

***North  
Lanarkshire  
Council***

Planning Applications for consideration  
of Planning Committee

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Committee Date: **22-04-2022**

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APPLICATIONS FOR PLANNING COMMITTEE

22nd April 2022

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7-23	21/01205/FUL	Lidl Great Britain	Erection of a Retail Unit (Class 1) including formation of access, car parking and associated landscaping works Site At Heathery Works Heathery Road Wishawhill Wishaw ML2 7PR	Grant

**Application No:**

21/01205/FUL

**Proposed Development:**

Erection of a retail unit (Class 1) including formation of access, car parking and associated landscaping works

**Site Address:**Site at Heathery Works  
Heathery Road  
Wishawhill  
Wishaw  
ML2 7PR**Date Registered:**

19th August 2021

**Applicant:**Lidl Great Britain  
1 Coddington Crescent  
Eurocentral  
United Kingdom  
ML1 4YF**Agent:**Hannah Mitchell  
Rapleys LLP  
55 Spring Gardens  
Manchester  
Greater Manchester  
M2 2BY**Application Level:**

Local Application

**Contrary to Development Plan:**

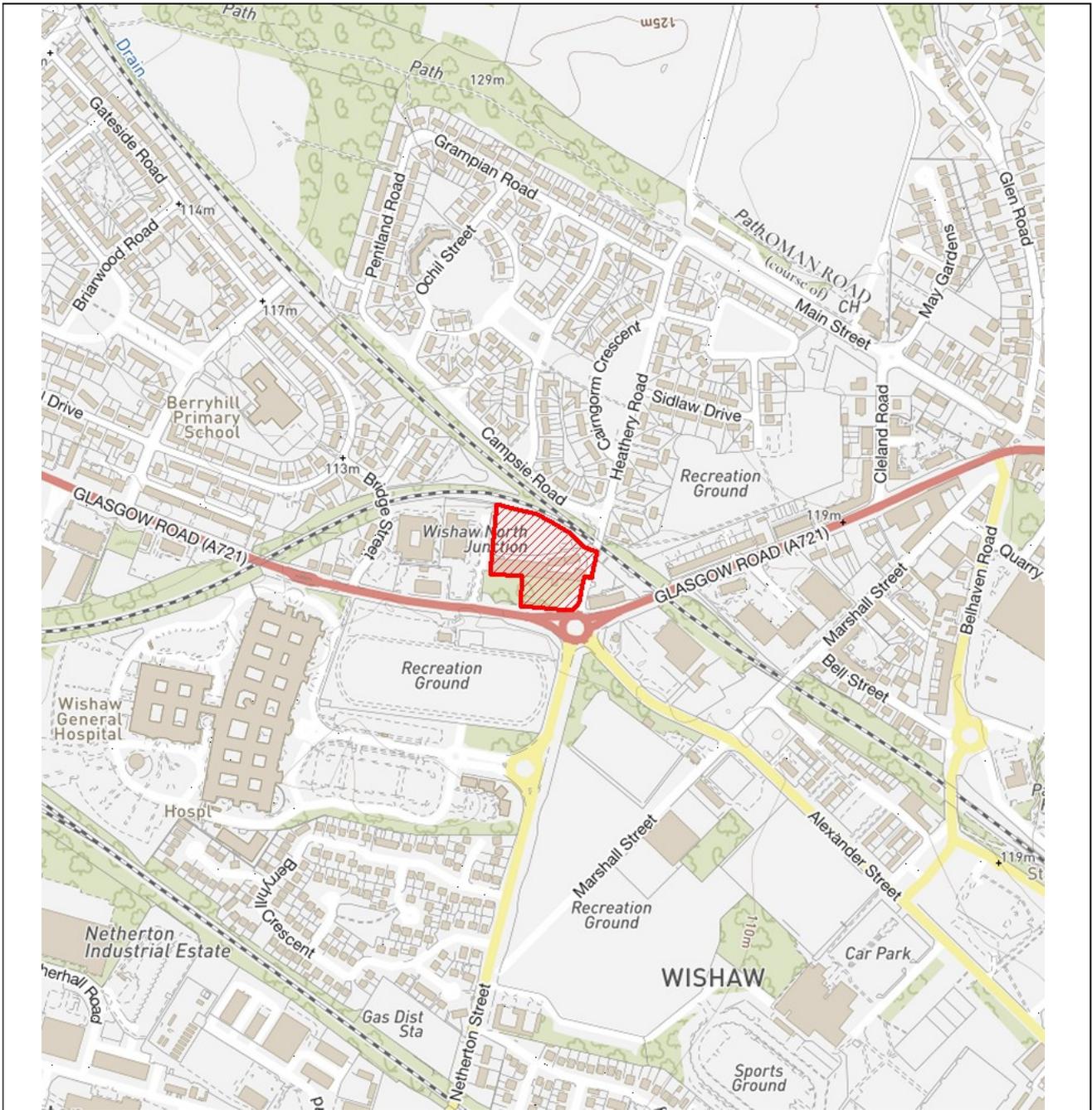
Yes

**Ward:**19 Motherwell South East And Ravenscraig  
Kenneth Duffy, Agnes Magowan, Alan Valentine,  
Nathan Wilson**Representations:**

No letters of representation received. (3 were received outwith statutory timescales)

**Recommendation:** Approve subject to conditions**Reasoned Justification:**

The proposed retail unit, although contrary to the industrial/business designation in the adopted North Lanarkshire Local Plan can be justified as an acceptable alternative use which will integrate satisfactorily with the surrounding area. Furthermore, as an out-of-centre retail proposal, sufficient justification has been provided to demonstrate that the development could proceed in terms of the sequential approach to retail site selection and in respect to retail impact upon the network of existing retail centres. The proposal also sufficiently accords with the emerging Local Development Plan.



