

# Report

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Report to:	<b>Cambuslang/Rutherglen Area Committee</b>
Date of Meeting:	<b>6 July 2010</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CR/08/0124
Planning Proposal:	Erection of 5 retail units and formation of associated vehicular and pedestrian access and car parking

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Balvinder Singh Jassal
- Location : 9A Burn Place  
Cambuslang

## 2 Recommendation(s)

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

- (1) Grant detailed planning consent subject to conditions (based on the conditions listed in paper apart)

### 2.2 Other Actions/Notes

- (1) The Area Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent: Ronald J Tasker
- ◆ Council Area/Ward: 13 Cambuslang West
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan 2009**  
Policy RES 6 - Residential Land Use  
Policy COM3 – New Retail / Commercial Development  
Policy DM1 – Development Management

- ◆ Representation(s):

- ▶ 64 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

- ◆ Consultation(s):

Cambuslang Community Council

Environmental Services

Scottish Water

Roads and Transportation Services

## Planning Application Report

### 1 Application Site

- 1.1 On the west side of Dukes Road, with Burn Terrace lying to the north and South Lanarkshire Lifestyles to the south and west, the application site extends to 0.4 hectares or thereby and is currently lying vacant. The application site lies at the east end of Burn Place alongside a mix of uses including a public house, two restaurants and three other derelict properties. Currently access into Burn Place is by a private road which requires upgrading with informal parking areas serving the various uses. There are no formal pedestrian footpaths into the site.
- 1.2 The site is generally flat and overgrown with rough grass and scrub with more substantial trees and hedges along its western and northern boundaries. The application site includes the existing communal access road which will require to be upgraded to serve the proposed development.

### 2 Proposal(s)

- 2.1 Originally the applicant sought consent for the erection of 6 retail units with office accommodation above. However this scheme was revised and the applicant now seeks consent for the erection of 5 one storey shop units in a single block. The block will be located to the west of the site on land which is currently lying vacant. Each shop will be approximately 65 sq metres in size providing a total of some 325 sq metres of retail space. In terms of materials it is proposed that the front of the shops will be glazed with timber clad walls and an aluminium roofing material.
- 2.2 The size of the application site allows adequate space for car parking to the front and side of the proposed shops along with a road layout which will allow the shops to be serviced from the rear. A total of 57 parking spaces will be available for the shops.
- 2.3 In addition a Traffic Statement submitted by the applicant confirms that the applicant will upgrade the access arrangements (vehicular and pedestrian) into the site from Dukes Road, to the standards required by the Council.

### 3 Background

#### 3.1 Local Plan Status:

- 3.1.1 In terms of the adopted South Lanarkshire Local Plan the site lies within a residential land use area, Policy RES 6 being applicable. In addition to this the nature of the proposed development will require the application to be assessed against Policy COM3 - New Retail/Commercial Development as well as Policy DM1- Development Management. The content of these policies and how they relate to the proposal is assessed in detail in Section 6 of the report.

#### 3.2 Relevant Government Advice:

- 3.2.1 The Scottish Planning Policy encourages the reuse of Brownfield sites such as the application site subject to the protection of the viability of existing town centres by controlling out of centre retail developments.

#### 3.3 Planning Background:

- 3.3.1 There have been no previous planning applications relating to the site within the last 5 years however the applicant has submitted a separate planning application to redevelop an adjacent derelict building as a bar/ restaurant (application number CR/08/0104) which will also be considered by the Committee.
- 3.3.2 In addition it should also be noted that the Planning Committee granted consent, subject to the conclusion of an appropriate Section 75 Agreement, for an application

for a hotel at the adjacent site of 3 Burn Terrace (Planning Application No. CR/07/0043), in December 2007. This also included improvements to the access road into the site. At the present time the Section 75 Agreement has not been concluded and thus no consent has been issued for this proposal.

#### **4 Consultation(s)**

4.1 **Roads and Transportation Services**: No objections subject to the provisions of the agreed Traffic Statement being implemented.

