

Scottish Government Directorate  
For Planning and Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Callendar Road  
FALKIRK, FK1 1XR

Your Ref: PPA-200-2008  
Our Ref: 04/1030

14 September 2010

**Fao Scott Mackenzie**

Dear Sirs

**Proposed Redevelopment of Existing Retail Store to Form New  
Retail Store at 7 Gavin's Mill Road, Milngavie, G62 6NB  
Appeal Against Refusal of Planning Permission**

We refer to your letter of 31 August 2010 enclosing further submissions by LUC and WLM in respect of the above appeal as well as other third party submissions. Our response is as follows.

**Response to LUC**

It is noted that the LUC report is entitled 'Preliminary Appraisal of Townscape and Visual Impacts'. In paragraph 1.6 it states that the Tesco application was not the subject of an EIA and '*as a result many of the potential impacts of the development were not assessed or were not addressed in detail within the application's supporting documentation*'. This accusation is refuted. LUC do not go on to explain the lack of information submitted or issues not assessed. In fact the LUC report mainly consists only of a preliminary townscape and visual impact appraisal. LUC then proceed to undertake a subjective assessment of visual impact from selected view points. The choice of views is not explained or justified.

The location of viewpoints that LUC have adopted are subjective and they would be better established by following appropriate guidelines set out for a Landscape and Visual Impact Assessment which are recognised practice. The LUC report is therefore a largely subjective report on behalf of an objecting party. Tesco do not refute the fact that the building will represent change to the site and that certain view points will be altered as a result. However, LUC have not considered the new view points from within the redeveloped Tesco site that would be created as a result of the development of the high level walkways and raised floor level of the building. In simple terms the views from Woodburn Way which is an exposed dual carriageway footway will be replaced by views to the south from the centre of the site in front of the new store and from walkways to be

created as well as from within the store itself. The existing Tesco store will be demolished and replaced by a two level, light weight car park structure which will allow enhanced views south to Lennox Park. LUC have not considered this aspect of the revised townscape and have only concentrated on the views towards the new store. In the selected views A to F these also indicate the minimal visual impact the proposed development will have from these chosen view points.

The summary of the LUC report states that the proposed store will redefine the south east edge of Woodburn Way. This is accepted. LUC state that the development will remove an existing tree belt and close views from the town centre to the lower Allander Water valley. In response it should be noted that the tree belt could be removed now as the trees are unprotected and are in Tesco's ownership. The views towards the Allander Water valley will be altered as they will be replaced with new views from within the redeveloped site. The views will change from various points, but views will not be lost.

LUC then state that the perception of a wooded valley will be removed. This is not the case as LUC only concentrate on one viewpoint which is from the current Woodburn Way. The wooded Allander Valley will not be altered. Different views will be created.

The third summary point in 3.58 is an obvious statement as it is agreed that the proposed store will be viewed from Woodburn Way. The store designer has not sought to hide this fact. The fourth bullet point indicates that the proposed store will be overlooked by numerous properties. This may be the case but LUC do not indicate the harm that would arise from such overlooking. Such properties will already overlook the site which is made up of hard standing, car parking and a now dated Tesco store with mansard roof. It is therefore not clear why LUC consider this potential overlooking to be an issue which should lead to refusal.

LUC make comment regarding the potential for sunlight reflections and night time light pollution in respect of the glazed south east elevation. In this regard these issues have been covered in the ecological assessment and could also be conditioned. See in particular paragraph 9.8.2 of the Ecological Assessment.

The façade treatment of Woodburn Way has been considered previously. It should be noted that the southern side of Woodburn Way is not within the conservation area and the northern side of Woodburn Way which lies within the conservation area is the rear bland elevation of the M&S Simply Food unit with service door.

LUC refer to tree loss on the site and state that this 'could' open up views of the proposed store from numerous vantage points. As stated above the trees to be removed are not protected as there is no TPO and the site does not lie within the conservation area. The replacement of unprotected trees with a new building is clearly a major aspect of the proposal and Tesco is satisfied that this element of the proposal has been fully justified and is appropriate.

