

Appendix 2(a)

Report of Handling

Report dated 14 October 2010 by the Council's Authorised Officer under the Scheme of Delegation

Delegated Report

Report to: **Delegated Decision**
Date of Report: **14 October 2010**
Report by: **Area Manager (Planning & Building Standards)**

Application No EK/10/0295
Planning Proposal: Partial change of use to car wash (Retrospective application)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Thorntonhall Car Centre
- Location : 200 East Kilbride Road
East Kilbride
Glasgow
G76 8RS

2 Decision

2.1 Refuse Detailed Planning Permission (For the reasons Stated)

2.2 Other Actions/Notes

3 Other Information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Plan 2009**
Policy STRAT3 - The Green Belt and Urban Settlements in the Green Policy
Policy DM1 – Development Management

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

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

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

Roads and Transportation Services (East Kilbride Area)

Planning Application Delegated Report

1 Material Considerations

- 1.1 The site is covered by Policy STRAT3 -The Green Belt and Urban Settlements in the Green Policy of the Local Plan. The policy states that there shall be a general presumption against all development except where it can be shown to be necessary for the furtherance of agriculture, horticulture, forestry, recreation, establishments and institutions standing in extensive grounds or other uses considered by the Council to be appropriate to the Green Belt, or where development forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups. New development proposals must comply with Policy DM 1 Development Management Policy.
- 3.2 Policy DM1 - Development Management Policy of the Local Plan seeks to manage development proposals to protect the local environment and the local amenity of the area. Policy DM 1 requires proposals to comply with certain criteria, including the need to have no adverse visual or environmental impact on amenity and incorporate safety and security measures.

2 Consultation(s)

- 2.1 **Roads and Transportation Services (EK)** – following consultation with Connect Scotland, who maintain the road on their behalf, recommend refusal of this application on the basis that the site cannot provide a safe access to and from the site, the lack of appropriate parking spaces and the potential for the queuing of vehicles back onto East Kilbride Road.

Response: Noted.

- 2.2 **Transport Scotland** – no objections to the proposal; however it should be noted that they have no remit to this part of East Kilbride Road.

Response: Noted.

- 2.3 **Roads and Transportation Services (Flood Unit)** – no objections.

Response: Noted.

- 2.4 **SEPA** – no objections

Response: Noted.

- 2.5 **Environmental Services** – no objections subject to conditions related to noise.

Response: Noted.

2.6 **Scottish Water** – no objections.

Response: Noted.

3 Representation(s)

3.1 Following statutory neighbour notification and advertisement in the East Kilbride News, 5 letters of representation have been received. The points raised as summarised as follows;

(a) **The site is already in use as a car wash as well as for car sales. Car sales are not an appropriate use for this piece of ground. There are already sufficient opportunities to wash a car in East Kilbride.**

Response: Noted. The applicants were served with an Enforcement Notice for the car wash and lost the subsequent appeal. The car sales element (operated by a separate company) has planning permission.

(b) **The business has resulted in the flow of dirty water and foam onto East Kilbride Road. Icy periods and the use of foam have resulted in dangerous road conditions. Water from the washing of cars will cause the road to flood.**

Response: The applicant has now introduced drainage facilities to avoid any water leaving the site; however the same issues with queuing onto East Kilbride Road exist.

(c) **The proposed site plan shows the car wash located to the rear of the site; however the washing of cars has taken place for some time to the front part of the site.**

Response: The applicants have reconfigured the site layout to ensure the washing will now be carried out to the rear of the site; however the same issues with queuing onto East Kilbride Road exist.

(d) **Access to and egress from the site is not good, with vehicles braking on the carriageway before turning sharply into the site, and exiting in front of fast moving traffic. There is no speed restriction on this stretch of dual carriageway.**

Response: Agreed, the proposal increases the risk to traffic on East Kilbride Road.