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**Planning Application: 21/01205/FUL**  
**Name (of applicant): Lidl Great Britain**  
**Site Address: Site at Heatherly Works**  
**Heatherly Road, Wishawhill, Wishaw, ML2 7PR**

**Development: Erection of a Retail Unit (Class 1) including formation of access, car parking and associated landscaping works**



### **Proposed Conditions:-**

1. That, except for the requirements of conditions below or as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with drawing numbers: 2412303 Rev B, 2412\_308 Rev A, 2412\_305, 2412\_306, SQ4S-PV-LIDL-W2039-R-A REV A

**Reason:** To clarify the drawings on which this approval of permission is founded.

2. That before the development hereby permitted starts, full details of the facing materials to be used on all external walls and roofs shall be submitted to, and approved in writing by the Planning Authority, including any modifications as may be required.

**Reason:** To enable the Planning Authority to consider these aspects.

3. That before to any works of any description being commenced on the application site, a comprehensive site investigation report shall be submitted to and approved in writing by the Planning Authority. The investigation must be carried out in accordance with current best practice, such as BS 10175: The Investigation of Potentially Contaminated Sites, or CLR 11. The report must include a site specific risk assessment of all relevant pollution linkages and a conceptual site model. Depending on the results of the investigation, a detailed Remediation Strategy may be required as part of the above report.

**Reason:** To ensure that the site is free of contamination in the interests of the amenity.

4. That on completion of any remedial works identified by the site investigation required under the terms of Condition (3) and before the retail unit within the site becomes operational, a certificate (signed by a suitably qualified engineer) shall be submitted to the Planning Authority confirming that any such remediation works have been carried out in accordance with the approved details.

**Reason:** To ensure the site is free of contamination in the interests of the amenity of future users of the retail units.

5. That before the development hereby permitted is operational, all works to create the new access and all works to the public road network illustrated on drawing 2412\_303 Rev B shall be completed to the satisfaction of the Planning Authority.

**Reason:** In the interests of pedestrian and road safety.

6. That before the development hereby permitted is operational, the associated parking and manoeuvring area as shown on the approved plans, shall be levelled, properly drained and surfaced in a material which the Planning Authority has approved in writing before the start of surfacing work and clearly marked out, and shall, thereafter, be maintained as parking and manoeuvring areas.

**Reason:** In order to ensure appropriate parking and manoeuvring is provided in the interests of vehicle and pedestrian safety.

7. That before the development hereby permitted starts, unless otherwise agreed in writing with the Planning Authority full details of the proposed surface water drainage scheme shall be submitted to the said Authority and shall be certified by a suitably qualified engineer experienced in drainage works as complying with the most recent SEPA SUDS guidance.

**Reason:** To ensure that the drainage scheme complies with best practice to protect adjacent watercourses and groundwater.

8. That the SUDS compliant surface water drainage scheme approved in terms of Condition 7 shall be implemented contemporaneously with the development in so far as reasonably practical. Within three months of the construction of the SUDS, a certificate (signed by a Chartered Civil Engineer experienced in drainage works) shall be submitted to the Planning Authority confirming that the SUDS has been constructed in accordance with the relevant SEPA SUDS guidance.

**Reason:** To safeguard adjacent watercourses and groundwater from pollution.

9. That before the development hereby permitted starts, a scheme of landscaping shall be submitted to, and approved in writing by the Planning Authority, and it shall include:-

- details of any earth moulding and hard landscaping, boundary treatment, grass seeding and turfing;
- a scheme of tree and shrub planting, incorporating details of the location, number, variety and size of trees and shrubs to be planted. This shall include landscaping around the site adjacent to Heathery Road and Glasgow Road;
- a detailed timetable for all landscaping works which shall provide for these works being carried out contemporaneously with the development of the site.

**Reason:** To enable the Planning Authority to consider these aspects.

10. That all works included in the scheme of landscaping and planting, approved under the terms of condition 9 above, shall be completed in accordance with the approved timetable, and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased, within two years of the full occupation of the development hereby permitted, shall be replaced within the following year with others of a similar size and species.

**Reason:** In the interests of amenity.

11. That before the development hereby permitted starts, a management and maintenance scheme shall be submitted to, and approved in writing by the Planning Authority, and it shall include proposals for the continuing care, maintenance and protection of:

- (a) the proposed footpaths;
- (b) the proposed parking areas;
- (c) the proposed external lighting;
- (d) the proposed grassed, planted and landscaped areas;
- (e) the proposed fences to be erected along the boundaries.

**Reason:** To enable the Planning Authority to consider these aspects in detail.

12. That before development hereby permitted comes into use, the management and maintenance scheme approved under the terms of condition 11; shall be in operation.

**Reason:** To ensure ongoing maintenance in the interests of visual amenity.

13. That the recommendations of the reports titled 'Preliminary Ecological Appraisal ' by Gavia Environmental dated 29/06/2021 and the associated 'Bat Activity Surveys' dated 30/09/2021 shall be implemented in full to the satisfaction of the Planning Authority.

**Reason:** To ensure compliance with The Conservation (Natural Habitats & c.) Regulations 1994 (as amended); the Wildlife and Countryside Act (1981) as amended; the Protection of Badgers Act 1992 (as amended); and the Nature Conservation (Scotland) Act 2004.' 11.

