



Appeal Decision Notice

Decision by J Alasdair Edwards, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-380-2091
- Site address: Garage, Bothwell Road, Uddingston, Glasgow, G71 7ET
- Appeal by Ashley Vintners (Strathclyde) Limited against the decision by South Lanarkshire Council
- Application for planning permission P/20/1897 dated 24 December 2020 refused by notice dated 7 December 2021
- The development proposed: demolition of existing car wash and ancillary buildings and erection of coffee shop (class 3) with drive thru, a jet wash facility, site access reconfiguration, vehicular parking and associated works
- Application drawings: listed in schedule at the end of notice
- Date of site visit by Reporter: 2 March 2022

Date of appeal decision: 24 August 2022

Decision

I allow the appeal and grant planning permission subject to the 20 conditions listed at the end of the decision notice. Attention is drawn to the three advisory notes at the end of the notice.

Preliminary matters

Decision notices

The council issued a decision notice relating to the appeal proposal on 7 December 2021 which stated that the council “refuse planning permission”. The notice included a reason for refusal that “the proposal would have a negative impact on access, parking and traffic movement in the vicinity of the application site” but stated the reason for the decision was that “the proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues” concluding compliance with relevant policies of the adopted South Lanarkshire Local Development Plan 2. This contradictory position was apparently rectified on 8 December 2021 when the council issued a second decision notice which, again, stated “refuse planning permission”, copied the same reason for refusal as the previous notice but used the same text as the reason for refusal as the reason for decision.

The council suggests that it “rescinded” the initial decision notice. However, no party has alerted me to any provision within the Town and Country Planning (Scotland) Act 1997 (as amended) which allows for an erroneous decision notice to be rescinded and replaced. For that reason, I have opted to refer in the heading above to the original decision date. In practical terms, I find that there is no ambiguity that the council has refused planning permission and has provided competent reasons for refusal.

EIA screening

The scale and nature of the appeal proposal means that it falls within schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The council confirmed in writing that it did not undertake a screening opinion. Therefore, I assessed the proposal against the criteria listed in schedule 3 of the regulations and issued a screening direction dated 4 May 2022. This direction concluded that the development proposed was unlikely to result in any significant effects on the environment by virtue of its characteristics, location and potential impacts. Consequently, the direction found that the development did not require an environmental impact assessment.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. In this case, the development plan comprises the approved Clydeplan – Glasgow and the Clyde Valley Strategic Development Plan (2017) and the adopted South Lanarkshire Local Development Plan 2 (2021). Having regard to the provisions of the development plan the main issues in this appeal are whether the principle of development would be acceptable; and if so, whether the appeal proposal would:

- follow the sequential approach and safeguard local centres
- create a high quality place respecting the amenity and character of the area
- promote sustainable travel modes and create an accessible place with sufficient parking and access with mitigation of any impact on traffic growth
- help move towards a low carbon economy and minimise/mitigate the effects of climate change
- protect the natural and historic environment
- ensure no harmful impact on the water environment and provide suitable drainage
- be adequately serviced
- encourage sustainable economic growth.

The appeal proposal, site and context

2. The appeal relates to a 0.75 hectare site within the settlement of Uddingston. The site contains a petrol filling station; commercial uses (a repair shop and garage); a large area of broken tarmac together with a disused car wash; car parking for the commercial uses; an unoccupied business unit and a small brick building. A few mature trees are located on the site along with unmanaged vegetation. The site is accessed from Bothwell Road which runs along the eastern boundary. To the north of the appeal site is a Tesco Superstore and its car park; to the west are rear gardens of houses on Moray Gate; land to the south is occupied by a dense deciduous woodland (covered by a tree preservation order); and to the east across Bothwell Road are hedged front gardens of houses.

3. The local development plan identifies the appeal site as being within the settlement boundary and partially within, but fully adjacent to, Uddingston Local Centre. Part of the green network is shown to the south of the appeal site and the Douglas Gardens Conservation Area boundary begins on the opposite side of Bothwell Road to the east.

4. The appeal proposal involves the removal of mature trees and demolition of the car wash and ancillary buildings to facilitate the erection of a coffee shop (167m² gross) with drive-through for Starbucks and a jet wash facility associated with the petrol filling station.

A reconfigured access and 27 parking spaces (including three for electric vehicle charging and three disabled spaces) are also proposed. The petrol filling station and commercial uses with associated parking would remain with a revised access formed.

