

Report

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Report to:	Area Committee
Date of Meeting:	10 February 2009
Report by:	Executive Director (Enterprise Resources)

Application No	CR/08/0253
Planning Proposal:	Change of Use of Redundant Petrol Filling Station to Car Wash/Valeting Service (In Retrospect)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Charles Rooney
- Location : 84 Hamilton Road
Cambuslang

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 the conditions listed)

2.2 Other Actions/Notes

The Area Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 14 Cambuslang East
- ◆ Policy Reference(s): Cambuslang / Rutherglen Local Plan
Policy RES9 – Residential Land Use
South Lanarkshire Planning Policies
Policy SLP6 – Development Control General
South Lanarkshire Local Plan (Final after Modification) 2007
Policy RES6 – Residential Land Use
South Lanarkshire Development Policies
(Volume 2) August 2006 (Policy DM1 – Development Management)
- ◆ Representation(s):
 - ▶ 6 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters
- ◆ Consultation(s):

Environmental Services

Roads and Transportation Services (North Division)

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The site in question is located approximately 450m to the south east of Cambuslang town centre on Hamilton Road. It is rectangular in shape and has an area of 0.16ha. There are residential developments to the south and east. To the north the land level slopes down to a railway line and to the north west the site is bounded by a small triangular patch of woodland.
- 1.2 The site takes access from Hamilton Road, which is a relatively busy main road that connects Cambuslang to Halfway. It is surrounded with 1.8m metal herras fencing which is locked when the site is not in use. The residential area to the south east, known as Hamilton Park is separated from the site by a 1.8m timber close boarded fence, which is maintained by the local residents. The site is empty except for a metal shipping container, which is in the centre of the site and several sections of concrete piping at the access points.
- 1.3 Hamilton Park is a modern housing development comprised of terraced, semi detached and detached buff brick dwellings. The closest properties to the site are No's 30 to 44 Robert Templeton Drive. These lie immediately to the east of the site.
- 1.4 Until several years ago the site was used as a petrol station. The station was also used as a local shop by residents nearby as no other shops are in the immediate vicinity. The petrol station also had a car wash with associated drainage under the site.

2 Proposal(s)

- 2.1 The applicant seeks retrospective planning permission for a change of use to allow a car wash/valet business on site. A shipping container is currently used as an office/staff room for those working on site. The applicant uses a diesel powered electricity generator to produce power for the business. This is mainly used to power the pressure washers and vacuum cleaners required to clean the cars.
- 2.2 There will be no building works associated with the development. The only physical changes have been the installation of several large sections of concrete piping, which have been painted in a black and white check style and installed as "entrance features".
- 2.3 Cars are washed towards the rear of the site on the side closest to the railway line. The closest residential gardens nearby are over 30m from the site where cars are washed.
- 2.4 All cars using the car wash will enter and leave the site in accordance with the original arrangement in the former petrol station – one entrance and one exit. The site has advertised opening times of 9am to 6pm Mon – Fri and 9am – 5pm Sat – Sun.

3 Background

3.1 Local Plan

In terms of the adopted Cambuslang/Rutherglen Local Plan 2002 the site is within a Residential Land Use Area, policy RES 6 applicable. Essentially this policy aims to insure that the character and amenity of such areas is not adversely affected by inappropriate development. In this regard all forms of development have to satisfy a number of criteria, including adequate provision of parking and noise considerations.

- 3.2 The South Lanarkshire Local Plan (Final after Modification) 2007 has a similar land use classification and policy as the adopted local plan, policy RES 6 being applicable. Again this policy aims to protect the character and amenity of residential areas and has similar criteria that have to be complied with.

3.3 **Relevant Government Advice/Policy**

None directly applicable given the scale and nature of the application.

3.4 **Planning Background**

A planning application (Consent CR/07/0288) for the erection of 14 flats was approved in 2007. This development has not commenced.

