



Item 6

29th April 2025

Planning Services 231 George Street GLASGOW G1 1RX Tel: 0141 287 8555 Email: onlineplanning@glasgow.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100621210-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="81"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Langside Drive"/>
Company/Organisation	<input type="text" value="Riverford Commercials Ltd."/>	Address 2:	<input type="text" value="Newlands"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G43 2ST"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Glasgow City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Site on corner of Clarkston Road and Muirend Avenue

Northing	<input type="text" value="660026"/>	Easting	<input type="text" value="257875"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Use of site as car wash, valeting & detailing facility with tyre fitting, service & repairs garage, parking and 2no EV charge points.
(Partly Retrospective).

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to appended appeal statement: "248 Clarkston Road Appeal Statement"

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Following concerns raised from the Roads Department, we have appended a transportation statement in response.

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Please refer to appended supporting documents. (Listing the name of all document files would exceed character limit)

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/00628/FUL

What date was the application submitted to the planning authority? *

14/03/2023

What date was the decision issued by the planning authority? *

27/08/2024

Review Procedure

The 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 them 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. 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 Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. 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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Maurice Hickey

Declaration Date: 31/10/2024



248 CLARKSTON ROAD

MUIREND

APPEAL STATEMENT

23/00628/FUL

31 OCTOBER 2024



Glen Etive
Projects

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1.0 OVERVIEW

INTRODUCTION

- 1.1 This Appeal Statement comprises the grounds for appeal on behalf of Riverford Commercial ('the Appellant'). It relates to an Appeal under Section 47 of the Town & Country Planning (Scotland) Act 1997 (as amended) ('the Planning Act') against the decision of Glasgow City Council ('the Council') to refuse planning permission reference 23/00628/FUL in respect of the proposed development of **Use of site as car wash, valeting & detailing facility with tyre fitting, service & repairs garage, parking and 2no EV charge points. (Partly Retrospective).**

BACKGROUND

- 1.2 The garage is located at corner of 248 Clarkston Road/ Muirend Road, Muirend it has been operational for over 40 years, selling petrol, cars, vans, and providing ancillary services such as car washes and minor vehicle repairs.
- 1.3 The three vehicle entrances ways into the site are in operation and have been in present for years. The principle of development and prescriptive rights to use the site have been established as its been over 20 years in use.
- 1.4 The planning application was submitted on 14 March 2023 and validated on 23 March 2023 with the following description of development:

"Use of site as car wash, valeting & detailing facility with tyre fitting, service & repairs garage, parking and 2no EV charge points. (Partly Retrospective).

- 1.5 The planning application was submitted on behalf of the Appellant by Ink Design Architects. The planning application was accompanied by a full suite of forms, architectural drawings, and other technical supporting information, in the form of Noise Assessment- this information considered by the delegated powers and decision issued on 27/8/24 .To avoid repetition, this Appeal Statement relies on and should be read in conjunction with the original application information provided within the supporting documents.

The consideration of the application was informed by a range of consultee responses which are summarised in Section 8 of this Appeal Statement and included within Documents App1,2,3,4,5,6,7,8,9.

DETERMINATION BY GLASGOW CITY COUNCIL

- 1.6 The planning application was recommended for refusal by the Planning Officer in their Handling Report which is provided at Document App5
- 1.7 The reasons for refusal as set out within the Decision Notice (Document App5) are as follows:

1. *The proposal is contrary to NPF4 Policy 14 Design, quality and place' and CDP 1 & SG 1:*

Placemaking of the City Development Plan (adopted 2017) in that the use of the site as a car wash, valeting and detailing facility would detract from the residential amenity of adjacent properties and would not improve the streetscape quality of the local area. The proposal is therefore poorly designed and inconsistent with the six qualities of successful places.

2. *The proposal is contrary to NPF 4 Policy 13 'Sustainable Transport' and CDP 11 & SG 11:*

Sustainable Transport of the City Development Plan (adopted 2017) in that the information provided of the use of the site as a car wash, valeting and detailing facility would contribute to an unacceptable impact on the road network.