14. That should 12 months or more have elapsed between the date of the ecological surveys detailed in condition 13 above and development commencing, a further updated survey shall be undertaken on the site to determine the presence of any statutorily protected species. The said survey shall thereafter be submitted to and approved in writing by the Planning Authority before any development commences on the site. Should any mitigation measures be required for any protected species, this shall be implemented in accordance with a refreshed species protection plan agreed in writing with the Planning Authority before works commence on the site.

**Reason:** To ensure compliance with The Conservation (Natural Habitats & c.) Regulations 1994 (as amended); the Wildlife and Countryside Act (1981) as amended; the Protection of Badgers Act 1992 (as amended); and the Nature Conservation (Scotland) Act 2004.'

15. That no development shall commence (excluding the demolition of existing structures) until:

- A scheme of intrusive investigations has been carried out on site to establish the risks posed to development by past coal mining activity; and,
- Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigation and remedial works shall be carried out in accordance with authoritative UK guidance.

**Reason:** To ensure that matters relating to coal mining risk are adequately addressed.

16. That prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made safe and stable for the approved development shall be submitted to, and approved in writing by the Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

**Reason:** To ensure that matters relating to coal mining risk are adequately addressed.

17. That before development starts, full details of the pre and post development site levels (including cross-sections), shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the levels approved under the terms of this condition.

**Reason:** To agree final levels details in the interest of amenity and visual impact and to clarify the drawings on which this approval of permission is founded.

**Background Papers:**

**Consultation Responses:**

NLC Traffic & Transportation: 22/10/2021, 9/02/2022, 1/04/2022 and 4/04/2022  
Environmental Health (including Pollution Control): 7/10/2021 and 2/11/2021  
The Coal Authority: 11/10/21

**Contact Information:**

Any person wishing to inspect these documents should contact Mr Gordon Liddell at [planningenquiry@northlan.gov.uk](mailto:planningenquiry@northlan.gov.uk)

**Report Date:**

11th April 2022

## APPLICATION NO. 21/01205/FUL

### REPORT

#### 1. Site Description

- 1.1 The application site (1ha) is the site of the former Heathery Works. This is located to the north-west of the roundabout at Heathery Road and Glasgow Road. Directly to the north is a railway line, there is a Sports Direct to the west and open space to the south, containing trees and advertising hoardings. To the east is Heathery Road, beyond which is an area of parking and some buildings containing businesses and residential units. To the south beyond Glasgow Road is the King George playing field. At the northeast of the site, Heathery Road passes under the railway bridge beyond which is a residential area at Wishawhill. The other notable feature in respect to this site is the roundabout on Glasgow Road connecting Alexander Street, Netherton Street and Heathery Road to the south.
- 1.2 In the wider area, there are a mix of uses with the town centre located a short distance to the east and Caledonian Retail Park a short distance to the west.
- 1.3 Within the site, there are some existing light industrial/business buildings which would be demolished as part of the proposals. The rest of the site is vacant/derelict land. Levels fall from north to south.

#### 2. Proposed Development

- 2.1 The application is for a new Lidl foodstore (Use Class 1 - retail), comprising 1,996 sqm floorspace with a net sales area of 1,266 sqm. 81 customer car parking spaces are proposed, along with spaces for staff, people with disabilities and for parents with toddlers. 2 spaces would have electric charging points and bicycle storage would also be provided. The building itself would be a typical Lidl retail unit, located at the back of the site adjacent to the railway line. The internal layout would be arranged to provide parking, pedestrian cyclist provisions and serve delivery vehicles to the store.
- 2.2 The access would be taken off Heathery Road, via a new roundabout south of the railway bridge adjacent to Wishawhill. As part of the proposal, there would also be works to the public road network including road widening, works to the junction at the roundabout on Glasgow Road and the provision of a widened footway. Within the site, to provide appropriate gradients, ground levels would require to be raised towards Glasgow Road and the south part of Heathery Road. Landscaping would be incorporated here, replacing some of the existing trees that would be lost.
- 2.3 Advertising relating to the store would be subject to a separate application should planning permission be granted.

#### 3. Applicant's Supporting Information

- 3.1 The following documents were submitted in support of the planning application.
- Planning and Retail Impact Assessment (Including update)
  - Transportation Assessment
  - Ecological Surveys
  - Site Investigation
  - Solar Panel Report
  - Flood Risk Assessment
  - Tree Report
  - Noise Impact Assessment
  - Design Statement
  - Coal Mining Risk Assessment

#### 4. Site History

- 4.1 There is no site history on file relevant to the assessment of this application. There are some advertising hoardings at the south of the site.

#### 5. Development Plan

- 5.1 The application site is designated EDI1 A1 (Existing Industrial and Business Areas) in the North Lanarkshire Local Plan. Also relevant are policies:

- DSP1 (Amount of Development)
- DSP2 (Location of Development)
- DSP3 (Impact of Development)
- RTC1A (Protecting the North Lanarkshire Centre Network)
- RTC2 (Town Centre Actions Plans)
- RTC3 (Assessing Retail Out-of-Town Centre Development)
- DSP4 (Quality of Development)

#### 6. Consultations

- 6.1 **NLC Pollution Control** raise no objection to the application. There is a requirement for a Site Investigation to be carried out and this can be addressed by planning conditions. A Noise Impact Assessment was submitted in support of the application and this concluded that noise impact would be within acceptable limits. These conclusions are accepted by Pollution Control. Otherwise, advice is provided on construction impacts and lighting.

