



Glasgow City Council

Planning Local Review Committee

Report by Executive Director of Neighbourhoods, Regeneration
and Sustainability

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Item 1

18th February 2025

24/00223/LOCAL – Land Adjacent To 2A Fernleigh Road, Glasgow

**Use of land for charging of electric vehicles, installation of EV chargers,
feeder pillar, access and associated works.**

Purpose of Report:

To provide the Committee with a summary of the relevant considerations in the
above review.

Recommendations:

That Committee consider the content of this report in coming to their decision.

Ward No(s): 02

Citywide: N/A

Local member(s) advised: Yes ☐ No ☐ consulted: Yes ☐ No ☐

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1 LOCATION AND DEVELOPMENT PLAN DESIGNATIONS

- 1.1 The proposal site is located on the corner of Fernleigh Road and Kilmarnock Road. Fernleigh Road is to the north of the site; Kilmarnock Road/Fenwick Road bounds the site to the west; a commercial property bounds the site to the east; and a car park is positioned to the south.
- 1.2 The site is located in an area of base public transport accessibility.
- 1.3 The site is in a defined SEPA Flood Risk Area (high risk for both river and surface water flooding) and is in a Culvert Impact Zone.
- 1.4 It is proposed to develop the site to install two electric vehicle (EV) charging stations, one feeder pillar, and associated works, including a required dropped kerb for vehicle access from Fernleigh Road.

2. DEVELOPMENT PLAN POLICIES

- 2.1 NPF4 was adopted by the Scottish Ministers on 13 February 2023 and is part of the statutory Development Plan. Where there is an area of incompatibility it is expected that the newest policy document will take precedence, which will be NPF4 for the time being.

In this case, the relevant policies from NPF4 are:

- Policy 1: Tackling the Climate and Nature Crises
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 22: Flood Risk and Water Management

- 2.2 The relevant City Development Plan policies are:

- CDP1: The Placemaking Principle
- CDP8: Water Environment
- CDP11: Sustainable Transport

- 2.3 The relevant Supplementary Guidance is:

- SG1: Placemaking
- SG8: Water Environment
- SG11: Sustainable Transport

3 REASONS FOR REFUSAL / RELEVANT CONDITION(S)

- 3.1 The reasons for refusal are set out below:

01. 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.
02. The proposal is contrary to Policy 14 of NPF4 and to CDP 1 of the City Development Plan (adopted 2017) in that the location of the proposed development would have a detrimental impact on the residential amenity of the surrounding area.
03. The proposal is contrary to Policy 13 of NPF4 and to CDP 11 of the City Development Plan (adopted 2017) in that the scale of the site and proposed access would have a detrimental impact in terms of road safety.
04. The proposal is contrary to Policy 22 of NPF4 and to CDP 8 of the City Development Plan (adopted 2017) in that sufficient information has not been provided in relation to the proposed surface water drainage strategy.

4 APPEAL STATEMENT

4.1 A summary of the material points raised in the appeal statement is given below.

01. There is clearly a need for additional EV charging infrastructure to help with the existing pent-up demand and to help with the government's wider goals of transitioning to the use of cleaner fuels.
02. The site is evidently suitable for EV charging as it is a derelict brownfield site that has been vacant for many years currently in a derelict condition not offering much to the local streetscene or community. The site is on a main thoroughfare adjacent to a local parade of shops, it has a history of being used for commercial purposes including the aforementioned landscaping display area. It is evidently a commercial site.
03. The dwelling nearest to the installation, as the crow flies, is likely to be 617 Fernleigh Road which is around 20 metres from the nearest bay. This is not considered unduly near and it is quite typical for telecommunications, electrical or other equipment to be in this range of a dwelling. Furthermore, it is not demonstrable that the nearby installation of EV charging equipment leads to undue harm to residential amenity. A case could easily be made for the opposite, that the installation of EV equipment contributes to an improvement to residential amenity through cleaner air caused by less pollutants, and quieter vehicles on the roads. The amenity is also improved through regeneration of a brownfield site that would otherwise be detrimental to the local amenity and potentially lead to social issues such as fly tipping.
04. The proposed junction location will benefit from around 15 metres of junction spacing from Fenwick Road. With the site being open at three sides, to the north, west and south, it benefits greatly with visibility onto Fenwick Road, Kilmarnock Road and Fernleigh Road and throughout the local area.

