

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>10 March 2009</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	EK/08/0490
Planning Proposal:	Erection of Class 1 Retail Food Superstore with Associated Car Parking and Landscaping

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Dawn Developments Ltd
- Location : Land at West Mains Road  
East Kilbride  
G74 1NQ

## 2 Recommendation(s)

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

- (1) Refuse Detailed Planning Permission (For the Reasons Stated).

### 2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent: Knight Frank
  - ◆ Council Area/Ward: 09 East Kilbride West
  - ◆ Policy Reference(s): **Glasgow & Clyde Valley Structure Plan 2006**  
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
- East Kilbride & District Local Plan 2003**  
Policy IND1 – Industrial Land Use  
Policy SLP5 – Non-Conforming Uses in Industrial Areas  
Policy COM2 – New Retail/ Leisure Development

**Finalised South Lanarkshire Local Plan (as modified) 2007**

Policy ECON1 – Industrial Land Use Policy  
Policy ECON4 – Industrial Land Supply Policy  
Policy ECON13 – Non-Conforming Uses in  
Industrial Areas  
Policy COM3 – New Retail/ Commercial  
Development Policy

- ◆ Representation(s):
  - ▶ 12 Objection Letters
  - ▶ 1 Support Letters
  - ▶ 0 Comments Letter
- ◆ Consultation(s):

TRANSCO (Plant Location)

Roads & Transportation Services H.Q. (Transportation)

Strathclyde Partnership for Transport

Scottish Water

Power Systems

Stewartfield Community Council

Environmental Services

Roads and Transportation Services (East Kilbride)

Transport Scotland

Glasgow and Clyde Valley Structure Plan Joint Committee

## **Planning Application Report**

### **1 Application Site**

- 1.1 The proposed site is an area of approximately 2.5 hectares of vacant industrial land previously used by a large scale industrial operator. The site lies approximately 1.5 kilometres to the west of East Kilbride Town Centre. The site is generally flat and is located adjacent to the Queensway, on West Mains Road. To the west, east and north of the site, there are other industrial operators and to the south are non-food retail units. There is an existing 10 metre wide access from West Mains Road approximately half way along the frontage of the site.

### **2 Proposal(s)**

- 2.1 The applicant seeks detailed planning permission for the erection of a 7,317 square metre food superstore (Class 1) with associated car parking for 414 cars, access, pedestrian links and landscaping. The proposed breakdown of floorspace can be summarised as follows:
- Net Sales Area – 3,744 square metres (including mezzanine of 796sqm)
  - Offices/toilets/storage etc – 3573 square metres
- 2.2 The proposed building will have a rectangular footprint parallel to the Queensway. Car parking will be to the front and side with the main elevation facing West Mains Road. The new vehicular access will be taken from West Mains Road and will be created further north from the existing access. This access will be controlled by a signalised junction. The rear of the building will contain a goods delivery area together with the associated infrastructure equipment such as sprinkler tanks and waste removal facilities. A recycling bay is also proposed to the north of the customer car park.
- 2.3 The two principle elevations (Queensway and West Mains Road) will predominantly be finished in glazing with a minimal mixture of materials.
- 2.4 As part of the application, the applicant has also submitted a Transport Statement, Retail Impact Assessment and a Design and Access Statement.
- 2.5 An environmental screening opinion formed by SLC Planning and Building Standards confirmed that no Environmental Impact Assessment was required for the proposal.

### **3 Background**

#### **3.1 Development Plan Status**

The site is covered by a number of policies in the Development Plan. As regards the Glasgow and Clyde Valley Structure Plan, 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’ are all relevant.

- 3.2 As regards the adopted East Kilbride and District Local Plan, Policy IND1 – ‘Industrial Land Use, Policy SLP5 – ‘Non-Conforming Uses in Industrial Areas’ and Policy COM2 New Retail/ Leisure Development are relevant. The site has been identified as industrial land and contributes to the industrial land supply as required by the Structure Plan.

3.3 The Finalised South Lanarkshire Local Plan (as modified) echoes the aims of the adopted plan by identifying the site for industry. Policy ECON1 – ‘Industrial Land Use Policy’, Policy ECON4 – ‘Industrial Land Supply Policy’, Policy ECON13 – ‘Non-Conforming Uses in Industrial Areas’, Policy COM3 New Retail/ Commercial Development Policy are all relevant in this instance.

3.4 **Relevant Government Policy/Advice**

SPP2 – Economic Development states that Planning Authorities should provide marketable land of sufficient quality and quantity to meet the diverse range of industrial, business and commercial requirements. Marketable land should, as well as meeting business requirements, have a secure planning status and be serviced or serviceable within five years.

