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| Report to: | Planning Committee |
| Date of Meeting: | 23 January 2007 |
| Report by: | Executive Director (Enterprise Resources) |

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| Application No | EK/06/0370 |
| Planning Proposal: | Erection of Class 1 Retail Unit, Vehicular Access, Car Park, Service Area and Associated Works |

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Lidl UK GMBH
- Location : Lindsayfield Road
East Kilbride

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 Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: Smith Design Associates
- ◆ Council Area/Ward: 30 Lindsay
- ◆ Policy Reference(s): **Adopted Local Plan**
Policy COM1 – Shopping Network
Policy COM2 – New Retail/ Commercial Leisure Development
Policy COM4 – Neighbourhood/ Village/ Local Shopping Area

South Lanarkshire Local Plan (Finalised)

Policy COM3 – New Retail/ Commercial Development Policy
Policy COM5 – Village/ Neighbourhood Centre Policy.

Glasgow and Clyde Valley Structure Plan

Strategic Policy 1 – Strategic Development Locations.
Strategic Policy 3 – Strategic Management of

Travel Demands
Strategic Policy 6 – Quality of Life
Strategic Policy 9 – Assessment of
Development Proposals

- ◆ Representation(s):
 - ▶ 3 Objection Letters
 - ▶ 4 Support Letters

- ◆ Consultation(s):

Lindsay, Auldhouse & Chapelton Community Council

Environmental Services

Roads and Transportation Services (East Kilbride)

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

Power Systems

TRANSCO (Plant Location)

Scottish Water

Roads & Transportation Services H.Q. (Flooding)

Planning Application Report

1 Application Site

- 1.1 This application relates to a parcel of vacant land some 0.75 hectare in extent situated within the Lindsayfield development area on the southern edge of East Kilbride. The site stands at the entrance to the residential area and next to a Morrisons store and petrol station. A care home for the elderly lies to the west. The adjacent Greenhills Road links the outer suburbs of the town and divides Lindsayfield from more established residential areas to the north. Greenhills Shopping Centre lies just off Greenhills Road, some 750 metres to the west. The town centre is located some 2 Kilometres to the north.

2 Proposal

- 2.1 Detailed Planning Permission is sought for the erection of a discount supermarket with a gross floor area of 995 square metres (798square metres net sales area) and 100 car parking spaces. The development also includes provision for cycle parking, servicing and landscaping. The building would be finished in red brick, render and a roof of aluminium sheeting. Access is proposed via a small roundabout which currently serves the supermarket and petrol station.
- 2.2 The application has been accompanied by a Retail Impact Assessment.

3 Background

3.1 Local Plan Status

- 3.1.1 The site is covered by Policy COM1 of the adopted East Kilbride & District Local Plan which directs appropriate new retail development to the town centres and neighbourhood centres including Lindsayfield. Policy COM2 sets out criteria for the assessment of new retail/ commercial development.
- 3.1.2 Policy COM4 of the local plan identifies measures to be undertaken by the Council in support of neighbourhood shopping areas. It identifies that the Council will undertake an assessment of centres, protect the retail core of centres and appraise development opportunities.
- 3.1.3 The finalised South Lanarkshire Local Plan was approved by the Council in August 2006. Key relevant policies are COM3, which reflects the content of Policy COM2 of the adopted plan, and COM5 which protects the mix of uses within neighbourhood centres, in particular protecting against the loss of retail floorspace. A full assessment of the proposal against these policies is contained in Section 6 below.

3.2 Structure Plan Policy

The approved Glasgow and Clyde Valley Joint Structure Plan sets out a range of strategic policies relevant to retail proposals. Strategic Policy 1 states that priority will be given to investment in a series of locations including East Kilbride Town Centre. Strategic Policy 6 identifies measures aimed at improving the quality of life of local communities and seeks to continue the presumption that town centres should be the preferred locations for retailing. Schedule 6 c (i) identifies a series of criteria against which significant retail development proposals should be appraised. These include the quantitative capacity for additional floorspace in terms of strategic catchment areas, the impact of the proposed development on town centres, and the accordance of the proposal in terms of Strategic Policy 3. Strategic Policy 3 sets out the locational preferences for different types of development. In terms of retail proposals the principle concern is that this type of development should be in a

location that has a choice of modes of transport and not wholly dependent on the use of the car for access. Finally, Strategic Policy 9 identifies the basis for establishing whether proposals are in accordance with the provisions of the structure plan. Section A does not apply to this scale of development. Section B sets out locational criteria such as safeguarding the viability of town centres, promoting urban regeneration and protecting environmental resources.