- 6.2 **NLC Transportation** raise no objection to the application. It is highlighted to Committee that there have been detailed discussions between the Council and applicant in respect to the access requirements and potential impacts on the public road network, particularly to ensure road safety concerns are identified and mitigated. Notable road safety concerns were identified in respect to current manoeuvring of vehicles at the roundabout on Glasgow Road, as well as substandard footways. This has required amendments to the proposal, including alterations to the public road network at the location, amendments to the internal layout and a revised layout plan. In summary, the transportation adaptations include:

- The inclusion of a new roundabout into the site to an appropriate design and standard.
- Widening of the junction at the corner of Heathery Road and Glasgow Road to allow safe and efficient HGV vehicle movements around the existing roundabout on Glasgow Road.
- A 7.3m wide carriageway between the existing and proposed roundabouts to allow for efficient vehicle movements.
- An increased footway width on the western side of Heathery Road.
- Alterations to the internal layout.

- 6.3 Consideration has also been given to the capacity of the public road network to accommodate the development at this location. The applicant submitted a Transportation Assessment which considers this in detail as well as connectivity of the site in terms of different modes of transport. The Transportation team have carried out a detailed review of the assessment. Some queries have been raised in terms of methodology, however it has been concluded that the area (subject to road improvements) could accommodate the proposed development. Transportation have asked that if the store doesn't open by 2023 (the date identified within the Transportation Assessment) that a further assessment be carried out to identify any additional road improvements. This wouldn't be reasonable in planning terms and the application requires to be determined on the basis of the information available. Should development not start within 3 years, then a further application would be required which would allow the opportunity to review any new transportation impacts.

- 6.4 The **Coal Authority** have no objection to the application. The site is in an area which has previous mining features which could affect development. Conditions are required to ensure these matters are addressed and mitigation provided where required.

## **7. Representations**

- 7.1 3 letters of representation (all in objection) were received through the assessment of the application. These were received outwith the statutory timescales for making representation and can't be taken into account.

For information, the issues raised were:

- The development would cause congestion/chaos on the surrounding road network
- The proposals have been developed without local knowledge
- Concerns about pedestrian safety
- Concerns about larger vehicles from the perspective of road/pedestrian safety
- Already queuing at the roundabout at Glasgow/Heathery Road
- Difficult for pedestrians to cross the road – this will be made worse
- Concern about the position of the proposed roundabout adjacent to the bridge on Heathery Road and associated single storey section of road
- Concern about the proposed entrance
- Previous accidents in the area
- A zebra crossing and lights would be required
- Suggestion that access be taken from, and shared with Sports Direct

Response: The application has been associated with a Transportation Assessment and detailed consultation with the Council's Transportation Team. This has result in various adaptations to the proposals, with several of the concerns raised also identified. Subject to these changes being implemented, it is considered that the development could be accommodated with no unacceptable impacts for road and pedestrian safety. The application has been the basis of proper consultation and notification as per the relevant planning regulations.

## **8. Planning Assessment**

- 8.1 In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. This application is not of strategic significance and requires to be assessed against the North Lanarkshire Local Plan.

### **Development Plan - North Lanarkshire Local Plan**

- 8.2 The adopted North Lanarkshire Local Plan zones the site under EDI1 A1 (Industrial and Business Areas). Other relevant policies are:

- DSP1 (Amount of Development)
- DSP2 (Location of Development)
- DSP3 (Impact of Development)
- RTC1A (Protecting the North Lanarkshire Centre Network)
- RTC2 (Town Centre Actions Plans)
- RTC3 (Assessing Retail Out-of-Town Centre Development)
- DSP4 (Quality of Development)

### **Primary Policy Designation**

- 8.3 The primary policy designation of the site is EDI1 A1 (Existing Industrial and Business Areas), which seeks to protect those areas. Specifically, this supports continuing the industrial and business character of the area, although provides criteria to consider proposals for changes to alternative uses.
- 8.4 In physical terms, the area covered by this policy designation includes current land-uses that are more mixed in nature comprising a sports goods retailer, derelict land with advertisement hoardings, a larger derelict platform at the north of the site and a poor quality narrow building across the centre of the site, largely unused apart from a 'cash for clothes' facility. Given the current mix of non-compliant uses and the proliferation of longstanding derelict land, the principle of protecting the land for purely industrial

purposes wouldn't serve a particularly valuable purpose from a land-use planning perspective in this instance. It should also be noted that the replacement North Lanarkshire Local Development Plan identifies the area as 'General Urban' and does not specifically promote continued industrial and business uses.

8.5 Turning to the criteria for considering alternative land-uses, the following comments are given:

- **Extent to which there is a surplus in the land supply for industry and business:** There is an adequate supply of land for industry and business elsewhere and the site is to be considered as a 'General Urban' area in the emerging Local Development Plan.
- **Potential undermining of the attractiveness as a location for industry and business:** Much of the site has been derelict for a long time and there are already several non-industrial uses in the area.
- **Specific locational requirement for the proposal:** This is considered later in the report in respect to the sequential approach to site selection. It is accepted that the site has been appropriately justified from a locational perspective.
- **Whether the proposal would result in significant economic benefit to the Plan area:** The proposal is considered to offer economic benefits in respect to construction, employment and as a new active land-use. It is noted that Lidl would however be relocating from the town centre and although a larger store is now proposed, some of the jobs would be relocated leaving a vacant unit. At this stage, it's not clear what would happen with the existing unit but returning to a new retail use or redevelopment would also have economic benefits.
- **Existence of suitable alternative sites:** It is considered that an appropriate sequential approach to site selection has been used by the applicant in terms of retail impact assessment. This is discussed later in the report.
- **Impact on travel patterns and accessibility by public transport:** The application has been supported by a Transportation Assessment and proposals for improvements to the public road network. It is considered that these have demonstrated that impacts would be within acceptable limits. In respect to travel patterns, the site also has linkages to public transport.
- **Whether the development would re-use vacant or under-utilised industrial land:** The development would re-use longstanding vacant, derelict and under-utilised industrial land.