3.5 SPP8 – ‘Town Centres and Retailing’ states that the Scottish Government’s key policy objectives for town centres are to promote distinct, competitive places and encourage regeneration. Furthermore, town centres should create a climate that enables all sectors of the community to have access to a wide choice of shopping, leisure and other services. Each retail proposal should follow the sequential test, whereby priority is given to proposals with the Town Centre. When proposing out of town locations, developers must demonstrate that no other suitable sites are available.

3.6 **Planning Background**

No planning history.

4 **Consultation(s)**

4.1 **Transport Scotland** – concerned of potential impact on the Trunk Road network particularly given that other significant proposals, in the vicinity, are currently being assessed.

**Response:** Noted. These details have been passed to the applicant.

4.2 **Roads and Transportation HQ** – Have evaluated the Transport Assessment carried out by the applicant. The initial comments received can be summarised as follows:

1. The proposed development shows a parking provision of 414 spaces. Whilst this does comply with SPP17 it is significantly less than the number of spaces in the Council’s ‘Guidelines for Development Roads’. This states that a superstore with a GFA of 7317sqm, the parking provision should be 7 spaces per 100sqm. This equates to 513 which demonstrates a shortfall of 99 spaces. It would appear that such a shortfall cannot be provided within the development boundary.
2. Evidence to support the peak periods is required.
3. A drawing to demonstrate that the routes for pedestrians, cyclists and public transport users are adequate is required.
4. The trip generation, distribution and assignment have still to be agreed.
5. Given the status of the Local Plan and that a planning application has been lodged, the TA should take cognisance of the trips of the proposed supermarket on the Kittochfield site. As measures are required to mitigate the affects of the development, the network should be tested 10 years post completion of the improvements and include a sensitivity test by adding the generated traffic from the Community Growth Area at that point (e.g. 2020). This has still to be demonstrated.

6. The base model has still to be agreed.
7. There are no drawings to demonstrate that the proposals can be constructed within the available road boundary.
8. There are no details of where home delivery vehicles will operate

**Response:** These details have been passed to the applicant.

- 4.3 **Roads and Transportation Services (EK)** – asked for the Transportation Assessment to be updated to include various matters and currently recommend refusal on the basis that insufficient parking is proposed.

**Response:** Noted. These details have been passed to the applicant.

- 4.4 **Scottish Water** – no objections.

**Response:** Noted.

- 4.5 **Environmental Services** – no objections subject to conditions relating to air quality and contaminated land.

**Response:** Noted.

- 4.6 **Strathclyde Partnership for Transport** – no objections.

**Response:** Noted.

- 4.7 **Scottish Power** – SP has underground apparatus and has no option other than to object.

**Response:** Noted.

- 4.8 **TRANSCO** – no objections.

**Response:** Noted.

- 4.9 **Stewartfield Community Council** – no response.

**Response:** Noted

- 4.10 **Glasgow and Clyde Valley Strategic Development Plan Authority (GCVSDPA)** - advise that the application is a significant departure from Strategic Policies 5, 6 and 9 of the Structure Plan.

**Response:** Agreed.

## **5 Representation(s)**

- 5.1 Following statutory neighbour notification and advertisement in the East Kilbride News, 13 representations were received. The points raised are summarised as follows:

- a) **A supermarket in an industrial estate is unheard of and completely unacceptable.**

**Response:** The proposal fails to comply with structure and local plan policy relating to industry and retail.

- b) **The proposal would have a devastating impact on local retail businesses.**

**Response:** The proposal does not comply with retail planning policy as it has not been shown that there is appropriate demand for retail floorspace in this location.

- c) **The proposal raises serious roads concerns. The foodstore would have a detrimental impact to traffic on the Queensway.**

**Response:** Agreed. Transport Scotland and the Council's Roads and Transportation Service have raised concerns regarding impact on the Queensway, particularly when considered that there are other significant developments proposed in the vicinity.

- d) **The proposal has the potential to increase surface water run-off which could exacerbate the poor conditions of the Kittoch Water.**

**Response:** If granted, the applicant would be required to apply an appropriate SUDs scheme and liaise with SEPA over the appropriate licence to develop.

- e) **The applicant's Retail Impact Assessment is inaccurate and the applicant has failed to satisfy the sequential approach.**

**Response:** The proposal does not comply with retail planning policy as it has not been shown that there is appropriate demand for retail floorspace in this location.

