

	<h1>Report</h1>	Agenda Item <h1>17</h1>
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Report to: **Planning Committee**
 Date of Meeting: **14 December, 2010**
 Report by: **Executive Director (Enterprise Resources)**

Subject: **Appeal Against Non-determination of Planning Application for Erection of Class 1 Retail Superstore with Associated Car Parking and Landscaping at 18/20 West Mains Road, East Kilbride (Ref: EK/10/0110)**

1. Purpose of Report

1.1. The purpose of the report is to:-

- Seek approval to establish the Council's position in dealing with the appeal against the non-determination of planning application EK/10/0110 for the Erection of class 1 retail superstore with associated car parking and landscaping at 18/20 West Mains Road, East Kilbride.

2. Recommendation(s)

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

- (1) that the Council's position in dealing with the appeal is based on the recommendation to refuse planning application EK/10/0110 as set out in the attached report.

3. Background

3.1 Members will be aware that a detailed planning application was submitted by Dawn Developments Ltd for the erection of a class 1 retail superstore with associated car parking and landscaping at 18/20 West Mains Road, East Kilbride. Further, Members will recall that this application is one of four significant retail applications in East Kilbride that have been submitted to the Council in 2010. The three others are listed below:

- EK/10/0056 – Mixed use development comprising a Class 1 superstore, Garden Centre, Hotel, Class 3 uses, petrol filling station, allotments, landscaping, associated car parking, Land at Redwood Crescent, Peel Park, East Kilbride. Applicant : JHAG Ltd
- EK/10/0075 - Garden centre development incorporating restaurant / café and farm foodhall with ancillary works including car parking, access, outdoor display / demonstration areas, 'Greenhouse' horticultural interpretation centre, eco garden, allotments and landscaping , Land at Redwood Crescent, Peel Park, East Kilbride. Applicant: Dobbies Ltd.
- EK/10/0267– Erection food superstore (Class 1) and associated access and car parking, Atholl House, Churchill Avenue, East Kilbride. Applicant: Ediston Opportunities.

- 3.2 Members will also recall that consideration of the JHAG Ltd application was subject to legal challenge by Dawn Developments Ltd. However, ultimately the application was considered and approved by the Planning Committee on 5 October 2010. On 20 November 2010 the Council was informed that Dawn Developments Ltd have sought to judicially review the decision of 5 October 2010 to be held on the 16 February, 2011. On 1 December 2010 the Court of Session considered a motion requesting that an early date be set for the hearing of the judicial review and determined that it would be heard on the 1, 2, 3 February, 2011.
- 3.3 In regard to the Dobbies application, a garden centre was accepted in planning terms through the granting of planning permission in principle for the mixed use JHAG Ltd development. The Committee should note that Dobbies have requested that in view of the judicial review of the JHAG planning permission that their application be considered now notwithstanding the judicial review. Consideration of this request requires to be made in the context of the conventional planning approach in dealing with a detailed application on the basis of a planning permission in principle being in place. It is apparent that in this instance this position is not clear.
- 3.4 The planning application at Atholl House is still being assessed and is not ready to be placed before the Planning Committee for consideration.
- 3.5 Turning again to the West Mains site, the Council raised retail and transportation issues with the applicant's agent via correspondence on 19 and 25 October 2010. In summary the issues raised were:
- Retail: There were certain technical aspects of the retail impact assessment which still required to be clarified. There were outstanding matters in regard to survey information and methodology. However, the main issue was in relation to cumulative impact of the proposed store at West Mains, and other retail consents while taking cognisance of the retail opportunity at Kittoch Field. The Council expressed some doubt whether there was sufficient retail capacity, however the applicant's agent was given the opportunity to demonstrate otherwise. The applicant's agent responded on 22 October 2010 stating that, in his view, there was no need to take account of the JHAG Ltd application and the Kittoch Field opportunity in terms of cumulative impact. The Council's view is that JHAG site has consent and Kittoch Field is identified as a town centre expansion opportunity in the South Lanarkshire Local Plan. Therefore both sites have a planning status and are therefore material considerations.
 - Transportation: Notwithstanding the consultation response from Transport Scotland, the Council's own Transportation officers still have issues in respect of the details of the scheme, principally the level and layout of the proposed parking, which is considered to be inefficient and likely to lead to operational problems. The applicant's agent was advised of these issues via an email on 25 October 2010. As noted in paragraph 3.12 below the transportation issues are not resolved.
- 3.6 On the 28 October 2010, the applicant's legal agent wrote to the Council to advise that they had been instructed by their clients to lodge an appeal in respect of the Council's failure to determine the West Mains application i.e. non-determination.
- 3.7 In terms of the Appeal's Regulations the Council must provide a statement on its view of the proposal. A report setting the Planning Services assessment and conclusion on the submitted application is attached and it is requested that the Committee agrees that if it were in a position to take a decision on the application, then it would be in accordance with the recommendation for refusal as set out in the

attached report. The decision will form part of any further statement (s) made in respect of the appeal.

- 3.8 Following on from the above, it is considered appropriate to highlight a number of issues to the Committee.
- 3.9 In light of the retail issues set out in paragraph 3.5, Planning Services considered it necessary to appoint Roderick MacLean Associates to provide retail advice on this matter. The main conclusions drawn from this work are:
- There is not sufficient retail capacity (convenience) to support the West Mains site.
 - Approval of the West Mains site would have an unacceptable impact on existing centres and prejudice the Kittoch Field opportunity in the long term.
- 3.10 Therefore, the approval of the West Mains site would prejudice the Kittoch Field site as a retail opportunity in the longer term as well as adversely affecting the vitality and viability of existing retail centres. It is the Council's intention to seek to lodge the retail assessment by Roderick MacLean Associates as an appeal production.
- 3.11 As set out in paragraph 3.2, Dawn Development Ltd has sought to legally challenge the consent at Redwood Drive. In this respect two points are highlighted. Firstly, the Council has brought this matter to the attention of the Reporter. Secondly, it is the Council's view that the proposal at Redwood Drive is a material consideration in respect of the appeal. As such, until the status of that consent is clarified through judicial review the Reporter should consider sisting (i.e. delaying) the appeal process.
- 3.12 There is an issue in respect of the status of the supporting information submitted with the application and the subsequent appeal. In relation to material dealing with transportation such as drawings and traffic analysis, these have evolved over time through discussion between the appellant's transportation consultants Dougall Baillie Associates, Transport Scotland and the Council's Transportation officers. These drawings/information indicated various proposals to the trunk and local road network, revised parking layout and public transport proposals. However, to date the outcome from these discussions have not been agreed by Roads and Transportation Services and the material has not been formally submitted to the Council as Planning Authority. It is the Council's understanding that the Appeal Regulations restrict consideration of material to that which was formally before the Planning Authority at the time of the decision. As this appeal relates to a non-determination the 'decision' is taken as being 28 October 2010. As of that date the transportation material had not been agreed or formally submitted to the Council as Planning Authority. This issue has been raised with the Reporter to seek clarification but, to date, no response has been received and it may prove to be the subject of legal debate before the Reporter. As a consequence, Roads and Transportation Services have been unable to conclude their full assessment of the proposed development. Therefore as matters stand they are unable to support the application. Notwithstanding this, there may be an expectation by the Reporter that both parties continue to discuss roads issues to determine whether any agreement can be reached prior to the formal proceedings commencing. On this basis, and without prejudice to and reserving the Council's right to argue that the Reporter should refuse to formally consider this information, it is the intention to discuss roads issues with the applicant's agent assuming that they are open to such discussions.

