

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>12 March 2024</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

<b>Reference no:</b>	P/23/0851
<b>Proposal:</b>	Erection of a restaurant and drive-through hot food takeaway, associated car parking, access, external seating area, play structure, landscaping and associated structures/works
<b>Site Address:</b>	1 Lindsayfield Road East Kilbride
<b>Applicant:</b>	McDonald's Restaurant Ltd
<b>Agent:</b>	Sarah Carpenter, Planware Ltd
<b>Ward:</b>	6 East Kilbride South
<b>Application Type:</b>	Full Planning Permission
<b>Advert Type:</b>	Schedule 2: Non Notification of Neighbours Schedule 3: Potential 'Bad Neighbour' Proposal East Kilbride News 2 August 2023
<b>Development Plan Compliance:</b>	Yes
<b>Departures:</b>	N/A
<b>Recommendation:</b>	Grant subject to conditions
<b>Legal Agreement:</b>	N/A
<b>Direction to Scottish Ministers</b>	N/A

## **1. Reason for Report**

- 1.1. This application must be presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 4.1 of the approved South Lanarkshire Council Planning Application Decision Making Process April 2015.

## **2. Site Description**

- 2.1. The application site is located on a section of the existing Morrison's car park at 1 Lindsayfield Road, East Kilbride. To the northwest is a small parade of retail units, to the west is the Oyster Catcher pub/restaurant and the Morrisons petrol station, and to the east lies the existing Morrisons Superstore and associated car parking.
- 2.2. The site is within the commercial area of Lindsayfield Local Centre as designated by the adopted South Lanarkshire Local Development Plan. To the south of the local centre the land rises upwards into a residential development. The existing Morrison's car park has some small hedge planting along most of their boundaries and some clusters of small trees within the car park.
- 2.3. It should be noted that since the submission of this planning application, the East Kilbride Community Growth Area spine road - which links to Lindsayfield Road - has opened.

## **3.1 Description of Proposed Development**

- 3.1. Planning permission is sought for the erection of a restaurant (Class 3) and drive-through, hot food takeaway, associated car parking, access, external seating area, play structure, landscaping, and associated structures/works.
- 3.2. Vehicular access to the site would utilise the existing access road to Morrisons from Lindsayfield Road. Provision would be made for takeaway customers, both from the counter and from the drive-thru lane. The restaurant would have a seating area of 97 covers.
- 3.3. The proposal includes car parking (inclusive of electrical vehicle charging points (EVCP)). Cycle and pedestrian access points have been included within the design. There would be a corral at the south of the building, where the refuse is stored and managed for recycling in large containers.
- 3.4. A tree report has been submitted to support this application, which specifies the tree removal required to facilitate the development, with protective fencing proposed to safeguard the remaining trees on the boundary.

## **4. Relevant Planning History**

- 4.1. A planning application for a similar scheme was submitted in December 2021 (Application Ref P/21/2142). Following discussion with the Planning and Roads Services, the application was withdrawn to allow for further review.

## **5. Supporting Information**

- 5.1. Transport Assessment  
Delivery Management Plan  
Flood Risk Assessment  
Drainage Maintenance Report  
Construction Management Plan Supporting Statement  
Site Investigation Report  
Desktop Study Report (includes Coal Mining Report)  
Tree Survey  
Biodiversity Report

Landscape Management Scheme  
Environmental Noise Assessment  
Odour Report  
Refuse and Recycling Statement  
Litter Plan  
Response statement to NPF 4/objections

## **6. Consultations**

- 6.1. Environmental Services – No objection subject to the imposition of planning conditions relating to delivery hours and noise with standard informatives relating to noise, contamination and pest control.  
Response: Noted.
- 6.2. Roads and Transportation Services (Development Management) – No objection subject to the imposition of planning conditions relating to visibility, parking, submission/implementation of a traffic management plan and construction of the road and footpath network. Additionally, it is commented that on the basis of the Traffic Impact Assessment, traffic associated with the proposed McDonalds can be accommodated on the local road network.  
Response: Noted.
- 6.3. Scottish Environment Protection Agency (SEPA) – No objection, commenting that the site appears to be at risk from pluvial (surface water) flood risk, however, this is a matter for the planning authority.  
Response: Noted. The appropriate SUDs condition to deal with this matter would be attached to any consent issued.