- f) **The proposed development is likely to have a detrimental impact on the effective operation of the Burn Stewart plant due to conflicts between Burn Stewart's vehicles and the proposed vehicular and pedestrian movements associated with the foodstore.**

**Response:** The Council's Roads and Transportation Service have advised that they have concerns over the proposed vehicular access and pedestrian provision. The applicant has failed to demonstrate that an acceptable arrangement can be achieved.

- g) **The proposal would enhance the western entrance to East Kilbride and would fill a gap in retail provision. Current superstore provision is monopolised in other parts of the town and the proposal would also provide a significant number of jobs. The site has been derelict for some time and is considered to be an eyesore.**

**Response:** The proposal is contrary to the Development Plan and fails to comply with Structure and Local Plan Policy relating to Industry and Retail.

These letters have been copied and are available for inspection in the usual manner.

## **6 Assessment and Conclusions**

- 6.1 The determining issue in this instance is the proposal's compliance with the development plan, which in this case constitutes the Glasgow & Clyde Valley Structure Plan, the East Kilbride & District Local Plan and the Finalised South Lanarkshire Local Plan (as modified).

- 6.2 The application requires, first, to be assessed against the Glasgow and Clyde Valley Structure Plan. The plan became operational on 29 April 2008.

### **Structure Plan Policy for Industry**

- 6.3 Industrial Strategic Policy 5 – Competitive Economic Framework 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 strategic economic locations are:

- a) Strategic Business Centres
- b) Strategic Industrial and Business Locations (SIBL)
- c) Core Economic Development Areas
- d) Safeguarded High Amenity Locations

The site is not located in a strategic economic location identified in the Structure Plan. However, it is a marketable industrial site and part 1 of Strategic Policy 5 – that a minimum 10 year potentially marketable and serviceable industrial land supply is maintained – applies. As the application involves the loss of a marketable industrial site it is therefore contrary to Strategic Policy 5.

- 6.4 The application also requires to be assessed against Strategic Policies 9. 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. 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 (as of 31 March 2008) a 19 year industrial land supply in the East Kilbride area, however take up rates have been relatively healthy and many of the land supply sites already have consent. If all current consents are implemented the supply will drop below 10 years. The 2008 industrial land supply position for East Kilbride is as follows:

#### Marketable Supply

Category 1 'marketable' - 41.43ha

Category 2 'potential marketable' -16.9ha

Total marketable supply as of 01/04/08 58.34ha

#### Take Up

2007-08	1.79ha
2006-07	8.07ha
2005-06	3.28ha
2004-05	0.35ha
2003-04	1.83ha

The annual average take up over 5 years is, therefore, 3.06ha per annum. Based on the annual average take up over the past 5 years there is a 19 year marketable land supply currently available in EK. This includes the application site. At 2.2 hectares, this is one of the larger sites remaining in the marketable supply and to release it for a non-industrial use could have adverse implications for the long term continuity of the industrial land supply. The proposal is therefore contrary to Strategic Policy 9A (i).

- 6.5 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 – Departures from the Structure Plan
- Strategic Policy 10A relates to the appropriateness for the development in relation to updated supply and demand estimates. As noted, the proposal would have adverse implications for the long term continuity of the land supply for industry.
  - Strategic Policy 10B relates to economic, social and environmental benefits. Assessment against the relevant criteria is as follows:
- 6.6 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

does not involve inward investment for industry/business although it would create a number of non-industrial jobs, approximately 350-400 jobs – both part-time and full time- and temporary and permanent. This is not considered significant job creation in strategic terms, and would not justify a departure from the development plan.

- 6.7 With regard to social benefits, the proposal is not within a Priority Area identified in the Structure Plan and does not support or enhance community facilities. It cannot therefore be justified in relation to strategic social benefit.
- 6.8 With regard to environmental benefit the proposal does not involve any strategic environmental resources identified in Structure Plan Schedule 7. The site is brownfield in nature and was added to the vacant and derelict land register in 2008. However the proposed afteruse is industrial, in accordance with development plan policy. Criteria (iii) b therefore does not apply. The proposal cannot therefore be justified in relation to strategic environmental benefit.