05. The proposal is for 2 EV bays only on this site, attracting a maximum of 4 vehicle movements in one hour (assuming 100% occupancy which is clearly unrealistic). The likely upper maximum vehicle movements will be around 2 per hour, or one vehicle movement per thirty minutes during peak utilisation. Therefore, it is not considered that the development will give rise to any new highway safety concerns.
06. As the site is currently covered by hardstanding and will continue to be hard surfaced, the proposed development, of equipping an existing area of hardstanding, with EV charging equipment will not make any material difference to the flood risk, the surface run off or the severity of any flooding event. Notwithstanding the above, Zest is willing for drainage details to be conditioned as part of any planning approval. We note that this issue was never raised as a matter of concern prior to the issuing of the rejection notice.
07. The applicant has requested that the review be conducted by means of written submissions only. Where the Committee decides that the review documents do not provide sufficient information to make a decision, it is for the Committee to determine how further information may be obtained. This can either be by means of further written submissions, the holding of one or more hearing sessions, or a site inspection, or a combination of these, as set out in the Local Review Regulations.

5 REPRESENTATIONS AND CONSULTATIONS

- 5.1 One letter of objection was received with concerns regarding the proximity of the culvert to the surface and potential for anti-social behaviour.
- 5.2 There were no representations to this Review.
- 5.3 Glasgow City Council Transport Planning colleagues were consulted as part of the original application, who objected to the proposal. They advised that a vehicular access as proposed at this site would be too close to the junction with Kilmarnock Road and would also interfere with the road safety design of the vertical traffic calming and reflective bollards at the site on Fernleigh Road. The access to the site has the potential to cause queue back and potential for on-street waiting before a road junction, which is considered a road safety issue. It was also mentioned that the bay widths have not been designed to accessible parking standards (minimum of 3.3m wide and 6m in length).

6 COMMITTEE CONSIDERATIONS

- 6.1 Committee should consider if the following are in accordance with NPF4, the relevant City Development Plan policies and Supplementary Guidance, and if there are material considerations which outweigh the Development Plan considerations.
- 6.2 The following are the relevant policy considerations:

6.3 NPF4 Policy 1: Tackling the climate and nature crises; NPF4 Policy 2: Climate mitigation and adaptation; and NPF4 Policy 3: Biodiversity

NPF4 Policy 1 Intent: To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

The relevant policy guidance is:

When considering all development proposals significant weight will be given to the global climate and nature crises.

NPF4 Policy 2 Intent: To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

The relevant policy guidance is:

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

NPF4 Policy 3 Intent: To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

The relevant policy guidance is:

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

Committee should note:

- This proposal is for the installation of two EV charging stations on an existing area of hardstanding.
- The site is in a defined SEPA Flood Risk Area (high risk for both river and surface water flooding). No details have been provided relating to current flood risk or proposed drainage of the site.
- No biodiversity measures have been proposed, contrary to policy.

Committee should consider:

- What impact the proposal will have on the climate and nature crises.
- Whether the proposal has been sited and designed to minimise lifecycle greenhouse gas emissions and to allow adaptation for current and future climate change risks.
- If the lack of biodiversity enhancement measures is acceptable in this case due to the scale and nature of the development.

6.4 NPF4 Policy 14: Design, quality and place and CDP1: The Placemaking Principle/SG1: The Placemaking Principle (Part 2)

NPF4 Policy 14 Intent: To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

The relevant policy guidance is:

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:
 - Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.
 - Pleasant: Supporting attractive natural and built spaces.
 - Connected: Supporting well connected networks that make moving around easy and reduce car dependency
 - Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
 - Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
 - Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

CDP1: This overarching policy states that new development should encourage placemaking by being design-led, aspiring towards the highest standards of design while directing development to the right place. All development should respect and protect the City's heritage by responding to its qualities and

character of its site and surroundings. Development should make the City an appealing place to live, work and visit for all members of society, providing high quality amenity to existing and new residents.

