

Report

Report to:	Planning Committee
Date of Meeting:	26 March 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0723
Planning proposal:	Erection of Class 1 (retail) unit with associated access, car parking, service yard and other associated works

1 Summary application information

Application type:	Detailed planning application
Applicant:	Rubicon Land Ltd / TJ Morris Ltd
Location:	1A Clyde Gateway Trade Park Dalmarnock Road Rutherglen Glasgow 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) If Committee is minded to grant planning permission, it should be noted that consent cannot be granted and issued at present. As SEPA has advised against the grant of planning permission by objecting in principle on the basis of potential flood risk, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 the application must be formally notified to Scottish Ministers for the opportunity to consider whether to call in the application for their own determination.

3 Other information

- ♦ Applicant's Agent: Pamela Turner
- ♦ Council Area/Ward: 12 Rutherglen Central And North
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015)**

Policy 7 Employment
 Policy 16 Travel and transport
 Policy 17 Water environment and flooding
 Policy 10 New retail/commercial proposals
 Policy 4 Development management and placemaking
 Policy 6 General urban area/settlements
 Policy 4 Development management and placemaking
 Supplementary Guidance 3: Development Management, Placemaking and Design Policy DM1 Design

Proposed South Lanarkshire Development Plan 2 (2018)

Policy 8 Employment
 Policy 3 General Urban Areas
 Policy 9 Network of Centres and Retailing
 Policy 15 Travel and Transport
 Policy 5 Development Management and Placemaking
 Supplementary Guidance 3: Development Management, Placemaking and Design Policy DM1 Design

◆ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Environmental Services

Roads Flood Risk Management

Roads Development Management Team

Scottish Water

SEPA

SP Energy Network

Rutherglen Community Council

Glasgow City Council

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of land adjacent to the Tesco Superstore and petrol filling station (PFS) on the northern edge of Rutherglen. The site, which is generally rectangular in shape, sits to the northwest of the Tesco vehicular access roundabout and to the west of the existing McDonalds and KFC drive-through restaurants. The site is located on brownfield land (previously part of Rutherglen Ropeworks) and has been lying vacant for several years. It is residual land from the superstore and industrial/business development, known as Rutherglen Park or Clyde Gateway Trade Park.
- 1.2 To the north of the site, a flood defence barrier exists and beyond to the River Clyde. To the west lies a recently approved development of a containerised electricity storage facility (Planning Reference CR/17/0139) and immediately to the east is another vacant piece of land where a coffee shop with drive-through facility is currently proposed, also under consideration (Planning Reference No. P/18/0949), and beyond to the east lies a redundant small scale workshop unit and the existing McDonalds and a KFC drive-thru restaurants and their associated car parks. To the south is the main access road to the overall Trade Park.
- 1.3 The site is relatively level and at present it has the appearance of unkempt vacant land. This proposed Class 1 non-food retail unit would be accessed from an existing access road which currently serves the two drive-through restaurants, and would also serve the proposed coffee shop (Starbucks), currently under consideration, (Planning Ref: P/18/0949).

2 Proposal(s)

- 2.1 The developer seeks detailed planning consent for a freestanding, Class 1 non-food retail unit with associated access, car parking, service yard and other associated works.
- 2.2 This proposed retail unit would be 2078 square metres in area, with the net sales floorspace being 1650 square metres. The new development would be accessed from the existing access road, constructed as part of the McDonalds and KFC restaurants, via the Tesco spine road which is junctioned with Dalmarnock Road. Hard and soft landscaping would be provided as part of the car park layout which comprises 120 spaces including 7 disabled spaces and 3 spaces with electric charging points.
- 2.3 A corporate retail warehouse unit design style is proposed with various coloured horizontally laid cladding finishes, buff facing brickwork and a glazed iron -grey curtain walling entrance feature.
- 2.4 In terms of the retail specifics, the application proposes a retail unit (2078 square metres) on a 0.99 ha site with 120 parking spaces. The applicant is TJ Morris Ltd which trades under the brand 'Home Bargains'. The range of goods sold by Home Bargains are:-

- Health and beauty products
- Fragrances
- Clothing
- Pet goods
- DVDs
- Food and confectionary (Non-perishables)
- Drinks (including alcohol)
- Homeware
- Toys and games

The usual split of this range per store is 40% comparison and 60% convenience, based on 30% being food. As stated above, the net sales floorspace proposed is 1650 square metres.

