

THE HIGHLAND COUNCIL

**PLANNING DEVELOPMENT, EUROPE & TOURISM
COMMITTEE – 31 JANUARY 2007**

Agenda Item	
Report No	

**DEMOLITION OF EXISTING BUILDINGS & ERECTION OF
FOODSTORE (DETAIL) AT MORANGIE GARDEN CENTRE, TAIN**

06/00477/FULRC

**Report by Ross and Cromarty Area Planning
and Building Standards Manager**

SUMMARY

The proposal is for the development of a foodstore of 1,358 sq m (gross) and 1,063 sq m (net) on the site of the existing garden centre at Morangie Road, Tain.

The recommendation is to GRANT planning permission subject to conditions.

The application is a departure from the development plan but no hearing has been requested by any party.

Members will also be aware of a separate retail application for the development of an Asda Supermarket (3,902m² gross) similarly outwith the town centre, on Knockbreck Road, Tain. In view of the potential cumulative impact of both developments upon the local community, these applications are to be determined at the same Committee.

1 PROPOSAL

- 1.1 Development: Demolition of Existing Buildings & Erection of Foodstore (Detail)
- 1.2 Location: Development Site At Morangie Garden Centre, Morangie Road, Tain
- 1.3 Applicant: Lidl UK GmbH, per Mackie Ramsay Taylor, 47 Victoria Street, Aberdeen

2 SITE DESCRIPTION AND BACKGROUND

- 2.1 This site extending to 0.64 hectares is located with a frontage to Morangie Road on the western approach to Tain and relates to land currently used as a garden centre with retail shop adjacent to a petrol filling station which takes access to Blarliath Road serving the industrial area of the town.
- 2.2 Previous applications for development in this area include approval for garden centre and retail shop with petrol filling station. Adjacent site - Approval in 1985 for conversion of bus garage to supermarket followed by approval after appeal for extension to existing Co-op supermarket in 1994.

3 PUBLIC PARTICIPATION

- 3.1 Advertisement: Section 34 and Development Contrary to Development Plan (Potential) Expiry Date: 23 June 2006.
- 3.2 Lachlan Stewart, Tain And Easter Ross Civic Trust, Anta Architecture, Fearn: Although we very much welcome the addition of another supermarket in the town of Tain, it is felt that a generic, off the shelf, building like the one in Alness would not be the correct solution for this site on the gateway to Tain from the north. We discussed at our winter meeting, after the news of Lidl coming to Tain had been put forward, the idea of setting out certain standards we would expect a potential developer to meet if they were to locate in the town. This would in no way be anti development in fact the exact opposite however we want developers to respect our town and make changes to fit in with the grain and texture of the existing buildings. The example I would like to draw on is the new Tesco Store built in Aviemore, it has used local materials and sites well into the grain of the town, dormer windows and slate roof and good landscape materials, this is the type of building we require in Tain not an off the shelf “that will do” type of building.
- 3.3 G L Hearn Property Consultants, St Vincent House, 241 St Vincent Street, Glasgow: on behalf of the Co-operative Group Property Division.

“Section 25 of the Town and Country Planning Act requires that the application is determine in accordance with the development plan unless material considerations indicate otherwise. Overall, it has been demonstrated that the application proposal fails to accord with the Highland Structure Plan, the adopted and emerging Local Plan and national planning policy contained within NPPG 8.

The application site is out of centre and the scale of the proposed development is such that it is likely to have an adverse impact on the vitality and viability of the existing local shopping facilities in Tain.

It has been demonstrated that the applicant’s supporting retail assessment is flawed and fails to accurately assess the turnover of the proposed store as well as the turnover of the existing and consented floorspace in the catchment area. These matters taken together, result in an overestimation of the amount of surplus convenience expenditure available to support the proposed store, thereby underestimating the potential impact”

The full contribution is copied within **Annex 1**.

- 3.4 Susannah Stone, Knockbreck, Tain: Objection on the grounds that is contravenes the current Ross and Cromarty East Local Plan at Business/Industry (21) where is clearly states “any development should not be intended to develop as a commercial/retail destination in its own right”.
- 3.5 (Full text of letters available on request from Area Planning & Building Standards Manager prior to the meeting and then at the Committee meeting.)

4 APPLICANT'S SUBMISSION:

- 4.1 *"In summary the objections raised by the Co-operative group have no substance and are based on out-of-date policies and demonstrate an inability to understand the simple maths involved in RIAs. It is, quite simply, a trade objection based on protecting an out-of-centre retailer that is seeking to preserve its monopoly position within Tain.*

The Lidl proposal would provide a real and significant benefit for the people of Tain. It would enhance choice and competition, support investment in the local economy, address clearly identifiable quantitative and qualitative deficiencies and is in an established retail location"

The full contribution is copied within see **Annex 2:**

- 4.2 In addition, during an open day the developer in a visitors register recorded 288 entries with 286 supporting statements and none against the proposal.

5 CONSULTATIONS:

- 5.1 Tain Community Council: Support this application but with the following recommendations.
- Concerns were raised regarding the access road from the A9 at the Morangie junction. There have been a number of accidents there and in fact a damaged give way sign has not as yet, been replaced. The predicted increase in traffic due to the Lidl development may require an upgrading to this junction.
 - We would also like to see a number of trees planted that will grow to a sufficient height to break the outline of the building and if possible an avenue of trees planted in the car park to help alleviate the view of a large tarred area.
- 5.2 Scottish Executive Trunk Roads Network Division: The Directorate advises approval subject to conditions to be attached to any consent that the Council grants.
- 5.3 TEC Services (Roads): TECS have no objection to the general principle of the amended proposals which have been presented but request that if this application is to be approved then comprehensive and robust conditions are applied to ensure that the correct technical standards are delivered for the development.
- 5.4 Junction onto B9174: The proposed T Junction will be acceptable for the Lidl in isolation. We have always believed that this application should consider the access requirements for the full allocation of expansion land in the Local Plan. This has been resisted by Lidl but they have made a concession to leave land around the eastern side of the B9174 Junction for possible future junction upgrade. Some form of legally binding agreement needs to be entered in to which prevents this reserved area becoming a ransom strip to levy against future development proposals, when the proposed junction arrangement will likely be inadequate.
- 5.5 The quality of information presented for a detailed application for a major retail development is not very good and has a number of technical issues still to be resolved. We are nervous about acceptance of this application when we are aware of background enquiries for further development of this area. The preparation of a master plan would certainly benefit the long term development of the area and allow for some joined up thinking to be applied. There are no other live planning proposals for this site that we are aware of but we remain sceptical

when the plans being submitted continue to show future development opposite the site boundary. It just seems to make sense to get the B9174 junction arrangement right first time and avoid further disruption for the public and Lidl's own operations in the future. Road construction consent -will be required for the main access road and all off site works associated with the development.

