

Appendix 5

**Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicants
Thorntonhall Car Centre**



For official use: NOR/ _ _ / _ _ / _ _ _ _

Date received by PLRB: _ _ / _ _ / _ _ _ _

Notice of Review

Under Section 43A(8) of The Town and Country Planning (Scotland) Act 1997 (as amended) in respect of decisions on local developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008
The Town and Country Planning (Appeals) (Scotland) Regulations 2008

This notice requires to be served on the Planning Authority within 3 months of the date of the decision notice or from the date of expiry of the period allowed for determining the application which is set as 2 months following the validation date of the application

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your Notice of Review.

Please complete in BLOCK CAPITALS

Applicant(s) Agent (if any)

Name: Thorntonhall Car Centre

Name: DTA Chartered Architects Ltd

Address: c/o
DTA Chartered Architects Ltd

Address: 9 Montgomery Street,
The Village,
East Kilbride

Postcode:

Postcode: G74 4JS

Contact Telephone 1:

Contact Telephone 1: [REDACTED]

Contact Telephone 2:

Contact Telephone 2:

Fax No:

Fax No: [REDACTED]

E-mail:*

E-mail:* [REDACTED]

Mark this box to confirm that all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Application reference number: E K / 1 0 / 0 2 9 5

Site address: 200 East Kilbride Road,
Thortonhall

Description of proposed development: Partial change of Use to Car Wash (Retrospective)

Validation date of application: 17.08.2010

Date of decision (if any): 19.10.2010

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for requesting review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

In cases where the Planning Local Review Body considers that it has sufficient information, including the Notice of Review, the decision notice, report of handling and any further representations from interested parties, it may, under Regulation 12, proceed to determine the review. It is anticipated that the majority of cases the Planning Local Review Body deals with will fall into this category.

The Planning Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable it to determine the review. Further information may be required by one or a combination of procedures, such as written submissions, the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you consider most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Our initial submission includes a drawing which was not submitted during the planning process as it deals with certain issues which we were not offered the opportunity to clarify at the time. Furthermore the recent severe weather may influence the Review Bodies decision. This occurred after the application was determined. We feel therefore that it would be appropriate to address the Local Review Body in a hearing to satisfy the appellant that these issues have been properly conveyed to Councillors and allow councillors to ask any questions they may have.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If there are reasons why you think the Planning Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Access to the site is restricted to working hours.

Statement of reasons for requiring the review

You must state, in full, why you are requesting a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is, therefore, essential that you submit with your Notice of Review all necessary information and evidence that you rely on and wish the Planning Local Review Body to consider as part of the review.

If the Planning Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your Notice of Review and all matters you wish to raise. If necessary, this statement can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to our separate written submission and drawing number L(sk)10

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

Following receipt of Roads and Transportation comments the agents sought clarification on certain points from the Planning Department. The application was determined before a response was received and a new drawing was therefore required to deal with the issues raised. Also, recent incremental weather may influence the Review and reference has been made to this. This severe weather occurred after the application had been determined.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your Notice of Review and intend to rely on in support of your review.

Written Statement
 Drawing L(sk)10 – Proposed Site Plan scale 1/500

Note: A copy of the Notice of Review, the review documents and any notice of the procedure of the review will be made available for inspection by prior appointment (Phone: 08457 406080) at the office of Planning and Building Standards Services, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB until such time as the review is determined. It may also be made available on the Council's website.

Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- 2 copies** of all documents, materials and evidence which you intend to rely on (eg planning application form, plans and drawings, decision notice or other documents) which are now the subject of this review.

Note. Where the review relates to a further application, eg renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed: DTA Chartered Architects Date: 18th January 2011

This form and 2 copies of all supporting documents should be sent to:-

**Head of Planning and Building Standards Services
 Enterprise Resources, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB**

Email: enterprise.hq@southlanarkshire.gov.uk

Phone: 08457 406080

For more information or if you want this information in a different format or language, please phone 01698 455379 or send email to enterprise.hq@southlanarkshire.gov.uk

For official use

Date stamp)

Planning Appeal

Application
Reference:
EK/10/0295

DTA /17/01/2011

**Written Submission in the Appeal against Refusal of Planning Permission
for Thorntonhall Car Centre against South Lanarkshire Council**

Planning Reference EK/10/0295

**Partial Change of Use to Car Wash. (Retrospective Application)
200 East Kilbride Road, Thorntonhall**

Written Statement

Introduction

This appeal, prepared on behalf of the appellant 'Thorntonhall Car Centre', is against the refusal by South Lanarkshire Council to grant a retrospective approval for the partial change of use from car sales to a car wash at 200 East Kilbride Road, Thorntonhall. The refusal relates only to the area of hard standing used as external car showroom and not the site as a whole which will continue with its existing use as second hand car sales. This external area will continue to be used for the purpose of displaying cars for sale but has been adapted through the installation of drainage to also accommodate space for the washing of private cars. Should the appeal be dismissed and the refusal upheld then car washing to prepare cars for sale can continue on the site as a necessary ancillary use to the car sales. This is permitted under the sites current planning designation and under current planning legislation.