**Response**: Noted and appropriate conditions can be imposed to address these aspects should consent be issued.

4.2 **Environmental Services**: No objection subject to appropriate conditions relating to dust mitigation/control, contaminated land investigation and remediation and advisory notes relating to noise, demolition, asbestos and the contaminated land register.

**Response**: Noted. Appropriate conditions and advisory notes shall be attached to any consent that is issued to address these aspects if consent is granted.

4.3 **Cambuslang Community Council**: No objections to the application.

**Response**: Noted.

4.4 **Scottish Water**: No objections to the proposed development.

**Response**: Noted.

#### **5 Representation(s)**

5.1 Statutory neighbour notification was undertaken and initially one letter of objection was received along with 33 copies of a pro-forma letter, all individually signed, agreeing with the comments contained in the original letter. As mentioned above the applicants subsequently submitted amended plans which were once again made available to the neighbours. In response to this second notification a single letter of objection was received along with 29 copies of a pro-forma letter, all individually signed, agreeing with comments contained in that letter. Thus, in summary, a total of 64 letters of objection were received, 34 against the original plans and 30 against the amended plans.

5.2 The issues raised in the representations received can be summarised as follows:

**(a) The type of shops developed should be controlled. In particular shops which would attract anti-social behaviour, cause litter or adversely affect the amenity of the neighbouring residential properties would not be welcome and given the location and surrounding uses this type of shop may wish to locate here.**

**Response**: If planning permission is approved whilst it will be possible to restrict the use of the units to Use Class 1 – Retail it will not be possible to control the specific retail uses within this class. However it would prevent the units being used as hot food shops, betting shops or as further cafés/restaurants. Furthermore a condition can be attached to any consent requiring the provision of litter bins. However in general terms anti-social behaviour and litter are the responsibility of other agencies. These conditions shall be attached if planning permission is granted.

**(b)The development may be on contaminated land.**

**Response**: The Council is aware of the history of contamination of land in this area and was responsible for the remediation of a major contaminated site on the other side of Dukes Road. In this particular instance, the Council's Environmental Services have asked that the applicants provide a contaminated land investigation

report, along with a remediation plan if required, prior to the commencement of any works. This will be imposed as a planning condition should consent be granted.

**(c) The access road into the site and parking within the site is of a very poor quality.**

**Response:** The applicants have confirmed in writing that they will undertake works to upgrade and surface the access road to the standards required by the Council, including a new mini-roundabout at the access point on Dukes Road. The submitted drawing indicates sufficient parking for the proposed development and this parking will be set-out, lined and surfaced to the required standards.

**(d) The proposed access road and parking may adversely affect the stability of the rear garden wall of the properties at 9 – 31 Burn Terrace.**

**Response:** It is the responsibility of the developer and his contractors to ensure that there is no structural damage to adjoining properties. However a condition shall be attached to the consent, should it be granted, which requires the applicant to undertake a structural survey of the affected wall prior to the commencement of works.

**(e) The proposed development will adversely affect the residential amenity of the neighbouring properties. The site at present although derelict, overgrown and unsightly does provide a quiet and secluded environment for the neighbours. However the erection of a new six foot fence with landscaping will be acceptable.**

**Response:** The applicants propose to provide the new fence and landscaping as requested. In addition the shops will be set some 18 metres away from the mutual boundary and as such it is considered that any impact on the neighbouring residential properties will not be significant.

**(f) There are already a growing number of vacant shop units in the Cambuslang area.**

**Response:** Noted, the proposed development requires to be assessed in relation to Policy COM3 – New Retail/Commercial Developments of the adopted local plan and this matter will be fully considered in the Assessment and Conclusions section of the report.

5.3 These representations have been copied and are available for inspection in the usual manner.

## **6 Assessment and Conclusions**

6.1 Section 25 of the 1997 Planning Act requires all planning applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. Consequently the adopted Local Plan is of fundamental importance to the assessment and determination of this application.