## **7. Representations**

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 531 representations have been received (356 objections, 172 support and 3 comments). The issues raised are summarised as follows:-

Objections:-

### Roads Related Matters

- ◆ Inadequate existing infrastructure.
- ◆ Exacerbate existing traffic congestion at only route to residential development blocking three roundabouts into the estate and preventing emergency vehicles from accessing the care home.
- ◆ Adverse impact on pedestrian and vehicular safety.
- ◆ Illegal speeding and parking.
- ◆ Loss of parking to Morrisons.
- ◆ Transport Assessment outdated.

### Amenity

- ◆ Air pollution/odour contrary to low emission zones and net zero aspirations for carbon emissions.
- ◆ Noise pollution – drive through loudspeaker, cars idling.
- ◆ Light pollution.
- ◆ Littering/increase in vermin/birds and smells.
- ◆ Antisocial behaviour
- ◆ Signage will impact entrance to Lindsayfield.
- ◆ Loss of privacy to neighbouring residential properties.

### Location

- ◆ Proposal located centrally within a large residential conurbation.
- ◆ There are already 2 McDonalds in East Kilbride.
- ◆ Adverse impact on neighbouring businesses/loss of jobs/potential closures.

### Health

- ◆ Does not promote healthy lifestyle for young people and community.
- ◆ Stress/anxiety to community.
- ◆ Would utilise the space the NHS mobile clinic normally occupies.

### Ecology

- ◆ Submitted ecology report references English legislature in place of Scottish legislature.
- ◆ Proposal will affect local populations of wildlife crossing the road, particularly during hours of darkness.

### Mitigation

A number of letters were received requesting mitigation for matters such as litter, pedestrian links and the use of on-line delivery companies.

Letters of Support:-

### Economy

- ◆ Employment opportunities.

### Sustainability

- ◆ Welcome additional amenity for the local community.
- ◆ McDonalds has strict policies on sustainability and environment.

### Roads Related Matters

- ◆ Traffic will improve when road to Jackton opens.
- ◆ Would reduce congestion in existing East Kilbride McDonalds.
- ◆ Proposal would regenerate an underutilised parking area.

### Other Matters Raised

- ◆ Another place for people to socialise in a well-managed environment.

The above issues are considered in the assessment below and full copies are available to view on the planning portal.

### Other Non-Material Matters Raised

Non-material issues were also raised; however, these are not planning related and do not form part of the assessment of the proposal.

## **8. Development Plan**

8.1. Under 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.

### 8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

#### National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 13 - Sustainable transport
- ◆ Policy 14 - Design, quality, and place
- ◆ Policy 15 - Local living and 20-minute neighbourhoods
- ◆ Policy 23 - Health and safety
- ◆ Policy 27 - City, town, local and commercial centres
- ◆ Policy 28 - Retail

#### 8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard, the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

#### SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 9 - Network of Centres and Retailing
- ◆ Policy 10 - New Retail/Commercial Proposals
- ◆ Policy 15 - Travel and Transport

#### SLLDP2 Volume 2 Policies

- ◆ Policy SDCC4 - Sustainable Transport
- ◆ Policy DM1 - New Development Design

#### South Lanarkshire Council (SLC) Supporting Planning Guidance

None

### **9. Guidance**

- 9.1. Chief Planner's letter dated 8 February 2023 setting out Transitional Arrangements for NPF4 which specifically addresses the application of Policy 27(d).

### **10. Assessment and Discussion**

- 10.1. The determining issue in the consideration of this application is its compliance with the development plan, which consists of National Planning Framework 4 (Adopted 2023) and South Lanarkshire Local Development Plan 2 (Adopted 2021).

#### 10.2. Principle of Development

When considering whether the proposal is acceptable in planning terms, the two primary considerations are whether the site is suitable for development and whether the location is appropriate in land-use planning terms for a drive-through restaurant.

- 10.3. The application site is located within Lindsayfield Local Centre as designated by the adopted South Lanarkshire Local Plan 2. Therefore, the principle of the proposal at this site is acceptable.

- 10.4. In relation to Policy 28 Retail of the NPF4, the proposed application site is located within the curtilage of an existing Morrison's car park and would be situated on an area covering 121 parking spaces. Roads and Transportation Services have no objections

to the loss of parking; therefore, the proposal would have no impact on the existing retail function in line with Policy 28.

