

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>1 May 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application No	EK/17/0266
Planning Proposal:	Erection of Class 1 Foodstore With Associated Car Parking, Vehicular Access and Landscaping

## 1 Summary Application Information

Application Type :	Detailed Planning Application
Applicant :	Lidl UK GmbH
Location :	Atholl House Avondale Avenue East Kilbride G74 1LU

## 2 Recommendation(s)

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

- (1) Grant detailed planning consent - Subject to Conditions (based on the conditions attached)

### 2.2 Other Actions/Notes

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

## 3 Other Information

- ◆ Applicant's Agent: Rapleys LLP
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 4 - Development management and placemaking  
Policy 10 - New Retail/Commercial Proposals  
Policy 16 - Travel and Transport  
Policy 17 - Water Environment and Flooding

**Development Management, Placemaking and Design Supplementary Guidance (2015)**  
DM1 - Design  
DM13 - Development within general urban area/settlement

**Sustainable Development and Climate**

## **Change Supplementary Guidance (2015)**

SDCC 2 - Flood risk

SDCC 3 - Sustainable drainage systems

SDCC 4 - Water supply

SDCC 5 - Foul drainage and sewerage

### ◆ Representation(s):

- ▶ 43 Objection Letters
- ▶ 38 Support Letters
- ▶ 3 Comments Letters

### ◆ Consultation(s):

East Mains Community Council

Countryside & Greenspace

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

Strathclyde Partnership for Transport

SP Energy Network

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

Transport Scotland

South Lanarkshire Access Panel

Environmental Services [e-consult]

Scotland Gas Networks

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

Roads Development Management Team

Estates (Housing – Planning Consultation)

Arboricultural Services

# **Planning Application Report**

## **1 Application Site**

- 1.1 The application site is located in the central area of East Kilbride on corner of Churchill Avenue, Whitemoss Avenue and Avondale Avenue. It is bounded by wooded area and a small watercourse, Kitch Water, to the south beyond which is a retirement accommodation, and by open parkland to the east beyond which there is a church, a number of residential properties and a secondary school. The site is bounded to the west by a dual carriageway, Churchill Avenue, beyond which are a number of civic buildings. To the north the site is bounded by Whitemoss Avenue beyond which and parallel to this is Whitemoss Road and a residential area. The site covers 1.06 hectares and is generally level; however adjacent land in the east and north rises up from the site. The site is formally that of Atholl House which was demolished in 2016 and the site has now been cleared.

## **2 Proposal(s)**

- 2.1 The proposal is to erect a 1988 sq m retail food unit with a net trading floorspace of 1325 sq m. The store will be located in the northern part of the site with parking in the south of the site. Vehicular access to the site will be from the south bound carriageway of Churchill Avenue close to the existing pedestrian crossing. This access will also provide for vehicle servicing of the store. The proposal provides 128 parking spaces, including disabled spaces, electric vehicle charging spaces and cycle parking.
- 2.2 The proposed building measures approximately 60m by 36m and is 6.9m at its highest point. The roof is a single pitch roof which slopes front the front of the store up to the rear of the store at the northern end of the site. The store is single storey finished in a range of materials including insulated metal panels, curtain walling panels, white rendered panels, glazing and powder coated steel doors. The west elevation to Churchill Avenue will be finished in double glazed curtain walling and the main elevation to the parking area, south elevation, will be finished in white render with glazed entrance and three large advertising wall panels.
- 2.3 The applicants submitted a number of documents in support of the proposed development including a Retail Impact Assessment, Further Retail Information in Respect of Sequential Approach, Transport Assessment and Addendum, Noise Impact Assessment, Flood Risk Assessment, Air Quality Impact Assessment, Pre-application Public Consultation Report, A Tree Assessment Report, Design and Access Statement and a Extended Phase 1 Habitat Survey.

## **3 Background**

### **3.1 Relevant Government Advice/Policy**

- 3.1.1 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. SPP also requires that a sequential approach should be used when selecting locations for all retail commercial and leisure uses. A sequential assessment was undertaken in the submitted Retail and Planning Statement (RPS) in accordance with the requirements of SPP and for the reasons discussed in section 6 below it is considered that the proposal complies with national planning policy guidance. The general policy direction of SPP is integral to the policies and proposals in the Clydeplan and the adopted SLLDP and these will be considered in turn below.

- 3.1.2 In addition to SPP, the Scottish Government published the Town Centres Review report in July 2013, which, given that this is the Scottish Government's position statement on town centres, is considered to be a material consideration. One key action from the report is Town Centre First, which reinforces the planning policy of sequential test. The sequential test has been undertaken in RPS and further information in respect to the sequential approach was submitted by the applicant. It has been assessed at paragraph 6.5 below and, as a result, the proposal is in line with the review.

### **Glasgow and the Clyde Valley Strategic Development Plan (Clydeplan)**

- 3.1.3 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (Clydeplan). Policy 4 Network of Strategic Centres is within the section of city region as a successful and sustainable place of the Clydeplan. Schedule 2 lists the network of strategic centres and their challenges and range of future actions that will be required to be support their long term roles and functions. The Vision and Spatial Development Strategy requires the network of strategic centres to be protected and enhanced with investment required to support their long term respective roles and functions. In relation to East Kilbride Town Centre, Schedule 2 identifies the challenges as the quality of offer, both throughout the day and into the evening, diversity, public realm, environment, continuing sustainable accessibility and the promotion of footfall generating uses.
- 3.1.4 In terms of strategic planning policy, the Spatial Development Strategy (SDS) contained within the approved Clydeplan is founded fundamentally upon responding to the needs of a sustainable low carbon future. The proposal is located on the edge of East Kilbride town centre which is designated as a Strategic Town Centre within the Clydeplan. Policy 4 seeks to:
- protect and enhance the development of the network of strategic centres
  - protect and enhance the long term health of Glasgow City Centre to ensure there is no detrimental impact of its role and function
  - recognise that whilst the Network of Strategic Centres is the preferred location for strategic scale development, such proposals are subject to the sequential approach set out in SPP and the assessment of impact on the other strategic centres in the network and town centres to ensure that there is no detrimental impact on their role and function.

The SDS requires the City Centre's role to be safeguarded by the Clydeplan Local Authorities during the exercise of their development management function. Section 10 of the Clydeplan sets out implementing the plan and development management. Schedule 14 sets out the scale of development likely to impact on the Vision and Spatial Development Strategy. The threshold for retail developments is 2,500 sqm outwith the network of strategic centres. As the proposal is for a retail development 1988sqm (gross) (1325 sqm net), it falls below the scale of development. However, the cumulative impact of smaller scale developments could give rise to significant issues. In the case of the proposed development it is considered that the SDS is supported and the proposal is in accordance with Policy 4. As such, the proposal requires to be subject to Local Development Plan assessment. This is assessed below at section 6.

## **3.2 Local Development Plan**

- 3.2.1 In determining this planning application the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.2.2 In terms of the adopted South Lanarkshire Local Development Plan, the application site is located within an area designated general urban under the terms of Policy 6 – general urban/settlements policy. In addition Policy 10 - New Retail/Commercial Development is relevant to the assessment of the application. The applicant has submitted a Retail and Planning Statement (RPS) and the proposed retail development requires to be assessed against the criteria set out in Policy 10 New retail/commercial proposals, the assessment is set out at paragraphs 6.5 to 6.10 below.
- 3.2.3 With regard to development management criteria a number of other policies within the adopted SLLDP are considered appropriate to the determination of this application, namely Policy 4 - Development Management and Placemaking, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.
- 3.2.4 These principle policies are supported by the local plan's specific policy guidance provided through approved Supplementary Guidance on the following topics,
- Development Management, Place Making and Design SG 3  
Policy DM 1 – Design and Policy DM13 – Development within General Urban Area/Settlement),
  - Town Centres and Retailing SG 6
  - Sustainable Development and Climate Change SG 1  
Policy SDCC 2 - Flood Risk, Policy SDCC 3 - Sustainable Drainage Systems, Policy SDCC 4 - Water Supply and Policy SDCC 5 - Foul Drainage and Sewerage.

