

**CG15**



THE HIGHLAND COUNCIL  
ROSS, SKYE & LOCHABER  
PLANNING APPLICATIONS COMMITTEE – 6<sup>th</sup> May 2008

Agenda Item	6.2
Report No	PLR-041-08

07/00212/FULSL - Lidl  
Report by Area Planning and Building Standards Manager

**SUMMARY**

Ward: 11 – Eilean a Cheo

It is proposed to redevelop land at Dunvegan Road, Portree to provide a new food retail unit.

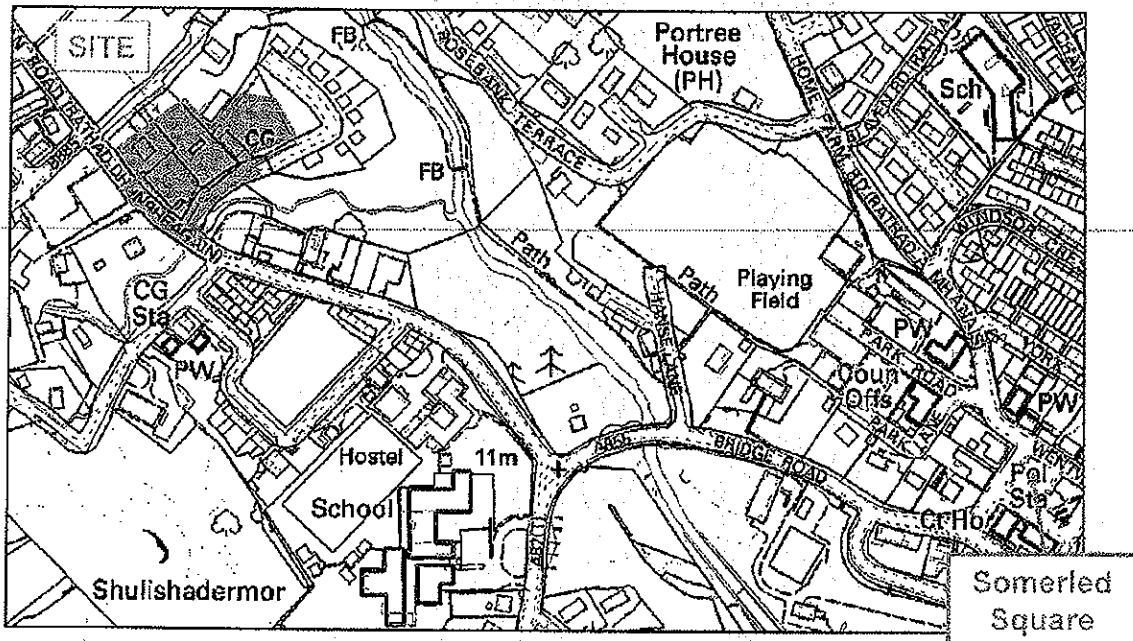
The proposal is recommended for **REFUSAL** on the grounds basis of inadequate parking provision and road safety concerns.

A formal hearing is not necessary in this case

**1. PROPOSAL**

- 1.1 Erection of new class 1 food store on site currently occupied by the Ewen MacRae Ford franchise garage and car showroom and vacant ground to the rear currently used for storage associated with the garage.
- 1.2 The proposed food store would have a 1381m<sup>2</sup> gross internal floor area with a net sales area of 1063m<sup>2</sup>. The development also includes car parking provision, cycle parking, servicing areas for the food store and associated landscaping for the overall development. The site specifically excludes an area of open scrubland between the eastern most boundary of the site and Beech Gardens. The house known as 'The Neuk' immediately to the north east of the existing garage buildings is to be demolished.
- 1.3 The proposed building has a simple rectangular footprint measuring 53 x 25m<sup>2</sup> and is orientated south west to north east with the frontage facing onto Dunvegan Road. The design comprises an extensive areas of glazed panels with the upper half of the gable being clad in Zinc cladding. Notwithstanding the standard in house design regard has been made to include local design features. The use of white harling broken up by stone columns using locally derived stone. The design is fairly typical of its type, and as mentioned previously includes the use of white harl, local stone, zinc panelling for exposed gables, powder coated aluminium glazing systems for the window and door openings with the roof being finished in a flat grey concrete tile.





07/00212/FULSL  
LOCATION PLAN

- 1.4 The access will be taken from the existing junction with Beech Gardens. This it is proposed will be upgraded in accordance with the recommendation of the Trunk Roads Authority and TECS (Roads). This access will serve customers and service vehicles. A total of 89 car parking spaces will be provided of which 5 are identified as being suitable for those with disabilities, a total of 10 cycle parking spaces have also been allocated.
- 1.5 The second main element of this proposal consists of the redevelopment of the existing petrol filling station forecourt and its associated kiosk. This will involve the forecourt canopy upgraded and the erection of a new filling station kiosk and store within it. The design of this new petrol filling station kiosk is a simple pitched roof building of rectangular footprint measuring approximately 11 x 7 metres with similar detailing as that used on the main food store building of white render panels, stone feature columns and glazed areas using a glazing system.
- 1.6 Information submitted in support of this application consists of a retail statement, a transport assessment, a design statement and a statement clarifying the operational elements of the proposal.