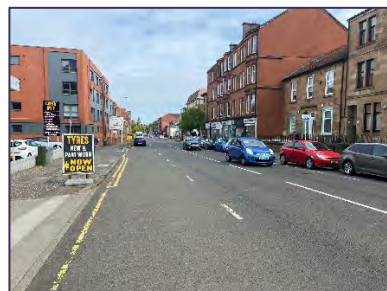
- 1.8 In accordance with the Planning Act, the Appeal should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Report on Handling (App5) found the proposals on balance to not to be in accordance with the overarching aims of the Development Plan, stating that there are no material considerations which indicate otherwise.
- 1.9 The summary contained within the Report to Committee (Document App5) states:
- "In conclusion, The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.."*
- 1.10 This Appeal Statement, in accordance with Regulation 3(34) (d) of the Town and Country Planning (Appeals) (Scotland) Regulations 2013, will set out the full particulars of the Appeal, including all matters that the Appellant considers should be taken into account in the determination of the Appeal. The documents submitted with the planning application also form the supporting material to the Appeal.
- 1.11 This Appeal Statement constitutes the Appellant's Grounds of Appeal. We reserve the right to add to this statement on receipt of the Council's statement or that of any third party.

20 APPEAL SITE AND SURROUNDINGS

- 2.1 The Appeal site is located at 248 Clarkston Road Muirend, a main arterial route running from the south direct to the city centre. The historical Victorian area has evolved over 100 years and is an area typified with a mixed use land use and highly populated area. To east of the site is a trainline, and adjoining the site is a car repair garage, postal delivery centre, a builders yard, a new build block of flats and on Clarkston road there is a range of shops and services. The route is a main bus corridor into the City Centre.



Facing West towards the site



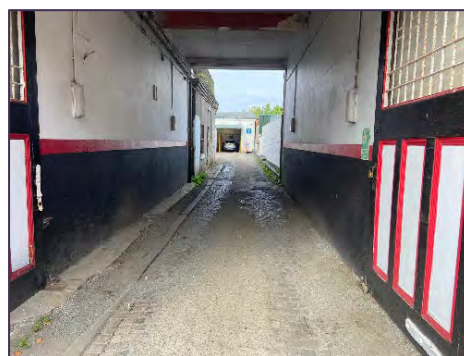
Facing North/ Facing



Facing West on Muirend Rd



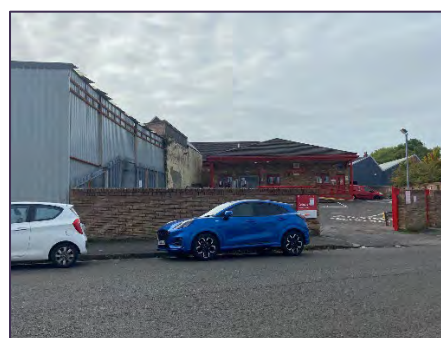
Facing S/W



Facing East

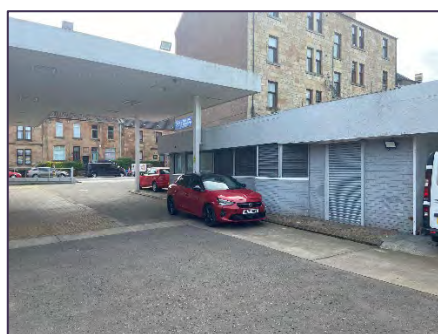


Facing East

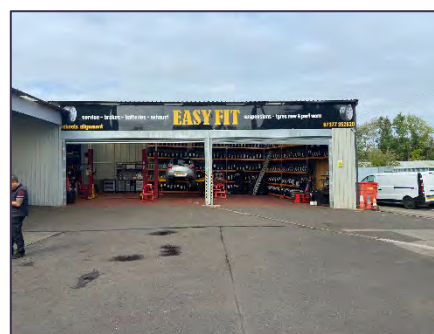


Facing South

- 2.2 The development site is located at the corner of 248 Clarkson Road and Muirend Road. The site itself is a former Petrol Filling Station with a company of the forecourt, a single-storey brick building along the southern edge and a 2 storey garage of tyres and repairs to the western side.