The aim of these policies and guidance is to seek well designed development which is located in appropriate locations, appropriately serviced and result in no significant adverse impact.

- 3.2.5 An assessment of the proposal against these specific policies is contained in section 6 of this report.

### 3.3 **Planning History**

- 3.3.1 There have been two applications in the last 8 years to develop class 1 retail development on the site. Planning consent was refused in February 2012 for the erection of a 4645 sq m gross floorspace Class 1 Food Superstore (EK/10/0267). Following this, planning consent was then refused in September 2013 for the erection of a 2323 sq m gross floorspace Class 1 Food Superstore (EK/13/0046) which was then the subject of an Appeal to the Scottish Government DPEA (PPA-380-2031) where the Council's refusal was upheld by the Reporters in July 2014.
- 3.3.2 The applicant was not required to undertake a formal pre-application consultation with the community and stakeholders as the application site and proposal do not fall within the definition of a major application, as the site is less than 2 hectares and the proposed building is less than 5,000 sq m in size. Nonetheless the applicant has undertaken public consultation in terms of good practice. The applicant submitted a Report of Public Consultation with the current planning application, as set out in paragraph 2.3 above. A leaflet and questionnaire was distributed to all households in north and east of East Kilbride which is the area of the primary catchment area

identified for the proposed store. A total of 641 questionnaire responses were received. A public exhibition was held on 28 August 2017 at Ballerup Hall in East Kilbride Civic Centre close to the application site and approximately 50-60 members of the public attended. The public consultation and questionnaire responses demonstrate strong support for the proposal. The report also responds to areas of concern identified through the consultation.

#### **4 Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management)** – have no objections to the proposal subject to conditions being attached in respect of drainage, access, parking, operation of the site and construction traffic management.

**Response:** Noted. Appropriate conditions will be added to any consent issued.

- 4.2 **Environmental Services** – have no objections, subject to conditions in relation to delivery hours and opening hours, contaminated land site investigation, construction noise, dust management and monitoring and commercial waste control.

**Response:** Noted. Appropriate conditions and informatives will be added to any consent issued.

- 4.3 **Roads and Transportation Services (Flood Risk Management Section)** – have no objections subject to conditions in relation to the detailed submission, approval and implementation of a Sustainable Drainage Design designed which has been independently checked in accordance with the Council's SUDS Design Criteria Guidance, provision of sign appendices, an updated flood risk assessment and provision of confirmation from Scottish Water of Technical Approval of the SUDS design.

**Response:** Noted. Appropriate conditions will be added to any consent issued.

- 4.4 **Facilities, Fleet and Ground Services (Arboriculture)** – have no objections subject to further details in respect of the proposed landscaping scheme, additional planting and appropriate tree protection measures.

**Response:** Noted. Appropriate conditions and informatives will be added to any consent issued.

- 4.5 **Countryside and Greenspace** – have no objections to the proposed development subject to conditions being attached in respect of the submission of a landscape scheme detailing replacement tree planting and tree protection.

**Response:** Noted. Appropriate conditions will be added to any consent issued.

- 4.6 **Estates Services** – have no objections to the proposed development.

**Response:** Noted.

- 4.7 **SEPA (West Region & West Region Flooding)** – have no objections to the proposed development.

**Response:** Noted.

- 4.8 **Scottish Water** – have no objections to the proposed development.

**Response:** Notwithstanding this, conditions will be attached to any consent issued ensuring the protection of the water environment and water supply, in particular in respect of the requirement for the approval and implementation of a Construction and Environmental Management Plan and the detailed SUDs arrangements for the proposed development.

- 4.9 **SP Energy Network** - have no objections in respect of the proposed development, however note that they have an underground cable within the vicinity of the site.

**Response:** Noted. A condition has been attached in respect of statutory undertaker's apparatus. Arrangements in respect of SP apparatus are a matter between the applicant and SP Energy Networks.

- 4.10 **Scottish Gas Networks (TRANSCO)** – provided standard advice.

**Response:** Notwithstanding this, conditions will be attached to any consent issued ensuring the protection of statutory undertaker's apparatus. The applicant has been in direct consultation with SGN in respect of the proposal and any required relocation of SGN apparatus and assets.

- 4.11 **Transport Scotland** – have no objections to the proposed development subject to conditions in respect of the placing a restriction on the maximum size of the proposed retail unit to that applied for and requiring the submission and approval of a Travel Plan.

**Response:** Noted conditions have been attached in respect of these matters.

- 4.12 **South Lanarkshire Access Panel** – no response to date.

- 4.13 **Strathclyde Passenger Transport (SPT)** –have no objections to the proposed development.

**Response:** Noted.

- 4.14 **East Mains Community Council** — Objected to the proposed development on the grounds that the proposed supermarket would undermine the vitality and viability of the town centre therefore be contrary to Policy 10 of the South Lanarkshire Local Development Plan and Supplementary Guidance. The operation of the store would create noise and disturbance for local residents, increase traffic congestion and road and pedestrian safety issues for pupils attending the nearby secondary school.

**Response:** Noted. Paragraphs 6.5 to 6.10 below assess the proposed retail development against Policy 10 and the location, nature and scale of the proposed retail development are considered consistent with the South Lanarkshire Local Development Plan. Environmental Services raised no objections in respect of noise and disturbance although conditions restricting the opening times and delivery times of the proposed store will be attached to any consent issued. Roads and Transportation Services raised no objection to the proposed supermarket in respect of road safety issues and the proposed access to the supermarket will be located on Churchill Avenue rather than Avondale Avenue which is used by those accessing the school.

## **5 Representation(s)**

- 5.1 Statutory notification was undertaken and the proposals advertised in the local press for nature and scale of development and development contrary to development plan. Following this, 83 letters of representation were received, consisting of 43 objections including one petition with 22 signatures, 38 letters of support and 3 letters of comment. The issues raised in all representations can be summarised as follows:

### **Retail Impact**

**(a) The development would be contrary to the South Lanarkshire Local Development Plan policies which seek to protect the vitality and viability of the Town Centre.**

**Response:** This is assessed in paragraphs 6.5 to 6.10 below, and demonstrates that the proposal complies with Policy 10 and the location, nature and scale of the proposed retail development are therefore considered consistent with the South Lanarkshire Local Development Plan.

**(b) The proposal would have an adverse impact on East Kilbride Village causing local shops to close when they cannot compete with the newstore and resulting in job losses. The village already has a Co-operative store and there would be no reason to visit the village if all the shops close causing the death of the village.**

**Response:** The submitted Retail and Planning Statement concludes that the retail impact of the proposed Lidl on the Co-operative in The Village would be 6%, which equates to £0.12m being diverted from their existing turnover of £2.1m. There has been no objection received from the Co-operative regarding the proposal. The assessment of the retail impacts are set out in the Retail and Planning Statement which are taken into account in the assessment of the proposal against retail planning policy in paragraphs 6.5 to 6.10 below. The Council commissioned Roderick MacLean Associates Ltd (RMA) to provide an overview of retail capacity relating to East Kilbride to assist in determining the current application. RMA report is provided as a background report and it demonstrates minimal cumulative impact on East Kilbride Village local convenience shops. It is considered the proposed development will not result in an adverse impact on East Kilbride Village as the nature and retail offer will complement each other.