## **2. PLANNING HISTORY**

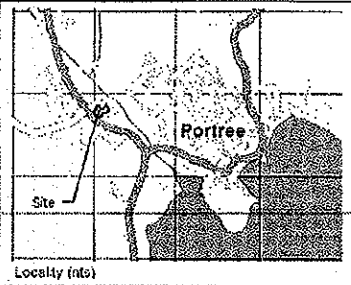
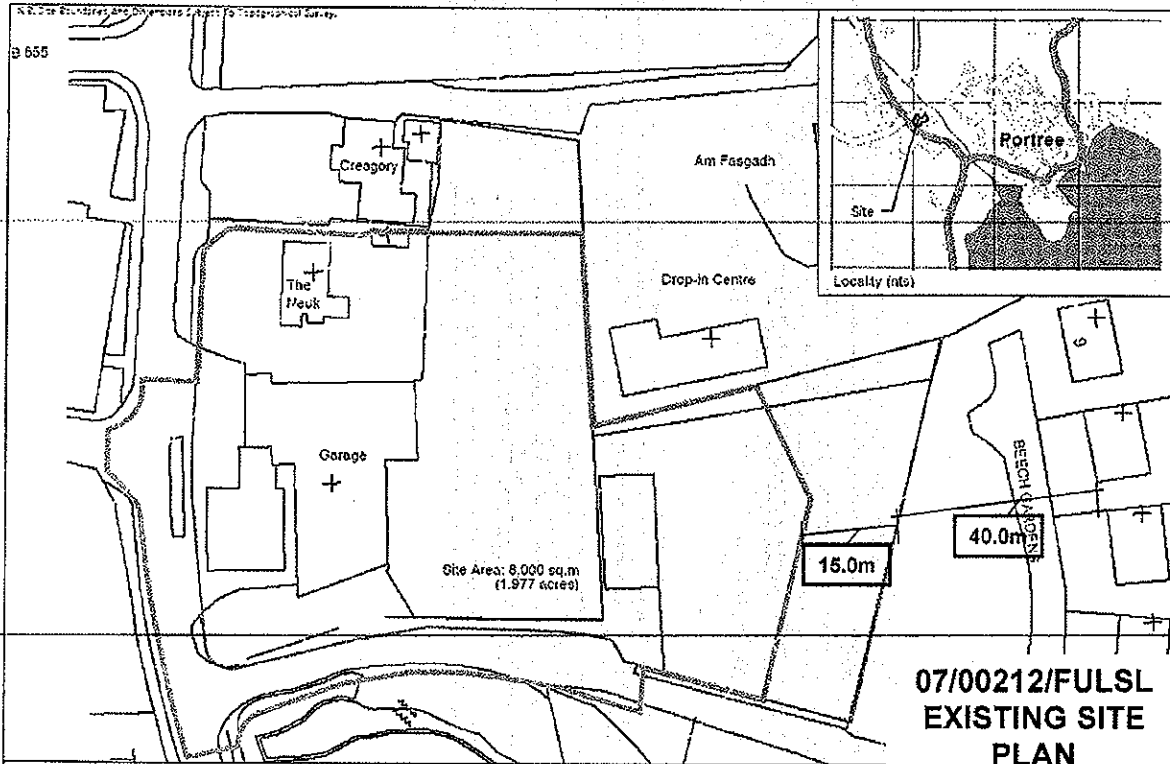
- 2.1 As this is a site that has a long established use as a petrol filling station, garage and workshop the majority of planning history is of no specific relevance to this current proposal.  
To be noted is the outline 96/34 for the Presto(Safeway)store at Bayfield, with an indicative floor area of 930 sq metres.  
Also to note is the Oatridge application 07/00357/OUTSL for a supermarket of 2452 sq metres floor area, that is the subject of detailed consideration as a later item on this agenda.

## **3. PUBLIC PARTICIPATION**

- 3.1 The application was advertised under Section 34 of the Act, both as a departure from the Development Plan and as 'bad neighbour' development. The closing date of which was 1<sup>st</sup> June 2007.  
Fourteen representation were received either in the form of written letters or by email.  
The summary of the concerns are:
- The application fails to comply with policies and criteria relating to out of centre retail proposal contained within the approved structure plan, adopted local plan and national policy contained in SPP8.
  - The submitted retail assessment provides an inaccurate assessment of the likely impact of the proposed store on Portree town centre.
  - The proposal will have detrimental impact on the vitality and viability of Portree town centre
  - Conflict of interest between the consultants acting for the Trunk Roads Authority when assessing transport impacts of the development are the same as those used by the applicant to produce the transport assessment

N.B. Of Boundaries and Dimensions Taken From Topographical Survey.

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**07/00212/FULSL  
EXISTING SITE  
PLAN**

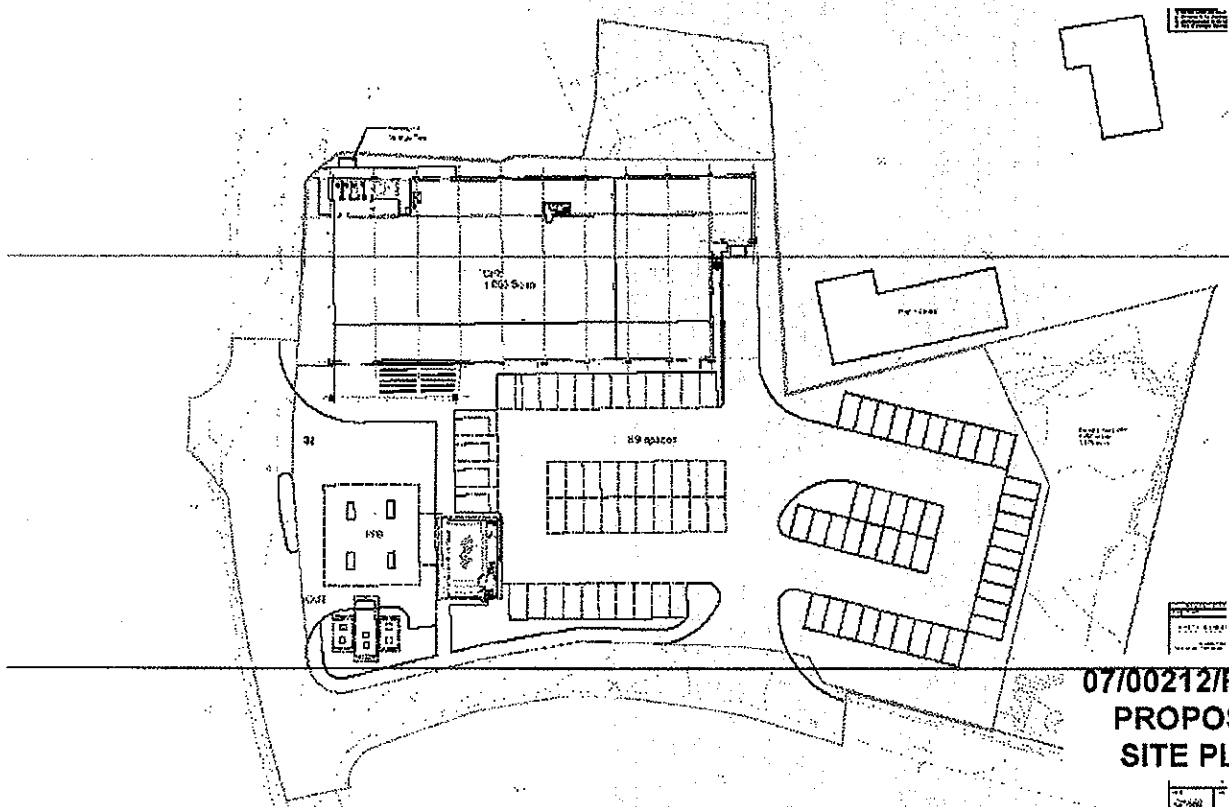
for the proposed development.