In the final bullet point of the LUC summary it is stated that there are merits in the quality of materials used but that these are negated by the large scale of the development. This is not accepted by the appellant as it is evident that every attempt has been made to integrate the development into its surroundings. The topography of the site has been carefully considered. LUC does not appear to be aware that the designer considered

many varied approaches to the design of this building including consideration of placing the proposed store in different locations as well as orientating the store façade differently. The reasoning behind the orientation of the store is explained in section 3 of the design statement and it is therefore evident that Tesco has considered all variations to the development of the site in order to find the most appropriate solution from a visual, access and operational point of view. LUC have made no comments regarding the means of access for both service vehicles and customers and have also not commented on circulation within the site which is of paramount importance to the operator. LUC have therefore considered visual impact and design in isolation without considering the issue of operational requirements and the overall function of the building. By contrast Tesco has considered all required aspects and has designed a building which functions as required and provides the best customer experience possible on this site.

### **WLM Submission Comments**

In the main this submission quotes extensively from the LUC report and also refers to the reasons for refusal which has been commented upon previously.

In respect of the nature of the store proposed the WLM submission comments on why it is claimed that the proposed store will impact upon existing retailers in the town centre. We have already made comments on this issue with reference to the SPP. WLM have not produced any evidence on which to base assumptions that the Tesco store will impact on existing retailers in the town centre. It should also be noted that M&S Simply Food moved into the town centre in very close proximity to Tesco which suggests that this food store complements rather than competes with Tesco as it provides a top-up and high quality food shopping function. In addition WLM have indicated that Boots have opened in Milngavie town centre again in the knowledge that Tesco were already there and selling products in the same ranges. WLM also mention other independent retailers who have opened in the centre including a fishmonger.

WLM suggest that Tesco may introduce opticians, pharmacy and travel agents into the new store. In answering questions at trader's association meetings before the application was submitted Tesco representatives made it clear that such facilities would not be available in the store. If necessary conditions could be placed on any consent, if deemed to be necessary and serving a legitimate planning purpose. WLM have not therefore provided any evidence to suggest that the new Tesco store will be anything other than complementary to the existing shopping function of Milngavie. It is also of some concern that the WLM submission appears to accept that leaked expenditure from Milngavie should continue into the future as page 12 suggests that Bishopbriggs, Clydebank and the out of centre Homebase in Milngavie attract trade from Milngavie residents. It is not clear why WLM consider that it is appropriate for Milngavie shoppers to have to travel to such centres for comparison purposes when such goods could be available locally. This may be appropriate for more mobile shoppers but it is not an effective policy response for the less mobile members of Milngavie society.

WLM also comment on the distance and physical linkages between the precinct and the Tesco store. In this regard we would point out that the links already exist. The proposed Tesco store entrance will be physically closer to the precinct than it is at present. There will be substantially more car parking spaces on site to serve the town centre than at present, many of which will be weather protected. The walkways to the store entrance will

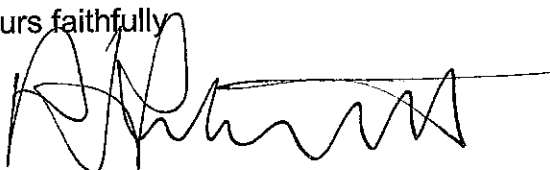
be more direct and in the case of the high level walkway across Woodburn Way will be visible from the precinct which is not the case at present.

In terms of transportation and traffic impact the WLM submission appears to suggest that there will be congestion increases as a result of the proposed store. Tesco has assessed this issue and considered and agreed proposed mitigation of any traffic impact. It is accepted that more traffic will be drawn to the store as this is part of the reason for the proposal. This therefore results in more people visiting the centre of Milngavie than at present and potentially parking in a town centre car park which will be mostly weather protected. WLM accept that town centre shoppers currently use the Tesco car park and as there will be more shoppers on site at present there should be no reason why such shoppers will not also frequent the rest of the town centre shops as they do at present. Reference bullet point 4 on page 17 of the WLM submission in which it is stated *'Currently the best place to park in the Tesco car park to access the precinct via the underpasses is in the far northern and southern parts of the Tesco car park. Fortunately these are also the least attractive for those purely shopping at Tesco'*. Evidently WLM therefore consider that there are presently dual shopping trips being undertaken from the Tesco car park and the precinct. If there is a larger store on site and a larger weather protected car park then it stands to reason that more shoppers will be enticed to continue to combine shopping trips.

### Third Party Letters

Many of the third party letters refer to the same issues raised in the reasons for refusal as well as in the WLM submission. The appellants have responded to these issues above and in earlier submissions.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Phil Pritchett', with a long horizontal line extending to the right.

**Phil Pritchett**