

	<h1>Report</h1>	Agenda Item <h1>7</h1>
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Report to: **Planning Committee**
 Date of Meeting: **25 August 2009**
 Report by: **Executive Director (Enterprise Resources)**

Application No CR/08/0274
 Planning Proposal: Demolition of Existing Buildings And Redevelopment of Site to Provide a Mixed Use Development Comprising Employment Units, Hotel, Cinema, Food Retail, Non Food Retail And Restaurant Units (Planning Permission in Principle)

1 Summary Application Information

- Application Type : Planning Application in Principle
- Applicant : Ashfield Land (Glasgow) Limited
- Location : Land adjacent
Duchess Place and Cunningham Road
Cambuslang Road
Rutherglen

2 Recommendation(s)

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

- (1) Grant planning permission in principle (subject to conditions – based on conditions attached)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this planning application
- (2) Before planning permission in principle is released a Section 75 Agreement shall be concluded to ensure a financial contribution of £100,000 is lodged towards the Downiebrae Road upgrade; sufficient ground is reserved within the site for the Downiebrae Road upgrade; the surrounding sites remain accessible via the application site; that a Traffic Regulation Order is promoted for waiting and loading restrictions on Cambuslang Road and roads serving the development; a potential Stopping Up Order of Baronald Street is pursued with Roads & Transportation; the construction of the industrial units is phased with the completion of the retail units, and; the subdivision of the retail units is controlled.

3 Other Information

- ◆ Applicant's Agent: Cooper Cromar
- ◆ Council Area/Ward: 12 Rutherglen Central and North
- ◆ Policy Reference(s): **Glasgow and Clyde Valley Joint Structure Plan**
Strategic Policy 1 – Strategic Development Locations
Strategic Policy 5 – Competitive Economic

Framework
 Strategic Policy 6 - Quality of Life and Health for
 Local Communities
 Strategic Policy 9 – Assessment of
 Development Proposals
 Strategic Policy 10 – Departures from the
 Structure Plan
**South Lanarkshire Local Plan (adopted
 2009)**
 Policy STRAT1 – Regeneration Priorities
 Policy STRAT8 – Development Framework
 Sites
 Policy STRAT10 – Developers’ Contributions
 Policy COM3 – New Retail/Commercial
 Development
 Policy ECON1 – Industrial Land Use
 Policy ECON3 – Strategic Locations for Work
 and Business
 Policy ECON4 – Industrial Land Supply
 Policy ECON5 – Proposed Industrial Sites
 Policy ECON7 – Strategic Office Developments
 Policy ECON9 – Tourism Development
 Policy TRA7A – New Roads Infrastructure
 Policy ENV2 – Local Green Network
 Policy ENV30 – New Development Design
 Policy DM1 – Development Management

◆ Representation(s):

▶	2	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Rutherglen Community Council

Environmental Services

Glasgow & Clyde Valley Structure Plan Joint Committee

Roads & Transportation Services H.Q. (Flooding)

Glasgow City Council, Planning Dept., D C South Team

Scottish Water

Scottish Power

Regeneration Services

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

Roads & Transportation Services

Greater Glasgow and Clyde Valley Tourist Board

M74 Completion Team

Clyde Gateway

Scottish Natural Heritage

Strathclyde Passenger Transport

Planning Application Report

1 Application Site

- 1.1 The site is located off Cambuslang Road, approximately 1.5km to the east of Rutherglen. It is adjacent to the proposed route for the new M74 extension to the east and south of the site, with completion estimated in 2011. The site is also on the route to the planned Commonwealth Games Athletes Village, Velodrome & National Indoor Sports Arena. The motorway will run on an embankment at this point, and there will be a 4 way interchange linking into Cambuslang Road.
- 1.2 The site is a largely flat, irregular parcel of land, approximately 7 ha in size which is currently in use for industry and business. Access can be gained from the north off Duchess Place and from the south off Cambuslang Road (A724).
- 1.3 The site is bounded to the south by Cambuslang Road and by the River Clyde to the north. To the west of the site lie light industrial units leading to residential uses at Farme Cross and Rutherglen; and at the eastern boundary of the site there is a high level power line and some mature planting, the latter being removed as part of the works for the M74 extension. The site is within the area covered by the Clyde Gateway Metropolitan Flagship initiative.

2 Proposal

- 2.1 The purpose of the planning application as submitted is to secure permission in principle for a mixed use development comprising food and non food retail (Class 1), restaurants (Class 3), employment (Class 4, 5 and 6), hotel (Class 7) and cinema (Class 11).
- 2.2 The proposed retail element is to be provided through two elements: a small - medium scale food retail (incorporating convenience and some comparison – the latter up to 20%) and a non-food retail element offering comparison retailing.
- 2.3 The retail floorspace breakdown is as follows:
 - Class 1 (food retail) – 33,000 sq ft gross floorspace (21,000 sq ft sales); and
 - Class 1 (bulk non-food retail/sport retail) - 50,000 sq ft gross floorspace.
- 2.4 In respect of the remaining elements proposed the floorspace for each is:
 - Hotel (171 rooms over 9 floors) – 71,345 sq ft floorspace
 - Cinema (approximately 9 screens) – 35,920 sq ft floorspace
 - Employment Units (Class 4, 5 and 6) – 55,000 sq ft floorspace
 - Restaurants (Class 3) – 22,000 sq ft floorspace
- 2.5 The total floorspace created for the whole development would be 267,031 sq ft.
- 2.6 Indicative drawings that accompany the application suggest that the proposed foodstore hotel and cinema would be positioned centrally within the site, occupying a 9 storey building, and the restaurants and coffee shop would be at the front of the site, adjacent to Cambuslang Road. The proposed employment units would be in two locations. Four smaller employment units with a floorspace of 6,700 sq ft each would be located along the western boundary of the site and two larger 14,100 sq ft units at

the back of the site adjacent to its northern boundary. The remaining two bulk non-food retail/sport retail units would be positioned adjacent to the site's eastern boundary.

2.7 In addition to the above, the drawings also indicate that vehicular access to the site would be formed via Duchess Place and traffic would be circulated around the rear of the proposed foodstore hotel and cinema, with the main parking areas formed on the other side of this building and adjacent to the two proposed bulk non-food retail/sport retail units. Approximately 808 parking spaces would be provided. Access to the existing depot to the rear of the site and to the industrial units to the west of the existing access off Duchess Place would be retained from the proposed internal roadway, and land to accommodate the proposed Downiebrae Road upgrade would be safeguarded.

2.8 In support of the proposal the applicant has lodged:

(a) Planning Policy Report – This outlines the relevant national, regional and local planning policy in terms of the site and provides a justification for the proposal. This will be fully considered in the Assessment and Conclusion section of the report.

(b) Transport Assessment – This concludes that the site can be integrated into existing walking and cycle networks. It is also served directly by a bus service and there is access to other bus routes nearby. Rutherglen Railway Station is also approximately a kilometre away. The main access to the site would be provided with a signalised junction, linked to the two signalised M74 Ramp junctions that would be constructed, and the Duchess Place approach onto Cambuslang Road would be widened to provide two lanes. The site could also provide access from Mathieson Road if the Downiebrae Road upgrade is carried out. This could provide an alternative to the Farme Cross signalised junction. It is considered that 808 parking spaces would be required for the proposal on the basis that different elements of the proposal would not all operate at capacity at the same time thus allowing for shared parking.

(c) Ecology Report – This indicates that the habitats on site are mainly of low ecological value, comprising buildings with associated hard standing and amenity grassland. Although biodiversity on the site is low, otters are active along the river and badgers are present within and adjacent to the site. A bat survey did not provide evidence of bats on the site. Overall, development of this site, given appropriate protection and mitigation for badgers and otters will not have a significant, negative impact on individual species or biodiversity and positive gain can accrue by enhancement of the river corridor section, SUDS pond installation and appropriate species use in landscape planting.

