

Report

Report to:	Planning Committee
Date of Meeting:	13 August 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0304
Planning proposal:	Erection of a multi-level golf leisure facility (Class 11) and 2 drive-thru restaurants together with associated netting system enclosure (which varies in height up to a maximum height of 52 metres), infrastructure, access and landscaping.

1 Summary application information

Application type:	Detailed planning application
Applicant:	Ashfield Land (Glasgow) Ltd
Location:	Proposed Redevelopment Of Duchess Place and Cunningham Road Cambuslang Road Rutherglen South Lanarkshire

2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Approval for arrangements to promote a Stopping Up Order on a section of public road and contiguous footway at Duchess Place and Cunningham Road. Approval is sought to prepare the Order, carry out the necessary procedures and, if confirmed, stop up the public road and footway. This would include approval to refer the Stopping Up Order under Section 207 of the Town and Country Planning (Scotland) Act 1997 to the Scottish Government in the event of any objections being received. The applicant shall be responsible for the legal fees (including any reasonable costs incurred by the Council) associated with the above.

3 Other information

- ♦ Applicant's Agent: Kate Donald

- ♦ Council Area/Ward: 12 Rutherglen Central And North
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 - Policy 1 - Spatial strategy
 - Policy 2 - Climate change
 - Policy 4 - Development management and placemaking
 - Policy 7- Employment
 - Policy 10 – New retail/commercial proposals
 - Policy 11 - Economic development and regeneration
 - Policy 14 - Green network and green space
 - Policy 16 - Travel and transport
 - Policy 17 - Water environment and flooding

Supplementary Guidance 3: Development Management, Placemaking and Design

DM1 – Design
DM8 Hot food shops

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 1 - Spatial Strategy
Policy 2 – Climate change
Policy 5 - Development Management and Placemaking
Policy 8 Employment
Policy 10 New retail and commercial proposals
Policy 13 - Green Network and Greenspace
Policy 15 Travel and Transport
Policy 16 Water environment and flooding

Policy DM1 – New Development Design
Policy DM9 - Hot Food Shops
Policy DM17 – Air Quality
SDCC2 – Flood Risk
SDCC3 - Sustainable Drainage Systems

♦ **Representation(s):**

► 0
► 0

Objection Letters
Support Letters

◆ Consultation(s):

Countryside and Greenspace

BAA Glasgow

NATS

Network Rail

RSPB Scotland

SPT

Arboricultural Services

SEPA Flooding

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

WOSAS

SEPA West Region

SP Energy Network

Transport Scotland

British Telecom

CAA

Rutherglen Community Council

TRANSCO

Lanarkshire Access Panel

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 Junction 2 of the M74 extension to the east and south of the site, which was completed and opened in 2011. The motorway runs on an embankment at this point, and there is a 4 way interchange linking into Cambuslang Road.
- 1.2 The site is a largely flat, irregular parcel of land, approximately 7.03 ha in size, the majority of which is currently vacant and derelict with a small section still 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 west by Cambuslang Road, and by the River Clyde and an industrial unit to the north. To the west of the site lie light industrial units leading to residential uses towards Farme Cross and Rutherglen and at the eastern boundary of the site there is open land and a high level power line. The site is within the area covered by the Clyde Gateway initiative.

2 Proposal(s)

- 2.1 This detailed application proposes a multi-level golf driving range facility combining eating and entertainment outlets, private event rooms and an open air roof terrace. In addition, two freestanding drive through units (one being a coffee outlet and the other a restaurant and hot food shop) are proposed to the west of the access road. More specifically, the proposal includes the following elements:
 - 72 hitting bays divided into multiple seating areas over three tiers
 - Large sports bar, seated eating area and restrooms (main level)
 - A lounge and casual seating area (48 seats) with large tv screens (lower level)
 - Event sales office (lower level)
 - Staff room/restrooms, main offices, maintenance/storage, computer room (lower level)
 - Event space/banquet hall seating approximately 96 seats
 - Open air Roof Terrace with bar and seating for 70
 - Drive through restaurant
 - Coffee Drive through
 - Large open outfield range with illuminated targets
 - Fenced/netting boundary enclosure ranging in height to a maximum height of 52 metres
- 2.2 In addition, an upgraded vehicular access is proposed from Cambuslang Road to serve the site with a redesigned junction from Duchess Place into Cunninghame Road. Ingress only from Duchess Place is proposed with all vehicles exiting from the other access to the north of the driving range car park. The proposed roads layout includes a spur to the northwestern corner of the application site boundary, to the edge of the developer's ownership. This would connect with the Downiebrae link road at the east end of Mathieson Road. It should be noted that the opening of the Downiebrae link road will be subject to other sections of the route being

upgraded in the future and, as a result, would not be opened as part of this development.

