

Report

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| Report to: | Planning Committee |
| Date of Meeting: | 8 June 2021 |
| Report by: | Executive Director (Community and Enterprise Resources) |

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| Application no. | P/20/0731 |
| Planning proposal: | Siting of two temporary storage containers for a period of 1 year (in retrospect) |

1 Summary application information

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| Application type: | Detailed planning application |
| Applicant: | Mr Harpreet Rai |
| Location: | 117 Cedar Drive East Kilbride G75 9HZ |

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.

3 Other information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 09 East Kilbride
- ◆ Policy Reference(s): **South Lanarkshire Development Plan 2 (2021)**
Policy 2: Climate change
Policy 3: General urban areas and settlements
Policy 5: Development management and placemaking
Policy 14: Natural and historic environment
Policy DM1: New development design

◆ **Representation(s):**

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| ▶ | 18 | Objection Letters |
| ▶ | 0 | Support Letters |
| ▶ | 1 | Comment Letter |

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Licensing

Planning Application Report

1 Application Site

- 1.1 The report relates to two temporary storage containers that have been sited to the side of an existing convenience store at 117 Cedar Drive, East Kilbride. The application site is located within Greenhills and is bounded by housing to the west and south. To the north the site is bounded by footpaths and open space and to the east by St Andrew's Methodist Church. The area is residential in nature with a mix of housing nearby. The closest residential properties are located to the west of the proposal and these are single storey terraced properties that have rear gardens that back on to the application site.

2 Proposal(s)

- 2.1 The application seeks retrospective planning permission for the retention of two storage containers. The first storage container is located on the service access to the shop. The container is 9.75m x 3m in size and is 2.7m in height. It is metal grey with access at the side of the container. The second storage container is sited within the service yard of the shop and is positioned beside the boundary of the rear gardens of adjacent housing. It is 2.7m x 6.3m in size and 2.7m in height. The container is metal blue and access to it is to the front of the container.
- 2.2 The applicant has indicated that the storage units are required as a result of the COVID-19 pandemic to allow storage for additional inventory. A separate application for an extension to the shop was granted planning permission on 19 May 2021 (P/20/1080).

3 Background

- 3.1. The South Lanarkshire Local Development Plan 2 (SLLDP2) was adopted by the Council on 9 April 2021. The application site is on land identified as general urban within SLLDP2 and the proposal should be assessed against the following policies:

- ◆ Policy 2: Climate change
- ◆ Policy 3: General urban areas and settlements
- ◆ Policy 5: Development management and placemaking
- ◆ Policy 14: Natural and historic environment
- ◆ Policy DM1: New development design

3.2 Planning History

- 3.2.1 A separate retrospective planning application was also lodged at the time of this application for a snack van within the shop's parking area at the front of the shop (Planning Ref. P/20/0730). This planning application was refused consent under the Council's delegated powers on 5 March 2021. Enforcement action is being pursued separately to ensure the removal of this structure.
- 3.2.2 In addition, a planning application for a single storey front, side and rear extension to the shop, including the repositioning of an ATM (Planning Ref. P/20/1080) was granted permission under delegated powers on 19 May 2021.

4. Consultations

- 4.1 **Roads and Transportation Services** – note that the containers are located within an area that is currently used for service vehicles and that they are required due to the COVID-19 pandemic. In these circumstances, it is considered that the location of the containers is acceptable so long as they are for a temporary period.

Response: Noted. Roads and Transportation Service's requirements will be fully considered in the Assessment and Conclusion section below.

- 4.2 **Environmental Services** – have no objections to the proposal.

Response: Noted.

- 4.3 **Licensing** – Have stated that the storage of alcohol in the storage containers does not require an alcohol licence. Complaints were received regarding the sale of alcohol from one of the containers during the summer of 2020. Following an investigation, that activity has now ceased. The shop has a valid alcohol licence and the sale of takeaway beer from the shop is allowed under that licence.

Response: Noted.

5 Representation(s)

- 5.1 Statutory Neighbour Notification was undertaken and the retrospective development advertised in the local press for the Non notification of neighbours. As a result, 18 letters of objection and 1 letter of comment were received.

- 5.2 The grounds of representation can be summarised as follows:-

- a) **The increased volume of traffic associated with the shop is causing concern with regards to road safety.**

Response: Noted. Roads and Transportation Services have been consulted and their response is considered in the assessment and conclusion section below. However, they have no concerns in relation to traffic generated by this particular proposal.

- b) **Parking spaces will be lost at the shop, causing parking overspill onto neighbouring streets / increased volumes of traffic making parking difficult.**

Response: No parking spaces have been lost because of the proposal. Roads and Transportation Services have been consulted and their response is considered in the assessment and conclusion section below.