### **Structure Plan Policy for Retail**

- 6.10 Strategic Policy 6 – Quality of Life and Health of Local Communities, is to be supported by action through the protection management and enhancement of town centres as the preferred location for retailing and other community focused activities. In conformity with the Metropolitan Development Strategy, Strategic Development Locations have been identified to maximise urban renewal. Town centres in Schedule 1 (a) are recognised as part of that framework and East Kilbride is listed as a town centre to be safeguarded. The Structure Plan requires that any proposal of strategic significance should be tested against the criteria in Schedule 6(c) (i) – Assessment of Significant Retail Development Proposals.
- 6.11 The Structure Plan has identified an opportunity for 16,700 square metres gross comparison floorspace in Schedule 6(c) (iv) which can be accommodated in East Kilbride town centre. The Finalised South Lanarkshire Local Plan has identified East Kilbride town centre as an appropriate location to implement the opportunity. A planning application for the Kittoch Field site at East Kilbride town centre has been lodged and will accommodate an element of comparison and convenience floorspace to implement the Structure Plan opportunity.

The following criteria in Schedule 6(c) (i) of Strategic Policy 6 are relevant to the assessment of the proposal:

- a) Expenditure compared to turnover, including the additional opportunities identified in Schedule 6(c) (iv), in the appropriate catchment area.

The proposed development comprises of a foodstore 7,317 square metres of retail floorspace. The applicant has prepared a Retail Assessment (RA) which considers a split of convenience and comparison floorspace. The net convenience floorspace is estimated to be 2246 square metres and the net comparison floorspace 1498 square metres. At 2011 the RA identifies within the catchment area, a balance of £28.296m based on an available expenditure of £189m and a turnover of £158m. The total turnover of the store is estimated at £29.59m (including all convenience and comparison floorspace) and the applicant's estimated capacity for the development is between £28m to £33m. The RA does not take into account expenditure flows and whilst the RA assumes a high level of 'claw back', to support the store, there is no survey information on which to base the assumptions. No consideration has been given to floorspace supported through the local plan i.e. the foodstore proposal at Kittoch Field, the regenerated St. Leonards Square proposal or the Strathaven Auction Market foodstore proposal. The



Retail Assessment for Kittoch Field, prepared on behalf of the Council, updates the Structure Plan Capacity Assessment (Technical Report (TR/07)). The updated capacity assessment which includes the Kittoch Field proposal and the Strathaven proposal identifies a surplus at 2013 of £5.4m. This is not sufficient to support the proposed foodstore at West Mains Road.

Given consideration of the above, I would not concur with the RA's conclusion that up to £33m will be available to support the proposal. The proposal does not, therefore, support criterion (a).

- b) Impact including direct and cumulative impact on the town centres listed in Schedule 1(a)

Trade Diversion and Impact - The RA assumes a total diversion of £10.8m from centres and stores within the catchment area and £13.5m from centres/stores outwith. The most significant diversion is 16% from Asda, Toryglen. Given the distance from Asda Toryglen to the catchment area, there is no clear justification as to why this scale of diversion is considered appropriate. I would estimate that given the presence of four large foodstores within close proximity; Morrisons at Stewartfield, Morrisons at Lindsayfield, Sainsburys at Kingsgate and the new proposed foodstore at Kittoch Field, I would anticipate a much higher level of diversion from within the catchment.

As a result, it is considered that there is likely to be significant impact on the Lindsayfield and Stewartfield stores and potentially a significant impact on Kittoch Field/East Kilbride town centre. Lindsayfield and Stewartfield are both neighbourhood centres and are thereby protected against unacceptable impact in the Local Plan policy framework. A potentially significant impact on East Kilbride town centre would be contrary to the Structure Plan and the proposal is not in conformity with criterion (b).

- d) The contribution to the improvement of the vitality and viability of town centres, particularly those in schedule 1(a); and the functional relationship with existing town centre facilities.

The proposal is located outwith strategic centres and will not make a contribution to the vitality and viability of strategic centres in the Structure Plan. The proposal does not support criterion (d).

- e) The need to restrict the type of goods which can be sold at out-of-town centre locations to bulky goods, as defined in the Glossary of Terms in this plan.

The overall principle of retail development is not acceptable at this location. The range of goods normally found by foodstore operators is not appropriate to be conditioned to bulky goods sales.

- f) The requirement to locate new developments in locations which can be accessed in accordance with Strategic Policies 3 and 9B (vii).

The proposed development has access to public transport and can be accessed on foot by nearby residential areas. However, the proposal will be a freestanding foodstore and will not be in close proximity to other uses such as commercial retail or leisure as noted in Schedule 3(a)(ii).

- g) The contribution the development would make to remedying any qualitative deficiencies in existing retail provision.