(d) Drainage Impact and Flood Risk Analysis – The site is to be served by a separate foul and surface water drainage system which seeks to utilise a SUDS system. It concludes that the site does not appear to be at fluvial flood risk associated with the River Clyde, but that part of the existing development may be at flood risk when assessed against the local topography. The minimum floor level criteria for the site would therefore be 10.34m OD or above and this incorporates a further freeboard of 600mm to ensure the site is protected against the 1 in 200 year storm event plus climate change.

(e) Stage 1 Desktop Study on Ground Conditions – States redevelopment of the site for mixed commercial and industrial use requires further investigation of the land

contamination issues. This can be controlled through the imposition of a planning condition.

- (f) Supply and Demand Report – Concludes that many traditional industrial locations such as those in the Clyde Industrial Estate/Farme Castle Industrial Estate, Rutherglen have effectively become redundant as they neither supply modern space demanded by light industry, nor potential for warehousing. Some older buildings can be converted for high bay storage, however, this alternative use is not feasible at Clyde/Farme Castle. On this basis and given current market conditions and other competing industrial schemes, it is considered there is a lack of demand for industrial occupiers in this location.
- (g) Retail Impact Assessment – Examined the proposal's compliance with retail policy framework for the area, the sequential suitability of the site and explored the qualitative and quantitative impact of the development and it concluded the following:
- The proposal meets a recognisable convenience and comparison goods floorspace requirement;
 - The convenience element will meet an identified need in the Rutherglen area and will provide quality and modern 'destination' food (and non-food) retailers;
 - It is questioned whether any weight should be given to capacity (i.e. a needs test) in assessing the proposals in light of SPP8 and recent documents suggesting that it is ineffective;
 - The application site offers the most sequentially suitable site for the combined retail (and leisure component) as proposed;
 - The proposal will not impact upon the vitality and viability of existing centres or individual retail stores.
 - The proposal will provide modern retail units of an appropriate size not presently available in an accessible location adjacent to Rutherglen town centre that can encourage linked trips from the town centre.

It is therefore put forward by the Report that the food and non-food retail elements of the outline planning application can be considered as providing a positive addition to the retail offer within Rutherglen and the surrounding South Lanarkshire area.

- (h) Design Statement – Sets out the applicant's aspirations to create a sustainable development – socially, economically and environmentally.

3 Background

3.1 Structure Plan Status

- 3.1.1 The proposed development is of strategic significance and requires to be assessed against the relevant policies within the approved Glasgow and Clyde Valley Joint Structure Plan, in this case Strategic Policies 1, 5, 6, 9 and 10.
- 3.1.2 Strategic Policy 1 – Strategic Development Locations This identifies that priority shall be given to investment in certain locations in order to maximise the scale of urban renewal, and to support the Metropolitan Flagship Initiatives identified in Joint Policy Commitment 1. The relevant schedules are: Schedule 1(a) Town Centre Renewal Priorities, and Schedule 1 (b) Urban Renewal Areas. This identifies the Clyde Gateway area as a Metropolitan Flagship Initiative where the restructuring of

the urban area and the creation of a new focus of economic development can be based on the key position of the Clyde Gateway in the transport network. The Structure Plan seeks the creation of approximately 22,000 new jobs in the Gateway.

- 3.1.3 Strategic Policy 5 – Competitive Economic Framework This requires that (a) a minimum 10 year potentially marketable and serviceable industrial land supply is maintained and (b) that strategic economic locations are developed for business and industry and safeguarded from inappropriate alternative uses. The site is listed as a Core Economic Development Area (CEDA) and as a Strategic Industrial and Business Location (SIBL).
- 3.1.4 Strategic Policy 6 - Quality of Life and Health for Local Communities This provides a list of actions to support the quality of life and health of local communities. This includes the protection, management and enhancement of town centres as preferred locations for retailing and other community focused activities.
- 3.1.5 Strategic Policy 9 – Assessment of Development Proposals This identifies the criteria to be applied when assessing if a planning proposal accords with the Structure Plan. Proposals that fail to meet the criteria and regarded as a departure from the plan are assessed against the criteria within Strategic Policy 10 – Departures from the Structure Plan. Policy SP9A requires that retail proposals over 1000 square metres (convenience goods) be assessed against the criteria detailed in Schedule 6(C)(i). This covers the assessment of capacity; impact on town centres; accessibility and qualitative contribution.
- 3.1.6 Strategic Policy 10 – Departures from the Structure Plan This identifies the criteria to be used in the assessment of planning proposals that are departures from the Structure Plan.

3.2 Local Plan Status

- 3.2.1 In terms of the adopted South Lanarkshire Local Plan, the application site is affected by the following policies:

Policy STRAT1 – Regeneration Priorities Priority will be given to the regeneration of specific locations in the local plan area and this includes the area within the Clyde Gateway Metropolitan Flagship Initiative.

Policy STRAT8 – Development Framework Sites There are a number of important locations with potential for significant land use change and these include Clyde Gateway at Shawfield, Rutherglen and the Hoover Works/Bridge Street, Cambuslang. In respect of the Shawfield site development should provide quality business/industrial uses that exploit the area's potential connections to the M74 and the East End Regeneration Route. In relation to the Hoover site a mixed use development is acceptable, including residential and industry, and this could also include retail uses on that part of the site closest to Cambuslang town centre, provided that these uses support the role of the town centre as a local shopping centre and do not have an adverse impact on other town centres.

Policy STRAT10 – Developers' Contributions Where development proposals would require the implementation of capital or other works or facilities to enable the development to proceed, developer contributions will be required.

Policy COM3 – New Retail/Commercial Development Proposals for new retail/commercial development will be required to be assessed against a number of

criteria. Major development proposals should be accompanied by a retail assessment.

Policy ECON1 – Industrial Land Use Areas identified for industry will continue primarily in industrial use and the Council will direct new industrial development to them.

Policy ECON3 – Strategic Locations for Work and Business Within Strategic Industrial and Business Locations, proposals for business, industrial and storage and distribution are encouraged and the loss of land/premises to other non-industrial uses will be contrary to the development plan and assessed against Structure Plan policy.

Policy ECON4 – Industrial Land Supply The Council will seek to maintain a ten-year supply of marketable industrial land.

Policy ECON5 – Proposed Industrial Sites The Council will support development for industry and business for those sites identified on the Proposals Map.

Policy ECON7 – Strategic Office Developments Major office developments of more than 2000 square metres gross will be directed to the strategic business centres (SBC) of East Kilbride and Hamilton. Developments of this scale which cannot be accommodated within the SBCs and which fall within Class 4 (Business) may be acceptable in other locations subject to criteria and one of these is the Clyde Gateway.

Policy ECON9 – Tourism Development The Council will support proposals to develop and expand tourism in South Lanarkshire consistent with the objectives of the Local Plan and the Tourism Action Plan and the needs of the local area.

Policy TRA7A – New Roads Infrastructure The Council supports the completion of the M74 extension.

Policy ENV2 – Local Green Network The Council will seek to protect and support actions to enhance the Local Green Network. Opportunities for creating new links to the Network will be promoted by the Council as part of planning consents for new developments.

Policy ENV30 – New Development Design In assessing new developments, the Council will require well designed proposals which integrate successfully with their surroundings and are well related to existing development, public transport, local services and facilities.

Policy DM1 – Development Management All planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.

3.3 **Relevant Government Advice/Policy**

3.3.1 Of particular relevance are the following:

Scottish Planning Policy – This requires planning to promote and facilitate development, while protecting and enhancing the natural and built environment.

Careful attention to layout, design and construction should result in places where people want to be.

Scottish Planning Policy 2 – Economic Development – The planning system should recognise and respond positively to market requirements and other aspirations for the economy. It should also be sufficiently flexible to respond to new challenges and unpredicted demands.