3 Background

3.1 Local Plan Status

- 3.1.1 With regards to the adopted South Lanarkshire Local Development Plan (SLLDP) the site is within a Core Industrial and Business Area.
- 3.1.2 In addition to the above land use designation there are a number of policies within the adopted SLLDP which are considered appropriate to the determination of the application namely, Policies 4 - Development management and placemaking, Policy 6 General urban area/settlements, Policy 7 Employment, Policy 10 New retail/commercial proposals, Policy 16 Travel and transport, Policy 17 Water environment and flooding, Policies DM1 – Design Supplementary Guidance 3: Development Management, Placemaking and Design together with Policy ICD1 – Non-conforming uses in core industrial/business areas from Supplementary Guidance 5 : Industrial and commercial development are also relevant.
- 3.1.3 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. 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 8 Employment, Policy 3 General Urban Areas, Policy 9 Network of Centres and Retailing, Policy 15 Travel and Transport, Policy 5 Development Management and Placemaking. Supplementary Guidance 3: Development Management, Placemaking and Design Policy DM1 Design is also relevant.
- 3.1.4 In terms of South Lanarkshire Local Development Plan 2, a Schedule 4 has been prepared for the representation received regarding potential redesignation of this site from Core Industry and Business to an Out-of-Centre Retail/Commercial Designation. The Council consider that this is a reasonable proposal given the uses currently on or proposed for the site. The Council has, therefore, recommended to the Reporter that if minded to do so, that the designation of this site is altered in the final LDP2.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 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 Background**

- 3.3.1 The application site is vacant land which the owner has extensively marketed for use Class 4, 5 and 6 for over ten years without success. It is argued that this is due to there being an oversupply of industrial land within the area and it is the view that the development of this small site would have a negligible impact on available floor space.

4 **Consultation(s)**

- 4.1 **Environmental Services** – no objections to the application subject to the inclusion of conditions and informatives relative to noise and contaminated land.

Response: Noted. Any consent granted would incorporate appropriately worded conditions and/or informatives to address the matters raised.

- 4.2 **Roads Flood Risk Management** – following detailed discussion with SEPA, the Council's Flood Risk Team conclude that they have no objections, in principle, to the proposal, however require a Flood Risk Assessment to be undertaken together with the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self-certification document and confirmation of Scottish Water's approval. SEPA had no objection to similar developments at this location before they introduced their internal 'Development behind Flood Defences' document. It is, therefore, our assessment that the proposed developments would not increase vulnerability, as the proposals are closing out the remaining two plots of this site which comprises of similar commercial units. No information has been presented to SLC which changes our assessment of this site from when the previous units were deemed satisfactory by SLC and SEPA. SEPA have classified the existing River Clyde hydraulic model as outdated, however, until a new hydraulic model is produced this is the best information we have to base our decision upon, and was the information we made the previous decisions upon at this site and surrounding Dalmarnock area.

Response: Noted. Suitable conditions would be attached to any planning consent and the applicants are aware of the self-certification process.

- 4.3 **Roads Development Management** – No objections subject to a standard condition regarding the submission of a traffic management plan relating to the construction phase.

Response: Noted. Any approval would have the relevant condition(s) attached.

- 4.4 **Scottish Water** – No objections

Response – Noted

- 4.5 **SEPA** – Despite further discussions with the Council's Flood Team, SEPA maintain their objection on the grounds that it may place buildings and persons at

flood risk contrary to Scottish Planning Policy. This is despite the developer's flood risk consultant providing additional information and clarification on a number of points relating to the history of the site and the presence of an existing flood defense barrier which was constructed as part of the adjacent Tesco supermarket development. However, while SEPA acknowledges this information they note that the site has been out of any defined use for over ten years, and they reiterate concerns given the derelict nature of the site as vegetated open ground, that the proposed development would represent an increase in vulnerability contrary to their land use vulnerability guidance. They note that the FRA uses the River Clyde Flood Management Strategy (RCFMS) to help inform of flood levels, which they now consider to be outdated and may not accurately represent flood risk. Therefore, they no longer consider that the RCFMS should be used for land use planning purposes and continue to have flooding concerns with this development proposal as this the site is potentially at risk during the 200 year flood event and could increase overall flood risk. SEPA has stated that they would consider removing their objection if formal flood protection schemes brought forward, through the Flood Risk Management Planning process or through other sections of the Flood Risk Management (Scotland) Act 2009, to an appropriate standard, or a change of proposed development use to essential or water compatible use. For these reasons SEPA continue to object as the site is at flood risk and could potentially further increase flood risk elsewhere.