8.6 Taking the above into account, it is considered that the proposal is contrary to the industrial designation of policy ED11 A1, but can be justified as an acceptable alternative land-use.

#### **Development Strategy Policies**

8.7 Policy DSP1 (Amount of Development): Policy DSP1B deals with potential additions to planned land supplies and in the case of retailing, requires development to be justified in instances where proposals are over a threshold of 2,000 sqm comparison or 1,000 sqm convenience outside town centres. The proposal being a 1,916 sqm gross convenience retail development exceeds the threshold specified and therefore needs to be justified in terms of the Demand Assessment Criteria set out in the Plan. In the case of retailing, this relates to impact on RTC1 Town Centres, primarily Wishaw in this instance. Retail impact is reviewed later in the report where it has been concluded that the development would be within acceptable limits.

8.8 Policy DSP2 (Location of Development): Applications for planning permission which would be additions to planned sites for retail may be supported, subject to assessment against various criteria as follows:

**Urban Regeneration:** Using brownfield urban land and existing urban infrastructure and services. These principles are achieved within the proposal.

**Environmental Assets:** Including safeguarding locations, habitats or species of recognised importance and protecting and enhancing watercourses. These matters are either not relevant to the site or can be addressed by way of planning condition.

**Accessibility:** Supporting the hierarchy of walking, cycling and public and private transport. A Transportation Assessment has been submitted with the application as well as proposals for access and public road adaptations. It is considered that this satisfactorily demonstrates that the development could be integrated within the surrounding area. The site would be served by pedestrian linkages via the public road network (with some residential areas within a 5 minute walking distance), similarly cycle linkages on the public road network (and proposed facilities at the store), 2 bus stops serving different routes, Wishaw Railway Station (800m away), in addition to the on-site parking facilities. The Council's Transportation team have no objections subject to conditions.

**Community:** Enhancing social inclusion and integration by improving access to community facilities. This proposal doesn't relate to community facility enhancements.

**Town Centres:** Safeguarding vitality and viability of RTC1A Centre Network by supporting their diversification and improving their environment. This matter is one of the key considerations in the assessment, discussed in more detail later in the report. The proposal is an out-of-centre retail unit and a Retail Impact Assessment has been submitted which concludes that impacts would be within reasonable limits. The Planning Service accepts that the development could proceed with acceptable impacts on the town centre and other more local shopping centres.

**Health and Safety:** Avoiding locations liable to flooding, pipeline routes or areas subject to hazardous development exclusion zones. All technical constraints identified can be addressed.

- 8.9 It is considered that the development satisfactorily complies with Policy DSP2 in respect to locational criteria.
- 8.10 Policy DSP3 (Impact of Development): Where development either on its own, or in association with existing developments, will place additional demands on community facilities or infrastructure that would necessitate new facilities or improvements in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. In this application, there would be works to the public road network required to accommodate the development, however these would be carried out by the Developer. The proposal complies with policy DSP3.
- 8.11 Policy DSP4 (Quality of Development): This policy relates to design and technical matters. This is considered later in the report.

#### **Retail and Town Centre Policies**

- 8.12 Policy RTC1 (Protecting the North Lanarkshire Centre Network) seeks to protect the network of centres as the continuing focus of retail, leisure, civic and community uses. The proposed site at Heathery Road is not located within the designated network of centres and is therefore regarded as an out-of-centre location. Furthermore, it is highlighted that Lidl are in fact proposing moving from the Town Centre, leaving a vacant unit. The application is not in accordance with the principle of policy RTC1, although the plan does allow the opportunity to consider whether out-of-centre proposals can be supported with an acceptable level of impact.
- 8.13 Policy RTC2 (Promoting Town Centre Action) relates to action plans created for the different town centres within North Lanarkshire, considering the health of the centres. There is currently no adopted Action Plan for Wishaw, however 'The Town Vision for Wishaw' was approved by the Council last year and is now Council policy. It is also acknowledged that the applicant has provided a Health Check analysis of the town centre within their application which has concluded that Wishaw town centre is performing well, including below average vacancy rates. In terms of the context of changing town centres and patterns of retailing, the Council's vision document seeks to backfill any loss of retail provision within the town centre boundary with residential development and specifically considers and supports this site for such a use. While in general terms, the loss of retail from a town centre wouldn't be a favourable outcome (and the position of the current Lidl store means that there are some linked trips to other shops), the Town Vision does support a future change in land-use at this site. An alternative Class 1 retailer using the vacated unit wouldn't require planning permission.

- 8.14 Policy RTC3 (Assessing Retail and Commercial Leisure Development) considers development outside the Centre Network and requires that proposals for convenience floorspace over 1,000 sqm gross not in the Centre Network will be considered against assessment criteria relating to 'Location of Development' and 'Impact of Development'.
- 8.15 Applications require to demonstrate the location's suitability in terms of a sequential approach to new site identification with the first preference to locate retail development within town centres, followed by edge-of centre sites, then by Commercial, Neighbourhood/Local Centres and only then by out-of-centre sites at locations that are, or can be easily made accessible by a choice of modes of transport. In addition, out-of-centre retail development justified under the sequential approach requires to integrate with surrounding land uses in locations that are readily accessible by a variety of transport modes, not predominantly private car. Regarding impact, the policy also requires evidence of no significant adverse impact on the vitality, viability and environment of the RTC 1 Centre Network and Town Centre Action Plans.
- 8.16 A Retail Impact Assessment and sequential analysis has been submitted as part of the planning application. In terms of impact, it is again highlighted that this development is a replacement for the existing and smaller Lidl store located within Wishaw Town Centre, around 1 km to the east of the application site. That trade would be lost to the town centre if the application were to be approved, with Lidl moving to a different site. Otherwise, Retail Impact Assessments essentially seek to show evidence of no significant adverse impact on the vitality, viability, and environment of the retail areas defined in the local Development Plan to demonstrate that the proposal satisfies the relevant Policy on matters of impact. It is highlighted to Committee that Retail Impact Assessments are not an exact science but are used as a guide to understand likely impacts as clearly as possible. The following paragraphs are a review of the applicant's Retail Impact Assessment which appears to have been carried out following a reasonable methodology.