Scottish Planning Policy 8 – Town Centres and Retailing – Sets out the Government's policy for town centres and the key uses, particularly retailing, which contribute to their economic growth and enhancement. The focus will be on establishing a mix of uses and activities in town centres, whilst recognising that town centres may not always be the best place to locate certain forms of retail and related development. The SPP also establishes the methods for considering development outside town centres and the factors to be considered where the development is not consistent with the development plan. An impact analysis should be undertaken in support of applications for retail and leisure development over 2,500 sq m gross floorspace outwith a defined town centre and which are not in accordance with the development plan.

Scottish Planning Policy 17 – Planning for Transport – States that the integration of land use and transport planning can play a positive role in supporting the Scottish Executive's transport delivery agenda. Land allocations and regeneration projects should be related to transport opportunities and constraints. Locating new development to maximise sustainable transport modes while constraining car parking will help to reduce dependence on car travel.

3.4 **Site History**

- 3.4.1 The application site has had a number of planning applications relating to the industrial nature of the area. This is the first planning application for this site of this nature.

4 **Consultations**

- 4.1 **Scottish Natural Heritage** – has no objection to the principle of development at this location. However, any development of the site should be undertaken with due regard for the existing natural heritage interests and the recommendations made in the Ecology Report submitted by the applicant should be met. In addition to this conditions should be applied to ensure a badger protection/working plan is submitted; a detailed landscaping scheme is submitted for the section of the site adjacent to the River Clyde; and the existing Right of Way along the riverbank remains available for public use both during and post construction.

Response: Noted. Appropriate conditions shall be imposed if planning permission is granted.

- 4.2 **Environmental Services** – has no objection to the proposed development so long as conditions/notes are imposed to control noise, ventilation, waste, dust, contamination, vibration, pest control and drainage.

Response: Noted. Appropriate conditions/notes shall be imposed if planning permission is granted.

- 4.3 **Glasgow City Council** – notes that the site is listed as a Core Economic Development Area and states that the proposed development requires to be assessed against the Glasgow and Clyde Valley Joint Structure Plan.

Response: Noted. This matter will be fully considered in the Assessment and Conclusion section of the report.

- 4.4 **SEPA** – has no objection to the proposed development on flood risk grounds and in terms of drainage has no objection to the development provided that Scottish Water's assessment of the site demonstrates that the existing sewerage system can accommodate flow from the development with no detriment to the current situation. If this is not the case a Development Impact Assessment (DIA) should be carried out.

Response: If planning permission is granted this would be progressed through the consideration of any reserved matters application lodged and appropriate planning conditions shall be imposed on this basis.

- 4.5 **Scottish Water** – has no objection to this planning application.

Response: Noted.

- 4.6 **Clyde Gateway** – has made the following comments:

- (a) **The existing business units within the site currently employ a significant number of people and Clyde Gateway seek clarification of the developer's strategy for safeguarding these jobs.**

Response: The applicant has indicated that the majority of the current tenancies within the site have been created on the understanding with the tenants that the existing site will be redeveloped. The applicant is in discussions with a number of the tenants regarding relocation into the new employment units which can be tailored to their needs.

- (b) **Consideration should be given to the provision of an additional two employment units as there appears to be available space adjacent to the proposed block at Duchess Place. These blocks should be conditioned to secure their use for Class 4, 5 and 6 purposes.**

Response: This space provides a landscape setting for the units within the site. The overall mix of development proposed and the need to accommodate its car parking/access requirements also has to be taken into account. This has led the applicant to submit this indicative layout. If planning permission is granted a condition shall nevertheless be imposed to ensure the employment units are used for Class 4, 5 and 6 purposes only.

- (c) **The provisional line to allow the possible upgrading of Downiebrae Road is supported and it is suggested that a financial contribution is sought from the developer towards the construction of the road and that provision is made to secure the land within the development site for the road.**

Response: The provisional line to allow the possible upgrading of Downiebrae Road shall be protected through an appropriate planning condition and section 75 agreement. A financial contribution of £100,000 would be provided by the applicant towards these works.

- (d) **It is likely that a traffic signaled junction is required on Cambuslang Road and that Duchess Place and the associated roundabout is constructed to an adoptable standard.**

Response: Roads and Transportation Services have been consulted and are satisfied that the planning conditions attached shall meet their requirements.

- (e) **Clyde Gateway is keen to encourage public access to the River Clyde and it is important to secure public access to the rear of the proposed employment units to the north of the application site.**

Response: The applicant has indicated that, if required, footpaths to the River Clyde can be formed and that this could be developed through the detailed design stage of the project. If planning permission is granted a suitable condition shall be imposed for footpath connections.

- (f) **Any commercial/retail development at this location should not impact negatively on Rutherglen Town Centre and it is assumed that the proposal is justified in the Retail Impact Assessment submitted.**

Response: A Retail Impact Assessment has been submitted by the applicant and this will be fully considered in the Assessment and Conclusions section of the report.

- (g) **Should planning consent be approved consideration should be given to imposing a local development clause to ensure that local companies are offered the opportunity to tender for the construction works.**

Response: whilst planning conditions cannot be used to secure this the applicant has confirmed in writing that if planning permission is approved local contractors will be interviewed.

- 4.7 **Regeneration Services** – job opportunities both in terms of take up of sites and ensuring that relocation requirements of any businesses can be accommodated should be maximised. Furthermore sufficient justification must be provided by the applicant to demonstrate that the proposal will not be detrimental to the health and viability of Rutherglen Town Centre.

Response: As indicated in response to point (a) in paragraph 4.6 above the applicant is seeking to accommodate these businesses. In terms of the proposal's retail impact on Rutherglen Town Centre this will be considered in the Assessment and Conclusion section of the report.

- 4.8 **M74 Completion Project** – initially recommended refusal of the application to protect the interests of the Scottish Ministers as the development site incorporates several areas of land acquired for the construction of the new M74 link. In addition the M74 Completion Team also stated that the access to the existing track which services the electricity transformer station for the Corus Steelworks and the drainage outfalls from the M74 works must be maintained; and it is likely that as a result of the additional traffic generated by the proposal the M74 road works currently underway may now be incompatible.

Response: The M74 Completion Team has now removed all their objection as the areas of land within the application site owned by the Scottish Ministers acquired to facilitate the M74 works will not be developed for the new road and it is the applicant's intention to reacquire these areas on completion of the M74. Access for maintenance of the transformer station and drainage to the M74 will be maintained and also to any other surrounding neighbours which may be affected by the works. In terms of any modifications required for the M74 works a Transportation Assessment has been submitted by the applicant that seeks to address this issue and this will be fully assessed within the consultation response to Roads and Transportation Services below.

- 4.9 **Roads and Transportation Services** – has no objection to the proposed development so long as the following works are implemented - the promotion and implementation of a Traffic Regulation Order to introduce waiting and loading restrictions on Cambuslang Road and on any roads serving the development, the potential stopping up of Baronald Street at Farme Cross, the safeguarding of the line of the Downiebrae Link Road where it links into the development, the provision of a two lane approach to Cambuslang Road from Duchess Place, alterations to the

signal layout at the junction - as proposed by the M74 Completion project (including the provision of a 3m wide shared footway/cycleway at the junction to serve the development) and alterations to the traffic signal equipment at Farme Cross.

Response: Noted. Appropriate conditions shall be imposed if planning permission is granted.

- 4.10 **Glasgow and Clyde Valley Joint Structure Plan Team** – states the proposal is of strategic significance and requires to be assessed against Strategic Policies 1, 5, 6, 9 and 10. It is considered to be contrary to criteria in Strategic Policy 9 and must be treated as a development plan departure and assessed against Strategic Policy 10.
Response: Noted. This matter will be fully considered in the Assessment and Conclusion section of the report.

