

Report to:	Planning Committee
Date of Meeting:	22 June 2010
Report by:	Executive Director (Enterprise Resources)

Application No	EK/10/0056
Planning Proposal:	Mixed Use Development Comprising a Class 1 Superstore, Garden Centre, Hotel, Class 3 Uses, Petrol Filling Station, Allotments, Landscaping, Associated Access and Car Parking

1 Summary Application Information

- Application Type : Permission in principle
- Applicant : JHAG Ltd
- Location : Land at Redwood Crescent
Peel Park
East Kilbride

2 Recommendation(s)

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

- (1) Grant Planning Permission in Principle – Subject to Conditions (Based on the conditions attached)

2.2 Other Actions/Notes

- (1) Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: MacKay Planning
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **Glasgow and Clyde Valley Structure Plan : Approved April 2008**
Strategic Policy 1 – Strategic Development Locations
Strategic Policy 5 – Competitive Economic Framework
Strategic Policy 6 – Quality of Life and Health of Local Communities
Strategic Policy 9 – Assessment of Development Proposals
Strategic Policy 10 – Departures from the Structure Plan

March 2009)

Policy STRAT1 – Regeneration Priorities

Policy STRAT8 Development Framework Sites
Policy

Policy COM3 – New Retail / Commercial
Development

Policy ECON3 – Strategic Locations for Work
and Business

Policy ECON4 – Industrial Land Supply

Policy ECON5 – Proposed Industrial Sites

Policy ECON 9 – Tourism Development Policy

Policy TRA 1- Development Location and
Transport Assessment

Policy TRA 3 – Core Path Plan Proposal

Policy TRA 4 – Bus Provision Policy

Policy ENV1 – Priority Green Space Land Use

Policy ENV2 – Local Green Network

Policy ENV30 – New Development Design

◆ Representation(s):

▶	15	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

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

Environmental Services

Westwood Community Council

Jackton & Thorntonhall Community Council

Stewartfield Community Council

Glasgow & Clyde Valley Structure Plan Joint Committee

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

East Renfrewshire Council

SP Energy Networks

Scottish Gas Networks

Transport Scotland

Scottish Natural Heritage

Roads and Transportation Services (HQ and East Kilbride Area)

Railtrack Outside Parties Section

Strathclyde Partnership for Transport

West of Scotland Archaeology Service

Planning Application Report

1 Application Site

- 1.1 The application site (22.95 hectares) relates to a vacant site within Peel Park Industrial Estate at Redwood Crescent, East Kilbride. The site is bounded to the north and east by Peel Park and College Milton industrial areas, to the south by the Glasgow to East Kilbride railway line and to the west by Redwood Drive. The eastern part of the site is in use as informal open space with a network of footpaths grassland and clusters of mature woodland and shrubs. The site is accessed via Redwood Crescent.

2 Proposal(s)

- 2.1 The applicant is seeking planning permission in principle for a mixed use development including:
- Class 1 superstore (9290 square metres gross);
 - Garden centre (comprising comparison floorspace 6232 square metres gross, and a foodhall with convenience floorspace 635 square metres gross);
 - Hotel (120 bedrooms);
 - Two restaurants ;
 - Petrol filling station;
 - Allotments;
 - Car parking and landscaping.
- 2.2 The applicant has submitted a number of supporting documents including a Retail Assessment (RA), a Transportation Assessment (TA), a Flood Risk Assessment, a Planning Policy Statement, a Design and Access Statement and a Habitat/Ecological Study.

3 Background

National Policy Status

- 3.1 Scottish Planning Policy (SPP) provides advice on national planning policy issues. SPP highlights that legislation requires that planning decisions are to be made in accordance with the development plan unless material considerations indicate otherwise. SPP provides planning policy advice on a number of issues, including sustainable economic growth.

Development Plan Status

- 3.2 The Glasgow and Clyde Valley Joint Structure Plan includes a number of policies which are relevant to the assessment of the proposal. These will be discussed fully in Section 6 of the report.
- 3.3 A number of policies set out in the South Lanarkshire Local Plan (adopted March 2009) are relevant to the consideration of the proposal specifically:
- Policy STRAT1 – Regeneration Priorities
 - Policy STRAT8 – Development Framework Sites
 - Policy COM3 – New Retail / Commercial Development
 - Policy ECON3 – Strategic Locations for Work and Business
 - Policy ECON4 – Industrial Land Supply
 - Policy ECON5 – Proposed Industrial Sites
 - Policy ECON 9 – Tourism Development Policy
 - Policy TRA 1- Development Locations and Transport Assessment
 - Policy TRA 4 – Bus Provision
 - Policy TRA 3 – Core Path Plan Proposal
 - Policy ENV1 – Priority Green Space Land Use

Planning History

- 3.4. In 2008 Dobbies Garden Centre Plc applied for planning permission for a garden centre (EK/08/0093) on part of the current application site. The applicant withdrew the application in advance of a decision being made. In February 2010, Dobbies submitted a detailed planning application for the same site and this application (EK/10/0075) will be subject to a separate report to the Committee in due course. In 2008, a planning application was received from Heritage London and Hanover for a hotel (EK/08/0562) on part of the site which has subsequently been withdrawn.
- 3.5 The site has been subject to a Pre Application Notice. Under the new regulatory framework following from the Planning etc (Scotland) Act 2006, applicants lodging a major planning application are required to undertake pre-consultation with the community and stakeholders 12 weeks in advance of lodging the formal planning application. The applicant has followed this procedure and has submitted a Report of Consultation with the current planning application. In accordance with the Environmental Impact (Scotland) Regulations 1999, the Council undertook a screening opinion of the proposal which concluded that no Environmental Impact Assessment was required.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (HQ and EK Area)** – have reviewed the updated Transportation Assessment (TA) submitted by the applicant and raise no objections to the proposal subject to a number of matters being addressed in regard to detailed issues including the provision of on site and off site roads infrastructure improvements.
Response: Noted. Conditions will be attached to any consent granted.
- 4.2 **Environmental Services** – have no objection subject to the imposition of appropriate planning conditions in relation to noise, ventilation, air quality, dust and contaminated land investigation and mitigation.
Response: Noted. Conditions will be attached to any consent granted.
- 4.3 **Roads and Transportation Services (Flooding)** – No objections subject to compliance with infrastructure design criteria.
Response: - Noted. Conditions will be attached to any consent issued.
- 4.4 **SEPA** – No objection subject to compliance with SEPA's requirements in regard to foul drainage, surface/water, flood risk.
Response: Noted. Conditions will be attached to any consent granted.
- 4.5 **SNH** – Surveys requested in regard to European Protected Species (EPS) have been undertaken. No evidence of protected species has been found. However, it is recommended that there should be pre start surveys for bats and otters and that there should also be mitigation to ensure no damage to offsite ponds for great crested newts. A pre start survey of badgers and water voles has been requested. Protection of nesting birds is also required. The strengthening of the woodland plantation is welcomed.
Response: Noted. Conditions will be attached to ensure that the issues raised will be addressed in regard to protected species, trees, nesting birds and habitats.
- 4.6 **WOSAS** – No archaeological works are required in regard to the proposal.
Response : Noted

In this instance, given the scale and nature of this development and the nature of pre-application consultation, three local Community Councils were consulted as follows:

- 4.7 **Westwood Community Council** – Consider that the proposal would result in over development of the site and would damage the viability of the existing foodstore.
Response: Noted. While it is unclear which existing foodstore is referred to, an assessment of the proposal, in regard to viability of nearby retail locations, is undertaken in Section 6.0 below.
- 4.8 **Jackton and Thorntonhall Community Council** – No response to date.
Response: Noted
- 4.9 **Stewartfield Community Council** – No response to date
Response: Noted
- 4.10 **Glasgow and the Clyde Valley Strategic Planning Authority** - Have set out the policies relevant to the assessment of the proposal. The proposal is a departure from the Structure Plan and should therefore be considered in regard to Policy SP10 in particular.
Response: Noted. A full assessment is undertaken in Section 6.0 below.
- 4.11 **Scottish Water** - No objections subject to the applicant's compliance with a number of statutory requirements in regard to connections to the new and waste water infrastructure.
Response : Noted. Conditions and informatives will be attached to any consent issued.
- 4.12 **SP Energy Networks** – No objections but note that there are high voltage cables in the vicinity of the proposal.
Response: Noted. Conditions will be attached to any consent in respect of the relocation of statutory undertakers' infrastructure.
- 4.13 **Scotland Gas Networks** – No objections subject to the appropriate hand digging excavation methods in the vicinity of low/medium/intermediate gas mains that is present on the site.
Response: Noted
- 4.14 **Transport Scotland** – No objections, subject to conditions relating to roads infrastructure improvement.
Response: Noted. Conditions will be attached to any consent issued.
- 4.15 **Railtrack Outside Parties Section**– No objections, subject to no direct impact on Network Rail property particularly in regard to drainage, boundary treatment, on site hazards, landscaping or amenity.
Response: Noted.
- 4.16 **East Renfrewshire Council** – no response to date.
Response: Noted.
- 4.17 **Strathclyde Partnership for Transport** – raise no objections and welcome the proposal to locate two bus stops in the centre of the development and suggest that funding mechanisms will be required to support adequate bus provision for the site.