The principle of development

5. The part of the appeal site to be developed is disused and in a poor visual state. As previously developed land it is classified as “brownfield”. Clydeplan’s vision promotes a compact city region where, in support of regeneration, development is to be directed to sustainable brownfield locations. Complementary to this position, local development plan policy 1 (spatial strategy) directs development to urban areas and seeks to ensure that proposals in smaller towns and villages (including Uddingston) “are of a compatible scale” while supporting the “redevelopment of appropriate brownfield sites”.

6. Furthermore, local development plan policy 9 (network of centres and retailing) seeks to support local centres through the provision of local services for communities. In addition, local development plan policy 3 (general urban areas and settlements) advises that proposals for uses ancillary to residential areas will be assessed on their individual merits and notes that development harmful to the amenity of residents and the wider community, or to the character of the surrounding area, should not be permitted.

7. I find that in redeveloping a brownfield site within the urban area the appeal proposal generally aligns with the vision and spatial strategy of the development plan. Provision of a food and drink establishment and jet wash facilities would provide additional local services for the community on the edge of an established local centre. Consequently, subject to detailed assessment (as set out below), I find that the appeal proposal is acceptable in principle.

The sequential approach and safeguarding local centres

8. Local development plan policy 1 seeks to protect local centres. Furthermore, policy 10 (new retail/commercial proposals) requires all commercial development to adhere to ten criteria. The first criterion requires proposals to follow the sequential approach presented within Scottish Planning Policy (2014). This approach promotes town centres first “for uses which generate significant footfall” and suggests that locations be considered in order of preference - town centres (including local centres) then edge-of-centre sites before other locations.

9. The appellant has submitted a sequential assessment which demonstrates a search for suitable and available alternative sites within the Uddingston Local Centre. This assessment identified one potential unit but noted that it was unavailable and couldn’t fulfil primary components of the proposed development of parking provision and space for drive-through facilities. I appreciate that that proposal is somewhat unique in its requirements and, therefore, finding a suitable alternative space in an established local centre could be difficult. In any event, I find that the appellant has fulfilled the requirement to consider alternative sites and that, as none are suitable/available, the next sequentially preferable location is on the edge of Uddingston Local Centre. Therefore, the proposal satisfies criterion 1 of policy 10.

10. Criterion 2 requires a demonstration that there would be no significant adverse impacts on the vitality and viability of strategic, town and local centres; while criterion 3 requires that proposals “help to meet qualitative and quantitative deficiencies”. I note that the council’s reasons for refusal do not refer to impact on centres and that at no point did

the council request any assessment on vitality and viability or qualitative or quantitative deficiencies. However, representations, including that from the Uddingston Community Council, refer to harm to existing commercial units and the possibility of customers (using cars) avoiding Uddingston Local Centre. Therefore, I turn to these matters below.

11. There is limited guidance in the local development plan regarding when and how to conduct these assessments. The reasoned justification for policy 10 refers to convenience stores (1,000m² to 5,000m²) before mentioning assessments on centres. This suggests that the policy is geared towards assessment of larger proposals that could have more pronounced impacts on centres. Indeed, the appeal proposal would have a floor area of only 167m² substantially below the gross areas cited in the plan and well-below that where a detailed retail impact assessment would be required.

12. Scottish Planning Policy advises that “new development in a town centre should contribute to providing a range of uses and should be of a scale which is appropriate to that centre” with the aim “to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability”. It also confirms, when considering proposals on the edge-of-centre, that “for smaller retail and leisure proposals which may have a significant impact on vitality and viability, planning authorities should advise when retail impact assessment is necessary”.

13. Pulling the above together, I consider that a proportionate assessment is reasonable in applying the requirements of policy 10 to a new retail/commercial proposal (when below the thresholds for a retail impact assessment). I asked parties to comment on the provisions of policy 10. I agree with the appellant’s response that the location of the appeal proposal within, and on the edge of, Uddingston Local Centre; its low gross floorspace; and its use for food and drink (a compatible local centre use) would complement the range and choice of commercial activity in the area without significant harm to the vitality or viability of the local centre (or any other centre). In fact, the introduction of a new operator in the area could enhance the vibrancy of the centre, particularly as the existing site is vacant. That position is somewhat supported by the council’s view that the operation would attract customers to the location. Based on the variety of uses and services in Uddingston Local Centre, and scale of the proposed use, I am also not persuaded that the proposed development would harm custom to the local centre. Consequently, I find that the proposal complies with criterion 2 of policy 10.