Facing S/E



Facing West



3.0 APPROPRIATE PROCEDURE

- 3.1 In terms of the Appeal procedure, the Appellant considers that a review of the information provided in this Appeal Statement together with the supporting documentation, will be sufficient to determine the Appeal considering the nature of the application.
- 3.2 We would encourage the LRB Committee to undertake a site inspection to fully understand the current circumstances within the appeal site. Arrangements for access to undertake a site visit should be coordinated through Glen Etive Projects as the Appellant's agent.
- 3.3 If further procedure is required, we would suggest restricting this to further written submissions on specific matters, however fully acknowledge that this will be at the discretion of the committee.

4.0 STRUCTURE OF THE APPEAL STATEMENT

4.1 The Appeal Statement is structured as follows:

- **Section 5** provides an overview of the Proposed Development;
- **Section 6** sets out the planning policy context;
- **Section 7** outlines relevant material considerations;
- **Section 8** summarises consultee responses to the application;
- **Section 9** sets out the Grounds of Appeal and an interrogation of the reasons for refusal;
- **Section 10** presents an overall conclusion.

4.2 Appendices to this Appeal Statement include a List of Documents submitted with the appeal.

5.0 THE PROPOSED DEVELOPMENT

5.1 The Proposed Development comprises a development of:

a car wash, valeting & detailing facility with tyre fitting, service & repairs garage, parking and 2no EV charge points.

5.2 The main use of the proposed development is the tyre fitting business, the type of operations have been carefully considered in response to the existing site context, with the aim to regenerate a vacant site of urban blight and decay and reuse the garage similar to its original purpose reflect the area's wider character and to make a sustainable contribution to the continuing development of the area.

5.3 The proposed EV charging will also be highly sustainable and energy efficient, minimising the development's carbon footprint and seeking to reduce greenhouse gases for potential users. In addition, the new vehicle repair element of the proposals has been designed to improve the area's visual amenity and provide local vehicle services for residents and the wider community.

5.4 Details in relation to the proposed design are detailed in the Design Drawings (Document App1,2,3).

PLANNING HISTORY

5.5 The site benefits from prescribed rights of use from 1986 , which is a significant material consideration in respect of the Appeal. The planning history for the site is noted below:

- 86/00019/DC – GC – Redevelopment of petrol filling station and alteration to existing vehicular accesses.
- 94/02346/DC – GC – Redevelopment of petrol filling station and alteration to existing vehicular accesses.
- 07/02889/DC – GC – Use of petrol filling station (Sui Generis) as car sales (Sui Generis).
- 09/02614/DC – GC – Amendment to consent 07/02889/DC - deletion of condition 1 (temporary consent).
- 23/00478/EN – Alleged Change of Use to Car Repairs/Tyre Business and Erection of Outbuildings.

Previous Similar Use

06/01749/DC – RF – Use of former petrol filling station as car wash with mini-valet service.

06/00222/EN – CLOSED – Alleged unauthorised use of filling station as a car wash facility.

6.0 PRINCIPLE OF APPEAL PROPOSAL

6.1 The application was handled by delegated powers of the Planning Officer recommendation was for refusal. (see Documents App5).

6.2 The Decision Notice (Doc App5)) provided two reasons for refusal.

6.3 This section considers the Appellant's detailed case in response to these main areas of dispute.

1) *The proposal is contrary to NPF4 Policy 14 Design, quality and place' and CDP 1 & SG 1:*

Placemaking of the City Development Plan (adopted 2017) in that the use of the site as a car wash, valeting and detailing facility would detract from the residential amenity of adjacent properties and would not improve the streetscape quality of the local area. The proposal is therefore poorly designed and inconsistent with the six qualities of successful places.