The Finalised South Lanarkshire Local Plan (as modified) has identified an opportunity for a retail development at the Kitting Field site in East Kilbride Town Centre. It is anticipated that a new foodstore will be developed and that it will deliver an overall qualitative improvement in retail floorspace in East Kilbride. The proposal at West Mains Road may add to the mix and range of operators available in East Kilbride but with four major stores – Sainsbury's Kingsgate, Sainsbury's Stewartfield, Morrisons Lindsayfield and the Kittingfield proposal within a 10 minute drive time of the majority of the population of East Kilbride, there will be no significant deficiencies in convenience retail floorspace that the development will remedy.

- 6.12 Strategic policy 6 and Schedule 6 (c) (ii) also requires that a sequential approach is taken to retailing and other town centre uses. The first preference is for town centre sites, followed by edge of centre sites and only then by out-of-centre sites which can be made accessible by a variety of means of transport. East Kilbride town centre would be the preferred location for additional retail floorspace. The finalised South Lanarkshire Local Plan has identified a town centre as an appropriate location for additional retail floorspace – through Policy STRAT8. The proposed development at West Mains Road is an out-of-centre location and given the opportunity identified at East Kilbride town centre, the West Mains Road proposal is not in conformity with the sequential approach and contrary to Strategic Policy 6.
- 6.13 As discussed above in paragraph 6.4 in regard to industrial/business policy issues, the retail policy implications of the proposal need to be considered with regard to Strategic Policy 9 – Assessment of Development Proposals. Strategic Policy 9 A (iv) requires that proposals should meet the criteria of Schedule (6) c (i) and as demonstrated in paragraphs 6.11 and 6.12 above the proposal is not in conformity with Schedules 6 (c) (i) and 6 (c) (ii). Strategic Policy 9 B required that new development should not displace investment from town centres, (criterion (iii)) and safeguard and promote vitality and viability of town centres. The proposal has the potential to displace investment from East Kilbride town centre and will not promote its vitality and viability. In this respect, the proposal is contrary to Strategic Policy 9 A and B.
- 6.14 Any proposal which fails to meet the relevant criteria in Strategic Policy 9 will be regarded as a departure from the Development Plan and require to be justified in regard to a number of criteria. In retail terms, I consider that the development cannot be considered an acceptable departure from the structure plan as in regard to;

#### Criterion A

There is no clear shortfall in the existing and planned retail development in the area and the development would not be required to remedy qualitative deficiencies in existing retail provision

#### Criterion B

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 does not involve inward investment for industry/business although it would create a number of non industrial jobs. This is not considered significant job creation in strategic terms, and would not justify a departure from the development plan.

As stated in paragraph 6.7, the proposal does not support or enhance community facilities. It cannot therefore be justified in relation to strategic social benefit.

Furthermore, the proposal cannot be justified in relation to strategic environmental benefit.

- 6.15 In summary, it has been demonstrated that the proposal is not in conformity with the industrial and retail policies of the structure plan and it cannot be regarded as an appropriate departure from the Development Plan. It is concluded that the application is contrary to Strategic Policies 1, 5, 6 and 9 of the Structure Plan and is therefore a development plan departure. The proposal cannot be justified in terms of any of the relevant criteria in Strategic Policy 10. It is therefore considered that there are strong strategic policy grounds for refusal of this application.

#### **Local Plan Policy**

- 6.16 The application is also covered by the adopted East Kilbride & District Local Plan. Policy IND1 – ‘Industrial Land Use’ states that all proposals in industrial areas should be for Class 4, 5 and 6 industrial uses. The proposal for a Class 1 Retail Foodstore is, therefore, contrary to IND1 and as a result it must be assessed against Policy SLP5. Policy SLP5 – ‘Non-Conforming Uses in Industrial Areas’ states criterion which all proposed non-conforming uses should comply. Policy COM2 New Retail/ Leisure Development also applies.
- 6.17 As the site lies within an area specifically zoned for strategic industrial use, the proposal for a retail unit is therefore a non-conforming use within an industrial area. This requires the application to be assessed against policy SLP5 of the adopted, local plan.

Policy SLP5 states that:

In all non-strategic industrial areas proposals for uses which do not conform to the general industrial policy will only be appropriate if all of the criteria below are met:

- (a) The loss of the site from the industrial land supply will not adversely affect the continuity of the long term supply (minimum of 10 years) of industrial land in terms of quantity, range and quality.
- (b) The development of the site or premises would not adversely affect the industrial operation, amenity, industrial character and function of the area.
- (c) The site or premises has been unsuccessfully marketed for an appropriate use to the Council’s satisfaction.
- (d) The site or premises is located at the edge of an industrial area and can easily be accessed from main road routes and have satisfactory access by walking, cycling and public transport unless the proposal is ancillary to an existing industrial use.
- (e) The site/premises is/ or can be served by public transport.
- (f) The development will not adversely affect public or traffic safety.
- (g) The infrastructural implications of the development are acceptable.
- (h) The development makes provision for cycling, walking and public transport or Green Transport Plans, as appropriate.