Response: Noted. The provision of bus services to the site will be included in the public transport strategy to be provided by the applicant. Conditions will be attached to any consent granted.

5 Representation(s)

5.1 The application was advertised in the East Kilbride News as Development Contrary to the Development Plan, Development due to the Scale or Nature of the Operations and due to non notification of neighbours. Fifteen letters of representation have been received all objecting to the proposal. The grounds of objection have been summarised as follows:

a) **What is the economic impact of another superstore, hotel and filling station on existing establishments? An unbiased retail impact assessment should be carried out.**

Response: The applicant has undertaken a retail assessment to identify the retail capacity and impact of the development. The findings of the retail assessment have been considered and are discussed fully in Section 6 of the report.

b) **What is the environmental and ecological impact of the development?**

Response: The applicant has undertaken a full ecological survey for the site and SNH have reviewed the reports and have raised no objections in principle.

c) **The garden centre should be permitted to go ahead but not the superstore hotel or petrol filling station.**

Response: The Council is required to consider the application as lodged by the applicant. A mixed use development is proposed in this case and the Council is obliged to consider the application as a whole with regard to all appropriate policies and material considerations.

d) **Concern is expressed regarding traffic impact on business operations in the Peel Park campus and on the local transport network.**

Response: A TA has been prepared by the applicant and there are no unacceptable impacts on the local or Trunk road network that cannot be mitigated. Conditions will be attached in this respect.

e) **Peel Park is considered to be of strategic importance as a Strategic Industrial and Business Location and should therefore be retained as the most marketable of the available industrial land supply particularly since the retail requirement can be satisfied at West Mains Road.**

Response: As noted below in Section 6.0, the site is identified as a Strategic Industrial and Business Location however as work has begun on the new Strategic Development Plan a review of Industrial / Business sites has commenced and evidence suggests that the boundary of the Strategic Industrial and Business Location at Peel Park should be considered. A review of the land supply for business and industry is also being undertaken which is likely to result in an increase in the 10 year land supply and the loss of the site to alternative uses being acceptable. These issues are set out in more detail in Section 6.0 below.

f) **West Mains Road is a preferred site as it is not a Strategic Industrial and Business Location, it is a brownfield and not a greenfield site, it is well served by public transport and is not the most marketable industrial land. There is no need for a super store at Peel Park.**

Response: The planning application for a proposed retail development at the West Mains Road site (EK/10/0110) will be considered on its own merits, although its existence has been noted in dealing with this application.

- g) **The proposal would be a significant departure from the Local Plan and be contrary to the development plan.**

Response: The policy assessment of the proposal is set out in Section 6.0 below.

- h) **The Retail Assessment (RA) for the proposal and the supporting information is incomplete as it does not include an assessment of the retail floorspace in the garden centre.**

Response: The applicant has submitted a retail assessment for the superstore and the garden centre element has been assessed by GVA Grimley for the detailed application (EK/10/0075) and also lodged in association with the current proposal.

- i) **The supporting information for the proposal does not consider the West Mains Road site in terms of the sequential approach. This should be supplied prior to the consideration by officers.**

Response: The applicant has supplied a supplementary statement in this respect and this will be discussed further in Section 6 of the report.

- j) **Concerns are expressed in regard to roads and transportation issues: the pedestrian links to housing areas, no footway connections to Hairmyres Station; predominant use of the car; low trip rates, use of out of date trip rates; the Community Growth Area has been excluded from the analysis; the proposed mitigation proposed will not achieve 'no net detriment'; It would be considered premature to determine the application on the basis of the TA as submitted.**

Response: The updated TA has addressed the above issues and includes a number of measures including a new footpath link from Peel Park Place which will link the Queensway and Hairmyres Station to the development. The trip rates for the TA were agreed by Roads and Transportation Services and Transport Scotland. In regard to trip rates being out of date, similar trip rates have been applied elsewhere in SLC for recent developments. The traffic and transport implications of the Community Growth Area have been factored into the TA. In regard to no net detriment SPP considers that where practicable mitigation measures should aim to achieve no net detriment in overall performance of the Trunk Road Network. Transport Scotland have raised no objection and are satisfied with the mitigation measures proposed in the TA. Roads and Transportation Services and Transport Scotland are satisfied with the TA and therefore it is considered an appropriate basis to assess the development. Planning conditions in regard to access by foot, cycling, and public transport, infrastructure modifications and the encouragement of sustainable forms of transport will be attached to any consent issued. These matters are addressed in Section 6.0 below.

- k) **The St. James's Centre is not a part of the retail hierarchy and as a consequence the application site cannot be considered edge of centre.**

Response: Noted. An assessment of the application site in regard to retail policy and the sequential approach is undertaken in Section 6.0 below.

- l) **SNH have advised that a bat emergence survey and otter survey and a great crested newt survey be undertaken. If the Council grant consent without those the development may well be contrary to the Habitat Regulations 1994.**

Response: SNH are satisfied with the surveys submitted to the Council regarding bats, otters and great crested newts. Conditions will be attached to any consent regarding badgers and water voles in accordance with SNH requirements.

- m) **It is our view that to observe the principles of natural justice and to act fairly requires that the JHAG application and the Dawn/ASDA application for a foodstore at West Mains Road should be considered at the same Committee. Failure to do so may result in a legal challenge.**

Response: The existence of the DAWN/ASDA application is a material consideration in dealing with the JHAG proposal. However, the Council is not obliged legally to hear two 'competing' applications at the same Committee but it has to act reasonably in dealing with the request to conjoin consideration of the two planning applications.

The questions for the Committee are therefore:-

1. Is it reasonable to delay consideration of the JHAG application until the DAWN/ASDA proposal has been processed to a conclusion by the Planning Service?
2. Is there a reasonable expectation on the part of DAWN/ASDA that the two retail proposals will be considered together as a matter of Council policy?
3. Are the merits of one application a material consideration to the other?
4. Is the order in which the applications were lodged a material consideration?

In response I would comment following the numbering above:-

1. The JHAG application is ready to be considered by Committee. The DAWN/ASDA application is not at this stage. I consider it would be unreasonable of the Council to delay the JHAG proposal in such circumstances because there is no definitive timescale in terms of when the DAWN/ASDA application will be ready to be reported to Committee. If the Council delay the JHAG proposal, then JHAG could lodge a legal challenge on the basis that the Council has acted unreasonably. I am also concerned that there has been a request by the owners of Atholl House to delay consideration of the JHAG and DAWN/ASDA proposals until their own application is lodged and has 'caught up' with the other two applications, in order that all three can be considered at the same meeting of the Planning Committee. In my view this is not acceptable and to agree to that request would make the whole decision making process unwieldy and irrational.
2. It is not Council practice / policy to deal with applications of a similar nature within a geographic area at the same meeting of the Planning Committee.
3. It is not clear, at this time, if this is the case and therefore for the reasons I have set out in 1 above, it is my opinion that this application should not be delayed.
4. This is a situation commonly found in Licensing applications and case law suggests that the fair way to proceed is to deal with each application in the order in which they were lodged and on their own merits.

In conclusion, it is my view that each application should be presented to Committee

when the assessment process is complete, which is only applicable, at this time, to this proposal by JHAG Ltd.