2) *Sustainable Transport of the City Development Plan (adopted 2017) in that the information provided of the use of the site as a car wash, valeting and detailing facility would contribute to an unacceptable impact on the road network*

7.0 PLANNING POLICY CONTEXT AND APPRAISAL

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, requires all planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

7.1 The Development Plan for the Proposed Development comprises:

- National Planning Framework 4 (NPF4) (adopted 13 February 2023); and
- Glasgow City Council (GCC) City Development Plan (CDP) (adopted March 2017).

7.1 The NPF4 was formally adopted and published on 13 February 2023. The adoption of NPF4 and the commencement of provisions of the Planning (Scotland) Act 2019, in particular Section 13, make NPF4 part of the statutory development plan from that date. From 13 February the policies contained in NPF4 will form part of the development plan and will be assessed along with the GCC CDP for all development management decisions.

7.2 Transitional guidance has been published by the Scottish Ministers in the form of the 'Chief Planner letter: Transitional Arrangements for National Planning Framework 4 - February 2023' dated 8 February 2023. Section 13 of the Planning (Scotland) Act 2019 was brought into force at the same time as NPF4 was adopted, amending the meaning of 'development plan' in Section 24 of the Town and Country Planning (Scotland) Act 1997 (the "1997 Act"). Section 24(3) shall then provide that:

"(3) In the event of any incompatibility between the provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail."

7.3 As the GCC CDP was adopted in March 2017, where there is an incompatibility identified with NPF4, the relevant NPF4 policy would prevail over the LDP policy.

7.4 The adoption of NPF4 also had the effect that National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) are superseded, and that all strategic development plans and their associated supplementary guidance cease to have effect from 13 February 2023.

7.5 The Chief Planner letter dated 8 February 2023 provides advice to support consistency in decision making following NPF4 becoming part of the statutory development plan alongside LDPs.

7.6 Importantly in the context of the Proposed Development the Chief Planner letter emphasises that NPF4 must be read and applied as a whole, with conflict between policies to be expected and factors for and against development to be weighed up in the balance of planning judgement.

7.7 The Key Policy Considerations by GCC :

NPF4 POLICIES:

- 12. Zero waste
- 13. Sustainable transport
- 14. Design, quality and place

- 22. Flood risk and water management

CITY DEVELOPMENT PLAN POLICIES

- CDP 1 & SG 1 – Placemaking
- CDP 2 – Sustainable Spatial Strategy
- CDP 8 & SG 8 – Water Environment
- CDP 11 & SG 11 – Sustainable Transport

POLICY ASSESSMENT

Principle of Development

- 7.8 **COMMENT:** The Appeal site is identified within the settlement boundary and has been a commercial petrol station vehicle garage and showroom for 40 years.
- 7.9 NPF Policy 9 Brownfield and Vacant sites *states d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.* We believe that well-presented garage is a substantially better improvement to the local area rather than a vacant car garage, which presents a visual blight on a principal road into the city centre. As vehicle sales move to large multi vehicle sites such as Mount Vernon, smaller vehicle sale garages are unviable and vacant. The alternative is to redevelop the site in residential or mixed-use. This option is unviable and it is evident that there has never been an application for redevelopment in 40 years. Thus, allowing a well established type of business to operate with strict management codes is the best option for this site.
- 7.10 This is supported by NPF 12 on zero waste which states Development proposals will *be supported where they:*
i. reuse existing buildings and infrastructure. In addition Policy 2 notes Development proposals to *retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported* -The proposal redevelops a site providing EV charging in an area with a massive under provision due to the urban form of the area.

Design

- 6.10 CDP 1: and SG1 sets out that proposals should achieve high quality design in terms of their contribution to the existing built and natural environment contributing positively to a sense of place and local distinctiveness. The officer notes that:

‘Car wash, valeting and detailing facility would detract from the residential amenity of adjacent properties and would not improve the streetscape quality of the local area’

COMMENT: The Proposed Development has looked almost identical for 40 years. The recent owner has painted, renovated the garage and replaced damaged brick work to the wall. The garage now looks well presented and there is a lack of vandalism and the blight of a vacant /gap site. The proposal also seeks to erect custom noise reduction panels on the exterior wall to reduce any noise impact to neighbours residential properties. The site is surrounded on three sides by commercial uses in terms of a third party car garage, Royal Mail Depot, and a builders yard. The presence of a vehicle garage at this location is well established.