- 10.5. Policy 9 Network of Centres and Retailing of the SLLDP2 seeks to support a network of Strategic, Town and Local Centres to provide retail and other local services to the communities of South Lanarkshire. Any proposals for change of use will be assessed regarding the provision of an appropriate mix of uses that will meet economic and social need. A retail element should be retained to serve the needs of the local community.
- 10.6. In this instance the proposal does not relate to a change of use and would provide an additional restaurant and drive through facility within an existing local centre. No retail element would be lost in doing so given the site relates to an under-utilised part of an existing car park. The proposal is therefore considered to be generally in accordance with Policy 9. Additionally, in relation to Policy 10 the site is located within Lindsayfield Local Centre, and therefore accords with the sequential test set out in the policy criterion.
- 10.7. In terms of the acceptability of the proposed *sui generis* drive through restaurant use, NPF4 Policy 27 City, town, local and commercial centres states:-
  - a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
  - b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:-
    - i. will be supported in existing city, town and local centres, and
    - ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:-
      - ◆ all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
      - ◆ the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
      - ◆ the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.
  - c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:-
    - i. Hot food takeaways, including permanently sited vans;
    - ii. Betting offices; and
    - iii. High interest money lending premises.
  - d) Drive-through developments will only be supported where they are specifically supported in the local development plan (LDP).
- 10.8. With regards to 27a and b, the application site is located within Lindsayfield Local Centre, and it is considered that the proposal would improve the vitality and viability of the local centre.
- 10.9. In terms of 27c) the proposed drive-through restaurant, a *sui generis* use, will share many of the same characteristics as a hot food takeaway (the sale of hot food for consumption off the premises). McDonald's offers a varied hot food menu, and the

applicant would put forward the view that their menu includes healthy hot food options that can be purchased for consumption off the premises.

10.10. With regards to 27d) the SLLDP2 does not contain any locational guidance for such uses. Nevertheless, the Chief Planner's letter of 8 February 2023 confirmed that Policy 27d) was not a moratorium on such developments and that the intent of the policy was to ensure that this type of development is considered as an integral part of the wider development plan. The letter reiterates that decisions will depend on the facts and circumstances of each case and regard should be given to wider policies within NPF4. In the absence of a specific allocation within the SLLDP2 and taking cognisance of the Chief planner letter and planning appeal history, it is considered that a drive through development in a local centre surrounded by a variety of other commercial uses would in this instance be an appropriate use. As such, the proposed drive through restaurant is in this instance considered to generally comply with 27d) of NPF4 which it is considered holds most weight when considering drive through proposals against Policy 27.

10.11. Climate Change

NPF4 Policy 1 Tackling the Climate and Nature Crises and NPF4 Policy 2 Climate Mitigation and Adaptation aim to ensure that new developments minimise and mitigate against climate change and the generation of greenhouse gases. The Chief Planner letter (4 February 2023) confirms that at this stage, quantitative assessments are not expected for all applications. In the absence of a methodology for measuring the emissions which would result from the proposed building, it is considered appropriate to instead consider the general sustainability of the proposal in land-use planning terms (whether the proposed development is supportable when assessed against other relevant policies in NPF4) and use that as an indicator about whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change.

10.12. SDLLP2 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and, where appropriate, connection to heat networks.

10.13. The proposed development is located within a local centre, close to existing community/retail facilities within the Lindsayfield Local Centre, with public transport provided by various bus services in the wider area. The proposed development would incorporate measures to improve the sustainability of the development and mitigate against climate change including the provision of air source heat pumps combined with photovoltaic (PV) panels to reduce the overall carbon emissions. McDonald's install recycling stations at all new restaurants and wherever possible reuse packaging. Electrical charging points and spaces for bicycles would be provided within the parking area. The site is not considered to be at risk of flooding, nor will the development exacerbate flooding elsewhere. In consideration, the proposal would not undermine the objectives of Policy 2 of SLLDP2.