- 4.11 **Scottish Power** – initially objected to the proposal on the grounds that there was insufficient information to clarify the impact the proposal may have on their infrastructure. However after discussions with the applicant Scottish Power are now satisfied their infrastructure can be protected.
Response: Noted.

- 4.12 **Glasgow and Clyde Valley Tourist Board** – no reply.
Response: Noted.

- 4.13 **Roads and Transportation Flood Prevention Unit** – has no objection to the proposed development subject to the imposition of appropriate conditions in respect of controlling drainage within the site.
Response: Noted. If planning permission is granted these requirements can be met.

- 4.14 **Strathclyde Passenger Transport** - no reply.
Response: Noted.

- 4.15 **Rutherglen Community Council** – has no objection to the proposed development.
Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local newspaper as being development potentially contrary to the development plan and as an application requiring advertisement due to the scale or nature of operations. Two letters of objection have been received. The grounds of objection are summarised below:

- (a) **Taywood Enterprise Centre lies immediately to the south west of the proposed development and is also accessed via Duchess Place. Duchess Place cannot support an increased volume of traffic. Accordingly, access to Taywood Enterprise Centre would be compromised by traffic coming from and queuing to join Cambuslang Road.**

Response: After consultation Roads and Transportation Services are satisfied that subject to conditions access and traffic flow to and from the proposal would be acceptable and would not be detrimental to road safety. If planning permission is granted appropriate conditions shall be imposed to meet Roads and Transportation requirements.

- (b) The proposed development is unlikely to meet the terms of Strategic Policy 9 of the Glasgow and Clyde Valley Joint Structure Plan, given it is an out-of-centre location and there are sequentially preferable sites available that could accommodate this scale of retail development. Furthermore the approved plan does not support the scale of development in this location in retail capacity terms. It is therefore likely to be considered a departure from the approved structure plan and as such would have to be considered against Strategic Policy 10.

Response: Noted. This matter will be fully considered in the Assessment and Conclusion section of the report.

- (c) The adopted local plan allocates the site under Policy IND1 – Industry and Business. The proposed development does not give any consideration to the loss of industrial and business land, given the alternative uses to Classes 4, 5 and 6 being promoted.

Response: Noted. This matter will be fully considered in the Assessment and Conclusion section of the report.

- (d) The adopted plan identifies the former Hoover Factory site in Cambuslang for a retail development. The application site is not in the adopted local plan and is an out-of-centre location that has to be promoted through a sequential analysis. The sequential analysis provided states that the Hoover site is too large for the applicant and that it is ruled out as a sequentially preferable location as there are issues with multiple ownership and delivery of the development. Forrest Developments control a large section of the Hoover site that can be delivered for the retail element of a mixed use proposal. There are presently no issues with ownership or delivery that would impede Forrest Developments in promoting their site.

Response: Noted. This matter will be fully considered in the Assessment and Conclusion section of the report.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks outline planning consent for a mixed use development comprising food and non-food bulk/sports retail (food – 33,000 sq ft and non-food 50,000 sq ft), restaurants (21,766 sq ft), employment (55,000 sq ft), hotel (71,345 sq ft) and cinema (35,920 sq ft). The applicant has indicated that the site is currently underutilised industrial and business land, not used to its full potential, and that given its location it is an opportunity to provide development that supports the M74 extension, the Clyde Gateway and the future Commonwealth Games. It is therefore a significant proposal which requires careful analysis.

- 6.2 The main determining issues in determining the application are as follows:

- (a) the proposals compliance with national, regional and local planning guidance;
- (b) the impact on industrial land supply;
- (c) the retail implications;
- (d) the traffic and road safety implications;
- (e) the proposal's compliance with the aspirations of Clyde Gateway.

- 6.3 **The proposals compliance with national, regional and local planning guidance**

6.3.1 In terms of **national** planning policy guidance the proposal requires to be assessed in relation to the new Scottish Planning Policy, SSP2 – Economic Development, SPP6 - Renewable Energy, SPP8 – Town Centres and Retailing and SPP17 – Planning for Transport. In respect of **regional** policy guidance the proposal requires to be assessed in relation to Strategic Policies 1, 5, 6, 9 and 10 of the Glasgow and Clyde Valley Joint Structure Plan and in respect of **local** planning policy guidance it requires to be assessed against, Policies STRAT1, STRAT8, STRAT10, COM3, ECON1, ECON3, ECON4, ECON5, ECON7, ECON9, TRA7A, ENV2, ENV30 and DM1 of the adopted South Lanarkshire Local Plan 2009. In order to avoid repetition it is considered that that this policy guidance would be best assessed while considering the other determining issues.

6.4 The impact on industrial land supply

6.4.1 In terms of national advice the new Scottish Planning Policy states that a properly functioning planning system is essential to achieving sustainable economic growth and SPP2 states that it should also be sufficiently flexible to respond to new challenges and unpredicted demands.

6.4.2 The application is for the erection of a mixed use development on a 7.03 ha site designated for industrial and business use in the adopted South Lanarkshire Local Plan. The site currently contains 3 marketable industrial sites and a number of existing industrial units. It is located within the Clyde Gateway project area and is also within the Cambuslang/Rutherglen core economic development area, as defined in the Structure Plan.

6.4.3 The application requires to be assessed against the Glasgow and Clyde Valley Joint Structure Plan. The main policy in terms of industry is Strategic Policy 5 – Competitive Economic Framework. This 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 are safeguarded from inappropriate alternative uses, i.e.

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

6.4.4 The 3 marketable industrial sites total 1.7 ha, and form part of the 10 year marketable land supply. Development of this site for a use other than Class 4, 5 or 6 would therefore be contrary to Strategic Policy 5. However the application is for mixed use which includes 2 blocks of 'employment units' totalling 55,000 sq ft. The location/scale of these units roughly corresponds with the location of 2 of the existing marketable industrial sites. The employment units would therefore accord with Structure Plan policy as they would be restricted to class 4, 5 or 6 uses. However the remainder of the uses proposed would not.

6.4.5 The application also requires to be assessed against Strategic Policy 9 which identifies the criteria which should be applied in the assessment of any planning proposal in order to determine if it accords with the Structure Plan.

6.4.6 In terms of the industrial and business element of the proposal Strategic Policy 9A relates to the need for the development in terms of the relevant demand assessment. Criteria 9A(i) identifies the need for a ten year marketable land supply for industrial and business development. The 2008 industrial land audit identified a marketable

industrial and business land supply of 54.23 ha in Cambuslang/Rutherglen. Over the last 5 years, take up has averaged 1.8 ha per annum. This represents a 30 year land supply. This considerably exceeds the 10 year supply required by the Structure Plan. The land supply in the area is likely to further increase as opportunities in Shawfield come forward as part of the Clyde Gateway initiative. It is therefore considered that the removal of industrial use from part of the application site would not have a significant impact on the overall industrial land supply for the area, particularly as part of the site will be occupied by new updated employment units.

6.4.7 Strategic Policy 9B relates to the location of the development. The criteria in Strategic Policy 9B which are relevant to this proposal are:

9B i) – ‘safeguard and avoid the displacement of investment from the development locations identified in Strategic Policies 1, 5, 6 and 8’.

Response: As elements of the mixed use proposal do not fall within classes 4, 5 or 6 and are contrary to Strategic Policy 5, the proposal is also contrary to Strategic Policy 9B i). However, it is considered there are limited locations capable of accommodating a proposal of this scale that combines the range and mix of uses being proposed. There is currently no apparent town centre or edge of centre sites in the locality that could accommodate development of this size and the activities proposed would involve significant vehicular movement as well as generate noise and other nuisance that would be inappropriate in a residential area.

9B ii) – ‘Promote urban regeneration by giving preference to the use of brownfield urban land rather than greenfield land or open space.’