- 3.13 For members information, the appeal regulations require the Council to provide to the Reporter a list of potential planning conditions for consideration should the Reporter be minded to approve the planning application. This however should not be construed as the Council changing its position on the proposed development, but rather complying with appeal regulations. These conditions will be prepared by officers, as is the case with other appeals, and will address matters such as implementation of infrastructure, restriction of floorspace, external materials and other associated issues.
- 3.14 The next steps in relation to the appeal would be, based on the assumption that the Committee endorse the recommendation, that this report is submitted to the Reporter as being the Council's position on the matter. The Council will be advised what mechanism the Reporter will use to deal with the appeal i.e. written submissions, hearing, formal inquiry or a combination. The appellant has indicated a preference for a formal inquiry. However the appeal process may be affected by the timing and outcome of the judicial review in relation to the JHAG Ltd application.
- 4. Employee Implications**
- 4.1 There are no implications for staff resources within this Service.
- 5 Financial Implications**
- 5.1 The cost of defending the appeal will require to be met from existing resources.
- 6 Other Implications**
- 6.1 None
- 7 Equality impact assessment and consultation arrangements**
- 7.1 This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and there no impact assessment is required.

Colin McDowall
Executive Director (Enterprise Resources)

8 December, 2010

Link(s) to Council Objectives/Improvement Themes/Values

- Improve the quality of the physical environment

Previous References

- Report to Planning Committee 7 September 2010
- Report to Planning Committee 5 October 2010

List of Background Papers

- Planning Application report

Contact for Further Information

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

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Report

Report to: **Planning Committee**
Date of Meeting: **14 December 2010**
Report by: **Executive Director (Enterprise Resources)**

Application No EK/10/0110
Planning Proposal: Erection of Class 1 Retail Superstore with Associated Car Parking and Landscaping

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Dawn Developments Ltd
- Location : 18/20 West Mains Road
East Kilbride
G74

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

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

3 Other Information

- ◆ Applicant's Agent: Blueprint Planning & Development Ltd
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **Glasgow and The Clyde Valley Structure Plan 2006**

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

South Lanarkshire Local Plan (Adopted March 2009)

Policy STRAT1 – Regeneration Priorities

Policy STRAT8 Development Framework Sites

Policy
 Policy COM3 – New Retail / Commercial Development
 Policy ECON1 – Industrial Land Use Policy
 Policy ECON4 – Industrial Land Supply
 Policy ECON5 – Proposed Industrial Sites
 Policy ECON13 – Non-Conforming Uses in Industrial Areas
 Policy TRA 1- Development Location and Transport Assessment
 Policy TRA 8 – Car Parking Policy
 Policy ENV30 – New Development Design
 Policy DM 1 – Development Management

◆ Representation(s):

▶	24	Objection Letters
▶	2	Support Letters
▶	1	Comments Letters

◆ Consultation(s):

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

Environmental Services

Westwood Community Council

East Mains Community Council

Glasgow & Clyde Valley Structure Plan Joint Committee

Network Rail

Roads & Transportation Services H.Q. (Flooding)

Economic Development (Business Development & Projects)

Scottish Water

SP Energy Network

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

TRANSCO (Plant Location)

Transport Scotland

Roads and Transportation Services (East Kilbride Area)

Planning Application Report

1 Application Site

- 1.1 The application site is approximately 3.2 hectares in area. The site is generally flat and has been cleared following the demolition of the previous industrial buildings. The site remains vacant. The site is located adjacent to the Queensway and West Mains Road and Milton Road, within College Milton Industrial Estate, East Kilbride. To the west and north of the site are a number of industrial premises occupied by various companies, including large scale manufacturing businesses such as Burns Stewart and Coca Cola Enterprises Ltd. The existing access to the site is from West Mains Road.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of a Class 1 retail superstore with associated landscaping and parking. The total retail floorspace comprises of a total of 7,144 square metres gross with a net sales area of 3,761 square metres. The sales floorspace will be split approximately 60% convenience sales and 40% non-food sales. The named operator for the store is Asda Stores Ltd.
- 2.2 It is proposed that the superstore will be located to the south west of the site with the service area, sprinkler tank and associated service delivery accessed off Milton Road. Customer access will be taken off West Mains Road relocated in a position further north along the road from the entrance to the site. It is proposed that there will be a total of 462 parking spaces including 20 disabled spaces and 16 parent and child spaces. The layout also incorporates a small element of landscaping.
- 2.3 The proposed superstore building will comprise of two floors with sales areas and 'back of house' facilities on both floors and a café on the upper floor. The upper floor will be accessed by twin escalators. The building will be clad in a range of four materials including horizontal timber cladding and glazing on the more public orientated east and south elevations. The roof will be mono pitched rising from a height of approximately 8 metres at its lowest point to 9.5 metres at the storage and service area.
- 2.4 The applicant has issued a number of supporting documents including a Planning and Retail Assessment, a Commercial Property Report, a Design and Accessibility Statement, a Site Investigation Report and a Transportation Assessment.

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. The SPP includes a section which deals with town centres and retailing, and the issue of sequential approach.

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 ECON1 – Industrial Land Use Policy
Policy ECON4 – Industrial Land Supply
Policy ECON5 – Proposed Industrial Sites
Policy ECON 13 – Non-Conforming Uses in Industrial Areas
Policy TRA 1 – Development Locations and Transport Assessment
Policy TRA 8 – Car Parking Policy
Policy DM 1 – Development Management
Policy DM 30 – New Development Design Policy

Planning History

- 3.4. In 2008 Dawn Developments Ltd. applied for planning permission for a Class 1 Retail Food Superstore on part of the current application site. The applicant withdrew the application (EK/08/0490) in advance of a recommendation to Committee to refuse it. In March 2010, Dawn Developments Ltd. submitted this current planning application for the same location with an amended site boundary which includes an additional area of 0.25 hectares at the south west of the site.
- 3.5 The site has been subject to a Pre Application Notice (PAC). 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. On 28 October 2010 an appeal was lodged with the Directorate of Planning and Environmental Appeals against the non determination of the application by the applicant. Subsequently on the 24 November 2010 another PAC was received by the Council for the same site from the applicant Dawn Developments Ltd proposing the erection of a Class 1 retail superstore with associated car parking and landscaping. It is not apparent why this PAC has been submitted.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (HQ and EK Area)** – At the date of the appeal a number of issues remained outstanding in relation to roads and transportation matters. As a consequence, Roads and Transportation Services have been unable to conclude their full assessment of the proposed development. Therefore as matters stand they are unable to support the development.
Response: Noted.
- 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, waste control, floodlighting.
Response: Noted. Conditions will be suggested to the Reporter to be attached to any consent granted. Similarly, advisory notes should be attached in regard to a number of matters including noise and pest control.
- 4.3 **Roads and Transportation Services (Flooding)** – no objections subject to compliance with infrastructure design criteria, SUDS and flood risk.
Response: - Noted. Conditions will be suggested to the Reporter to 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 suggested to the Reporter to be attached to any consent granted.

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

- 4.5 **Westwood Community Council** – fully support the proposal.

Response: Noted.

- 4.6 **East Mains Community Council** – supports the developments subject to the resolution of technical traffic issues.

Response: Noted.

- 4.7 **Glasgow and the Clyde Valley Strategic Planning Authority** - No response to date.

Response: Noted.

- 4.8 **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.

