

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>29 March 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/0704
Planning proposal:	Erection of retail development comprising 3 no. Class 1 and 1 no. Class 2 units and formation of access roads (including access road to serve adjacent land), car parking, external seating area, children's play area, earthworks and associated works

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mackay Planning
Location:	Land to the North of The B764 Eaglesham Road Jackton South Lanarkshire

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If Committee are minded to grant planning permission, it should be noted that consent cannot be granted and issued at present. As SEPA has advised against the grant of planning permission by objecting in principle on the basis of potential of flood risk, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 the application must be formally notified to Scottish Ministers for the opportunity to consider whether to call in the application for their own determination.

## 3 Other information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**  
Policy 1 - Spatial Strategy  
Policy 2 - Climate Change  
Policy 3 - General Urban Areas  
Policy 5 - Development Management and Placemaking

Policy 10 - New Retail and Commercial Proposals  
Policy 13 - Green Network and Greenspace  
Policy 14 – Natural and Historic Environment  
Policy 15 – Travel and Transport  
Policy 16 - Water Environment and Flooding  
Policy DM1 - New Development Design  
Policy DM15 – Water Supply  
Policy DM16 – Foul Drainage/Sewerage Provision  
Policy SDCC2 - Flood risk  
Policy SDCC3 - Sustainable Drainage Systems

♦ **Representation(s):**

▶	2	Objection Letters
▶	1	Support Letters
▶	1	Comment Letters

♦ **Consultation(s):**

Roads and Transportation Services (Development Management)

Roads and Transportation Services (Flood Risk Management)

Estates Services

Environmental Services

Biodiversity Officer

Scottish Water

SEPA

Jackton and Thorntonhall Community Council

## **Planning Application Report**

### **1. Application Site**

- 1.1 The application site relates to an area of undeveloped land located to the north-west of Eaglesham Road, Jackton, East Kilbride. The site, which measures 1.99 hectares in area, is predominantly flat throughout. The site is bounded to the south-east by Eaglesham Road, to the north-west by a recently constructed residential development, to the north-east by the SUDS pond associated with the residential development and to the south-west by currently undeveloped land which forms part of the East Kilbride Community Growth Area.
- 1.2 The site was included within the masterplan site for the development of the northern section of the East Kilbride Community Growth Area but was not originally proposed to be developed as part of the wider development of the area. There is currently no formal vehicular or pedestrian access in place to the site.

### **2. Proposal(s)**

- 2.1 Planning permission is sought for the erection of a small scale retail development comprising 3 no. Class 1 and 1 no. Class 2 units and the formation of associated access roads, car parking, an external seating area, a children's play area and associated works. A new access to serve the proposed development would be taken from Eaglesham Road. Each of the four proposed units would have a gross floor area of 249.5 square metres.
- 2.2 The proposed development is intended to serve as a small neighbourhood facility serving the convenience needs of the immediate catchment of the Community Growth Area. This would enable walk-in and cycle based accessibility and reduce car borne trips which would otherwise go to St James Retail Centre as the nearest local centre. The proposed layout and access connections therefore seek to maximise accessibility on foot and cycle from the immediate catchment area.
- 2.3 The applicants have advised that the proposed retail units would accommodate demand for business originally intended to be accommodated in a previously consented retail development to the north of the St James Centre, East Kilbride, which was approved under planning consent EK/16/0063 in May 2016. However, this consent has since expired and it has been advised that it is no longer proposed to take forward that site for retail purposes.

### **3. Background**

#### **3.1 Local Plan Status**

- 3.1.1 With regard to the South Lanarkshire Local Development Plan 2 (adopted 2021) the site falls within an area designated as forming part of the East Kilbride Community Growth Area under Policy 1 – Spatial Strategy. The policies listed below are also considered to be of relevance to this application and the proposal is discussed in respect of these policies in Section 6 below:-

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 10 - New Retail and Commercial Proposals
- ◆ Policy 13 - Green Network and Greenspace
- ◆ Policy 14 – Natural and Historic Environment
- ◆ Policy 15 – Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding
- ◆ Policy DM1 - New Development Design

- ◆ Policy DM15 – Water Supply
- ◆ Policy DM16 – Foul Drainage/Sewerage Provision
- ◆ Policy SDCC2 - Flood risk
- ◆ Policy SDCC3 - Sustainable Drainage Systems

### 3.2 **Relevant Government Advice/Policy**

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

### 3.3 **Planning Background**

- 3.3.1 The application site is located within the wider masterplan site for the northern section of the East Kilbride Community Growth Area (Planning Ref: EK/11/0202). However, it was not originally proposed to be developed as part of the original masterplan proposals for the wider site.

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

- 4.1 **Roads and Transportation Services (Development Management)** – originally raised a number of matters of concern relating to the roads design and layout associated with the proposed development. However, following discussions between the applicants and the Roads Service, revised drawings were submitted to resolve the matters of concern raised. The Roads Service has subsequently advised that they are satisfied with the amended submission subject to a number of conditions to be attached to any consent issued.