Response: The Flood Risk Team have reviewed SEPA's comments and acknowledge their objection based upon their new position on developments behind flood defences. In accordance with this new policy, SEPA consider that the existing flood defences in this area were not promoted as a formal flood protection scheme and, therefore, do not exist, leading to the area now being assessed by SEPA as being at an unacceptable risk of flooding. SLC have been provided with the construction information and independent technical assessment of the flood protection bund at this location, which was constructed at the time of the completion of the Tesco development, which has been passed to SEPA for their review. This bund has been in place for several years and has been incorporated within the River Clyde hydraulic models, which show this location to be outwith the functional flood plain. This information has been used in the determination of the previous planning applications in this area, which were deemed satisfactory by SLC and SEPA. As it is considered that there has been no change to our understanding of the flood risk in this area since this time, other than the release of SEPA's "Development behind flood defences" document, we do not foresee any objection to these proposed developments on flood risk.

4.6 **SP Energy Network** – No response to date.

Response: Noted.

4.7 **Rutherglen Community Council** – No response to date

4.8 **Glasgow City Council** – No response to date.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the Rutherglen Reformer as a Schedule 3 development for non-notification of

neighbours and because the proposed retail use is contrary to development plan. No representations were received in respect of the proposals.

6 Assessment and Conclusions

- 6.1 The developer seeks detailed planning consent for a freestanding, Class 1 non-food retail unit with associated access, car parking, service yard and other associated works.
- 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 considered that the proposals accords with the relevant policies detailed in section 3.1.3 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 resulted from residual land from the overall redevelopment of the former Rutherglen Ropeworks site for residential flats, a Tesco superstore/petrol filling station and a group of industrial/business units. A planning justification statement, together with a retail and marketing statement, has been lodged which states that the site has been previously marketed for industrial uses for over ten years without success, with the developer being involved in site remediation, flood defence and infrastructure installation since early 2002. In addition, more recently planning permission was granted for a McDonalds and KFC drive thru restaurants on adjacent sites. It is argued that the loss of employment land will not have an adverse effect on the overall supply of industrial/business land in the area and, therefore, justifies a commercial/retail proposal for this site.
- 6.6 In terms of the South Lanarkshire Local Development Plan (SLLDP adopted 2015), Policy 7 – Employment states that the Council will encourage the development of business in South Lanarkshire through the identification of employment land use areas.

- 6.7 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).
- 6.8 The proposal is for a Class 1 Retail use and, therefore, falls outwith the Class 4, 5 and 6 use as set out within the Core Industrial and Business Areas designation of the SLLDP. The proposals, therefore, require to be further assessed against Policy ICD1 Non-conforming uses in core industrial/business areas with SG5.
- 6.9 Policy ICD1 states that in industrial/business areas, proposals for uses which do not conform to SLLDP Policy 7 would be required to meet all of the following criteria:
- a) The effect the proposals will have on the continuity of the marketable industrial land supply in terms of quantity, range and quality.
 - b) The development is not for residential use.
 - c) The proposal must not undermine the vitality and viability of existing town and village centres within South Lanarkshire and should follow the sequential approach as set out in SLLDP Policy 10 and Town Centres and Retailing Supplementary Guidance (SG6).
 - d) That the development of the site or premises would not adversely affect the industrial operation, amenity, industrial character and function of the area, including traffic movement and circulation.
 - e) The site or premises has been subject to a marketing appraisal for classes 4, 5 and 6 to the Council's satisfaction and has been actively marketed for these uses for a minimum period of six months.
 - f) The site or premises can easily be accessed from main road routes and has satisfactory access by walking, cycling and public transport.
 - g) The infrastructure implications, including the impact on the transport network of the development are acceptable, or can be mitigated to an acceptable level.
 - h) The proposal includes appropriate parking provision for the type of development.
 - i) The development will not adversely affect the natural or built environment, including Natura 2000 sites and Protected Species.
 - j) The development makes provision for cycling, walking and public transport and/or has a Green Travel Plan, as appropriate.
- 6.10 Proposals which do not meet the above criteria will not be considered favourably by the Council.
- Taking each of the criterion in turn, the proposals can be assessed as follows:-
- a) The site area (0.99 hectares) is considered to be modest in scale and its loss would not have a significant adverse impact on the continuity of South Lanarkshire's marketable industrial land supply in terms of quantity, range and quality.
 - b) The proposals are for Class 1 retail and have no element of residential as part of the development.
 - c) The Class 1 use is further considered under SLLDP Policy 10 below.