SG1 (Part 2) includes the following specific policy advice:

Non Residential Development Affecting Residential Areas

Policy CDP1 encourages development to be informed by a place based approach, which means new development should be responsive to its context and seek to build upon the benefits of proximity. It is critical that new development is compatible with existing and future uses.

This guidance aims to ensure that any non-residential development in proximity to residential development does not harm residential amenity or erode the character of residential neighbourhoods.

Residential areas are supported by a range of uses that help to reinforce the community by creating focal points as well as reducing the need to travel. Generally the following uses are deemed to be compatible and complementary to residential areas and will be encouraged:

- a) schools;
- b) local shops;
- c) community facilities;
- d) public buildings;
- e) small businesses (particularly Class 2);
- f) health facilities; and
- g) social and recreational facilities.

All proposals for non-residential uses will be considered against the following criteria:

- a) Outwith the Network of Centres and Economic Development Areas identified in the Plan (see Policy CDP3 - Economic Development and Policy CDP4 - Network of Centres), permission will not normally be granted for uses that would generate unacceptable levels of disturbance, traffic, noise, vibration, and emissions (particularly outside normal working hours) or which propose the storage of quantities of hazardous substances in close proximity to housing; and
- b) Uses which prove acceptable to the Council will require to provide adequate screening for any outside storage of materials and introduce traffic mitigation measures, where appropriate, in order to preserve the amenity of the surrounding residential area.

Committee should note:

- The application site is outwith both the Network of Centres and an Economic Development Area.
- There are residential properties across the road from the site along Fernleigh Road.

- No additional screening of the site or traffic mitigation measures are proposed.

Committee should consider:

- Whether the proposed use is compatible with the surrounding area and is consistent with the qualities of successful places.
- Whether the proposal will adversely affect residential amenity through effects of increased noise, traffic or other disturbance.

6.5 NPF4 Policy 22: Flood Risk and Water Management and CDP/SG8: Water Environment

NPF4 Policy 22 Intent: To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

The relevant policy guidance is:

- a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
 - i. essential infrastructure where the location is required for operational reasons;
 - ii. water compatible uses;
 - iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
 - iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.
- c) Development proposals will:
 - i. not increase the risk of surface water flooding to others, or itself be at risk.
 - ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
 - iii. seek to minimise the area of impermeable surface.

SG8 provides the following guidance:

Development Affecting Watercourses

Development will not be permitted if there is a likelihood that the structural integrity of a culverted watercourse, which is still deemed necessary, may be

endangered. Whilst not an exhaustive list, the Council considers that the following activities may give rise to such a situation:

- a) Construction of permanent structures over a culvert
- b) Increased loading upon a culvert from foundations
- c) Piling adjacent to a culvert
- d) Increased loading upon a culvert from construction activities
- e) Increase loading upon a culvert from alteration of ground levels

All existing access points/routes to watercourses must be maintained or repositioned in agreement with the Council's Flood Risk Management Team. The Council also reserves the right to request the construction of additional access points/routes to a watercourse to enable the Council to meet its statutory responsibilities under the Flood Risk Management Act (Scotland) 2009. This will include, but is not limited to, the following aspects:

- a) The construction of new manholes at a maximum spacing of 90m
- b) The construction of new manholes at changes in direction
- c) The construction of suitable access routes suitable for maintenance vehicles (vector units)
- d) The provision of debris screens, when deemed necessary.

Prior to any connections being made, construction works over or adjacent to a culverted watercourse being carried out, the applicant will be required to consult with the Council's Flood Risk Management Team regarding pre and post (CCTV) surveying and any monitoring requirements.

Sustainable Drainage Systems (SuDS)

The requirement for water quality treatment by the use of a SuDS Train, is a key element of the Surface Water Drainage Strategy (Section 8). It is fundamentally important that the water management strategy is developed at the earliest stage of the design and the principles agreed with the Council and Scottish Water before the development layout is formalised.

In addition to the meeting the basic water quality treatment requirements, the Council will assess the integration of the SuDS features into the overall development design. This should be undertaken as part of a placemaking approach to the design of the new development and should be considered in conjunction with the City Development Plan's requirements for enhancing biodiversity, access to open space and the provision of sustainable travel routes as part of a multifunctional green network. In delivering such an approach, this Supplementary Guidance should be read in conjunction with the other Supplementary Guidance produced in support of the CDP.