- 4.9 **SP Energy Networks** – no objections subject to the relocation of the electricity sub station on site.

Response: Noted. Conditions will be suggested to the Reporter to be attached to any consent in respect of the relocation of statutory undertakers' infrastructure.

- 4.10 **Scotland Gas Networks** – no objections subject to the appropriate hand digging excavation methods in the vicinity of low/medium/intermediate gas mains that are present on the site.

Response: Noted.

- 4.11 **Transport Scotland** – no objections subject to certain infrastructure improvements being undertaken on the trunk road network.

Response: Conditions will be suggested to the Reporter to be attached to any consent granted.

- 4.12 **Railtrack Outside Parties Section**– no objections.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the application was advertised in the East Kilbride News as Development Contrary to the Development Plan and as Development due to the Scale or Nature of the Operations. Twenty seven letters of representation have been received with 24 objecting to the proposal, two letters of support and one comments letter.

- a) **The applicant has failed to demonstrate an appropriate sequential approach. Before considering out of centre sites, a proper consideration of edge of centre sites should be undertaken. The site at Atholl House should be given preference to the proposed development and is contrary to structure plan and local plan policy.**

Response: The analysis of the West Mains Road proposal with regard to the sequential approach has been undertaken in Section 6 below. In regards to the

merits of the Atholl House site, a planning application has been submitted and currently being assessed. This application will be reported to Committee when the assessment has been concluded.

- b) **Following from community consultation the majority of respondents welcomed the choice and competition that a new store can bring.**

Response: It is noted that there is currently no superstore operated by Asda in East Kilbride and that a new store would add to the range of retailers in the town.

- c) **The superstore in this location would have a negative effect on other stores in the catchment.**

Response: The applicant has provided a Planning and Retail Assessment (PRA) which is considered in Section 6 below.

- d) **Government policy protects small outlets and town centres.**

Response: Structure plan and local plan policy has been developed in the context of Government policy. These issues are addressed in Section 6 below.

- e) **Any job gains from a new Class1 retail development will lead to job losses in small retail outlets and the town centre.**

Response: The applicant estimates that 400 full and part time jobs will be created. It is possible that there may be some displacement of employment.

- f) **The site is in an industrial estate not a retail park.**

Response: The local plan policy in regard to the use of the site for non-industrial uses is discussed in Section 6 below.

- g) **The supermarket would benefit the community, pedestrians and drivers alike if there is improvement to roads and paths at that particular location. Support is given by the residents in Windward, Mossneuk, Gardenhall and Hairmyres.**

Response: The applicant has prepared a TA which examines the impact on the road network and recommends infrastructure improvements to the trunk and local road network and footpaths. Transport Scotland has offered no objections following consideration of the TA. As noted in paragraph 4.1 above, the Council's Roads and Transportation Services have been unable to conclude their full assessment of the proposed development.

- h) **The application will impact on local businesses in the College Milton area because of the major traffic implications. Concerns are raised regarding the volume of traffic and road safety. There are existing difficulties at peak times accessing local businesses. Business will need to relocate should the situation deteriorate.**

Response: The applicant has prepared a Transport Assessment (TA) which assessed the impact on the local and trunk road network and recommends infrastructure improvements to both the local and trunk road network and footpaths. Transport Scotland has offered no objections following consideration of the TA. As noted in paragraph 4.1 above, the Council's Roads and Transportation Services have been unable to conclude their full assessment of the proposed development.

- i) **The proposal will have a detrimental impact on family life in Stewartfield as there will be a number of people using Stewartfield as a shortcut to the store.**

Response: These matters have been noted.

- j) **The site should not be developed as a foodstore but would be the perfect area for a park.**

Response: Noted, however given the location of the site its use as a park would not be appropriate. In any event the Council can only decide the application that is before it.

- k) **Both the Dawn Developments Ltd proposal and the Jhag Ltd proposal should be heard at the same time.**

Response: On the 7th September, 2010 the Planning Committee heard representations from interested parties in this respect and concluded that each application will be considered as and when it is ready.

- l) **Residents at Mossneuk are under served by local shopping facilities. Attached layout indicates the best model to give the people of East Kilbride the choice and balance of supermarkets they require, objections are raised to the proposal.**

Response: The local plan supports the provision of a network of centres ranging from local and neighbourhood centres to major town centres such as East Kilbride. It is important that the community has access to facilities within this range of centres.

- m) **The site is inappropriate (for a superstore) as it would add to gridlock in the morning. Waiting time to get on to the roundabout at McDonalds is 10-15 minutes. Any further traffic would exacerbate the problem.**

Response: The operation of this junction is the responsibility of Transport Scotland. Transport Scotland has offered no objections following consideration of the Transport Assessment. As noted in paragraph 4.1 above, the Council's Roads and Transportation Services have been unable to conclude their full assessment of the proposed development.

- n) **East Kilbride is adequately serviced by a number of local shops and supermarkets we also have Centre West in the town centre and we do not require another supermarket / superstore.**

Response: The local plan sets out a policy framework for assessing new retail proposals. The assessment of the proposal in regard to retail policy is set out in Section 6 below.

- o) **The Roundabout at McDonalds creates logistical headaches on a daily basis. I would like to hear from SLC what plans they have to implement improvements to the area.**

Response: The operation of this junction is the responsibility of Transport Scotland. Transport Scotland has offered no objections following consideration of the Transport Assessment. As noted in paragraph 4.1 above, the Council's Roads and Transportation Services have been unable to conclude their full assessment of the proposed development.

- p) **Concerns have been raised regarding the volume of traffic generated and pedestrian safety and suitable road crossing points.**

Response: In terms of the trunk road network Transport Scotland are satisfied that the existing bridge and uncontrolled crossing point are appropriate for the pedestrian demand. As noted in paragraph 4.1 above, the Council's Roads and Transportation Services have been unable to conclude their full assessment of the proposed development.

- q) **East Kilbride town centre is facing significant trading challenges in a difficult market with the potential for vacancy rates to soon reach double figures that of**

the national average (28%). Further out of centre retail investment will only exacerbate this issue and threaten the vitality of the centre.

Response: It is recognised that the downturn in the economy is effecting investment decisions for retailers and other town centre traders and has led to an increase in vacancies in the town centre. The protection of the retailing function of the town centre is a central aim of the local plan and any retail proposals require to be carefully assessed for impact on the town centre. The analysis in section 6 below sets the policy assessment of the proposal in regard to impact on the town centre.

- r) **No consideration is given to the impact of the level of proposed comparison retailing on East Kilbride town centre. Asda propose a 60/40 split convenience/comparison.**

Response: The applicant supplied a brief assessment of the comparison element of the proposal. However in order to fully assess the quantitative effects of the proposal, from a retail planning perspective, the Council has commissioned an independent retail capacity and impact assessment. The findings of the assessment in regard to comparison floorspace in the town centre are considered in Section 6 below.

- s) **The development is entirely contrary to the development plan.**

Response: An assessment with respect to the development plan is undertaken in Section 6 below.

- t) **Opportunities within the town centre for the level of retail development proposed have not been considered in detail.**

Response: In planning policy terms the town centre is the preferred location for new retail proposals. The applicant has considered local plan sites for town centre expansion including Kittoch Field. An analysis of alternative sites though the sequential approach is undertaken in Section 6 below.

- u) **Burn Stewart Distillers, a neighbouring industrial user have identified the site as an opportunity to expand their current premises and its loss to a non-industrial use would have a negative impact upon the industrial land supply.**

Response: The impact of the loss of the site is assessed with respect to the structure plan and local plan in Section 6 below.