**Response:** Noted. The relevant conditions would be attached to any consent issued.

- 4.2 **Roads and Transportation Services (Flood Risk Management)** – originally raised a number of matters of concern relating to flood risk associated with the proposed development. Further to the identification of these matters of concern discussions were undertaken between the Planning, Roads and Flooding Services and the applicants in respect of the site. Revised details were subsequently submitted by the applicants in respect of the matters of concern raised. The Flood Risk Management Service has confirmed that, subject to conditions that would be attached to any consent issued, they are now satisfied that the development would not pose any flood risk. As such, they have confirmed their satisfaction for the development to proceed in this case.

**Response:** Noted. The requested conditions would be attached to any consent issued.

- 4.3 **Environmental Services** – offered no objections to the application subject to conditions relating to environmental considerations associated with the development.

**Response:** Noted. The requested conditions would be attached to any consent issued.

- 4.4 **Biodiversity Officer** – Further to the submission of an ecological report and additional supporting information in respect of the site the Biodiversity Officer confirmed satisfaction with the proposals subject to the imposition of conditions to any consent issued requiring the recommendations contained in the reports to be put in place on site.

**Response:** Noted. The requested conditions would be attached to any consent issued.

- 4.5 **Estates Services** – Offered no objection to the proposed development.  
**Response:** Noted.
- 4.6 **Scottish Water** – Offered no objection to the proposed development.  
**Response:** Noted.
- 4.7 **SEPA** – Initially submitted a holding objection in respect of the development on the basis of potential flood risk and noted discrepancies between the flood risk management documents initially submitted in support of the application and the flood risk assessment previously undertaken in respect of the wider Community Growth Area site. Further to this, discussions and meetings were held between the Council's Planning and Flood Risk Management Services as well as the applicants and SEPA in respect of the issues raised. Revised details were thereafter submitted for consideration by the applicants, which included further analysis of the flood risk associated with the site and additional proposed works to mitigate flood risk. As noted in Section 4.2 above, the Council's Flood Risk Management Team have accepted these additional details as submitted and confirmed that, in their view, the development as proposed would no longer pose a flood risk, subject to adherence to conditions that would be attached to any consent issued. However, SEPA have not accepted this view and have maintained their objection to the proposals at this time.

Of particular note in respect of the differing viewpoints held by SEPA and the Council's Flood Risk Management Team is the status of the access road to the development that is proposed to be constructed as part of the development works. Although this would be a permanent structure and would require to be put in place in order for the development to be brought into use, SEPA consider this road to be an informal flood defence and hold the policy position that, in general, they do not consider the protection afforded by an informal flood risk defence when considering the potential impact of a development. However, the Council's Flood Risk Management Team note that this road would require to be constructed as part of the development and would have the effect, together with the additional proposed mitigation works, of removing the flood risk associated with the proposed development in this case. However, given their policy position in this regard, SEPA have advised that they wish to retain their objection to the proposed development in this instance, based on the information provided.

**Response:** SEPA's position in respect of the application is noted, as is the divergence of opinion between SEPA and the Council's Flood Risk Management Team in this case. While the policy position held by SEPA is understood, it must be taken into account that the Flood Risk Management Team have confirmed that, in their view, the permanent works that are proposed in this instance, inclusive of the provision of the access road to the site, would not have any adverse impact on flood risk. As the proposed development would not have an adverse flood risk impact it is therefore not considered appropriate for the Council to refuse planning permission for the proposed development for this reason.

- 4.8 **Jackton and Thorntonhall Community Council** – Have not responded to date.

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

- 5.1 Statutory neighbour notification was undertaken and the application was advertised in the local press for neighbour notification purposes, due to the scale/nature of the development proposed and as development contrary to the development plan. Four letters of representation were received in respect of the application, comprising two letters of objection, one letter of comment and one letter of support. The points raised have been summarised as follows:-

- a) **The proposal is at odds with the development plan as it is located on land designated as forming part of the Green Network associated with the East Kilbride Community Growth Area in the adopted Local Development Plan. The proposal therefore fails to comply with Policy 1 – Spatial Strategy and Policy 13 – Green Network and Greenspace of the adopted Local Development Plan.**

**Response:** It is noted that the proposed development site forms part of a wider area within the CGA which has been allocated a Green Network designation in the adopted Local Development Plan. However it should be noted that, within the CGA, these allocations are indicative only as the wider site continues to be developed through the submission of detailed planning applications further to the original masterplan approvals. In particular, it is noted that the area of the CGA to the north of Eaglesham Road is now linked to the development of a 16 hectare woodland walk development which, once developed, will provide extensive greenspace to the area. It is also noted that the development site comprises predominantly scrub land of limited greenspace value which would be likely to hold limited use if left undeveloped. Therefore, it is not considered that the proposal conflicts with either Policy 1 or Policy 13 and it is considered that the development can be undertaken in accordance with the approved plans in full compliance with both policies.