#### **Catchment**

- 8.17 In this case, a 7-minute drive time from the application site has been applied by the applicant to establish the store's likely catchment and help to predict what retail impacts are likely to be on other centres and stores serving the catchment. The catchment applied encompasses much of Wishaw (including the town centre) and into Motherwell. This is considered by the Planning Service to be a reasonable reflection of where trade would come from, and where impacts are likely to be.

#### **Sequential approach to new site identification**

- 8.18 The sequential approach applied by the applicant appears reasonably thorough and considers a range of 14 sites across the store's catchment area, including Wishaw Town Centre, Caledonian Centre and 5 smaller neighbourhood/local centres. It also considers other possible sites in the wider area, including the eastern part of Motherwell. The Planning Service notes that the former Tesco site within the town centre might have been a favourable option in respect to directing retail to town centres, however this is being developed for a mix of flats and houses. In terms of site selection by the applicant, the Planning Service considers that a satisfactory sequential approach has been applied. It is accepted that the proposed site would be a suitable out-of-centre location should impacts be within reasonable limits, subject to technical assessment. The conclusion of the technical assessment is that the development would integrate satisfactorily with the surrounding area, in terms of amenity and transportation.

#### **Potential Retail Impact**

- 8.19 Within the Retail Impact Assessment, the applicant has provided details of anticipated impacts depending on different scenarios, for example, whether the existing unit remains in use for retail, or not. The assessment reviews the anticipated impacts on the network of retail centres, which in planning terms is the main consideration for this application. Within that, it also identifies anticipated impacts on other retailers which is useful in further understanding how the town (and other) centres might be affected. As noted, actual impacts could be different and Retail Impact Assessments are a guide only, but the assessment appears to have been carried out following reasonable methodology. It is also noted that there is no identified need for further retail in this area within the Council's planning policies. From a Planning Authority perspective, the assessment more relates to whether the relocated expanded store could be accommodated with acceptable impacts on the Network of

Centres. In this report, the worst-case scenario impact is reviewed – that being the new larger out-of-centre replacement store coming into existence, leaving a vacant retail unit in the town centre.

- 8.20 The applicant's Retail Impact Assessment considers that of the total turnover of the proposed store (£9.99 million at 2027), this is predicted to divert £6.34 million of trade from Wishaw town centre at 2027 which represents a 4.58% impact. This means turnover of the town centre is projected to fall from £138.61 million to £132.27 million. It is noted that the bulk of this trade draw would be from Tesco, Morrisons and Iceland with these stores having individual impacts of 5.4%, 11.39% and 9.22% respectively.
- 8.21 In terms of understanding impact, what this means is that while the town centre (and other centres) would experience a predicted loss of trade, this would largely be focused on competing national multiple retailers who are more likely to be able to absorb impacts from increasing competition. The other centres generally have smaller impacts ranging from negligible impacts on Craigneuk and Caledonian Retail Park to around 2% on small neighbourhood centres at Nethererton Road and Muirhouse. The other centre with the largest predicted impact is the Glasgow Road Neighbourhood centre at 9.03% at 2027, but again this impact is mainly on Aldi who compete with Lidl as a competing Limited Assortment Discounter. The potential impact on other independent town centre units is not considered likely to be significant, particularly as this is a relocation and fairly modest expansion of their current operation in Wishaw town centre. A further scenario has been included by the applicant which predicts impact should the new store go ahead, and the existing unit be taken up by another retailer. In this scenario, town centre impacts as a whole aren't predicted to be any worse (new retail would return to that particular town centre unit), although the Planning Service notes that a new out-of-centre Lidl and replacement retailer within the town centre could have some impact on smaller shops if customers have more (and cheaper) options. This isn't considered to be sufficient reason to refuse the application, particularly taking into account the Council's vision for the town centre. The alternative scenarios presented by the applicant all have lesser predicted impacts.
- 8.22 From a Planning Authority perspective, the key issue here is whether a predicted 4.58% impact upon Wishaw town centre would be unacceptable. Given that the impact is largely upon other food retailers and the proposal is a relocation (and modest expansion) of an existing Lidl store within the same catchment, the Planning Service considers this to be within reasonable limits. Arriving at this recommendation, the 'Town Vision for Wishaw' document has been taken into account, which acknowledges retail contraction within town centres and has an approach to replace discontinued retail sites like this with alternative uses, specifically residential in this instance. This is discussed more on the following paragraph.