3.3 **National Policy**

Scottish Planning Policy 8, 'Town Centres' sets out Scottish Executive policy in relation to town centres & retailing. The broad policy objectives are to sustain & enhance the vitality, viability & design quality of town centres and to maintain an efficient and competitive retail sector offering customer choice. It stresses that the Scottish Executive's top priority is economic growth and that retail is a key contributor to this. The key policy objectives are to promote competitive places and regeneration, allow all sectors of the community to have access to a range of shopping services and to support development in accessible locations.

3.4 **Planning Background**

Outline consent was granted in March 1995 for a mixed residential, commercial and community facility development at the Southern Development Area (now known as Lindsayfield). The associated Section 50 Agreement required the preparation of a Masterplan which was approved in August 1995 and which designated an area adjacent to Greenhills Road for commercial and community use (the application site and Morrisons store lie within this area). Thereafter, in August 1996, planning consent was granted for the foodstore and petrol station (now operated by Morrisons).

In April 1999 an application was lodged by the current applicant for a foodstore of 1223 square metres gross floor area. An appeal was subsequently lodged with the Scottish Executive against non-determination of the application. A public local inquiry was held in February 2000 and the appeal dismissed in June 2000.

4 **Consultations**

- 4.1 **SLC Road and Transportation Services** – concerns which were initially expressed over the servicing arrangements can be successfully addressed through the imposition of a condition restricting delivery times on any consent granted. The access and parking layout is acceptable.

Noted: Noted.

- 4.2 **SLC Environmental Health** – No objections subject to the imposition of conditions restricting noise emissions and requiring the submission of a contaminated land survey.

Response: The matter of noise pollution is most properly dealt with under Environmental Health legislation and should not in general terms be the subject of planning conditions. However, the requirement for a contaminated land survey can be conditioned on any consent granted.

- 4.3 **SEPA** - No objections subject to all foul drainage being taken to the public sewer, appropriate treatment of surface water and compliance with waste and pollution prevention controls.

Response: Noted.

- 4.4 **SLC Flood Prevention** – no objections subject to conditions relating to drainage provision.
Response: Noted.
- 4.5 **Lindsay, Auldhouse & Chapelton Community Council** – no objections
Response: Noted.
- 4.6 **Scottish Water** – no objections
Response: Noted
- 4.7 **Scottish Power** – no objections subject to protection of apparatus
Response: Noted.
- 4.8 **Scotland Gas Networks** – no objections subject to protection of apparatus.
Response: Noted.

5 Representations

- 5.1 Three letters of objection have been received, two on behalf of the neighbouring supermarket operator, the other on behalf of the owners of East Kilbride shopping centre. The grounds of objection can be summarised as follows:
- a) **The proposal is contrary to policy contained in both the adopted and emerging local plans in that it would result in the overprovision of retailing in the Lindsayfield neighbourhood centre and would consequently impact on other local centres and the town centre.**
Response: These points will be assessed in section 6 of this report.
- b) **There are other sequentially suitable and available sites that would be preferable, including East Kilbride town centre.**
Response: The proposal is supportive of the sequential approach detailed in SPP8 as it directs new investment to a neighbourhood centre identified in Policy COM1 of the adopted local plan. However, the proposal also has to be assessed in terms of its impact on existing centres and this is discussed in Section 6 of the report.
- c) **An appeal relating to a similar proposal was dismissed in 2000 and there has been no change in circumstance which would justify a change in decision.**
Response: This shall also be discussed in Section 6 of this report.
- 5.2 Four letters of support have also been received. Grounds for support can be summarised as follows
- a) **The proposal would result in the beneficial use of a currently vacant piece of land.**
- b) **The proposed store would bring high quality goods at affordable prices and provide healthy competition for existing operators.**

6 Assessment & Conclusion

- 6.1 This application is for the erection of a discount foodstore (995 square metres gross floor area) and associated parking alongside the existing Morrisons store within the Lindsayfield Centre. This land was identified for commercial/ community use in the Lindsayfield Masterplan, approved by the Council in 1995 and was subsequently identified as a neighbourhood centre in the adopted local plan. The main

determining issues in assessing this application therefore relate to compliance with development plan and national policy, impact on existing shopping centres, access and design.