- n) **Concerns were expressed regarding the Transportation Assessment (TA) and the Retail Assessment.**
Response: The applicant has provided further supporting information on the TA and the RA and these documents have been made publicly available. An assessment of the supporting information has been summarised in Section 6.0 below.
- o) **The Retail Assessment (RA) fails to consider in the sequential approach the edge of centre site at Atholl House, Churchhill Avenue, East Kilbride and the proposed development is therefore contrary to the Local Plan and the Structure Plan.**
Response: The site at Atholl House has been subject to a Proposal of Application Notice after the submission of the current planning application. However, the applicant has updated the RA with a supplementary statement relating to other potential retail locations including Atholl House. An assessment of the current proposal with regard to the sequential approach is in Section 6.0 below.
- p) **Objection has been raised as the applicant has discounted the Atholl House site due to leasing arrangements and its current occupation as office premises.**
Response: The matters raised are of a commercial nature although it is understood that the building has a lease which is currently effective until 2016.
- q) **The applicant has been critical of the feasibility of developing a foodstore at Atholl House.**
Response: The merits of any future planning application at Atholl House will be considered at that time. No planning application is currently before the Council
- r) **Reservations have been expressed over the applicant's Retail Assessment and the methodology adopted.**
Response: The Council encourages a consistent approach to the quantitative assessment of retail proposals through submission of a retail assessment. Each application is assessed on its own merits however and the detailed methodology applied by planning consultants may vary. In this case and having considered the Structure Plan Retail Capacity Assessment TR07, the Council's independent Retail Assessment previously undertaken for a superstore at Kittoch Field and the relevant analysis undertaken in the applicant's RA I am satisfied that the Council has sufficient information to allow full assessment of the retail implications of the development.

The letters referred to above have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Glasgow and Clyde Valley Joint Structure Plan and the adopted South Lanarkshire Local Plan 2009.
- 6.2 In assessing any planning application it is also necessary to evaluate the proposal against the most up to date policies and criteria contained in the relevant national planning policy. Scottish Planning Policy (SPP) states that the planning system

should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places. Planning authorities should take a positive approach to development recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth. The proposed development can be considered to support the Scottish Government's wider strategy for economic growth by bringing into productive use a site which has been vacant for a number of years and has the potential to deliver in the region of 600 full and part time jobs.

- 6.3 The planning application in principle has been submitted to the Council to establish a range of uses on the site at Redwood Crescent, East Kilbride. The main determining issues are compliance with the approved Glasgow and the Clyde Valley Joint Structure Plan and the adopted South Lanarkshire Local Plan and any other material considerations. These will be considered in turn.
- 6.4 Structure Plan Assessment
- 6.5 The policies in the Structure Plan which are relevant to this application are Strategic Policy 1, Strategic Policy 5, Strategic Policy 6c, Strategic Policy 9 and Strategic Policy 10.
- 6.6 Strategic Policy 1 (SP1) - Strategic Development Locations
In SP1, identifies strategic town centres in Schedule 1(a) as a priority for future investment. Within the catchment area of the proposal as defined by the applicant in the accompanying Retail Assessment (RA), there are three strategic centres. East Kilbride is the only strategic town centre in the catchment area within South Lanarkshire and the other strategic centres outwith the catchment are Castlemilk within Glasgow City and Clarkston within East Renfrewshire.
- 6.7 Strategic Policy 5 (SP5) - Competitive Economic Framework.
SP5 requires that (a) a minimum 10 year potentially marketable and serviceable industrial land supply is maintained and (b) that the strategic economic locations identified in categories (a) to (d) are developed for business and industry and safeguarded from inappropriate alternative uses. The locations are:
- a Strategic Business Centres
 - b Strategic Industrial and Business Locations (SIBLs)
 - c Core Economic Development Areas
 - d Safeguarded High Amenity Locations
- 6.8 It is noted that SIBLs should be given the maximum protection from unrelated non-industrial uses. The application site covers approximately 23 hectares and includes marketable industrial sites totaling 11.37ha which currently form part of the 10 year marketable land supply. Development of this site for a use other than Class 4, 5 or 6 would therefore be contrary to Strategic Policy 5.
- 6.9 Strategic Policy 6 (SP6) – Quality of Life and Health of Local Communities
SP6 safeguards strategic town centres as the preferred location for focusing the economic potential of new retail developments. The current proposal is not within a town centre listed in Schedule 1(a), nor is it identified in Schedule 6(c)(iii) – Out of Centre Retail Locations. The proposal therefore requires to be further considered in relation to the criteria of Schedule 6(c)(i) and 6(c)(ii).
- 6.10 At this stage, there is no named or main operator for the superstore and for the quantitative analysis the RA has utilised an average turnover to floorspace ratio

based on the four main superstore operators. There are two main retail elements to the proposal which require to be assessed.

Superstore

Convenience	3690 square metres net
Comparison	3250 square metres net

Garden Centre

Convenience	635 square metres gross
Comparison	6232 square metres gross

Schedule 6(c)(i) sets out a number of criteria that new retail proposals require to be considered against and in regard to convenience and comparison floorspace. The relevant criteria are set out as follows: (a) expenditure compared turnover; (b) impact on strategic centres: (i) encouragement of development proposals for additional floorspace in the locations in Schedule 6 (c) (iv) and criterion (j) the contribution the development will make to remedying any qualitative deficiencies in existing retail provision. These will be considered in turn.

Convenience Floorspace

Criterion (a) - expenditure compared to turnover. Within the East Kilbride catchment area the Structure Plan Technical Report TR07 identified a surplus of expenditure of approximately £10m at 2011 (based on 2003 shopping survey patterns). The applicant commissioned a household survey based on the National Survey of Local Shopping Patterns to update information on shopping habits of the catchment population. The catchment area of the foodstore has been defined in the RA and relates to an approximate ten minute drive time covering the wider East Kilbride area together with parts of the southern suburbs of Glasgow. The RA estimated a total expenditure in 2013 of £319m for convenience goods and a total turnover of £217m, resulting in a surplus of £102m in the catchment. A surplus of convenience expenditure was also supported by the Council's assessment undertaken by Roderick McLean for the Kittoch Field foodstore proposal in 2008 (this proposal has since been withdrawn). In regard to the Garden Centre proposal, there is a small convenience floorspace element of 635 square metres which could be satisfactorily accommodated given the surplus expenditure identified.

Comparison Floorspace

Criterion (a) - expenditure compared to turnover. The Structure Plan Technical Report TR07 (TR07) also identified a surplus of expenditure to support additional comparison turnover within the East Kilbride and Rutherglen catchment where approximately 16,700 square metres of additional floorspace could be accommodated. Schedule 6(c)(iv) directed this surplus to East Kilbride Town Centre. Within the proposed superstore catchment area there will be estimated to be turnover of £345m in 2010 with a total expenditure £536m. The superstore is anticipated to achieve a comparison turnover of £13.7m. Whilst there is a large surplus predicted in the RA, a large proportion of the catchment area comparison expenditure will be directed to Glasgow City Centre, Silverburn and East Kilbride Town Centre. I am satisfied however that there is adequate expenditure capacity to support the comparison floorspace of the superstore.

- 6.11 For the Garden Centre there is a large element of horticulture related goods which have a lower turnover to floorspace ratio (as set out in the applicant's Planning Policy Statement (PPS), prepared by GVA Grimley) a turnover of £7.75m in 2010 is

anticipated for comparison goods. Given the horticultural nature of the goods and the limited amount of mainstream comparison goods (electrical, clothing, and other high value products) I am satisfied that there will be sufficient capacity to support the development.

- 6.12 *Criterion (b)* - Impact on Strategic Centres. Convenience floorspace of the superstore is predicted in the RA to have the most noteworthy impact on East Kilbride town centre showing a trade diversion of £4m in 2013 and an impact of 9% based on 2010 turnover levels. Otherwise, the main impact would not be on strategic centres but is more likely to be on neighbourhood centres within East Kilbride. Of the neighbourhood centres the highest level of impact is predicted to be on Stewartfield neighbourhood centre and is estimated at 6%. There will be a limited impact on the nearby St James's Centre however the RA predicts £0.1m diversion due to the limited convenience floorspace. The St. James's Centre is considered an out-of- centre location and is not part of the shopping network of centres identified in the Local Plan. With the impact on East Kilbride Town Centre, I do not consider that at this level it will undermine the vitality and viability of the convenience sector of the town centre, or indeed any of the neighbourhood or strategic centres. For the garden centre proposal, a turnover of £1.17m is predicted for convenience goods. At this level of turnover I would anticipate a minimal diversion of trade from strategic and local centres and low levels of cumulative impact. For the comparison element of the superstore the diversion is mainly from strategic centres (both within and outwith the catchment area). In particular, diversion is noted on East Kilbride town centre (£1.7m), Hamilton Town Centre (£1.0m) and Mearns Cross (£0.5m). For each of these town centres the impact is predicted to be low relevant to the high levels of comparison turnover for the centres as a whole.
- 6.13 *Criterion (i)* This criterion relates to the encouragement of development proposals for additional floorspace in the locations in Schedule 6c(iv). There is an identified opportunity directing an additional 16,000 square metres of comparison floorspace to East Kilbride town centre in accordance with the Structure Plan capacity for new development identified in TR07. As the proposed floorspace is outwith East Kilbride town centre, the development will not support its expansion. Whilst there remains a strong commitment to supporting East Kilbride town centre in the Structure Plan and the Local Plan, in the current economic circumstances it is not likely in the short term, that proposals to realise the opportunity will come forward. Although the proposed superstore will accommodate an element of comparison floorspace it will not prejudice the longer term support for expansion of East Kilbride town centre.
- 6.14 *Criterion (j)* The criterion relates to the contribution the development would make to remedying any qualitative deficiencies in existing retail provision. The proposed development will provide a superstore to serve the west of East Kilbride. It will also serve the East Kilbride Community Growth area located approximately one kilometre from the development. The Garden Centre will provide a specialist form of horticultural retailing to a wide catchment around East Kilbride and the southside of Greater Glasgow, will add to the range and mix of shopping available and will be attractive to and encourage tourist related visits to East Kilbride. The proposal is therefore supportive of criterion (j).
- 6.15 Schedule 6c(ii) The sequential approach requires that the town centre is the first preference for new retail development. The applicant has undertaken a sequential analysis and has considered a number of potential locations around East Kilbride. East Kilbride town centre has been considered and the Local Plan expansion opportunity to extend the town centre at Kittoch Field. As highlighted above the current economic downturn has delayed progress on realising the structure plan