- Concern over the carrying out of the pre application discussions in the absence of consulting with neighbours.
- Concern over the tactic of Lidl's during the course of making the application.
- Concern over the tactics of MacRaes during the process of the application. Neighbour notification may not have been fully carried out.
- Land to east of development site is labelled as development land this acts as a buffer between MacRaes Garage and Beech Gardens this has not been defined as to what use is happening there this land should either been fenced off or a wall erected to afford privacy for the occupants of Beech Gardens. A shop would likely to be noisy and disturb the peace and quiet of Beech Gardens.
- The garage is at present closed on Sundays and with a shop opening on Sunday opening of the shop would lead to noise and disturbance for the occupants of Beech Gardens.
- Deliveries to the shop outwith peak hours could cause noise and disturbance particularly if late at night or at weekends to residents of Beech Gardens.
- The existing private road and shared access at its junction with Dunvegan Road is extremely busy particularly during peak hours. There will be increased congestion as a result of this development around the high school. The access to Beech Gardens and its junction with the Dunvegan Road is in multiple ownership and agreement will be required of all parties who have an ownership interest.
- Pedestrian safety will be compromised as it not only serves the houses but also acts as a through route to a woodland walk. This woodland walk is used by students at the adjacent high school.
- Concern over the safety of the current private road for use by a disabled resident of Beech Gardens as this is safe at the present time due to cooperation of neighbours.
- Vehicles using the petrol filling station obstruct the visibility. Large good vehicles using the diesel pumps obstruct visibility and particularly so when ~~tanker deliveries are being made for fuel deliveries.~~
- The adjacent river bank close to the southern edge of the access road may not be sufficiently stable to support the increased traffic on such a road.
- There is evidence in the river bank that there is petrol contamination seeping into the river course.
- Alternative sites need to be considered in preference to this site in accordance with the current local plan allocation.
- The siting of an additional supermarket would be better if sited close to the existing Co-op.
- The loss of the garage is a loss of a town centre service. There will be a loss of amenity for the inhabitants of Beech Gardens. There will be a loss of property value for the owners of properties at Beech Gardens.

Redbourn Group plc – Howdens joinery, comment regarding neighbour notification made in error – Resolved by applicant's agent.

GL Hearn – Representing the Co - Operative Group





07/00212/FULSL  
PROPOSED  
SITE PLAN

Their concerns are summarised below:

- The application fails to comply with the policies and criteria relating to out of centre retail proposals contained within the approved Structure Plan, Adopted Local Plan and National Policy contained in SPP8.
- The submitted retail assessment provides an inaccurate assessment of the likely impact of the proposed store on Portree town centre.
- The proposal will have a detrimental impact on the vitality and viability of Portree town centre.

Concludes that that proposal is contrary to the provisions of the Development Plan, the emerging local plan and national planning policy.

That the site is out of town centre and that the scale of the development is such that it will have an adverse impact on the vitality and viability of the existing shopping facilities.

LIDL have not provided any meaningful justification to demonstrate that the proposed store will have only a limited of trade impact on the existing retailers in Portree town centre.

**Steer Davies Gleave – Representing the Co-Operative Group**

Make detailed comments as a critique of the Traffic Impact Analysis and their own observations, covering the following issues:

- Vehicle and pedestrian access
- Bus access
- Travel Plan
- Layout of proposed development.
- Traffic analysis.

**Rapleys - Representing Somerfield Stores**

Make combined response relating to both the Oatridge and LIDL applications. Their concerns are summarised below:

- The sequential test and alternative sites
- Retail Hierarchy
- Vitality and Viability

- Town Centre Expansion – Bayfield

Concludes that neither of the Dunvegan Road applications have been designated for retail use.

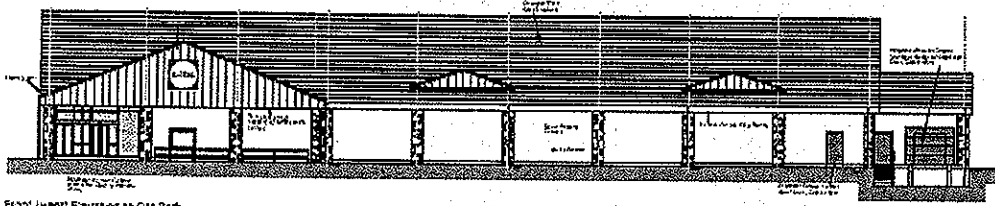
Bayfield is the focus of new town centre development, Somerfield are supportive of the Adopted Local Plan intentions and is engaged with the Council to site a store here.

Lidl or Oatridge would jeopardise the realisation of Bayfield.

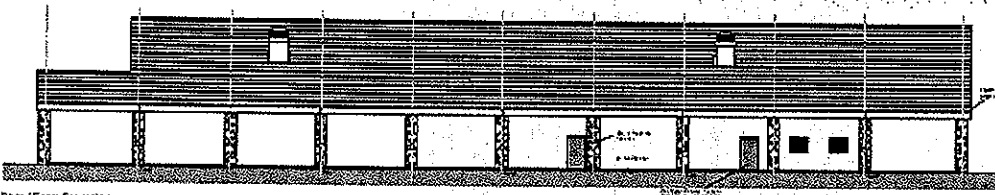
**Turley Associates – Representing Aldi Stores Ltd**

Their concerns are summarised below:

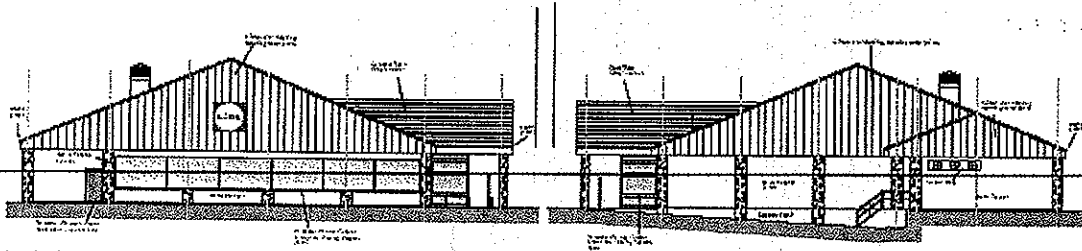
- Looking to open a store in Portree , but have been mindful of SPP8 and the sequential approach.
- Wish to be involved with the Bayfield development.



Front (West) Elevation to Car Park



Rear (East) Elevation



Side (South) Elevation

Side (North) Elevation

07/00212/FULSL  
PROPOSED ELEVATIONS

The issues raised by these consultants will be considered as part of the main assessment of this application and are policy based arguments.

One letter in support of the application has been received from Raasay Community Council. They state that they believe that competition in trade can only benefit the consumer and the community.

#### 4. CONSULTATIONS

##### TECS (Roads)

Trunk Road Authority

Raise no objections subject, that conditions covering the following are imposed:

- The submission of a comprehensive travel plan
- Visibility Splays of 4.5 x 9 m, later revised to 4.5 x 70 m to be provided

TECS (EHO) – No objections, subject to conditions relating to:

- Installation of external plant
- Scheme for storage and disposal of refuse
- ~~Restriction on hours of construction work/demolition~~
- If pile driving equipment is to be used, a scheme of environmental mitigation to be submitted
- No burning of waste on site

TECS (Contaminated Land)

Recommends attachment of a condition requiring the submission of a scheme to identify any potential contaminants and remedial works.