14. I recognise that there are coffee shops in the local centre and a Costa Coffee establishment to the south of the appeal site. No party has suggested a threshold of food and drink operations that would exceed demand or indicated that the quality of existing provision is lacking. In any event, the operator of the proposed use (Starbucks) clearly considers that there is a market for its operation in the local area indicating a deficiency in provision. The addition of a new operator would also increase the diversity of product on offer in the area and, with a drive-through component, would provide something missing in the current locality. This indicates that the proposal would help to meet a qualitative or quantitative deficiency. Therefore, I find that the proposal aligns with criterion 3 of policy 10.

15. In redeveloping vacant land I find that the proposal would complement the regeneration strategies for the area complying with the provisions of criterion 4 of policy 10. As found elsewhere in this decision, the proposal has also accounted for its location and accessibility; it would promote sustainable development; it would minimise environmental and traffic impact; it would have no significant impact on the natural or historic environment; it would promote quality design and accessibility for all; and it would take account of drainage

and service infrastructure requirements. Consequently, the appeal proposal would adhere to the outstanding criteria of policy 10. In providing a use compatible with a local centre the appeal proposal would also comply with the provisions of local development plan policy 9.

Placemaking

16. Clydeplan policy 1 (placemaking) requires new development to contribute towards the creation of high quality places. In tandem, local development plan policy 5 (development management and place making) requires development to be designed and integrated into the local area with no unacceptable adverse impacts on the local community and environment. In addition, local development plan policy DM1 (new development design) sets out a list of requirements including the promotion of quality and sustainability in design and layout; and ensuring development makes a positive contribution to the character and appearance of the urban environment in which it is located. Furthermore, local development plan policy 1 requires proposals to be of a compatible scale with their surroundings.

17. The design and layout of the appeal proposal follows that of other Starbucks drive-through developments in Scotland. The appeal site would be redeveloped to include a revised access with right filter lane to the petrol filling station with the main access route to commercial units and parking associated with those units continuing west. The jet wash facilities (two bays partially enclosed by Upvc screening) would be sited to the north of this access beside the petrol filling station along with two parking spaces, a disabled parking space and three electric vehicle charging spaces. South of the access there would be 21 further car parking spaces (two disabled) with pedestrian footways (finished in brick paving) and a circulation loop for customers in vehicles using the drive-through facility. A waiting lane would also be formed before the exit to the drive-through.

18. The main single-storey structure would be erected in the south-western corner of the appeal site with its principal elevation facing Bothwell Road. This elevation would present a contemporary design of powder-coated framed glass interrupted by the main glazed entrance, vertical timber cladding and a clay coloured brick column. A dark grey profiled verge fascia board and exposed rafters together with up/down lighting and branded signage would also be incorporated. The northern elevation would similarly include 8-pane glazing with horizontal dark grey cladding and a small element of timber with a greater exposure of the clay brick column displayed (which would house a branded logo). The western elevation facing the customer car park would be primarily finished in dark grey horizontal cladding with the collection kiosk finished in glazing and timber. The southern elevation would not be readily visible due to woodland to the south but would, again, incorporate dark grey cladding and a timber bin store. An outdoor seating area (finished in brick paving and surrounded by soft landscaping) would be provided immediately to the north-east of the building with cycle parking provided adjacent to the main entrance.

19. The proposal would create a high quality place designed to integrate with its surroundings and suitably extend the Uddingston Local Centre. In redeveloping a primarily vacant site the proposal would enhance the environment and provide a welcoming active frontage to Bothwell Road. This active frontage, other glazed elements, the drive-through facility and lighting would ensure a safe environment and reduce the likelihood of crime. The appearance of the building would be of a compatible scale to its surroundings and be distinctive in following a corporate design. The quality of design would complement (as a modern insertion) the traditional design of housing on the opposite side of Bothwell Road. The layout would provide adequate parking provision with easy circulation for vehicles, pedestrians and cyclists. The proposal would utilise an existing vehicular access from

Bothwell Road and create a new pedestrian link to the footpath on the same road. Soft landscaping would be incorporated into a good quality finished landscape design. Sustainable urban drainage would be installed and there would be adequate provision for waste and waste collection (controlled by condition).

20. Nearby homes are currently screened from the appeal site by garden boundary treatments. In any event, the nearest homes would be located beyond an extensive car parking area to the west and across Bothwell Road to the east. Consequently, there would be no adverse impact from overlooking, overshadowing or loss of privacy for residents. Furthermore, I agree with the appellant's noise impact assessment conclusion that the imposition of conditions would be suitable to ensure that noise levels from the proposed development were adequately restricted and controlled if necessary to protect residential amenity. I note that this is also the conclusion of the council's environmental services team.