4 **Consultation(s)**

- 4.1 **Scottish Water:** No objections

Response: Noted

- 4.2 **Roads and Transportation Services:** Both accesses have two large checkered pillars at either side that impede pedestrian and vehicular visibilities. All 4 pillars must be relocated further into the applicant's property or removed. Two of the pillars have large advertising signs on top that hang over the public footway and have an absolute minimum head clearance.

The drainage at this development is acceptable, provided the applicant keeps these drains clean of debris and prevent surface water run off onto the public road.

No objection to this application subject to the applicant relocating the checkered pillars to achieve visibility splays and measures are taken to prevent vehicles from queuing on Hamilton Road.

Response: A condition will be put in place to ensure visibility splays are achieved and the pillars relocated. In addition a condition has been recommended requiring signage to be provided directing vehicles to parking spaces that can be set out in the middle of the site.

- 4.3 **Environmental Health:** No objection subject to a condition being imposed regarding noise.

Response: The appropriate condition has been added to the recommendation.

5 **Representation(s)**

- 5.1 Following the statutory neighbour notification procedure, 6 letters of objection were received. A total of 5 of these letters were anonymous. Most of these letters raised the same points which were as follows:

- (a) **The consistent drone from the diesel engine is detrimental to residential amenity. There are also increased noise levels when JVC vehicles are being cleaned on site.**

Response: The applicant has indicated on site that sound buffering equipment will be installed around the existing generator which should reduce the level of noise. A condition to this effect has been added to the recommendation. In addition a condition controlling the level of noise emitted from the site has been added, as recommended by Environmental Health.

- (b) **Increased traffic in the vicinity from customers of the car wash. During peak times this will cause overflow onto the main road, which is a bus route.**

Response: The Roads department has indicated they have no concerns provided the applicant can take measures to prevent vehicles queuing onto Hamilton Road. The site is spacious enough to allow vehicles to park on site

prior to having their cars washed and signage can be added directing vehicles to the parking spaces available within the site.

- (c) **The car wash is an eyesore. Advertisements are often placed on neighbouring open space, which is owned by the neighbouring properties. Adverts have also been placed on the footpath on Hamilton Road, which causes unfair obstructions to users of the footway.**

Response: The car wash will be a temporary use, which makes use of an otherwise empty site prior to the development of the approved 14 flats. The applicant has been informed that advertisements are not allowed on public footways and has removed said adverts. The placing of adverts on ground owned by the objectors is a separate legal matter but as Planning Authority the Council can also limit the use of signage, outwith the application site.

- (d) **Water covers the pavements when site is operational.**

Response: The cars are washed at the rear of the site next to the drains which were used for the car wash of the petrol station. Roads have raised no concerns with water or deleterious material being washed onto the pavements.

6 Assessment and Conclusions

- 6.1 The main determining issues in the case of this application are compliance with local plan policy and affect on residential amenity.
- 6.2 In terms of the adopted Cambuslang / Rutherglen local plan the site falls under policy RES9. In terms of the South Lanarkshire Local Plan (Final with Modifications) 2007 the site is considered under policy RES6.
- 6.3 These policies state that within residential areas the Council will seek to protect their character and amenity through resisting proposals which detract from it and that the character and amenity of the area should not be impaired by reason of traffic generation, parking, visual intrusion, noise or emission of gases or particulates.
- 6.4 The consultation responses from the Roads and Transportation Services have demonstrated that the amenity of the area should not be detrimentally affected by way of traffic or parking.
- 6.5 The proposed car wash is a relatively small scale operation in comparison to the petrol station which occupied the site previously. This sold petrol and provided some limited shopping but also contained a car wash facility.
- 6.6 The source of electricity for the previous car wash, however, would have come from the national grid, whereas the new car wash must be powered by an individual diesel powered generator. Objectors have voiced concerns over the level of noise emitted from the new generator.
- 6.7 Environmental Health carried out a substantive assessment and agreed that in its current form the generator could be a nuisance for nearby residents when sitting in their gardens. However, the applicant has shown that sound buffering equipment is on site and indicated that it can be attached to the generator once the correct housing for the equipment is in place. A condition therefore can be put in place to ensure this is done. In addition I have recommended that a temporary permission be granted to allow the Council to review the use of the site, following the installation of the buffering
- 6.8 Concerns have also been raised about the visual appearance of the site. I consider however that the appearance of the site now is not significantly worse than as an empty/vacant site. Although the car wash does not add any buildings to the site it is