retail opportunity at East Kilbride town centre specifically Kittoch Field and the associated town centre proposals, several of which would require significant public sector investment, (as set out in Policy STRAT 8 of the Local Plan refer to para 6.26 below). It is considered premature to consider progress for the development of the superstore on Kittoch Field in isolation from the overall town centre strategy as expressed in Policy STRAT 8. There is an opportunity with planning permission for a foodstore at St Leonard's Square, a Local Plan neighbourhood centre, however the proposed scale of the applicant's superstore or the wider mixed use development could not be accommodated on that site. A vacant site exists at College Milton in East Kilbride. The site is three hectares in area and was the subject of a previous application for a superstore (approximately 8000 square metres gross floorspace). The site is identified as industrial land in the Local Plan and impact on the roads infrastructure would require to be considered. A more recent planning application to develop a foodstore has been lodged for the site and at this time it would be inappropriate to comment on the merits of this proposal. Separately a proposal of application notice (PAN) has been lodged with the Council regarding a superstore proposal at Atholl House in East Kilbride.

The applicant for the Redwood Crescent development has considered these alternative locations and has discounted them for a number of reasons in particular the scale of the proposed development and the capacity of the alternative sites.

- 6.16 In regard to the Garden Centre the scale of the site required and the locational preferences of the business has resulted in a large number of sites being considered and discounted. Many of the alternative locations considered were inappropriate as they related to sensitive Green Belt locations.
- 6.17 In summary, it is considered that the site at Redwood Crescent is appropriate in terms of the sequential approach in that it has the capacity to accommodate both the superstore and the Garden Centre comfortably on the site and provides the benefit of the potential for linked shopping trips between both facilities. Currently there are no other alternative sites within the East Kilbride area that could accommodate such an integrated mixed use development opportunity of this scale and nature.

Strategic Policies 9 (SP9) Assessment

- 6.18 Strategic Policy 9 identifies the criteria which should be applied in the assessment of any planning proposal in order to determine if it accords with the Structure Plan.
- 6.19 Strategic Policy 9A relates to the need for the development in terms of the relevant demand assessment. Criteria 9A(i) relates to the ten year marketable land supply for industrial and business development. There is currently (2009) an 18.5-year marketable industrial land supply in the East Kilbride area, including the 3 sites affected by the application. Removing these three sites would reduce the land supply to 14.9 years, which is still in excess of the required 10-year supply. The marketable supply does not currently include the Langlands West site which up until now has been identified as a 'Safeguarded High Amenity Location' in the Structure Plan and defined separately from other industrial / business locations due to its inclusion in the now superseded SPP2 as a nationally safeguarded single user high amenity site. However, the new SPP has now removed the requirement to specifically define these sites and advises local planning authorities that these sites should be considered when identifying and safeguarding strategic high amenity sites taking into account the potential for subdivision of large sites. It is therefore likely that Langlands West will be reclassified as part of the marketable supply in future land supply audits. This would have a significant effect on the marketable supply increasing it to 144.64ha i.e. a 45-year supply. It can therefore be argued that 11.37ha (the area of

the application site in the industrial land supply) could be removed from the marketable industrial land supply without adversely affecting the long-term continuity of the supply.

- 6.20 In relation to SP9A criterion (iv) the assessment in regard to Schedule 6(c)(i) has been set out in paragraphs 6.9 to 6.14 above. Also required under SP9A criterion (iv) is the assessment against Schedule 6(c)(iv) which has also been undertaken in paragraph 6.13 above. I am satisfied that the development can be accommodated in terms of retail capacity, retail impact and conformity with the sequential approach and is therefore supportive of Strategic Policy 9A. I consider that the proposal is in conformity with SP9A.
- 6.21 Strategic Policy 9B relates to the location of the development and its impact on strategic resources. Strategic Policy 9B(i) refers to the need to safeguard the strategic development locations identified in strategic policies 1, 5, 6 and 8. In terms of criterion (i) the proposal is not supportive of SP1 as it is not directing major retail investment to town centres listed in Schedule 1. In regard to criterion (iii) the proposal will not undermine the vitality and viability of strategic centres, specifically, East Kilbride town centre. As noted above, the site is located in a strategic industrial and business location identified in Strategic Policy 5, and is therefore afforded protection from unrelated non-industrial uses. The application is therefore contrary to Strategic Policy 9B.
- 6.22 The Structure Plan shall in due course be replaced by a Strategic Development Plan (SDP) which, it is anticipated, will be less detailed and more strategic in nature than the current Glasgow & Clyde Valley Structure Plan. As part of the preparatory work for the SDP a review of the existing Structure Plan strategic employment locations is being undertaken with only those that truly fulfill a strategic role in terms of their quality, location, accessibility and scale being likely to be included in the SDP. There is therefore an opportunity for Councils to critically reassess the performance of the SIBL in their area. The marketing evidence presented by the applicant does clearly indicate that the site has been unsuccessfully marketed for industrial and business use over a long period, despite its location in a SIBL. As the application is contrary to one or more criteria in Strategic Policy 9 it requires to be assessed against the criteria in Strategic Policy 10.
- Strategic Policy 10 (SP10) Departures from the Structure Plan
- 6.23 Strategic Policy 10A relates to the need for the development in relation to supply and demand estimates. As noted above, with regard to industrial and business land supply, the site could be removed without adversely affecting the 10 year land supply.
- 6.24 In regard to Strategic Policy 10A (iv) the proposal will provide a large scale mixed use integrated retail destination on the west of East Kilbride, which will provide a qualitative improvement for the town and will provide a shopping facility which can serve the population of the Structure Plan site identified in Joint Policy Commitment 3, East Kilbride Community Growth Area. The analysis of the household shopping survey patterns provided by applicant for the RA, indicates that almost 30% of East Kilbride households currently shop for convenience goods outwith East Kilbride. The proposed superstore can provide a greater choice and variety for the community and reduce the desire to shop elsewhere.
- 6.25 Strategic Policy 10B relates to economic, social and environmental benefits. Assessment against the relevant criteria is as follows:

- With regard to economic benefits (10B(i)), proposals may be justified if they involve inward investment for industrial and business purposes that would otherwise be lost to the Structure Plan area, or if they protect existing jobs or create a significant number of net additional permanent jobs to the Structure Plan area. The proposal is estimated to create approximately 600 jobs. It is important to note that the number of jobs would be at least similar to the level of employment which may be generated by industrial / office development on the site.
- With regard to social benefits the proposal is not within a Priority Area identified in the Structure Plan and does not directly support or enhance community facilities. Although as noted, the proposal will provide facilities to serve the west of East Kilbride.
- With regard to environmental benefit the proposal does not involve any strategic environmental resources identified in Structure Plan Schedule 7. The site is not included in the vacant and derelict land register. Criteria (iii) b therefore does not apply.

