

	<h1>Report</h1>	Agenda Item <h2>6</h2>
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Report to: **Planning Committee**
 Date of Meeting: **23 March 2010**
 Report by: **Executive Director (Enterprise Resources)**

Application No EK/10/0019
 Planning Proposal: Change of use of land to hand car wash, formation of car park and erection of security gate

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : EK Thistle
- Location : East Kilbride Thistle Football Club
 The Show Park
 Maxwell Drive
 The Village
 East Kilbride
 G74 4HG

2 Recommendation(s)

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

- (1) Refuse Planning Permission (for the reasons listed)

2.2 Other Actions/Notes

Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan**
 Policy DM1 – Development Management
 Policy ENV1 - Priority Green Space
 Policy ENV2 – Local Green Network

- ◆ Representation(s):
 - ▶ 11 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters

- ◆ Consultation(s):

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

S.E.P.A. (West Region)

Enterprise Resources - Estates

Roads and Transportation Services (East Kilbride)

East Mains Community Council

Community Resources

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of ground to the north of Maxwell Drive, East Kilbride and forms part of the East Kilbride Thistle Football Club grounds. The team's clubhouse and car park are located within the application site at present. The application site is bounded to the north by the East Kilbride Thistle Football Ground, to the west by the Village Theatre, to the south by Maxwell Drive with residential properties opposite and to the east and north-east by the Show Park, an area of public open space. The total area of the application site is approximately 0.42 hectares.

2 Proposal(s)

- 2.1 The applicants seek planning permission to change the use of the land to form a hand car wash and to formalise its present use as a car park. A security entrance gate and temporary storage container are also proposed. The application is a retrospective proposal, although operations have ceased, as requested by the Council.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Plan identifies the site as within an area designated as Priority Green Space and as part of the Local Green Network. As such, Policy DM1 – Development Management, Policy ENV1 - Priority Green Space and Policy ENV2 – Local Green Network are of relevance to this application.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (East Kilbride)** – have recommended refusal of the application on road safety grounds as the proposal would cause a safety issue at the entrance to the site due to the intensification of use of the existing access onto Maxwell Drive. It is noted that this access has insufficient spacing from the junction of Maxwell Drive and Kirkton Park to accommodate this intensification. Additionally, it is noted that the applicant is unable to provide sufficient parking space for the development and the football club as required by the Council and refusal has also been recommended for this reason.

Response: Noted. The application is being recommended for refusal on the above grounds.

- 4.2 **S.E.P.A. (West Region)** - have no objections to the proposal.

Response: Noted.

- 4.3 **Environmental Services** - have deferred a decision pending the submission of a noise assessment for the proposed development.

Response: Noted.

- 4.4 **Estates Services** - have noted that the majority of the land over which the application applies is not in the ownership of the applicants. The land is leased to South Lanarkshire Council for recreational purposes from East Kilbride Cattle Society and no consent has been given by the landlords or the Council as tenants to this proposal.

Response: Noted.

- 4.5 **Roads and Transportation Services (HQ Flooding)** – have no objections, subject to compliance with the relevant sustainable drainage criteria.

Response: Noted

- 4.6 **East Mains Community Council** – have objected to the application on the grounds that the proposal is contrary to policies ENV1 and ENV2 of the Local Plan. It is also stated that there is limited detail on the submitted plans and a lack of information on how the site will operate. The need for a controlled entry system is also questioned.
Response: It is acknowledged that this development would result in an area of land situated within the Local Green Network (policy ENV2) and designated as Priority Green Space (policy ENV1) being brought into commercial use. This would be contrary to Policy ENV1 which states that, in instances where compensatory provision is not being provided and where the redevelopment would not retain or enhance the quality of the area, the loss of such space will not be supported. It is noted that details of the proposed security gate and temporary container have not been provided. While a requirement for full details to be provided could be included as a condition in the event that permission was granted, in this instance it is recommended that consent be refused on amenity and road safety grounds.
- 4.7 **Community Resources** – have objected as the loss of this ground would have an adverse effect on operations from this site.
Response: Noted