**(c) East Kilbride does not require any additional supermarkets, the Town Centre already has a Sainsbury's and M&S and a number of vacant units.**

**Response:** The need for a retail store is not a matter of national and local planning policy. In terms of planning policy the assessment of the proposed retail store requires to assess whether the proposal can be supported by the area's catchment population. Scottish Planning Policy and Policy 10 of the South Lanarkshire Local Development Plan also require a sequential test to be undertaken and the policies set out the criteria for assessment. The sequential approach requires town centre locations to be considered in advance of edge of centre and out of centre locations. The assessment on the above matters is set out at paragraphs 6.5 to 6.10 below. The location, nature and scale of the proposed retail development are therefore considered consistent with the South Lanarkshire Local Development Plan.

**(d) Retail Vitality and Viability Reports have not been submitted in support of the application.**

**Response:** The applicants submitted a Retail and Planning Statement with the application and supplementary information in respect of the Sequential Approach followed in the assessment. This has been assessed below at paragraphs 6.5 to 6.10 and considered to be consistent with the South Lanarkshire Local Development Plan.

**(e) Site history – previous applications were refused on the grounds of impact on the town centre, lack of retail capacity, failing to meet the sequential test, impact on the character and amenity of the area and impact on traffic and transportation.**

**Response:** Each application requires to be assessed on its own merits. The full assessment of the proposal is set out at section 6 of this report. The scale of the proposed development is reduced from that of the previous applications as set out in paragraph 3.3.1 and has been designed to reduce the impact on the character and amenity of the area as set out in paragraph 6.11. At paragraph 6.12 below Traffic and Transportation have no concerns subject to conditions. The impact on the town centre, capacity and sequential test are assessed in paragraphs 6.5 to 6.10.

**(f) Challenges to the sequential test and the consideration of town centre sites.**

**Response:** Consideration of the sequential test is set out below in paragraph 6.5 which demonstrates that the proposed retail development complies with Policy 10 and



the location, nature and scale of the proposed retail development are therefore considered consistent with the South Lanarkshire Local Development Plan.

**(g) Queries raised with regards to the applicant's retail assessment in relation to turnover, expenditure, capacity. Consider that cumulative impacts on town centre are significant. Requirement for an East Kilbride retail study to be undertaken by the Council.**

**Response:** The Council commissioned Roderick MacLean Associates Ltd (RMA) to provide an overview of retail capacity relating to East Kilbride to assist in determining current retail applications. RMA report is provided as a background report. Turnover, expenditure and capacity are taken into account in the assessment of the proposed development as set out in paragraphs 6.5 to 6.10.

**(h) Clawback of leakage and viewed as being optimistic, unacceptable impact on the vitality and viability of existing centres, sequential considerations and current retail industry position.**

**Response:** The East Kilbride Retail Capacity and review of applications prepared by RMA, assesses the spare convenience expenditure capacity within East Kilbride. The RMA report at section 2.8 sets out the considerations for clawback leakage going outwith the catchment area of up to 30% and consider that inflows would increase up to 20% by 2021. The sequential approach has been assessed at paragraph 6.5 below. The quantitative assessments shows an impact of 10% on the town centre and the assessment at section 6 below takes into account the impacts on East Kilbride Town Centre and its investment to reconfigure the centre's uses and floorspace while assessing the quality and location of retail offer being proposed.

#### Traffic and Road Safety

**(i) The proposed access from Churchill Avenue has not been designed to take into account the congestion on Churchill Avenue and the location of the pedestrian crossing which will require to be relocated.**

**Response:** Roads and Transportation Services raised no objections to the proposed access. Following detailed assessment of the design the location of the access has been amended to take account of the impact on the existing pedestrian crossing.

**(j) This proposal will cause further congestion on the surrounding road network, including the roundabout which will result road safety issues for pupils attending the nearby secondary school, those attending the church and local residents.**

**Response:** Roads and Transportation Services raised no objections to the proposed development following assessment of the proposed design and the submitted Transport Assessment and Addendums.

**(k) School pupils will walk through the car park of the proposed store at lunchtime raising safety issues. The proposal does not appear to have been designed to prevent this happening.**

**Response:** Roads and Transportation Services raised no objections to the proposed development and the provision of a retaining wall and boundary fencing will provide a barrier to discourage pedestrians from accessing the site from Avondale Avenue.

**(l) The proposed development will not provide sufficient parking spaces for the store and those identified on the plan are not scaled correctly.**

**Response:** Roads and Transportation Services raised no objections to the proposed parking provision and amended plans have addressed any drafting issues in respect of the size of the parking spaces.

**(m) The turning space and servicing arrangements for delivery vehicles will result in several customer parking spaces being unavailable during the frequent deliveries to the store each day.**

**Response:** Roads and Transportation Services raised no objections to the proposed layout of the site and considered the servicing arrangements to be acceptable.

**(n) Parents will use the store car park as a drop off and pick up point for school pupils attending St. Andrew's and St. Bride's High School.**

**Response:** Management of the car park will be a matter for the operator of the store and as stated above there will be no direct access to and from the site to Avondale Avenue therefore requiring any pupils having to walk around the site via Churchill Avenue and Whitemoss Avenue.

**(o) The car park will be used by shoppers going to the Town Centre and the proposed 90 minute parking limit will require to be enforced.**

**Response:** Management of the car park will be a matter for the operator of the store.

**(p) Shoppers using the proposed store will park in Avondale Avenue causing parking issues in the residential area.**

**Response:** Roads and Transportation Services raised no objections to the proposal in respect of parking and as stated above there will be no direct access to and from the site to Avondale Avenue.

**(q) There was limited traffic impact information submitted with the application.**

**Response:** The applicants submitted a full Transport Assessment with the application and two addendums to that Transport Assessment. Roads and Transportation Services considered that the information submitted was sufficient to assess the proposed development.

#### Character of the Area

**(r) The site is a prominent site in East Kilbride and the proposed development will be out of character with the area in that the type of building and design are not appropriate close to the Conservation Area and surrounding residential properties of Avondale Avenue, which have award winning garden and floral displays.**

**Response:** The area is close to the town centre and civic area where there are many buildings of varying architectural types and ages. The site is also visually separate from Avondale Avenue residential areas and the East Kilbride Village Conservation Area. Taking into account the nature of the proposed supermarket building, being a single storey building, significantly lower in height than the previous Atholl House office building and the location of the proposed building on the site it is considered acceptable in terms of visual amenity. The position of the building at a lower level than Avondale Avenue in addition to the screening provided by retained trees and proposed planting will lessen the impact of the proposed building. Many of the trees to the north and east of the site are out with the development area and are to be retained. The building, parking and access will be orientated towards Churchill Avenue and the Town Centre rather than the predominantly residential areas of Avondale Avenue or Whitemoss Avenue. The scale and design of the proposed development are considered acceptable in this location.

**(s) The proposed advertising for the store will be out of character with the area.**

**Response:** No details of any proposed advertising have been submitted. These details would be the subject of a separate application for advertisement consent in the future.

