

# Appendix 6

## Notice of Review Process – Further Submissions

### Submission From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review



**Notice of review – Town and Country Planning (Schemes of Delegation and Local review Procedure) (Scotland) Regulations 2008**

**Planning Application No: EK/10/0295**

**Proposal: Partial change of use to car wash (Retrospective application)**

In the submitted 'Notice of Review' and supporting statement the appellant has responded to the reasons for refusal. A summary of the points made by the appellant, together with a response by the Planning Service is given below:

**1 It is not clear from the Refusal Notice or the Planners Delegated**

**Report exactly how the proposal will impede the free flow of traffic. The Roads and Transportation comments do not describe how the change of use will impede the free flow of traffic. The site has operated for a significant period of time using the existing access and egress points and we have not been made aware of any recorded traffic accidents.**

Response: There have been occasions where traffic has queued back onto East Kilbride Road due to lack of space within the site. This is by virtue of two businesses being run from the location – namely the car wash and the second hand car sales operation. The tight nature of the access/egress means that cars leaving and entering the site have to break sharply on and pull out slowly from the site at a point where traffic speeds are high.

**2 The Roads and Transportation department have attempted to calculate the number of car washing points and staff numbers to ascertain the number of parking spaces that would be required. As agents we were only shown these Roads comments just prior to a Delegated Refusal being issued. On receipt of the Roads comments we contacted the Planning Department to clarify certain points but were not afforded the opportunity to illustrate how these requirements could be accommodated within the site. We therefore enclose with this appeal drawing L(SK-)10 which illustrates not only car sales parking spaces but also the display car spaces and staff parking. A total of 32 spaces are provided.**

**The Roads comments also include assumptions about the number of car wash points. The drawing indicates three waiting lanes however this does not imply three washing points. Only one car will be washed at any one time. Rather these lanes are intended to allow an adequate space for waiting cars for this one wash point. The Roads Department indicate that 5 queuing spaces will therefore be required. Drawing L(SK-)10 illustrates how this can be achieved.**

Response: One of the reasons the Roads and Transportation Services recommended refusal was on the basis that there insufficient space for parking and access to both the car wash and the second hand car sales. This has been born out from incidents over recent weeks where the car wash has continued to operate unlawfully. Cars were viewed queuing back onto East Kilbride Road on both 3 January 2011 and Sunday 30 January 2011 by an Inspector from Connect and the Planning Team Leader respectively. and from a site visit at 10.30am on 31 January 2011 by the Roads and Transportation Service it was found that display cars were located within all of the bays indicated within the car sales area on drawing L(SK-)10. Therefore, no car parking has been provided for customers of the car sales area or its staff. A car sales area of approximately 600m<sup>2</sup> requires 12 parking spaces, plus 1 space per 2 staff.

The information provided by the applicant's agent states that only one vehicle will be washed at any one time, however during the site visit on 31 January 2011 two cars were being washed and there was enough staff and equipment to wash at least one other vehicle. No parking has been indicated for staff of the car wash/valet area.

The 3 waiting lanes for the car wash indicated on the drawing (not marked on site) are sited on the access road between the car sales area and the valet area. This will cause a conflict and is unacceptable.

It is noted that there are 10 parking spaces indicated adjacent to the valet area. It is unclear what these spaces are intended for and how they would be accessed but 10 No spaces is not sufficient.

- 3 **This site, its current use and its history, make it unique on this stretch of road. Between the flyover and the roundabout there are only two points of egress onto the East Kilbride Road; the other being a residential site for one dwelling house to the East. All other adjacent ground is agricultural farmland. The sites commercial history, all of which had been sanctioned by the Council and the current permitted uses on the site mean that a separate car washing facility can be justified at this location. Any change of use whether granted under Permitted Development Rights or as the result of a Planning Application can potentially bring an intensification of visitors. However, we have indicated that traffic and vehicles on site can be successfully managed. This opportunity is simply not available elsewhere on East Kilbride Road and as such the appeal, if granted, would not set an undesirable precedent.**

Response: The previous uses on the site have not generated the same level of vehicular movement as the current car wash operation. At times traffic has been backed up onto what is an extremely busy dual carriageway. This fact has been exacerbated by bad weather and road works which at times has reduced the road to one lane. The car wash facility has resulted in the existence of two operations from the site, the other being the second hand car sales. This has resulted in the site now operating beyond capacity. Traffic was still queuing onto the road even after the snow had been cleared. The number of cars using the car wash has resulted in vehicles being backed up onto the dual carriageway. This queuing on the road will result in the free flow of traffic and road safety being further diminished, particularly in times of hazardous driving conditions e.g. over the winter and periods of low temperatures with ice and snow. It should be noted that since the application was refused, the car wash has continued to operate. On 3 January 2011 queuing into the site was witnessed by an Inspector of Connect who manages the trunk road on behalf of the Council. The appellant states that the volume of traffic on the road has reduced since the opening of the Glasgow Southern Orbital Route. At peak times the A726 remains a very busy and fast road. When the Enforcement Notice was issued it was confirmed that these inherent roads safety issues could not be overcome by the imposition of planning conditions; therefore a planning application was discouraged.

In conclusion, the proposed development does not accord with the provisions of the adopted Local Plan and there are no material considerations which would outweigh the provisions of the development plan. The proposal clearly has negative road safety issues. Subsequently, the Planning Authority would therefore request that the Planning Local Review Body dismiss the applicant's request to overturn the refusal of planning permission.

**10 February 2011**