### **Vitality and Viability of Existing Centres**

- 8.23 The applicant has provided a Health Check review of Wishaw town centre as part of the application. They note that there are good range of town centre uses and services including two supermarkets (Tesco and Morrisons), a frozen food operator (Iceland), and the current discount convenience operator (the applicant themselves). Also identified is a range of comparison and small independent operators, a range of pharmacies, hairdressers and beauty salons, a variety of different restaurants, public houses, cafes and hot food takeaways. In addition are offices for public authorities, leisure and cultural facilities and other services. In total, there are 252 units identified of which 32 are vacant.
- 8.24 The applicant notes that vitality and viability of centres depend to a large extent on the quality and variety of retailers represented, with national retailers considered particularly important to attract shoppers. At the same time, it is highlighted that independent shops play an important role in distinguishing a centre from its competitors. An in-person survey was carried out by the applicant (mid-afternoon). The applicant notes that visitors were shopping at the existing Lidl and were also using other town centre facilities; albeit at a fairly low rate. It also appeared that a majority of shoppers were undertaking their main food shopping ('trolley shop'), particularly at the Lidl store, which also acts as a public car park to the main shopping area along Main Street. No linked trips between the Tesco, Morrisons and the centre's Main Street were observed at the time of the in-person visit.

- 8.25 In terms of unit vacancies, this has been identified 1.1% below the national average. In respect to how the town centre operates, excellent levels through a variety of transport options were identified (walking, cycling, public and private transport (bus and rail)). On the physical fabric, recent public realm investment is identified along with a review of the appearance and likely experience for residents and visitors.
- 8.26 Overall, the applicant concludes that the town centre has a favourable vacancy rate and has a good mix of retail uses. The vitality and viability of the centre is viewed as good and centre was viewed to be generally in very good health.
- 8.27 At this time, the Council doesn't have an Action Plan for Wishaw town centre, however has approved 'A Vision for Wishaw' policy in 2021 as way to guiding future investment. While outwith the Development Plan, this does assist in the assessment of this application. Retail contraction has been recognised and the vision seeks to backfill any loss of retail provision within the town centre boundary with residential development. It also specifically supports the residential or mixed-use redevelopment of the current Lidl store.
- 8.28 From a planning assessment perspective, a healthy town centre is more likely to be able to withstand retail impacts. Furthermore, the Council is anticipating changes within the town centre, along with a strategy for guiding future investment and development. Taking into account the findings of the Retail Impact Assessment, the applicant's Health Check information and the Vision for Wishaw policy, the Planning Service considers that all of the potential scenarios presented (along with their different possible impacts), are considered to be within reasonable limits. While there would potentially be risk to the trade of some smaller more local shops, this should be considered in the context of the impact assessment, the vision for the town and also the benefits to be had through developing the other vacant and derelict site.
- 8.29 Overall, it is considered that the proposal could be supported under the provisions of policies RTC1, 2 and 3.

#### **Development Strategy Policy - Design and Integration**

- 8.30 Returning to development strategy policies, policy DSP4 (Quality of Development) provides criteria to ensure the design and layout of the proposal and its integration with the surrounding area is acceptable.
- 8.31 In respect to points 1, 2 and 4 which includes consideration of site appraisal, ground conditions, landscaping, open space, and wildlife interests, it is considered that adequate information has been provided to support the application including relevant supporting technical reports. Subject to conditions, it is considered that these matters can be adequately addressed.
- 8.32 Point 3 is split into 6 further criteria (a)-(f). In summary, it is considered that assessment against points (a)-(d) (e.g. design principles, layout, accessibility, connectivity and sustainability/carbon footprint) and (f) (potential impact on amenity) demonstrates the proposed development can be supported. The design of the unit reflects Lidl stores more generally, however, the layout does have the buildings suitably placed and would incorporate some landscaping. There would be levels changes required to provide appropriate gradients in the car park. While full details haven't been submitted as part of the application, considering the location of the site, this matter can be addressed by a planning condition. Considering the character of the area and surrounding uses, once landscaped, it is considered that the development would integrate successfully in the area, which is mixed use, already has similar buildings and has a railway line to the rear.
- 8.33 The location is accessible, using existing infrastructure (along with some road modifications) with accessibility via walking and cycling, local bus stops, a railway station and by car. Notable road adaptations to Heathery Road would be required, including to width, footways and the provision of a roundabout. The Council's Transportation section consider this to be acceptable. The internal layout is also considered to be acceptable, and while the main access would be used by customers and service vehicles, an appropriate design has been developed. There are pedestrian facilities incorporated and parking provided for a range of users including cyclists. Electric charging points and bicycle facilities are also provided. This is an out-of-centre location and sustainability and carbon footprint ratings may be lower than in the network of centres. However, the proposal has been justified through the appropriate Retail Impact Assessment and sequential approach, and in terms of sustainability and carbon footprint, the site is brownfield, vacant/derelict and utilises existing

transportation infrastructure. There would also be broader environmental and visual benefits for redeveloping the site for a positive public use.

- 8.34 Point (d) requires that consideration has been given to mitigating any likely air quality, noise or pollution impacts (particularly within or adjacent to Air Quality Management Areas). In this application a Noise Impact Assessment has been required. There are residential properties located at the corner of Heathery Road and Glasgow Road and to the north, but assessment of possible impacts shows that these would be within acceptable limits. Furthermore, no habitable room windows look onto the proposed site. Point (e) requires that water body status is protected and requires that foul water be connected to the public sewer and that Sustainable Urban Drainage Systems should be adopted within site design. These matters can be addressed by planning conditions.
- 8.35 It is considered that the proposal accords with Policy DSP4. To conclude assessment of the Development Plan, overall the proposal would be a departure from the principal land-use zoning (albeit received support from several individual policies) and therefore should be refused unless there are material considerations which suggest otherwise. Furthermore, the plan allows consideration of alternative land-uses.