### Impact on Residential Amenity

**(t) The proposed development will contribute to increased noise affecting the residents generated from the stores extraction and refrigeration equipment, amplified by the under pass and from any nighttime deliveries to the store.**

**Response:** The Council's Environmental Services were consulted and raised no objections to the proposed development. A condition has been attached to limit deliveries to during store opening times therefore there will be no deliveries during the night.

**(u) The proposed store will have lighting which will result in a significant increase in light pollution for local residents.**

**Response:** A condition has been attached requiring the submission and approval of the detail design of any proposed lighting.

### Landscaping and Loss of Trees

**(v) The proposed development will result in the loss of mature trees and shrubs along the boundary with Avondale Avenue which provide screening for the store.**

**Response:** A number trees and shrubs are required to be removed as they fall directly in the footprint of the built area or are located where their safe retention would not be feasible. The main group / line of trees along Avondale Avenue and Whitemoss Avenue are to be retained and additional trees are to be planted in existing gaps such as the former vehicular access to the site. The Council's Arboricultural Officer has assessed the proposals and raised no objection to the proposed development subject to conditions being attached in respect of submission and approval of a Landscaping Scheme and Tree Protection Measures.

**(w) The proposed development will have an adverse impact on the wildlife and flora and fauna on the site.**

**Response:** The applicant submitted a Phase 1 Habitat Survey of the site which concluded that there was no evidence of any protected species on the site and the existing habitats were those typical of a brownfield site of this type. It set out that the proposed mitigation in respect of any potential breeding birds would be to ensure that site preparation works would take place outwith the bird breeding season. The Council's Landscape and Access Officer raised no objections to the proposed development.

### Alternative Uses

**(x) The site would be better utilised for the provision of residential development, particularly social housing and not for a supermarket which could be located elsewhere in the settlement.**

**Response:** The site has not been allocated for residential development in the South Lanarkshire Local Development Plan and the Council considers the proposed use of this scale in this location as acceptable.

**(y) This prominent site would be better suited to the development of a park with habitat creation, play areas, restaurant and pub with outdoor facilities.**

**Response:** The site has not been allocated for this type of development in the South Lanarkshire Local Development Plan and the Council considers the proposed use of this scale in this location as acceptable.

### Other Issues

**(z) The proposed development will result in job losses in the surrounding area when existing businesses close due to the competition from the proposed store.**

**Response:** The proposed store will provide a number of new jobs in the area. Commercial competition is not a material planning consideration.

**(aa) The store will lead to further alcohol abuse and under aged drinking in the area and there is no need for the granting of further licences in the area.**

**Response:** The control of alcohol sales and licensing is not a material planning consideration and is regulated through the Licensing Authority.

**(bb) The increase in traffic and resultant increase in pollution will adversely affect health in the surrounding area particularly the lungs of young children.**

**Response:** Health issues are not material planning considerations.

**(cc) Considers that the Council has made short sighted decisions on other sites such as new houses in the Green Belt, the loss of Stewartfield Pub and possible loss of Kirktonholme pitches to provide car parking.**

**Response:** This report only relates to the assessment of the proposed development on this site and decisions in respect of other development are not a matter for consideration.

**(dd) Insufficient advertising has been undertaken in respect of this application, particularly for local residents and the wider East Kilbride area.**

**Response:** Statutory Neighbour Notification was carried out together with adverts placed in the East Kilbride News setting out the timescales and procedure for commenting on the application.

**(ee) Inaccurate information was included in the leaflet distributed by Lidl as it did not take into account traffic generated by St. Andrew's and St. Bride's High School and St. Brides Church.**

**Response:** Information set out in any publications produced by the store operator is not a matter in the control of the Council.

**(ff) The site has been actively marketed however no "For Sale" sign has been erected on the site.**

**Response:** This is a privately owned site and any marketing practice is a matter for the owners of the site and not a matter for the Council.

#### Supporting for the Proposal

**(gg) Thirty eight letters expressed support for the proposed supermarket in that it would:**

- provide a perfect solution for the site with the proposed building being single storey and of a smaller scale than previous proposals whilst preserving the green setting of the site and improving an empty site.
- bring people into the area and support the East Kilbride village and the local community.
- create jobs in the local area which offer decent pay and conditions.
- prevent the need for local residents to use a car, enabling them to get to the store on foot or by bicycle thus being environmentally friendly.
- provide local choice and convenience as other supermarkets are too far away.
- reduce the dominance of other supermarkets in the East Kilbride area.

- **provide an economical alternative for local residents who can't afford to use other supermarkets in this area of East Kilbride.**
- **it may encourage the Town Centre to remove parking charges at the Town Centre car parks.**

**Response:** These comments are noted.

- 5.3 These letters and the petition have been copied and are available for inspection in the usual manner and on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 The applicants propose to erect a 1988 sq m retail food unit with a net trading floorspace of 1325 sq m on the site of the former Atholl House, in Churchill Avenue East Kilbride. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.
- 6.2 In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 6.3 Scottish Planning Policy (SPP) highlights that development proposals which accord with up-to-date plans should be considered acceptable in principle. The site is identified within the adopted South Lanarkshire Local Development Plan as being within the general urban area (Policy 6) and therefore raises no issues in this regard. It is therefore considered that the proposal is in accordance with national planning policy.
- 6.4 With regard to the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG) the application site, as stated above, is identified as being located in the General Urban Area / Settlement (Policy 6). The proposed retail development requires to be assessed against the criteria set out in Policy 10 New retail/commercial proposals and the assessment is set out below.
- 6.5 The proposed retail development requires to follow the sequential approach set out in SPP to assess sequentially preferable sites. This has been undertaken at section 4 of the RPS and further information was provided by Hargest Planning Ltd on 26 July 2017. In line with SPP town centre sites require to be assessed. The alternative sites include assessing the suitability, availability and viability of units and development opportunities within East Kilbride Town Centre (EKTC). The RPS states that there are a range of vacant premises located within East Kilbride Town Centre though these have been discounted as Lidl's requirements are not able to be met in terms of the following requirements; size, unobstructed floorplate, direct surface level access to car parking suitable for trolleys and direct access for vehicles for the delivery of goods on pallets to the store. However the RPS takes into account the redevelopment of Sainsbury's and the reconfiguration of the eastern Olympia within EKTC. This would require Lidl to reduce their requirements to a proposed store area of 1520 sqm. The EKTC owners received planning consent to redevelop the eastern end of The Olympia to provide new retail units, an extension to supermarket (Sainsbury's) and new leisure units. Part of the redevelopment is underway though the extension to Sainsbury's is not currently being progressed. On this basis there is a total gross floor area of 1520 sqm which could provide a single store unit. This would be smaller than the floorspace area Lidl has applied for, nonetheless the option is fully explored by the applicant. The sequential assessment recognises that the available floorspace could provide a similar size of store to that proposed on the application site however the

layout presents a number of difficulties for the viable operation of the Lidl store. These include reduced number of car parking spaces, customer access arrangements, visibility of the store's frontage, level differences require retaining walls and structures which would detract from the appearance, visibility and profile of the store and service arrangements. On consideration of the above it is concluded that there are no sequentially preferable sites in EKTC due to their suitability and viability. It is concluded that there are no sequentially preferable sites in EKTC due to their suitability and viability. On this basis the EKTC locations can be discounted, and it is considered the sequential approach assessed above is in line with SPP, which states that when assessing the sequential approach, there should be consideration for being flexible and realistic and that community facilities are located where they are easily accessible to the communities that they are intended to serve. I am satisfied that the sequential approach has been followed and the proposal therefore complies with Policy 10 (i).