- c) **The largest container blocks part of the access road to my house.**

Response: The access road to the shop's service yard is a private access and forms part of the curtilage of the application site. Vehicular access from the objector's rear garden onto the service road is, therefore, a private legal matter that requires to be resolved between the objector and the applicant. Notwithstanding, it is noted that the applicant seeks temporary consent for this retrospective development in order to store stock as a result of the COVID-19 pandemic. Therefore, should this planning application be approved, this would not be a permanent development and would not prevent this arrangement being brought back into use in the future subject to the private legal issues being resolved.

- d) **The siting of the containers is creating a blind spot for drivers and pedestrians crossing the road.**
Response: Roads and Transportation Services have been consulted and their response is considered in the assessment and conclusion section below.
- e) **The containers take up space where delivery vans should unload. Delivery vans are currently unloading on the road, which is creating a hazard for pedestrians crossing the road near the shop.**
Response: Noted. Roads and Transportation Services have been consulted and their response is considered in the assessment and conclusion section below.
- f) **The storage containers are large and unsightly and make the street look like an industrial area. They are not suitable in a residential area.**
Response: Noted. The design and impact of the proposal is considered in the assessment and conclusion section below.
- g) **The shop is selling increasing levels of alcohol.**
Response: Licencing Services have confirmed that the shop has a valid alcohol licence and is permitted to sell alcohol. This application relates to the siting of two storage containers and alcohol is not being sold from them.
- h) **The shop owner is selling alcohol from the storage containers.**
Response: Noted. Licencing Standards investigated the sale of alcohol outside the shop and this matter has been resolved.
- i) **The shop container is being used to store extra stock for the shop.**
Response: Noted.
- j) **The largest container seems to be having a lot of work undertaken if it is only to be used as a storage container.**
Response: If planning permission is granted a planning condition can be added to limit the use of the container to the storage of stock only.
- k) **The containers will result in an increase in litter, noise and anti-social behaviour including vandalism.**
Response: The containers are for the purpose of storing stock and are required for a temporary period. A planning condition can be imposed to ensure bins and waste packaging are stored within the shop's service yard. It is not considered that this retrospective proposal would cause levels of anti-social behaviour that would warrant refusal of this planning application. Notwithstanding, should planning permission be granted it would be for a temporary period of a year.
- l) **The sale of alcohol is resulting in groups of people gathering, which is disturbing neighbouring residents and can be intimidating.**
Response: The proposal is for two storage containers. Issues regarding the sale of alcohol from the shop and the impact described are not a planning matter.

- m) **The interior of the shop is over-stocked, and it is difficult to socially distance.**
Response: This concern has been raised with Environmental Services.
- n) **Shop owner is dumping pallets and waste bins outside my gate.**
Response: This matter can be controlled by planning condition to ensure waste bins and waste packaging materials are retained within the enclosed service area. The issue of leaving pallets on the public footway has been reported to Environmental Services.
- o) **The bins cannot be kept in the gated area of the shop, they are left out and when full, can cause a lot of littering.**
Response: This matter can be controlled by planning condition to ensure waste bins and waste packaging materials are retained within the enclosed service area. The matter of littering has been referred to Environmental Services.
- p) **All flora and fauna should be protected from this development.**
Response: Noted. Given the minor nature of the works it is not considered that this retrospective proposal would be detrimental to any flora or fauna.

5.3 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

- 6.1 Retrospective planning permission is sought for the siting of two temporary storage containers for an existing shop at 117 Cedar Drive, East Kilbride. 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 including the impact on amenity and road safety.
- 6.2 In the adopted South Lanarkshire Local Development Plan 2 (SLLDP2), the application site is designated as being within a general urban area within which Policy 3 advises developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. Developments, particularly 'bad neighbour' uses which by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety will not be permitted if they are detrimental to the amenity of residents. Each proposal will be judged on its own merits with particular consideration given to the impact on the amenity of the area, proposed servicing and parking arrangements and where appropriate an assessment of the contribution of the proposal to meet an identified local need.
- 6.3 Policy 2 - Climate change of SLLDP2 requires new development where possible to seek to minimize and mitigate against the effects of climate change. The retrospective proposals do not involve any large scale or permanent construction and therefore do not have a detrimental impact upon the water and soils environment nor biodiversity and air quality. It is, therefore, considered to be in accordance with this policy.
- 6.4 Policy 5 - Development management and placemaking of SLLDP2 states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse

impacts on the local community. This advice is supported within Policy DM1 – Design.