a temporary use pending redevelopment of the site. In view of the above I therefore consider that, subject to the conditions recommended, and having regard to site's previous use as a petrol filling station fronting a busy main road, the proposed development will not significantly impair the amenity of the immediately surrounding area.

- 6.9 In conclusion the site lends itself to safely accommodating this kind of use. It has previous infrastructure that provides safe drainage, ample parking and two points of access; while the actual washing of cars is also carried out over 30m away from neighbouring residential properties.

7 Reasons for Decision

- 7.1 The proposal is consistent with policies RES9 of the adopted Cambuslang / Rutherglen Local Plan 2002 and RES6 of the South Lanarkshire Local Plan (finalised with modifications 2007).

Iain Urquhart
Executive Director (Enterprise Resources)

3 February 2009

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Neighbour notification certificate dated 11 November 2008
- ▶ Cambuslang / Rutherglen Local Plan 2002
- ▶ South Lanarkshire Local Plan (Final with Modifications) 2007
- ▶ Previous application CR/07/0288

- ▶ Consultations
 - Roads and Transportation Services (North Division) 28/11/2008
 - Scottish Water 28/11/2008
 - Environmental Services 09/12/2008

- ▶ Representations
 - Representation from : Anon, , DATED 10/12/2008
 - Representation from : Anon, , DATED 30/12/2008
 - Representation from : Hamilton Park Residents Association, 4 Andrew Sillars Avenue, Cambuslang G72 7NF, DATED 12/12/2008
 - Representation from : Anon, , DATED 12/12/2008

Representation from : Anon, , DATED 09/12/2008

Representation from : Anon, , DATED 09/01/2009

Contact for Further Information

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

Ryan McAlindin, Planning Officer, Royal Burgh House, 380 King Street, Rutherglen G73 1DQ

Ext 5138 (Tel :0141 613 5138)