- 6.6 Policy 10 criteria (ii), requires that proposals do not undermine the vitality and viability of strategic and town, and/or neighbourhood centres. As set out in section 3.3 above there have been previous applications at this site for retail development. In this respect the Council commissioned Roderick MacLean Associates Ltd (RMA) to undertake a review of the RPS and provide an overview of the convenience retail capacity relating to East Kilbride. The proposed foodstore is 1988sqm (gross) (1325 sqm net) with a total turnover £10.4m (RMA in 2016 prices). The proposal is for a floorspace split of 85% convenience and 15% comparison, equating to £9.4m turnover for convenience sales as stated in RMA review. In terms of impact of the proposed foodstore on existing convenience floorspace, RMA sets out the greatest impact is 17% on Morrison's at Stewartfield (neighbourhood centre) and a total impact of 0% on Greenhills and The Village. 14% impact is predicated by RMA on Sainsbury's and 8% on M&S Food both at Kingsgate Retail Park. RMA identifies an impact of 11% on Sainsbury's within East Kilbride Town Centre which equates to £1.4m trade diversion from this store's turnover of £23.9m (average levels). The total trade diversion on the town centre equates to £3.1m with an overall impact of 10%. These impacts identified are on the basis that the Tesco/Dobbies consent at Redwood Crescent in East Kilbride has not been implemented and its renewal is subject to a separate planning application. RMA concludes the estimated pattern of trade diversion assumes that most of the diverted trade will be from the town centre and the main supermarkets rather than from local convenience shops, and the level of trade diverted from the town centre is low. On this basis it is considered that the proposed foodstore will not undermine the vitality and viability of East Kilbride Town Centre. Therefore, I am satisfied that the proposed development accordingly complies with SLLDP Policy 10 (ii).
- 6.7 With regard to Policy 10 criteria (iii) the main catchment area for the proposed development covers East Kilbride and Strathaven (shown in Map 2.1 of RMA report). The RMA demonstrates that the catchment area has £221m of convenience expenditure potential in 2017 (in 2016 prices) and the available expenditure increases to £222m by 2021, which is the design year of the retail proposal. In terms of spare convenience expenditure capacity this is set out in the RMA report which concludes there is nearly £20m of spare capacity. This amount does not take into account the current application to renew consent for a superstore at Redwood Crescent in East Kilbride. This is subject to a separate planning application. Given the proposed foodstore turnover is £9.4m (convenience sales), it is considered that this can be met from the spare convenience capacity and RMA demonstrates that the proposed turnover of the foodstore can be supported by the area's catchment population.
- 6.8 Policy 10 criteria (iv) requires proposals to complement regeneration strategies for the area. The proposed development is located on a prominent vacant site on the edge

of East Kilbride Town Centre. In addition to the above, consideration has been given to the proposal being for a named operator, Lidl. It is considered that the quality of retail offer that Lidl provides will enhance the retail offer within the town. Development on this edge of centre vacant site will enhance the environment on approach to the town centre and promote footfall generating uses that can encourage linked trips to the town centre. The proposed scale of the foodstore (reduced floorspace from previous applications) is considered acceptable, and allows for existing landscaping to be retained and takes into account surrounding residential amenity effects. On this basis the proposal is in line with regeneration strategies for the area and therefore complies with policy 10 criteria (iv).

- 6.9 The application site is in close proximity to the East Kilbride bus station located within the town centre. It is considered to be well served by existing bus services and is easily accessible by a choice of transport modes such as bus and cycle. The retail proposal promotes sustainable development by providing local retail facilities to allow the residents to shop locally. On this basis of the above it is considered that the proposed development complies with Policy 10 criteria (v) promote sustainable development and (vi) take account of development location and accessibility.
- 6.10 The application for the proposed development considers the environmental and traffic impact, and takes into account drainage and service infrastructure implications that are assessed at paragraphs 6.11 to 6.13 below. These matters are considered to comply with policy subject to conditions being attached if consent is granted. The foregoing assessment of Policy 10 new retail/commercial proposals criteria (i) to (vi) as set out above at paragraphs 6.5 to 6.10, demonstrates that the proposed retail development complies with Policy 10. The location, nature and scale of the proposed retail development are therefore considered acceptable in terms of Policy 10.
- 6.11 Policy 4 (Development Management and Placemaking) seeks to ensure that development takes account of and is integrated with the local context and built form. Proposals should have no significant adverse impacts on the local community and include where appropriate measures to enhance the environment. Taking into account the nature of the proposed supermarket building, being a single storey building, significantly lower in height than the previous Atholl House office building and the location of the proposed building on the site it is considered acceptable in terms of visual amenity. The position of the building at a lower level than Avondale Avenue in addition to the screening provided by retained trees and proposed planting will lessen the impact of the proposed building. Many of the trees to the north and east of the site are out with the development area and are to be retained. The building, parking and access will be orientated towards Churchill Avenue and the Town Centre rather than the predominantly residential areas of Avondale Avenue or Whitemoss Avenue. Given the location and nature of the site, the proposed development and residential properties not being immediately adjacent to the site, separated by existing open space, landscape buffers and roads the proposed development is considered to be acceptable and unlikely to result in any significant adverse impacts. The proposed development is considered to be consistent with Policy 4 of the SLLDP and with the policy guidance set out within the associated Supplementary Guidance Development Management, Placemaking and Design.
- 6.12 In relation to road infrastructure issues Policy 16 (Travel and Transport) of the SLLDP states that new development proposals must consider, and where appropriate, mitigate the resulting impacts of traffic growth, particularly development related traffic, and have regard to the need to reduce the effects of greenhouse gas emissions and at the same time, support and facilitate economic recovery, regeneration and sustainable growth. It also confirms that proposals must conform to the Local Transport Strategy, Core Path Plan and the Council Guidelines for Development

Roads. The proposed development is considered to comply with Policy 16 in that it provides sufficient parking, suitable vehicular and pedestrian access, facilities for charging electric vehicle s and cycle parking. Roads and Transportation Services raised no objections to the proposed development.

- 6.13 Policy 17 (Water Environment and Flooding) states that developments which have a significant adverse impact on the water environment will not be permitted and that consideration will be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. The applicants submitted a detailed Flood Risk Assessment and drainage details. Roads and Transportation Flooding Unit, SEPA and Scottish Water had no objections to the proposed development subject to conditions in relation to the detailed submission, approval and implementation of a Sustainable Drainage Design.
- 6.14 It is also considered that the proposal accords with the policies contained in the SLLDP Supplementary Guidance on Development Management Place Making & Design and Sustainable Development and Climate Change.
- 6.15 Following a full and detailed assessment of the proposed development, it is considered that the proposed development is in accordance with the South Lanarkshire Local Development Plan and associated Supplementary Guidance and on that basis, it is recommended that planning permission is granted.