Response: The site includes 3 long term Scottish Vacant and Derelict Land Survey sites that would be regenerated through this proposal and does not affect greenfield or open space sites.

6.4.8 In terms of the adopted South Lanarkshire Local Plan the site is identified for industry under Policy ECON1 and whilst this policy states that areas identified for industry will continue primarily in industrial use it does not state these areas must be used exclusively for this use and other uses may be appropriate. However as the site is a Strategic Industrial and Business Location it is also affected by Policy ECON3 and as detailed above the proposal therefore has to be assessed against Structure Plan policy and is considered to be contrary to Strategic Policy 5 and 9.

6.4.9 In respect of the remaining relevant Land for Work and Business Policies of the local plan (ECON4 – Industrial Land Supply, ECON5 – Proposed Industrial Sites, ECON7 – Strategic Office Developments and ECON9 – Tourism Development) as stated above the proposed development would not affect the minimum 10 year requirement for a marketable industrial and business land supply, would still provide a significant amount of Class 4, 5 and 6 use within the proposal (55,000 sq ft) and would provide restaurants, hotel and a cinema complex, without conflicting with the criteria set out in ECON7. On this basis the proposed development is not considered contrary to these policies.

6.5 The retail implications

6.5.1 SPP8 sets out the methods for treating proposals for development outside town centres; and states that where the proposed development is not consistent with the development plan it must meet a specific set of criteria contained within SPP8. Furthermore SPP8 states that a Retail Impact Analysis is required in support of applications for retail and leisure developments over 2,500 sq m gross floor space outwith a defined town centre and which are not in accordance with the development plan.

6.5.2 This planning application is for an out-of-centre development which is not in accordance with the development plan and the applicant has submitted a Retail Impact Assessment in support of the proposal. The retail assessment has been undertaken for the proposed development of Class 1 (food retail) floorspace 3065 sqm (gross), 1951 sqm (net sales) and Class 1 (non-food retail) floorspace 4645 sqm (gross), 3484 sqm (net sales).

6.5.3 In assessment of the criteria within SPP8 the following comments can be made:

- **A sequential approach to site selection has been used**

Response: The applicant has demonstrated that a sequential approach to the site has been used. This has placed emphasis on three primary indicators, availability, suitability and viability. Three sites were identified as potentially sequential sites and these included the Hoover Factory site, Cambuslang, the former Savoy Bingo Hall, Cambuslang and the Monogram Factory site, Rutherglen.

In assessment:

Hoover Factory site - although located on the edge of Cambuslang town centre and of a scale suitable for the type of uses proposed it is a large site (circa 23 ha) and is much larger than the size of site required for the proposed development (circa 7 ha). Furthermore within the adopted South Lanarkshire Local Plan the site is identified for a mix of uses unsuitable to the applicant. There is a requirement for 5.3 ha of industrial/business land and 250 – 300 dwellinghouses. In addition to this there is believed to be multiple ownership issues over the entire site that limits its availability and therefore its ability to be brought forward for a comprehensive development within the next five years; as required by the site's designation as a Development Framework opportunity and so subject to a requirement for an overall Masterplan describing the proposal and its delivery.

Savoy Bingo hall – is located within Cambuslang town centre and consideration was given to its use for the provision of the cinema element of the proposal. However it was not considered that there would be sufficient nearby parking for this use and it would be unlikely to be viable for modern operators. In addition it is understood that the site has been purchased by JD Wetherspoon and is no longer available. However it is also stated that notwithstanding these circumstances it is considered that the proposed cinema makes a significant contribution towards the mix of uses proposed for the Cambuslang Road development and cannot be removed without affecting it.

Monogram Factory site – is located to the north of Rutherglen town centre. The site has approval for residential development and at 2.4 ha is too small for the scale of proposal at Cambuslang Road. It is deemed therefore to be a non-preferable sequential site as it is not suitable for the current proposal and is neither available nor viable as a development opportunity.

On this basis it is considered that the application site is the most sequentially preferable site in terms of suitability, availability and viability.

- **There is no unacceptable individual or cumulative impact on the vitality and viability of the network centres identified in the development plan**

Response: The RIA submitted by the applicant also carried out a qualitative and quantitative assessment of the proposal's impact on the existing town and local

centres in the area. The capacity assessment identified an existing turnover of £292m within the defined catchment area. The total available expenditure as at 2008 is £229.2m and by 2012 is projected to be £238.5m. The capacity results identified overtrading in the defined catchment area. Notwithstanding this the assessment identifies that: (i) there is scope for further convenience and comparison floorspace in the prescribed catchment; (ii) there is a level of expenditure estimated to be leaking beyond the identified catchment area, to other competing centres. Consequently the proposal will reduce the current levels of expenditure leakage outside the catchment and encourage greater retention of local spend. There is not likely, therefore, to be a significant impact on any individual existing retailers or centres within the catchment area; and the proposal will help increase the quality and range of convenience and comparison floorspace within the catchment.

- **The proposal will help to meet qualitative and quantitative deficiencies identified in the development plan**

Response: The application site is not identified within the development plan for the type of mixed use development proposed. This however is a development that provides an opportunity for a particular mix of uses to be provided that taken together can exploit the site's location, its position within Clyde Gateway and its proximity to the Commonwealth Games developments.

- **The proposal does not conflict with other significant objectives of the development plan or community planning strategies**

Response: It is not considered that the proposed development would conflict with other significant objectives. This is examined throughout the remainder of the report.

6.5.4 The application also requires to be assessed against the Glasgow and Clyde Valley Joint Structure Plan. The proposal therefore requires to be assessed against Strategic Policy 6 – Quality of Life and Health for Local Communities. Strategic Policy 6(c) requires the protection, management and enhancement of Town Centres as the preferred locations for retailing and other community focused activities. Rutherglen is identified as a town centre to be safeguarded. On this basis the proposed development requires to be considered in relation to Schedule 6 (c)(i) – Assessment of Significant Retail Development Proposals and Schedule 6(c)(iv) – Additional Retailing Opportunities. It is not considered to fully comply with these Schedules. This can be examined further within the relevant criteria in Strategic Policy 9 below.

6.5.5 In terms of assessment against Strategic Policy 9, criteria 9A(iv) relates to the criteria set out in both Schedule 6(c)(i) - Assessment of Significant Retail Proposals and the requirements identified in Schedule 6(c)(iv) - Additional Retailing Opportunities. The proposals for the retail element do not fully comply with the criteria in Schedule 6(c)(i), particularly with regard to the expenditure compared to turnover in the catchment area. However the proposed retail element would introduce a new retail offer that, having considered its nature and scale, would not compete with the existing products/offer in Rutherglen but rather complement it. The retail impact assessment prepared by the applicant also provides a sequential assessment together with a qualitative and quantitative assessment. This demonstrates that the proposal will not impact upon the vitality and viability of existing centres or individual retail stores. The sequential approach identifies the proposed site as the preferred location which although out-of-centre is linked to the existing walking and cycling network, and is well served by public transport. Schedule 6(c)(iv) – Additional Retailing Opportunities is also not fully complied with as it does not identify additional

comparison floorspace opportunities within Rutherglen. However the Retail Assessment demonstrates there is a shortfall in comparison expenditure for the catchment and in terms of comparison bulky goods provision it is expected that much of the trade to the proposed development will be generated from beyond the catchment as the nature of the development being provided is not paralleled elsewhere in the catchment.

6.5.6 In terms of the criteria in Strategic Policy 9B which are relevant to the retail implications of the proposal they are:

9B iii) b) – ‘safeguard and promote the vitality and viability of town centres identified in schedule 1 (a) by taking a sequential approach to proposals for retail, office (class 2), cultural and leisure development as set out in schedule 6 (c) (ii).