- 6.5 Policy 114 - Natural and Historic Environment of SLLDP2 provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment.
- 6.6 Drawing these policies together the containers are associated with a convenience store that is long established within the area and are required for storage for a temporary period while the applicant progresses proposals to extend the shop to create additional storage space. The principle of the development is, therefore, acceptable in land use terms, however, the appropriateness of retaining them even on a temporary basis must also be assessed in relation to the impact on amenity and road safety. It is noted that, the two containers are located in close proximity to the rear gardens of a row of terraced housing. It is recognised that this will have an impact on residential amenity in the area. However, it is noted that, these houses are already located adjacent to the shop's existing service yard. In addition, they are single story in height and are separated from the service yard by a 2m high screen fence. The impact on their amenity is, therefore, acceptable. The containers are for storage purposes only and were required on a temporary basis in order to provide additional inventory as a result of the COVID-19 pandemic. One of the containers is located within the service yard and the other one on the side of the access to the yard space. Environmental Services were consulted on the planning application and had no objections to the development. It is, therefore, considered that any additional noise or disturbance would not be sufficient to justify refusal of the planning application given the site's existing purpose and as the containers will not be sited permanently.
- 6.7 In terms of visual impact and impact on street scene, it is noted that, whilst the container within the service yard is largely screened by the existing boundary treatment for the yard, the container sited on the access to the service area is not screened and can be viewed from the public road. However, it is noted that it is grey in appearance, less than 3 metres in height and temporary in nature. The proposal's impact on visual amenity is, therefore, considered acceptable on this basis.
- 6.8 It is noted that, the container sited on the access to the service yard is infringing on vehicular movement to the service area and is opposite the rear access gates to one of the adjacent residential properties. However, as this is on to the applicant's private access, this is a separate legal matter between the objector and the applicant. Roads and Transportation Services have not objected to the retrospective proposal but have stated that this is on the basis that the development is allowed on a temporary basis. It is considered given the COVID-19 pandemic is still ongoing and a decision is still to be made in respect of the applicant's proposed extension to the shop that a temporary period of a year would be appropriate.
- 6.9 In terms of consultation no objections were received from any of the consultees. 18 letters of objection were received in relation to this planning application, however, it is not considered that the concerns raised justify refusal of the planning application given the containers will be sited for a temporary period and are required to meet the demands of the shop that provides a service to the local community.

6.10 In conclusion, it is considered that the retrospective proposal is acceptable given its purpose and temporary nature. It is, therefore, recommended that planning permission is granted for a temporary period of a year.

7 Reason for Decision

7.1 The retrospective development is acceptable given its purpose and temporary nature and is in accordance with Policies 2, 3, 5, 14 and DM1 of the South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 27 May 2021

Previous References

- ◆ Planning Ref. P/20/0730
- ◆ Planning Ref. P/20/1080

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 22.06.2020
- ▶ Consultations
 - Roads Development Management Team 23.06.2020
 - Environmental Services 25.06.2020
 - Licensing 21.01.2021
- ▶ Representations
 - Mr Numberone Uncleisme 16.07.2020
 - Gordon Clark 30.06.2020
 - Ms Gayle MacLean, 46 Owen Ave, East Kilbride, G75 9AJ 13.07.2020
 - Mrs Jacqueline Hughes, 91 Cedar Court, Greenhills, East Kilbride, G75 9HR 25.06.2020
 - Anne Wallace, 11 Cypress Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 9HX 25.06.2020

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| Miriam Jacobson, 4 Cypress Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 9HX | 07.07.2020 |
| Victoria Rathmill | 07.07.2020 |
| C Stevenson | 07.07.2020 |
| Mr J E Allan, 94 Franklin Place, East Kilbride, Glasgow, South Lanarkshire, G75 8LS | 15.07.2020 |
| Mrs S Sinclair, 2 Spruce Grove, East Kilbride, Glasgow, South Lanarkshire, G75 9LU | 15.07.2020 |
| Mrs June Nicholson, 17 Cypress Crescent, East Kilbride, G75 9HX | 30.06.2020 |
| Aileen O'Neill | 30.06.2020 |
| Kath Shanks, St Andrew's Methodist Church, Cedar Drive, East Kilbride, G75 9HZ | 21.07.2020 |
| Gordon Clark, 111 Cedar Drive, East Kilbride, Glasgow, South Lanarkshire, G75 9HZ | 30.06.2020 |
| Mrs Mary Hughes, 92 Spruce Grove, East Kilbride, G75 9LU | 06.07.2020 |
| Alison Irvine, 26 St Andrews Court, East Kilbride, Glasgow, South Lanarkshire, G75 9LN | 07.07.2020 |
| Mr Ross Mitchell, 7 Spruce Grove, East Kilbride, G75 9LU | 11.07.2020 |
| Mrs Christine Cameron, 13 Cypress Crescent, East Kilbride, Glasgow, G75 9HX | 16.07.2020 |
| Mr Brian Hughes, 91 Cedar Court, Greenhills, East Kilbride, G75 9HR | 16.07.2020 |

Contact for further information

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

Byron Sharp, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455273

Email: byron.sharp@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/20/0731

Conditions and reasons

1. The storage containers are to be used only for the purpose of storing stock for the shop.

Reason: To protect residential amenity.