- 6.18 In terms of retail policy the adopted East Kilbride and District Local Plan Policy COM2 requires that new retail development conforms to a number of criteria that the sequential approach should be followed in regard to considering locations for new floorspace. Given that the proposed site is not within or adjoining a town, village or neighbourhood centre, it is not supportive of the preferred locations for new retail floor space. Criteria (b) retail impact and (c) capacity are also relevant. The applicant has provided information on retail capacity or impact. The updated capacity assessment which includes the Kittoch Field proposal and the Strathaven

proposal identifies a surplus at 2013 of £5.4m. This is not sufficient to support the proposed foodstore at West Mains Road and I, therefore, consider that the application is contrary to Policy COM2 of the adopted local plan.

- 6.19 The Finalised South Lanarkshire Local Plan (as modified) is also relevant. Policy ECON1 – ‘Industrial Land Use Policy’ has the same aims as Policy IND1 of the adopted plan. The site, as all industrial sites in South Lanarkshire are, is covered by Policy ECON4 – Industrial Land Supply Policy in the proposed Local Plan. This policy states the Council will seek to maintain a 10-year supply of marketable industrial land. This will be monitored annually through the industrial land audit process. It is clear from the Council’s most up to date information (as discussed in paragraph 6.10) that the current provision sits at 18 years. However, the loss of this area to retail use would significantly reduce the industrial land supply and result in the loss of an available, well connected site for an appropriate industrial business proposal.
- 6.20 Policy ECON13 of the Finalised Plan reflects the wording of Policy SLP5 of the adopted plan, apart from the additional criteria that the development will not adversely affect the natural or built environment. As with Policy SLP5 it is considered that the proposal does not comply with criterion (a) as it will significantly reduce the long term supply of industrial land. The proposed development is therefore contrary Policy ECON 13 of the Finalised South Lanarkshire Local Plan as Modified.
- 6.21 Given the site’s zoning in the adopted and proposed local plans, it is clear that the proposal is contrary to the Business/Industry designation in both documents. Given the need for the local plan to provide a minimum 10 year marketable supply of such land, then it is advised that the application is recommended for refusal on industrial grounds as regards the proposed local plan.
- 6.22 In retail terms, Policy COM3 – ‘New Retail/ Commercial Development Policy’ is relevant and reflects the adopted local plan and sets out a number of criteria in regard to the assessment of new planning proposals for retail development. Of particular relevance to the assessment of this proposal is the issue of consideration of the sequential approach to consideration of new retail proposals, retail capacity and retail impact on the vitality and viability on town, neighbourhood and village centres (criteria a, b, and c of the policy). The assessment of these criteria has been carried out in regard to the Structure Plan in paragraphs 6.11 and 6.12 and the proposal is therefore considered contrary to Policy COM3.

### **Transport Assessment**

- 6.23 The applicant has submitted a Transport Assessment as part of the application. The application site is located adjacent to the main A726 Queensway. The Council’s Roads and Transportation Services HQ have advised that the applicant will be required to address a number of issues which may result in a re-designing of the proposal. These include a lack of parking spaces and a failure to show that the proposal can be built within the current road network. The applicant has yet to provide the requisite data showing the number of trips which will be generated and the effect these trips will have on the road network. The application is one of three significant projects currently being evaluated and Transport Scotland has stated that there is insufficient capacity for all these projects to be accommodated.
- 6.24 From the assessment above, it is clear that the proposal is fundamentally and significantly contrary to both the structure and the local plan in both industrial and

retail policy terms. The applicant has failed to justify the site as being appropriate for a Class 1 Retail Foodstore and as a result, refusal is recommended.