10.14. Layout, Siting and Design

NPF4 Policy 14 Design, quality and place states: Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

- 10.15. Although overlooked by some residential properties, the proposal would be reasonably self-contained within the local centre in the context of its surroundings. Whilst customers are likely to initially access the facility by car, supported by parking provision, it still aligns with aims of Policy 14. The building's modern design incorporating sustainable features, will contribute to creating an attractive, functional, and safe environment. The proposal's integration with existing public transport, the provision of cycle parking, and its proximity to residential areas would address the "connected" quality and therefore reduce car dependency.
- 10.16. Many of the objections suggest that food consumed at or from McDonald's is not conducive to healthy eating, however, it is not for the planning system to be arbiter of what constitutes nutritious food. The applicant has highlighted that they offer a varied menu with a number of healthier options available to customers and provide a budget offer. Whilst the planning system considers the long-term impacts upon health because of development proposals, it does not identify specific operators or types of drive-through restaurant or hot food takeaway that would be unacceptable in health terms. The location of such uses in designated centres is considered desirable in land-use planning terms, there is no evidence that competing restaurants and takeaway uses in town centres and elsewhere necessarily offer a healthier choice than that being put forward by the applicant.
- 10.17. It is important to note that whilst the proposal may not fully comply with every aspect of Policy 14 it can still enhance the overall sense of place and well-being within the community by providing a facility to socialise and enjoy an affordable food option. The proposal is therefore considered to be generally consistent with Policy 14 of the NPF4.
- 10.18. Policy 5 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance supports developments where they do not have a significant adverse effect on the amenity of the area. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials, and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion. Policy DM1 - New Development Design reiterates these points and adds that modern innovative design can reflect local tradition through scale, massing, siting and colour rather than replicating existing building form.
- 10.19. The closest residential properties within the development are approximately 60 metres from the edge of the application site and approximately 90/100 metres from the proposed restaurant. To the west across Lindsayfield Road beyond the filling station and nursing home and to the north the residential properties are over 100 metres away. It is considered that the proposed modern design with high quality materials would on balance have no significant adverse impact on the amenity of the area. In

considering the orientation, scale, position and design of the proposed restaurant within the local centre, the topography of the land and the separation distance from the nearest dwellings, it is considered that the proposal would not compromise privacy, cause overshadowing or be visually intrusive to an extent that would merit refusal of the application.

- 10.20. Full assessments were provided to assess the impact of the development, in relation to noise. The supporting statement comments that noise created by the use of the drive thru lane and the car park has also been quantified and shown, by comparison with existing levels, will have a negligible impact on any of the neighbours. No boundary acoustic screens or limitations on the trading hours of the restaurant were shown to be required. A small acoustic fence around the customer order displays has been included in light of comments made during the consultation period and conditions relating to opening hours and delivery hours would be imposed. The noise generated by McDonald's mechanical services plant, on the roof of the restaurant, has been considered by the applicant and the kitchen extract fan and the air handling units will require fitting with noise control equipment, to ensure plant noise is kept below the minimum night-time background level.
- 10.21. In relation to odour, an assessment has been carried out and concluded that the proposed grease and odour control measures meet the necessary requirements within their recommended operating capacity ranges.
- 10.22. With regards to waste and litter, as an operator McDonald's have waste management policies and initiatives that would be implemented at this location. McDonald's has a company policy to conduct a minimum of three daily litter patrols in local communities, whereby employees pick up not only McDonald's branded packaging, but also any other litter that may have been discarded within a 150m vicinity of a restaurant. This may be expanded to suit local needs wherever possible. Litter bins would be provided outside all restaurants and packaging carries anti-littering symbols to encourage customers to dispose of litter responsibly. Anti-littering signage is displayed within restaurants and car parks, displaying clear instructions as to how to responsibly dispose of and recycle waste and restaurant teams participate in campaigns to support Keep Scotland Beautiful. The potential for littering by third parties after they have left the site is not something which can be addressed through this application. Indeed, the planning system cannot address unlawful acts such as dropping litter therefore this could not be used as a reason for refusal.
- 10.23. In terms of potential air, light, noise pollution, litter and odour and amenity concerns all raised in the representations, Environmental Services have no objection subject to the imposition of conditions and informatives detailed previously and have not raised any issues of concern in their consultation response.
- 10.24. In considering supporting information, plans, consultation responses and analysis of the site and neighbouring locality, the proposal is deemed to be satisfactory in terms of Policies 5 and DM1 of the adopted Local Plan.
- 10.25. Natural and Historic Heritage  
NPF4 Policy 3 - Biodiversity aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. The submitted tree survey includes that 16 trees will be removed to facilitate the development, with protective fencing proposed to safeguard the remaining 8 trees on the boundary. A landscape scheme and Maintenance Plan have been submitted with the proposed mitigation planting, with a number of native individual trees. Given the

mitigation planting, it is considered that the proposal would deliver positive effects in respect of biodiversity, in compliance with Policy 3 of NPF4.