21. The proposed building would be constructed to modern building standards with the incorporation of any energy efficiency measures and low and zero carbon-generating technologies suitably controlled through a condition (see paragraph 33 below). I appreciate that the building is a bespoke design and, therefore, might be less amenable to any adaptation in the future if the use ceased. Nevertheless, the layout could be reconfigured to accommodate other uses if necessary.

22. In relation to placemaking, I find that there would be no unacceptable impacts on the community or environment. The proposal would be of a compatible scale, enhance and make a positive contribution to the character and appearance of the local area. Consequently, I find that it complies with the provisions of Clydeplan policy 1 and local development plan policies 1, 5 and DM1.

Sustainable travel and traffic impact

23. The appellant commissioned a transport statement (dated December 2020) and additional transport information (dated October 2021). I note that the scope of the statement was agreed with the council's roads department which also provided no objection to the appeal proposal indicating that there would be no issues relating to access, parking and movement of vehicles; and that the impact on Bothwell Road and transportation network would be insignificant. This is counter to the council's stated reasons for refusal.

24. Local development plan policy 15 (travel and transport) requires proposals to promote opportunities for travel by sustainable modes; consider measures to mitigate the impact of increased traffic growth; and have regard to the need to reduce air pollution and greenhouse gas emissions. This aligns with the provisions of local development plan policy 1 which requires mitigation against the impacts of climate change. Furthermore, local development plan policy SDCC4 (sustainable transport) states that development which would result in a "significant increase in traffic and pedestrian movements" should be located in areas that are accessible. This policy also supports the use of electric vehicle charging points. In addition, local development plan policy DM17 (air quality) requires that development with potential to harm air quality should incorporate mitigation measures.

25. As derived from the transport statement, and my own observations during the site inspection, the appeal site is well located to access sustainable modes of travel. It is located immediately adjacent to a northbound bus stop and some 50 metres from southbound services. These stops are served by two routes (Bellshill to Bothwell and Hamilton to Buchanan Bus Station) which run frequently (every 30-40 minutes) Monday to Saturday and, for the Hamilton service, hourly on a Sunday. The site is a kilometre (12

minute walk or 3 minute cycle) from Uddingston Railway Station. Furthermore, the local centre and surrounding settlement are within easy walking distance of the appeal site; and it is located within a reasonably short cycle of national cycle routes 74 and 75. A travel plan would also be produced to inform staff of sustainable options for travel.

26. Sufficient cycle and on-site vehicle parking would be provided for customers with the provision for electric vehicle charging. Access to the site would be suitably managed through careful internal layout and a filter lane to the petrol filling station. There is a pedestrian footway on Bothwell Road and a pedestrian crossing some 80 metres north of the site allowing safe off-street access to the site. The speed limit on Bothwell Road is 30 miles per hour and road safety analysis indicates that there have been no serious or fatal accidents in the locality between 2017 and 2019 and no indication that the proposal would lead to any harm to road safety. From swept path analysis, it is also likely that the site could adequately accommodate refuse vehicles. A condition requiring swept path details and markings on Bothwell Road to accommodate right turning vehicles would ensure this matter was suitably addressed.

27. Traffic analysis anticipates a peak morning flow of 55 trips to the site (six by sustainable modes of travel) and an evening peak of 45 trips (4 by sustainable means). The transport statement notes that these are not all “new” trips but, as agreed with the council’s roads department, that some 75% of trips would be of a pass-by nature with only 14 morning peak trips and 11 evening peak trips solely attributed to the appeal proposal. I do not consider this uplift in peak-time trips to be significant or harmful to the operation of Bothwell Road or the local road network. In support of this position, I note that comparative analysis with other Starbucks resulted in similar trip generation rates. I appreciate that the trip generation for the Dalmarnock store were higher but agree with the appellant that this is likely due to the location in proximity to a higher employment base. In any case, junction analysis from the appellant demonstrates that the appeal site would operate well within its capacity without any harm to the local road network.

28. Analysis by the appellant also indicates that there would be no likely risk of customers queuing within the appeal site at the drive-through and backing-up onto Bothwell Road. Indeed, the flow of customers anticipated; the internal road space available; and the general times to deal with orders indicates that peak flows could be accommodated within the site. In addition, I note that the appellant’s identify a small risk of maximum queue lengths on Bothwell Road queuing beyond the entrance to the appeal site. However, I agree that due to the traffic signal changes (north of the site) any queues would likely clear quickly and not cause undue issues for the operation of Bothwell Road.