Scottish Water

No objections

Community Council

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#### 5. POLICY

5.1 The following policies are relevant to the assessment of the proposal

- **The Highland Structure Plan 2001**

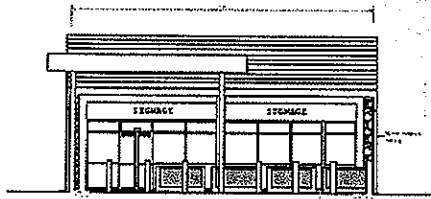
**Policy R1 – Shopping Hierarchy**

In terms of this policy, development proposals that will consolidate the shopping hierarchy and enhance the role of individual settlements as shopping centres will be supported.

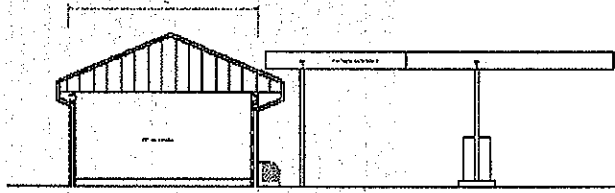
**Policy R4 – Food Retailing**

State that in small and medium sized towns, food store provisions will normally be located within town centres or within edge of centre locations.

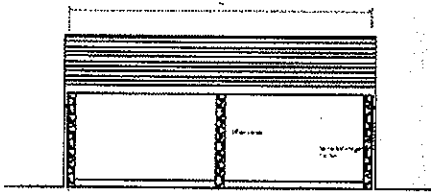
**Policy R5 – Town Centre Shopping**



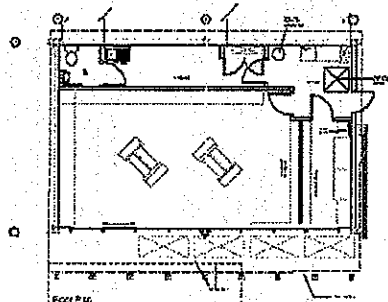
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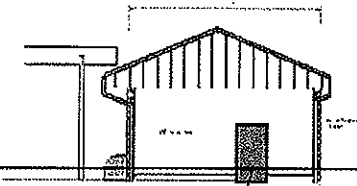
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Floor Plan



06/11/2012

DATE	06/11/2012
BY	06/11/2012
PROJECT	06/11/2012
SCALE	06/11/2012

**07/00212/FULSL  
PROPOSED  
FUEL STATION  
KIOSK**

State that retail development proposals that are considered to undermine the vitality and viability of existing town centres will be restricted.

In addition the sustainable objectives of the Structure Plan as set in Policies G1 Promotion of the social, the economic and environmental well being of the area.

G2 confirms that the Council will assess the acceptability of developments based on the extent to which they are acceptable.

- **Skye & Lochalsh Local Plan 1999**

**Policy 1.6.6 – Strategy**

States that the Council will support the provision of additional retailing facilities in Portree, Kyle and Broadford. The Council will also seek to improve the local shopping environment in consultation with residents and retailers.

**Policy 2.2.16 – Retailing**

There will be a presumption in favour of retail development proposals where these are located within or next to village centres, provided they are compatible with future land uses, transport requirements, visual amenity and can achieve satisfactory on site parking and servicing.

**Policy 2.2.17 – Retailing**

The Council will resist retail development on industrial estates, except where the operating characteristics of the proposed justify such a location. Consideration may be given to restriction of permitted development rights to control retail uses in unsuitable locations.

**Policy 9.2.14 – Village Centre**

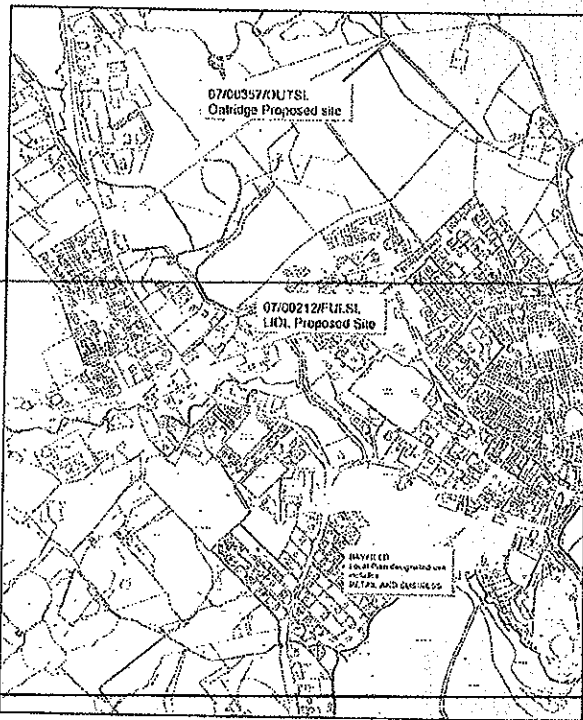
Encourages consideration enhancement and expansion of the village (as defined on it's inset plan) to maintain its commercial viability. Included is resistance to further retail proposals outwith the village centre where these could jeopardise both it's viability and investment.

**Policy 9.2.17 & 9.2.18 – Supermarket(s)**

Relates to the then recently built Co-op on Dunvegan Road, with the provision that the Council monitor the impact of that development. With the opening of the new Supermarket, the existing store/site would be appropriately used for non-food retail, emergency services, community business and light industrial.

**Site Specific**

In terms of the adopted Local Plan the Lidl application site area is identified as "white land" of no specific allocation except for a small section (approximately ¼) in the north east corner of the site that is designated for restricted housing infill.




**THE HIGHLAND COUNCIL**  
**SCOTLAND**  
**Highland Council**

**SUPER MARKET DEVELOPMENTS PORTREE**

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SUPPLIED BY THE SIGNALS COAST

This map is for information only and does not constitute an offer of any financial product or service. It is not intended to be used as a basis for any investment decision. The map is for information only and does not constitute an offer of any financial product or service. It is not intended to be used as a basis for any investment decision.

- **Emergent  
West Highland and Island Local Plan**

**Policy 17 – General Policy**

Commerce – Set out a retail hierarchy covering the plan with Portree identified as a sub-regional town centre. The village centre boundary remaining as that established by the Adopted 1999 plan. There are no other district or commercial centres within Portree.

The site lies outwith the identified village centre and therefore the following criteria in Policy 17 apply:

- Its compliance with the sequential approach to site identification
- Its accessibility by means of public transport walking and cycling
- Its impact including any cumulative impact on the vitality and viability of a centre defined in a Highland Development Plan.
- If it fits with the aim of erecting a retail hierarchy in which travel is minimised .
- Whether the type and scale of development proposed can reasonable be accommodated within a centre defined in the plan.
- The extent to which the proposals meet with identified deficiencies
- Whether any developer funded mitigation of the above is offered.