- v) **The proposed development will have an adverse effect on the industrial operation, amenity character and functions of the area and is contrary to Local Plan Policy ECON13.**

Response: The proposed superstore will introduce a non-industrial/business use to the area and requires to be justified with regard to the industrial/business policies of the structure plan and the local plan. An assessment in this respect follows in Section 6 below.

- w) **The site is located within an industrial area adjacent to a dual carriageway where there is poor quality pedestrian access.**

Response: The applicant has prepared a Transport Assessment (TA) which assessed the impact on the local and trunk road network and recommends infrastructure improvements to both the local and trunk road network and footpaths. Transport Scotland has offered no objections following consideration of the TA. As noted in paragraph 4.1 above, the Council's Roads and Transportation Services have been unable to conclude their full assessment of the proposed development.

- x) **Concerns have been raised regarding the retail assessment methodology (RA). The source and level of 'clawback' of expenditure is question. The size of the**

store being smaller than other competing Asda and Tesco stores will limit the level of 'clawback' that can realistically be achieved.

Response: Critical to the assessment of any new retail proposal is the assessment of expenditure flows and how the proposed development will change shopping patterns. There is a need for a more robust assessment of the proposal in regard to cumulative retail capacity and impact which includes assumptions on expenditure flows. Section 6 below sets out the Council's assessment of the proposal in regard to an independent quantitative assessment of the proposal.

- y) **Nowhere in the RA does the applicant provide an analysis of the impact the West Mains Road proposal will have upon any town centre.**

Response: Impact on the town centre is an important element of assessing new retail development particularly in regard to national structure plan and local plan policy. Section 6 below undertakes an assessment of the proposal with regard to the Council's own independent RA.

- z) **The applicant failed to submit a Design and Assess Statement in accordance with the Hierarchy of Developments (Scotland) Regulations 2009.**

Response: It is noted that the applicant did not submit the Design and Access Statement timeously and in accordance with the Regulations, however this has been submitted.

- aa) **Concerns have been raised in regard to**

- **the robustness of the base model and the subsequent analysis**
- **the interaction of between the West Mains and Eaglesham Road roundabouts and there is nothing in the TA by way of reporting or analysis to alleviate these concerns**
- **no cumulative assessment has been undertaken to include Peel Park as a committed development.**
- **The TA offers insufficient information on which to assess the West Mains development.**

Response: A traffic model submitted by Dougall Baillie Associates (DBA) has been audited and approved by Transport Scotland. The applicant has also prepared a Transport Assessment (TA) which assessed the impact on the local and trunk road network and recommends infrastructure improvements to both the local and trunk road network and footpaths. Transport Scotland has offered no objections following consideration of the TA. As noted in paragraph 4.1 above, the Council's Roads and Transportation Services have been unable to conclude their full assessment of the proposed development.

- bb) **The development is inconsistent with the Glasgow and Clyde Valley Structure Plan Strategic Policy 1 and Strategic Policy 5. The development also fails to comply with Strategic Policy 9 and requires to be assessed with Strategic Policy 10. It is considered that the application is contrary to the adopted Local Plan policy framework relating to retail and industrial and business land supply. A previous application EK/08/0490 was recommended for refusal.**

Response: An assessment of the proposal with regard to the relevant Structure plan and Local Plan Policy is set out in Section 6 below.

- cc) **As neighbouring occupier Burn Stewart Distillers Ltd wish to consolidate their operations in East Kilbride and cannot pursue their manufacturing consolidation option at West Mains Road because of the uncertainty regarding the future of the currently vacant site.**
Response: Maintaining the presence of large scale industrial operations within industrial estates supports the viability of industrial locations. The concerns regarding the option to expand are noted and an assessment of the loss of the site from the industrial land supply is considered in Section 6 below.
- dd) **Concerns have been raised regarding the TA although a no net detriment has been produced, blocking back is predicted to occur at the site access to Arrotshole Road, causing significant delay to Burn Stewart vehicles.**
Response: The applicant has prepared a Transport Assessment (TA) which assessed the impact on the local and trunk road network and recommends infrastructure improvements to both the local and trunk road network and footpaths, including West Mains Road. Transport Scotland has offered no objections following consideration of the TA. As noted in paragraph 4.1 above, the Council's Roads and Transportation Services have been unable to conclude their full assessment of the proposed development.
- ee) **Burn Stewart currently generates high daily volumes of traffic movements including vehicular and pedestrian movements across Milton Road. There is potential for pedestrian and vehicle conflict as vehicles serve both the Burn Stewart plant and the service yard and will have a detrimental impact on the effective operation of the Burn Stewart plant.**
Response:
As noted in paragraph 4.1 Roads and Transportation have been unable to conclude their full assessment of the proposed development. However, it is noted that such a potential conflict require to be addressed.

6 Assessment and Conclusions

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) etc 2006 Act, 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 Scottish Planning Policy (SPP) is a material consideration to the determination of the proposal. SPP states that 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 specific needs of different businesses should be taken into account in development management decisions including importance of access to the strategic road and rail network for manufacturing warehousing and distribution uses. SPP also requires that a sequential approach should be used when selecting locations for all retail commercial and leisure uses. The general policy direction of SPP is integral to the policies and proposals in the Glasgow and Clyde Valley Joint Structure Plan and the adopted South Lanarkshire Local Plan and these will be considered in turn.

Structure Plan Assessment

- 6.3 The policies in the Structure plan which are relevant to the assessment of the application are Strategic Policy 1, Strategic Policy 5, Strategic Policy 6, Strategic Policy 9 and Strategic Policy 10.

Strategic Policy (SP1) Strategic Development Locations

- 6.4 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 planning retail assessment (PRA) East Kilbride is identified as a strategic town centre. As the proposed location is not within or adjoining the town centre the proposal is considered contrary to SP1.
- 6.5 Strategic Policy 5 (SP5) 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 these are:
- a) Strategic Business Centres
 - b) Strategic Industrial and Business Locations (SIBL)
 - c) Core Economic Development Areas
 - d) 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 (a) of SP5 – 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 SP5. Further consideration of industrial land policy issues are included in paragraphs 6.32 and 6.33 in regard to the local plan.

Strategic Policy 6 (SP6) – Quality of Life and Health of Local Communities

- 6.6 SP6 safeguards strategic town centres as the preferred location for focusing the economic potential of new retail developments. The current proposal is not listed 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 Schedules 6(c)(i) and 6(c)(ii).
- 6.7 Schedule 6(c)(i) sets out a number of criteria that new retail proposals require to be considered against in regard to both convenience and comparison floorspace. The applicant has undertaken Planning and Retail Assessment (PRA) which has assessed the capacity and impact of the development. Whilst the application was being assessed, there were a number of issues raised with the applicant in regard to the information supplied and the quantitative analysis carried out in the PRA. Generally concerns were raised by planning officers with the applicant regarding a number of matters including; floorspace and turnover assumptions, shopping patterns and expenditure flow assumptions, trade diversion and the provision of analysis of comparison floorspace. Given the complexity of the retail structure in East Kilbride and the policy issues raised by the development, it is important that the officer's assessment is informed by a robust analysis. In particular, an analysis of expenditure flows should incorporate recent survey information. The applicant had access to customer data from Asda Stores Ltd. The data informed the applicant's understanding of the shopping patterns of Asda shoppers resident in the East Kilbride catchment area. However despite requests this information was not supplied to the Council. Latterly, the applicant was also asked to provide a cumulative impact assessment. The issues regarding survey information and assumptions as noted above were never resolved and significantly, at the time of lodging the appeal, no cumulative assessment was undertaken. The Council therefore, appointed an independent retail consultant to prepare a cumulative retail assessment in order to provide a robust and up to date appraisal of the proposal.