- 2.3 A footway/ cycleway is also to be constructed on the eastern side of Duchess Place which will connect to a point close to the Top Golf building's entrance.
- 2.4 Furthermore, a dedicated car parking area is proposed to the north of the main driving range. 336 spaces including 16 accessible spaces, and 8 electric vehicle charging points are proposed. An overspill carpark area is also proposed. Separate parking adjacent to the drive through facilities is detailed on the site layout, providing 58 spaces, including 4 disabled spaces.
- 2.5 A palette of modern building materials is proposed, including natural stacked stone, metal and timber panelling. A feature entrance point incorporates an entry glazing system with a cantilevered metal entrance canopy together with branded backlit signage. Masonry planters are tiered either side of the feature set of concrete stairs. Generally, the building would be flat roofed, formed in a composite panel roofing system.
- 2.6 A landscaped scheme has also been lodged as part of the proposals and this shows areas of open space, tree planting and grass to provide a setting and to soften the appearance of the building and the driving range outfield.
- 2.7 The development is classified as a Major development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was the subject of pre-application consultation. A number of documents have been provided in support of the application, namely a Pre-application Consultation Report, Planning Statement, Design and Access Statement, Tree Survey Report, Civil Engineering Design Statement, Transport Statement, Phase 1 Geo-Environmental Assessment, and Flood Risk Statement and Surface Water Management Strategy, Drainage Strategy and Flood Risk Statement, Noise Impact Assessment, Air Quality Impact Assessment and an Ecological Assessment.

3 Background

3.1 Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP)

- 3.1.1 The proposed development requires to be assessed against the Glasgow and Clyde Valley Strategic Development Plan 2017(GCVSDP). The GCVSDP outlines a Spatial Vision for the city-region to 2035, the key components of which include economy, urban fabric, infrastructure, environment and energy. In order to meet the needs of the Spatial Vision, a Spatial Development Strategy is provided, which focuses on sustainable economic growth, regeneration, renewal of urban fabric, minimising carbon and development footprints, and enhanced sustainable transport links.

3.2 Local Plan Status

- 3.2.1 In terms of the adopted South Lanarkshire Local Development Local Plan (SLLDP), the application site is located within the settlement boundary of Rutherglen/Cambuslang and forms part of an overarching Clyde Gateway Development Framework Site (Policy1 – Spatial Strategy). This application site

was zoned as a Core Industrial Business Area within the adopted Local Development Plan with Policies 7 and 11 being relevant.

A section of the site is covered by new road infrastructure, namely the Downiebrae Road Upgrade (Policy 16). In addition Policies 1 – Spatial Strategy, 2- Climate Change, 4 – Development Management and Placemaking, 7 – Employment, 10 – New Retail/Commercial proposals, 11- Economic Development and Regeneration, 14 – Green Network and Greenspace, 16- Travel and Transport and 17 - Water Environment and Flooding are relevant.

3.2.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance the following policies are relevant. Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 5 - Development Management and Placemaking, Policy 8 Employment, Policy 10 New Retail and Commercial Proposals, Policy 13 - Green Network and Greenspace, Policy 15 Travel and Transport, Supplementary Guidance 3: Development Management Placemaking and Design Policy DM1 Design is also relevant.

3.2.3 In terms of South Lanarkshire Local Development Plan 2, the site remains part of the wider Clyde Gateway Development Framework Site and is identified as a priority development site for mixed use. The core industrial and business area zoning as well as green network remains.

3.3 **Relevant Government Advice/Policy**

3.3.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) which states that local authorities should support sustainable economic development in all areas by taking account of matters including the economic benefits of proposals, promoting development in sustainable locations, supporting development which will provide new employment opportunities.

3.3 **Planning History**

3.3.1 Planning permission in principle was granted on 10 March 2011 for the creation of a mixed use site comprising food and non-food retail, office/industrial, restaurants, hotel and cinema on the site (CR/08/0274). Thereafter, a Section 42 application, to extend the consent, was approved on 22 November 2013 (CR/13/0124). In 2013, another Section 42 application to extend the consent further was approved on 22 November 2013. More recently, in January 2017, a planning permission in principle proposal for a mixed use development comprising retail, family restaurants and drive through was approved (CR/15/0207). This consent has recently lapsed.

4 **Consultation(s)**

4.1 **Countryside and Greenspace** - advises that the site is strategically located on the banks of the River Clyde which is regionally and locally identified as a key component of green network infrastructure of the greater Glasgow conurbation. It

is noted that an asserted right of way, SC3, exists crossing through the northernmost section of the site. It is recommended that a formal link is created with Core Path No. SC3, as identified on the adopted South Lanarkshire Core Paths Plan. This link would enable access to the riverside for both recreational and functional use.

Response: The applicant has included a 2 metre wide footpath link to the Core Path SC3. A suitable condition would be added to any approval to ensure that the path is properly surfaced to the satisfaction of the council as Planning Authority.

- 4.2 **Glasgow Airport**– No objections as the proposal does not conflict with safeguarding criteria.

Response: Noted.

- 4.3 **National Air Traffic Services** – No objections as the proposal does not conflict with NATS safeguarding criteria.

Response: Noted.