Local Plan Assessment

- 6.26 In regard to the adopted South Lanarkshire Local Plan there are a number of policies relevant to the assessment of the proposal. In regard to the Local Plan strategy, policies STRAT1 and 8 are relevant. Policy STRAT1 identifies town centres as a particular Regeneration Priority. Maintaining the vitality and viability of town, village and neighbourhood centres is an integral part of the strategy. The Local Plan emphasises the need to support town centres and East Kilbride town centre is identified as a priority for investment under Policy STRAT8. The policy requires that a Development Framework is prepared to bring forward the expansion of East Kilbride town centre to include the site at Kittoch Field and to develop new civic, cultural and health facilities.
- 6.27 A planning application was previously lodged for retail development at Kittoch Field. The proposal was the first phase in the planned commitment to the large scale and ambitious proposals for the town centre. As noted above however, in para 6.15 , the current economic circumstances have resulted in less certainty for the Council and indeed other public sector partners in being able to deliver the scale of investment required. The Council has therefore withdrawn the planning application.
- 6.28 Whilst the current proposal is therefore not supportive of Policies STRAT1 and 8, it is complementary to the wider aims of the Local Plan strategy to provide enhanced facilities for the community of East Kilbride as a whole including the new community being planned around Jackton at the East Kilbride Community Growth Area (CGA).

Town Centres and Retail Policy

- 6.29 Policy COM3 sets out the criteria to assess new retail development proposals and reflects the national (SPP) and strategic policy framework for assessing new development as set out in paragraphs 6.9 to 6.20. In regard to criterion (a) - following the sequential approach; given the scale of the proposal (22.95 hectares), there are no other sites that can accommodate the scale of development on an integrated site within or adjoining town, village or neighbourhood centres. The proposal is therefore regarded as in conformity with criteria (a). Criterion (b) requires that proposals do not undermine the vitality and viability of town, village or neighbourhood centres. The applicant has supplied a Retail Assessment (RA) which confirms that the level of impact of the superstore will be less than 10% on East Kilbride town centre, and the RA supplied for the garden centre element of the

application has indicated no significant or unacceptable impact on town, village or neighbourhood centres. In regard to criterion (c) I am satisfied that from the information supplied in the RA for the superstore and the garden centre (as set out in paragraphs 6.9 to 6.20 above), that there is adequate expenditure to support the development. By the nature of the goods sold and the profile of the retailer for the garden centre I am satisfied that there will be a draw from a wide catchment area and an element of tourist expenditure which will support the development. In regard to criterion (d) as noted above in regard to Policies STRAT1 and 8 the proposal can complement the wider Local Plan objectives of economic growth and provision of enhanced facilities for the community. In regard to criterion (e) issues on accessibility, traffic impact, design and infrastructure are considered in the Transportation Policies, policies to follow.

Industrial and Business Land Policy

- 6.30 The proposal involves three marketable industrial sites located within a Strategic Industrial and Business Location (SIBL) and therefore requires to be assessed against policies ECON 3, 4 and 5 in South Lanarkshire Local Plan. Policy ECON 3 – Strategic Locations for Work and Business – states that ‘within strategic industrial and business locations, proposals for business, industrial and storage/distribution are encouraged and the loss of land/premises to other non-industrial uses will be contrary to the development plan and assessed against Structure Plan policy.’ The proposal is for a mixed use development including Class 1 retail, hotel and garden centre, which are a non-industrial uses. It is therefore contrary to ECON 3, which requires that it be assessed against the Structure Plan. Having done that above I am satisfied that a justification for a departure from the Local Plan can be made.
- 6.31 The Structure Plan allows for ancillary service provision within Strategic Industrial and Business Locations. This is defined as developments such as small scale retailing and offices, which provide services to the industrial and business base of the SIBLs. The scale and nature of the current proposals would not conform to the definition of ‘ancillary service provision.’
- 6.32 As discussed above in paragraph 6.22, as part of the preparatory work for the SDP, a review of the existing Structure Plan strategic employment locations is being undertaken with only those that truly fulfill a strategic role in terms of their quality, location, accessibility and scale being likely to be included in the SDP. There is therefore an opportunity for Councils to critically reassess the performance of the SIBLs in their area. The marketing evidence presented by the applicant does indicate that this site has been unsuccessfully marketed for industrial and business uses over a long period, despite its location in a SIBL. There is therefore an opportunity for the Council to reconsider the SIBL in this area and potentially remove the application site from the SIBL.

Policies ECON 4 and 5

- 6.33 Policy ECON 4 – Industrial Land Supply – as set out above, the Council will seek to maintain a ten-year supply of marketable industrial land in the four sub areas of South Lanarkshire.’ Policy ECON 5 – Proposed Industrial Sites – states that ‘the Council will support development for industry and business on those sites included in the industrial land audit and identified on the proposals map.’ The proposal involves three marketable sites which are shown on the Local Plan proposals map and contribute to the marketable industrial land supply for the East Kilbride sub area of South Lanarkshire. There is currently (2009) an 18.5 year marketable industrial land supply in the East Kilbride area. The marketable supply does not include the Langlands West site which up until now has been categorised separately as a ‘specialised site’ due to its inclusion in the now superseded SPP2 and the Structure

Plan as a nationally safeguarded single user high amenity site. However, the new SPP has now removed the requirement to safeguard these sites and advises local planning authorities that these sites should be considered when identifying and safeguarding strategic high amenity sites taking into account the potential for subdivision of large sites. It is therefore possible that Langlands West will be reclassified as part of the marketable supply in future land supply audits. This would have a significant effect on the marketable supply increasing it to 144.64ha ie a 45 year supply. It can therefore be argued that the application sites can be removed from the marketable industrial land supply without adversely affecting the long term continuity of the supply.

Policy ECON 9

- 6.34 Policy ECON 9 Tourism Development Policy, is also relevant to the assessment of the proposal. The garden centre in particular will attract visitors from beyond the local area and provide not only a shopping facility but a leisure experience. Dobbies garden centres have been accredited as a visitor attraction where developed in other locations throughout the UK. In particular the hotel and restaurant elements of the proposal enhance the facility as a leisure destination and are complementary in terms of land uses to the superstore, the garden centre and allotments within the application site. In terms of adjoining land uses outwith the application site there will be no unacceptable impacts from the operation of the hotel and restaurant facilities. In regard to the criteria of Policy ECON 9, I am satisfied that there will be no adverse impacts on the natural or built environment, that infrastructure requirements in terms of roads, water and sewerage can be provided for and that there will be enhanced accessibility by public transport, cycling and walking.

Roads and Transportation

- 6.35 Policy TRA1 seeks to promote the use of highly accessible locations for predominantly people-based development. Shopping and leisure uses should be located where there is a choice of transport and should provide proper provision for walking, cycling and public transport. The policy requires that for major developments a Transportation Assessment (TA) should be undertaken. A TA has been provided which has assessed impact on the local and trunk road network. In consultation between the Council's Roads and Transportation Services and Transport Scotland a number of infrastructure improvements have been brought forward. The impacts of the development on the network have been assessed in combination with other planned development proposals in East Kilbride in particular the East Kilbride Community Growth Area with an additional 2 500 houses by 2025 will require roads infrastructure improvements. As part of the current proposal the mitigation measures following from the TA can be summarised:

Improvements will be required on:

- Glasgow Southern Orbital and Redwood Drive Junction.
- Access roundabout at Redwood Crescent

In regard to the trunk road network:

- Philipshill junction (Queensway/ GS0 Slip)
- Eaglesham Road (Queensway)
- West Mains Road (Queensway)

Conditions will be attached to ensure that the required infrastructure improvements will be completed prior to the opening of the development, or parts of it as appropriate.

6.36 In regard to site accessibility by foot, cycling and public transport, a number of improvements to pedestrian links to the development have been identified and the existing pedestrian routes through the site as identified in the Core Path Plan (Policy TRA3) will be retained and enhanced through the development of the allotments on the eastern part of the site. In regard to Policy TRA4 – Bus Provision Policy the applicant is required to prepare a public transport strategy that will require to be approved by the Council in consultation with Strathclyde Partnership for Transport and implemented prior to the opening of the development or parts of it, as appropriate. I therefore consider that the proposed improvements to walking, cycling and public transport infrastructure and the improvements to the road network can be achieved satisfactorily and that the proposed development is in conformity with Policies TRA1 and TRA4.