- d) The immediate area surrounding the application site, whilst designated as Core Industrial and Business land, has recently been developed for a variety of non-Class 4, 5 and 6 uses including a Class 1 Retail Superstore and two Class 3 restaurants. It is considered that there is, therefore, no existing industrial operation that would be affected by the further introduction of Class 1 Retail within the immediate area.
- e) The site has been marketed for Class 4, 5 and 6 use since 2006. This marketing has not been successful and the site has been vacant since 2002. The Council is satisfied with the marketing period of the site.
- f) The site is adjacent to a main road (Dalmarnock Road) which is easily accessed by walking, cycling and public transport.
- g) The proposals include a new access, parking, drainage and other infrastructure associated with a development of this nature which are considered acceptable in principle but would be subject to further development management criteria as assessed further in this report.
- h) As with g) above, on-site parking is proposed as part of the development.
- i) The site has previously been developed and, therefore, it is considered that, in terms of the principle of development, there would not be an impact on the natural or built environment. Further detailed consideration of the proposal's impact on the natural and built environment is considered further as part of the development management assessment of the report.
- j) The site's location is served by public transport, pedestrian walkways and accessible by bicycle. Further details relating to specific provision for green travel is considered further in this report.

6.11 It is therefore considered that the proposal, subject to the further assessment required under c) is compliant with the criteria of SG5 Policy ICD1 and can be supported as a non-conforming use in a Core Industrial and Business Area subject to the more detailed retail assessment below.

6.12 In terms of retail, SPP (para 68 to 73) states that Local Authorities should adopt a town centre first policy and retail proposals outwith town centres, edge of town centres and other identified commercial centres should only be considered if a sequential test has been carried out. The sequential test should demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable.

6.13 SLLDP Policy 10 New Retail/commercial proposals states that any proposals for retail development will be assessed against the following criteria and must:

- i. follow the sequential approach as set out in SPP
- ii. not undermine the vitality and viability of the strategic and town centres and/or neighbourhood centres
- iii. be supported by the area's catchment population
- iv. complement regeneration strategies for the area
- v. promote sustainable development
- vi. take account of development location and accessibility
- vii. minimise environmental and traffic impact
- viii. have no significant adverse impact on natural and/ or built heritage resources, including Natura 2000 sites and Protected Species
- ix. promote quality design and accessibility for all

- x. take account of drainage and service infrastructure implications.

Supplementary Guidance 6 Town Centres and Retailing (SG6) provides further guidance and expands on the above criteria for a sequential test.

6.14 A Retail Assessment has been carried out and submitted as part of the planning application. The Retail Assessment also includes a health check of Rutherglen Town Centre and a sequential assessment of sites within the Town Centre.

Taking each of the above criterion in turn, the proposals can be assessed as follows:-