- b) **The application site is located 300m to the north of a site which has been designated for a local retail development at part of the East Kilbride Community Growth Area development and to which a planning application for its development is likely to be lodged in the near future.**

**Response:** The location of the site in relation to a proposed retail area forming part of the southern part of the CGA is noted. However, it is not considered that the proposed development conflicts with this separate site. Firstly, it is noted that the proposed development would replace a previously consented retail development located adjacent to the nearby St James Centre, which is no longer expected to proceed and for which the planning consent previously issued has now lapsed. Additionally, the changing patterns of public use of retail facilities requires to be taken into account in that, due to a significant and most likely permanent increase in working from home in the last two years, there is likely to be increased demand for local retail services adjacent to residential areas. In this respect, it is considered that this relatively small scale retail development would co-exist with other existing retail facilities in the local area as well as any retail proposal that may come forward in respect of the southern area of the CGA in due course. In this respect the objector's intention to submit an application in respect of this separate site in the future is noted and any such application would be considered on its merits at that time.

- c) **Sufficient information has not been provided to demonstrate that the proposal would be compliant with the provisions of Policy 10 – New Retail and Commercial Proposals of the adopted Local Development Plan.**

**Response:** The applicants have submitted a detailed assessment of the proposal in respect of retail considerations as set out in Policy 10 of the adopted Local Development Plan. In particular, it is noted that the assessment has identified that the nearby St James Retail Centre consistently operates at or near to full capacity and that demand exists for the provision of additional retail space in the local area. In addition, it is noted that this proposal would replace the previously consented expansion of the St James Retail Centre consented under planning consent

EK/16/0063, which has now expired. Overall, it has been satisfactorily demonstrated that the retail capacity exists for the proposed development and that the development could be undertaken without significantly impacting on the existing retail provision in the local area or, indeed, the additional retail provision expected to be provided in the future within the southern area of the CGA.

- d) Insufficient information has been submitted to demonstrate that the development would not create a flood risk in the vicinity of the site. As such the proposal fails to comply with Policy 16 – Water Environment and Flooding of the adopted Local Development Plan.**

**Response:** Detailed discussions have been undertaken between the applicants, the Council's Planning, Roads and Flooding Services and SEPA in respect of any potential flood risk resulting from the proposed development. In this regard, it is noted that SEPA have objected to the development as they consider that the proposals do not comply with their policy requirements regarding flood risk management. However it is also noted that, following a detailed assessment of the supporting information provided by the applicants, the Council's Flood Risk Management Team have confirmed their satisfaction that the development would not have any adverse flood risk impact, subject to conditions that would be attached to any consent issued. While the policy position taken by SEPA in this instance is noted, it is not considered appropriate to refuse permission for a development on flood risk grounds where it has been demonstrated to the Council's satisfaction that there would be no adverse flood risk impact arising from the development. As such, while the proposal cannot be considered to fully comply with Policy 16 given the position held by SEPA in this case, it is considered appropriate for planning permission to be granted for the development, given that there would not be an adverse flood risk impact arising from the proposed works.

- e) It should be ensured that there is no adverse impact on protected species or biodiversity as a result of the proposed development.**

**Response:** An ecological study has been undertaken in respect of the site and has been considered, together with further supporting information, by the Council's Biodiversity Officer. The Biodiversity Officer has expressed satisfaction with the information provided subject to the imposition of conditions requiring that the recommendations of the study and further supporting information are implemented on site. The requested conditions would be attached to any consent issued and on this basis the view is taken that there are no concerns with regard to species or other biodiversity matters associated with this development.

- f) There is already an over-provision of hot food takeaways and it would be concerning if further similar uses were provided at this development.**

**Response:** In this case the development relates to the provision of three Class 1 (retail) units and one Class 2 (financial/professional service) unit. A hot food takeaway is a sui generis use which does not fall under either Class 1 or Class 2. As such, there are no proposals to form a hot food takeaway as part of the development at this time. However, any future change of use proposals to form a hot food takeaway would be considered on their merits at the time of any submission in that regard.

- g) The town centre of East Kilbride is suffering due to large numbers of vacant units and the construction of additional retail units elsewhere in East Kilbride is therefore unacceptable.**

**Response:** While the writer's comments in respect of the town centre are noted, it is not considered that it would be appropriate to restrict all retail proposals elsewhere in the town on this basis. The application site is located a significant distance from the town centre, is relatively small in scale and is intended to support local retail needs. As such, the view is taken that it is unlikely to have any significant impact on the town centre.

- h) The writer has registered their support for the proposals.**

**Response:** The writer's submission is noted.

- 5.2 These letters are available for inspection on the planning portal.