Impervious Surfacing

To enable the Council to fulfil its statutory obligations under the Flood Risk Management (Scotland) Act 2009 and the Vision of the MGSDP, the use of impermeable ground surfacing will be limited. The aim of this policy is to reduce

the peak run-off rates and overall volume of surface water being discharge from hard standing areas.

Permissible percentage or reduction as appropriate of impervious ground level surfacing:

- d) Commercial extensions/renovations: impervious surfacing within the development will be reduced by 30% until the new build target (limited to 30% of gross external area) is achieved.

The maintenance of pervious surfaces will be a burden upon the property owner and will be covered by “a deed of condition”, to ensure effective long-term maintenance. There will be a requirement to agree the maintenance schedule for pervious surfacing with the Council and determine the appropriate maintenance body (factor).

Committee should note:

- The Merry Burn runs under the site in a culvert, with an access manhole situated within the western corner of the site.
- The site is in a defined SEPA Flood Risk Area (high risk for both river and surface water flooding) and is in a Culvert Impact Zone.
- The site is an existing area of hardstanding; no details of any reduction in this hardstanding area have been proposed, contrary to policy.
- No details of proposed SuDS have been provided, contrary to policy.

Committee should consider:

- If the potential flood risk has been adequately considered and addressed.
- If the proposed location of the development is appropriate.

6.6 NPF4 Policy 13 and CDP11/SG11: Sustainable Transport

NPF4 Policy 13 Intent: To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

The relevant policy guidance is:

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
 - i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
 - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
- i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
 - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
 - vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
 - viii. Adequately mitigate any impact on local public access routes.

SG11 provides the following guidance:

Electric Vehicles

Scottish Planning Policy states that “development plans should support the provision of infrastructure necessary to support positive changes in transport technologies, such as charging points for electric vehicles” and that “electric vehicle charge points should always be considered as part of any new development and provided where appropriate”. Electric Vehicles (EVs) are considered to be any road vehicle with a battery that is intended to be charged from mains electricity, including plug-in hybrid, extended range EVs and pure electric EVs.

Where active spaces are installed, either during the development process or at a later date, the Council expects that the owner/operator of commercial buildings, or the factor in flatted developments with dedicated communal car parking, will put in place, and operate, appropriate car park management arrangements. These should include arrangements for managing access to EV charging spaces (where each space in a flatted development is dedicated to a specified flat) and arrangements for paying for the electricity used during charging. In retail, commercial leisure and other development likely to be used by the public (including commercial car parking), similar arrangements should be made for utilisation of the spaces by the public and for means of payment by them.

Committee should note:

- The proposal is for the installation of two EV charging stations, with one waiting bay. This is in accordance with the policy.

- Transport Planning have concerns regarding road/traffic safety due to proximity to the junction and the existing traffic calming measures in place.
- The proposed bay widths have not been designed to accessible parking standards (minimum of 3.3m wide and 6m in length).

Committee should consider:

- Whether the proposal will introduce issues of road safety for either pedestrians or road users.
- If the proposal adequately addresses the accessibility and ease of use for all users.

7 COMMITTEE DECISION

7.1 The options available to the Committee are:

- a. Grant planning permission, with the same or different conditions from those listed below; or
- b. Refuse planning permission.
- c. Continue the review to request further information.

8 Policy and Resource Implications

Resource Implications:

Financial: n/a

Legal: n/a

Personnel: n/a

Procurement: n/a

Council Strategic Plan: n/a

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify. n/a

What are the potential equality impacts as a result of this report? no significant impact

Please highlight if the policy/proposal will help address socio-economic disadvantage. n/a

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify: n/a

What are the potential climate impacts as a result of this proposal? n/a

Will the proposal contribute to Glasgow's net zero carbon target? n/a

Privacy and Data Protection Impacts:

Are there any potential data protection impacts as a result of this report
N

If Yes, please confirm that a Data Protection Impact Assessment (DPIA) has been carried out

9 Recommendations

That Committee consider the content of this report in coming to their decision.