## **7 Reasons for Decision**

- 7.1 The policy fails to comply with Glasgow & Clyde Valley Structure Plan 2006 Strategic Policies 5, 6, 9 and 10; East Kilbride & District Local Plan 2003 policies IND1, SLP5, COM2; Finalised South Lanarkshire Local Plan (as modified) 2007 policies ECON1, ECON4, ECON13 and COM3.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**3 March 2009**

## **Previous References**

- ♦ None

## **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Glasgow and Clyde Valley Joint Structure plan 2006
- ▶ East Kilbride and District Local Plan 2003
- ▶ Finalised South Lanarkshire Local Plan 2007 (as modified)
  - Consultations
  - Scottish Water 21/11/2008
  - Environmental Services 14/11/2008
  - Strathclyde Passenger Transport 03/12/2008
  - TRANSCO (Plant Location) 28/11/2008
  - Roads and Transportation Services (East Kilbride) 18/12/2008
  - Roads and Transportation Services HQ 06/01/2009
  - Transport Scotland 21/01/2009
  - Scottish Power 30/10/2008
  - Glasgow and Clyde Valley Structure Plan Joint Committee 18/02/2009
- ▶ Representations
  - Representation from : Tariq Rafiq, Westwood Convenience Stores, 165 Leeward Circle, Westwood, East Kilbride, G75 8PD, DATED 27/12/2007
  - Representation from : H Macartney (Body Repairs), 18 Lithgow Place, College Milton, East Kilbride, G74 1PW, DATED 01/12/2008

- Representation from : Mr J E Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS, DATED 10/11/2008
- Representation from : James Barr, 226 West George Street, Glasgow, G2 2LN, DATED 10/11/2008 (on behalf of Co-operative Group)
- Representation from : James Barr Ltd, 226 West George Street, Glasgow, G2 2LN, DATED 10/11/2008
- Representation from : Mr J E Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS, DATED 17/11/2008
- Representation from : Kemp A Meikle BSc (C Eng MICE retd), 5 Cedar Crescent, Hamilton, ML3 7LW, DATED 25/11/2008
- Representation from : Tariq Rafiq, Westwood Convenience Stores, 165 Leeward Circle, Westwood, East Kilbride, G75 8PD, DATED 18/11/2008
- Representation from : Roderick R Finnie, 200/4 Sandiefield Road, Glasgow, G5 0BL, DATED 10/12/2008
- Representation from : James Barr, 226 West George Street, Glasgow, G2 2LN, DATED 24/12/2008 (on behalf of Burn Stewart)
- Representation from : James Barr, 226 West George Street, Glasgow, G2 2UN, DATED 04/12/2008 (on behalf of Co-operative Group)
- Representation from : Westwood Community Council DATED 01/02/2009
- Representation from : GVA Grimley, 206 St Vincent Street, Glasgow, G2 5SG, DATED 26/02/2009

### **Contact for Further Information**

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

Iain Morton, x6314, Planning Officer, Civic Centre  
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## REASONS FOR REFUSAL

- 1 The proposal is contrary to Strategic Policy 5 of the Glasgow & Clyde Valley Structure Plan in that it would significantly reduce the provision of Strategic Industrial Land with South Lanarkshire by virtue of its size and scale and represents non-conforming use within a Strategic Industrial and Business Location.
- 2 The proposal is contrary to Strategic Policy 6 of the Glasgow & Clyde Valley Structure Plan in that the case for a retail foodstore has not been justified in planning terms and the proposal would a detrimental impact on current retail provision in East Kilbride.
- 3 The proposal is contrary to Strategic Policy 9A of the Glasgow & Clyde Valley Structure Plan in that it would have adverse implications for the long term continuity of the industrial land supply in South Lanarkshire.
- 4 The proposal is contrary to Strategic Policy 9B of the Glasgow & Clyde Valley Structure Plan in that it would have adverse implications for the long term continuity of the industrial land supply in South Lanarkshire.
- 5 The proposal is contrary to Strategic Policy 10B of the Glasgow & Clyde Valley Structure Plan in that it would not create the level of employment required to justify a departure from the development plan.
- 6 The proposal is contrary to Policy IND1 'Industrial Land Use' of the East Kilbride & Local Plan in that the proposal represents a non - conforming use on land identified for industry.
- 7 The proposal is contrary to Policy SLP5 of the East Kilbride & District Local Plan in that : the proposal will result in a significant reduction in the quantity, range and quality of marketable industrial land in East Kilbride and the development would adversely affect the industrial character and function of the area.
- 8 The proposal is contrary to Policy COM2 of the East Kilbride and District Local Plan as it would undermine the vitality and viability of town, village and neighbourhood centres.
- 9 The proposal is contrary to Policy ECON 1 'Industrial Land Use' of the Finalised South Lanarkshire Local Plan (as modified) in that the proposal represents a non - conforming use on land identified for industry.
- 10 The proposal is contrary to Policy ECON4 of the Finalised South Lanarkshire Local Plan (After Modification) in that it would introduce a non-industrial use to an industrial site and would significantly reduce the long term availability of industrial land within South Lanarkshire.
- 11 The proposal is contrary to Policy ECON 13 'Non-conforming Uses in Industrial Areas' of the Finalised South Lanarkshire Local Plan (as modified) in that: the proposal will result in a significant reduction in the quantity, range and quality of marketable industrial land in East Kilbride and the development would adversely