E-mail: Enterprise.cam-ruth@southlanarkshire.gov.uk

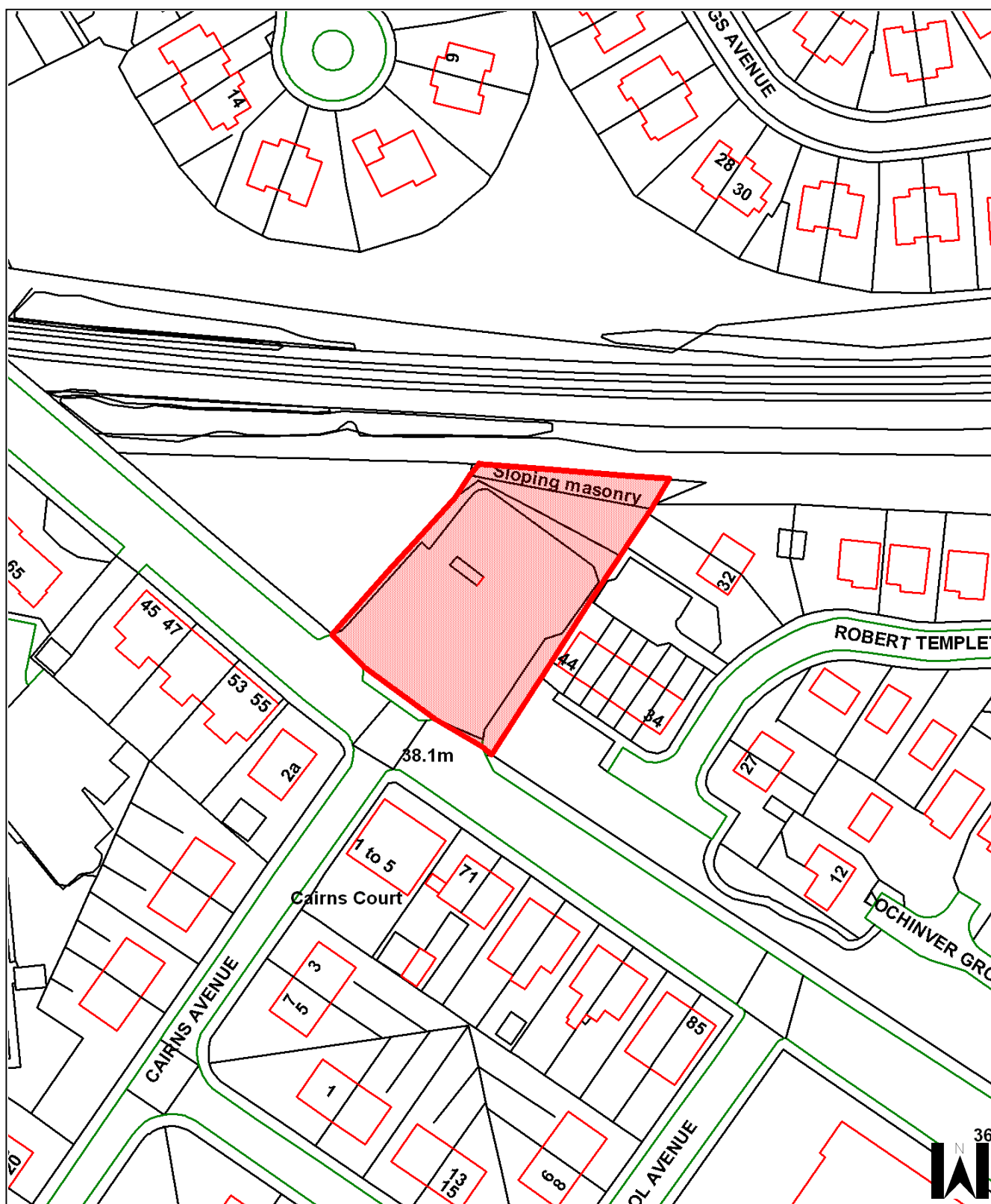
CONDITIONS

- 1 That the permission hereby granted is for a temporary period only and shall expire on 20 July 2009.
- 2 Between the hours of 0800 and 2000 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90(1/2hour)) by more than 4dB (A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.
Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq (5mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.
- 3 That the applicant shall submit to the Council as Planning Authority details of a scheme to direct incoming customers to wait in spaces 7 to 16 as identified on the approved plans.
- 4 That the scheme approved in terms of Condition 4 shall be implemented with one week of its approval.
- 5 That the washing of cars will take place on spaces 5 and 6 as identified on the approved plans.
- 6 That within 4 weeks of the date of approval the concrete pillars at the entrance and exit of the site shall be moved to a location agreed with the Council as Planning authority.
- 7 That no advertisements are to be displayed outwith the boundary of the site
- 8 That both sound buffering measures will be put in place and the power generator will be directed north westwards on site within 4 weeks of the date of approval.

REASONS

- 1 To enable the development to be monitored and reviewed.
- 2 To minimise noise disturbance to adjacent properties.
- 3 To ensure cars do not queue from within the site onto Hamilton Road.
- 4 In the interest of road safety
- 5 To safeguard the amenity of the area.
- 6 In the interest of road safety
- 7 To safeguard the amenity of the area.
- 8 To protect local residents from noise nuisance

For information only



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