## **6. Assessment and Conclusions**

- 6.1 Planning permission is sought for the erection of a retail development comprising 3no. Class 1 and 1no. Class 2 units and the formation of associated access roads, car parking, an external seating area, a children's play area and associated works on vacant land at Eaglesham Road, Jackton, East Kilbride. A new access to serve the proposed development would be taken from Eaglesham Road. Each of the four proposed units would have a gross floor area of 249.5 square metres. The site is located on land associated with the East Kilbride Community Growth Area but which has not previously been subject to proposals for development.
- 6.2 The proposed development is intended to serve as a small neighbourhood facility serving the convenience needs of the immediate catchment of the Community Growth Area. This would enable walk-in and cycle based accessibility and reduce car borne trips which would otherwise go to St James Retail Centre as the nearest local centre. The proposed layout and access connections therefore seek to maximise accessibility on foot and cycle from the immediate catchment area. The applicants have advised that the proposed retail units would accommodate demand for business originally intended to be accommodated in a previously consented retail development to the north of the St James Centre, East Kilbride, which was approved under planning consent EK/16/0063 in May 2016. However, this consent has since expired and it has been advised that it is no longer proposed to take forward the site for retail purposes.
- 6.3 The proposed development requires to be considered against the relevant provisions of the South Lanarkshire Local Development Plan 2 (adopted 2021). Policy 1 – Spatial Strategy of the plan encourages sustainable economic growth and regeneration and seeks to move towards a low carbon economy, protect the natural and historic environment and mitigate against the impacts of climate change. The associated Table 3.1: Spatial Strategy Development Priorities identifies the East Kilbride Community Growth Area (EKCGA) as a development priority within the plan and it is noted that the application site is located within the area designated as forming part of the EKCGA.
- 6.4 Policy 13 – Green Network and Greenspace seeks to safeguard the Green Network where possible, with particular regard to the retention of areas of designated Priority Greenspace, but also seeks to support development proposals that can contribute towards greenspace provision and improvement of quality of life. In this case it is noted that the application site, like much of the EKCGA, is indicatively covered by a green



network provision. However, the area is not designated as Priority Greenspace. In addition, the application site is located on land designated under Policy 3 – General Urban Areas, where there is a preference for the siting of residential proposals as well as appropriate ancillary uses as necessary.

- 6.5 In this instance, it is noted that the application site relates predominantly to poor quality scrub land located within the EKCGA boundary, which has not been developed to date and is unlikely to gain any formal future use as a designated greenspace area. The proposed erection of a small scale retail development at this location would be considered to complement the predominance of residential uses in the surrounding area as well as the additional residential developments expected to be put in place within the EKCGA, particularly on the northern side of Eaglesham Road, and provide valuable local amenities and employment to the area. It is noted that the overall development of this area now includes the provision of a 16 hectare woodland walk development which, once developed, will provide extensive greenspace to the area. As such, the view is taken that this development would comprise a complementary ancillary use that would be of overall benefit to residents of the area and would not adversely impact on overall greenspace provision within the CGA. It is therefore considered that the development complies with Policies 1, 3 and 13 of the adopted Local Development Plan.
- 6.6 Policy 10 – New Retail and Commercial Proposals sets criteria under which all new retail proposals will be considered and seeks to ensure an appropriate and balanced retail provision within South Lanarkshire. It is noted that, with a gross floor area of less than 1000 square metres, the proposed development would be considered to be a smaller scale retail development. The applicants have submitted a retail statement justifying the provision of the proposed units. In particular, it is noted that the assessment has identified that the nearby St James Retail Centre consistently operates at or near to full capacity and that demand exists for the provision of additional retail space in the local area. In addition, it is noted that this proposal would replace the previously consented expansion of the St James Retail Centre approved under planning consent EK/16/0063, which has now expired. Overall, it has been satisfactorily demonstrated that the retail capacity exists for the proposed development and that the development could be undertaken without significantly impacting on the existing retail provision in the local area. As such, the proposals are considered to be compliant with the provisions of Policy 10.
- 6.7 Turning to general development management considerations, Policy 5 of the adopted plan seeks to ensure that all development is appropriately designed and sited and does not have any unacceptable adverse impact on local amenity. Policy DM1 provides further general development management and design advice while Policies 2 – Climate Change, 14 – Natural and Historic Environment and 15 – Travel and Transport also require to be taken into consideration in this regard. In particular in this case, the site is identified as one that may be at risk of flooding. As such, Policy 16 – Water Environment and Flooding as well as supporting policies DM15, DM16, SDCC2 and SDCC3 require to be taken into account.
- 6.8 Firstly, with regard to the issue of flood risk, detailed discussions have been undertaken between the applicants, the Council's Planning, Roads and Flooding Services and SEPA in respect of any potential flood risk resulting from the proposed development. SEPA initially submitted a holding objection in respect of the

development on the basis of potential flood risk and noted discrepancies between the flood risk management documents submitted in support of the application and the flood risk assessment previously undertaken in respect of the wider Community Growth Area site. Further to this, discussions and meetings were held between the Council's Planning and Flood Risk Management Services as well as the applicants and SEPA in respect of the issues raised. Revised details were thereafter submitted for consideration by the applicants, which included further analysis of the flood risk associated with the site and also included additional proposed works to mitigate flood risk. In response to the submission of these details the Council's Flood Risk Management Team have accepted the information submitted and confirmed that, in their view, the development as proposed would no longer pose a flood risk, subject to adherence to conditions that would be attached to any consent issued. However, SEPA have not accepted this view and have maintained their objection to the proposals at this time.