- 5.6 Road safety audit: Prior to the commencement of development , fully detailed proposals including all off site works should be the subject of an independent stage 2 road safety audit (RSA). It should be further conditioned that the RSA be presented to TECS and any recommendations or findings be implemented at Lidl cost unless agreed otherwise in writing by TECS.
- 5.7 30mph speed limit extension: The existing illuminated 30mph speed limit at the garden centre needs to be relocated to the North of the B9174 Junction. This relocation requires a traffic order to be produced and in this regard if an ASDA application is approved at the South end of Tain it is common sense to go through the consultation process for extending the speed limit once but at both ends of Tain. The cost for extension of the speed limit order needs to be borne by the developer (jointly or individually depending on build out programmes and granting of permissions).
- 5.8 Surface water drainage: A drainage system has been shown but there is no site investigation information to back up the proposed infiltration drainage arrangement. The standard required for public road drainage is to accommodate a 30 year return storm and not cause property flooding or safety risk in a 200 year return storm. No design calculations have been provided for the drainage system so TECS can only accept the principle with the very clear understanding that changes may be necessary if calculations are not shown to accommodate standards described. An overflow arrangement for the Suds system may be necessary if attenuation is required. No consideration has been given to drainage of the B9174 which will now be kerbed along the site frontage rather than be a soft verge. (Additional drainage proposals are essential here)
- 5.9 Services: No service information has been presented on which TECS can accurately comment.
- 5.10 Parking: The parking proposals are acceptable for the reduced store size. Lidl have provided further background information in the form of a car park usage survey for their local Alness store car park which reports that it is not used to capacity. Anecdotal evidence collected by TECS seems to confirm this is the case. The much improved cycle parking provision is acceptable.
- 5.11 Transport assessment: The travel plan framework only contains ideas and suggestions rather than firm proposals. TECS recommend that the travel plan be fully developed as a working document and be required to be submitted for appraisal before commencement.
- 5.12 TEC Services (Contaminated Land): There is no comment re this application.
- 5.13 Scottish Water: No objections subject to compliance with the conditions noted below:
 - Due to the size of the proposed development the applicant must make a separate application in writing to Planning and Development Services in order for us to fully assess the impact of the development on our assets. The applicant must make a separate

application to Scottish Water, Planning & Development Services Team for permission to connect to the public water network at the appropriate time. It is important to note that the granting of planning consent does not guarantee a connection to Scottish Water assets.

- 5.14 P&D Archaeology – No archaeology conditions requested.

6 POLICY BACKGROUND

- 6.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

Easter Ross Local Plan (adopted 1992)

- 6.2 Members are asked to note that the outgoing, but still the statutory, local plan incorporates the following:

Policy 6.22 of the Local Plan establishes that the Council will encourage retail development through the sensitive refurbishment of existing properties within the town centre.

Policy 6.23 (a) outlines that land at Shore Road has been allocated for the development of a supermarket.

Local Plan - Ross & Cromarty East Local Plan – Intention To Adopt Oct 2006

- 6.3 The replacement local plan is a more recent statement of Council policy.
- 6.4 A strategic theme is to consolidate the settlements by countering the pull of Inverness and directing development to existing settlement.
- 6.5 Policy 3 of the draft Local Plan establishes that all proposals for retail development must follow the sequential approach to site selection and in the absence of town centre sites, consideration should be given to edge of centre sites, and, in the absence of either town centre or edge of centre sites, consideration should be given to out of centre sites which are easily accessible to a choice of means of transport and located within the defined settlement boundary.
- 6.6 Policy 6 establishes that land is identified at Shore Road for the development of a large food retail store, it is also established that potential may exist to provide a larger site if land to the east is included.
- 6.7 In addition a suite of policy objectives in respect of the town centre and a strategy is defined under Policy 1 and Policy 10.

Highland Structure Plan Policies – Approved by Scottish Ministers in March 2001.

- 6.8 Policy G1 - Conformity with strategy – The Council will support developments, having regard to the Plan's sustainable objectives, which promote and enhance the social, economic and environmental wellbeing of the people of Highland.

- 6.9 Policy G2 - Design for sustainability – Developments which are judged to be significantly detrimental in terms of the listed criteria shall not accord with the Structure Plan. The key considerations would be:
- Compatible with service provisions
 - Accessible by public transport, cycling and walking and by car
 - Demonstrate sensitive siting and high quality design
 - Make use of Brown field sites, existing buildings and recycled materials
 - Impact on Individual and residential amenity
 - Contribute to the economic and social development of the community
 - Developments which are judged to be significantly detrimental in terms of the criteria shall not accord with the Development Plan.
- 6.10 Policy R1 of the Structure Plan establishes that development proposals which consolidate the shopping hierarchy and enhance the role of individual settlements as shopping centres will be supported.
- 6.11 Policy R2 ‘Everyday Shopping Needs’ establishes that development which safeguards and enhances local provision of facilities to meet everyday needs will be encouraged, and proposals which potentially undermine such provision will not normally be permitted.
- 6.12 Policy R4 In small and medium size towns foodstore provision will normally be located within town centres and edge of centre locations.
- 6.13 Policy R5 ‘Town Centre Shopping’ sets out that retail development in town centres will generally be encouraged and that development proposals which undermine the vitality and viability of existing town centres will be resisted.

National Planning Policy And Guidelines

- 6.14
- | | |
|--------|--------------------------------|
| SPP 1 | The Planning System |
| SPP 2 | Economic Development |
| SPP 8 | Town Centres and Retailing |
| SPP 15 | Planning and Rural Development |
| SPP 17 | Planning For Transport |
| PAN 57 | Transport and Planning |

The key documents in the consideration of the proposal are those relating to retailing, transport and rural development.

SPP8 Town Centres and Retailing (August 2006).