## **7 Reasons for Decision**

- 7.1 The proposal complies with Policies 4, 6, 10, 16 and 17 of the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance Development Management Place Making & Design and Sustainable Development.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

**20 April 2018**

## **Previous References**

- ◆ Planning Application EK/10/0267 (Refused)
- ◆ Planning Application EK/13/0046 (Refused)
- ◆ Appeal to DPEA PPA-380-2031

## **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development Management Placemaking and Design Supplementary Guidance (2015)
- ▶ Sustainable Development and Climate Change Supplementary Guidance (2015)
- ▶ Neighbour notification letter dated 31/07/2017
  
- ▶ Consultations
  - Scotland Gas Networks 03/08/2017
  - SP Energy Networks 02/08/2017



Environmental Services [e-consult]	03/08/2017 11/12/2017
Countryside & Greenspace	02/08/2017
Scottish Water	14/08/2017
East Mains Community Council	11/08/2017
Strathclyde Partnership for Transport	21/02/2018
S.E.P.A. (West Region) & S.E.P.A. (West Region) (Flooding)	29/08/2017
Transport Scotland	12/02/2018
Estates (Housing – Planning Consultation)	03/08/2017
Roads Development Management Team	02/08/2017 30/01/2018 26/02/2018
Arboricultural Services	23/02/208

► Representations

- Representation from : Andrew , 6 Avondale Place  
East Kilbride  
  
G74 1NU  
G74 1NU  
, DATED 07/08/2017 21:36:34
- Representation from : Stephen and Brenda Clark, 3 Avondale Grove  
East Kilbride  
G74 1BF, DATED 10/08/2017
- Representation from : Joe Allan, 94 Franklin Place  
Westwood  
East Kilbride G75 8LI, DATED 16/08/2017
- Representation from : Thomas and Mrs Evelyn Lochrin, 19 Whitemoss Road  
East Kilbride  
G74 4JB  
DATED 21/08/2017
- Representation from : R Dillon, DATED 21/08/2017
- Representation from : Elizabeth Kelly, 34 Kittoch Court  
2 Roxburgh Park  
East Kilbride  
G74 1NP, DATED 18/08/2017
- Representation from : Monica Loughran, 10 MacDonald Avenue  
Stewartfield  
East Kilbride  
DATED 21/08/2017

Representation from : Joe Allan and Stewart McDonald , East Kilbride Housing  
Forum  
94 Franklin Place  
Westwood  
East Kilbride  
G75 8LS, DATED 20/07/2017

Representation from : Alan Dick MBE and Mrs Barbara Dick, Received via email,  
DATED 28/08/2017

Representation from : Darrin Marriott, 19 roxburgh park  
Avondale  
East Kilbride  
DATED 08/08/2017

Representation from : Karen Fusi, 33 Avondale Avenue  
East Kilbride  
G74 1NS  
DATED 20/08/2017 19:43:58

Representation from : Muir and Nicola Glendinning, 50 Maxwell Drive  
East Kilbride  
G74 4HJ  
DATED 20/08/2017

Representation from : Philip and Linda Harris, , DATED 05/09/2017

Representation from : Joe Allan, 94 Franklin Place  
Westwood  
East Kilbride  
G75 8LS, DATED 28/07/2017

Representation from : Lesley Watt, , DATED 05/09/2017

Representation from : Hilary Kirby, 36 Lochranza Lane  
East Kilbride  
G75 9NG  
DATED 05/09/2017

Representation from : Joe Allan, 94 Franklin Place  
Westwood  
East Kilbride  
G75 8LS, DATED 10/08/2017

Representation from : Joan A McHugh, 11 Kittoch Court  
Roxburgh Park  
East Kilbride  
G74 1ND, DATED 10/08/2017

Representation from : CBRE Limited, Sutherland House  
149 St Vincent Street  
Glasgow  
G2 5NW, DATED 21/08/2017, DATED 11/04/2018

Representation from : Lisa Sanderson, DATED 28/08/2017

Representation from : Janice and Mark Russell, DATED 28/08/2017

Representation from : Lorraine Black, DATED 28/08/2017

Representation from : Nigel Heath, 25 Kirkton Park  
East Kilbride  
G74 4HU, DATED 28/08/2017

Representation from : John Wilson, DATED 28/08/2017

Representation from : Jim Parkinson, DATED 28/08/2017

Representation from : Catherine Doohan, DATED 28/08/2017

Representation from : Rosalind Beveridge, DATED 28/08/2017

Representation from : Mr Craig Fleming, 14 Doonfoot Gardens  
West Mains  
G744XF  
DATED 23/08/2017

Representation from : S Neill, Artisan Buon Giorno Bakers  
7 Hunter Street  
The Village  
East Kilbride  
G74 4LZ, DATED 23/08/2017

Representation from : L Wright, Loupin Stane  
13B Hunter Street  
Village  
East Kilbride  
G74 4LZA, DATED 23/08/2017

Representation from : S . R. Sherriff, Wright's Butchers  
17 Hunter Street  
The Village  
East Kilbride  
G74 4LZ, DATED 23/08/2017

Representation from : Jim Toner, 57 Whitemoss Road, East Kilbride G74 4JB,  
DATED 01/09/2017

Representation from : Audrey Cafferty, DATED 04/09/2017

Representation from : John Pettit, DATED 04/09/2017

Representation from : John Wilson, DATED 25/08/2017

Representation from : Lorraine Woods, 57 Carlyle Drive, East Kilbride, G74 3EP,  
DATED 01/09/2017

Representation from : Caroline McDonald, 6 Egmont Park East Kilbride G75 8PT,  
DATED 01/09/2017

Representation from : Jane Porter, DATED 01/09/2017

Representation from : Mr Ross, DATED 30/08/2017

Representation from : James Toner, 57 Whitemoss Road  
East Kilbride  
G74 4JB  
DATED 30/08/2017

Representation from : Lisa Hendry, DATED 29/08/2017

Representation from : Johanne Hendry, DATED 29/08/2017

Representation from : Mrs L. Moir, DATED 29/08/2017

Representation from : Ian MacFarlane, 32 Lister Tower, East Kilbride, G75 0HL,  
DATED 29/08/2017

Representation from : Pauline Mclean, , DATED 29/08/2017

Representation from : Joan Kyle, 41 Fairlie  
Stewartfield  
East Kilbride  
G74 4SF, DATED 29/08/2017

Representation from : Mr. Wm Walters, DATED 29/08/2017

Representation from : Barbara A Martin, 2 Ballantrae  
Stewartfield  
East Kilbride  
G74 4TZ, DATED 26/09/2017

Representation from : Georgina Stewart, DATED 24/08/2017

Representation from : Maureen Bonner, DATED 29/08/2017

Representation from : Edward A McHugh, 11 Kittoch Court  
Roxburgh Park  
East Kilbride  
G74 1ND, DATED 08/08/2017

Representation from : St Andrew's & St Bride's High School, Plattthorn Drive  
East Kilbride  
G74 1NL, DATED 31/08/2017

Representation from : Dorothy Balmer, DATED 19/09/2017

Representation from : James Toner, 57 Whitemoss Road  
East Kilbride  
G74 4JB  
DATED 30/08/2017

Representation from : Ruth Kerr, DATED 30/08/2017

Representation from : Audray Falconer, DATED 30/08/2017

Representation from : Ann Haughey, DATED 30/08/2017

Representation from : Mike Rieley, DATED 30/08/2017

Representation from : Marion Millar, DATED 30/08/2017

Representation from : Mrs Short, DATED 30/08/2017

Representation from : James A McWilliam, 24 Avondale Grove  
East Kilbride  
G74 1BF, DATED 22/08/2017

Representation from : Elizabeth McDougall, DATED 30/08/2017

Representation from : Andrea, DATED 30/08/2017

Representation from : Simon White, DATED 20/09/2017

Representation from : Brian & Margaret Connelly, 50A Avondale Avenue  
East Kilbride  
G74 1NS, DATED 06/10/2017

Representation from : Lena Meighan, DATED 13/09/2017

Representation from : John Mann, DATED 04/09/2017

Representation from : Janet Rieley, DATED 04/09/2017

Representation from : Gerry Docherty, DATED 04/09/2017

Representation from : Jennifer Young, DATED 05/09/2017

Representation from : George McCarthy, DATED 05/09/2017

Representation from : Rosie Stevenson, DATED 05/09/2017

Representation from : Joe Allan, 94 Franklin Place  
Westwood  
East Kilbride  
G75 8LS, DATED 24/11/2017