- 6.9 Of particular note in respect of the differing viewpoints held by SEPA and the Council's Flood Risk Management Team is the status of the access road to the development that is proposed to be constructed as part of the development works. Although this would be a permanent structure and would require to be put in place in order for the development to be brought into use, SEPA consider this road to be an informal flood defence and hold the policy position that they do not consider the protection afforded by an informal flood risk defence when considering the potential impact of a development. However, the Council's Flood Risk Management Team note that this road would require to be constructed as part of the development and would have the effect, together with the additional proposed works, of removing the flood risk associated with the proposed development in this case. However, given their policy position in this regard, SEPA have advised that they wish to retain their objection to the proposed development in this instance, based on the information provided.
- 6.10 Taking into account all of the above the Planning Service are satisfied, based on the response provided by the Flood Risk Management Team, that the undertaking of the proposed development in full accordance with the submitted details would not pose any flood risk impact in this instance. However, while it has been suitably demonstrated that there would be no flood risk impact in this case, given the policy position taken by SEPA in respect of the matter and given the position as set out in the South Lanarkshire Local Development Plan 2 that developments should be undertaken in accordance with SEPA guidance, it cannot be concluded that the proposed development would be fully compliant with the provisions of Policies 2, 16 or SDCC2 of the adopted plan.
- 6.11 With regard to general development management considerations it is considered that, subject to adherence to the conditions that would be attached to any consent issued, the development could be undertaken in a manner that would relate satisfactorily to its surroundings and have no unacceptable adverse impact on amenity. Indeed, the provision of local retail amenities is considered to be positive in terms of overall climate change issues, as such developments reduce the need for longer vehicle trips to larger facilities to satisfy public need. In addition, the site is well located in terms of walking and cycling routes as well as in terms of public transport provision. Additionally, subject to conditions that would be attached to any consent issued, it has been satisfactorily demonstrated that the development would not have any adverse impact in terms of access, parking or road safety issues.

- 6.12 With regard to the natural environment, particularly in respect of biodiversity issues, it is noted that an ecological study has been undertaken in respect of the site and has been considered, together with further supporting information, by the Council's Biodiversity Officer. The Biodiversity Officer has expressed satisfaction with the information provided subject to the imposition of conditions requiring that the recommendations of the study and further supporting information are implemented on site. The requested conditions would be attached to any consent issued and on this basis the view is taken that there would be no concerns with regard to species or other biodiversity matters associated with this development. Overall, the proposals are considered to comply with general development management considerations as set out in the adopted Local Development Plan, with particular regard to Policies 14, 15, DM1, DM15, DM16 and SDCC3.
- 6.13 Following statutory neighbour notification and advertisement of the application in the local press, four letters of representation were received by the Council. These comprised of two objection letters, one comment letter and one letter of support. The points raised are detailed in Section 5 above. It is not considered that any of the points of objection raised merit the refusal of the application in this instance.
- 6.14 In summary, the application was advertised as development contrary to the development plan as the site is located in an area which is considered to be at risk of flooding. However, following a detailed assessment of the proposals submitted, it has been determined that there would be no adverse flood risk impact resulting from the proposed development of the site as proposed. As such, taking into consideration the economic and amenity benefits of the proposed development, it is considered that a departure from the development plan can be justified and planning permission granted for the following reasons:
- 1) The proposal offers an opportunity to provide a commercial development within a generally residential area which would provide significant amenity benefit to local residents.
  - 2) The proposal supports the principles of climate change by providing locally beneficial amenities to residents of the area, reducing the requirement for longer car trips.
  - 3) The proposal complies with the provisions of Policies 1, 3, 5, 10, 13, 14, 15, DM1, DM15, DM16 and SDCC3 of the South Lanarkshire Local Development Plan 2 (adopted 2021).
  - 4) It has been demonstrated that the proposed development will not create any flood risk issues.
  - 5) The development will provide local employment opportunities.
  - 6) There will be no infrastructure implications arising from the development.
- 6.15 It is therefore recommended that planning permission is granted. Although the reasons for SEPA's objection are not supported by the Council's Flood Risk Management Team in respect of this application, SEPA has not withdrawn their objection. Accordingly, if Committee agree to this recommendation and propose to grant consent, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 will apply and the Council must notify the application to the Scottish Ministers to allow them to consider whether to call in the application for their own determination.

## **7. Reasons for Decision**

7.1 For the reasons set out in 6.14 above.

**David Booth**

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

Date: 17 March 2022

### **Previous references**

- ◆ EK/11/0202
- ◆ EK/16/0063

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 30 April 2021
- ▶ Consultations
  - Roads Development Management Team 02.03.2022
  - Environmental Services 03.06.2021
  - Scottish Water 14.05.2021
  - Estates Services - Housing And Technical Resources 10.05.2021
  - Biodiversity Officer 18.08.2021
  - SEPA Flooding 06.10.2021
  - Roads Flood Risk Management 28.02.2022
- ▶ Representations Dated:
  - Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS 25.05.2021
  - Fraser Dick, Cairnlee House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XE 03.06.2021
  - Mr Stuart Kennedy, 19 Lomondside Avenue, Clarkston, Glasgow, G767UQ 28.08.2021
  - Ms Lynn Reid, 82 Glen Tennet, East Kilbride, Glasgow, South Lanarkshire, G74 3UY 23.09.2021

### **Contact for further information**

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

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 455049  
Email: [declan.king@southlanarkshire.gov.uk](mailto:declan.king@southlanarkshire.gov.uk)

**Conditions and reasons**

01. 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. The development shall thereafter be carried out in accordance with the approved details to the entire satisfaction of the Council as Planning Authority.