Response: The sequential approach to retailing and other town centre uses must be applied. The Retail Assessment submitted by the applicant provides a sequential test which identifies that none of the potential sites are viable to accommodate a mixed use development of this scale and within the required timeframe.

6.5.7 In terms of the adopted South Lanarkshire Local Plan the retail implications of the proposal require to be assessed in relation to Policy STRAT8 – Development Framework Sites and COM3 – New Retail/Commercial Development.

6.5.8 In terms of Policy STRAT8 the proposal will indirectly support the development of the Shawfield site as the Downiebrae Link Road would be safeguarded within the proposed scheme. This would improve potential connections to the M74 and the East End Regeneration Route. In relation to the Hoover site it is considered that the application site is the most sequentially preferable in the catchment for this mix of developments. However, having considered the scale, nature & impact of the development, there would remain scope for an appropriate retail provision on the Hoover site, as part of the larger, more comprehensive redevelopment package described for it in the Local Plan.

6.5.9 In terms of the representation received in relation to the delivery of the Hoover site it is noted that Forrest Developments have control over a section of the site which could provide the retail element of a mixed use proposal. Whilst it is considered that a retail element could still be brought forward with the approval of this planning application, a masterplan still has to be put forward for the development of the entire Hoover site - as required in the adopted local plan, in order to avoid its piecemeal development. This is to ensure that the new land uses proposed would fit together satisfactorily and properly link with surrounding land uses.

6.5.10 In assessment of Policy COM3 the relevant criteria are that:

a. **the sequential approach as set out in Scottish Planning Policy 8 - Town Centres and Retailing is considered – .**

Response: This has been demonstrated within the Retail Impact Assessment submitted.

b. **the vitality and viability of town centres identified by COM1 and/or village/neighbourhood centres identified by COM6 is not undermined.**

Response: I consider that this has been demonstrated within the Retail Impact Assessment submitted.

c. **the development can be supported by the area’s catchment population.**

Response: This has not been demonstrated within the Retail Impact Assessment submitted, but for the reasons detailed in paragraph 6.5.5 above and as the proposal secures redevelopment of three long term derelict land sites, exploits the locational advantages of a site immediately adjacent to Junction 2 of the M74, and presents an opportunity for significant employment creation, a development that would otherwise be contrary to aspects of the local plan can be justified.

- d. **the development complements regeneration strategies for the area.**

Response: This will be fully considered in paragraph 6.7 below.

- e. **It promotes sustainable development by:**

- i. **taking account of the development location and accessibility**

Response: The application site offers particular locational advantages as it is adjacent to Junction 2 of the new M74 link and would be accessible by foot, cycle and public transport.

- ii. **minimising environmental and traffic impact**

Response: The Ecology Report submitted by the applicant has indicated that the site is of low ecological value and any environmental impact can be effectively mitigated. On this basis the proposed development is also considered to be in accordance with Policy ENV2 – Local Green Network of the adopted local plan. In terms of traffic impact this will be fully assessed within paragraph 6.6 below.

- iii. **promoting design quality**

Response: The Design Statement submitted by the applicant has provided satisfactory evidence to demonstrate that a high quality and well designed environment can be formed which would create a sustainable place, with character and identity, which would respect ecology and provide an asset to the area both during and beyond the forthcoming Commonwealth Games. Again on this basis the proposed development is also considered to be in accordance with Policies ENV30 – New Development Design and DM1 – Development Management of the adopted local plan.

- iv. **taking account of drainage and service infrastructure implications**

Response: After consultation no objections have been received from any of the drainage bodies or statutory undertakers.

On the above basis it is also considered that the proposed development would not be contrary to SPP6 – Renewable Energy.

6.6 The traffic and road safety implications

6.6.1 In terms of national advice SPP17 – Planning for Transport states that land allocations and regeneration projects should be related to transport opportunities and constraints. Again as stated earlier the application site has locational advantages compared to other sites as it is located adjacent to Junction 2 of the new M74 link and can be integrated with existing pedestrian, cycle and public transport links.

6.6.2 With regard to the proposal's traffic implications in relation to the Glasgow and Clyde Valley Joint Structure Plan. The proposed development requires to be assessed in relation to Strategic Policy 9. The criteria relevant to this aspect is:

9B vi) a) and b) – ‘promote sustainable transport by a) the application of the Hierarchy of Accessibility as set out in Schedule 3 (a)(i), and; b) the application of criteria for sustainable locational choices as set out in Schedule 3(a)(ii).

Response: With regard to 9B vi), the proposed development is located out of centre. In terms of the hierarchy of accessibility it would be accessible by foot, cycle and public transport. Schedule 3 (a) (ii) sets out locational preferences to be applied in the assessment of development proposals and requires that shopping, leisure, office and other town centre uses should be sited where there is a choice of transport and should not be dependent on access predominantly by car. The application site is located on a main bus corridor and is accessible by foot and cycle.

- 6.6.3 Strategic Policy 9C relates to the provision by the developer of appropriate infrastructure/mitigation measures. The applicant has submitted a number of supporting documents and these are documented in paragraph 2.8 above. These indicate that the relevant infrastructure issues applicable to the site have been assessed and that where required suitable mitigation measures can be implemented.
- 6.6.4 In terms of the adopted South Lanarkshire Local Plan Policies STRAT10 – Developers’ Contributions and TRA7A – New Roads Infrastructure are applicable. The applicant will contribute £100,000 towards the formation of the proposed link for the Downiebrae Road upgrade and the land within the site required for the route will be reserved. The proposed development therefore takes cognisance of the plans for the new M74 link and supports the new Downiebrae Road upgrade. The proposed development is considered to be in accordance with these policies.
- 6.6.5 The Transport Assessment submitted by the applicant has been fully assessed by Roads and Transportation Services. A number of road works will be required to service this proposal and these are detailed in paragraph 4.9 above.

6.7 Compliance with the aspirations of Clyde Gateway

- 6.7.1 Clyde Gateway aims to deliver a number of outcomes and these include the remediation of 350 hectares of derelict and contaminated land, provision of 400,000 sq m of employment space and the creation of 21,000 jobs. The application site is located within the Clyde Gateway project area and is identified within one of their key areas of priority.
- 6.7.2 Strategic Policy 1 of the Glasgow and Clyde Valley Joint Structure Plan supports this objective and identifies that this site is within one of the areas of priority for investment to maximise urban renewal. The Clyde Gateway Area has been identified as a Metropolitan Flagship Initiative under Schedule 1(b) with potential for major development projects of strategic significance and is listed under Strategic Policy 5 as a Strategic Industrial and Business Location and as a Core Economic Development Area.
- 6.7.3 In relation to the adopted South Lanarkshire Local Plan as the site is within the Clyde Gateway Metropolitan Flagship Initiative, Policy STRAT1 – Regeneration Priorities is applicable and priority will be given to regeneration in this area.
- 6.7.4 The focus of the Clyde Gateway initiative is to restructure the urban area and create a new focus of economic development based on its key position in the transport network. It is considered that the current application for a mixed use development would make a significant contribution towards the objectives of the Clyde Gateway initiative. This is a reflection of its particular locational advantages, adjacent to Junction 2 of the M74, and the opportunity it presents for a significant economic development based around a scheme that combines a range and mix of uses that generate economic activity, employment and an opportunity to transform this area’s character, image and appearance.