- 6.8 In the following analysis the Council's retail assessment will primarily be relied upon to assess the proposal. The relevant criteria of Schedule 6(c)(i) are as follows: (a) expenditure compared to turnover (capacity) ; (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. The above criterion will be considered in turn as follows:

Capacity - Convenience Floorspace

- 6.9 Criterion(a):- expenditure compared to turnover within East Kilbride catchment area. The Structure Plan Technical Note TR07/06 identified a surplus of expenditure of approximately £10m at 2011 (based on 2003 shopping patterns). The survey information is now out of date and the National Survey of Local Shopping Patterns (NSLSP) has been sourced to update shopping patterns for the catchment population. In the absence of any supporting survey information being provided by the applicant, the Council has utilised the NSLSP data in the Council's own assessment. The Council's retail assessment demonstrates that at 2014 taking into account unimplemented retail consents at St Leonard's Square, Mavor Avenue and Redwood Crescent there is no spare capacity in the catchment area. The Council's retail assessment has considered all the parameters and has demonstrated that there will be insufficient capacity to support the proposed store at West Mains Road while taking account of existing consents and safeguarding the opportunity at Kittoch Field in the longer term. The proposal is therefore contrary to criterion a).

Capacity - Comparison Floorspace

- 6.10 Criterion a) :- expenditure compared to turnover within East Kilbride/Rutherglen catchment area. In the absence of supporting information from the applicant, the Council's retail assessment has included an assessment of capacity for additional comparison floorspace in the catchment. This has concluded that having taken in to account all outstanding floorspace consents, there is potential spare capacity to support floorspace expansion by 2014. The estimated surplus of £67m will support the structure plan opportunity to expand East Kilbride town centre (Schedule 6(c)(iv)). In sustaining the structure plan opportunity, the application at West Mains Road could not be accommodated in terms of capacity and therefore is not in conformity with criterion(a).

Impact - Convenience Floorspace

- 6.11 Criterion (b):- Impact on Strategic Centres. The convenience floorspace of the proposed development requires to be considered with regard to cumulative impact taking account of the Redwood Crescent planning permission, the Mavor Avenue consent and the St Leonard's Square consent. The applicant's PRA indicates an impact of 5% of East Kilbride town centre. The estimate, however, is not based on a cumulative assessment and excludes Redwood Crescent. The Council's retail assessment with Redwood Crescent included indicates a 13% impact on East Kilbride town centre. It then factors in the turnover of a potential development at Kittoch Field. The results indicate an impact of 17% on East Kilbride town centre. The development of West Mains Road proposal would increase the impact on East Kilbride to a significant level. The proposed superstore at West Mains Road is therefore contrary to criterion (b).

Impact - Comparison Floorspace

- 6.12 Criterion (b): - The comparison floorspace catchment area for East Kilbride reflects the structure plan catchment area in TR07/06 and includes the Rutherglen/Cambuslang area. The cumulative impact assessment therefore includes the

consent in Cambuslang Road Rutherglen, for 4645 square metres gross floorspace and also the comparison element of the Redwood Crescent proposal. The cumulative impact was estimated at less than 1% for East Kilbride town centre but levels of impact at 13% and 14% on Stewartfield and Lindsayfield Morrisons stores. The Council's retail assessment has demonstrated that the Kittoch Field proposal can be supported without any significant impact on East Kilbride as a strategic town centre. The Local Plan implications of the impact on the neighbourhood centres of Stewartfield and Lindsayfield are considered below in paragraph 6.31.

- 6.13 It is noted that there are levels of impact predicted on East Kilbride town centre and on neighbourhood centres arising from the Kittoch Field opportunity. The Council's Retail Assessment indicates that at 2014 there will be insufficient capacity to support new superstore development. Beyond 2014 a superstore investment at Kittoch Field will enhance and strengthen the town centre entirely consistent with SPP, structure plan and local plan policy. The critical issue is therefore the cumulative impact of the out of centre proposal at West Mains Road.
- 6.14 Criterion (i):- relates to the encouragement of development proposals for additional floorspace in the locations in Schedule 6(c)(iv) as noted in paragraph 6.10 above. There is an identified opportunity to direct an additional 16,000 square metres gross comparison floorspace to East Kilbride town centre. As the proposed floorspace at West Mains Road is outwith East Kilbride town centre the superstore proposal is not supportive of criterion (i).
- 6.15 Criterion(j) relates to the contribution the development would make to remedying any qualitative deficiencies in existing retail provision. The applicant has stated that East Kilbride would benefit from a new retailer (Asda) as it would address issues raised at the pre application consultation stage regarding the lack of choice, range and competition. It is accepted that East Kilbride does not have an Asda store. However there are three locations with planning permission for food/superstores at St Leonard's Square, Mavor Avenue and Redwood Crescent. Only one of these three opportunities have a named operator attached, Aldi at Mavor Avenue. There is the potential to attract a new operator to these existing opportunities and thereby remedy any qualitative deficiencies. The proposal therefore does not conform to criterion (j).
- 6.16 Schedule 6(c) (ii) of SP6 requires that a sequential approach is taken in consideration of new retail proposals. The applicant has undertaken a sequential analysis in their PRA which was based on the prescriptive format of a superstore requiring a 2.6 hectare site (the application site is 3.2 hectares). All smaller sites have therefore been discounted by the applicant. Kittoch Field was also discounted by the applicant as it is their position that the site is not going to be developed within a reasonable time period. The applicant cast doubt on the development of Kittoch Field based on the withdrawal of the planning application in March 2010 and the procedural challenges to the sale of the site by the Council.
- 6.17 Members will recall the Planning Committee Report dated 5 October 2010 on the application at Redwood Crescent (EK/10/0056), informed that the economic downturn has contributed to the delay in progressing town centre expansion and specifically the Kittoch Field proposal. However there remains a strong commitment to the town centre by the Council as expressed in local plan policy STRAT8 and it remains a viable opportunity. Thereby, Kittoch Field remains the sequentially preferred location for further superstore/town centre expansion in the long term.
- 6.18 The applicant also discounts the Atholl House site which is a current planning application (EK/10/0267), as it is unsuitable in terms of size. The site is edge of

centre however it can be reasonably discounted due to the leasing arrangements with the Council as tenant, as the lease break is not until 2016. In regards to the merits of the Atholl House site, since a planning application is before the Council, it will be fully considered by officers on its own merits and will be reported to Committee in due course. The applicant also discounts the Redwood Crescent site although it now has the benefit of planning permission. In conclusion there is a sequentially preferable site at Kittoch Field and other opportunities at Redwood Crescent and St Leonards Square. The proposal therefore is not in conformity with Schedule 6(c)(ii).