Policies ENV1 and ENV2

- 6.37 The western part of the site is identified with Policy ENV1 Priority Green Space land use which seeks to protect and enhance areas of greenspace. Similarly Policy ENV2 Local Green Network Policy aims to protect and support actions to enhance the Local Green Network. This area has been identified on the proposed plan as an area of allotments. At this stage, no details have been provided for the layout of the allotments, however in principle the proposal would indicate a more formal layout of the area but not eroding its character or function.
- 6.38 The applicant has also undertaken a habitat/ ecology survey and has made recommendations regarding protected species. In accordance with European Protected Species regulations the applicant has undertaken surveys to establish if any otters, bats or great crested newts are present on the site. SNH have advised that the proposal if carried out would affect only a few mature beech trees which showed no signs of roosting occurring at present or in the past. The use of a Bat Method Statement would be required for any tree with potential for roosting and involve the survey of any tree before impact would occur. Regarding otters, no holts were identified. There was however evidence of previous foraging. Pre construction checks should therefore be undertaken for otters. Great crested newts were not found on the site but it was recognised that one of the ponds surveyed has a 'good' score regarding biodiversity. It is recommended that construction of new ponds would provide an increased wetland habitat opportunity.
- 6.39 SNH have also recommended that a survey of badgers and water voles is conducted in advance of any development on the site. SNH are satisfied that the proposed mitigation and survey work to be undertaken is satisfactory and can be addressed through planning conditions to be attached to any consent issued. I am therefore satisfied that there will be no impacts on protected species that cannot be mitigated by the implementation of planning conditions.
- 6.40 Policy ENV 30 New Development Design Policy is relevant to the assessment of the proposal. Whilst the planning application is for planning permission in principle the proposal is complementary to ENV 30 in that the indicative layout respects the character and topography of the local area and a Design Statement will be required to accompany any further application in regard to reserved matters.
- 6.41 In conclusion, the proposed planning permission in principle is to develop a vacant site on the western edge of East Kilbride. The proposed development at this location has the potential to complement the longer term strategy for urban expansion in East Kilbride. Whilst the range of uses proposed are not in conformity with business and industrial policies of the approved Structure Plan or the adopted Local Plan, I

consider that a development of this scale and mix of uses enhances the facilities available to the existing population of East Kilbride, the community to the west and south of the town, and is complementary to the wider regeneration aims of the Local Plan. On this basis, I therefore consider that the proposed development is not a significant departure from the development plan.

6.42 The application was advertised as contrary to the development plan and following detailed assessment of the proposal, I am of the opinion that planning permission in principle can be granted and a departure justified for the following reasons:

- The proposal will not adversely affect the long term continuity of the marketable supply of land for business and industry in East Kilbride.
- The site has been marketed unsuccessfully for more than 20 years.
- The proposal will create in the region of 600 jobs and support economic development in the Town.
- There will be no detrimental impact on strategic centres, village or neighbourhood centres.
- The proposal will not prejudice the Local Plan strategy for East Kilbride town centre in terms of Policy STRAT 8.
- The proposal will provide an opportunity to deliver an integrated retail destination with an element of tourist related benefits.
- The proposal can be accommodated without adversely impacting on the local or trunk road networks
- The development of the allotments as proposed will allow positive management of the priority green space and will not compromise the biodiversity of the area.

On the basis of the above, I recommend that planning permission is granted.

7 Reasons for Decision

7.1 For the reasons stated in Paragraph 6.42 above.

Colin McDowall
Executive Director (Enterprise Resources)

16 June 2010

Previous References

◆ None

List of Background Papers

► Application Form

► Application Plans

► Consultations

Power Systems	05/03/2010
S.E.P.A. (West Region) (Flooding)	16/03/2010
TRANSCO (Plant Location)	09/03/2010
Scottish Water	03/03/2010
Westwood Community Council	12/03/2010
Environmental Services	16/03/2010
Roads & Transportation Services H.Q. (Flooding)	19/03/2010
Roads & Transportation Services H.Q. (Flooding)	19/03/2010
Railtrack Outside Parties Section	26/04/2010
Roads & Transportation Services H.Q. (Flooding)	20/04/2010
Scottish Natural Heritage	01/04/2010
Scottish Natural Heritage	30/03/2010
Scottish Natural Heritage	20/05/2010
West of Scotland Archaeology Service	18/3/2010
Glasgow and the Clyde Valley Joint Structure Plan	12/04/2010
Strathclyde Partnership for Transport	20/05/2010
Transport Scotland	15/06/2010

► Representations

Representation from :	Mr J Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS, DATED 09/03/2010
Representation from :	Alex Galbraith, 9 Ardbeg Lane, Thorntonhall, G74 5DA, DATED 17/03/2010
Representation from :	McGrigors LLP, 141 Bothwell Street, Glasgow , G2 7EQ, DATED 08/04/2010
Representation from :	James Barr, 226 West George Street, Glasgow, G2 2LN, DATED 31/03/2010
Representation from :	Dawn Developments, 220 West George Street, Glasgow, G2 2PG, DATED 19/04/2010
Representation from :	Maclay Murray and Spens, 15 Lauriston Place, Edinburgh, EH3 9EP, DATED 19/04/2010

- Representation from : Asda Stores Ltd, Asda House, Southbank, Great Wilson Street, Leeds, LS11 5AD, DATED 19/04/2010
- Representation from : James Barr, 226 West George Street, Glasgow, G2 2LN, DATED
- Representation from : Blueprint Planning & Development, C/O 220 West George Street, Glasgow, G2 2PG, DATED 01/04/2010
- Representation from : Blueprint Planning and Development, Beach House, 1A Undercliff Road, Wemyss Bay, PA18 6AQ, DATED 12/05/2010
- Representation from : David Buckell, Facilities Manager , Micron Europe Ltd. , 12 Redwood Crescent, , Peel Park Campus, , East Kilbride, , Glasgow. , G74 5PA, DATED 18/03/2010
- Representation from : East Mains Community Council, E A Coogans 10 St Bryde Lane, The Village, East Kilbride, G74 4FB, DATED 02/06/2010
- Representation from : David Innes, Received by email, DATED 02/06/2010
- Representation from : Dougall Baillie Assoicates, 3 Glenfield Road, Kelvin East Kilbride, G75 0RA, DATED 02/03/2010
- Representation from : McGrigors LLP, 141 Bothwell Street, Glasgow, G2 7EQ, DATED 27/05/2010

Contact for Further Information

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

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Permission in principle

PAPER APART – APPLICATION NUMBER : EK/10/0056

CONDITIONS

- 1 This decision relates to drawing numbers:09-142-GA201 and 09-142-GA001
- 2 Unless development commences, planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.
- 3 The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:
 - (a) expiry of 3 years from when permission in principle was granted
 - (b) expiry of 6 months from date when an earlier application for approval was refused, and
 - (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for –

- (i) different matters, and
- (ii) different parts of the development at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

- 4 Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
 - (a) the layout of the site, including all roads, footways, parking areas and open spaces;
 - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
 - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
 - (d) the means of access to the site;
 - (e) the design and location of all boundary treatments including walls and fences;
 - (f) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
 - (g) the means of drainage and sewage disposal.
 - (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
 - (i) submission of an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO₂ emissions beyond the 2007 building regulations carbon dioxide emissions standard.
- 5 The energy statement required by condition 4 above, shall include:
 - a) the total predicted energy requirements and CO₂ emissions of the

development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO2 standard;

b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;

c) an indication of the location and design of the on-site energy technologies; and

d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

- 6 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 7 That the further application required under the terms of Condition 4 above, shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- 8 Prior to the development hereby approved commencing the developer shall provide a written agreement from Scottish Water that the site can be served by a water scheme constructed to the specification and satisfaction of Scottish Water as the Water Authority.
- 9 That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.
- 10 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 11 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
 - (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;

(iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

- 12 The development shall not commence until an assessment of the potential for the proposed use to cause noise nuisance including, if applicable, noise produced by the ventilation equipment to occupants nearby premises, has been submitted to the council as planning authority. When potential noise disturbance is identified proposals for the attenuation of that noise shall be submitted to and approved in writing by the Council as Planning Authority. The approved scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority. Such assessment and the recommendation of any attenuation measures shall be carried out by a suitably qualified person.
- 13 Before the development is brought into use the proposed method of ventilation shall be submitted to and approved by the Council as Planning Authority. The development shall not be brought into use until the ventilation systems are operational in accordance with the approved details. All odours fumes and vapours generated on the premises shall be controlled by best practical means to prevent them causing nuisance to occupants of nearby dwellings or premises. The ventilation system shall :
 - a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary.
 - b) Be constructed by employing best practical means to minimise noise and vibration transmission via plant and the building structure and ensure that
 - c) Noise associated with the business shall not give rise to a noise level assessed with the windows closed within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35 between 7.00 and 20:00 hours and noise rating curve 25 at all other times.
- 14 Prior to the development being brought into use details of the storage of waste materials from the commercial activity shall be submitted to and approved in writing by the Council as Planning Authority. The agreed details shall be in place prior to the development being brought into use.
- 15 Prior to the development commencing on site, a scheme to control and minimise the emission of pollutants from and attributable to the development ,shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall set out measures which will be implemented to ensure that the emission of pollutants shall meet the requirements of the Air Quality (Scotland) Regulations 2000 and Air Quality (Amendment) Regulations 2002. The approved

scheme shall thereafter be implemented prior to the development being brought into use and thereafter implemented in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