- 6.15 SPP 8 Town Centres and Retailing has only very recently been published in its final form however it very much draws upon earlier policy statements and drafts which would be familiar to the applicant. The following objectives are listed: high design quality and appropriate scale; convenient and safe for all sectors of the community.
- 6.16 Paragraph 15 of SPP 8 re-iterates the sequential approach within NPPG 8. “Planning authorities and developers should adopt the sequential approach to selecting sites for all retail and commercial uses, unless guidance with the SPP or Development Plans provide for a particular exception. The principles underlying the sequential approach also apply to proposals to expand,

or change the use of existing retail developments, where the proposals are of a scale or form sufficient to change their role and function. The sequential approach requires that locations are preferred in the following order: -

- i. Town Centre sites
- ii. Edge of Town Centre
- iii. Other commercial centres identified within the development plan.
- iv. Out of centre sites in locations that are, or can be made, easily accessible by choice of modes of transport.

- 6.17 “Application of the sequential approach requires flexibility and realism from planning authorities, developers, owners and occupiers to ensure that different types of development, which serve different purposes, are developed in the most appropriate locations.....” (Paragraph 16 SPP 8)
- 6.18 “In relation to “Out of Centre locations, for example stand alone food-stores, should be considered only if it can be demonstrated that all town centres, edge of town centres and other commercial centre options have been thoroughly assessed and discounted as unsuitable or unavailable; that development on the scale proposed is appropriate; and there will be no significant adverse effect on the vitality and viability of existing centres.”(Paragraph 20 SPP 8)
- 6.19 “Where development proposals in edge of town centre, commercial centre or out of centre locations fall outwith the development plan framework, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing centres is acceptable. The development should also be subject to assessment against policy set out in SPP Planning for Transport.” (Paragraph 21 SPP 8)
- 6.20 SPP 15 Planning and Rural Development published in February 2005 makes a number of relevant statements with regard to the balance of development in towns and their impact on rural services. Key points are noted as follows: -
- 6.21 SPP 15 “Seeks to promote a more inspirational planning vision for Scotland supporting sustainable rural development. It recognises that rural and urban communities are interdependent e.g. rural areas depend on urban areas for a range of services and jobs whilst providing quality recreational and leisure experiences for the urban population.” (Paragraph 9 SPP15).
- 6.22 “A key planning principle is to focus most additional housing, employment, retail, leisure and other services at accessible locations. Major facilities will continue to be concentrated in the larger settlements.” (Paragraph 25 SPP15).
- 6.23 “One countryside policy is unlikely to be suitable for the whole of a sizeable rural area. ... Planning authorities should ensure that development meets the test of appropriateness to the circumstances in their area.” (Paragraph 42 SPP 15)
- 6.24 SPP 17 Planning For Transport published in August 2005 similarly makes a number of relevant important policy statements which should impact on the submission of large retail application as currently before the committee. As does Pan 57 - Transport and Planning.
- 6.25 “The aim of planning policy is to support and accommodate new investment and development in locations accessible by a means of transport and which seek to minimise the impact on existing transport networks and the environment. Transport cannot be an afterthought in the development process. Accessibility issues should be factored into the preparation of

development plans and appraisal of planning applications from the outset.” (Para 16 SPP 17.)

- 6.26 “As one of the tools of demand management to encourage modal shift, each Council is required to adopt a set of maximum parking standards for on site parking at new development” “It is acceptable for councils to adopted standards more restrictive than the national standard.” Council standards may where appropriate provide for operational parking over and above the maximum parking standard.” “National Maximum Parking Standards – Retail (Food) (Use Class1) above 1,000m² /1 space per 14m² and Non food 1 space per 20m².”(Paragraph 52.)

7 PLANNING APPRAISAL

- 7.1 This proposed retail store including car park and servicing yard was amended in October 2006. The initial submitted plan was reduced in floor area to 1063 sq metres (sales) from 1300 square metres. However, as the amended plans reduced the store size it was not re-advertised or neighbours/third party contributors re-notified. The service roadway will remain on land under the control of Glenmorangie Distillery as it will in future serve adjacent land identified in the Local Plan for commercial (business) development. Covered cycle parking and mother & toddler spaces are now included and the compactor is relocated within the store. The application is supported by a Retail Impact Assessment (RIA) and Transport Assessment (TA).
- 7.2 The RIA concludes that an estimated turnover of £3.31m will impact minimally on existing businesses in Tain and other Easter Ross towns and in East Sutherland and would not affect their vitality and viability. The development would increase consumer choice and competition for the only supermarket in the entire area lying adjacent and the discount store will be particularly beneficial to persons with lower incomes. In relation to sequential approach, it is considered that the two potential sites at Shore Road (identified in the Local Plan) are out-of-centre sites due to topography and access issues and (limited public transport and poor pedestrian/cycle routes). The proposed site is also an out-of-centre site that adequately satisfies locational criteria.
- 7.3 The TA confirms reduction of travel outwith the area and that the development will integrate well with existing networks for pedestrians, cyclists, public transport users and car users. A travel plan can be submitted to encourage sustainable transport modes.
- 7.4 **Policy:** Local Plan Policy is driven by the national sequential approach to retail policy and adopts the Structure Plan policies. SPP 8 is the most recent policy statement from Scottish Ministers. In perspective, the proposed store is less than 50% of the superstore size category (+2500sq metres trading space) – that triggers the need for Retail Impact Assessment. The applicants, however, volunteered an RIA. Essentially SPP8 recognises that retail provision is a key provision to the delivery of economic growth. The Local Plan does not discount out of town centre options but requires proper and measured assessment of impact. Sequentially, Tain town centre has fundamental constraints and severely limited opportunities for locating a large retail unit. The Local Plan suggests an alternative site (planning permission previously having been granted in principle) on the north side of the town centre but this applicant, having assessed the issues, set it aside. It is not considered to present good, easy and convenient access and it is not spatially related to the town centre due to significant level differences and is separated from any other retail trading. Lack of interest of this site over the years suggests its unsuitability and unattractiveness for retail purposes.
- 7.5 The proposed development challenges the identification of this land for business uses as

identified in the Local Plan ... “retail development should not be developed as a destination in its own right”. However, the application site will be located adjacent to a existing established retail unit (1000 square metres) and a petrol station. There is therefore an established “historic” retail focus in this sector of the town. The site itself is in existing retail use as a garden centre and shop. The proposed store is relatively small scale having been reduced to 1,063 square metres (net sales) and thus is appropriate in its context. It will provide a competitive environment and an important range of choice and opportunity. Together with the adjacent store and the potential for other business-related development on adjacent land there is opportunity for local bus access and the generation of spin off initiatives. It is not considered therefore that the proposal presents a significant conflict with the intentions of the Local Plan objectives.