29. While the appeal proposal is primarily for a food and drink establishment, with sit-in tables, the main attraction of the use is likely the drive-through facility. I can understand that this component of the proposal appears, on the face of it, counter to the aim of reducing greenhouse gas emissions and tackling climate change. Certainly, there would be an increase in emissions as a result of new trips being generated. However, any increase in emissions could be balanced to some extent by the energy scheme measures required to be implemented. In addition, the majority of customers would be driving past the site anyway with the opportunity for linked trips from those visiting the nearby local centre, Tesco, petrol station or MOT servicing unit. The actual number of additional trips to the site would not be substantial. Furthermore, the site is well positioned to allow sustainable modes of travel should customers chose that option. Therefore, on balance, I find that the effects of carbon dioxide emissions and resulting impact on climate change are unlikely to be significant or adverse.

30. The appeal site is not located in an air quality management area; the council's environmental services team provided no objection related to air quality; and there was no instruction from the council for the appellant to prepare an air quality impact assessment. I recognise that congestion and potential air quality impacts on human health are concerns for local residents. However, the evidence suggests that the increase in traffic associated with the appeal proposal would not be substantial and would not lead to significant increase in queueing or congestion.

31. In light of the above, I find that the appeal proposal would not lead to any significant increase in traffic or pedestrian movements. In any case, the site is well placed to access public transport and active travel routes as well as encourage linked trips to the local centre and nearby services. The increase in traffic forecast would not lead to any substantial impact on greenhouse gas emissions or harm to local air quality. Consequently, I find the proposal compliant with local development plan policies 1, 15, SDCC4 and DM17.

Promotion of a low carbon economy and climate change response

32. As identified above, local development plan policies 1 and DM1 require measures to combat the challenges of climate change. Similarly, policy 2 (climate change) seeks to minimise and mitigate against climate change effects providing a list of checks for proposals. Furthermore, policy SDCC7 (low and zero carbon emission from new buildings) requires all new buildings to be designed so that at least 10% of the carbon dioxide emissions reduction standard is met by the installation of low and zero-carbon generating technologies.

33. The appeal site is located in an accessible location within the urban area. Redevelopment of the site would involve the reuse of substantially vacant land. An energy statement (required through condition) would ensure the installation of low and zero-carbon generating technologies and any energy efficiency measures. The site is not located in an area of flood risk. There would, as noted in my findings below, be no harm to the environment as a consequence of development with opportunities for enhancement. Electrical vehicle charging points would be installed; conditions could control waste management; and there would be no impact on any carbon-rich soils. The site is not identified with potential to connect to a local heat network. Therefore, I find that the proposal would incorporate measures to combat the effects of climate change and meet with the provisions of local development plan policies 1, 2, DM1 and SDCC7.

Protection of the natural and historic environment

34. Clydeplan policy 13 (forestry and woodland) seeks to minimise loss of trees and supports new tree planting. Local development plan policy NHE13 (forestry and woodland) requires a survey and justification for losses where development would affect trees; and encourages new amenity planting. Furthermore, policy NHE14 (tree preservation orders) seeks to ensure no harm to protected trees. Redevelopment of the appeal site would result in the loss of four mature common beech trees and one semi-mature goat willow tree. However, as identified in the appellant's tree survey, these specimens are in a poor condition so their removal is acceptable. In addition, site plans indicate that new trees would be planted throughout the appeal site; and that development would be at a sufficient distance to ensure no harm to trees to the south (protected by a tree preservation order). Conditions would also ensure control over landscaping, tree planting and tree protection. Therefore, I find that the proposal would comply with Clydeplan policy 13 and local development plan policies NHE13 and NHE14.

35. There would be no direct impact on the adjacent green network designation and the landscaping proposals would provide an opportunity, albeit limited, for natural heritage enhancement. Consequently, the proposal would accord with the provisions of local development plan policy 13 (green network and green space) which seeks to safeguard the green network.

36. Survey work indicates that the trees present on the appeal site have negligible potential to sustain bat roosts. The council's biodiversity officer is content with these findings subject to implementation of mitigation/compensation measures. I agree with this stipulation and find that a condition would be suitable to ensure the implementation of these measures; safeguard bats; and allow for enhancement (placement of bat boxes). Therefore, I find that the proposal complies with local development plan policy NHE9 (protected species).

37. As the proposal would safeguard the green network, trees and protected species (and provide opportunities for enhancement) it would also comply with local development plan policy NHE20 (biodiversity) which requires no significant adverse impact on biodiversity.

