



## Planning Applications Committee

### Report by

Executive Director of Neighbourhoods, Regeneration and Sustainability

Contact: Mohammed Hussain Phone: 0141 287 8489

**Application Type** Full Planning Permission

**Recommendation** Grant Subject to Condition(s)

<b>Application</b>	24/00776/FUL	<b>Date Valid</b>	15.05.2024
<b>Site Address</b>	7 Birkmyre Road Glasgow G51 3JH		
<b>Proposal</b>	Use of premises as car wash/car garage Class 5 (General Industry), external alterations and associated works.		
<b>Applicant</b>	Wow Desserts Zubair Arshad 135 Rockmount Avenue Glasgow G46 7DR	<b>Agent</b>	Ecko Design Ltd Bobby Lee 50 Spottiswoode Gardens Livingston EH53 0JU
<b>Ward No(s)</b>	05, Govan	<b>Community Council</b>	02_073, Govan
<b>Conservation Area</b>	Not Applicable	<b>Listed</b>	Not Applicable
<b>Advert Type</b>	Affecting a Conservation Area/Listed Building	<b>Published</b>	24 November 2023
<b>City Plan</b>	City Development Plan		

### Representations/Consultations

In total 9 representations, all objecting to the application, have been received. The grounds of objection are summarised below:

- Too much traffic within the street.
- Narrow street and therefore difficult for large lorries entering and exiting street.
- The proposal is contrary to policy.
- The proposal will have a detrimental impact on the character of economic development area.
- The proposal will have an adverse impact on the quantity, quality and distribution of Economic Development Area land supply.

**Consultations:** No external consultations were requested or required

## Site and Description

The application site is an industrial unit which occupies a corner plot facing onto Birkmyre Road. The property comprises an end terraced industrial premise of steel frame construction, surmounted by a pitched roof. Internally, the unit provides predominantly open plan workshop/storage space with a section utilised for office accommodation and W.C facilities.

The property benefits from a roller shutter access door situated on the western elevation. Car parking facilities are also situated to the front of the property. The minimum eaves height of the property extends to 3.75m. The property has been vacant for a few years.

The site is located within Helen Street/Loanbank Industrial Estate which forms part of the Economic Development Area. To the north of the site is used car sales/workshop, a record storing facility and a company which manufactures and installs roof lights. To the west is HMS Dalriada which serves recruits and trains Navy reservists and a roofing supply company. To the south is a print company, a car chauffeur company and a roofing company.

The application site is within Ward 05- Govan.

## Site History

98/00397/DC: External alterations. Granted Subject to Conditions - 13.09.2002

## Proposal

The application seeks planning permission for a change of use to use the property as car wash/car garage, external alterations and associate works, Class 5.

There is an existing vehicular access fronting Birkmyre Road and the applicant proposes a new access nearest Helen Street for entering the carwash on the north side of the building and egressing from the access Birkmyre Road.

The associated works are mostly internal and include an area for car servicing which include a ramp, external shutter to new access, and a drainage separator in the ground for separating soap and other impurities from wastewater before it enters the sewerage system.

The applicant will also carry out landscaping works to the northern and eastern elevation of the buildings.

## Specified Matters

Planning legislation requires the planning register to include information on the processing of each planning application (a Report of Handling) and identifies a range of information that must be included. This obligation is aimed at informing interested parties of factors that might have had a bearing on the processing of the application. Some of the required information relates to consultations and representations that have been received and is provided elsewhere in this Committee Report. The remainder of the information and a response to each points to be addressed is detailed below.

### **A. Summary of the main issues raised where the following were submitted or carried out**

#### **i. an environmental statement**

Not applicable

#### **ii. an appropriate assessment under the Conservation (Natural Habitats etc.) Regulations 1994**

Not applicable

#### **iii. a design statement or a design and access statement**

Design and Access Statement submitted.

**iv. any report on the impact or potential impact of the proposed development (for example the retail impact, transport impact, noise impact or risk of flooding)**

Not applicable

**B. Summary of the terms of any Section 75 planning agreement**

Not applicable

**C. Details of directions by Scottish Ministers under Regulation 30, 31 or 32**

These Regulations enable Scottish Ministers to give directions

**i. with regard to Environmental Impact Assessment Regulations (Regulation 30)**

Not applicable

**ii.**

**1. requiring the Council to give information as to the manner in which an application has been dealt with (Regulation 31)**

Not applicable

**2. restricting the grant of planning permission**

Not applicable

**iii.**

**1. requiring the Council to consider imposing a condition specified by Scottish Ministers**

Not applicable

**2. requiring the Council not to grant planning permission without satisfying Scottish Ministers that the Council has considered to the condition and that it will either imposed or need not be imposed.**