- i. A sequential test has been carried out within the town centre with all 15 vacant units not being of a size that could accommodate the Home Bargains proposals. An edge of town centre assessment found that only the site of the former swimming baths was vacant and again it was not of a sufficient size to accommodate the proposals. This site previously gained planning permission for residential use. The sequential test, therefore, demonstrated that there were no units of a suitable size within the town centre or edge of town centre to accommodate proposals of this nature.
- ii. Within the Retail Assessment, a health check has been carried out on Rutherglen High Street which notes that vacancy rates in Rutherglen currently stand at 9% (15 units) which is below the Scottish National Town Centre Vacancy rate of 11.9%. The vacancy figures have been corroborated by a recent SLLDP survey. A lower than average vacancy rate would indicate a fairly healthy high street which would not be expected to be affected by the Home Bargains proposals at Dalmarnock Road.
- iii. The proposals are for Class 1 Retail with an approximate 60% convenience and 40% comparison split. It is considered that given the main proportion of floor space would be convenience and the relatively small scale nature of the proposals, the proposals would serve a local market area only and that there is a suitable catchment population within the area. Furthermore, being adjacent to a non-discount retailers, the Class 1 superstore provides additional, qualitative choice for the local catchment.
- iv. The application site is located on brownfield land and has been vacant for several years and, therefore, its redevelopment would enhance the area.
- v. The site involves the redevelopment of brownfield land and is located adjacent to public transport routes. It is considered that the principle of the development can meet the sustainable development requirement.
- vi. The site is located adjacent to public transport routes and on-site parking is proposed.
- vii. See v) above

- viii. The site has previously been developed and therefore it is considered that, in terms of the principle of development, there would not be an impact on the natural or built environment.
- ix. Accessible parking is proposed and the design is not out of scale with the existing area. Detailed design assessment is made with other Development Management criteria assessments further in the report.
- x. A drainage strategy and Flood Risk Assessment have been submitted in support of the application.

6.15 It is, therefore, considered that the applicant has demonstrated, through the sequential test, that there are no appropriate sites for a development of this nature within Rutherglen Town Centre, nor the edge of the Town Centre. The Health Check demonstrates that Rutherglen Town Centre has less vacancies than the national average and appears in good health. It is considered that a class 1 retail unit of this scale would not impact upon the vitality or viability of Rutherglen Town Centre. In principle, the proposals comply with the required criteria of SLLDP Policy 10.

6.16 Policy 8 Employment of LDP2 reiterates the site's designation as a Core Industrial and Business Area and as with the adopted SLLDP requires non-conforming (non-Class 4, 5 and 6 uses) to meet set criteria as set out within LDP2 Volume 2 Policy ICD2 Non-Conforming Uses in Core Industrial/Business Areas. The criteria for this policy largely mirrors that of SG5 Policy ICD1 of the adopted SLLDP as above. However, it omits criterion j) requiring a green travel plan and criterion c) refers to 'the vitality and viability of existing town and local centres' in place of 'the vitality and viability of existing town and village centres' as well as omitting reference to the Retailing SG. The wording relating to types of retailing centres has been changed in order to include neighbourhood centres as well as village centres within the category of local centres and the reference to the Retailing SG has been omitted as SG is no longer being produced as part of LDP2. In assessment it is, therefore, considered that these wording changes do not prevent the proposed development meeting the criteria of this policy and the loss of Core Industrial and Business Area land remains acceptable within LDP2 subject to consideration against the relevant LDP2 retail policy.

6.17 In this instance, the relevant LDP2 Policy is Policy 10 New Retail/Commercial Proposals largely mirrors that of SLLDP Policy 10 above. However, again the wording of LPDP2 Policy 10 has been amended to refer to strategic, town and local centres in place of strategic, town and neighbourhood centres. In assessment, it is considered that the proposal meets the criteria of this policy as appropriate sequential assessment of all the relevant retailing centres has been carried out.

6.18 Whilst not part of any Development Management criteria, it is noted that Home Bargains currently have a store within Rutherglen Town Centre and the applicant states the intention would be to retain both stores should this application be approved. Whilst this is not a material planning consideration, it should be noted that some assurance can be taken that the current store will remain, as the applicants have advised that TJ Morris have 9 years left of their lease for this store. Average retail leases in Scotland are usually 5 years so the long term nature of the current lease is considered likely to demonstrate the applicant's desire to trade in Rutherglen Town Centre as well.