Reason: To safeguard the visual amenity of the area.

02. 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., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To safeguard the visual amenity of the area.

03. 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.

Reason: To safeguard the visual amenity of the area.

04. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: To safeguard the visual amenity of the area.

05. 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.

Reason: To safeguard the visual amenity of the area.

06. That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 5 above, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To safeguard the visual amenity of the area.

07. That, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order) and unless otherwise agreed in writing by the Council as Planning Authority, no development shall take place within the curtilage of the application site other than that expressly authorised by this permission, including the installation of plant associated with the commercial premises hereby approved, without the submission of a further planning application to the Council as Planning Authority.

Reason: To safeguard the amenity of the area.

08. That the Class 1/Class 2 units hereby consented shall not exceed 998 sq. metres (gross) floor area in total, and no individual unit shall exceed 250 sq. metres gross floorspace. The use of a mezzanine floor for retail sales or the sub-division or combining of units within the development shall require planning permission to be obtained from the Council as Planning Authority, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In the interests of amenity.

09. That the recommendations of the ecological report undertaken in respect of the site, undertaken by Envirocentre and dated April 2021, shall be adhered to at all times on site.

Reason: To ensure that there is no adverse impact on any protected species as a result of the proposed development.

10. Between the hours of 0800 and 2000 the measured noise rating level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90 (1/2hour)) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at buildings where people are likely to be affected. Between the hours of 2000 and 0800 the noise rating level emitted from the premises (LAeq (15mins) ) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

Reason: To safeguard the environmental amenity of the area.

11. Before the development is brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Council as Planning Authority. The proposed development shall not be brought into use until the ventilation systems are operational in accordance with the approved details.

All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.

The ventilation system shall:

- a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary.
- b) Be constructed to by employing best practical means to minimise noise and vibration transmission via plant and the building structure.
- c) Noise associated with the business shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.

d) The discharge stack shall:

1. Discharge the extracted air not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen.
2. If 1 cannot be complied with for planning reasons, then the extracted air shall be discharged not less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen. Additional control measures may be required.
3. If 1 or 2 cannot be complied with for planning reasons, then an exceptionally high level of odour control will be required.

Reason: To safeguard the environmental amenity of the area.

12. The applicant shall ensure that all works carried out on site are carried out in accordance with the current BS5228, 'Noise control on construction and open sites' to the satisfaction of the Council as Planning Authority. Prior to commencement of construction activities and unless otherwise agreed in writing with the Council, a detailed report identifying the projected noise impact at the nearest noise sensitive receptors shall be provided in accordance with the standard. The emissions at the NSR shall be cumulative and shall include mobile and stationary plant and equipment. The noise from any haul roads on site shall also be included. Corrections shall be made for variables such as the operating time and the relative cumulative impact value. This shall be corrected for attenuation shall be provided as an LAeq.1hr to be compared with either the pre-existing background level or using the ABC table within the British Standard.

Reason: To safeguard the amenity of the area.

13. That, prior to commencement of works on site, details for the storage and the collection of waste arising from the proposed development shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior to the development being brought into use and thereafter be satisfactorily maintained.

Reason: To safeguard the amenity of the area.

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.

Reason: To safeguard the environmental amenity of the area.

15. That the proposed mitigation measures relating to biodiversity issues identified in the statement submitted by Envirocentre and dated 26 July 2021 (Reference: 174733/JEP/001) shall be adhered to at all times on site to the satisfaction of the Council as Planning Authority.

Reason: To ensure that there is no unacceptable impact on biodiversity as a result of the development.

16. That prior to any works commencing on site the applicant shall submit, for the written approval of the Council as Roads Authority, a detailed design of the proposed site access, including right hand storage lane on Eaglesham Road and shared use cycle/footway works, generally in accordance with drawing 20008/SK/16 (Original) and

this design should be accompanied by a Stage 2 Road Safety Audit. The proposed access shall be designed in accordance with the Design Manual for Roads and Bridges and submitted for Road Construction Consent. The submission shall include details such as kerbing, construction specification, street lighting, traffic signs, traffic bollards, road markings, tactile paving and an enhanced pedestrian/cycling crossing point in accordance with Cycling By Design 2021. The 3.0metre shared use footway/cycleway being extended down from the existing footway south of Ocean Drive shall be extended into the retail site car park to an appropriate termination point opposite the proposed 'public cycle parking' area at the southern gable of retail unit 1.

Reason: In the interests of road safety.