- 16 Prior to the development commencing on site a Bat Method Statement shall be prepared and include a survey of trees to identify any with roosting potential. Any roost found during the survey must be left intact until advice is obtained from SNH. The Bat Method Statement must be prepared, approved and implemented to the satisfaction of the Council as Planning Authority in consultation with SNH.
- 17 Prior to the development commencing on site a pre-construction check for otters should be undertaken and the findings of the pre-construction check implemented to the satisfaction of the Council as Planning Authority in consultation with SNH.
- 18 That during the construction of the development the following mitigation measures for the protection of animals present on the site must be implemented to the satisfaction of the council as Planning Authority in consultation with SNH.
 - No soil materials are to be stockpiled on the site for an extended period
 - Any pipe compounds are secured to ensure that wild mammals cannot enter pipe stacks at night
 - No pipes will be left open ended in trenches and accessible to wild animals
 - Any trenches / excavations will be covered to prevent access or escape ramps will be provided
 - Refueling should take place at the northern end of the site and refueling should only take place in a securely bunded area with spill kit on site. No chemicals or fuels should be store outside the bund.
 - The use of white light is to be avoided within an hour before dusk and after dawn to reduce the disturbance to foraging wild animals or their prey. Lights should be hooded and face on to the site.
- 19 Prior to the development commencing on site an assessment of the potential for an additional pond to be created within the site to enhance the habitat opportunity for Great Crested Newts should be undertaken to the satisfaction of the Council as Planning Authority in consultation with SNH.
- 20 That the findings of the assessment required under condition 19 be implemented to the satisfaction of the Council as Planning Authority in consultation with SNH.
- 21 At least six months but no greater that 12 months prior to works commencing on site a badger survey of the application area including a 30 metre buffer must be undertaken to the satisfaction of the Council as Planning Authority in consultation with SNH.
- 22 That the findings of the badger survey required under condition 21 above will be implemented to the satisfaction of the Council as Planning Authority in consultation with SNH. Should any negative impact to any badger setts found to be present on the site is likely; a license from SNH will be required before works can proceed.
- 23 At least six months but no greater that 12 months prior to works commencing on site a water vole survey of the burn indicated on Plot 4 (refer to JDC Phase 1 Habitat Survey & Expert Eye dated November 2009) be undertaken to the satisfaction of the Council as Planning Authority in consultation with SNH.
- 24 That the findings of the water vole survey required under condition 23 above will

be implemented to the satisfaction of the Council as Planning Authority in consultation with SNH. If any negative impact to any water voles is likely; a license from SNH will be required before works can proceed. There is no provision for licensing the destruction of water vole habitat for the purposes of development.

- 25 That all removal of vegetation and tree works takes place outwith the bird nesting season (March – August inclusive). Any proposed works within the breeding season will require that a qualified ecologist check the site for breeding birds to the satisfaction of the Council as Planning Authority in consultation with SNH.
- 26 That the development shall be carried out in accordance with the indicative plan number 09-142-GA201 hereby approved and no change to the layout, or the allocation of specified uses within the application site, as shown on the plan hereby approved, shall take place without the consent of the Council as Planning Authority.
- 27 That the Class 1 retail floorspace of the superstore hereby approved shall be no greater than 9,250 square metres gross with a maximum net trading floorspace of 6,930 square metres, comprising a maximum net trading floorspace in convenience goods of 3680 square metres and a maximum net trading floorspace in comparison goods of 3250 square metres
- 28 That the total comparison floorspace of the Garden Centre Building hereby approved shall be restricted to 6232 square metres gross.
- 29 That the convenience floorspace within the Garden Centre Building hereby approved shall be restricted to 635 square metres gross.
- 30 That the total net ancillary comparison floorspace (outwith the range of goods under condition 31) of the Garden Centre Building hereby approved shall be restricted to 2022 square metres.
- 31 That the range of comparison goods sold within the Garden Centre Building shall be restricted to those set out in Appendix 5 of the Dobbies Planning Policy Statement
- 32 That a footpath link, including new street lighting from Peel Park Place through the development, be designed and constructed to the satisfaction of the Council as Planning Authority.
- 33 All surface or foul water arising from the development must be collected and diverted away from Network Rail property. SUDS must be suitably sited with long term maintenance plans which meets the needs of the development to the satisfaction of the Council as Planning Authority in consultations with Network Rail.
- 34 Prior to development commencing a 1.8 metre high 'rivetless palisade' or 'expended mesh' trespass proof fence adjacent to Network Rail's property must be erected to the satisfaction of the Council as Planning Authority.
- 35 All materials contained within the site must should be stored and processed in a way which prevents over spilling onto Network Rail land.
- 36 Where trees / shrubs are to be planted adjacent to the railway line boundary they

should be positioned at a minimum distance from the boundary which is greater than their predicted mature height to the satisfaction of the Council as Planning Authority.

- 37 A Sustainable Urban Drainage System (SUDS) is implemented to treat and attenuate surface water associated with the development in accordance with the principles of the SUDS Manual (C679) which was published by CIRIA in March 2007 to the satisfaction of the Council as Planning Authority.
- 38 Details must be provided to show the area that would be inundated by a blockage of the SW culvert (Section 4.2.1 of the FRA) during a 1 in 200 year+ climate change storm event proving there would be no detrimental effect to the proposed buildings, (The FRA uses a 50% blockage event in the blockage calculation for this culvert, whereas CIRIA vR168 Culvert Design Manual Section 8.4 recommends two thirds blockages for design purposes) to the satisfaction of the Council as Planning Authority.
- 39 That the further application required under condition 4 above, shall include the existing footway link on Peel Park Place from the footbridge near the station to the new footpath be upgraded and constructed to the satisfaction of the Council as Planning Authority.
- 40 That prior to the development commencing, a public transport strategy detailing the frequency and routing of new / amended bus services including details of operating hours and timescale for introduction be approved by the Council as Planning Authority in consultation with Strathclyde Partnership for Transport (SPT) and Transport Scotland. The strategy will include travel information to ensure users are aware of pedestrian, cycle and public transport provision which should also include for the provision of real time information.
- 41 That before any development is operational on the site the recommendations of the public transport strategy, outlined in condition 40 be implemented taking cognisance of the development phasing.
- 42 That before any development hereby approved is operational the new bus infrastructure on Redwood Crescent (or within the development site) including shelters, lay-bys and stops be located, designed and constructed to the satisfaction of the Council as Planning Authority.
- 43 That before any development is operational on site the new pedestrian crossing facilities be introduced at the following locations and be designed and constructed to the satisfaction of the Council as Planning Authority.
 - a) Redwood Crescent in the vicinity of the bus stops described in condition 42 required as a result of the bus stop locations as described above.
 - b) Redwood Drive near its junction with Eaglesham Road.
 - c) Eaglesham Road in the vicinity of Blaeshill Road.
- 44 That before the development is operational on site a footway network is provided within the development site so as to encourage walking and cycling between the various elements and is designed and constructed to the satisfaction of the Council as Planning Authority.

- 45 That before any development is operational on the site, a travel plan that sets out proposals for reducing dependency on the private car, based upon the framework contained within the Transport Assessment, shall be prepared and approved in writing by the Council as Planning Authority in consultation with Transport Scotland Trunk Road Network Management. The travel plan shall identify measures to be implemented; the system of management, monitoring review and reporting; and the duration of the plan.
- 46 That the measures proposed in the approved travel plan framework, outlined in condition 45 be implemented and thereafter monitored on an annual basis and reported to the Council as Planning Authority.
- 47 That before any development is operational on site, improvements are undertaken to the east dumbbell at the Glasgow Southern Orbital and Redwood Drive junction, generally as shown on drawing number 20462/SK/1/05 Rev B, and are designed and constructed to the satisfaction of the Council as Planning Authority.
- 48 That before any development is operational on site, improvements are undertaken to the access roundabout at the junction of Redwood Crescent, generally as shown on drawing number 20462/SK/1/05 Rev B, and are designed and constructed to the satisfaction of the Council as Planning Authority.
- 49 That prior to any part of the development being open (or as agreed by the Council as Roads Authority), all roads and transportation infrastructure improvements identified in conditions 39, 40, 42, 43, 44, 47, 48, 53, 54, and 55, both internal and external to the site, required by the Council as Planning Authority, shall be completed and open to traffic and pedestrians to the satisfaction of the Council as Planning Authority in consultation with Transport Scotland as Trunk Roads Authority.
- 50 That all roads and transportation infrastructure, both internal and external to the site, required by the Council as Roads Authority (and Transport Scotland as Trunk Roads Authority) shall be designed to the Design Manual for Roads and Bridges and to the satisfaction of the Council as Planning Authority in consultation Transport Scotland as Trunk Roads Authority..
- 51 That prior to any work starting on site a programme indicating the phasing of construction of the road improvement works, together with the circulation of vehicles and pedestrians should be submitted to and approved in writing by the Council as Planning Authority in consultation with Transport Scotland as Trunk Roads Authority.
- 52 That the further application required under terms of condition 4 above shall be accompanied by a design statement which shall set out design principles justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site.
- 53 No part of the Class 1 food retail superstore element of the proposed development shall be occupied until the modifications to the A726 Queensway/GSO/Stewartfield Way junction, generally in accordance with Goodson Cole Transportation drawing number 20462/SK/1/02/B, have been completed to the satisfaction of the Council as Planning Authority in consultation with Transport Scotland TRNM, CTIT Directorate and Roads and Transportation Services.