10.26. An Ecological Appraisal has been undertaken which concludes that the habitats lost as a result of the proposed development site are not considered to be of significant ecological value, and therefore their loss as a result of the development would not have a significant ecological impact. The site is considered unlikely to support protected or notable species, however, vegetation on the site is suitable for a variety of common bird species to nest. In order to mitigate the ecological effects of the proposals, measures are required to prevent the disturbance of nesting birds during site clearance and to ensure non-native invasive plants are not spread as a result of construction. A wildlife-friendly lighting design is recommended. There are opportunities to enhance the ecological value of the site post-development, through the planting of trees and shrubs which will benefit pollinators, birds and other urban wildlife.

10.27. Ecological objections detailed previously referred to potential impacts upon animals and birds. No protected species have been identified and the species highlighted are commonplace and can easily adapt and relocate to nearby suitable habitats. In consideration, subject to appropriate conditions, the proposal complies with Policy 3 of NPF4.

10.28. Economy

Policy 15 of NPF4 aims to create well-connected and compact neighbourhoods that enable residents to meet their daily needs within a reasonable distance from home, preferably by walking, cycling, or using sustainable transport. The policy seeks to improve local living conditions, reduce inequalities, and enhance resilience to climate change through the development of high-quality mixed-use neighbourhoods. The proposal aligns with Policy 15 by contributing to local living and supporting the concept of a 20-minute neighbourhood. The proposal would provide an additional restaurant facility within an existing local centre suggesting that it would be an accessible destination within the local community. Additionally, with regards to local living opportunities to encourage employment within settlements, the applicant has advised that the proposed drive-through restaurant would generate employment for 120 workers. Of these 120 posts, 90 will be part-time, 30 will be full-time with an overall full-time-equivalent of 62 posts. Whilst there is no guarantee what proportion of these roles would go to local people, it is anticipated that a significant proportion of the employees would live locally or within a short commute.

10.29. Policy 23 of NPF4 aims to encourage development that enhances health and well-being. Development proposals which are likely to have a significant adverse effect on health will not be supported. As outlined in paragraph 10.16, there is no evidence that competing restaurants and takeaway uses in town centres and elsewhere necessarily offer a healthier choice than that being put forward by the applicant. With regard to air quality and noise, Environmental Services have raised no objections as detailed previously.

10.30. Travel and Transport

NPF4 Policy 13 Sustainable Transport states:-

a) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance; and

b) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

c) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

10.31. SLLDP2 Policy 15 Travel and Transport advises that the Council expects active travel and the availability and/or provision of public transport facilities and access to be fundamental design and locational elements of new development. New development proposals should promote opportunities for travel by sustainable travel modes in the following order of priority – walking, cycling, public transport and car. Where appropriate, planning applications will be accompanied by an active travel plan that demonstrates this order of priority has been considered and includes proposals to reduce travel by car and encourage walking, cycling and public transport as alternative modes of transport. Proposals should also consider measures to mitigate the impact of increased traffic growth and have regard to the need to reduce air pollution and greenhouse gas emissions.

10.32. SLLDP2 Policy SDCC4 Sustainable Transport states: New developments that result in a significant increase in traffic and pedestrian movements should be located in areas that are accessible by walking, cycling and public transport. Where appropriate, developers will require to submit a transport assessment, a travel plan and a design and access statement. New developments require to recognise the needs of cyclists, pedestrians and people with disabilities. New developments should, wherever possible, safeguard and enhance cycle parking and storage. In addition, they should incorporate access to public transport routes and hubs and have regard to the core path plans. In addition, to address climate change and support the use of electric vehicles, the Council will seek the inclusion of electric vehicle charging points within new developments.

10.33. Several concerns have been expressed regarding the 'inadequate existing infrastructure' resulting in the exacerbation of existing traffic congestion to the detriment of pedestrian safety, inadequate parking provision for the existing Morrisons and the proposal and the quality of the submitted Transport Assessment. Additionally, various mitigation measures have been proposed as summarised previously. Policy 15 - Travel and Transport - requires all new development proposals to consider the resulting impacts of traffic growth. A Transport Assessment was prepared by the applicant. After considering the original submission, and a more comprehensive Transport Assessment, Roads and Transportation have offered no objections, subject to conditions as detailed previously commenting that on the basis of the Traffic Impact Assessment, traffic associated with the proposed McDonalds can be accommodated on the local road network. The proposal can therefore be considered to comply with Policy 15 of the adopted LDP.