5 Representation(s)

- 5.1 The application was advertised in the local press as Development Contrary to the Development Plan. In response to this publicity and the carrying out of neighbour notification, 11 letters of objection have been received. The issues raised are summarised as follows:-
- a) **The development would result in land designated as Priority Green Space and as part of the Local Green Network being utilised for commercial purposes.**
Response: This issue has been addressed in paragraph 4.6, above.
- b) **The development could cause road safety issues due to the reduction in the parking area on site and the creation of a gated access onto an existing junction.**
Response: Roads and Transportation Services have concurred with this view and have recommended refusal of the application on road safety grounds due to the location of the access in relation to the nearby road junction and due to the inability of the applicant to provide sufficient parking space for the development.
- c) **The development could adversely affect the amenity of the surrounding area in terms of noise and other issues.**
Response: It is agreed that the provision of a car wash facility adjacent to a number of residential properties would have an adverse impact in terms of noise and other amenity issues. Additionally, the proximity of the site to the Show Park would adversely impact on the recreational and environmental amenity of the area.
- d) **The development could restrict public access to the Show Park.**
Response: It is unclear from the plans submitted whether the access route to the Show Park would be physically restricted as a result of the development and the associated activity. However, it is not considered appropriate for the proposed development to be situated in such close proximity to this recreational access route.
- e) **The chosen location for the car wash is inappropriate given its proximity to the centre of East Kilbride.**

Response: The proposed location has to be assessed on its own merits. The chosen location is not considered appropriate due to the impact of the development on surrounding residential amenity, environmental amenity and road safety.

- f) **Insufficient information has been submitted concerning the design and appearance of the proposed facility.**

Response: This issue has been addressed in paragraph 4.6, above.

- g) **The proposal, if approved, would set a precedent for future similar developments on land designated as Priority Green Space.**

Response: Each application is considered on its own merits and any decisions taken should not be used as a precedent for any future development proposed. However, in this instance it is recommended that permission be refused due to the impact on surrounding amenity and the loss of an area of Priority Green Space to a commercial use.

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

6 Assessment and Conclusions

- 6.1 The determining issue that requires to be addressed in respect of this application is whether it is in compliance with local plan policy. In terms of policy, the site is located in an area designated by Policy ENV1 – Priority Green Space in the adopted South Lanarkshire Local Plan. This policy seeks to ensure that areas identified as Priority Green Space are protected and enhanced where possible. Partial loss of Priority Green Space will only be supported where the retention or enhancement of the area retained can be best achieved by the redevelopment of part of the site which would not affect its recreational, amenity or biodiversity value and where compensatory provision of at least equal area, quality and accessibility is provided in the locality.
- 6.2 The site is also located in an area designated as Local Green Network in the South Lanarkshire Local Plan. Policy ENV2 seeks to protect and support actions to enhance the Local Green Network. Development that is likely to have an adverse effect on its connectivity or its value for biodiversity or as an amenity will not be supported.
- 6.3 It is not considered that the proposed use will have any positive impact on the remainder of the adjacent area of Priority Green Space. The use of the site for this purpose is likely to adversely affect the adjacent Green Network in terms of loss of amenity and the introduction of an inappropriate use directly adjacent to the Show Park. Given the loss of an area of Priority Green Space and a section of the Local Green Network, as well as the additional adverse impact on the quality and amenity of the adjacent Priority Green Space and Local Green Network area that would remain, it is considered that the proposal fails to comply with Policies ENV1 and ENV2.
- 6.4 Policy DM1 requires all planning applications to take account of local context and built form and to be compatible with surrounding amenity. Proposed developments must have no adverse impact on the local environment and should enhance its quality and appearance. Proposals must also provide suitable access and parking and should have no adverse implications for public safety.
- 6.5 It is considered that, given the location of the application site adjacent to residential properties and the Show Park, the proposed development would have a significant adverse impact on surrounding residential and recreational amenity. The introduction of a car wash into a predominantly residential area is likely to adversely affect

residential amenity due to increased activity and noise levels in the vicinity of the site. It is considered that the site's location directly adjacent to the Show Park, a popular local recreation area, would result in the amenity and environmental quality of the recreation area being adversely affected by the introduction of this commercial use. In addition, the Council's Roads and Transportation Services have recommended refusal of the application and in particular, have raised concerns with regard to the impact on road safety caused by the intensification of use of the access to the site, as well as the inability of the applicants to provide sufficient parking space to accommodate both the development and the football club. Given all of the above, it is considered that the proposal fails to comply with Policy DM1.