(e) **The operation of a car wash is inappropriate on this site, which is located in the greenbelt. This is made more unacceptable by the boldly coloured signs, out of keeping with the rural location. There is no visual screening of the operation from the surrounding area.**

Response: Noted. The proposal represents an unacceptable intensification of the site and the associated signage is inappropriate at its location.

- (f) **The drawing of the proposed site layout shows a drainage channel, to collect most of the waste water/foam, and transfer this to a sump from which it is presumably pumped to the two 1,000 litre tanks indicated. It is not possible from the drawings to determine details of the tanks, for example, if they are above or below ground. If they are above ground, a bund would be desirable to prevent effluent flowing down the site on to the carriageway if there should be a tank failure, but this is not evident. The use of storage tanks will result in tankers accessing the site from time to time, this increasing the risk of accident with the existing inadequate site entry/exit. Waste water can be damaging to the environment.**

Response: The water on site is currently taken away in storage tanks. The access into the site is unsuitable for the proposed use.

- (g) **The Applicant does not identify the source of the required water supply. The Applicant states that there is no involvement in the disposal of waste material, and no retention of trade waste. It appears from the drawing that waste liquid from the car wash system will be retained in tanks and subsequently disposed of by road tanker.**

Response: The water on site is currently taken away in storage tanks.

- (h) **No attempt has been made to introduce landscaping or screening.**

Response: Noted.

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

4 Assessment and Conclusions

4.1 Whilst the proposal sits within the Green Belt, it has previously been developed and has, historically, been a garage and petrol station. Notwithstanding that, the proposal does not represent a rural business and is technically in breach of the Green Belt Policy. Policy DM1 states that proposals should provide suitable access, parking and have no adverse implications for public safety.

4.2 The Council will generally support development proposals where they comply with the development plan and do not adversely affect local amenity. The car wash has been operating without planning permission. This was explained to the operator in person on 11 January 2010 and in writing on 12 January 2010. The applicant was subsequently served with an Enforcement Notice on 30 March 2010. The applicant subsequently appealed this on 30 April 2010. The appeal was dismissed on 2 July 2010.

4.3 The operation is not considered to comply with policy contained within the adopted local plan and cannot be supported by the Planning Authority. As confirmed by the Roads and transportation Service, the proposal has already resulted in a significant threat to road safety due to vehicles queuing on the A726 and those leaving the site being unable to pull away safely. The poor weather conditions in the winter of 2009/10 resulted in water from the site icing up the East Kilbride Road causing serious roads safety issues. The operator has introduced measures to remove water from the site, however the access issues from and to the East Kilbride Road still exist. In addition, the proposal cannot provide the appropriate parking facilities as required by Policy DM1. If the operation continues then there is a threat to public safety at peak times.

5 Reason for Decision

5.1 The proposal fails to comply with Policies STRAT3 and DM1 of the South Lanarkshire Local Plan.

Signed:
(Council's authorised officer)

Date:

Previous References

- ◆ ENF/EK/09/0028

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan 2009
- ▶ Consultations
 - Roads and Transportation Services (East Kilbride Area) 06/10/2010
 - Scottish Water 06/09/2010
 - Environmental Services 02/09/2010
 - S.E.P.A. (West Region) 02/09/2010

► Representations

Representation from : George Gibson, High Barn
Thorntonhall
G74 5AQ, DATED 30/08/2010

Representation from : Laura Maule, 16 Avonhead
Whitehills
East Kilbride
G75 8FB, DATED 08/10/2010

Representation from : Mr Tony Cullen, 10 Polden Avenue
Lindsayfield
East Kilbride
G75 9GX, DATED 04/10/2010

Representation from : G MacMillan, 5 Chatham
Westwood
East Kilbride
G75 9DD, DATED 04/10/2010

Representation from : M McMullan, 2 Strathhalladale Court
Hairmyres Gardens
East Kilbride
G75 8GB, DATED 04/10/2010

Contact for Further Information

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

Iain Morton
(Tel :01355 806314)
E-mail: Enterprise.ek@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : EK/10/0295

REASONS FOR REFUSAL

- 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.