6.2 The adopted South Lanarkshire Local Plan identifies the site as being within an area covered by Policy RES6 - Residential Land Use area. This designation states that the Council will oppose the loss of houses to other uses and will resist any development that will be detrimental to the amenity of those areas. In particular the Council will not approve 'bad neighbour' uses which may by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety be detrimental to residential areas. It goes on however to state that developments of an ancillary nature such as single retail development for local needs may be acceptable. Each application has to be judged on its own merits with particular consideration given to the impact on residential amenity and/or proposed servicing and parking

arrangements and an assessment of the contribution of the proposal to meeting an identified local need. Thus within the context of this land use policy there are two key aspects of the application which need to be considered, namely; the impact of the development on the residential amenity of the area and whether or not there is a local need for the shops and if there is, can they be serviced and provide parking in an acceptable manner.

- 6.3 With respect to the potential impact of the development on the residential amenity of the area it is first of all important to note that despite its local plan designation there are no residential properties in Burn Place, in fact the only uses within Burn Place are hot food restaurants/takeaways, a public house and derelict buildings which have fallen out of use. The largest existing land use within Burn Place, which includes the application site, is vacant and derelict land. Secondly it is important to note that the application site is only adjacent to residential properties along its northern boundary and that despite its designation the area is not totally residential in character. Notwithstanding the impact of the development on the amenity of these residential properties must be considered in particular with respect to visual impact; noise; smell; air pollution; disturbance; traffic and public safety.
- 6.4 With respect to visual impact it is noted that the applicants revised their original plans for a two storey development of 6 shops on the ground floor with office units above. The current proposal is now for a single storey development of 5 shops. The shops will be located within the area of the application site which is made up of vacant derelict land. The parade of shops, which will lie at right angles to the houses, will be located some 18 metres from the site boundary and some 30 metres from the rear elevation of the closest dwelling. In these circumstances and given the current and proposed boundary treatment, i.e. a landscape strip with a 2 metre high wooden fence it is considered that the development will have no significant detrimental impact on the dwellings in terms of visual impact or noise. As the proposed development is for 5 retail units (Use Class 1) there will be no additional hot food or restaurant use and thus it is considered that the proposed development will have no significant impact in terms of smell or air pollution.
- 6.5 The proposed development will attract traffic and a level of disturbance to a site which is currently vacant. However given the scale of the development and the location and levels of the proposed shops and car parking relative to the dwellings it is considered that any traffic disturbance will have limited impact on the dwellings. It should also be noted that there is no vehicular link between Burn Place and Burn Terrace and thus the proposed development will have no direct impact on traffic levels and public safety in Burn Terrace. It is thus concluded that in terms of the criteria set out in Policy RES6 that the proposed development will not have a significant adverse impact on the residential amenity of the adjacent dwellings at Burn Terrace. In addition it is also considered that the vacant and derelict nature of the site at present creates a negative image within the area and that the proposed development, by bringing the site back into active use will positively improve the environment and amenity of the application site and the wider area in general.
- 6.6 The second key element of this policy is whether or not there is a local demand for the proposed use. The applicant has applied for five retail units but does not explicitly identify the exact type of shops to be located in the development. The planning regulations do not allow the Council to specify exact types of shop; however it is possible to limit the development to Use Class 1 - Shops. Use Class 1 includes the retail sale of goods and other services such as hairdressers, post office, laundrette, travel agent etc. With respect to demand it is noted that in this instance the scale of the proposed development is such that a Retail Impact Assessment is not required.

In the absence of this analysis no exact measure of need can be obtained however the following is noted:

- To the east of Dukes Road, immediately adjacent to Burn Place, a new development of 111 residential flats has recently been completed.
- The only shop in the immediate vicinity of Burn Place, a post office / retail store at 262 Cambuslang Road was demolished some 4 years ago and has not been replaced.
- The closest shops to the site are a single general store at Richmond Drive/Hamilton Road, Rutherglen and a small parade of shops at Buchanan Drive, Cambuslang. These however seem to cater for very local needs.
- There are nearby shops at Dukes Road/Calderwood Road some 850 metres from the site. Burnside village centre is 1.6km away while Cambuslang and Rutherglen town centres lie at a distance of 1.2km and 2km respectively.