- 4.4 **Network Rail** – No objections as the proposal will have no impact on railway infrastructure.

Response: Noted.

- 4.5 **RSPB Scotland** – No objections

Response: Noted.

- 4.6 **SPT** – No objections in principle subject to a planning condition requesting the production of a Travel Plan. In addition, safe pedestrian routes and cycle links within the site to access the drive through facilities should be provided together with the upgrade of bus stops adjacent to the site.

Response: Noted. Relevant conditions would be imposed on any consent issued.

- 4.7 **Arboricultural Services** – have commented that the applicant should give a clear indication through further submitted tree-related information in relation to trees affected by the proposal, and have recommended conditions to safeguard some established trees on the site.

Response: The applicant submitted a detailed tree survey and has identified the areas where trees would be affected. Generally, this is limited to the western section of the site where the drive throughs are proposed, together with some removal of trees near Cambuslang Road. A landscape plan has been lodged which identifies a substantial amount of woodland planting, together with new tree and hedge planting interspersed with native wildflower planting, a reinforced grass system and bulb planting. It is considered that this compensates for the relatively small amount of tree removal in the western section of the site. However, it is considered important that further tree planting is introduced adjacent to Cambuslang Road where a group of existing trees will be lost due to some new infrastructure. Therefore, any approval would be conditioned to introduce appropriate semi mature trees to provide setting for the development.

- 4.8 **SEPA Flooding** – Initially objected to the proposal on the basis that the Flood Risk Assessment lodged has been based on out of date information. Through detailed discussion with the developer's drainage consultants, it was agreed to remove the family pub restaurant element of the proposal due to its location in the northern section of the site in proximity to the River Clyde and within the flood

plain. This element was removed from the proposal and SEPA have now removed their objection.

Response: Noted.

- 4.9 **Roads Development Management Team** – No objections subject to conditions including a requirement that the design of roads be in accordance with National Roads Development Guide; that an area of land to the east of Duchess Place be reserved for a future approach lane (to be constructed at a later date); the submission of a construction traffic management plan; details of servicing to be submitted; details of cycle parking, mini bus parking and the submission of a travel plan.

Response: Noted. Any approval would have conditions attached to reflect the requirements of the Roads Service.

- 4.10 **Environmental Services** – No objections, having considered the supporting reports submitted in terms of noise impact, air quality, lighting, contaminated land.

Response: Noted. Appropriate conditions would be attached to any consent.

- 4.11 **Roads Flood Risk Management** – has assessed the proposal in detail taking cognisance of the flood risk information submitted in support of the application. It is intimated that this development generally satisfies the principles set out within section 263 of the SPP which provides guidance on the categories of development acceptable within various flood risk areas. This development is a sports facility with some commercial elements, is located within a built-up area and has appropriate evacuation routes available. It is also acknowledged that a planning application for a development at this location was progressed in 2015, where a freeboard of 600mm above the 1:200yr + climate change water level was agreed. Taking account of the information available at this time, the Flood team is comfortable with the 600mm freeboard being utilised at this location and does not require an updated FRA in support of this development. In conclusion, the team has no objections subject to the applicants satisfying the Council's design criteria and conditions relating to Sustainable Urban Drainage Systems and flood risk.

Response: Noted. Appropriate conditions can be attached to any consent granted.

- 4.12 **Scottish Water-** No objections. The response provided detailed advice for the applicant regarding Scottish Water assets.

Response: Noted.

- 4.13 **WOSAS-** intimated that they would normally request a programme of archaeological works to be undertaken within the site. However, due to previous consents being granted for the site without consultation to WOSAS, it would be difficult to attach an archaeological condition to a consent relating to this current application. WOSAS sought clarification regarding not being consulted on the previous planning applications.

Response: Noted. Having assessed the archaeological trigger zones within the Councils mapping information system, I would confirm that no trigger zone exists within the site. Therefore, it was not necessary to have consulted WOSAS. The Planning Service has clarified this matter with WOSAS.

- 4.14 **SEPA West Region** – Offered no objection to the proposed development.

Response: Noted.

- 4.15 **SP Energy Network** – Initially objected due to the proposed fencing system, given its position in relation to the location of the existing high power transmission lines.
Response: Noted. Through detailed discussion between the developer and SPEN, the matter has been resolved. SPEN has removed its objection.
- 4.16 **Transport Scotland** – No objections subject to conditions regarding boundary fencing details, lighting and the requirement for a travel plan.
Response: Noted. Conditions would be attached to address TS's requirements.
- 4.17 **British Telecom** – No response to date
Response: Noted.
- 4.18 **CAA** – No response to date.
Response: Noted.
- 4.19 **Rutherglen Community Council** – No response to date.
Response: Noted.
- 4.20 **TRANSCO**: No objections.
Response: Noted
- 4.21 **Lanarkshire Access Panel** – No response to date
Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press for the nature and scale of development, non-notification of neighbours and development contrary to development plan. Following this, no letters of representation were received.