Strategic Policy 9 (SP9) – Assessment of Development Proposals

- 6.19 Proposals require to be considered in regard to Strategic Policy 9 (SP9) to determine whether it accords within the structure plan.
- 6.20 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 application site. 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 SPP2 and the structure plan as a nationally safeguarded single user high amenity site. However, the new SPP has now dropped 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.
- 6.21 It could therefore be argued that the site could be removed from the marketable industrial land supply without adversely affecting the long term continuity of the supply. The SPP does however also state that a range and choice of marketable sites should be available therefore these factors must also be taken into account when considering removal of sites from the supply. Therefore a land supply in excess of 10 years is not necessarily a guarantee that loss of a site will be acceptable. At 3.2ha this is one of the larger brownfield sites remaining in the marketable supply and it therefore contributes to the range and choice of sites available in East Kilbride.
- 6.22 Strategic Policy 9A criterion (iv) also requires that proposals have to be assessed with respect to criteria of Schedule 6(c)(i). As has been demonstrated above the PRA provided by the applicant does not provide a full policy support of the application in regard to capacity and cumulative impact. Also the proposal is not listed in Schedule 6(c)(iv) as set out in paragraph 6.14 above, is contrary to SP 9A.
- 6.23 In regard to Strategic Policy 9 B criterion (i) the proposal is outwith strategic centres and is not in conformity and will cumulatively displace investment in East Kilbride town centre. Criterion (iii) safeguarding and promoting vitality and viability of town centres, is not supported. In regard to criterion (ii), the proposal gives preference to brownfield urban land as it involves the redevelopment of a vacant urban site. The site is an industrial area and designated for industrial business uses. The proposal would not be supportive of the industrial land policies. The proposal does not comply with policy SP9B. The Policy also related to safeguarding and promoting the vitality and viability of strategic centres. As demonstrated in paragraph 6.12 the proposal is

contrary to SP9B. Similarly as demonstrated in paragraph 6.16 the proposal is not supportive of the sequential approach and is also contrary to SP9B in this respect.

- 6.24 SP9B relates to the location of the development and its impact on strategic resources. SP 9B(i) refers to the need to safeguard the strategic development locations identified in strategic policies 1, 5, 6 and 8. Although the site is not located in a strategic industrial and business location the proposed development for retail would be contrary to policy SP9B (i) as it would fail to safeguard and avoid the displacement or diversion of employment from town centres.

Strategic Policy 10

- 6.25 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. I consider that the development cannot be considered an acceptable departure from the structure plan as in regard to:

Criterion A

- 6.26 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

- 6.27 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. The proposal has the potential to create 400 full and part time jobs which in the current economic climate is to be welcomed. Nonetheless the short term gain of employment would require to be balanced against the ongoing impact on retail centres and the longer term delivery of the Kittoch Field opportunity. Therefore in this instance, the proposal would not justify a departure from the development plan.
- 6.28 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.
- 6.29 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.

Local Plan Assessment

- 6.30 In regard to the South Lanarkshire Local Plan there are a number of policies relevant to the assessment of the proposal. The local plan strategy Policy STRAT1, identifies town centres as a Regeneration Priority. Maintaining town, village and neighbourhood centres is an integral part of the strategy. The Local Plan emphasises the need to support East Kilbride town centre in Policy STRAT8. This policy requires that a Development Framework is prepared to bring forward the expansion of East Kilbride to include the Kittoch Field site. As noted above in paragraph 6.17 the Council wishes to safeguard the opportunity at Kittoch Field in

the longer term. As the West Mains Road site is not within a town centre it is not supportive of Policy STRAT1.

Town Centre and Retail Policy

- 6.31 Policy COM3 sets out the criteria to assess new retail development proposals and reflects the SPP and the structure plan policy framework.
In regard to the criteria of Policy COM3:-

- a) relates to following the sequential approach.
As noted in paragraphs 6.14 and 6.15 there are sequentially preferable locations, and the proposal does not comply with criterion a).
- b) requires that proposals do not undermine the vitality and viability of town village and neighbourhood centres. As demonstrated in regard to structure plan policy in paragraphs 6.16 – 6.18 above there will be a significant cumulative impact on East Kilbride town centre in regard to convenience floorspace, when taking account of the current consents and the local plan designated site at Kittoch Field. In the comparison sector there would be a significant cumulative impact on the neighbourhood centres of Stewartfield and Lindsayfield particularly when considering a combined cumulative convenience and comparison impacts on the individual Morrisons superstores in these locations. The proposal is therefore not in conformity with criterion b).
- c) requires that the catchment population expenditure can support the development. As demonstrated in paragraphs 6.9 and 6.10 above, given the consents at Redwood Crescent, Mavor Avenue and St Leonards Square there is no capacity to support any additional floorspace. The West Mains proposal could not be supported by the expenditure generated by the catchment population and is therefore not supportive of criterion c).
- d) relates to complementing the regeneration strategies for the area. As noted in paragraph 6.17 above the proposal is contrary to Policy STRAT1 and thereby not supportive of criterion d).
- e) in regard to the promotion of sustainability these issues on accessibility, traffic impact and design and infrastructure are considered in the Transportation Policies to follow.

Industrial and Business Land Policy

- 6.32 Policy ECON1 – Industrial Land Use Policy requires that areas identified for industry will continue primarily in industrial use and the Council will direct new industrial development to them. Policy ECON 4 reflects the structure plan policy SP5 in the requirement to maintain an adequate 10 year supply of marketable industrial land. This is supported through Policy ECON5 which would support the development of the site for industrial and business uses. As with SP5 the loss of the site to a retail use would significantly reduce the industrial land and result in the loss of an available well connected site for an appropriate industrial proposal. The proposed retail development is therefore contrary to Policy ECON 4 and ECON5. Proposals for non industrial / business uses will only be appropriate if the criteria in Policy ECON13 – Non conforming uses in Industrial Areas are met. The proposal, as it is a non industrial use is not in conformity with Policy ECON1.
- 6.33 Policy ECON 13 – Non conforming uses in Industrial areas Policy requires to be considered in the assessment of the proposal. The policy provides criteria as follows:

- a) The effect the loss of the site will have on the continuity of the industrial land supply in terms of quality range and quantity. As noted in paragraph 6.20 above whilst there is potentially a marketable supply of land up to 144.64 hectares, the site is one of the larger brownfield sites in the supply and adds to the choice and range of sites in East Kilbride. The loss of this site would therefore not be in conformity with criterion a).
- b) The development of the site would not adversely effect the industrial operation, amenity, industrial character and function of the area. The site is located in College Milton Industrial Estate. An objection from the adjoining company Burn Stewart has noted that the proposed food store may prejudice their potential to consolidate their operation in East Kilbride. As an industrial/manufacturing operation their expansion into the West Mains Road site is in conformity with the industrial/ business land use policy of the Local Plan and the proposed foodstore would undermine that potential. The proposal is therefore contrary to criterion b).
- c) The site or premises has been subject to an independent viability and marketing appraisal for classes 4, 5 and 6 to the Council's satisfaction. The applicant has prepared a commercial Property Report which states that the site has been marketed for ten years with no serious expressions of interest. It is the view of the report that if left protected for industrial use, the site will continue to lie unused and derelict and instead should be released for alternative use. However the conclusions of the report appear to be inconsistent in light of the objections raised by Burn Stewart in that they have a serious expression of interest in the site. As such I would therefore consider that the requirements of criterion c) have not been complied with.
- d) The site or premises is located at the edge of an industrial area and can be easily accessed from main road routes and have satisfactory access by walking, cycling and public transport. It is accepted that the site is located on the edge of College Milton Industrial Estate. However, the site can be considered to be removed from the nearest housing areas which would limit 'walk in' trade.

In regard to criteria e) to i) modifications have been proposed by the applicant to upgrade roads infrastructure and provision of pedestrian links. However it is of concern that there will be a loss of industrial land as noted above and the proposal is therefore considered contrary to Policy ECON 13.