38. As expressed in my findings in paragraphs 17 to 19 above, the appeal proposal has been designed to a high standard using quality modern materials and finishes. I find that in redeveloping a vacant site to a high standard the proposal would enhance the setting of the Douglas Gardens Conservation Area opposite the site. Therefore, the proposal would accord with the provisions of local development plan policies NHE6 (conservation areas) and 14 (natural and historic environment) which seek to protect heritage assets.

39. Local development plan policy 1 also requires protection of the natural and historic environment (and green network). Consequently, based on the above, the proposal would also accord with this requirement of policy 1.

Water environment and drainage

40. The appeal site is not at risk of flooding and there is no indication that development of the site would increase risk of flooding elsewhere. A sustainable urban drainage system would be implemented (as agreed and controlled by condition). In addition, as there are no watercourses on or adjacent to the appeal site redevelopment would not likely cause harm to the water environment. Consequently, the proposal complies with the provisions of local development plan policies 16 (water environment and flooding), SDCC2 (flood risk), SDCC3 (sustainable drainage systems) and NHE12 (water environment and biodiversity) which cover these matters.

Servicing

41. There is no suggestion that the site cannot connect to the public water supply. Furthermore, Scottish Water confirms that there is sufficient water treatment and waste water capacity to accommodate the proposed development. Therefore, the proposal complies with local development plan policies DM15 (water supply) and DM16 (foul drainage/sewerage provision) which require proposals to have an adequate water connection and provision for waste water treatment.

Sustainable economic growth

42. Local development plan policy 1 encourages sustainable economic growth and regeneration. Redevelopment of the appeal site would result in the loss of one commercial unit attached to the petrol filling station/MOT centre which was unoccupied at the time of my site inspection. However, the proposed use would allow investment in jobs with some 20 employment opportunities; rejuvenate a vacant site; and allow opportunities for additional local investment through linked-trips. In this way I consider that the proposal complies, overall, with these provisions of policy 1.

Development plan conclusion

43. Following my considerations above, I find that the appeal proposal would: be located in a sequentially preferable and accessible location; safeguard designated centres; redevelop a brownfield vacant site creating a high quality place respectful of its surroundings; provide sufficient parking and access with no significant impact on the local road network; include measures to combat climate change; protect the natural and historic environment; ensure no harm to the water environment; provide adequate drainage; and encourage sustainable economic growth.

44. Consequently, the appeal proposal complies with Clydeplan policies 1 and 13 together with local development plan policies 1, 2, 5, 9, 10, 13-16, SDCC2-4, SDCC7, DM1, DM15-17, NHE6, NHE9, NHE12-14 and NHE20. In addition, in consideration of the individual merits of the proposal and its relationship with residents, the community and surrounding area, I also find that the proposal complies with the provisions of local development plan policy 3.

Other matters

45. Representations submitted to the council included 133 objections, 39 letters of support and one general letter. A further five representations were received during appeal proceedings. Matters raised in these representations include concerns about: residential amenity; conservation area harm; congestion; parking; drainage; noise; road accidents; impact on wildlife; loss of trees; design and layout; pollution; litter and anti-social behaviour; air quality; and hours of operation. And, praise in relation to reuse of a vacant site; job creation and local revenue investment; and provision of electrical vehicle charging points. I have addressed the majority of these matters in my findings above. For those matters outstanding, I find that:

- There would be sufficient provision to allow for waste collection in order to discourage litter in the area. Any accumulation of litter would be a matter for the operator (acting responsibly) and the council's environmental services team to address.
- The proposed use would operate similar hours as nearby premises, including the petrol filling station and Tesco's. In addition, conditions would suitably ensure that delivery times were restricted and that noise levels were controlled to an adequate level. Furthermore, there is limited evidence to suggest that the use proposed would attract anti-social behaviour. If that occurred then the operator and/or the police could address the matter accordingly.

Conclusion

46. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

47. I have adopted the council's suggested 18 conditions (as agreed by the appellant) with a few minor changes to improve clarity. Furthermore, I have added (for the reasons stated in the notice above) a requirement for an energy statement (condition 19) and implementation of mitigation measures for bats (condition 20).

J Alasdair Edwards

Reporter

Conditions

1. 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 planning authority.

Reason: to ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

2. 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 planning authority.

Reason: to ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

3. That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the planning authority has been obtained under the terms of condition 2, shall be erected and thereafter maintained.