2. The temporary consent hereby granted will expire on 8 June 2022. Thereafter the storage containers will be removed from the site.

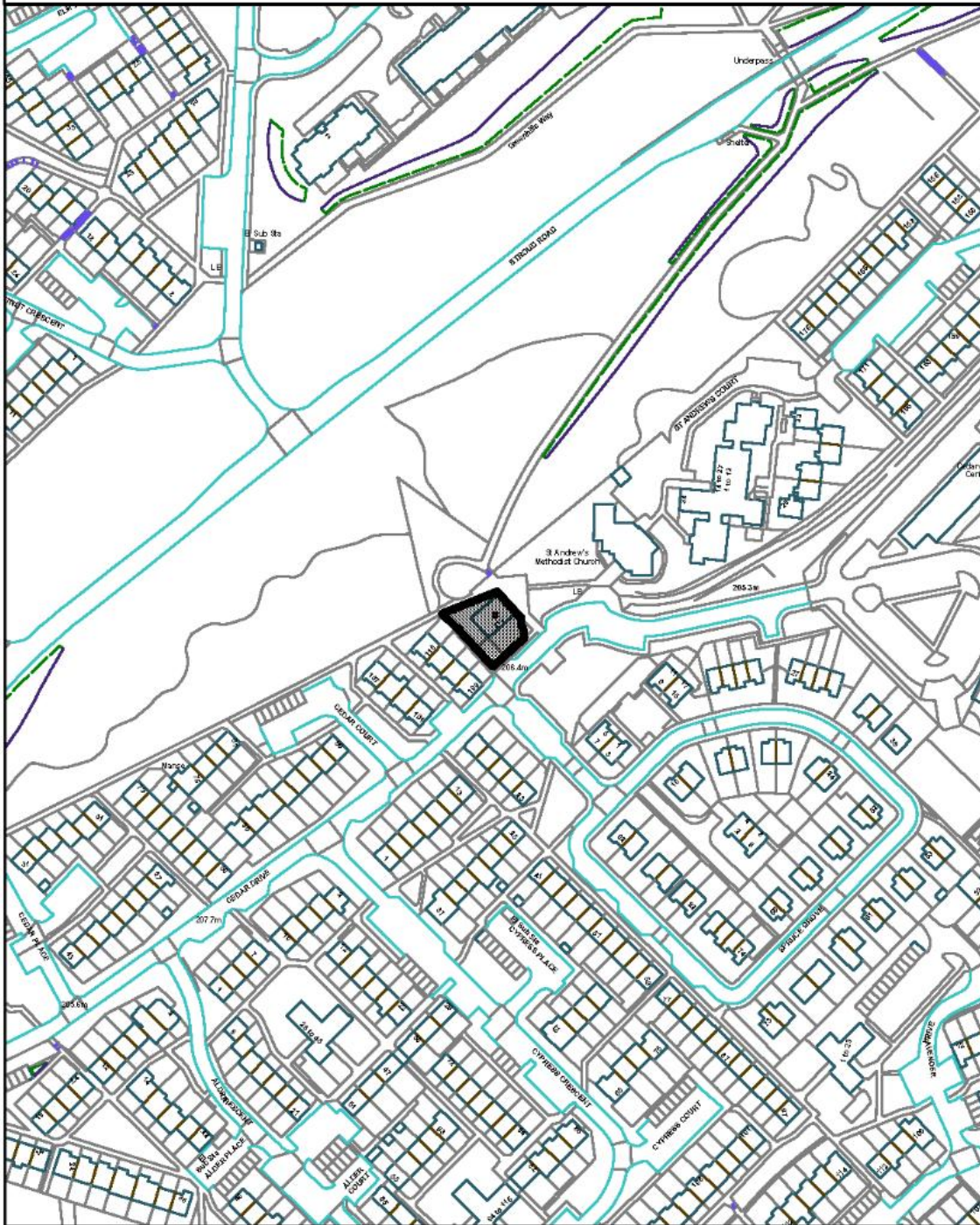
Reason: To protect residential amenity.

3. Bins and waste packaging materials must be stored within the shop's enclosed service area to the satisfaction of the Council.

Reason: To protect residential amenity.

P/20/0731

117 Cedar Drive



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Scale:
1:2,000
Date:
26/02/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development