17. That, before the development hereby approved is completed or brought into use, the applicant shall resurface the full extents of the proposed right hand storage lane on Eaglesham Road all in accordance with a specification to be agreed in writing by the Council as Roads Authority prior to the commencement of any works on site, unless otherwise agreed in writing.

Reason: In the interests of road safety.

18. That, prior to completion or occupation of the any of the retail units hereby approved, the applicant shall construct the approved access referred to in the previous condition all in accordance with the approved design and specification and to the satisfaction of the Council as Roads Authority.

Reason: In the interests of road safety.

19. That the proposed Gill Burn culverted crossing shall be designed to accommodate the proposed 7.3metre wide carriageway with a 3.0metre wide footway/cycleway on both sides of the carriageway.

Reason: In the interests of road safety.

20. That before the development hereby approved is completed or brought into use, the visibility splay requirements shown on drawing 20008/SK/16 (Original) of the approved plans shall be provided and thereafter maintained such that nothing exceeding 0.9metres in height above the adjacent road channel level shall be permitted or allowed to grow within the visibility splays.

Reason: In the interests of road safety.

21. That, before the development hereby approved is completed or brought into use, the applicant shall construct a 3.0metre wide footway along the frontage of the site which shall extend northwards to connect to the existing shared use footway/cycleway currently terminating circa 58metres south of Ocean Drive, all to a specification approved by the Council and thereafter shall be constructed to the agreed design.

Reason: In the interests of road safety.

22. That, prior to completion of the retail units hereby approved, the private roads and parking bays shall be constructed and thereafter maintained such that no surface water discharges onto the prospectively adoptable road all to the satisfaction of the Council as Roads Authority.

Reason: In the interests of road safety.



23. That, on completion of the proposed site access, the applicant shall undertake a Stage 3 Road Safety Audit and submit a copy of the report to the Council along with their proposals and timescales to implement any recommendations contained within the audit all for the written agreement of the Council as Roads Authority.

Reason: In the interests of road safety.

24. That, within twelve months of the proposed site access being completed and open to the public, the applicant shall undertake a Stage 4 Road Safety Audit and submit the findings to the Council as Roads Authority.

Reason: In the interests of road safety.

25. That, prior to any of the retail units hereby approved being brought into use, all car parking bays shall be formed in accordance with drawing 20-023-PL004 Revision D and a specification to be agreed in writing with the Council. The car park shall incorporate 43No standard bays at 2.5m by 5.5m, 7No enhanced bays at 2.9m by 5.5m, 2No electric vehicle charging bays, 5No disabled bays and 4No powered two-wheeler bays. Once approved all parking bays shall be formed in accordance with the agreed layout and specification and thereafter maintained to the complete satisfaction of the Council as Roads Authority.

Reason: To ensure the provision of appropriate parking space within the site.

26. That prior to works commencing on site the applicant shall submit, for the written approval of the Council as Roads Authority, details of the proposed electric vehicle charging (EVC) points and once approved all EVC bays shall be formed in accordance with the agreed layout and specification before the development is completed or brought into use and thereafter shall be maintained to the complete satisfaction of the Council as Roads Authority.

Reason: To ensure the appropriate provision of EVC points within the site.

27. That, prior to any of the retail units hereby approved being brought into use, the applicant shall prepare a Travel Plan for the written approval of the Council as Roads Authority to include a plan highlighting walking and cycling connections from the site to existing infrastructure together with nearby bus stops (boarding and alighting), web link to Traveline Scotland and information on Strathclyde Partnership for Transport MyBus service. Once approved the applicant shall issue the Travel Plan to all unit operators and their staff to encourage use of sustainable travel modes.

Reason: To encourage the use of sustainable travel modes to access the development.

28. That, prior to any works commencing on site, the applicant shall submit, for the written approval of the Council as Roads Authority, a Traffic Management Plan (TMP) to cover all construction traffic access entering and exiting the site off Eaglesham Road. The TMP shall include wheel washing arrangements, delivery routes, compound layout including on-site parking facilities for staff/visitors and turning facilities to enable vehicles to enter and exit the site in a forward gear. The TMP shall also include arrangements for the applicant to undertake joint road dilapidation surveys with a representative of the Council's Roads Area Office on Eaglesham Road for the duration of the site works including pre and post dilapidation surveys including submission of written reports. Once approved, the works shall be undertaken in accordance with the agreed TMP.

Reason: In the interests of road safety.

29. That, prior to the commencement of any works on site, detailed information in relation to how the proposed compensatory storage area drains down shall be submitted to and approved by the Council as Roads and Planning Authority. Thereafter, the works shall be implemented in accordance with the approved details to the satisfaction of the Council.

Reason: To ensure appropriate flood risk management of the site.

30. That, prior to the commencement of any works on site, detailed information in relation to the pumping station containment bund arrangement shall be submitted to and approved by the Council as Roads and Planning Authority. Thereafter, the works shall be implemented in accordance with the approved details to the satisfaction of the Council.

Reason: To ensure appropriate flood risk management of the site.