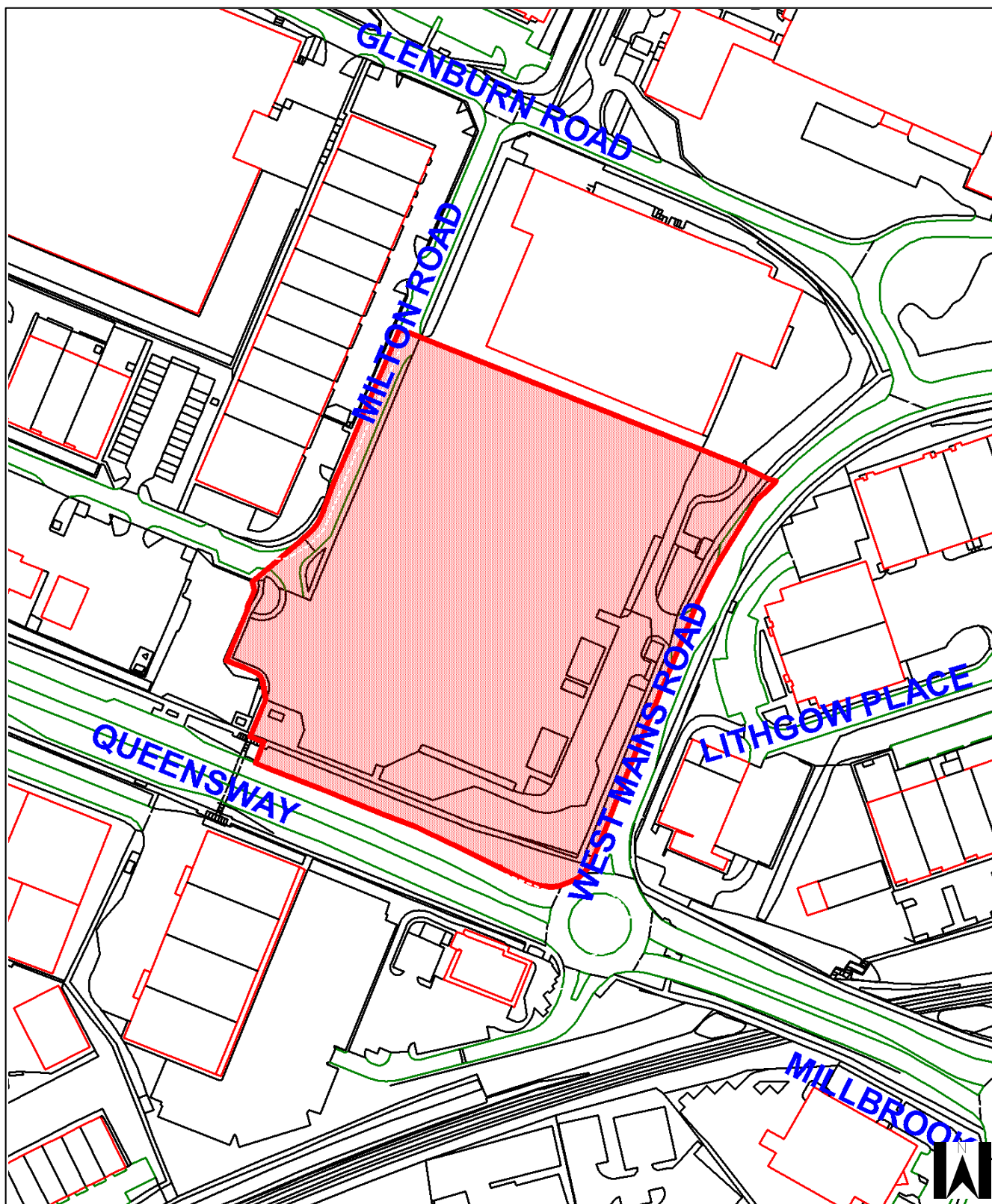
affect the industrial character and function of the area.

- 12 The proposal is contrary to Policy COM3 of the Finalised South Lanarkshire Local Plan (as Modified) as it would undermine the vitality and viability of town, village and neighbourhood centres and in particular the Council's strategy for investment in East Kilbride town centre.
- 13 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which would exacerbate the problems stated above.



For information only

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