7.6 **Services:** There are no outstanding servicing issues. SE Trunk Roads Network Management Division highlight the need to assess a green transport plan which must be submitted by the applicants. In principle the applicants have stated that they would be willing to contribute to the provision of a local bus route to enable access to all sectors of the town. There is a deficiency in respect of the details of sustainable urban drainage systems and there are anxieties that a piecemeal approach may create issues given the need to plan comprehensively to absorb and cater for the adjacent larger business park site. TECS Roads have raised this issue of piecemeal approach and they advised conditions in a comprehensive consultation response.

7.7 **Representations:** Concern over design is raised by third parties. The store design is a standard “template” comprising steel frame under one wide-span tiled roof, grey zinc finish on gables and entranceway with white walls. The existing adjacent store is similar in scale/design finished in brown sheeting. I would have reservations if the site were closely aligned with historic Tain town centre (Conservation area). However, in its context I do not feel that there is a justifiable case to resist this standard design which I find is neither remarkable in its design nor aesthetically displeasing. In relation to the previous refusal for a foodstore in 2001, policy was different at that time, when the site in question was specifically allocated for car showroom; PFS or restaurant or offices/shops selling bulky items, it also had significant restrictions in terms of space /parking requirements. Current policy does not preclude retail development but recognizes careful assessment and scale are factors to be considered i.e. “tailored to community circumstances and local needs”.

7.8 Policy issues are rehearsed in claims by the planning consultant for the adjacent retail shop and counter claims from the applicants planning agents – refer to annexations 1 and 2. See also policies above (6.13) and **Section 5** above.

8 CONCLUSION:

8.1 This proposal is not considered to create an unacceptable situation in terms of creating a substantial retail development that will significantly impact on the town. Retaining expenditure that is currently being taken southwards to Alness and Inverness is advantageous to this community and may enhance local trading elsewhere within the town.

8.2 If this development is not perceived as one that will detrimentally impact on the vitality and vibrancy of the centre of the town then an assessment has to be made on whether the scale, design and location provides significant conflict with Local Plan objectives. Apart from the adjacent store, (that was located on the site 22 years ago when Local Plan policy suggested

otherwise), there is no overwhelming business community concern with this proposal. I do not consider that in this case the development will be detrimental to shopping patterns and vibrancy/vitality in Tain. A condition should however be applied that requires any further floorspace including any mezzanine floor to expressly require approval of the planning authority.

- 8.3 Certainly it will create change on this site but with appropriate landscaping to help absorption and soften impacts, then the application will be a successful injection into the local community and economy of the area. Generally it is recognized that the town needs to be strengthened in terms of its role as a shopping and business centre and it is considered that this proposal will serve to support this adopted strategic policy direction without creating harm to the existing town centre. It would be appropriate to secure any contributions to the provision of enhanced public transport service through an appropriate legal agreement prior to the issue of any consent notice.

9 JUSTIFICATION FOR DEPARTURE

- 9.1 It is not considered that this proposal represents a significant departure from the planning policy due to the fact that the site is already established for retailing purposes and it is located adjacent to an existing general supermarket and filling station. It is also of a suitable scale and character to existing development and it will enhance the community's choice by bringing in an important competitive edge, diversifying opportunity. There is potential that the development through aggregation with other existing and proposed uses, to provide and enhance existing access by public transport.

RECOMMENDATION

That Planning Permission be granted subject to the following conditions:

1. The gross floor area shall be a maximum of 1,358 sq metres and the net area a maximum of 1,063 sq metres as proposed. The creation of mezzanine flooring in any unit shall not be permitted without prior written approval of the Planning Authority.

Reason – To comply with the terms of this permission.

2. Hours of opening shall be limited from 0800 hours to 2200 hours Monday –Sunday.

Reason: In the interest of amenity.

3. No deliveries shall take place outwith the hours 0600 – 2200 Monday – Friday, 0800 – 2000 Saturday and 1200 -2000 Sunday.

Reason: In the interest of amenity.

4. There shall be no commencement on site until the following submissions are made and approved in writing by the Council as Planning Authority.

- i. A road safety audit (independent S2 RSA) shall be submitted for approval (in consultation with TECs Roads) and implemented at the developers expense
- ii. A detailed submission (including calculations) in respect of Sustainable Urban Drainage Systems to be employed within the site to demonstrate that the system can accommodate a 30 year return storm and to demonstrate in a 200 year return storm there will be no damage to property through flooding. If this involves the use of land off site then the Council reserves the right to request an application for off site works in respect of satisfying surface water drainage issues.
- iii. Roads construction consent is submitted and approved by the Council.
- iv. A comprehensive Travel Plan that sets out proposals for reducing the dependency on the private car shall be submitted to and approved in writing by the Planning Authority, after consultation with Transport Scotland – Trunk Road Network Management Directorate. The Travel Plan will require to be implemented for a minimum of 5 years and will include:
 - Details of travel information to be provided within the site regarding public transport
 - Details of the proposed extension of the existing footway on Morangie Road through the length of the development frontage and the length of the access road to the site entrance
 - Details of proposed monitoring schedule and reporting procedures
 - Details for the management of the Travel Plan identifying the persons responsible for implementation

Reason: As directed by Scottish Executive TRNM and to enable the Planning Authority to maintain effective control over issues relevant to these reserved matters.

5. The existing natural stone masonry wall shall be repaired / rebuilt behind the footpath on to Morangie Road and for the avoidance of doubt shall be returned into the radius of the new road access for a minimum distance of 15 metres measured at right angles with Morangie Road. In addition a masonry wall of natural stone will form the enclosure of the ramped pedestrian access to the store from Morangie Road. Both these provisions shall be completed before the first occupancy of the building.

Reason: In the interest of amenity.

6. The gantry sign is not hereby permitted at the Morangie Road frontage but shall be relocated at the vehicle entrance from the service road.

Reason: In the interests of amenity due to the fact that this service road will provide access to multiple businesses each delivering services and signage must relate to identification and direction of traffic/customers at access points from this road.