MU3 and MU4 are mixed use allocations sited at Bayfield with convenience retail identified as suitable.

**Site Specific** – The Lidl site does not benefit from a specific allocation, but lies within the Portree settlement development area, that in principle supports development appropriate of an appropriate type, size and scale.

**Scottish Planning Policy 8**

Sets out the Governments' policy for town centres and retailing. The key policy objectives for town centres are identified as encouraging distinct, competitive places and encourage regeneration in order to create town centres that are attractive to investors and suited to the generation of new employments opportunities; creating a climate that enables all sections of the community to have access to a wide choice of shopping and leisure and other uses, remedying gaps and deficiencies in provision, improving the physical quality and sustainability of the town centre environments; and supporting development in existing accessible locations, or in locations where accessibility can be improved.

**SPP8** requires that the assessment of all proposals for retails development will need to ensure that both the following considerations are met:

- The proposal is of a high design quality and at an appropriate scale for its location.
- The location is, or can be made conveniently and safely accessible to all sectors of the community.



In addition, where the proposed development is not consistent with the development plan, the assessment should ensure that all the following considerations are met:

- A sequential approach to site selection has been used.
- There is no unacceptable individual cumulative impact on the viability and vitality of the network centres identified in the development plan.
- The proposal will meet qualitative and quantitative deficiencies in the development plan.
- The proposal does not conflict with other significant objectives of the development plan or community planning strategies.

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); NPPG, and Planning Advice Notes PAN.

## 6. PLANNING APPRAISAL

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

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6.2 The proposal requires to be assessed against both the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

### 6.3 Proposal

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The site lies outwith the identified 'village centre' on the site of the Ewen MacRae For franchise garage, petrol filling station and shop. The site also includes the adjoining house 'The Neuk' together with an extensive yard to the rear of the frontage buildings.

It is proposed to demolish all of the existing garage and workshop buildings, 'The Neuk', whilst retaining the existing forecourt canopy. The planning application site extends to approximately 0.53 ha. The petrol filling station whilst forming part of the proposal it is intended will not be operated by Lidl, but will be managed as a separate entity.

#### Site Development Issues

It is proposed that the supermarket will share the first 65 metres of Beech Gardens as access to the car park and the private residential road access, with a package of alterations to the geometry and layout of the junction of the A87(T) with Beech

Gardens, the widening and provision of enhanced pedestrian access along the public and private sections of Beech Gardens. It is proposed that the petrol filling station will continue to have its own separate access, similar to that as used already. Included are proposals for a pedestrian crossing for the revised Beech Gardens junction and provision of an additional Passenger Service Vehicle stop.

Contaminated Land, as there has been the long established use as part of the site as a petrol filling station and motor repairs garage inevitable raises concerns regarding the potential for contaminated land. Although there is evidence of fuel leaking into the tributary of the River Leasagarry it is not considered by SEPA to be of any significant impact on water quality. TECS have confirmed that the site has historic use as a petrol filling station, and that there are known fuel spillage events, notwithstanding TECS are satisfied with the imposition of a condition. SEPA are similarly satisfied that this aspect is appropriately dealt with by TECS.

Any technical enforcement issues have been addressed by the appropriate regulatory authority with the imposition of conditions to adequately address their concerns.

In terms of environmental health issues TECS have not objected subject to the imposition of conditions relating to external plant, refuse storage, construction working time limits, pile drawing and burning of on site waste.

#### 6.4 Retail Assessment

With respect to this application, Local Plan Policy is the primary determining factor. A full assessment of the development plan policies as they relate to this application is undertaken in Sections 6.11 below. The policies that relate are summarised in the above sections.

##### 1. Development Plan Policy.

The adopted Local Plan and the emergent local plan have common aims to promote and enhance the vitality of the town centre and enable opportunities for its expansion and regeneration through the development opportunity at the allocated Bayfield supermarket site. This successful delivery of this strategy is reliant on the curtailment of inappropriate development outwith the village centre.

The site lies outwith the Portree Village Centre (town centre) on the site of a garage/petrol station, but which in the main is not allocated for any specific use. The proposal to redevelop this location for a food store is a departure to the local plan as the site lies outwith of the town centre. Given the likely retail capacity of the store, the business model that LIDL's operate and the physical constraints of the of the identified Bayfield site it is unlikely that a LIDL's supermarket would entirely jeopardise future investment in the proposed Bayfield re-development.

Policy R4 of the Structure Plan states that in small and medium sized towns, food store provision will normally be located within town centres or within edge of centre locations. The proposal is a minor departure to Policy R4 of the Structure Plan.

Policy R5 of the Structure Plan and 9.2.14 of the Local Plan advise that the Council will resist proposals for retailing away from the town centre where this could damage the viability of the village centre or jeopardise investment in the commercial core. There are also key issues when assessing the proposal under SPP8.

### **Bayfield**

The adopted Local Plan does not specifically earmark an allocation for a supermarket site at Bayfield, but rather it reflects the consents granted in 1996 which included both the new Co-op at Dunvegan Road and a Presto at Bayfield. No extant consent exists at Bayfield, however the adopted Local Plan village centre policy and boundary endorses Bayfield as being most suitable for commercial development in terms of the sequential tests.

In 1999 the Bayfield Development Brief, set out a framework for the redevelopment of the area, based on the costings and development opportunities of that time. Crucially this brief states as follows:

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#### **Commercial Development**

8.5 The Skye and Lochalsh Local Plan ..... Previously, a supermarket has been approved in principle at Bayfield. However the land available, even with reclamation, is insufficient to support anything more than a 10,000ft<sup>2</sup> (930 m<sup>2</sup>) store in terms of parking, access and traffic circulation. Current indications are that the market requires a larger outlet and operators are concentrating their investment intentions elsewhere in the village. Should this search prove fruitless then the Brief may be amended to reconsider a supermarket at Bayfield."

To realise Bayfield with a supermarket will require either the supermarket to be of a smaller size, to fit within the constraints OR the site will have to be enlarged to accommodate the supermarket. This has 'knock on' effects in terms of the provision of parking, both dedicated and general, circulatory areas, the reclamation of additional land and the potential revision of the land assemblage. Even if there is an acceptance that there has been a relaxation in terms of car parking standards since 1999, there is a natural limit as to how much development may be 'squeezed' onto a site, before it becomes unworkable.

Bayfield is a key element of the Councils adopted policy and it is on this basis alone, that Bayfield must be considered in preference, before the consideration of commercial/retail development at other less central locations.

The Bayfield Scheme is an opportunity to enhance Portree, by positive development, however the scheme is complicated by virtue of the number of landowners required for the land assemblage, delivery and servicing costs. Highland Council Property Services advise there is evidence of an understanding between the respective owners that form the basis for land assembly to progress. The current commercial viability of the site requires to be investigated, but on balance the prospects of Bayfield happening appear more positive than when

originally investigated seven years ago. On this basis delivery of the site is of the order of 5 to 7 years. This must be stressed relates to the existing Bayfield scheme and not for any revised or enlarged area. It should be noted that Somerfields have made direct representation via their retail consultants and have confirmed their interest in Bayfield.