Given these circumstances it is considered that the proposed shops can be considered to meet a specific local need and would also replace the recently closed Post Office. As mentioned above, the size of the application site can accommodate the necessary car parking and service provision for the proposed development. In light of this it is therefore concluded that the proposed development will comply with Policy RES6.

6.7 Although it is concluded above that the proposed development satisfies the various elements of Policy RES6, the nature of the proposed development still requires that it must also be assessed against local plan policy COM3 – New Retail/Commercial Development Policy. This policy identifies various criteria against which applications for new retail development should be assessed, namely:

- (a) that they follow the sequential approach as set out in Scottish Planning Policy (SPP) – Town Centres and Retailing
- (b) that they do not undermine the vitality and viability of town centres identified by COM 1 ‘Town Centre Land Use Policy’ and/or village/neighbourhood centres identified by COM 6 ‘Village/Neighbourhood Centres Policy’
- (c) that they can be supported by the areas’ catchment population
- (d) that they complement regeneration strategies for the area
- (e) that they promote sustainable development by:
  - i taking account of the development location and accessibility (refer to TRA 1 ‘Development Location and Transport Assessment Policy’)
  - ii minimising environmental and traffic impact
  - iii promoting design quality
  - iv taking account of drainage and service infrastructure implications.

6.8 The sequential approach should be used when selecting locations for all retail and commercial leisure uses. The sequential approach requires that locations are considered in the following order:

- town centre,
- edge of town centre,
- other commercial centres identified in the development plan,
- out of centre locations that are or can be made easily accessible by a choice of transport modes.

The SPP goes on to state that a retail impact analysis should be undertaken where a retail and leisure development over 2,500 square metres gross floorspace outwith a defined town centre is proposed which is not in accordance with the development plan. The proposed development has a gross floorspace of some 365 square metres and is thus well below the size threshold set out in the SPP and thus it will not require a retail impact analysis. Consequently it is not considered it will adversely affect existing retail facilities within the existing town centres.

- 6.9 It is therefore concluded that criteria (a) will not apply and for the same reason the development is such that it will satisfy criteria (b). As set out in paragraph 6.6 above it is considered that the proposed development will meet a local need and thus criteria (c) of this policy is also satisfied. In addition by redeveloping a vacant and derelict site the proposed development will help regenerate the area and thus satisfy criteria (d). Finally by redeveloping a vacant Brownfield site, to meet primarily local needs, it is considered that the various aspects of criteria (e) will also be satisfied. It is therefore concluded that the proposed development satisfies the terms of and thus complies with local plan policy COM3.
- 6.10 All planning applications must also be assessed against the terms of Policy DM1 – Development Management which seeks to ensure that the proposed development is of an acceptable quality in terms of design and materials while at the same time having an acceptable impact on the amenity of the neighbouring properties and the wider area. As mentioned above, in the consideration of Policy RES6, it has been concluded that the proposed development will not significantly adversely affect the residential amenity of the neighbouring properties. In terms of design the proposed shopping units will be of modern design utilising glazing on the front with timber cladding on the remaining elevations. Given the nature of the application site and the neighbouring properties within Burn Place it is considered that the design is not only of acceptable quality but that it will also enhance the environment and amenity of the area and comply with Policy DM1.
- 6.11 Following statutory neighbour notification a number of letters of objection to the proposed development were received. The representations received have been fully considered however for the reasons detailed above it is concluded that the concerns expressed cannot justify the refusal of consent.
- 6.12 In terms of the other material considerations two issues require further examination. Given the condition of the existing access into the application site any new development will be dependant on the completion of the access road and footpath improvements set out in the agreed Transport Statement, including the provision of a new roundabout on Dukes Road adjacent to the entrance to Burn Place. For this reason it is proposed that a suspensive condition be placed on the consent, should it be granted, stating that development of the shopping units cannot commence until the road and footpath improvements are completed to the satisfaction of the Council. Secondly, with regards to the future use of the shops it is important to ensure that the development does not have an unacceptable impact on the local environment, while at the same time maximising the benefit of the shops to the local community. For these reasons it is proposed that the use of the shops should be restricted to Use Class 1, and an appropriate condition will be attached.
- 6.13 Taking account of the arguments set out above it is concluded that detailed planning consent should be granted subject to the attached conditions.