6 Assessment and Conclusions

- 6.1 The developer seeks detailed planning consent for a 'state of the art' three storey high golf driving range facility combining eating and entertainment outlets, private event rooms and an open air roof terrace. In addition, two freestanding drive through units (one being a coffee outlet and the other a restaurant and hot food shop) are proposed to the west of the access road.
- 6.2 The determining issues in the assessment of this application are its compliance with Local Development Plan policy as well as its impact on the amenity of adjacent properties. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan framework against which the proposal requires to be assessed comprises the South Lanarkshire Local Development Plan (adopted 2015) and its relevant associated Supplementary Guidance documents.

- 6.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is also noted that the application site lies within the Clyde Gateway Development Framework site and is identified as a priority development within the proposed plan. It is, therefore, considered that the proposals accords with the relevant policies detailed in section 3.2.2 above.
- 6.4 In terms of national planning policy, Scottish Planning Policy (SPP) states that local authorities should support sustainable economic development in all areas by taking account of matters including the economic benefits of proposals, promoting development in sustainable locations and supporting development which will provide new employment opportunities.
- 6.5 In this instance, the application site has been lying principally vacant in recent years having benefited from previous planning permission in principle consents (PPP) for mixed use commercial and retail proposals for which, due to prevailing market conditions, the developer was unable to secure suitable occupants and, therefore, these developments have not been brought forward for development. The most recent PPP has now lapsed. A Planning statement has been lodged which describes the extent of the site and its surroundings and provides background on the proposed development, setting out key factors which should be taken into consideration when determining the application, including the fact that the planning history of the site confirms that the principle of commercial development on the site is established. It is argued that the loss of any employment land will not have an adverse effect on the overall supply of industrial/business land in this area, particularly as there has been a significant amount of work undertaken by the Clyde Gateway Urban Regeneration Company leading to an increase in industrial and commercial land. Therefore, commercial/recreational development of this site is justified at this location.
- 6.6 In terms of the adopted South Lanarkshire Local Development Local Plan (SLLDP), the application site is located within the settlement boundary of Rutherglen/Cambuslang and forms part of the Clyde Gateway Development Framework Site (Policy1 – Spatial Strategy). This development site was zoned as a Core Industrial Business Area within the adopted Local Development Plan with Policies 7 and 11 being relevant.
- 6.7 Policy 1 – Spatial Strategy states that the Council will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy. This will be achieved by the delivery of certain development proposals identified within the adopted plan. In this instance, the Clyde Gateway Development Framework site is supported and prioritised and the development of this application site as a mixed use development has previously been established.
- 6.8 Policy 7 states that the Council will support sustainable economic growth and regeneration by encouraging the development of business in South Lanarkshire

through the identification of employment land use areas with categories of employment use areas and appropriate uses set out for each designation. In this instance, the land is designated within a Core Industrial and Business Area within the SLLDP. In Core Industrial and Business Areas, the SLLDP states that these areas are to be retained for industrial/ business use (Class 4/5/6) and any exceptions must meet the further criteria set out within Supplementary Guidance 5 'Industrial and Commercial Development' (SG5). In this instance, it is considered that through assessment of previous mixed use planning application proposals, the principle of a non-industrial development of this site is acceptable.

- 6.9 Policy 2 (Climate Change) sets out a range of criteria which new development should consider in seeking to minimise and mitigate against the effects of climate change. The proposed development is consistent with many of these aims, particularly by including opportunities for active travel routes through on-site cycle path provision which provides links to the wider path network and the availability of public transport being directly adjacent to Cambuslang Road. The proposed development is considered to be consistent with Policy 2 of the SDLLP and with the policy guidance set out within the associated Supplementary Guidance Sustainable Development and Climate Change.
- 6.10 Policy 4 (Development Management and Placemaking) seeks to ensure that development takes account of and is integrated with the local context and built form. Proposals should have no significant adverse impacts on the local community and include where appropriate measures to enhance the environment. It is considered that the overall benefits of the development proposal, including the upgrade and enhancement of a dated industrial site, improvements in road and pedestrian safety on the existing road network, together with the proposed upgraded footpath network and on-site cycle path provision, and enhanced landscape planting will have an overall positive impact on the wider community. The proposed development is, therefore, considered to be consistent with Policy 4 of the SDLLP and with the policy guidance set out within the associated Supplementary Guidance Development Management, Placemaking and Design.
- 6.11 Policy 11 (Economic Development and Regeneration) states that proposals which support and maximise economic development and regeneration will be encouraged and supported. This proposal will redevelop a vacant, brownfield site, providing significant social and economic benefits through the creation of around 300 new jobs and increased local expenditure. It is, therefore, considered that the proposal accords with Policy 11.
- 6.12 A small section of the site is identified for New Road Infrastructure in terms of the Downiebrae Road upgrade, and the site is also identified as Green Network under Policy 14- Green Network and Greenspace.
- 6.13 The SLLDP (adopted 2015) aims to safeguard the local green network through Policy 14 (Green Network and Greenspace). As set out in paragraph 3.2.1 above, the site is designated as part of the Green Network. The proposed development of the site would include some landscaping and SUDS area, and would include the requirement to improve and maintain pedestrian and cycle links with the Clyde walkway. The existing Green Network in the northern section of the site will be maintained and, therefore, will be a material improvement to its present condition and appearance. It is therefore considered consistent with Policy 14. The proposal

is also considered to be consistent with the guidance set out in the Green Network and Greenspace Supplementary Guidance in respect of the principles of the Urban Green Network.

