mail dated 23 July 2008 to agent
- ▶ Letter dated 12 August 2008 from agent
- ▶ E-mail dated 1 October 2008 from agent
- ▶ E-mail dated 28 November 2008 from agent
- ▶ Memo dated 4 December 2008 to C Park, Roads and Transportation Services.

▶ Consultations	
Cambuslang Community Council	20/11/2007
Environmental Services	26/11/2007
Roads and Transportation Services (Cambuslang/Rutherglen Area)	25/01/2008
Roads and Transportation Services (Transportation Engineering)	10/03/2008

### **Contact for Further Information**

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

Steven Clark

Planning Officer, Royal Burgh House, 380 King Street, Rutherglen G73 1DQ

Ext 5140 (Tel :0141 613 5140 )

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



**REASONS FOR REFUSAL**

- 1        The proposal is contrary to policy RES 9 of the adopted Cambuslang/Rutherglen Local Plan in that it fails to provide adequate off street parking with resultant serious consequences for road and public safety and will have a detrimental impact on the amenity and character of the locality.
- 2        The proposal is contrary to policy RES 6 of the South Lanarkshire Local Plan (Final after Modification) in that it fails to provide adequate off street parking with resultant serious consequences for road and public safety and will have a detrimental impact on the amenity and character of the locality.
- 3        The proposal is contrary to policy DM 1 of the South Lanarkshire Local Plan (Final after Modification), in particular criterion 'd' and 'h', in that it fails to provide adequate off street parking within the site with resultant adverse implications for public safety and the amenity of the local environment.
- 4        The proposed off-street parking associated with the application is contrary to the requirements of the Councils Guidelines for Development Roads and as a result there will be insufficient off street parking to accommodate the requirements of the proposal, thereby resulting in the parking of vehicles on-street causing adverse traffic conditions.
- 5        If approved the proposal will establish an undesirable precedent which could encourage further similar applications for extensions to free standing retail units without a corresponding increase in off street parking provision.



For information only

For information only