10.34. Technical Matters

The application site is located in part of an existing supermarket car park in close proximity to a petrol station and other commercial uses. From a planning perspective the application site is located within a local centre and therefore the proposal is acceptable in land use terms. It is well established that every planning application must be assessed on its own merits and commercial competition does not constitute a material planning consideration.

- 10.35. It is noted that the NHS utilise this part of the car park on a temporary basis, and it is anticipated that potentially another section of car park or an area within relatively close proximity could be utilised. Ultimately this would not merit refusal of the planning application.
- 10.36. In terms of potential air, light, noise pollution, litter and odour and amenity concerns raised in the representations, Environmental Services have no objection subject to the imposition of conditions and informatives detailed previously.
- 10.37. Given that both Roads and Transportation and Environmental Services have no objection to the proposal, the suggested mitigation measures/planning conditions from the objectors would either not be required in this instance or could not be imposed as they would not be necessary/relevant/enforceable. However, it is considered appropriate to impose planning conditions relating to opening hours and delivery times. The other remaining matters raised in the representations are all noted, however, none of them would constitute material planning considerations in the assessment of a planning application.
- 10.38. The points raised in the letters of support are noted, particularly in relation to employment opportunities, the regeneration of an underutilised parking area, provision of an additional amenity and the new road to Jackton that has now opened as part of the community growth area development.

10.39. Conclusion

It is noted that the principle of the proposal at this site is supported by development plan policies. Furthermore, given that it is considered that the proposal would not result in adverse amenity, environmental or safety impacts that would merit refusal of the application, it is considered that the proposed development is generally in compliance with the provisions of the relevant policies of the National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2. It is therefore considered appropriate for planning permission to be granted for the proposed development subject to the attached conditions.

**11. Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

**Grant subject to conditions:-**

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. That all deliveries shall be restricted to between the hours of 07:00 and 23:00.

Reason: In the interests of amenity.

03. That the proposed opening hours shall be restricted to between the hours of 06:00 and 00:00.

Reason: In the interest of amenity.

04. That no development shall commence until details of surface water drainage arrangements (including provision of a drainage assessment and maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices A, B, C, D and E).

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.

05. That the development hereby approved shall not commence until surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 4 above.

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.

06. That the proposed works will be carried out in accordance with the findings/mitigation measures of the Econ Tree Survey Report February 2023 and Encon Ecological Appraisal April 2023.

Reason: To ensure that the existing trees and ecology are adequately protected.

07. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access as indicated and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

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

09. That before the development is completed or brought into use, all of the parking spaces shown on Drawing 1139\_AEW\_1742\_0004 Rev K of the approved plans shall be laid out and constructed to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

10. That before any works starts, a Traffic Management Plan (TMP) for that construction phase with information such as, but not limited to, construction phasing, site deliveries routing/timings, construction compound layout, turning facilities, site car parking for visitors and site operatives and wheel washing facilities shall be submitted to and

approved by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads and Transportation Services, Police Scotland and Transport Scotland.

Reason: In the interests of traffic and public safety.

11. That the recommendations contained within the approved Traffic Management Plan shall be implemented and adhered to at all times. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction activities where these will have an impact on the approved TMP. The developer will consult with the Council, as Roads Authority, together with Police Scotland and Transport Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

## **12. Reason for Decision**

- 12.1. The proposal would have no significant adverse impact on amenity, public safety or the local environment that would merit refusal of the application and generally complies with the provisions of Policies 1, 2, 3, 13, 14, 15, 23, 27 and 28 of the National Planning Framework 4 and Policies 2, 5, 9, 10, 15, SDCC4 and DM1 of the adopted South Lanarkshire Local Development Plan 2 (2021).