6.34 Roads and Transportation Policy

Policy TRA1 seeks to promote high quality 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. In accordance with Policy TRA1 the applicant has provided a Transportation Assessment. (TA). Also relevant is Policy TRA8 Car Parking Policy.

6.35 Transport Scotland have raised no objections subject to the provision of infrastructure improvements to the trunk road network at Queensway/ West Mains Road and Queensway/ Eaglesham Road roundabouts with traffic signals queue detection dynamic control on the site access on West Mains Road. As noted in paragraph 4.1 above, the Council's Roads and Transportation Services have been unable to conclude their full assessment of the proposed development. Notwithstanding this Transportation Services remain concerned regarding the layout

of the car park within the development and this issue remains unresolved. A revised layout was submitted which provided separate car parks for staff and customers. The proposal to add staff parking to the rear of the store is impractical and not acceptable. Furthermore the layout is very inefficient and is likely to lead to operational problems. This would also be difficult to manage and may result in customers using the industrial roads to the west of the site and thereafter parking on these roads when they fail to find a space. The proposal therefore has the potential to cause conflict related to inadequate/inappropriate parking provision and access and is therefore in conflict with policy TRA1 and TRA8.

6.36 In terms of policies ENV3 and DM1 the applicants have provided a design and sustainably statement which sets out how the development will fit into the site. There is limited landscaping provision due to the development footprint of the building car parking and access dominating the site. In general the scale and massing of the proposal is acceptable in this location.

6.37 In conclusion the following points are highlighted:

- taking into account existing retail centres/ superstores and consents, there is no spare retail capacity to support the proposed development.
- If the proposed development was to proceed it would have an unacceptable impact on town and neighbourhood centres in East Kilbride.
- Further, if the development was to proceed it would prejudice the long term delivery of the Kittingh Field opportunity.
- In relation to industrial land supply, the development may prejudice the retention and expansion of a local company.
- Notwithstanding the consultation response from Transport Scotland in terms of local roads issues the position remains unclear.

On the basis of the above, the proposed development is not consistent with Development Plan policy. Notwithstanding the potential economic benefits associated with this development in terms of employment, in this instance this does not merit setting aside development plan policy. Therefore I recommend refusal of the application.

7 Reasons for Decision

7.1 The proposal is contrary to Policies SP1, 5, 6, 9 and 10 of the approved Glasgow and the Clyde Valley Joint Structure Plan and Policies STRAT 1, STRAT 8, COM3, ECON1, ECON4, ECON5, ECON13, TRA1 and TRA8 of the adopted South Lanarkshire Local Plan. The proposal would have an unacceptable cumulative impact on East Kilbride town centre and neighbourhood centres in East Kilbride and would prejudice of the long term delivery of Kittingh Field.

Colin McDowall
Executive Director (Enterprise Resources)

8 December, 2010

Previous References

- ◆ EK/08/0490
- ◆ EK/10/0056

- ◆ Report to Planning Committee : Retail Proposals in East Kilbride, dated 7 September 2010.

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Kittoch Field Superstore Retail Capacity Assessment 5 June 2008, South Lanarkshire Council, prepared by Roderick Maclean Associates
- ▶ West Mains Road, Superstore Retail Capacity Assessment, December 2010, South Lanarkshire Council, prepared by Roderick Maclean Associates
- ▶ Planning and Retail Assessment May 2010, Dawn Developments Ltd, prepared by Blueprint Planning and Development.
- ▶ Transportation Assessment April 2010, Dawn Developments Ltd. Prepared by Dougall Baillie Associates.
- ▶ Consultations

Transport Scotland	24/09/2010
Power Systems	13/04/2010
Roads & Transportation Services H.Q. (Flooding)	14/04/2010
Network Rail	14/09/2010
Environmental Services	27/04/2010
Westwood Community Council	21/04/2010
TRANSCO (Plant Location)	23/04/2010
S.E.P.A. (West Region)	14/04/2010
Roads and Transportation Services (East Kilbride)	30/04/2010
East Mains Community Council	03/06/2010
Scottish Water	13/04/2010
East Mains Community Council	02/06/2010
- ▶ Representations

Representation from :	Mackay Planning, PO Box 12, 145 Kilmarnock Rd., Glasgow., G41 3JA, DATED 07/07/2010
Representation from :	James Barr, 226 West George Street, Glasgow, G2 2LN, DATED 20/04/2010
Representation from :	Goodson Cole Transportation and Consulting Engineers - John Hassell, 22 Walker Street, Edinburgh, EH3 7HR , , DATED 29/07/2010
Representation from :	James Barr, 226 West George Street, Glasgow, G2 2LN, DATED 12/04/2010

Representation from : Mr Thomas Small, 26 Roseneath Gate, East Kilbride, G74 1DP, DATED 23/03/2010

Representation from : Khalid Rafiq, 7 Eden GardensGardenhall, East Kilbride, G75 8YD, DATED 27/04/2010

Representation from : Mrs Elaine Brown, 43 Inglewood Crescent, East Kilbride, G75 8QD, DATED 27/04/2010

Representation from : Asda Stores, Asda House, South Bank, Great Wilson Street, Leeds LS11 , DATED

Representation from : Brian Gayne, 6 Graham Avenue, East Kilbride, G74 4JZ, DATED

Representation from : Mrs L Lee, 16 Wellcroft Road, Hamilton, ML3 9SJ, DATED

Representation from : Fraser Thornton, Burn Stewart Distillers, 8 Milton Road, College Milton North, East Kilbride, G74 5BU, DATED 19/10/2010

Representation from : Mr J Allan, 94 Franklin Place, East Kilbride, DATED 29/03/2010

Representation from : Mrs Helen Munro, Flat 23 , 38 Greenhill Road, Rutherglen, G73 2SQ, DATED 29/06/2010

Representation from : Andrew Kean, 7 Linhope Place, East Kilbride, G75 8HJ, , DATED 29/06/2010

Representation from : GVA Grimley, 206 St Vincent Street, Glasgow, G2 5SG, DATED 29/09/2010

Representation from : Tony Ferrari, 33 Cherrytreewynd, East Kilbride, G75 0GA, DATED 05/07/2010

Representation from : East Kilbride Shopping Centre, Centre Management Office, 300 Cornwall Street, East Kilbride, G74 1LL, DATED 05/07/2010

Representation from : Thomas Reilly, 340 Telford Road, Murray, East Kilbride, G75 0DN, DATED 13/07/2010

Representation from : Mr Angus G McRae, 22 Todhills, Murray, East Kilbride, G75 0NL, DATED 06/09/2010

Representation from : Mr John Gilchrist, 57 Kiltarie Crescent, Airdrie, ML6 8NJ, DATED 15/06/2010

Representation from : Stewart Howie, 17 Mackenzie Gardens, Stewartfield, East Kilbride, G74 4SA, DATED 09/06/2010

Representation from : Mr David Flaherty, 12 MacDonald Avenue, Stewartfield, East Kilbride, G74 4SN, DATED 14/06/2010