- 6.14 Policy 15 (Natural and Historic Environment) seeks to protect important natural and historic sites and features. There are no national or internationally designated sites within the development site. In terms of local designations, in relation to protected species, following assessment of the Ecological Report submitted in support of the proposal, it is not considered to have any adverse impact on protected species or habitats. Various protection measures can be put in place during the construction process in respect of any protected species and habitats.
- 6.15 In respect of the historic environment, there are no designated sites or buildings within the development site and WoSAS do not intend to request that any archaeological works are undertaken. Therefore, the proposed development is considered to be consistent with the various issues set out in Policy 15 and with the policy guidance set out within the associated Supplementary Guidance Natural and Historic Environment.
- 6.16 Policy 16 (Travel and Transport) requires the assessment of traffic impacts associated with new development proposals. The developer lodged a Transport Assessment which identifies no significant impacts upon the road network as a result of the proposed development. The assessment concludes that the proposed development has fewer impacts upon the road network than that which would have arisen from the previous commercial/retail proposals which had been granted Planning Permission in Principle. In addition, the proposed development is in close proximity to the public transport network and provides opportunities for both walking and cycling. The Roads Service has considered the Transportation Statement submitted by the applicant and has confirmed that it has no objection subject to alterations to the ingress and egress arrangements from the main car parking area. In addition, in order to future proof the development site in case of increased traffic flows once the Downiebrae Road Link is completed, an area of land is to be reserved to enable an additional exit lane onto Cambuslang Road to be constructed if there is a proven need. These changes have been incorporated in a revised plan.
- 6.17 The previous consent PPP for the site, which recently lapsed, included a Section 75 Legal Agreement which was to ensure a financial contribution was lodged towards the next phase of the Downiebrae Road upgrade. With this current application, it has been agreed that the developer will construct a section of road within the application site to the edge of their land ownership boundary. This will link to the Downiebrae Road when the remaining length of the road, outwith the application site, is upgraded at a date yet to be determined. The submitted plans show the length of road to be constructed on Duchess Place, and the road will require to be constructed, as part of this proposal, to the satisfaction of the Council as Planning and Roads Authority. If the Committee agrees to grant consent for this proposal, suitable conditions to control the timing of this road construction will be imposed. This obviates the need for any Legal Agreement in respect of this development.
- 6.18 In relation to SLC Core Path Plan, the existing section of Core Path which runs along the northern edge of the site will be retained and can be consolidated by a

footpath and cycle link within the site. Connections to the wider path network can be maintained and new connecting sections of cycle route can be provided to link to the existing wider cycle route network. These footpath and cycle route links form part of the proposed layout plan.

- 6.19 Policy 17 (Water Environment and Flooding) states that developments which have a significant adverse impact on the water environment will not be permitted and that consideration will be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. The applicants have been required to submit a detailed Flood Risk Assessment which has had detailed scrutiny by the Council's Flood risk Management team and SEPA. Initially, SEPA issued an objection to the proposal in terms of flood risk. However through further detailed discussion, the developer agreed to remove a proposed commercial building previously located in the northern section of the site, nearer the River Clyde. By removing this building, which was a family pub/restaurant, SEPA has now withdrawn its objection. Standard conditions would be attached to any approval.
- 6.20 The proposal is for a commercial/ recreational development and falls within the Clyde Gateway Development Framework Site. Although the site is still identified as a Core Industrial and Business Area on the proposals map, it benefits from the wider Development Framework Site identification which is overarching in the context of the adopted SLLDP.
- 6.21 Any specific issues raised by the consultees have been discussed with the developer during the consideration of this proposal, and can be addressed through the use of conditions as appropriate. No representations were received in relation to the proposal.
- 6.22 The proposal was advertised as development contrary to the development plan due to the land use designation of the site as Core Industrial and Business (Policy 7) in the adopted South Lanarkshire Local Development Plan 2015 (SLLDP). However, as outlined above, the site forms part of the larger Clyde Gateway Development Framework Site and that this proposal complies with that overarching designation. On that basis it is considered that the proposal is not contrary to the terms of the SLLDP. Furthermore, as noted at paragraph 6.3 above, the proposal also complies in principle with the land use designation within the proposed Local Development Plan 2. The proposed development has also been assessed in terms of potential amenity impacts and is considered acceptable, subject to the imposition of conditions.
- 6.23 It is, therefore, recommended that planning permission is granted.