### **Material Considerations**

#### **Scottish Planning Policy**

- 8.36 Scottish Planning Policy (SPP) states that the planning system should apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities. It should also ensure that development plans, decision-making and monitoring support successful town centres. A sequential town centre first approach when planning for such uses requires that locations are considered in the following order of preference;
- town centres (including city centres and local centres);
  - edge of town centre;
  - other commercial centres identified in the development plan; and
  - out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes
- 8.37 Where development proposals in edge of town centre, commercial centre or out-of-town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been assessed and that the impact on existing town centres is acceptable. Where a retail and leisure development with a gross floorspace over 2,500sqm is proposed outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken. For smaller retail and leisure proposals which may have a significant impact on vitality and viability, planning authorities should advise when retail impact analysis is necessary.
- 8.38 Out-of-centre locations should only be considered for uses which generate significant footfall where all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable; the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location; the proposal will help to meet qualitative or quantitative deficiencies; and there will be no significant adverse effect on the vitality and viability of existing town centres
- 8.39 These matters have all been considered in the above assessment and the application is considered to comply with the aims of Scottish Planning Policy in respect to retail.

#### **Emerging Local Development Plan**

- 8.40 In the emerging Local Development Plan (which will soon be adopted) the site is identified as a General Urban Area and the relevant Purpose of Place Policy is a change from the current industrial designation, supporting a mix of uses where appropriate and justified, maintaining or improving the level of amenity appropriate for the local context. In terms of the Amount of Development Policy relevant to General Urban Areas, policy AD3 indicates that in the case of Class 1 Retail development, any scale of development proposed must be assessed on its impact on the hierarchy of retail centres

and be subject to a sequential approach. The associated guidance considers whether proposals are appropriate in terms of the nature and scale of the development. Assessment of any new proposal within General Urban Areas should be supported by a range of information within the application. This would include details on retail information and business plans, the sequential approach, information on uses within the site and surrounding area, review of impacts, details of any specific locational requirement, details of economic benefit, as well as consideration of transportation and accessibility matters.

- 8.41 In the emerging plan, development will also be subject to assessment against Policy CI - Contributions to infrastructure and guidance to determine whether the proposal generates a requirement for new or enhanced infrastructure or services. Policies EDQ1, EDQ2 and EDQ3 - Environmental and Design Qualities and guidance also requires to be considered, largely reflecting the design assessment currently carried out through policy DSP4 of the adopted Local Plan.
- 8.42 The new Local Development Plan will change the way in which proposals like this will be considered, including the range and format of supporting information required within applications. These matters are however considered to be satisfactorily addressed within this recommendation whilst the North Lanarkshire Local Plan remains the adopted policy.

#### NLC Supplementary Planning Guidance: Industrial and Business Development

- 8.43 The Council has additional supplementary planning guidance on industrial and business development to assist the assessment of applications, including the range of information required. This also provides criteria to be considered in proposals to change the use of industrial areas, including the planning status of the site, location marketability, consideration of the market sector of proposals (and whether there are other alternative locations to meet this demand), assessment of economic impact and potential impacts on support facilities. The guidance highlights that proposals to change the use of industrial land wouldn't be supported if applications fail to include sufficient information, would have a negative impact on the economic competitiveness of North Lanarkshire, would be detrimental to the cumulative economic importance of small scale sites, or would have a negative impact on communities and the wider environment. These matters are considered to be satisfactorily addressed within paragraphs 8.3 – 8.35 above, where it has been concluded that the proposed alternative use would be acceptable.

#### Consultees and Representations

- 8.44 All matters raised through the consultee process have been addressed or can be addressed via planning conditions. It is noted that a Protected Species Survey and Bat Survey has been submitted with the application which has identified the potential for buildings to be demolished to contain bat roosts. This has recommended pre-demolition surveys to ensure any licence matters can be resolved, along with a Bat Protection Plan. Considering the limited extent of potential impact in this instance and the level of information available within the relevant reports, conditions are considered reasonable.
- 8.45 3 letters of objection were received in response to the application, however these were received after the statutory deadline for making representations. As noted above, the key points raised have been addressed within this report.

### **9. Conclusions**

- 9.1 While designated as an industrial and business site (Policy EDI1 A1 (Industrial and Business Areas)) in the North Lanarkshire Local Plan, for the reasons discussed in this report, the proposal is considered to be an acceptable alternative use which would redevelop a largely vacant and derelict area of ground.
- 9.2 In respect to retail impact and development strategy, the adopted local plan allows the opportunity to consider out-of-centre retail development, where impacts would remain within acceptable levels and an appropriate approach is used in terms of site selection. There isn't a specific requirement for additional retail flood space within this area, however, it has been adequately demonstrated that the relocated and expanded Lidl store can be supported with only limited impacts on the town centre and wider network of retail centres. Furthermore, the Council has a vision for Wishaw town centre which would ultimately be to replace the existing site with residential development. Finally, in respect to

interacting with surrounding land-uses and the public road network, the application is also considered acceptable, subject to planning conditions.

- 9.3 As a departure from the primary designation of the site, the application can be supported under the provisions of policies DSP1 (Amount of Development), DSP2 (Location of Development), DSP3 (Impact of Development), RTC1A (Protecting the North Lanarkshire Centre Network), RTC2 (Town Centre Actions Plans), RTC3 (Assessing Retail Out-of-Town Centre Development) and DSP4 (Quality of Development) of the North Lanarkshire Local Plan. The application is also supported by criteria within policy EDI 1 A1. The proposal would similarly accord with the emerging Local Development Plan and be supported by Scottish Planning Policy. It is therefore recommended that the application be approved, subject to conditions.