7. Prior to the first occupation of the development hereby approved, details of all external lighting, including that proposed on the building, shall be submitted to and agreed in writing by the Planning Authority. Only lighting as approved shall be erected on site. Lighting within the car park and on the building (including box signs) shall be designed so that there is minimum glare consistent with the safety of traffic on Morangie Road.

Reason: In the interests of amenity and traffic safety.

8. Prior to the commencement of construction of the building hereby approved, a fully detailed landscape plan, including details of all hard surface treatments and all planting, and a management scheme for the future maintenance of existing trees/shrubs, shall be submitted to and

approved in writing by the Planning Authority.

Reason: In order to enable the planning authority to consider this/these matters in detail.

9. The approved landscaping scheme shall be fully implemented at the earliest appropriate opportunity and certainly within the first planting season following the first occupation of the development, and thereafter shall be maintained in perpetuity by the applicants and/or their successors to the entire satisfaction of the Planning Authority. Maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.

Reason: In order that a high standard of landscaping is achieved, appropriate to the site.

Signature:



Designation: Area Planning & Building Standards Manager

Date: 23 January 2007

Author: Jim Farquhar/MM Telephone: 01349 864991

Local Councillor: Alasdair Rhind

Background Papers

The above report does not rely to any material extent on any document other than those identified in the report.

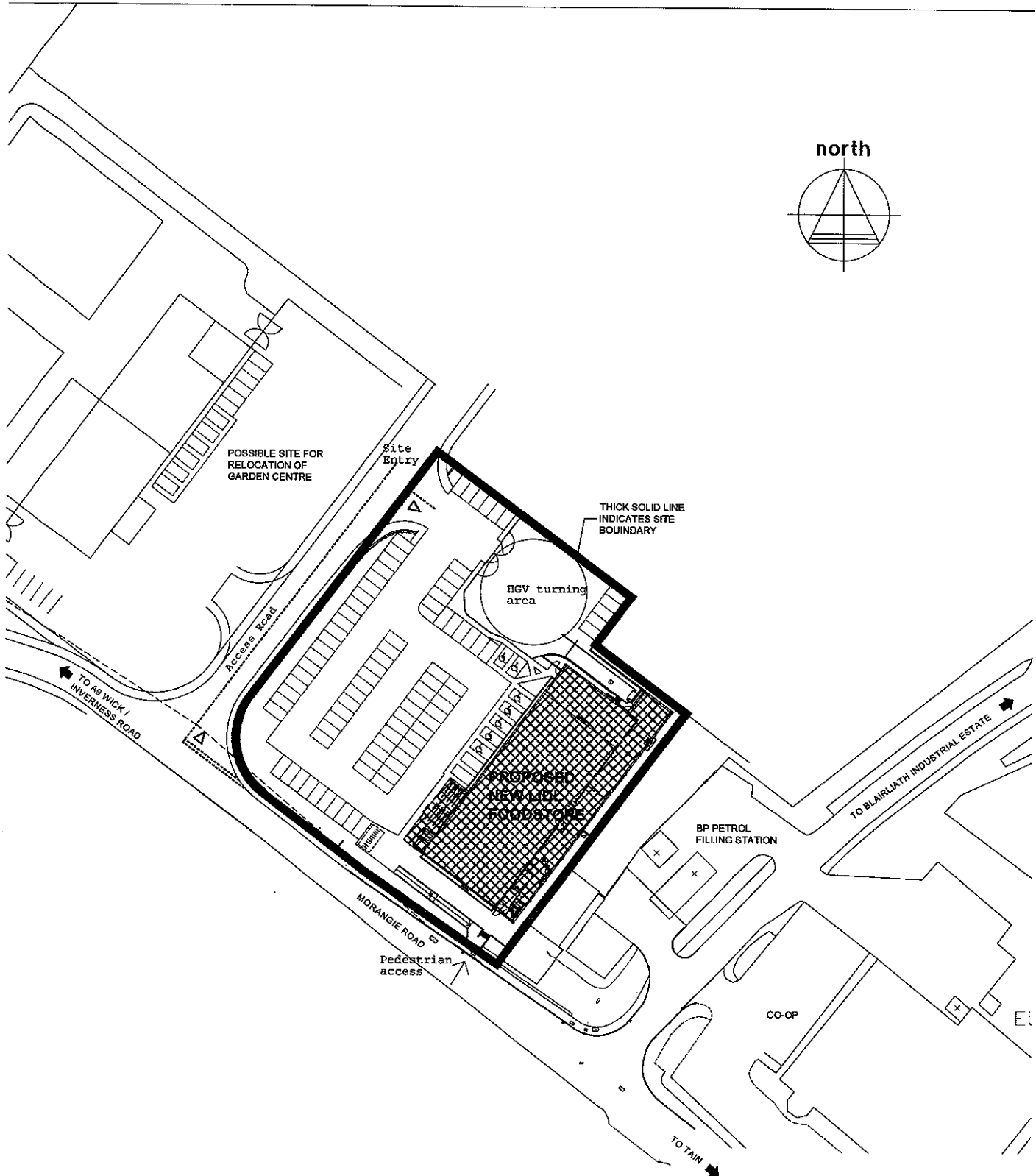
1. Planning Application File /06/00477/FULRC

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Scale 1:1250	Project 1112 LIDL UK GmbH MORANGIE ROAD, TAIN
Date MAY '06	
Drawn By S.W.	
Project No. 1394	Drawing SITE LOCATION PLAN PROPOSED FOODSTORE, ETC. (Planning Application)
Drawing No. L(20)-SLP	



SITE LOCATION PLAN

Scale 1:1250

THE HIGHLAND COUNCIL
PLAN 1 OF 11 SUBMITTED WITH
PLANNING APPLICATION NO: 06/00477/FULRC
DATE OF RECEIPT: 13th DECEMBER 2006

Annex 1 Contribution from: G L Hearn Property Consultants, St Vincent House, 241 St Vincent Street, Glasgow:

Application Proposal

The application submitted by Lidl seeks permission for the development of a Class 1 foodstore, associated car parking, servicing and landscaping on land at Morangie Road, Tain. The proposed supermarket would have a gross internal floor area of 1650 square metres and a net sales area of 1286 square metres. The application site extends to 0.66 ha

Planning Policy

The Development Plan relevant to the application site comprises the following documents:

- The Highland Structure Plan (Approved 26th March 2001)
- Easter Ross Local Plan (Adopted July 1992)

In addition, Highland Council are currently preparing a new Local Plan and a Deposit Draft Ross and Cromarty East Local Plan was published in October 2003. Proposed modifications to this emerging plan were published in February 2005 and the Plan was the subject of a Public Inquiry in June 2005 and the Reporter has issued his findings. Modifications to the Plan are due to be published this month (June 2006). Therefore, given that the draft Local Plan is at an advanced stage of preparation it should be given significant weight as a material consideration.