6.2 Policy COM 1 identifies Lindsayfield as a neighbourhood centre and as such, is an appropriate location for new retail development. New retail proposals require to be assessed against Policy COM 2 - New Retail/Commercial Leisure Development which sets out the following criteria which new retail/ commercial developments require to fulfil to ensure that new developments are in conformity with the policy. The criteria is as follows:

- a) follow the sequential approach as set out in NPPG8
- b) not threaten vitality and viability of centres listed in COM1
- c) be supported by the appropriate catchment population and be of an acceptable scale
- d) major proposals (1000 square metres for convenience floorspace) should be directed towards the town centre and be accompanied by a quantitative retail impact and capacity analysis.
- e) promote sustainable development
- f) must not have a detrimental impact on surrounding land uses.

Policy COM 3 of the Finalised South Lanarkshire Local Plan also applies and reflects the Policy framework of the adopted plan.

6.3 In relation to criterion (a) of Policy COM 2 the proposal is supportive of the sequential approach in SPP8 and it directs new investment to a neighbourhood centre identified in Policy Com 1. In relation to criteria (b), (c) and (d), the proposal has been assessed with respect to retail capacity and impact. The applicant has prepared a Retail Impact Assessment (RIA) which indicates adequate expenditure capacity to support the proposed floorspace. However, the RIA predicts an impact on Greenhills Shopping Centre of 3%, with St Leonards and the Murray Square each with a predicted impact of 2% at 2006.

6.4 **Retail Capacity and Impact**

6.4.1 **Previous Lidl Lindsayfield Proposal**

In the previous proposal for a Lidl foodstore of approximately 1250 square metres gross at the current site, the applicant's RIA, prepared in 1999, predicted an impact on Greenhills Neighbourhood Centre of 4%. At that time, the Council had concerns that the impact on Greenhills would be greater and that the proposal should not be granted planning consent. This view was supported by the Scottish Executive Inquiry Reporter who presided over a Public Local Inquiry into the deemed refusal of the application by the Council. The Reporter concluded that the proposed store would compete directly with the existing Kwiksave, Iceland and Shoppers Paradise in Greenhills, and that Greenhills would be significantly affected by the establishment of two major retailing competitors (the existing Safeway store (now Morrisons) and the proposed Lidl foodstore) on its doorstep within the space of a few years. At the PLI the Council presented evidence in relation to retail capacity and impact and demonstrated that there was a significant deficit of expenditure (approx £28.00m) in the East Kilbride convenience shopping catchment area and an estimated level of trade diversion and impact (approximately 18%) that would have a significant impact on Greenhills as a convenience shopping destination.

6.4.2 The Current Proposal: Retail Capacity

It is important when assessing the current proposal to consider the current retail policy context and any material changes since 1999. The current proposal is for 995 square metres floorspace, whereas the previous proposal was for 1250 square metres. Also, since the previous proposal was considered, the development plan has been updated and the related quantitative assessment prepared for the Glasgow and the Clyde Valley Structure Plan now identifies a surplus of £10m available expenditure in the East Kilbride Convenience Catchment Area. Taking into account new trading floorspace (the Lidl foodstore at Eaglesham Road, East Kilbride) there would be a surplus of £7.7m. The estimated turnover of the current proposal is approximately £2.3m; this would result in a residual surplus of expenditure of £5.4m.

6.4.3 The Current Proposal: Retail Impact

In assessing impact on the current proposal the applicant has applied a similar methodology to the previous proposal. As previously, there are a number of areas of difference between the applicant's methodology and assumptions and the Councils. As with the previous proposal it is the Council's position that Greenhills will be supported by households undertaking 'top-up' shopping trips. Analysis of the 2003 Household Shopping Survey shows that of all households shopping in the East Kilbride catchment area, only 3% undertook their main food shopping in Greenhills (by contrast, for example, the Lindsayfield superstore now operated by Morrisons, attracts almost 25% of households for main food shopping). The proposed Lidl store will have the potential to divert both main food shopping trips and 'top up' shopping trips.