The Local Plan strategy for Portree also recognised that the Bayfield area is a main point of entry and parking for the majority of visitors. The 1999 Local Plan established a framework for a comprehensive scheme for the regeneration of the area, featuring the following:

- Widespread environmental improvements i.e landscaping, high quality buildings, land reclamation
- Improved parking arrangements
- Improved access for vehicles and pedestrians
- Retail and tourism related development
- Community facilities
- Residential
- Protection and enhancement of Listed Buildings and the Conservation Area.

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Thus the Bayfield scheme is viewed as underpinning a number of aspirations to generally improve and enhance the area to the net benefit of the community.

The LIDL application has to be considered on the basis that Bayfield is not considered by the operator as fulfilling their requirements. It should be noted that LIDL's have identified a given floor space that exceeds that identified in the 1999 Bayfield Development brief by approximately 40%. If therefore Bayfield is not a sufficient size to accommodate the proposed size of store, then it is not unreasonable to seek a 'next best' option closest to the town centre. Given that there are no edge of centre allocations that are suitable, then by default any identified site will be outwith the town centre. If that line of reasoning is accepted then LIDL have applied a sequential approach to their site selection process.

#### Prematurity

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In consideration of the fact that there are two applications for Supermarket's both sited outwith the 'town centre' there is an argument to suggest both applications should be dismissed as premature pending a review of retail capacity as part of the Local Plan review process. It was in this knowledge that the Highland Council commissioned a Skye and Lochalsh Retail Study, so as to provide both a better understanding of retail issues within the area and to provide the basis for an informed judgement for the two applications under consideration. As the Committee have formulated a general commerce policy and associated commerce centre boundaries, within the replacement plan, and there is up-to date Retail analysis data that is therefore considered that a policy framework exists and that policy considerations have been taken when presenting both applications for determination.

The applications are not being considered in the absence of policy. There is established by the retail study carried out for the Highland Council an established

market need for additional retail capacity, that the Lidl proposal fits this need is coincidental, but the Retail assessment as submitted by Lidl in support of the application also identifies a similar need. This is perhaps unsurprising and the consultant's involved in preparing such studies use similar methodologies and interpretation of data. What difference as do exist between the two study's, do not fundamentally alter the fact, that there is an established market need.

To support the application as a departure from policy has to be considered in terms of the sequential test and the availability of alternative sites that comply more fully in terms of the Development plan, the adopted local plan and national guidance. The Development plan and notional guidance place an emphasis on the sequential approach. In this instance Portree has a defined 'town centre' with Bayfield, the identified as the main focus for future commercial development. It is not specifically allocated as a preferred site for a new supermarket, but the previous Safeway permission in 1996 establishes the principle of a Supermarket, then acting as a catalyst for employment, housing commerce and retail and wider aims as identified in the Local Plan. Crucially in this context is whether Bayfield is likely to come forward as a viable site within the short to medium term. Based on the available evidence from the Council's Property and Housing Service, it appears unlikely that Bayfield would happen in the near future. It is noted that Somerfield have advised of a definite interest in the Bayfield site, but this commitment has not been under pinned by either an application or by a formal approach to the Planning Authority. Notwithstanding this interest, the land assemblage and additional partners will be required to bring a scheme to fruition. The challenges associated with the development of the site have prolonged its delivery although it is encouraging that land assembly now appears to be progressing.

#### **SPP8**

SPP8 defines criteria on which to base and assessment of any large scale retail applications, these are set out as follows:

##### **a) Impact on the vitality/viability of the town centre.**

Vitality is a measure of how lively and busy a town centre is and the viability is a measure of its capacity to attract ongoing investments for maintenance improvements and adaptation to changing needs.

Hargest and Wallace prepared a Retail Impact Assessment (RIA) Lidl in support of their application, to assess the impact of the proposal on the relating interests of Portree and the wider area of Skye and Lochalsh. Retail assessments are complex in nature and are based on population projections, average spend per person within a catchment area, leakage of expenditure to other retail areas e.g Inverness and trading figures of existing businesses..

The store would have a projected turnover of £2.47 m for convenience goods, and £0.44 m for comparison goods. This equates to a net floor area of 904 and 159 sq metres respectively.

In summary the report concludes that the available total expenditure within the

Skye catchment will be £23.3m (2006) rising to £24.0m in 2009. The available total expenditure for convenience goods being £19.8m (2006) increasing to £20.05m in 2009.

The Council, as a result of receiving two rival retail food store applications, both on out of centre location, commissioned consultants, White Young Green to undertake an independent study of the retail sector in Skye and Lochalsh. These findings broadly identify that:

- The Co-op has a near monopoly position.
- The Co-op stores over trade (have turnover rates in excess of the national average for that retailer) to a significant degree.
- Calculates that there is currently £13m spare convenience expenditure within Skye and Lochalsh.
- Spare convenience expenditure equates to an unmet convenience floor space of between 1086m<sup>2</sup> and 2600m<sup>2</sup>. If applied solely to Portree this equated to between 570 and 1366m<sup>2</sup>.

The Highland Council commissioned Retail Study asserts that the turnover of the Lidl store has been marginally underestimated. Lidl's RIA confirms the view that the store will serve a local market but also will draw expenditure throughout most of Skye and Lochalsh. This could be considered as being an overly wide catchment for such a relatively small, limited assortment discounter. This assumption in the LIDL study serves only to over estimate any convenience trade draw. Similar unreasonable assumptions are made as to the existing amount of and reduction in convenience expenditure leakage attributable to the new store. Again these assumptions are viewed by the Highland Council consultants as serving only to underestimate local trade draw. Despite these criticisms the study concludes that **there is sufficient spare convenience expenditure to support the store of the size represented by the LIDL application.**

In terms of the **impact on existing retail centres and businesses**, the Lidl RIA makes an unjustified assumption that local trade draw will be clawed from outwith Skye and Lochalsh. The Council's study survey suggests that only 8% of existing Skye and Lochalsh convenience expenditure leaks outwith the area. Therefore a more pragmatic approach based on the survey data in calculating impact, is that all trade draw will come from existing Skye and Lochalsh retailers.

**The specific impact of Lidl** will be felt most keenly by the Somerfield store in Portree – The Council's study suggests a 21.7% reduction in annual turnover. It is considered that any loss in excess of 20 % would be serious and that Somerfields, could possibly close or would either need to expand, specialise so as to compete effectively. Somerfield as the only town centre operator has a gross floorspace of 435 sq metres, is located in a cramped and constrained location with poor vehicle parking. There is little potential for expansion and they have expressed a desire to relocate Bayfield.