- 6.19 It is considered that the proposed development can meet the criteria which allows for the loss of Employment Land on the site as well as demonstrating that the proposals will not be detrimental to the viability and vitality of Rutherglen Town Centre. It is considered that, this Class 1 non-food retail unit will not adversely affect the industrial land supply or damage the industrial function of this area. The new shop would be located in the northern sector of this mixed use area. The unit would be accessed from the recently constructed McDonalds'/KFC access off the Tesco spine road which also serves a small group of business/industrial units. The site can be easily accessed from the main public road and a local bus service is within walking distance of the new unit. The development of this unkempt site would enhance the appearance and amenity of the overall area and, therefore, the proposal would have no adverse impact on the natural or built environment.
- 6.20 It is recognised that there are a mix of uses established at Rutherglen Park including the recent McDonalds and KFC restaurant outlets. It is considered that the development of this land, located in close proximity to Dalmarnock Road, would improve the vitality of the area and enhance the appearance of this residual area of the Rutherglen Park site.
- 6.21 In summary, the application was advertised as development contrary to the development plan as the site is located within an area designated for core industrial and business use. However, following a detailed assessment of the proposal, taking into consideration economic and environmental benefits of the development, it is considered that a departure from the development plan can be justified and planning permission granted for the following reasons:
- 1) The proposal offers an opportunity to provide a commercial development, on the edge of an industrial and business zoned area where there has been a difficulty in marketing residual land for industrial use.
 - 2) The proposal has been assessed against Policy 7 -Employment and the Supplementary Guidance Policy ICD1 and it complies with the criteria therein.
 - 3) The proposal is fully compliant with Policy 4 of the adopted South Lanarkshire Local Development Plan and DM1 and DM8 of the Supplementary Guidance.
 - 4) The development will provide local employment opportunities.
 - 5) The site can be developed without adversely affecting the amenity of the surrounding area.
- 6.22 It is therefore recommended that planning permission be granted. Although the reasons for SEPA's objection are not supported by the Councils Flood Risk Management team in respect of this application, SEPA has not withdrawn the objection. Accordingly, if Committee agree to this recommendation and propose to grant Consent, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 will apply and the Council must notify the application to the Scottish Ministers to allow them to consider whether to call in the application for their own determination.

7 Reasons for Decision

- 7.1 For the reasons set out in 6.21 above.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 15 March 2019

Previous references

- ◆ None

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 30 May 2018

- ▶ Consultations
 - Environmental Services 25.09.2018
 - Roads Flood Risk Management 27.06.2018
 - Roads Development Management Team 17.10.2018
 - Scottish Water 05.06.2018
 - SEPA 22.06.2018
 - SEPA 09.08.2018
 - SEPA 20.12.2018
 - SP Energy Network 14.06.2018

- ▶ Representations None

Contact for further information

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

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB
Phone: 01698 455043
Email: maud.mcintyre@southlanarkshire.gov.uk

Conditions and reasons

01. That before works start on the development 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: These details have not been submitted or approved.

02. That before works start on the development, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

Reason: These details have not been submitted or approved.

03. That before works start on the development, 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: In the interests of the visual amenity of the area.

04. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

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

Reason: In the interests of amenity and traffic safety.

06. 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.

07. That between the hours of 0800 and 2000 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90 (1/2hour)) by more than 4dB (A) when measured in accordance with BS4142:2014 – Method for Rating and Assessing Industrial and Commercial Sound at buildings where people are likely to be affected. Between the hours of 2000 and 0800 the noise rating level emitted from the premises (LAeq (15mins)) shall not exceed the pre-existing background noise level (LA90 (1/2hour)) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

Reason: In the interests of amenity.

08. (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to each phase of the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

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

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

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

09. That before the retail unit hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the unit is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

10. That before works start on the development, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as

Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority. Monitoring results shall be readily available to Officers of the Council investigating adverse comments.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

11. 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.

12. 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.

13. 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.

14. That the retail unit hereby approved, Class 1 retail store, will not exceed 2078 sq. metres (gross) floor area, with maximum net sales floor area of 1650 sq. metres of which no more than 30% of the net sales area shall be used for the sale of food goods. For the avoidance of doubt and notwithstanding the proposed provision in the Planning etc. (Scotland) Act 2006 that a mezzanine floor will require planning permission.

Reason: In order to retain effective planning control.

15. For the avoidance of doubt and notwithstanding the proposed provision in the Planning etc. (Scotland) Act 2006 that subdivision of the approved retail unit shall require planning permission.

Reason: In order to retain effective planning control.

16. Prior to the retail development hereby approved being brought into use the developer shall include provision for three electric charging bays on the retail site to the satisfaction of the Council as Planning Authority.

Reason: In order to retain effective planning control.

17. That prior to the commencement of development a Traffic Management Plan shall be submitted to the Council for consideration and approval. This should conclude appropriate cleaning systems within the site to ensure mud and debris is not deposited on the public road to the satisfaction of the Council as Planning Authority.