Although indicated as greenbelt in the current South Lanarkshire Council Local Plan the application site has been used as a petrol filling station in the 1960's and 70's and, from the mid 1980's onwards, as car sales and for other forms of retail. All of these previous uses were technically in breach of the Councils Greenbelt Policy however they were each accepted by the Council for this location. A separate car wash facility has operated on the site since January 2008 with the Planning Departments knowledge. Some of the previous uses involved the reception of goods to be washed, cleaned or repaired but in all cases the sale, display or service were principally to visiting members of the public. Much of this was prior to the construction of the Glasgow South Orbital Road which has significantly lessened the traffic numbers on this stretch of road.

Following the particularly severe snow in early 2010 the car wash facility experienced an unusually high number of visitors. This was prior to the installation of suitable drainage at the site and coincided with a flood in a Scottish Water owned pipe elsewhere on East Kilbride Road which was unrelated to the car wash facility. Water on the road exacerbated already icy conditions which were a cause of concern to the Councils Roads Authority. The heavy snow limited movement available within the facility and resulted in long tailbacks with cars waiting on the dual carriageway. Representatives from the Council therefore met with the operator and an Enforcement Notice was issued.

An appeal was lodged with the Scottish Government against this enforcement action however the Reporter determined that a Planning Application was in fact required. The Reporter did not comment on the suitability of the proposals for this location. This application was therefore lodged on 16th Aug 2010 and was ultimately refused on 17th Oct 2010 on Roads grounds. Drainage issues had been resolved prior to application to the satisfaction of Scottish Water and SEPA. Roads and Transportation (Floods Unit) raised no objections to the application.

The refusal is based on Roads and Transportation comments which contained certain erroneous assumptions. The requirements for parking and waiting provision specified by them can in fact be accommodated on site. As agents we sought clarification from the Planning Department prior to the application being determined however the application was nevertheless refused. This appeal statement seeks to illustrate that the reasons given for refusal are therefore unsound.

The reasons given by South Lanarkshire Council in the Planning Decision Notice are;

- 1 *This decision relates to drawing numbers:

 L(0-) 00
 L(0-) 01
 L(0-) 02.*
- 2 *That the proposal would impede the free flow of traffic and thereby generate adverse traffic congestion to the detriment of traffic and public safety.*
- 3 *The proposed off-street parking associated with the application is insufficient to accommodate the requirements of the proposal, thereby resulting in the queuing of vehicles onto East Kilbride Road.*
- 4 *If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which would exacerbate the problems stated above.*

Reason 1 - The members of the Local Review Body will observe that Reason 1 is a standard administrative note intended to clarify the drawings referred to in the application.

Reasons 2 – 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.

Reason 3 - 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.

This drawing was not included in the original submission as car parking provision had not been raised as an issue during the planning process. We therefore respectfully request that this new drawing be considered in the appeal.

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.

We have shown that parking provision and waiting space can be adequately accommodated within the site however both the Delegated Report and Roads Transportation Comments mention vehicles queuing back onto East Kilbride Road as a reason for refusal. We and the Appellant maintain that this queuing incident only happened under extreme weather conditions combined with other mitigating factors. On the occasion in question (Jan 2010) representatives from the

Councils Planning and Roads Departments visited the site in person or contacted the agent, owner and occupier of the site. Action was immediately taken by the car wash operator to stop the queuing. Snow within the site was moved by a groundwork Engineer and drainage was installed to contain the waste water. No representatives from the Councils Roads and Transportation Department have had to take further action since this incident. In the latter half of 2010 Scotland witnessed arguably harsher winter conditions and no action was required as a result of queuing cars or water hazards. This is the best test of the effectiveness of the site upgrades carried out since the original incident and adequacy of the operating layout and procedures.

Reason 4 – 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.

Conclusion

This is a site with a long and varied commercial history of uses generating different levels of traffic over an extended period. The proposed use as a car wash is acceptable in terms of the processes involved and would have been permitted under Permitted Development Rights had it remained ancillary to the car sales. It is only a perceived intensification of traffic that required that a change of use application be made. It is impossible to measure the impact of the car wash facility on manoeuvres into the site relative to the previously acceptable uses as neither the Council nor the Appellant hold any such records. It is therefore difficult to make any kind of accurate comparison or to determine what an acceptable threshold for the number of cars might be. However we have shown that a volume of cars specified by the Roads and Transportation Department for parking and waiting can adequately be accommodated on site. Indeed this has been tested in the most recent extreme weather and shown to work. Any remaining concerns as to the exact internal layout and road markings within the site can be resolved with a suitable worded condition attached to the approval.

For all of the above reasons we would ask that the Local Review Body uphold this appeal and grant full planning approval.



Tanks to be emptied by Billy Bowie Special Projects Ltd or similar specialist contractor. All waste management activities are to be conducted in accordance with the Waste Management Regulations 1994 (amended) and may be monitored by both local authorities and SEPA

NOTES

1. Do NOT scale from this drawing.
2. All dimensions to be confirmed by the Contractor by site measure prior to work commencing, or fabrication or ordering of any components.
3. In the case of any discrepancy, always refer to the Architect.

Client
Thorntonhall Car Centre

Project
Partial Change of Use
Thorntonhall Car Centre
Thorntonhall

Title
Proposed Site Layout

job no
B61.01

drg no	rev	
L (SK-) 10		

date	by	scale
Jan 10	GT	1/500

Autocad Reference



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The Village
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