The study identified that the overall impact on the centre as being 2%–3%, **this is not considered to threaten the centre's vitality.** The other significant impact will

be on the Co-op at Dunvegan Road. A reduction of 15.4% in annual turnover is suggested, but this out of 'town centre' retailer does not benefit from any protection under Highland or National Planning policy. It is unlikely that a new Lidl store of the scale projected would threaten the Co-op, given that it **currently trades at around double the national Co-op average.**

**The Oatridge proposal is in this context significantly larger with an anticipated floorspace of 2452 sq metres, in the Councils study, floorspace provision of this scale is likely to have unacceptable impact.**

The Lidl store is considered unlikely to affect the vitality of either Kyle or Broadford.

In terms of comparison with the proposed Oatridge development, the Council's study concludes that a development of this nature would almost certainly force the closure of both the existing Somerfield and Co-op stores. If taken in context this would potentially be a substitution of one operator's monopoly on the convenience retailing with that of another. It is likely to have a significant impact on the town centre and also significant trade on Kyle and Broadford. A significant decrease in the economic activity within the core of Portree, when faced with competition from a large multiple carrying a wide range of goods, would potentially impact on the future investment within the village core with a consequent impact on the character and nature of development. This potentially would have a direct impact on the character and appearance of the Portree Conservation Area.

The study concludes that there is a projected retail capacity to support the Lidl application, but not that of Oatridge. **Therefore there is no retail capacity justification for supporting both of the current supermarket applications and their cumulative impacts.**

#### **b) Impact on the objectives of the Local Plan**

As mentioned previously a key objective of both the adopted Local Plan and the emergent Local Plan is the regeneration of Bayfield, with commercial development at it's hub. Both the adopted Local Plan and the emergent Local Plan do not specifically earmark an allocation for a supermarket site at Bayfield, but it reflects the consent granted in 1996 for a Presto store. However the adopted Local Plan contains a village centre policy and boundary that endorses Bayfield and other land in the boundary as most suitable for commercial development in terms of the sequential test as required by SPP8.

#### **Scottish Planning Policy 8 – Assessment**

SPP8 requires Planning Authorities and developers to adopt a sequential approach to selecting sites for all retail and commercial uses. This sequential approach gives preference first to town centre sites followed by edge of centre sites, then other commercial centres and only **then** out of centre locations.

## **a) Sequential approach**

### **1. Town Centre**

Within the town centre of Portree, there is only one area that has capacity for larger scale development. The Bayfield area and the issues relating to its development have been identified above. The key question that has to be asked is whether the Bayfield development is likely to come forward in the foreseeable future or life of the emergent local plan. To be considered is whether the Bayfield development will be anchored by a supermarket development. Somerfield stores have made representations on the emergent local plan, to develop a supermarket at Bayfield, but as yet this has not been progressed even as an outline application. Given the fact that Bayfield 'allocation' has existed in the Local Plan since 1999 and has not moved any further forward suggests that to progress a supermarket and the associated larger scale development is unlikely to occur in the foreseeable future. The Council Property Services suggest that Bayfield is being progressed and could be delivered within 5-7 years.

### **2. Edge of Centre**

It is considered that there are no other alternative sites on the edge of town centre comparable with this site in terms of location, local plan policy and accessibility. In this regard it is considered that the lack of suitable alternatives over and above Bayfield, that the site as identified by LIDL is suitable in terms of its sequential suitability.

## **b) Scale and Design**

The proposed new buildings have a footprint of a total of 1506m<sup>2</sup> including the petrol filling station kiosk. The existing buildings combined footprint being 1108m<sup>2</sup>.

The current range of garage/workshop/showroom buildings and the adjoining house, form an almost continuous built mass across the frontage of the site. The proposed stone will have an end gable and porch occupying 1/3 of the frontage with the retained petrol filling station canopy and new kiosk occupying and additional 1/4. In that respect the street frontage will be opened up, and there is some opportunity for quality boundary treatment and finishes. The building itself uses fairly traditional finishes, incorporating a grey tile roof, white harled walls and feature stone columns to break up the massing of the building. The pitched roof gables are traditional in form. The net result is a building that would represent an improvement to the townscape of this area. The proposal is considered to be acceptable in terms of scale and finish.

## **c) Accessibility**

SPP8 requires that developments are safely and conveniently accessible to all, reduce the need to travel and provide alternatives to car use. The site is out of centre, but is reasonably accessible in terms foot borne travel, in that it is connected to the Leasgeary and Dunvegan Road footpath network. It is lacking in the provision of a close bus-stop. The pedestrian links although generally adequate, but a safer and more direct pedestrian's links is required particularly to cross the A87 (T). The site is located within the identified settlement development



area and reasonably close to Portree's development and planned residential areas. It is central to the northern part of Skye and may also reduce longer shopping trips to more distant centres.

Included within the proposal is provision for cycle parking, disabled and parent/toddler parking.

Access ability also has an economic dimension by providing wider access for the community to a wider range of goods and price range for those goods through the introduction of a discount retailer into the market.

### **Road Safety**

It is intended to utilise the existing junction of Beechwood Gardens with the A87 (T) Dunvegan Road. The applicant submitted a Traffic Assessment that identified a number of improvements to be carried out to the junction in terms of geometry related to the widening of Beech Gardens, the provision of 6.0m width carriageway and provision of a footway on either side of Beech Gardens. Some of these works fall outwith the site area.

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The Trunk Roads Authority have not objected to the application, subject to the imposition of conditions. These include the submission and approval of a Travel Plan aimed at promoting sustainable Transport Modes, details of the provision of enhanced visibility splays at the junction of Beech Gardens and the A87 (T) and implemented.

Beech Gardens is a private access road with complicated legal issues regarding rights of access and ownership. The residents of Beech Gardens have made much comment as outlined above on the private status of the road and that this may effectively prevent the Lidl development from proceeding. Notwithstanding the private civil legal issues involved, it can not be denied that Beech Gardens would only benefit by the provision of surfacing and kerbed footways to an adoptable standard. Currently pedestrians and vehicles accessing the garage/workshop and the residential properties share a single bituminous surface, albeit a white line defines the non-kerbed pedestrian route to a gate located where there was formerly a cattle grid that demarcates the beginning of the residential part of Beech Gardens.

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T.E.C.S (Roads) have commented as above that the developer is proposing to improve Beech Gardens to adoptable standard. This will require a footway to be provided on both sides with a carriageway width of 7.3m reducing down to 6.0m within Beech Gardens and the provision of a standard turning head for Beech Gardens. Additional comments have been received subsequent to the submission of the TIA by Lidl's that suggest the full standard for adoption has not been met. A relaxation for a carriageway width of 6.0m and a single footway can only be accepted within the residential section, not on the joint access with the supermarket, the provision of a turning area is still a requirement and the developer should be following Highland Council guidelines for adoptable standard roads, and include items such as street lighting. Footways need to follow a minimum width of

1.2m. The TIA also identifies improved pedestrian crossing facilities on the A87 (T), although the Trunk Roads Authority has not conditioned this aspect, the applicants are willing to offer this. The Traffic Impact Assessment provides for a pedestrian link for the "Drop in Centre".