**David Booth**

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

**Date:** 1 March 2024

## **Background Papers**

Further information relating to the application can be found online:-

[P/23/0851 | Erection of a restaurant and drive-through hot food takeaway, associated car parking, access, external seating area, play structure, landscaping and associated structures/works | Morrisons 1 Lindsayfield Road East Kilbride G75 9SA \(southlanarkshire.gov.uk\)](https://southlanarkshire.gov.uk/P/23/0851|Erection%20of%20a%20restaurant%20and%20drive-through%20hot%20food%20takeaway,%20associated%20car%20parking,%20access,%20external%20seating%20area,%20play%20structure,%20landscaping%20and%20associated%20structures/works|Morrisons%201%20Lindsayfield%20Road%20East%20Kilbride%20G75%209SA)

## **Corporate Considerations**

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

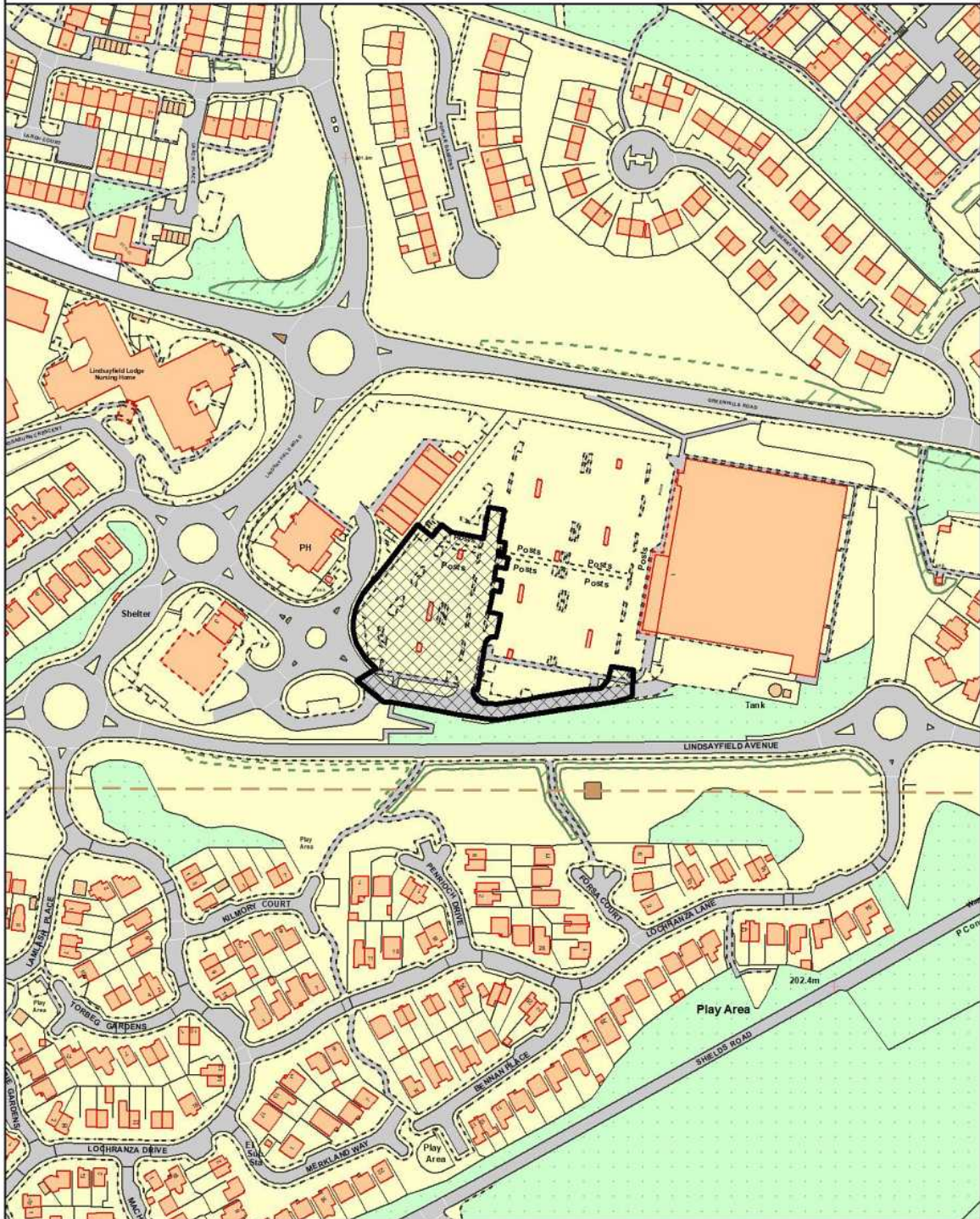
## **Contact for Further Information**

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

Tel: 01698 454867

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

P/23/0851, Morrisons, 1 Lindsayfield Road, East Kilbride



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Scale:  
1:2,500  
Date:  
08/02/2024



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Regulatory Services