7 Reasons for Decision

- 7.1 The proposal will provide substantial local employment opportunities and will have no significant adverse impact on amenity or public safety. It complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 1, 2, 4, 7, 10, 11, 14, 16,17, DM1 and DM8,) and the proposed South Lanarkshire Local Development Plan 2 (Policies 1, 2, 5, 8,10, 13, 15, 16, DM1, DM9 and DM17).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 1 August 2019

Previous references

- CR/08/0274 -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) - Approved 10/03/2011.
- CR/13/0124 - Section 42 application to vary condition 3 of planning permission CR/08/0274 to extend the time period within which further matters shall be submitted from 3 years to 5 years – Approved – 22/11/13.
- CR/15/0207 - Demolition of existing buildings and construction of mixed use development incorporating: anchor retail store, retail terrace, drive thru restaurant, two family restaurants, formation of access and egress points, parking and ancillary development (planning permission in principle) - Approved - 06/01/2020.

List of background papers

▶ Application form	
▶ Application plans	
▶ South Lanarkshire Local Development Plan 2015 (adopted)	
▶ Proposed South Lanarkshire Development Plan 2	
▶ Neighbour notification letter dated 28 February 2019	
▶ Consultations	
Countryside And Greenspace	04.03.2019
BAA Glasgow	05.03.2019
NATS	05.03.2019
Network Rail	06.03.2019
RSPB Scotland	25.06.2019
Arboricultural Services	18.07.2019
SEPA Flooding	25.06.2019 & 07.07.2019
Roads Development Management Team	08.07.2019
Environmental Services	05.03.2019
Roads Flood Risk Management	02.04.2019
Scottish Water	02.04.2019
WOSAS	04.03.2019
SEPA West Region	22.03.2019

SP Energy Network	08.05.2019 & 18.07.2019
Transport Scotland	03.06.2019
TRANSCO	21.03.2019
SPT	26.07.2019

Contact for further information

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

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ML3 6LB

Phone: 01698 455043

Email: maud.mcintyre@southlanarkshire.gov.uk

Conditions and reasons

01. Unless otherwise agreed, the trees to be removed, shaded brown on the approved layout plan, must be replaced by semi mature trees of a similar species at an agreed locus to the satisfaction of the Council as Planning Authority.

Reason: To mitigate tree loss and safeguard the amenity of the area.

02. That within three months from commencement of site works, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
 - (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
 - (c) details of any top-soiling or other treatment to the ground;
 - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
 - (e) proposals for the initial and future maintenance of the landscaped areas;
 - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

03. That the approved landscaping scheme, in accordance with Condition 02. above, shall be completed during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary in accordance with Condition 2(e) above.

Reason: In the interests of the visual amenity of the area.

04. That all trees to be retained as shown on the approved plan Drg No. 1492 02 Rev C shall be suitably protected during the construction phase of the development, and shall not be lopped, topped, pollarded or felled, without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to retain effective planning control.

05. That prior to construction of the building superstructure for each part of the site, to which they relate, or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

06. All external colours shall be agreed in writing with the Council as Planning Authority prior to the installation of the relevant materials.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

07. That before any part of the development is occupied, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority, in consultation with Transport Scotland insofar as the boundary to the trunk road is concerned, and thereafter all approved works shall be completed in accordance with the agreed details prior to the development hereby approved being occupied or brought into use.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

08. That before each part the development hereby approved is operational details of the method of ventilating the food preparation and food sales areas for that part of the development shall be submitted to and approved by the Council as Planning Authority.

Reason: To minimise nuisance to occupants of nearby buildings as a result of cooking smells, vapours, airborne pollutants or noise from the premises.

09. That before the development is brought into use the ventilation system approved under Condition 08 above shall be installed and operative to the specification and satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance to occupants of nearby buildings as a result of cooking smells, vapours, airborne pollutants or noise from the premises.

10. That the land hatched blue on the approved plans shall be kept free of all buildings, structures and other works.

Reason: To ensure that the potential for a proposed future road widening is not prohibited.

11. That before the development hereby approved is completed or brought into use, the access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Planning and Roads Authority.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access to the development.

12. In accordance with the flood prevention measures agreed between the applicant, the Council as Planning Authority and SEPA, unless otherwise agreed, the development hereby approved shall be implemented to ensure that;

- a) All buildings within the development shall be located outwith the flood plain; and
- b) A freeboard of 600mm minimum to the proposed finished floor level shall be provided above the predicted floor level for a 1 in 200 year event with allowance for climate change.

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.

13. That no buildings shall be occupied until the flood protection measures required under Condition 12 above have been completed in accordance with the approved scheme.

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.

14. That prior to the development hereby approved being brought into use the developer shall include the provision for 12 No electric charging bays on the site to the satisfaction of the Council as Planning Authority.

Reason: In order to retain effective planning control.

15. That the Core Path link, identified in green on the approve plan shall be installed prior to the development being brought into use to the satisfaction of the Council as Planning Authority.

Reason: In order to facilitate access to the existing core path network.

16. Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

17. No development shall take place until the fencing system has been erected in a manner and position to be agreed with the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. The fencing system shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

18. No part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

19. That details of safe pedestrian routes within the site to serve the drive through facilities shall be submitted for approval prior to the commencement of site works relating to that part of the development.

Reason: In the interests of public safety.

20. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected and that the standard of construction is commensurate with that required within the road boundary.

21. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority. (Appendices 1, 2 + 5).

Reason: 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.

22. That prior to any work starting on site, a Flood Risk/Drainage Assessment and Independent Check shall be carried out, submitted to, and approved in writing by the Council as Planning Authority. This Assessment shall include confirmation that a suitable FFL is provided and procedures are considered to ensure access/egress can be obtained should flooding occur. The Assessment and Independent Check shall be carried out in accordance with the latest industry guidance listed within Section 4.0 of the Council's SuDS Design Criteria Guidance Note. (Appendices 3 + 4).

Reason: To ensure that the risk of flooding to the application site from any source is at an acceptable level as defined in the SPP and that there is no increase in the future flood risk to adjacent land as a result of the proposed development.

23. That the development hereby approved shall not be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a water scheme constructed to the specification and satisfaction of Scottish Water as the Water Authority, unless otherwise agreed.

Reason: To ensure that the development is served by an appropriate water supply.

24. That prior to the commencement of development a Construction Traffic Management Plan shall be submitted to the Council for consideration and approval. This should include, but not be limited to, appropriate wheel wash facilities within the site, phasing, construction staff parking, routing of construction vehicles, to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interests of traffic and public safety.

25. 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.

Reason: To retain effective planning control.

26. That prior to the commencement of site works, a badger protection plan (BPP) for the site shall be produced and submitted for consideration and approval. This should include all requirements as set out in the submitted Ecological Assessment dated November 2018 by JDC Ecology.

Reason: To ensure compliance with legislative and industry standards in relation to European Protected species.

28. All recommendation as set out in the submitted Ecological Assessment dated November 2018 by JDC Ecology shall be adhered to.

Reason: To safeguard and protect to protected species of wildlife.

29. Unless otherwise agreed, that prior to the commencement of the development, the design details of the proposed new road from Duchess Place to Mathieson Road and from the end of the existing Cunningham Road to the proposed turning head (see Drawing No. M741-CCA-EX-XX-DR-A-00-0001S4 Rev P09), together with details of the boundary treatment between Duchess Place and Mathieson Road to prevent through traffic, shall be provided to the Council for approval.

Reason: In the interests of traffic and public safety and to retain effective planning control.

30. That the approved design of the new road and boundary treatment described in Condition 29 above shall be constructed prior to the operation of any use.

Reason: In the interests of traffic and public safety and to retain effective planning control.

31. That prior to the implementation of the relevant works, the design for the construction of a new footway/cycleway and a reserved area of verge along the eastern side of Duchess Place, that will enable a 40 metres full width approach lane (see Drawing No. M741-CCA-EX-XX-DR-A-00-0001S4 Rev P09) to be implemented at a later date, shall be submitted for approval of the Council as Planning and Roads Authority.

Reason: In the interests of traffic and public safety

32. That the approved design described in condition 31 above shall be constructed prior to the operation of any use.

Reason: In the interests of traffic and public safety.

33. That the southernmost access to the Top Golf facility shall be signed and operational as an entrance only. Signage shall also be required to prevent drivers from exiting the access. This must be in use following completion of the access.

Reason: In the interests of traffic and public safety.

34. That details of the cycleway provision from Cambuslang Road to Mathieson Road shall be submitted and approved prior to the implementation of these works on site.

Reason: These details have not been submitted.

35. That any construction works or modifications required as a result of condition 34 above shall be introduced prior to the opening of any part of the development.

Reason: In the interests of traffic and public safety.

36. That details of the servicing of any part of the development shall be submitted and approved prior to the start of the respective works on site and thereafter implemented.

Reason: These details have not been submitted.

37. That any construction works or modifications required as a result of condition 36 above be introduced prior to the opening of any respective part of the development.

Reason: In the interests of traffic and public safety.

38. That details of the cycle parking for each part of the application be submitted for approval prior to any respective works starting on site.

Reason: These details have not been submitted.

39. That the introduction of cycle parking as a result of condition 38 above shall be introduced prior to the opening of any respective part of the development.

Reason: to ensure provision of adequate cycle parking facilities.

40. Unless otherwise agreed, that notwithstanding the layout plans hereby approved, the detailed design of the car park shall be submitted for approval. The design should include details of minibus spaces for the TopGolf complex.

Reason: To ensure that satisfactory parking provision including cars, electric vehicle charging points, coaches, mini buses is provided.

41. Unless otherwise agreed in writing, a stage 2 & 3 safety audit shall be undertaken prior to any works on site.

Reason: In the interests of traffic and public safety.