Representation from : Gwendoline and John McNab, 49 Whitemoss Road  
East Kilbride  
G74 4JB, DATED 22/08/2017

Representation from : Keir Ferguson, DATED 22/08/2017

Representation from : William Barr, DATED 01/09/2017

Representation from : Stephen Macaulay, 6 Dunglass Square  
East Kilbride  
G74 4EN  
DATED 07/09/2017

Representation from : Robert A. Flynn, 46 Avondale Avenue  
East Kilbride  
G74 1NS

DATED 15/08/2017

Representation from : Joanne Hamilton, 20 Avondale Grove  
G74 1BF  
DATED 21/08/2017

Representation from : Jean Aitken, c/o 41 Maxwell Drive, East Kilbride  
DATED 21/08/2017

Representation from : Claire Jenkins, 27B Avondale Avenue  
East Kilbride  
G73 1NS  
DATED 17/08/2017 21:07:35

Representation from : Dr P M Slorach, 6 Platthorn Court  
East Kilbride  
DATED 19/08/2017

**Contact for Further Information**

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

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB  
Ext 5053 (Tel : 01698 455053)  
E-mail: [morag.neill@southlanarkshire.gov.uk](mailto:morag.neill@southlanarkshire.gov.uk)

## CONDITIONS

- 1 That before works start on the development or before any materials for each phase are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 2 That before works start on the development, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 3 That before works start on the development, a scheme of landscaping for that phase shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 4 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 5 Notwithstanding Conditions 3 and 4 above, a scheme of additional planting along the western edge of the site adjacent to Churchill Avenue shall be submitted and approved by the Council as Planning Authority. The Scheme shall include the additional planting of extra heavy standard/semi-mature trees to extend the existing lime tree avenue planting along this boundary of the site.
- 6 The Scheme of planting required by Condition 5 above shall be implemented prior to the development being brought into use to the satisfaction of the Council as Planning Authority.
- 7 That before works start on the development, full details of the design and location of all fences and walls, including any retaining walls, to be erected shall be submitted to and approved by the Council as Planning Authority.
- 8 That before any development commences on site or before materials are ordered or brought to the site, details and samples of retaining wall facing materials to be used shall be submitted to and approved by the Council as Planning Authority.
- 9 That before the development is brought into use, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the

terms of Condition 7 above, shall be erected and thereafter maintained to the satisfaction of the Council.

- 10 Construction activities on site, including deliveries to the site (with the exception of maintenance works not audible outside the site boundary), shall be restricted to the following hours of operation, unless otherwise agreed in writing by the Council as Planning Authority:  
Mondays to Fridays: Between 08:00 and 19:00  
Saturdays: Between 08:00 and 13:00  
Sundays & Public Holidays: No Working
- 11 That the retail unit hereby approved, Class 1 retail store will not exceed 1,988 sq. metres (gross) floor area, with a maximum net sales floor area of 1,325 sq. metres of which no more than 85% of the net sales area shall be used for the sale of food goods. For the avoidance of doubt and notwithstanding the proposed provision in the Planning etc. (Scotland) Act 2006 that the use of a mezzanine floor for retail sales will require planning permission.
- 12 Deliveries, including vehicular movements to and from the service area and the movement of goods in and out of store, will only be permitted between the hours of 07:00 and 20:00 Mondays to Sundays, unless otherwise agreed in writing by the Council as Planning Authority
- 13 The retail unit will only be permitted to open between the hours of 07:00 and 22:00 Monday to Sundays, unless otherwise agreed in writing by the Council as Planning Authority.
- 14 Prior to development commencing on site, details of any proposed construction floodlighting together with a lighting assessment shall be submitted to and approved by the Council as Planning Authority. The scheme shall include, where appropriate, details of all aspects of the installation including specific luminaire and lamp type; beam control; wattage; use of reflectors; baffles; louvers; cowling; lux contours/distribution diagrams and column type.
- 15 The approved construction lighting scheme shall be implemented prior to the commencement of the development and shall thereafter be operated in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.
- 16 Prior to development commencing on site, details of all proposed external lighting and lighting columns shall be submitted to and approved by the Council as Planning Authority. The scheme shall include, where appropriate, details of all aspects of the installation including specific luminaire and lamp type; beam control; wattage; use of reflectors; baffles; louvers; cowling; lux contours/distribution diagrams and column type.
- 17 The approved lighting scheme shall be implemented prior to the development being brought into use and shall thereafter be operated in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.
- 18 Prior to the commencement of development on site, a Scheme for the protection of Retained Trees "Tree Protection Plan" shall be submitted to and approved in writing by the planning authority setting out the steps that shall be taken to protect all retained trees. The plan shall include a specific Arboricultural Method Statement and Scheme of Supervision which shall set out the following:
  - a) induction and personnel awareness of arboricultural matters;



- b) identification of individual responsibilities and key personnel;
- c) statement of delegated powers;
- d) timing and methods of site visiting and record keeping, including updates; and
- e) procedures for dealing with variations and incidents.

and the Scheme of Supervision shall be administered by a qualified Arboriculturalist approved by the Council as Planning Authority.

19 The approved “Tree Protection Plan” shall be implemented to the satisfaction of the Council as Planning Authority.

20 During the construction period:

- (a) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
- (b) No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
- (c) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- (d) No mixing of cement or use of other materials or substances shall take place within a Root protection Area, or close enough to a Root Protection Area that seepage or displacement of those materials or substances could cause them to enter a Root Protection Area.
- (e) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Council as Planning Authority.

21 (a) The applicant shall be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:

(i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);

(ii) Contaminated Land Report 11 – ‘Model Procedures for the Management of Land Contamination (CLR 11) – issued by DEFRA and the Environment Agency;

(iii) BS 10175:2001 – British Standards institution ‘The Investigation of Potentially Contaminated Sites – Code of Practice’.

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

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

22 (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any

amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

- 23 That before the development hereby approved is brought into use, details of the storage and collection of waste arising from that phase of the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before that phase of the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
- 24 That before works start on the development, a scheme for the control and mitigation of dust for that phase of the development shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority. Monitoring results shall be readily available to Officers of the Council investigating adverse comments.
- 25 That before works start on the development details of surface water drainage arrangements (including provision of a flood risk assessment, drainage assessment and maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices 1,2,3,4 & 5).
- 26 That the development hereby approved shall not be completed or brought into use until the surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 25 above.
- 27 That before works start on the development the applicant shall provide written confirmation from Scottish Water to the Council as Planning Authority that the development can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.
- 28 That prior to commencement of works a site layout showing the location and style of covered cycle storage facilities shall be submitted to and approved by the Council as Planning Authority. Unless otherwise agreed, the level of cycle storage provided shall be in accordance with the SCOTS National Roads Development Guide