- Representation from : A Kinnaird, 14 Parry Terrace, Westwood, East Kilbride, G75 8LL, DATED 01/07/2010
- Representation from : J E Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS, DATED 01/07/2010
- Representation from : Mr Andrew Steven, 2 Gartmore Terrace, Eastwhitlawburn, Cambuslang, G72 8PA, DATED 01/07/2010
- Representation from : Mr F Ferris, Ferlyn, 35 Fairlie, Oakwood Park, Stewartfield, East Kilbride, G74 4SF, DATED 01/07/2010
- Representation from : Mr James Carrigan, 19 Millburn Way, Gardenhall, East Kilbride, G75 8EB, DATED 24/06/2010
- Representation from : Dougall Baillie Associates, Civil Structural Transportation, 3 Glenfield Road, Kelvin Industrial Estate, East Kilbride, G75 0RA, DATED 28/05/2010

Contact for Further Information

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

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Ext 6312 (Tel :01355 806312)
E-mail: Enterprise.ek@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : EK/10/0110

REASONS FOR REFUSAL

- 1 The proposal is contrary to Strategic Policy 1 of the Glasgow and Clyde Valley Joint Structure Plan in that it represents a significant retail development outwith the Strategic town centres in Schedule 1(a).
- 2 The proposal is contrary to Strategic Policy 5 of the Glasgow and Clyde Valley Joint Structure Plan in that it would reduce the provision of marketable industrial land within South Lanarkshire by virtue of its size and scale and represents a non-conforming use in an industrial area.
- 3 The proposal is contrary to Strategic Policy 6 of the Glasgow and the Clyde Valley Joint Structure Plan in that the case for a retail superstore has not been justified in regard to retail capacity and the proposal would have a detrimental cumulative impact on the vitality and viability of East Kilbride town centre.
- 4 The proposal is contrary to Strategic Policy 9 A of the Glasgow and the Clyde Valley Joint 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 9B of the Glasgow and Clyde Valley Joint Structure Plan in that it does not follow the sequential approach to locating

new retail proposals as there are sequentially preferable sites available to accommodate new convenience floorspace.

- 6 The proposal is contrary to Strategic Policy 10 as it has failed to demonstrate that there is clear evidence of a shortfall in the existing and planned supply of land for retail development within the catchment area nor has it been demonstrated that there is justification of the proposal in terms of the contribution the development would make to remedying any qualitative deficiencies in existing retail provision.

- 7 The proposal is contrary to Policy STRAT 1 of the adopted South Lanarkshire Local Plan as it relates to development which is inconsistent with the Regeneration Priorities of the local plan.
- 8 The proposal is contrary to Policy STRAT 8 of the adopted South Lanarkshire Local Plan as it prejudices the implementation of the eastward extension of East Kilbride town centre at Kittoch Field.
- 9 The proposal is contrary to Policy ECON 1 of the adopted South Lanarkshire Local Plan in that it represents a non-conforming use on land identified for industry.
- 10 The proposal is contrary to Policy ECON 4 and Policy ECON 5 of the adopted South Lanarkshire Local Plan in that it would reduce the long term availability of industrial land within South Lanarkshire.
- 11 The proposal is contrary to Policy ECON 13 of the adopted South Lanarkshire Local Plan as the proposal will result in a reduction in the quantity, range and quality of marketable industrial land in East Kilbride and would adversely affect the industrial character and function of the area.
- 12 The proposal is contrary to Policy TRA 1 and Policy TRA 8 of the adopted South Lanarkshire Local Plan as it is not in conformity with the required design standards for access and parking as required by the Council's Guidelines for Development Roads and will have an adverse impact on the safe and efficient operation of the local road network.
- 13 The proposal is contrary to Policy COM 3 of the adopted South Lanarkshire Local Plan as there is insufficient expenditure capacity to support the development and will result in an adverse cumulative impact on the vitality and viability of town, village and neighbourhood centres.

EK/10/0110

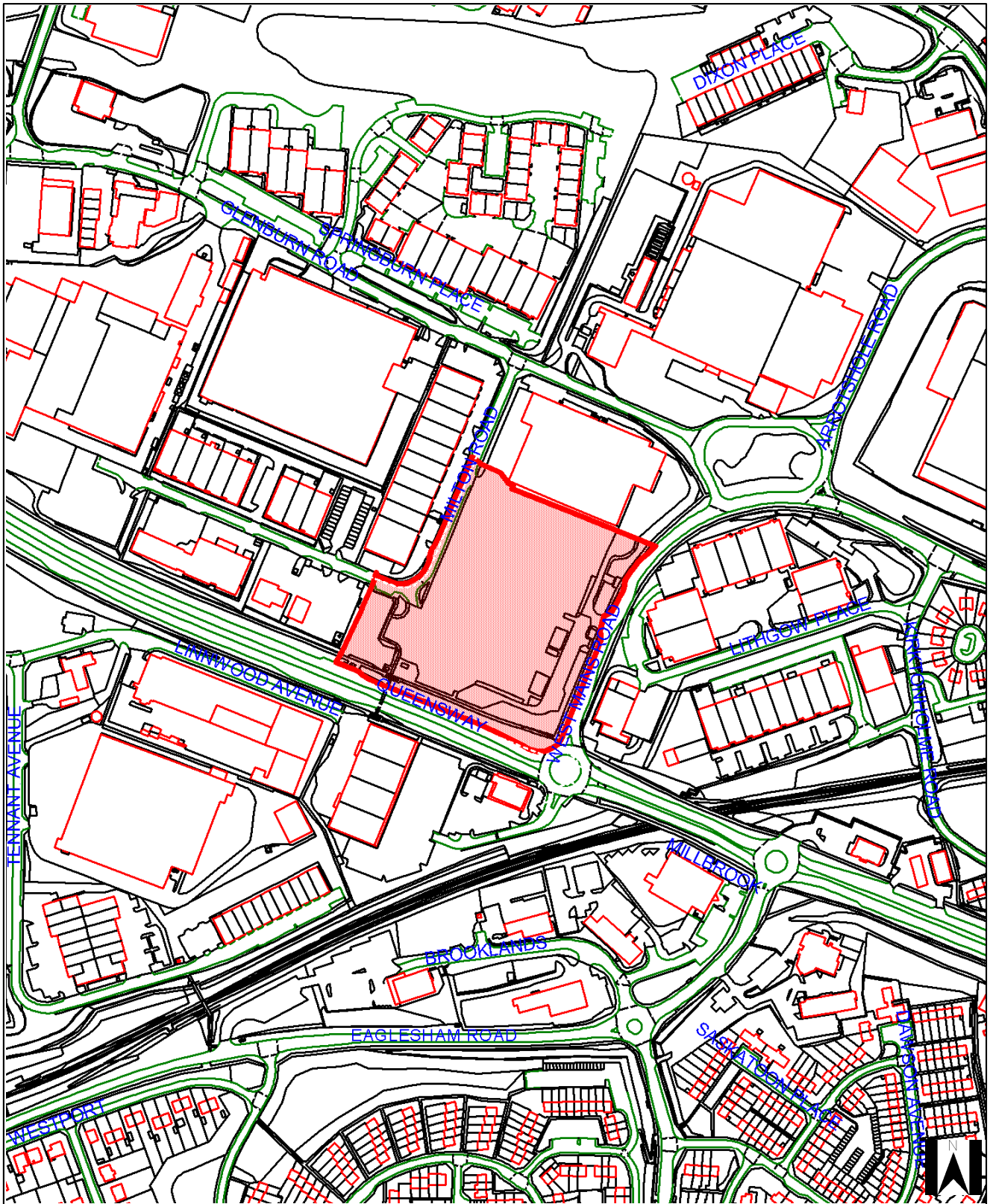
18/20 West Mains Road, East Kilbride

Planning and Building Standards Services

Scale: 1: 5000

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