## **7 Reasons for Decision**

- 7.1 The proposed development is in accordance with policies RES6, COM3 and DM1 of the adopted South Lanarkshire Local Plan and would not be detrimental to the residential amenity of the area or road safety.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**21 June 2010**

### **Previous References**

- ◆ CR/07/0043
- ◆ CR/08/0095
- ◆ CR/08/0104

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Application Form
- ▶ Application Plans
- ▶ Neighbour Notification certificate dated 28<sup>th</sup> April 2008
- ▶ South Lanarkshire Local Plan (adopted) 2009
- ▶ South Lanarkshire Council Guidelines for Development Roads 2000
- ▶ Scottish Planning Policy
- ▶ Traffic Statement by W A Fairhurst & Partners dated 6<sup>th</sup> May 2009
- ▶ Letter dated 3<sup>rd</sup> December 2009 from Roads and Transportation Services to Agent agreeing Traffic Statement.

#### ▶ Consultations

Cambuslang Community Council	28/05/2008
Environmental Services	05/06/2008
Roads and Transportation Services	25/06/2008 03/06/2009
Scottish Water	17/06/2008

#### ▶ Representations

Representation from : David Thomson, 25 Burn Terrace  
Cambuslang G72 7DN, DATED 12/05/2008

Representation from : Allan Bell, 6 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : James Lavery, 8 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Brian Duncan, 9 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Ann Grant, 11 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Mr and Mrs Fullerton, 29 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : David Monk, 12 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Miss E Coyne, 7 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : J Williams, 22 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Mrs Mattie Sheridan, 18 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Thomas Heaney, 14 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : B Grant, 44 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Mrs Judith Hilda Dunn, 39 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Anne Marie Laidlaw, 38 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : E McCusker, 37 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Bernadette Murray, 35 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Mr and Mrs McGill, 27 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : June Anderson, 34 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : S McKenna and E Bruen, 36 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : John Irvine, 13 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Mrs Theresa Owens, 4 Burn Terrace

Cambuslang, DATED 14/05/2008

Representation from : J McNamara, 16 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : James Shields, 15 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : E Curlie, 17 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Catherine Foy, 19 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Rose Currie, 20 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : J O'Neill, 21 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : John Reid, 23 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Margaret Coats, 24 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Anne Malcolm, 28 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Mr James Healy, 32 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Hugh McCutcheon, 33 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Ms Denise Shuff, 30 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Nancy Orr, 26 Burn Terrace  
Cambuslang, DATED 14/05/2008

Representation from : Mr. Hugh McCutcheon, 33 Burn Terrace  
Eastfield  
Cambuslang G72, DATED

Representation from : Elizabeth McCusker, 37 Burn Terrace  
Eastfield  
Cambuslang G72, DATED

Representation from : William Dunn, 39 Burn Terrace  
Eastfield  
Cambuslang, DATED

Representation from : David Thomson, 25 Burn Terrace  
Cambuslang G72 7DN, DATED 21/09/2009

- Representation from : Mrs Cathering Foy, 19 Burn Terrace  
Eastfield, Cambuslang  
Glasgow G72, DATED
- Representation from : Gerrard Wilson, 34 Burn Terrace  
Eastfield, Cambuslang  
Glasgow G72, DATED
- Representation from : William R. McGill, 27 Burn Terrace  
Eastfield, Cambuslang  
Glasgow G72, DATED
- Representation from : Steven McKenna, 36 Burn Terrace  
Eastfield, Cambuslang  
Glasgow G72, DATED
- Representation from : Anne Marie Laidlaw, 38 Burn Terrace  
Eastfield, Cambuslang  
Glasgow G72, DATED
- Representation from : J. McGinty, 10 Burn Terrace  
Eastfield, Cambuslang  
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- Representation from : John Reid, 23 Burn Terrace  
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- Representation from : E. Coyne, 7 Burn Terrace  
Eastfield, Cambuslang  
Glasgow G72, DATED
- Representation from : Mr. David Monk, 12 Burn Terrace  
Eastfield, Cambuslang  
Glasgow G72, DATED
- Representation from : Mr. James O'neill, 21 Burn Terrace  
Eastfield, Cambuslang  
Glasgow G72, DATED
- Representation from : Mr. William Barclay, 40 Burn Terrace  
Eastfield, Cambuslang  
Glasgow G72, DATED
- Representation from : Annie Grant, 11 Burn Terrace  
Eastfield, Cambuslang  
Glasgow G72, DATED
- Representation from : Brian and AM Duncan, 9 Burn Terrace  
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- Representation from : Elizabeth Healy, 32 Burn Terrace  
Eastfield, Cambuslang  
Glasgow G72, DATED
- Representation from : Anne Malcolm, 28 Burn Terrace  
Eastfield, Cambuslang  
Glasgow G72, DATED