- 29 That before the retail premises hereby approved are completed or brought into use the cycle storage facilities required by Condition 28 above shall be fully implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.
- 30 Prior to the retail development hereby approved being brought into use the developer shall include provision for two electric charging bays on the retail site to the satisfaction of the Council as Planning Authority.
- 31 That before any works start on the development a Traffic Management Plan (TMP) with information such as, but not limited to, construction phasing, site deliveries routing/timings, site car parking for visitors and site operatives shall be submitted to and approved by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads & Transportation Service, Police Scotland and Transport Scotland.
- 32 The recommendations contained within the approved Traffic Management Plan shall be implemented and adhered to at all times. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction activities where these will have an impact on the approved TMP. The developer will consult with the Council, as Roads Authority, together with Police Scotland and Transport Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes to the satisfaction of the Council as Planning Authority..
- 33 Appropriate cleaning systems, wheel wash facilities / road cleaning regime, should be put in place within the site to ensure mud and debris is not deposited on the public road to the satisfaction of the Council as Planning Authority.
- 34 The developer must ensure at all times that no construction vehicles or staff vehicles are parked on Churchill Avenue, Whitemoss Avenue, Avondale Avenue or surrounding public roads to the satisfaction of the Council as Planning Authority.
- 35 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 36 Before development begins on site, a scheme for the protection of bats (Bat Protection Method Statement) shall be submitted to and approved in writing by the Council as Planning Authority. Any development shall thereafter be carried out in accordance with the approved scheme.
- 37 That prior to development commencing on the retail development site hereby approved, a Travel Plan for the retail site outlining arrangements to encourage all employees to engage in the use of more sustainable travel modes to reduce the reliance on private car trips shall be submitted to and approved by the Council as Planning Authority. The Travel Plan shall include arrangements for continuous review of the document to ensure that it remains relevant. Given the proximity to East Kilbride train station the Travel Plan should include current timetables for rail services. Once approved the Travel Plan shall be issued to all employees.

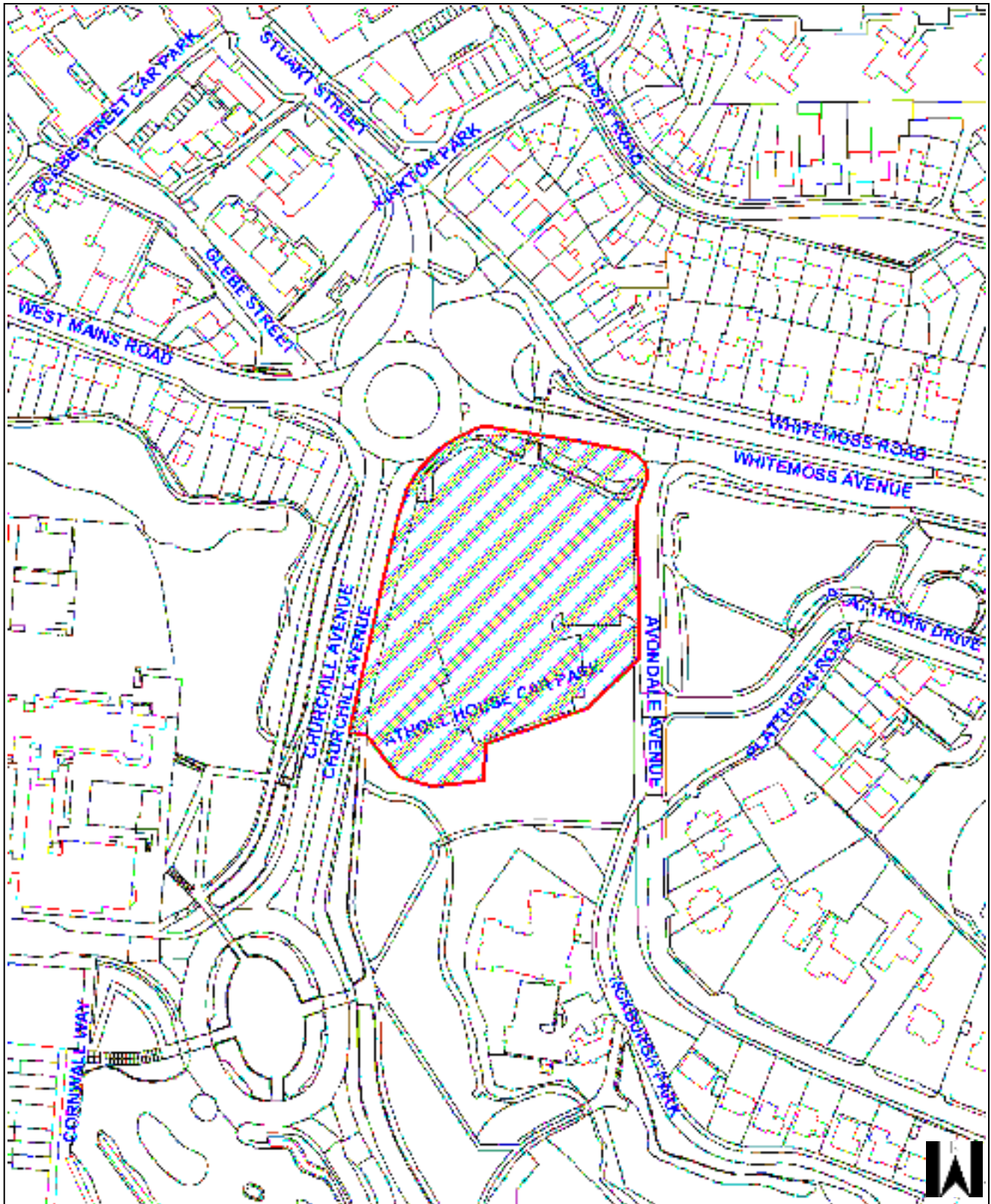
- 38 That notwithstanding the provisions of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, no fascia signs, adverts or projecting signs shall be erected on the premises without the prior written consent of the Council as Planning Authority.
- 39 Crossing points with dropped kerbs shall be provided at the applicant's expense to permit access for the disabled to the satisfaction of the Council as Planning Authority..

## **REASONS**

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 These details have not been submitted or approved.
- 3.1 In the interests of the visual amenity of the area.
- 4.1 In the interests of amenity.
- 5.1 In the interests of amenity and in order to retain effective planning control.
- 6.1 In the interests of amenity and in order to retain effective planning control.
- 7.1 These details have not been submitted or approved.
- 8.1 In the interests of the visual amenity of the area.
- 9.1 In order to retain effective planning control
- 10.1 In the interests of amenity and in order to retain effective planning control.
- 11.1 In order to retain effective planning control
- 12.1 To protect local residents from noise nuisance
- 13.1 To protect local residents from noise nuisance
- 14.1 In the interests of amenity and in order to retain effective planning control.
- 15.1 In the interests of amenity and in order to retain effective planning control.
- 16.1 In the interests of amenity and in order to retain effective planning control.
- 17.1 In the interests of amenity and in order to retain effective planning control.
- 18.1 In order to protect trees and to retain effective planning control.
- 19.1 In order to protect trees and to retain effective planning control.
- 20.1 In order to protect trees and to retain effective planning control.
- 21.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

- 22.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 23.1 To minimise nuisance, littering and pest problems to nearby occupants.
- 24.1 To minimise the risk of nuisance from dust to nearby occupants.
- 25.1 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 26.1 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 27.1 To ensure the provision of a satisfactory sewerage system
- 28.1 In the interests of traffic and public safety.
- 29.1 In the interests of traffic and public safety.
- 30.1 In the interests of traffic and public safety.
- 31.1 In the interests of traffic and public safety.
- 32.1 In the interests of traffic and public safety.
- 33.1 In the interests of traffic and public safety.
- 34.1 In the interests of traffic and public safety.
- 35.1 In order to retain effective planning control
- 36.1 To ensure the protection of Bats
- 37.1 In the interests of traffic and public safety.
- 38.1 In order to retain effective planning control
- 39.1 In the interests of traffic and public safety.

For information only



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