- 54 The traffic signals associated with the works indicated in Condition 53 above, shall incorporate either MOVA control, or other approved means of dynamic control and queue detection (e.g SCOOT), to the satisfaction of the Council as Planning Authority, in consultation with Transport Scotland TRNM, CTIT Directorate and Roads and Transportation Services.
- 55 No part of the Class 1 food retail superstore element of the proposed development shall be occupied until –
- (a) the modifications to the A726 Queensway/West Mains Road Roundabout and
 - (b) the A726 Queensway/Eaglesham Road Roundabout junctions, generally in accordance with the Goodson Cole Transportation drawing number 20462/SK/1/03/B, have been completed to the satisfaction of the Council as Planning Authority, in consultation with Transport Scotland TRNM, CTIT Directorate and Roads and Transportation Services.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 5 These details have not been provided or approved.
- 6 In order to retain effective planning control.
- 7 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 8 To ensure that the development is served by an appropriate water supply.
- 9 To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 10 To minimise the risk of nuisance from dust to nearby occupants.
- 11 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 12 To minimise the risk of nuisance from noise to nearby occupants.
- 13 To minimise the risk of nuisance from noise and smells to nearby occupants.
- 14 In the interests of amenity.
- 15 In the interests of amenity.
- 16 In the interests of bats, a European Protected Species.
- 17 In the interests of otters, a European Protected Species
- 18 In the interests of animals.
- 19 In the interests of greater crested newts, a European Protected Species
- 20 In the interests of greater crested newts, a European Protected Species
- 21 In the interests of badgers, a nationally protected species.
- 22 In the interests of badgers, a nationally protected species
- 23 In the interests of water voles, a nationally protected species
- 24 In the interests of water voles, a nationally protected species
- 25 In the interests of nesting bird population.

- 26 To retain effective planning control.
- 27 To retain effective planning control.
- 28 To retain effective planning control.
- 29 To retain effective planning control.
- 30 To retain effective planning control.
- 31 To retain effective planning control.
- 32 In the interest of amenity and public safety.
- 33 To ensure the provision of a satisfactory land drainage system.
- 34 In the interests of public safety.
- 35 In the interests of amenity and public safety.
- 36 In the interests of public safety.
- 37 To ensure the provision of a satisfactory land drainage system.
- 38 To alleviate the potential for on site and off site flooding.
- 39 In the interests of public access and amenity and to ensure the proposals are consistent with the requirements of Scottish Planning Policy (SPP).
- 40 In the interests of public access and amenity.
- 41 In the interests of public access and amenity.
- 42 In the interests of public access and amenity.
- 43 In the interests of public and road safety and amenity.
- 44 In the interests of pedestrian and cyclists access.
- 45 To encourage provision of sustainable modes of transport to the site and to ensure the proposals are consistent with the requirements of Scottish Planning Policy (SPP).
- 46 To ensure adequate roads infrastructure provision.
- 47 To ensure adequate roads infrastructure provision
- 48 To ensure adequate roads infrastructure provision
- 49 To ensure adequate roads infrastructure provision
- 50 To ensure adequate roads infrastructure provision
- 51 To ensure adequate roads infrastructure provision
- 52 To provide an explanation of the design concept and to enable greater understanding of the proposal.
- 53. To ensure that the safety and efficiency of the trunk road is not adversely affected by the proposed development.
- 54. To ensure that the safety and efficiency of the trunk road is not adversely affected by the proposed development.
- 55. To ensure that the safety and efficiency of the trunk road is not adversely affected by the proposed development.

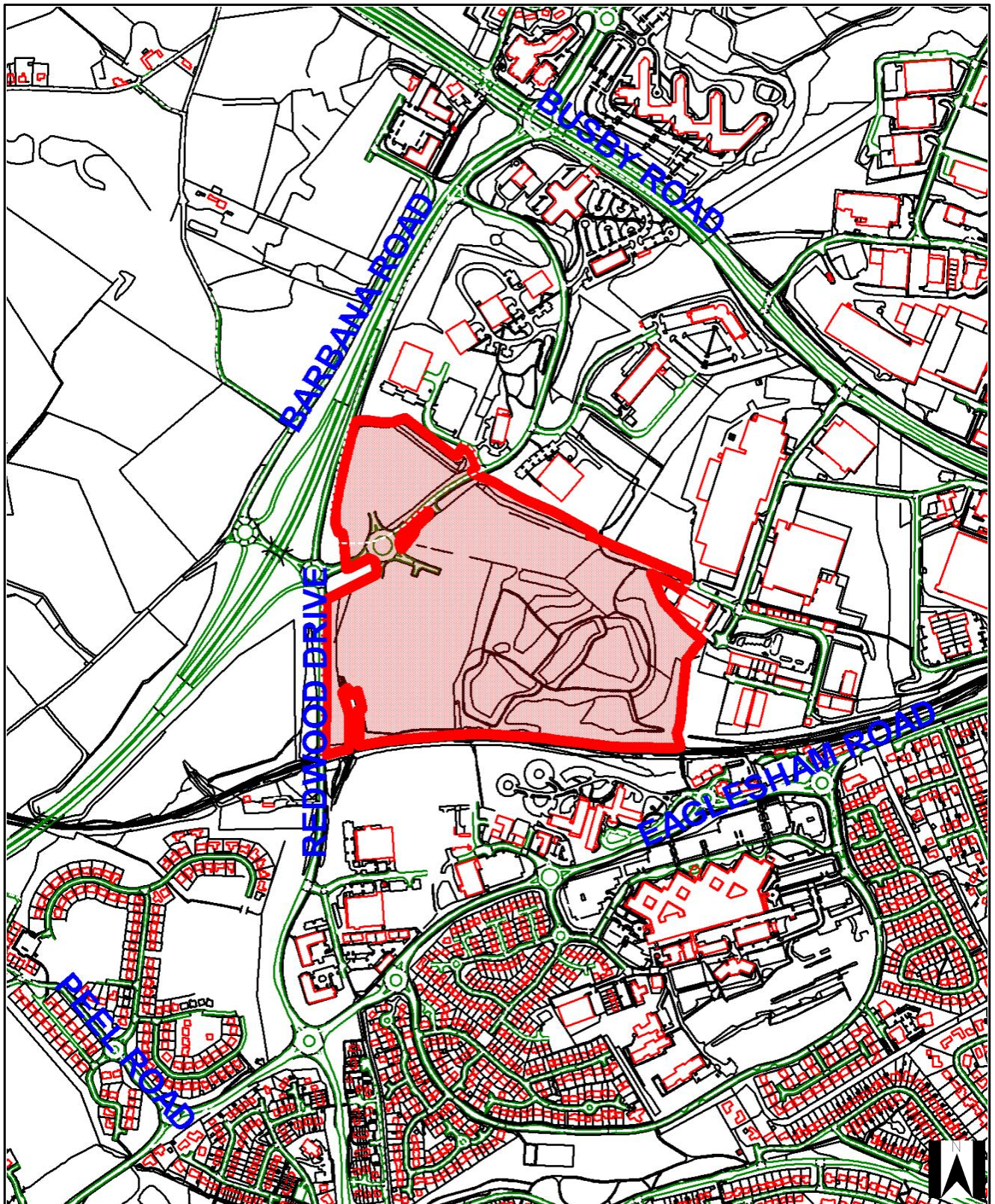
EK/10/0056

Planning and Building Standards Services

Land at Redwood Crescent, Peel Park, East Kilbride

Scale: 1: 10000

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