Sustainability

- 7.11 CDP Policy part (f), and associated supplementary guidance, sets out that development proposals should limit the impacts of climate change, support resilience, and promote sustainable development.
- 7.12 **COMMENT:** The proposal seeks to install EV charging units. The historical nature of the area and lack of drive way means that there is a lack of EV charging in the local area. This will provide a public service availability to all customers.
- 7.13 There was initially concern raised by Environmental Health Department. A robust noise survey was undertaken which provided technical information and demonstrated there would be no impact to the local residents through the mitigation measures to accompany the application.

Flood Risk

- 7.14 NPF4 Policy 22 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- 7.15 The Appeal site does not lie in an area at risk of flooding.
- 7.16 **COMMENT:** The Council's Flood Risk Management Team and Scottish Water have offered no objection to the proposed development and the development is considered to be acceptable in relation to flood risk.

Transport

- 7.17 The CDP11 and SG 11 sets out that all development proposals should:
- 7.18 NPF4 Policy 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.
- 7.19 **COMMENT:** The appeal application was supported by a Transport Technical Note Statement (App9) to demonstrate that the proposals will integrate and function within the surrounding road network, and demonstrating that any increases in vehicle movements can be accommodated across the road network, without compromising its efficiency and safety. The Transport Statement concludes that the site satisfies the relevant policy requirements.
- 7.20 This Appeal has provided further information to respond the Council's Road Department's concerns

CONCLUSION

- 7.21 The principle of development is supported by NPF4 Policies 9 and 12 and 16. In addition we believe the principles and goals of the CDP have been met.
- 7.22 The Proposed Development is considered to be compliant with other relevant policies set out in CDP and NPF4.

8.0 MATERIAL CONSIDERATIONS

- 8.1 The garage has been used for 40 years, be believe there is prescriptive rights to use the garage for its proposed use.

9.0 CONSULTEE RESPONSES

- 9.1 The nature and extent of the Proposed Development is such that it is a major development proposal in the context of the Town & Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

STATUTORY CONSULTEES

- 9.2 Statutory consultation was undertaken by the Council following submission of the Application in June 2023, with further consultations undertaken in September 2023. The table below summarises the responses, which are included within Technical Documents.

CONSULTEE	AUGUST 2023
Scottish Water	No objection.
SEPA	Below threshold for consultation.
Flood Management	No objection.
Roads	Further information required.
Enviro Health	Raised concern – Noise report resolved concern No objection

PUBLIC REPRESENTATIONS

- 9.3 The proposals were advertised in March 2023 attracting 6 objections relating to traffic and noise.
- 9.4 The Appellant objects to the Council's conclusions as set out in the Report of Handling. It is considered that the concerns raised have been adequately addressed by the Appellant both through the application process and within this Appeal Statement.

9.5

10.0 CONCLUSIONS

- 10.1 Overall it is submitted that the proposals comply with all relevant Development Plan policies as set out in the LDP and NPF4. The proposals should be granted planning permission as there are no material considerations which would indicate otherwise.
- 10.2 This Appeal Statement has highlighted the significant merits of the Proposed Development in delivering EV charging, which responds to market need and would deliver considerable social and economic benefit. The re use of vacant car garage show room is significantly better for the urban fabric and aesthetic feel of the local area. The nature, use and appearance of garage has not altered in 40 years and has become a known motor hub in the southside of Glasgow.
- 10.3 The principle of development is supported by relevant policy and the reasons for refusal have been robustly challenged above.
- 10.4 The proposals are presented as an opportunity for sustainable transport with the EV chargers. the vacant site creates blight and the new garage will improve the area, A positive consideration of the proposals through this appeal process is encouraged.



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