- 6.7.5 In terms of the potential employment that could be created, it has been calculated that 490 -730 jobs could be generated based upon the gross floor areas for the scheme. An element of existing employment would be retained within the new employment units or displaced locally, and the applicants have previously provided confirmation that they are already in discussion with existing tenants regarding relocation into bespoke employment units created through the proposal. It is also considered that in light of the advantages brought by both the M74 extension and the forthcoming Commonwealth Games, the overall dynamics of the Gateway area are evolving such that the proposal would make a substantial contribution towards its wider goals, albeit there are uses proposed other than just industry and business. Nevertheless, these goals can be pursued by creating a wide and varied mix of quality employment opportunities, bringing benefits relative to social inclusion, regenerative land use and associated sustainability advantages including improved transport linkages. Moreover the proposal would further build on the aspirations of Clyde Gateway by providing a vibrant public destination and an associated architectural landmark that could provide a lasting legacy for the area leading up to and beyond the Commonwealth Games.
- 6.8 However taking account of the above assessment, the application is considered to be contrary to Strategic Policies 5 and 6 of the Glasgow and Clyde Valley Joint Structure Plan and Strategic Policy 9. It therefore must be assessed against Strategic Policy 10 – Departures from the Structure Plan.
- 6.9 Strategic Policy 10A relates to the need for the development in relation to supply and demand estimates. Strategic Policy 10A(ii) relates first to industrial and business land supply. As noted above, the development will remove 1.7 hectares from the marketable supply in Cambuslang/Rutherglen. However, as noted there is currently a 30 year marketable land supply for the Cambuslang/Rutherglen area. Removal of this site would reduce the supply to 29 years. This is still in excess of the minimum 10 year requirement, and, as noted above, new opportunities in the Shawfield area are coming forward via the Clyde Gateway project. In addition the application includes the development of 'employment units' which could replace some of the land which would be lost. In these circumstances the Council considers that the loss of this land from the industrial land supply can be justified and is acceptable.
- 6.10 Strategic Policy 10A(ii) also relates to supply of land for retail development within the appropriate Retail Catchment Area. The land is designated Industrial and Business Use in the adopted South Lanarkshire Local Plan and there is no additional retail floorspace requirement identified for Rutherglen in the Structure Plan. The proposed mixed use development which includes retail (comparison and convenience) is accompanied by a RIA which I consider has demonstrated the proposal is the most sequentially preferable site, would not affect the viability or vitality of existing town and local centres and would complement the existing retail offer in the Rutherglen area and not compete. Furthermore it can be part of the wider regeneration of the area on a site at the edge of the M74 extension and close to Rutherglen Town Centre. Investment of this scale and with this important mix of complementary uses provides the opportunity to stimulate economic activity in the Rutherglen area. I believe that taken account of the site's location, the potential benefits for the Gateway and the opportunity it affords to provide a landmark development and focus for the area then the development would be acceptable.
- 6.11 Strategic Policy 10A(v) relates to specific locational need. It is not apparent that there is a specific locational need in relation to this type of development. However there are distinct advantages associated with the site's location on a new motorway

junction, within the Gateway urban renewal priority area and close to Commonwealth Games sites. It is considered that these special circumstances can help justify a development that is otherwise contrary to policy.

- 6.12 Strategic Policy 10B relates to economic, social and environmental benefits. With regard to economic benefits under Strategic Policy 10B(i), proposals can 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 in the Structure Plan area. This is a major application that has the potential to create between 490-730 jobs at an accessible location in a Metropolitan flagship project area. It is therefore considered that the proposal can be justified against Strategic Policy 10B(i).
- 6.13 With regard to social benefits under Strategic Policy 10B(ii), Cambuslang/Rutherglen is an urban renewal priority area identified in Structure Plan Schedule 1(b). This proposal will remove 3 long term derelict land sites and create employment opportunities in a priority area and it is therefore considered that the proposal can be justified against Strategic Policy 10B(ii).
- 6.14 With regard to environmental benefits under Strategic Policy 10B(iii) the proposal does not directly involve any strategic environmental resources identified in Structure Plan Schedule 7 and the applicant has demonstrated within the Ecology Report submitted that the site is of low ecological value and any impacts can be effectively mitigated.
- 6.15 In terms of the representations received in relation to this planning application it is acknowledged that the policy issues raised in the objections are valid and relevant to the assessment of the application and these matters have therefore been fully considered. However I am of the view that for the reasons detailed in paragraph 6.17 below the proposed development is acceptable even though it does not wholly conform to the Development Plan.
- 6.16 None of the consultees have raised other issues of significant concern and those that they have raised; in relation to access, parking, drainage, ground conditions and ecology etc. can be adequately and satisfactorily addressed by appropriate conditions.
- 6.17 It is clear that having regard to the above this application does represent a departure from the terms of the Development Plan. It is a development totaling 267,031 sq ft and one which will introduce uses to the site that do not accord with its status in the Plan. Nevertheless the combination and mix of uses proposed are ones which will potentially secure a scheme that will be of benefit to the wider area and can act as a catalyst for the future development of this area and the Clyde Gateway. The developer has affirmed that he will be committed to providing the full mix of uses described and planning conditions will be imposed that demand the industrial units must be provided in two stages. The first half prior to the food retail unit being able to open the second prior to the remaining non food retail unit being able to open. This is to ensure that the overall development package being proposed is delivered on the site. Taking account of the scale, nature and location of the proposal and the significant regeneration benefits that this scheme offers, as a comprehensive package for the development of a high profile site immediately adjacent to a new motorway junction, I am satisfied that whilst this is a departure from the plan it is not one which will strike at the vision or wider spatial strategy of the plan.

6.18 Nevertheless, the proposal in terms of strategic or local planning policy does not fully accord with the provisions of the development plan. However I am of the view that whilst the proposal is of strategic significance it is not significantly contrary to the development plan and that a departure from the development plan can therefore be justified for the following reasons:

- The industrial/business and tourism/leisure elements of the proposal are supportive of the adopted local plan and the aims of the Clyde Gateway Initiative and these aspects are significant elements of the overall development;
- The proposed development would not affect the 10 year marketable industrial and business land supply required for the area;
- The proposal would remove three long term derelict land sites and create significant employment opportunities in a priority urban renewal area;
- Although the retail element of the proposal does not accord with aspects of the development plan, on balance, I am of the view that in planning terms the significant benefits of regeneration and renewal on this occasion outweigh, and justify, a departure from the retail provisions of the development plan;
- The Retail Impact Assessment has indicated that the proposal is sequentially preferable, that it would not affect the viability or vitality of existing town and local centres and that it would complement the existing retail offer in the Rutherglen area;
- The retail element of the proposed development would not in itself prejudice proposals for the Hoover Factory Development Framework Site identified in Policy STRAT8 of the adopted South Lanarkshire Local Plan;
- The proposal reflects the thrust and spirit of Scottish Planning Policy, SPP2 and SPP17 and does not raise significant conflict with the terms of SPP8;
- The proposal would result in the regeneration of a significant site within a nationally important project area with particular locational advantages of proximity to the new M74 link and the gateway into both the town and Council area.
- The site would be a significant attraction within the area and would also be well placed to provide service to the nearby Commonwealth Games sites;
- The proposed development would safeguard the link for the proposed Downiebrae Road upgrade;
- The local road network can accommodate the development
- The site is well served by public transport and there are pedestrian and cycle links

In view of the above, and taking account of the particular and unique characteristics of the proposed development, I recommend that planning permission be granted.