Consideration should also be given to the national planning policy guidance contained in NPPG 8 'Town Centres and Retailing'.

Highland Structure Plan 2001

In terms of retailing, Policy R1 of the Structure Plan establishes that development proposals which consolidate the shopping hierarchy and enhance the role of individual settlements as shopping centres will be supported. Policy R2 'Everyday Shopping Needs' establishes that development which safeguards and enhances local provision of facilities to meet everyday needs will be encouraged, and proposals which potentially undermine such provision will not normally be permitted.

Furthermore, Policy R5 'Town Centre Shopping' sets out that retail development in town centres will generally be encouraged and that development proposals which undermine the vitality and viability of existing town centres will be resisted.

Easter Ross Local Plan 1992

The proposals map of the adopted Local Plan does not identify any specific town centre boundary in Tain, however, Policy 6.21 establishes that existing shops in the area are located adjacent to High Street, presenting a continuous ground floor shopping frontage.

Policy 2.32 of the Plan establishes that Highland Council will encourage the development of a wider range and quality of retail facilities in Easter Ross, whilst Policy 6.21 (a) outlines that retailing and business activities will be encouraged within the area defined on the Proposals Map, (which is along

High Street / Lamington Street) and that there will be a presumption against the introduction of retailing elsewhere in the community.

Moreover, Policy 6.22 of the Local Plan establishes that Highland Council will encourage retail development through the sensitive refurbishment of existing properties within the town centre whilst Policy 6.23 (a) outlines that land at Shore Road has been allocated for the development of a supermarket.

Finalised Ross and Cromarty East Local Plan (Deposit Draft with modifications 2005)

The proposals map of the emerging Local Plan identifies that the application site lies outwith the town centre boundary for Tain. The proposals map also identifies that the application site is allocated as an 'existing retail use' in Policy 20 of the Plan.

'Tain Town Centre' Policy 1 states that within the defined commercial core area the Council will:

- give the highest priority to improving the viability of the shopping centre;
- encourage the addition, renovation, modernisation or replacement of floorspace needed to accommodate changing shopping patterns;
- encourage the re-use of vacant upper floors for office development or residential use, where appropriate;
- presume against further ground floor office and other non-retail uses in the main shopping area of High Street; and
- promote supplementary design guidance for shop front design.

The draft Local Plan identifies that the Council intends to prepare a 'Town Centre Strategy' in conjunction with the Tain Initiative that will aim to:

- Maintain and strengthen the town's role as a local shopping and business centre;
- Maintain and improve the physical environment;
- Provide a high level of accessibility for all users by a range of transport mode;
- Protect established residential areas and encourage additional housing;
- Identify and promote development opportunities; and
- Undertake effective management and promotion.

Policy 2 for Tain town centre sets out that the Council will encourage further commercial development, together with improved visitor facilities and residential development within the town centre, subject to appropriate parking.

Policy 3 of the draft Local Plan establishes that all proposals for retail development must follow the sequential approach to site selection and in the absence of town centre sites, consideration should be given to edge of centre sites, and, in the absence of either town centre or edge of centre sites, consideration should be given to out of centre sites which are easily accessible to a choice of means of transport and located within the defined settlement boundary.

Policy 6 establishes that land is identified at Shore Road for the development of a large food retail store, it is also established that potential may exist to provide a larger site if land to the east is included.

Chapter 4 of the draft Local Plan considers the strategic themes required in order to help consolidate the shopping hierarchy of the Ross and Cromarty area. It sets out that the Council will help support other local shopping and business centres, notably, Alness, Invergordon and Tain, to help adapt and work to their strengths.

Finally, Background Policy BP1 of the Plan states that the Council will favour development subject to detailed siting, design and servicing factors, whilst Settlement Policy C establishes that the Council will encourage town centre uses as appropriate to the settlement's role in the hierarchy.

The Report of the Public Local Inquiry by Mr Trevor Croft was published in March 2006 and all of the above mentioned Policies were supported in his findings.

NPPG8 – Town Centres and Retailing

NPPG8 sets out the Government's policy for town centres and retailing. At the outset, NPPG8 establishes the Government's commitment to protecting and enhancing the vitality and viability of town centres.

Paragraphs 12-16 consider the sequential approach to site selection and establish that first preference should be for town centre sites, where sites or buildings suitable for conversion are available, followed by edge of centre sites, and only then by out of centre locations that are or can be made easily accessible by a choice of means of transport.

NPPG8 requires that in preparing their proposals developers and retailers should have regard to the format, design and scale of the development, and the amount of car parking in relation to the circumstances of the particular town centre. In addition, they should also address the need to identify and assemble sites which can meet not only their requirements, but in a manner sympathetic to the town setting.

Moreover, as part of such an approach, they should consider the scope for accommodating the proposed development in a different built form, and where appropriate adjusting or sub-dividing large proposals, in order that their scale might better fit with existing development in the town centre.

Only if it can be demonstrated that all town centre options have been thoroughly addressed and a view taken on availability, should less central sites in out-of-centre locations be considered for key town centre uses. Where development proposals in such locations fall outwith the development plan framework, it is for developers to demonstrate that town centre and edge-of-centre options have been thoroughly assessed. Even where a developer, as part of a sequential approach, demonstrates an out-of-centre location to be the most appropriate, the impact on the vitality and viability of existing centres still has to be shown to be acceptable. Furthermore, the development should be easily accessible by a choice of means of transport and not be dependent on access solely or mainly by car.

The applicants have given consideration to the sequential approach at Chapter 8 and their findings are considered below.

In addition to requiring developers to adopt a sequential approach, paragraph 45 of NPPG8 establishes that where a proposed development is not consistent with the development plan, it is for the developer to demonstrate why an exception to policy should be made. The NPPG then

establishes a set of 11 criteria and should a proposal fail to meet any of the criteria, the proposal should be refused.

The criteria include the following:

- Satisfy the sequential approach;
- Not affect adversely, either on its own or in isolation with other built or approved developments, the development strategy in support of the town centre, taking account of progress being made on its implementation, including through public and private investment;
- Not run counter to the Government's integrated transport policy.