In terms of cyclist provision this relates only to provision of cycle parking within a secure area close to the store entrance.

There is no provision in the Traffic Impact Assessment for 'on road' improvements such as signage or lane markings for cyclists, however the Trunk Road Authority have not raised this as an issue.

In terms of Public Transport, the existing nearest bus stops are at Somerfield Square and opposite the Co-op. The Traffic Impact Assessment identifies a stop just to the south of Beech Gardens, this will have to be with the agreement of the Trunk Road Authority. In terms of car parking provision the requirement parking maximum calculations as set out in SPP-17 recommends a total of 104 spaces inclusive of 6 disabled spaces, similarly 6 spaces should be provided for parent/child provision and Taxi setting down and pick up bays. If as suggested in the Traffic Impact Assessment 4 spaces are allocated for garage staff, then the shortfall is a theoretical total of 19 spaces. However set against this is the assertion by the Traffic Impact Assessment that a lesser provision is acceptable, because of the proposed improvements in sustainable transport, a factor not to be ignored is that SPP17 advises that in rural locations, a relaxation i.e. increase in provision of spaces, maybe required where public transport is sparse.

TECS (Roads) comment on the visibility onto the A87 (T) and that the retention of the existing fuel pumps will cause the visibility splays to the north to be obstructed periodically by vehicles using the petrol pumps and in particular LGV's using the pumps closest to the road frontage. The Trunk Road Authority have conditioned that the required splays are provided, although the exact mechanism by which the periodic blocking of the northern splay is not clearly defined. This is an important issue as traffic in this area will to a degree have conflicting requirements and ideally greater separation needs to be achieved. Although the Trunk Road Authority have not objected on this point, and simply imposed a condition regarding visibility it is considered neither practicable nor desirable that this be dealt with by means of a condition as it has not been demonstrated satisfactorily how it can be achieved. There may be the need for the relocation of certain key elements of the proposal such as, additional car parking and the PFS kiosk and pumps which may have implications on residents of Beech Gardens which have not be considered.

Notwithstanding the principle of the development, the access arrangements, visibility and safety are matters raised that can not be ignored. The application that is under consideration shows, a junction and access arrangement unchanged from that as existing. Although this arrangement is long established, and to an extent driver behaviour compensates for the shortfalls in the available visibility, but given the additional traffic flows that will be generated by the supermarket will simply compound the existing problems. Although the changes identified for Beech Gardens and the garage accesses, give some improvement this can not outweigh

the fact that the basic access arrangement falls short of the required standards as stated by TECS (Roads) and are willing to accept for adoption.

The normal practice in such circumstances would be to impose a suspensive condition requiring the applicant to provide revised details of an improved access arrangement to fully comply with the requirements of both the TR authority and TECS (Roads) and fully addressing the requirement for additional parking. However in this instance the required additional land take would fall outwith the application red-line, in such cases **it is not possible to impose such a condition on land that falls outwith the identified site area**. To satisfy such a condition would also not involve notification of neighbours and this would lead to lack of clarity and would be inequitable for those who have made representations.

One solution would be to relocate the whole development including the Petrol Filling Station a short distance to the east. This would have the dual benefit of providing the required visibility splays and ensuring that conformity with the minimum parking standards can be achieved or even exceeded.

To address these concerns to provide a single entry point with the consequent reconfiguration of access and PFS arrangement would impact on the current car parking arrangement and would require significantly amended plans. These plans are also dependent on the willingness of the adjoining landowner to offer up more land. Although LIDL have indicated their willingness to comply with any conditions imposed they have not submitted detailed drawings showing how this can be addressed, nor that the adjoining landowner is indeed willing to allow this. On this basis, it is not considered appropriate to address such an issue by condition.

On that basis the recommendation must be to refuse on the grounds of road safety.

## 7. CONCLUSION

Portree is identified in the Structure Plan as a sub-regional centre, and is considered to be far enough from Inverness to compete as a provided of a range of services.

The key issue in determining the suitability of this site relates entirely to whether a departure from the Development Plan and national guidelines as set out in SPP8 is sustainable.

The Lidl application has been made in full and on the basis of the information submitted a complete assessment of the proposals suitability can be made, whereas the Oatridge applications is in outline only. It is therefore reasonable to make the judgement that there is a degree of uncertainty attached to the Oatridge application. The conclusions that can be drawn from the relative impact of each proposal are quite distinct and separate.

To support the Lidl application as a departure from policy requires an assessment of the impact the proposal would have on the other strategies of the development plan.

In summary, these are:

- The proposal is a high design quality and at an appropriate scale for its locality.
- The location is reasonably and safely accessible to all sectors of the community.
- A sequential approach has been used, and although out of centre, the lack of a site of a suitable size and capacity, viability or timeously available, means that the site has to be considered in its own context.
- There is an identified and established market need for a proposal of this size as the proposal falls within the floor space range identified within the White Young Green report.
- There is unlikely to be any unacceptable individual or cumulative impact on the vitality and viability of Portree and surrounds.
- The proposal will help to meet qualitative and quantitative deficiencies in the development plan, through introducing more consumer choice.
- Conflict with other significant objective of the development plan or community strategies is not established in the absence of a comparative scheme or established timescale for Bayfield.
- Enabling the upgrading and adoption of a private road, removes a financial burden from the owners of that road and there is an associated improvement of a poor road junction and a consequent benefit to the 'public good',

The Planning Service considers that the proposal for the reason detailed above can be supported as a minor departure to policy. However in view of the unresolved road safety concerns associated with the junction and layout which cannot be overcome satisfactorily by condition the application cannot be supported. It is recognised that if these junction and layout improvements could be addressed the proposal would be supported by the Planning Service.

#### **RECOMMENDATION**

It is recommended that the application be refused for the following reasons :

1. The proposed development is not considered to demonstrate the provision of an adequate or safe means of access to the road network given the position and proximity of the entry and exit of the filling station to the junction for the food store. The proposed access and parking arrangements do not provide adequate separation of differing traffic types and would therefore result in a material change in the number and/or type of vehicles entering or leaving the road using an inadequate access arrangement with insufficient visibility, to the detriment and safety of road users.
2. The proposed level of car parking within the proposed development fails to meet the minimum standards and recommendations as set out in SPP17, to the potential danger and inconvenience to users of the adjoining trunk road and adopted road network.

Signature:

Designation: Area Planning & Building Standards Manager

Author: Michael Hoar

Date :29 April 2008

Background Papers: Skye & Lochaber Local Plan

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