Reason: to ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

4. That before any work commences on the site, a scheme of landscaping shall be submitted to the 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 ensure the appropriate provision of landscaping within the site.

5. That the approved landscaping scheme shall be completed 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.

Reason: in the interests of the visual amenity of the area.

6. That between the hours of 08:00 and 20:00 the measured noise rating level emitted from the premises (L_{Ar},1hr) shall not exceed the pre-existing background noise level (L_{A90},30 min) 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 20:00 and 08:00 the noise rating level emitted from the premises (L_{Ar},15min) shall not exceed the pre-existing background noise level (L_{A90},30min) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

Reason: to safeguard the amenity of the area.

7. That 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 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 Noise Rating Curve 35, between 07:00 and 23:00 hours, and Noise Rating Curve 25 at all other times.
- (d) The extracted air shall be discharged not less than 1m above the roof eaves of the building housing the commercial kitchen. Additional control measures may be required.

Reason: to safeguard the amenity of the area.

8. That deliveries by commercial vehicles, shall be restricted to between 0800 and 2000 (Monday to Friday) and between 0800 and 1200 (Saturday).

Reason: to safeguard the amenity of the area.

9. That the development shall not be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the planning authority in consultation with Scottish Water.

Reason: to ensure the provision of a satisfactory sewerage system.

10. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the planning authority (the SuDs scheme); the SuDs scheme will require to comply with the principles of sustainable urban drainage systems and with the council's Developer Design Guidance – Flood Risk

Assessments and Sustainable Urban Drainage Systems dated May 2020 and Sustainable drainage systems (SuDs) design criteria guidance note dated July 2012. The development shall not be occupied until the surface drainage works have been completed in accordance with SuDs scheme.

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.

11. That no further changes in ground levels within the site shall take place without the prior written consent of the planning authority.

Reason: in the interests of amenity and in order to retain effective planning control.

12. 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.

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

13. That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development (including the number and location of litter receptacles and means of minimising waste) shall be submitted to and approved by the planning authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained.

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

14. That other than the trees identified for removal in the submitted Arboricultural Report dated 21 February 2021, no trees within the application site, shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the planning authority.

Reason: in the interests of amenity and to ensure the protection and maintenance of the existing trees and other landscape features within the site.

15. That prior to the commencement of the development hereby approved (including any demolition and all preparatory work), an updated arboricultural method statement (AMS) shall be submitted to and approved in writing by the planning authority. The AMS shall be adhered to in full, subject to pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. Thereafter the development shall be implemented in strict accordance with the approved details. Specific issues to be dealt with in the TPP and AMS:

- (a) Location and installation of services/ utilities/ drainage.
- (b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- (c) Details of construction within the RPA or that may impact on the retained trees.
- (d) A full specification for the installation of boundary treatment works.
- (e) A full specification for the construction of any SUDS, water storage tanks, roads, parking areas and driveways, including details of the nodig specification and extent of the areas of the roads within the RP of retained trees, parking areas and driveways to

be constructed using a no-dig specification. Details shall include relevant sections through them.

(f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

(g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

(h) A specification for scaffolding and ground protection within tree protection zones.

(i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

(j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.

(k) Boundary treatments within the RPA.

(l) Methodology and detailed assessment of root pruning.

(m) Arboriculture supervision and inspection by a suitably qualified tree specialist.

(n) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: to ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

16. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboriculture consultant, the site manager/foreman and a representative from the planning authority to discuss details of the working procedures and agree all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the planning authority.

Reason: to ensure that the planning authority are satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

17. Prior to any development on site, full details of significant extra heavy standard tree (in accordance with British Standard BS 3936-1) planting shall be submitted to and approved in writing by the planning authority. This will include planting and maintenance specifications (including watering), including cross-section drawings, use of guards or other protective measures and confirmation of location, tree pit design including underground modular system (that providing sufficient soil volume) species and sizes (extra heavy standard), nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: to safeguard and enhance the amenity of the area, mitigate canopy cover loss, and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

18. That prior to work commencing on site a further drawing(s) indicating the swept path analysis for all anticipated vehicles types and movements shall be lodged for the written approval of the council as planning and roads authority and thereafter any revision indicated by the said drawing shall be implemented on site to the satisfaction of the council prior to the development hereby approved being opened to the public. In addition, the centre line markings on Bothwell Road shall be adjusted to accommodate right turning traffic into the site all to the satisfaction of the council.

Reason: in order to refine the road engineering details within the site and to prevent traffic being blocked on Bothwell Road.