**Contact for Further Information**

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

Bill Kerr  
(Tel :0141 613 5141 )  
E-mail: [Enterprise.cam-ruth@southlanarkshire.gov.uk](mailto:Enterprise.cam-ruth@southlanarkshire.gov.uk)

**CONDITIONS**

- 1 The consent shall be carried out strictly in accordance with drawing numbers: 1350/01d
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 3 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 4 That before any development commences on site 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.
- 5 That the roller shutters hereby approved shall be of a "brick bond" design unless otherwise approved in writing by the Council as Planning Authority.
- 6 That before any work commences on the site, 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.; (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.
- 7 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(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 8 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 6 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.
- 9 That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.
- 10 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

- 11 That before any of the retail units hereby approved is occupied, the fences and/or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 10 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 12 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
- (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
  - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
  - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.
- 13 (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to 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.
- 14 Prior to development commencing on site, 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.

- 15 That prior to any work commencing on the site detailed plans for the new access arrangements, including car parking, a widened access road, new footpath and the provision of a mini roundabout at the access point on Dukes Road, shall be submitted to the Council for formal written approval and thereafter shall, before any works commence of the retail units hereby approved, be constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 16 That prior to any work commencing on the site, a maintenance agreement for the access and car park arrangements approved under the terms of Condition 15 above shall be submitted to and approved by the Council as Planning and Roads Authority. Thereafter, the access road, footpath and car park shall be maintained in accordance with the approved management agreement to the satisfaction of the Council.
- 17 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 18 That prior to the commencement of works on site a street lighting plan for the proposed development shall be submitted to the Council for written approval and before the retail units hereby approved are completed or brought into use the approved street lighting plan shall be implemented and the lighting maintained to the specification of the Council as Roads and Planning Authority.
- 19 That prior to the commencement of works on site plans for a new CCTV security system for the proposed development shall be submitted to the Council for written approval and before the retail units hereby approved are brought into use the approved CCTV security system shall be installed and maintained to the satisfaction of the Council Planning Authority.
- 20 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), the use of the retail units hereby approved shall be restricted to uses within Use Class 1 as defined in the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, without the prior written consent of the Council as Planning Authority.
- 21 The proprietor of the retail units shall supply receptacles (litter bins) for discarded containers and wrappings to the satisfaction of the Council as Planning Authority.
- 22 That prior to the commencement of any works on site a structural survey, to be carried out by a suitably qualified professional, of the retaining walls at the rear gardens of the residential properties along the northern boundary of the site shall be undertaken and submitted to the Council as planning authority.



## REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of amenity.
- 6 In the interests of the visual amenity of the area.
- 7 In the interests of amenity.
- 8 In the interests of amenity.
- 9 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 10 These details have not been submitted or approved.
- 11 In order to retain effective planning control
- 12 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 13 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 14 To minimise the risk of nuisance from dust to nearby occupants.
- 15 In the interest of public safety
- 16 In the interests of amenity.
- 17 To ensure the provision of adequate parking facilities within the site.
- 18 In the interest of traffic and public safety.
- 19 In the interest of public safety
- 20 In order to retain effective planning control
- 21 To safeguard the amenity of the area.
- 22 To record the structural conditions of the affected walls prior to the commencement of works.

For information only

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