- 6.6 As stated above, the Council's Roads and Transportation Services have raised significant concerns with regard to road safety and parking issues and have recommended that the application be refused consent. Environmental Services have deferred a decision pending the submission of a noise assessment detailing the predicted increase in noise levels resulting from the development. The Council's Estates Services have noted that the majority of the site is not owned by the applicants and that consent has not been obtained from the landowners for the proposed development. Eleven letters of objection have been received, principally relating to impact on surrounding amenity as well as traffic and road safety issues. It is considered that the points raised by objectors are valid and warrant refusal of the application in this instance.
- 6.7 In conclusion it is noted that the proposed use is not one which would be generally directed towards either a residential area or an area designated as Priority Green Space and situated within the Local Green Network. Furthermore, the proposal does not conform to general Development Management policy due to the potential adverse impact on amenity and road safety arising from the development. Given all of the above, the proposal is considered to fail to comply with Policy DM1, Policy ENV1 and Policy ENV2 of the adopted South Lanarkshire Local Plan. It is therefore recommended that permission be refused for this development.

7 Reason for Decision

- 7.1 The proposal fails to comply with Policy DM1, Policy ENV1 and Policy ENV2 of the adopted South Lanarkshire Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

16 March 2010

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Roads and Transportation Services (East Kilbride)

25/02/2010

Environmental Services	03/02/2010
Enterprise Resources - Estates	08/02/2010
S.E.P.A. (West Region)	28/01/2010
East Mains Community Council	24/02/2010
Community Resources	05/02/2010

► Representations

- Representation from : Mr James B Lithgow, 14 Maxwell Drive, East Kilbride, G74, DATED 08/02/2010
- Representation from : Mrs Sandra Brown, 25 Maxwell Drive, East Kilbride, G74 4HH, DATED 22/02/2010
- Representation from : Owner/ Occupier, 42 Maxwell Drive, East Kilbride, G74 4HJ, DATED 17/02/2010
- Representation from : Owner/Occupier, 31 Maxwell Drive, East Kilbride, G74 4AJ, DATED 17/02/2010
- Representation from : Colin R Ferguson, 46 Maxwell Drive, East Kilbride, G74 4NJ, DATED 17/02/2010
- Representation from : Owner/Occupier, 35 Maxwell Drive, East Kilbride, G74 4HJ, DATED 17/02/2010
- Representation from : Thomas Moan, 40 Maxwell Drive, East Kilbride, G74 4HJ, DATED 17/02/2010
- Representation from : Anne Lithgow, 14 Maxwell Drive, East Kilbride, G74 4HG, DATED 17/02/2010
- Representation from : Irene M Arton, 33 Maxwell Drive, East Kilbride, G74 4HJ, DATED 17/02/2010
- Representation from : Isobel Gebbie, 36 Maxwell Drive, East Kilbride, G74 4HG, DATED 17/02/2010
- Representation from : John Cochrane, 23 Maxwell Drive, The Village , East Kilbride, G74 4HH, , DATED 19/02/2010

Contact for Further Information

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

Alan Pepler, Planning Officer, Civic Centre
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E-mail: Enterprise.ek@southlanarkshire.gov.uk

REASONS FOR REFUSAL

- 1 This decision relates to drawing numbers: L(0-)01, L(1-)01.
- 2 The proposal is contrary to Policy DM1 of the adopted South Lanarkshire Local Plan as it would adversely affect the residential, environmental and recreational amenity of the surrounding area, would cause a road safety issue at the entrance to the site and would fail to provide adequate parking facilities.
- 3 The proposal is contrary to Policy ENV1 of the adopted South Lanarkshire Local Plan as it would result in the loss of an area of Priority Green Space without compensatory provision of at least equal area, quality and accessibility being provided in the locality.
- 4 The proposal is contrary to Policy ENV2 of the adopted South Lanarkshire Local Plan as it would have an adverse impact on the amenity of the Local Green Network.