Paragraph 49 of NPPG 8 establishes that in order to assist the planning authority in its assessment of the development proposal including its impact on the town and other centres within the forecast catchment of the development, all applications for major retail developments over 2,500m² gross retail floorspace should be supported by information provided by the developer which enables the authority to address the issues set out in paragraph 45. Information may also be necessary for smaller scale proposals, including some within town centres where they could have a large impact on the centre and surrounding small rural settlements.

Policy Assessment

The submitted application seeks permission for the erection of a 1650m² foodstore on a site outwith Tain town centre as identified in the Finalised Local Plan. Given its out of centre location, the proposed retail development will not consolidate the shopping hierarchy, will promote unsustainable shopping patterns and will not support the vitality and viability of Tain town centre. Consequently, the proposed development is contrary to Policy R1 of the Structure Plan and Policies 6.21 (a) and 6.22 of the adopted Local Plan.

The application site is unallocated in the adopted Local Plan and Policy 6.21(a) establishes a presumption against the introduction of retailing in the community, apart from the areas defined at High Street and Lamington Street. In light of this, the proposed development is contrary to the provisions of the adopted Local Plan.

The proposed development is also contrary to Policy 1 of the emerging Ross and Cromarty East Local Plan, which directs retail floorspace to the town centre and which gives priority to improving the viability of the shopping centre. The development of an out of centre supermarket will only serve to draw trade away from the town centre, something which runs contrary to the aims and objectives of the draft Local Plan.

The draft Local Plan also sets out that Highland Council intends to prepare a 'Town Centre Strategy' in conjunction with the Tain Initiative with an aim to maintain and strengthen the town's role as a local shopping centre and maintain and improve the physical environment. The development of an out of centre supermarket will only serve to undermine the Council's investment in Tain town centre and reduce the attractiveness of the centre as a retail destination.

Sequential Approach to Site Selection

Following our review of the supporting statement submitted by Lidl, it is clear that the applicants have failed to demonstrate that they have taken full account of the sequential approach to site selection in accordance with the national policy contained in NPPG8 and Policy 3 within the draft Local Plan.

The applicant has failed to properly justify why the Robertson's site at Shore Road is not sequentially preferable to the application site. The Robertson's site lies less than 400m from the town centre and has the benefit of outline planning permission for a supermarket. In addition, the Robertson's site is also allocated for retail use in the adopted and emerging Local Plan.

The applicant has sought to dismiss the Robertson's site on the basis that it has a restricted developable area. The Robertson's site extends to 2ha and while it may have some constraints, these would not reduce the developable area to the extent that it would not be of sufficient size to accommodate the proposed development. Indeed, the application site only extends to 0.66 ha, less than half the size of the Robertson's site.

The applicants have also sought to dismiss the Robertson's site on the basis that it has limited accessibility. While the Robertson's site lies outwith Tain town centre, it is significantly closer to the town centre than the application site. Although, it is recognised that planning policy does not seek to differentiate between sites that are out of centre, the Robertson's site must be considered as preferable as it more easily links up with the town centre.

Furthermore, implicit in the decision by Highland Council to grant planning permission for a supermarket on the Robertson's site and to allocate it for retail development in the adopted and emerging Local Plan is the acceptance that this is the most appropriate site for additional retail floorspace in Tain. Consequently, the Robertson's site must be considered as being a sequentially preferable alternative to the application site.

Development Plan Strategy

Criteria (b) of paragraph 45 in NPPG 8 establishes that proposed developments should not affect adversely, either on its own or in association with other built or approved developments, the development plan strategy in support of the town centre, taking account of progress being made on its implementation, including through public and private investment.

The emerging Local Plan makes appropriate allocations to meet retail need in Tain. The proposed retail development is contrary to this strategy and will adversely affect the implementation of the plan's policies. In particular, the draft Local Plan allocates a site at Shore Road for retail use and the development of a out of centre supermarket will undoubtedly impact upon the development potential of this site.

Lidl– Retail Impact Assessment

Following our review of the retail impact assessment prepared and submitted by Hargest & Wallace, we have a number of concerns regarding its content and the accuracy of its findings.

The submitted retail assessment has been prepared using a goods based methodology and accordingly, a goods based retail assessment should make use of goods based company average turnovers. However, it appears that the submitted retail assessment uses company average turnover figures sourced directly from the Retail Rankings publication.

The company average turnover figures published in Retail Rankings are issued on a business base and are not appropriate for direct use within a goods based retail assessment. To ensure that the company average turnover figures are consistent with the goods based methodology the figures published in Retail Rankings must be adjusted to a goods basis using company average floorspace/sales information from the Verdict Report on Grocery Retailers.

The submitted retail assessment states that Lidl's current company average turnover is £2,575 per m², and this figure is then applied evenly to both convenience and comparison floorspace, establishing that the proposed store will have a total turnover of £3.31m.

Converting the company average turnover to a goods basis reveals that Lidl's actual company average convenience turnover is £4,654 per m² and £2,251 per m² for comparison floorspace.

Using these goods based figures it is calculated that the proposed store will have a convenience turnover of £5.68m and a comparison turnover of £0.14m, giving an overall turnover of £5.82m. In light of these figures and given that Hargest & Wallace have identified a turnover of £3.31m, it can be seen that the applicants use of business based turnover figures is misleading and serves to underestimate the turnover of the proposed foodstore.

In addition, the submitted assessment fails to apply the correct goods based company average turnover figures to the existing floorspace within the catchment area. The effect of underestimating the turnover of the proposed store as well as other existing floorspace simply serves to hide the true impact which the proposed store will have, particularly on the existing local shopping provision which is offered protection by the adopted Local Plan.

Furthermore, it appears that the submitted retail assessment fails to take into account the turnover of the consented retail development at Shore Street. The turnover of this consented scheme should be taken into account by the applicant in their assessment of existing floorspace and turnover within the catchment. Failure to include this results in an underestimation of the amount of expenditure available within the catchment to support additional retail floorspace and fails to protect the consented floorspace, as required by NPPG8.

Summary and Conclusions

Section 25 of the Town and Country Planning Act requires that the application is determine in accordance with the development plan unless material considerations indicate otherwise. Overall, it has been demonstrated that the application proposal fails to accord with the Highland Structure Plan, the adopted and emerging Local Plan and national planning policy contained within NPPG 8.