31. That no development shall commence until drainage and flood risk details to include signed appendices A, B, C, D and E are submitted to and approved in writing by the Planning Authority. The development shall not be occupied until the surface drainage works and any required flood mitigation works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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.

32. That the proposed culvert to be put in place as part of the development hereby approved shall be subject to the full Technical Approval (TA) process as set out in document no. CG300 of the Design Manual for Roads and Bridges with South Lanarkshire Council identified as Technical Approval Authority. The TA process must be complete and design certification approved prior to commencement of any construction operations relating to the proposed culvert.

The minimum available headroom between the soffit of the culvert deck/roof and the finished level of the watercourse bed shall be 1500mm in order to provide ready access for future maintenance/inspection operations.

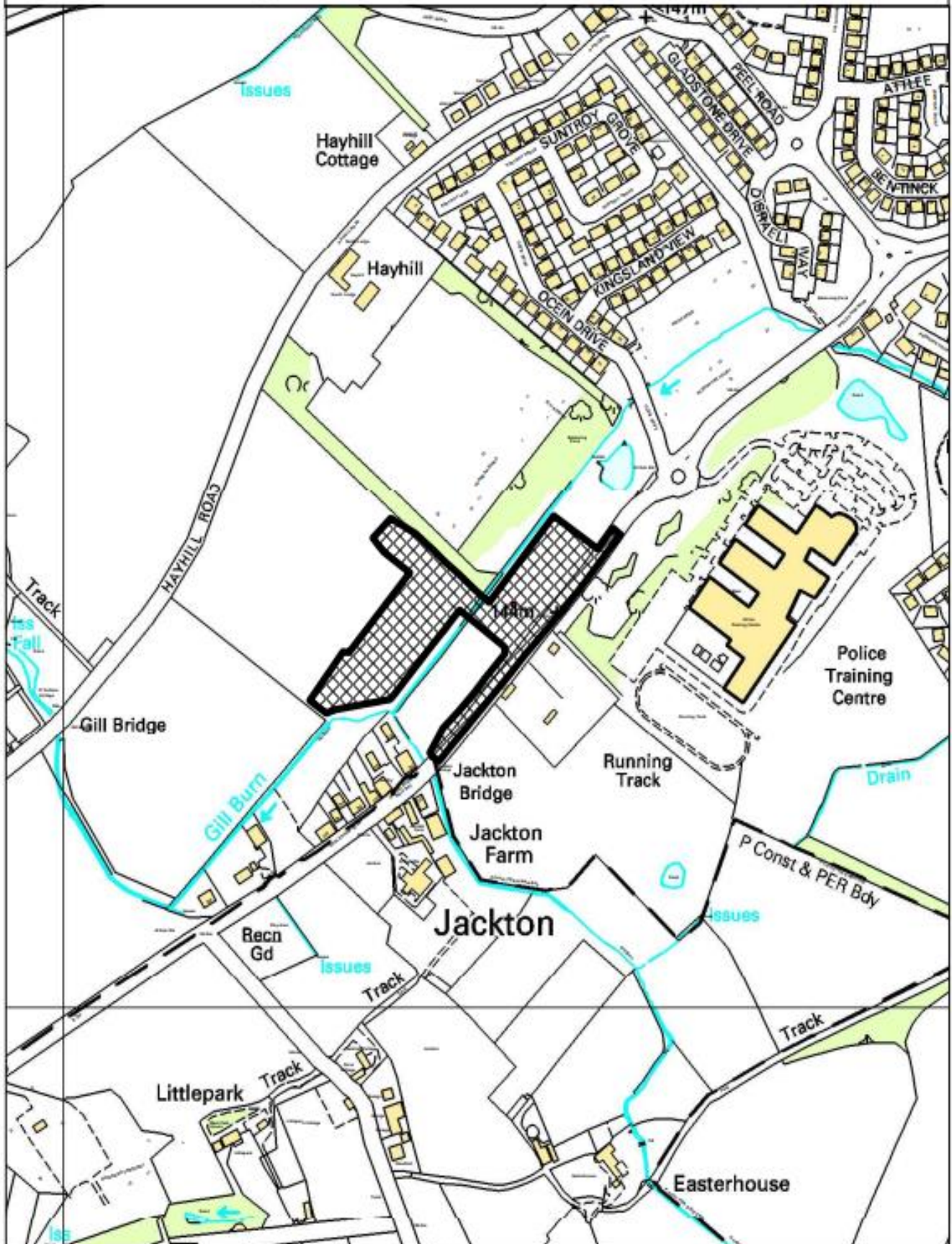
Reason: To ensure that the proposed culvert is put in place in accordance with relevant design standards.

33. That, unless otherwise agreed in writing with the Council as Planning Authority, the flood risk management works detailed in drawings 20008-SK-13 and 2008-SK-17 of the approved plans shall be undertaken within four months of the date of consent of the application.

Reason: To ensure that the required flood risk mitigation works are undertaken within an appropriate timescale.

P/21/0704

Land to the north of B764, Eaglesham Road, Jackton



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1:5,000  
Date:  
04/03/2022



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