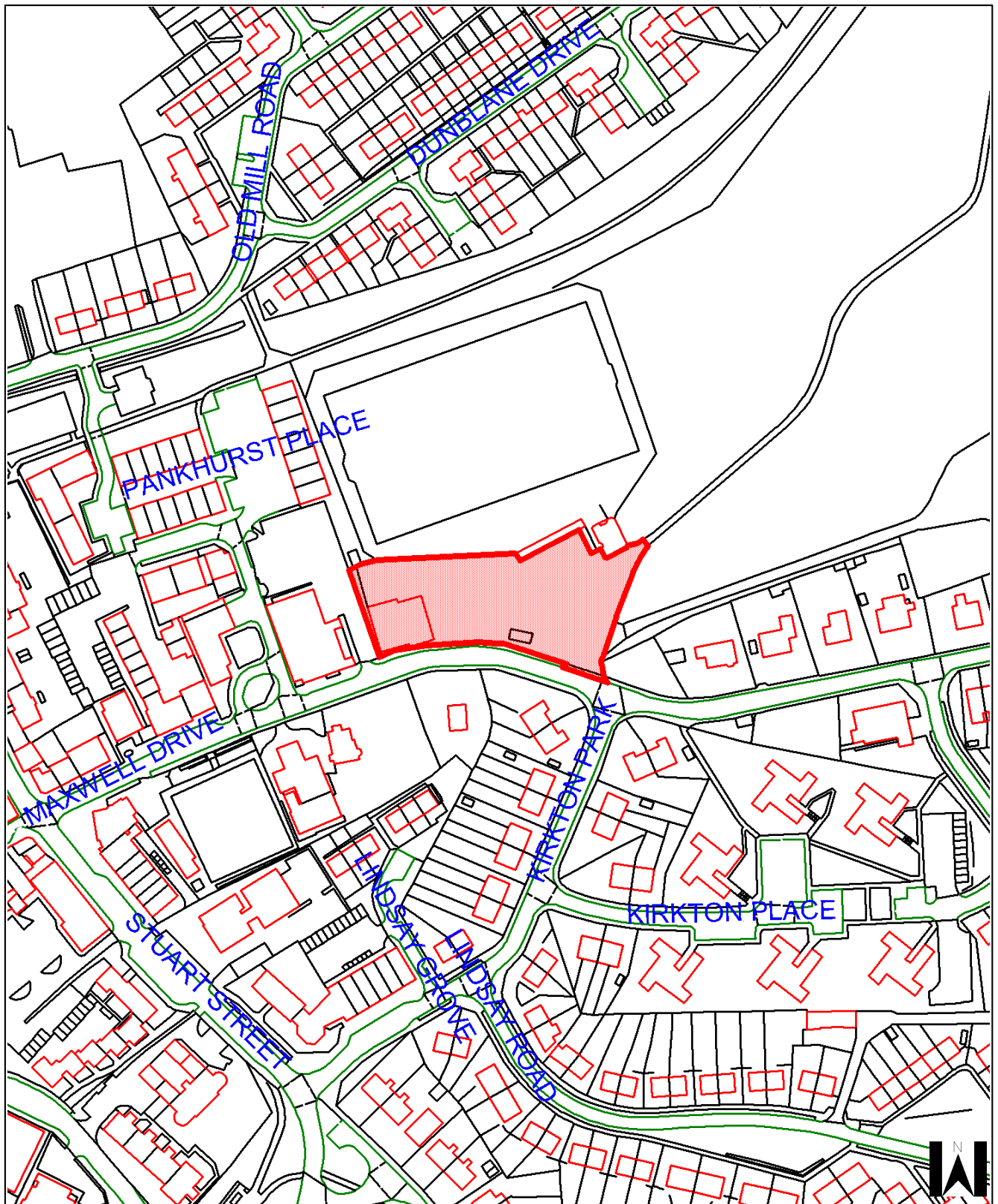
EK/10/0019

EK Thistle Football Club, Maxwell Drive, East Kilbride

Planning and Building Standards Services

Scale: 1: 2500

For information only



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