19. Prior to the commencement of development, the applicant shall submit for the written approval of the planning authority an energy statement which will include the final details of low and zero-carbon generating technologies and any energy efficiency measures to be implemented at the site. The details agreed will thereafter be implemented.

Reason: to promote and implement low carbon measures at the site.

20. Prior to the commencement of development, the applicant shall submit for the written approval of the planning authority, full details of the mitigation measures to be implemented at the site along with a timetable for the works as contained within paragraph 5.2 of the Envirocentre 'Bat Activity Survey and Elevated Tree Inspection' report dated 30 June 2021. During the course of the development, details demonstrating the implementation of the measures shall be submitted for the written approval of the planning authority.

Reason: to ensure flora, fauna and biodiversity is protected and enhanced.

Advisory notes

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

Schedule of drawings

Drawing:	Drawing title:	Date:
01	Existing site plan	26.08.2020

02	Existing site plan	26.08.2020
03 (revision A)	Proposed site plan	26.08.2020
04	Starbucks drivethrough unit – plans and elevations	26.08.2020
05	Jet wash unit – plans and elevations	13.01.2020

Screening Direction

Screening direction by J Alasdair Edwards, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-380-2091
- Site address: Garage, Bothwell Road, Uddingston, Glasgow, G71 7ET
- Planning authority: South Lanarkshire Council
- The development proposed: demolition of existing car wash and ancillary buildings and erection of coffee shop (class 3) with drive thru, a jet wash facility, site access reconfiguration, vehicular parking and associated works

Date of screening direction: 4 May 2022

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (“the EIA regulations”)

Decision

The development proposed does not constitute EIA development.

Background

1. An application for planning permission for the development proposed was submitted to South Lanarkshire Council on 24 December 2020. The 0.75 hectare application site is located within an urban area. Therefore, the development falls within the confines of one of the categories set out in schedule 2 of the regulations where screening for EIA is required.
2. Planning permission was refused by the council on 7 December 2021 with a subsequent appeal lodged. In response to a request for information the council confirmed that no screening opinion had been undertaken during the processing of the planning application. Consequently, as required by regulation 13(2) of the EIA regulations, the submission of the appeal must be treated as a request for a screening direction with a determination of whether an environmental impact assessment is required.

Reasoning

3. Schedule 2 of the EIA regulations (descriptions of development and applicable thresholds and criteria for the purposes of the definition of “schedule 2 development”) provides a table with descriptions of development and thresholds. The proposed development falls within the description of an “urban development project” (class 10 (b)) as presented in column 1 of schedule 2 and exceeds the threshold of 0.5 hectares in column 2 of the same table. Therefore, an assessment against the criteria in schedule 3 of the EIA regulations (selection criteria for screening schedule 2 development) is required.
4. In accord with regulation 8(2) certain information must be provided in order to determine whether an EIA is required. The appeal submissions provide most of the

required information a description of the aspects of the environment likely to be significantly affected by the proposed development, and a description of any likely significant effects, was requested from the appellant. Having received this additional information on 19 April 2022 I am satisfied that I have all of the required information.

5. In consideration of the criteria listed in schedule 3 of the EIA regulations, I find that the development proposed is unlikely to result in any significant effects on the environment by virtue of its characteristics, location and potential impacts, for the following reasons:

- The proposal would not be sited in an environmentally sensitive location being located within a mixed-use urban area while re-using a previously developed plot. In addition, the design would respond to a nearby conservation area.
- Development would result in the loss of four mature common beech trees and one semi-mature goat willow tree. However, these specimens are in a poor condition and so their removal would not likely lead to a significant effect. Compensatory planting would be required through condition.
- Species surveys indicate that the trees set for removal are of negligible interest for roosting bats and that there are no roosts in a low-lying building set for demolition. No significant effect on any protected species are likely. Conditions would ensure avoidance of harmful lighting of nearby woodland and the introduction of bat boxes as a beneficiary measure. New landscaping would also improve biodiversity.
- Development on the scale proposed would not produce the quantities of waste, or use substantial quantities of soil, land or water, to have a significant effect on the environment.
- No significant direct, or cumulative effects with other existing or approved development, would likely arise in relation to human health, major accidents, pollution and nuisances.

Direction

6. Accordingly, I hereby direct that the development for which planning permission is sought by appeal reference PPA-380-2091 is not EIA development.

7. Under regulation 28 of the EIA regulations, this screening direction should be placed on the part of the planning authority's planning register that relates to the application in question and also on its website for the application.

J Alasdair Edwards

Reporter