42. That the 52 metre high fencing system including netting, support towers, cables restraints shall be constructed in accordance with the detailed specification supplied in drawing no. M741-CCA-EX-XX-DR-A-00-0001; correspondence dated

24 May 2019 confirming measures which prevent impact on our infrastructure (Foresportfencing to Luddon Construction Ltd);· Report detailing fencing tower specification (Site One report); Ball stop fencing layout report.

Reason: In the interests of public safety and to safeguard SP Energy Networks' access to their infrastructure.

43. Should the development proposals change from that approved under Condition 42. above, alternative proposals shall be submitted for consideration and approval by the Council as Planning Authority in consultation with SP Energy Networks.

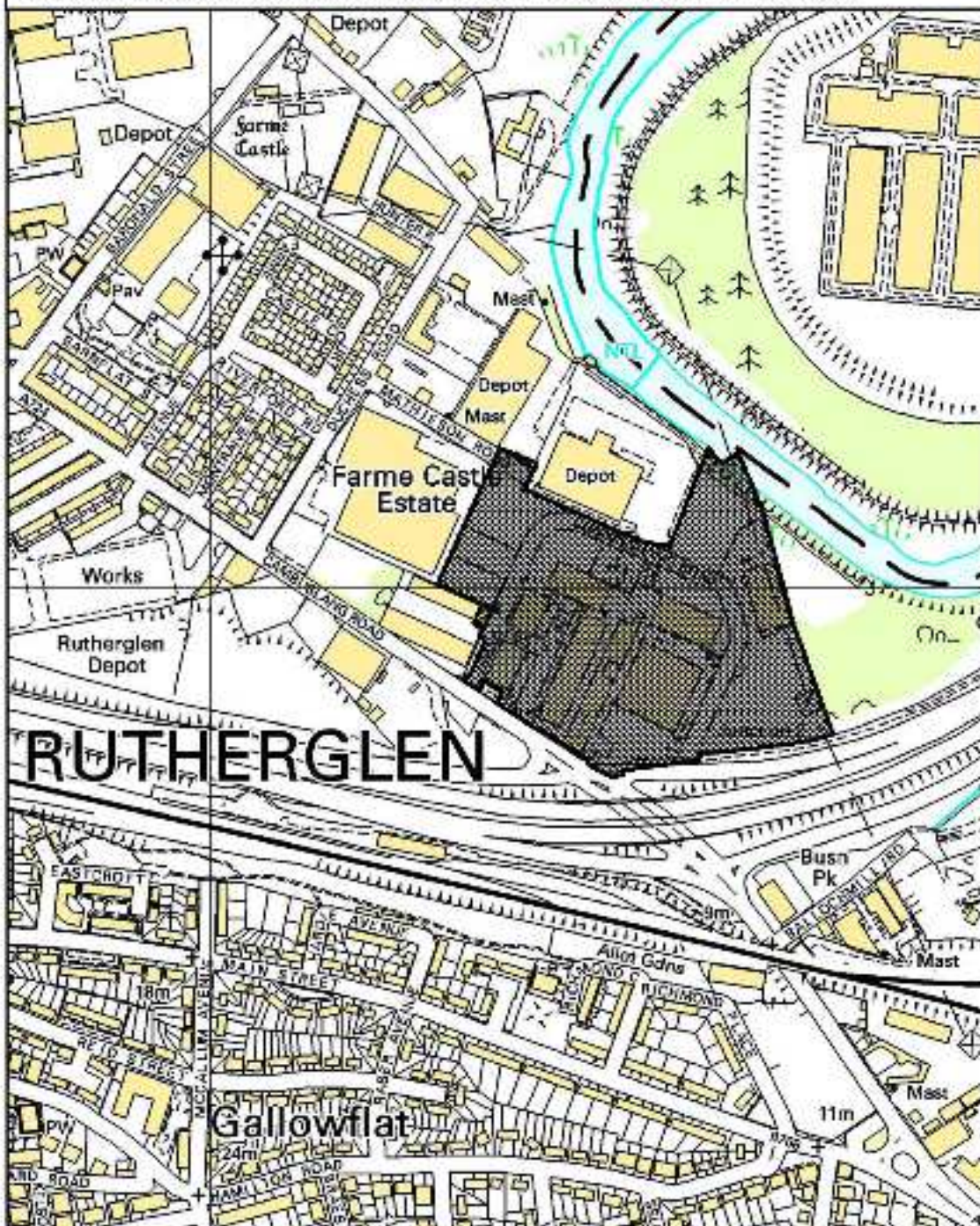
Reason: In the interests of public safety and to safeguard SP Energy Networks' infrastructure.

44. That the provision of high access kerbs to bus stop reference numbers 6150519 and 6150520 on Cambuslang Road shall be undertaken prior to the golf facility operating.

Reason: In the interests of public safety.

P/19/0304

Proposed re-development of Duchess Place and Cunningham Road, Cambuslang Road, Rutherglen



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 Date
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South Lanarkshire Council
 Community and Enterprise Resources
 Planning and Economic Development