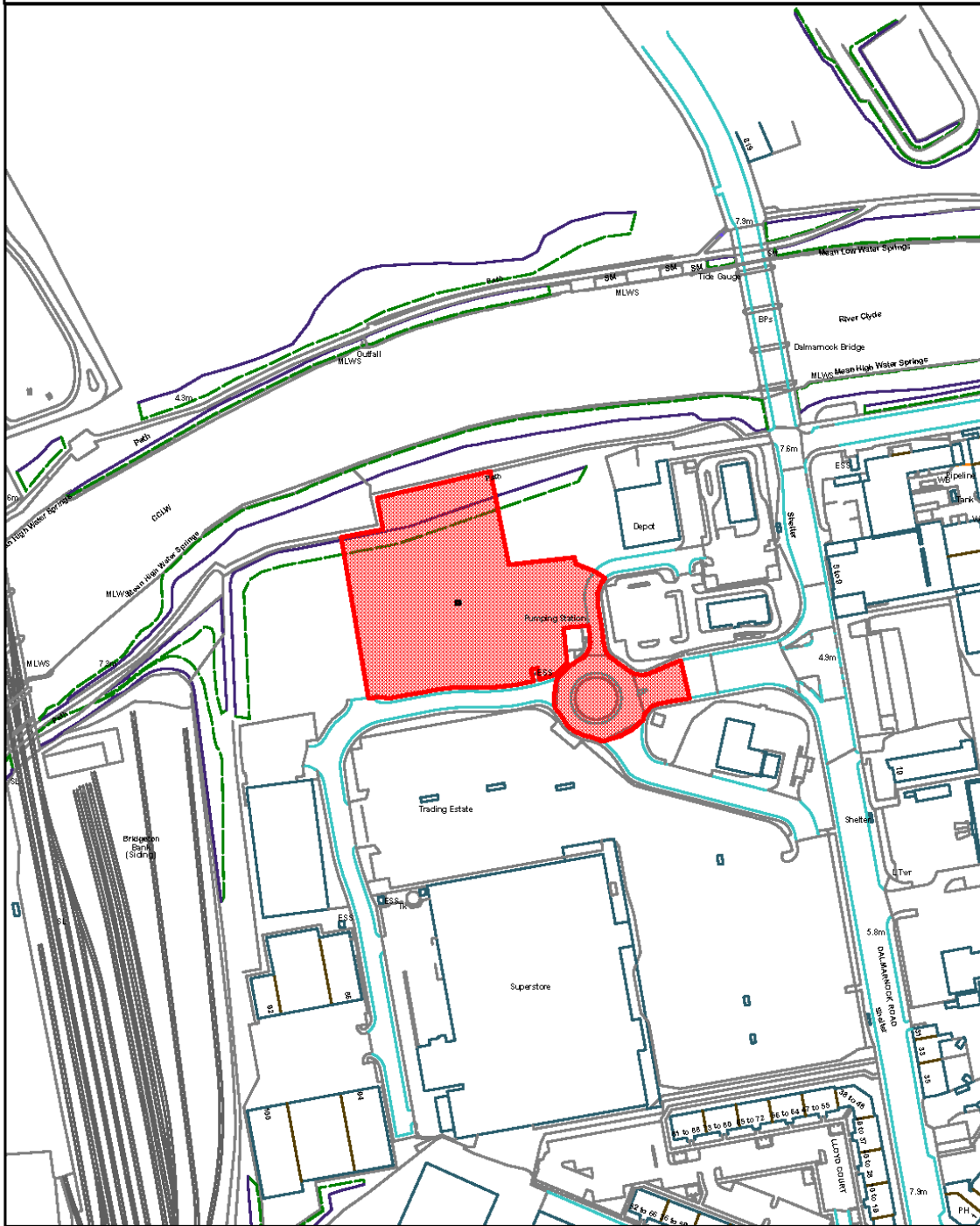
Reason: In the interests of traffic and public safety.

18. That prior to the retail unit being operational a Staff Travel Plan shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure sustainability in terms of reduction in staff vehicular journeys.

P/18/0723

1A Clyde Gateway Trade Park, Dalmarnock Road, Rutherglen



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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development