6.4.4 Central to assessing the impact on Greenhills are the assumptions made on trade diversion and how shopping patterns will change with the proposed development. . I consider however that the applicant's estimates of trade draw and diversion are an under estimate. The applicant has assumed that 9% of the trade draw will be from Greenhills and that there will be a widely dispersed diversion from other centre and stores including East Kilbride Town Centre, Stewartfield and Kingsgate. It is my opinion that given the proximity of Greenhills to the proposed store there will be a greater trade draw from Greenhills and less from these more distant centres. The Council's previous estimates in 1999 were based on a 30% trade draw from Greenhills. Working on this basis, and with current estimates, Greenhills would lose approximately £0.6m in trade. This would equate to a 10% impact on average trading performance. The proposed store will compete directly with the convenience floorspace in Greenhills particularly Sommerfield, Iceland and Costcutter. I have concerns that Greenhills is a vulnerable neighbourhood centre and that its vitality and viability will be significantly undermined by the proposed floorspace. The applicant's RIA assumes that Greenhills is trading at average levels; however I have concerns that it may be trading at less than average levels, that is, undertrading. Therefore it is likely that Greenhills would suffer a higher impact than the predicted level of 10%.

6.4.5 Conclusions on Capacity and Impact

Having taken into account all of the above, although I conclude that there may be adequate expenditure in the wider catchment area to support additional convenience floorspace, I consider that the estimated lower than average trading levels of Greenhills will result in an impact on the centre in excess of 10%. This would therefore have a significant adverse impact on the vitality and viability of the centre as a convenience shopping destination.

- 6.5 In regard to Criteria (e) the proposal is located in Lindsayfield and is well served by public transport along Lindsayfield Avenue and Greenhills Road. Bus services also serve the site and the wider Lindsayfield area. The site is also connected by public footpaths to the wider residential area and is easily accessible for pedestrians.
- 6.6 Finally, in regard to Criteria (f), the proposed use would be compatible with the surrounding residential and retail land uses.
- 6.7 The proposed is otherwise acceptable in terms of access, traffic generation, service provision and design. However, in view of the anticipated impact on the viability and vitality of Greenhills centre as detailed above, I would recommend that consent is refused.
- 7 Reasons for Decision**
That the impact of a new foodstore would have a detrimental effect on the existing Greenhills Shopping Centre in terms of retail impact and would harm the vitality and viability of this shopping centre.

Iain Urquhart
Executive Director (Enterprise Resources)

9 January 2007

Previous References

- ◆ Planning Application EK/99/0111

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Roads and Transportation Services (East Kilbride) 28/07/06
 - Power Systems 25/07/06
 - TRANSCO (Plant Location) 25/07/06
 - Environmental Services 28/07/06
 - S.E.P.A. (West Region) 18/08/06
 - Lindsay, Auldhouse & Chapelton Community Council 11/08/06
 - Scottish Water 04/08/06
 - Roads and Transportation Services (East Kilbride) 13/10/06
 - Roads & Transportation Services H.Q. (Flooding) 29/08/06

► Representations

Representation from : GVA Grimley, Sutherland House, 149 St Vincent Street, Glasgow, G2 5NW, , FAO Allison Hungate, DATED 10/10/06

Representation from : GVA Grimley LLP, Sutherland House, 149 St Vincent Street, Glasgow, G2 5NW, DATED 13/07/06

Representation from : John McCabe, 90 Elphinstone Crescent, Murray, East Kilbride, DATED 26/09/06

Representation from : Ms. Maine, 1 Pitcairn Place, East Kilbride, DATED 22/09/06

Representation from : Garth Greenlees, 13 Windward Road, Westwood, East Kilbride, DATED 22/09/06

Representation from : J Harvey, 10 Spey Grove, Mossneuk, East Kilbride, DATED 20/09/06

Representation from : GVA Grimley, Sutherland House, 149 St Vincent Street, Glasgow, G2 5NW, DATED 05/10/06

Contact for Further Information

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

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Detailed Planning Application

PAPER APART – APPLICATION NUMBER : EK/06/0370

REASONS FOR REFUSAL

- 1 That the proposal is contrary to policy COM 2 of the adopted East Kilbride and District Local Plan and to policy COM 3 of the finalised draft of the South Lanarkshire Local Plan in that it would be likely to have an adverse impact on the viability and vitality of the Greenhills neighbourhood shopping centre.

For information only

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