The application site is out of centre and the scale of the proposed development is such that it is likely to have an adverse impact on the vitality and viability of the existing local shopping facilities in Tain.

It has been demonstrated that the applicant's supporting retail assessment is flawed and fails to accurately assess the turnover of the proposed store as well as the turnover of the existing and consented floorspace in the catchment area. These matters taken together, result in an overestimation of the amount of surplus convenience expenditure available to support the proposed store, thereby underestimating the potential impact.

Annex 2 Response from Applicants to letters from Contributors:

Planning Policy

This section is largely descriptive of existing policies and there are no specific issues that require addressing. At this stage it is important to note that references to NPPG8 in both the Retail Impact Assessment and in the GL Hearn letter of objection are now superseded with the publication of SPP8.

Policy Assessment

The issue of the relationship between the proposed development and the provisions of the Adopted Local Plan, in particular policies for retail development and the town centre are addressed in para 4.14 of the RIA. A similar approach applies to the provisions of the draft RACE Local Plan. In short it is accepted that the policy framework in both plans and the Structure Plan support retail development in the town centre but the adoption of the sequential approach and the identification of sites outwith defined town centres clearly indicates that, in appropriate circumstances, development can and will be supported by development plan policies in locations outwith town centres. In the case of all towns in the Highlands the adoption of the sequential approach is required to be followed for major retail developments and even if proposals satisfy this, it still requires to be demonstrated that retail proposals do not undermine the vitality and viability of town centres. In the specific instance of Tain the fact that the adopted Local Plan and the draft Local Plan both identify a site in an out of centre location confirms that the principle that out-of –centre retail developments are acceptable notwithstanding the overall policy support for the town centre. The RIA demonstrates that retail impacts on the town centre are modest and that the sequential approach, insofar as it applies to this proposal, is satisfied and, in this context, the proposed development fully complies with the retail strategy for Tain and the Highlands. The proposal is not, therefore in conflict with the policies referred to in this section of the GL Hearn letter.

Sequential Approach

In relation to the Robertson site, the issue is addressed in detail in the RIA (paras 3.17et seq). SPP8 provides some additional advice on the categorisation of edge-of-centre (SPP8 para 18) and it is clear that the issues raised in para 3.22 of the RIA are entirely in accord with the latest national policy in SPP8. Given that the Robertson site is not an edge-of-centre but out-of-centre site in terms of sequential approach categories this makes it is precisely the same as the application site. Its lack of accessibility in fact makes the site even less acceptable than the application site. In the absence of any other practical alternative sites it is quite clear that the application site fully satisfies the sequential approach.

The fact that a historic consent has been issues for the Robertson site does not indicate that it is sequentially preferable. When the site was originally granted consent in 1992 the sequential approach did not exist as a policy requirement and the subsequent renewal of the consent simply reflects this historic position. Even if a sequential appraisal had been adopted it would simply indicate that, at the time the application was made, there were no sequentially preferable sites available ie there were no town centre or edge-of-centre sites ie the same position that applies to the current proposal. It should be stressed that the wording in both the Structure Plan and SPP8 is abundantly clear that there is no preference between sites within the same sequential categories ie one out-of-centre site has the same standing as another out-of-centre site (provided they both have good accessibility).

It should also be noted that, as far as the development plan is concerned (ie the approved SP and Adopted LP) for this scale of development there is no policy requirement for the sequential approach to be satisfied.

Development Plan Strategy

The reference to para 45(b) of NPPG8 no longer applies. There is no similar requirement in SPP8 paras 38 or 39.

In relation to the Robertson site it is evident that the site has serious difficulties in attracting commercial retail interest – this reflects its poor location. The site has had consent for 15 years but has not been able to attract any retail operator interest. This is a key factor in that it demonstrates that, despite the allocation in the Local Plan, it will not address a retail deficiency because no operator would develop the site. In contrast the RIA demonstrates that the Lidl store will address both a qualitative and quantitative deficiency.

Retail Impact Assessment

Turnover rates. Specific issues raised are addressed below:

1. Allowance for turnover rates for convenience and comparison goods have been taken into account in the RIA tables for the supermarkets. This is seen by comparing turnover rates for convenience goods and comparison goods in Table 2 for the Co-op stores, Somerfield etc. National average rates from Retail Rankings are the weighted average between different goods categories. Other sources have been used for the estimate of appropriate turnover rates including Verdict and accounts/RIAs for different operators are used for different goods categories. Even if this was not undertaken the use of all goods average turnover rates would, in the case of Tain, have minimal effect on the results of the RIA.
2. In the case of Lidl the national average all goods turnover in Retail Rankings 2006 is £2798psm (2005 prices) – only the 2005 RR were available when the RIA was prepared. Lidl, which has different characteristics from general retailers, confirm that turnover rates for comparison goods are close to convenience goods – hence the figures used in Table 4 of the RIA. If, for sake of argument, the turnover rate for convenience goods was double that for comparison goods the turnover rates to be used in Table 4 would be: £2641psm for convenience goods and £1321psm for comparison goods. (This provides 2641x1222+£3.23m convenience turnover and 1321x64-£0.087m comparison turnover ie £3.31m total turnover with an average of £1575psm). This alteration (which in itself is not valid) would have no effect on the retail impact results.
3. GL Hearn figures simply demonstrate that they do not have a grasp of the comparatively simple maths involved in the calculation: their higher figures result in £5.69m convenience turnover and £0.14m comparison turnover which is £5.83m total, an average of £4533psm – 76% above the national average for all goods published in Retail Rankings (adjusted to 1998 prices). Lidl would be delighted to achieve such a rate but if they did it would be the highest trading store in the UK by a considerable margin.
4. There is no need to take into account the Shore Street site. The RIA is an assessment of the impact of the proposed development on floorspace within the catchment. Despite the consent there is no proposal for shore Street which can be assessed and there is no commitment to a potential future development on the site.

In summary the objections raised by the Co-operative group have no substance and are based on out-of-date policies and demonstrate an inability to understand the simple maths involved in RIAs. It is, quite simply, a trade objection based on protecting an out-of-centre retailer that is seeking to preserve its monopoly position within Tain.

The Lidl proposal would provide a real and significant benefit for the people of Tain. It would enhance choice and competition, support investment in the local economy, address clearly identifiable quantitative and qualitative deficiencies and is in an established retail location.