7.1 As set out in paragraph 6.17 above.

Colin McDowall
Executive Director (Enterprise Resources)

18 August 2009

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Roads and Transportation Services	05/02/2009 25/02/2009 7/08/2009
S.E.P.A. (West Region)	30/01/2009
Environmental Services	29/12/2008
Scottish Natural Heritage	20/01/09
Rutherglen Community Council	12/03/2009
Glasgow & Clyde Valley Structure Plan Joint Committee	01/06/2009
Glasgow City Council	28/01/2009
Clyde Gateway	29/05/2009
Scottish Water	24/04/2009
Regeneration Services	15/01/2009
M74 Completion Team	10/02/2009 5/05/2009
Flood Prevention Unit	15/01/2009
Scottish Power	19/12/2008 13/01/2009 7/01/2009 2/02/2009

- ▶ Representations

Representation from : James Barr, 226 West George Street

Glasgow G2 2LN, DATED 08/01/2009

Representation from : GVA Grimley, 206 St Vincent Street
Glasgow G2 5SG, DATED 22/04/2009

Contact for Further Information

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

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CONDITIONS

- 1 Before development commences, further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
 - (a) a site layout plan at a scale of 1:500 showing the position of all buildings, roads, footpaths, parking areas (distinguishing where appropriate between private and public spaces), walls, fences, landscaping and open space. This layout shall provide footpath connection(s) to the River Clyde;
 - (b) plans and elevations of each building and structure showing their dimensions and type and colour of materials;
 - (c) a landscaping plan at a scale of 1:500 showing the location, species and ground spread of existing and proposed trees, shrubs and hedges. This will include a detailed scheme for the treatment of the ground adjacent to the River Clyde and shall allow for the incorporation of the existing Right of Way within any scheme. The Right of Way shall remain available for public use both during and post construction unless written consent is received from the Council as Planning Authority;
 - (d) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
 - (e) detailed cross-sections of existing and finished ground levels and finished floor levels, in relation to a fixed datum, preferably ordnance datum;
 - (f) details of all drainage system(s).
 - (g) a Design and Access Statement which sets out the design principles, justifying the design solution, showing how the proposal responds to the wider context of the area as well as the characteristics of the site and how issues relating to access to the development for disabled people have been dealt with.
- 2 Planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.
- 3 The application(s) for these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:
 - (a) expiry of 3 years from when permission in principle was granted
 - (b) expiry of 6 months from date when an earlier application for approval was refused, and
 - (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.Approval of the further specified matters can be made for -
 - (i) different matters, and
 - (ii) different parts of the development
- 4 That the recommendations of the Ecology Report by JDC Ecology in December 2008 shall be addressed to the satisfaction of the Council as Planning Authority and that any further mitigation required as a result shall be carried out to the satisfaction of the Council as Planning Authority.
- 5 That notwithstanding the terms of condition 4 above and prior to work commencing on site a badger protection/working plan detailing how the works shall be undertaken with respect to the presence of badgers shall be submitted to and

approved in writing by the Council as Planning Authority.

- 6 That notwithstanding the generalities of condition 1 above, details of the storage of waste arising from the commercial activity shall be submitted to and approved in writing by the Council as Planning Authority. The agreed details shall be in place prior to the development being brought into use.
- 7 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
 - (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

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

(c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.
- 8 That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.
- 9 That prior to any work starting on site, a Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority (and the Scottish Executive as Trunk Roads Authority).
- 10 That the further application required under the terms of Condition 1 above, shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- 11 Prior to the commencement of development on site, an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO₂ emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and

approved in writing by the Council as Planning Authority. The statement shall include:

- a) the total predicted energy requirements and CO2 emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO2 standard;
- b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
- c) an indication of the location and design of the on-site energy technologies; and
- d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

- 12 The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.
- 13 That the employment units hereby approved shall be restricted to Classes 4, 5 and 6 of the 1997 Use Classes (Scotland) Order.
- 14 That the restaurant/coffee shop units hereby approved shall be restricted to Class 3 of the 1997 Use Classes (Scotland) Order.
- 15 That the area hatched YELLOW on the approved plans shall be reserved for a period of ten years from the date of this consent for the road link for the Downiebrae Road upgrade
- 16 That vehicular access shall be retained from the site to the maintenance track for the electricity transformer station and to drainage for the new M74 extension to the satisfaction of the Council as Planning Authority.
- 17 That prior to the food retail unit, hotel and cinema hereby approved being opened to the public, all of the following work shall be completed to the satisfaction of the Council as Roads and Planning Authority, namely:
 - (a) the promotion of a Traffic Regulation Order for waiting and loading restrictions on Cambuslang Road and on any roads serving the development;
 - (b) alterations to Duchess Place to provide a two lane approach to Cambuslang Road;
 - (c) alterations to the signal layout at the junction for the new M74 extension;
 - (d) the provision of a 3 metre wide shared footway/cycleway at this junction;
 - (e) the provision of a minimum of 808 car parking spaces;
 - (f) alterations to the traffic signal equipment at Farme Cross.Details for the above requirements shall be submitted for the written approval of the Council as Roads and Planning Authority prior to the commencement of work on site
- 18 That prior to work commencing on the erection of the food retail unit, hotel and cinema the statutory procedures covering the introduction of revised or new Traffic Regulation Orders to promote waiting and loading restrictions along Cambuslang Road and on any roads serving the development, including the potential stopping

up of Baronald Street at Farme Cross, shall be initiated, the design of which shall be agreed by the Council and implemented at the developer's expense following the satisfactory completion of the aforesaid statutory procedures and in any event if approved no later than the opening of the food retail unit, hotel and cinema to the public unless otherwise agreed in writing.

- 19 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.
- 20 That the Class 1 (food retail) shall not exceed 3065 sq. metres gross floor area (33,000 sq. ft), 1951 sqm net sales floor area (21,000 sq. ft).
- 21 That the Class 1 (non-food retail) shall not exceed 4645 sqm gross floor area (50,000 sq. ft), 3484 sqm net sales floor area (37,500 sq. ft).
- 22 That the Class 1 (non-food retail) shall not exceed a maximum of two units each at 2323 sqm gross floor area (25,000 sq. ft), 1742 sqm net sales floor area (18,750 sq. ft).
- 23 There shall be no subdivision of the Class 1 (non-food retail) units from 2323 sqm (25,000 sq. ft) and the units cannot be used for the sale of food.
- 24 That notwithstanding the proposed provision in the Planning etc. (Scotland) Act 2006 and for the avoidance of doubt any mezzanine floor will require planning permission.
- 25 That prior to development commencing on site, detailed proposals (including timescales) for the provision of a scheme of public art features at prominent locations within the site shall be submitted to and approved by the Council as Planning Authority and the approved scheme shall be implemented within 6 months of the opening of the food retail unit, hotel and cinema.
- 26 That notwithstanding the terms of condition 1(d) above that prior to the occupation of the food retail unit, hotel and cinema at least 50% of the floorspace of the employment units shall be completed to the satisfaction of the Council as Planning Authority.
- 27 That notwithstanding the terms of condition 1(d) above that prior to the occupation of the non-food retail unit(s), the remaining 50% or less of the floorspace of the employment units shall be completed to the satisfaction of the Council as Planning Authority.
- 28 This decision relates to drawing numbers:

REASONS

- 1 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997.
- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997.
- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997.

- 4 To protect ecology
- 5 To protect badgers.
- 6 To minimise nuisance, littering and pest problems to nearby occupants.
- 7 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 8 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.
- 9 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 10 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.
- 11 To secure a reduction in carbon dioxide emissions.
- 12 To secure the timeous implementation of on-site zero and low carbon energy technologies.
- 13 To safeguard the industrial and business land supply within the area.
- 14 To ensure the protection of the existing retail provision within the area.
- 15 In the interest of road safety
- 16 To ensure the protection and maintenance of this infrastructure.
- 17 In the interests of road safety and in order to retain effective planning control.
- 18 In the interest of road safety
- 19 In order to retain effective planning control
- 20 To accord with the information provided in support of the application and in order to retain effective planning control.
- 21 To accord with the information provided in support of the application and in order to retain effective planning control.
- 22 To accord with the information provided in support of the application and in order to retain effective planning control.
- 23 To accord with the information provided in support of the application and in order to retain effective planning control.
- 24 In the interests of the visual amenity of the area.
- 25 To accord with the information provided in support of the application and in order to retain effective planning control.
- 26 To accord with the information provided in support of the application and in order to retain effective planning control.
- 27 To accord with the information provided in support of the application and in order to retain effective planning control.
- 28 For the avoidance of doubt and to specify the drawings upon which the decision was made.

For information only

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