Not applicable

**Policies**

**National Planning Framework 4**

**Policy 1:** Tackling the Climate and Nature Crisis

**Policy 2:** Climate Mitigation and Adaptation

**Policy 9:** Brownfield, vacant and derelict land and empty buildings

**Policy 12:** Zero Waste

**Policy 13:** Sustainable Transport

**Policy 26:** Business and Industry

**Glasgow City Development Plan**

**CDP 1 & SG1** - The Placemaking Principle

**CDP 3 & IPG3** - Economic Development

**CPD11 & SG11** - Sustainable Transport

**Assessment and Conclusions**

Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (As subsequently amended) require that planning applications be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

In terms of this application therefore, the determining issues are considered to be:

- (a) whether the proposal accords with the Development Plan; and,
- (b) whether any other material considerations (including objections) have been satisfactorily addressed.

In respect of (a) the Development Plan comprises National Planning Framework 4 (NPF4) which was adopted on 13th February 2023 and the Glasgow City Development Plan which was adopted on 29th March 2017.

#### **National Planning Framework 4:**

The National Planning Framework 4 (NPF4) is the national spatial strategy for Scotland up to 2045. Unlike previous national planning documents, the NPF4 is part of the statutory Development Plan and Glasgow City Council as planning authority must assess all proposed development against its policies. The following policies are considered relevant to the application:

**Policy 1 (Tackling the climate and nature crises) and Policy 2 (Climate mitigation and adaptation) are applicable to all new development and must be considered in light of the proposals impact on the environment.**

#### **Comment:**

The aim of the policy is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. The proposed development consists of the adaption and reuse of a vacant building. The proposal is of such a scale that it would not have a significant impact on the climate. Any potential pollutants as a result of water run-off from car washing would be subject to a separate permitting regime via Scottish Water.

The proposal complies with **Policies 1 and 2.**

#### **Policy 9. Brownfield, vacant and derelict land and empty buildings**

*Policy 9 aims to encourage the re-use of vacant buildings and land stating that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. 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.*

#### **Comment:**

The lawful use of the existing building is unknown but going by photographic evidence it would appear that the unit was most recently used for storage. This proposal would see the re-use of an existing building as a car repair garage and car wash, the use of which falls within Class 5 (General Industry). The principle of the use is considered below but the re-use and adaption of an existing building rather than its demolition is to be encouraged.

Subject to compliance with other policies in the Development Plan the proposal accords with **Policy 9: Brownfield, vacant and derelict land and empty buildings.**

#### **Policy 12. Zero waste**

*Policy 12 aims to reduce, reuse, or recycle materials in line with the waste hierarchy stating that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported.*

*Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed.*

#### **Comment:**

The application site relates to a building which has been vacant for a number of years. The proposed development aims to reuse the building with minor works to create a new entrance to the side and formalisation of hardstanding for vehicular access.

The proposed uses on the site will generate waste when occupied and would be subject to separate waste collection at the cost and arrangement of the applicant.

The re-use of the building are encouraged as it will reduce any unnecessary demolition works where those materials would likely be placed in landfill.

The proposal accords with **Policy 12: Zero waste.**

### **Policy 13. Sustainable transport**

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

#### **Comment:**

This is addressed in more detail under SG11, below, however the proposal would present a sufficient level of parking and is not likely to result in a significant level of additional traffic to merit a full transport assessment. Vehicle movements would be consistent with that of an industrial estate and existing businesses that are located in Birkmyre Road.

Subject to compliance with CDP11 the proposal would comply with **Policy 13. Sustainable transport**

### **Policy 26. Business and Industry**

*Policy 26 aims to encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, livework units and micro-businesses.*

*Development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported. Similarly, there will be support for business and industry uses where they are compatible with the primary business function of the area, will not prejudice the primary function of the area, are compatible with the business/industrial character of the area and will not impact on residential amenity.*

#### **Comment:**

The site is located within an Economic Development Area (EDA) known as Helen Street/Loanbank Industrial Estate. Under CDP3, considered below, the proposed use of a garage and a car wash accords with the policy requirements that EDA's will continue to give preference to proposals in Use Classes 4 'Business', 5 'General Industrial' or 6 'Storage or Distribution', of the Town and Country Planning (Use Classes) (Scotland) Order 1997. As noted above both proposed uses fall within use class 5.

Subject to compliance with CDP3 the proposal accords with **Policy 26: Business and Industry.**

#### **NPF 4 Conclusion:**

Taking all the above into considerations the proposal would meet the requirements of NPF4.

### **Glasgow City Development Plan**

The City Development Plan consists of high-level policies (in line with Scottish Government guidance), with statutory Supplementary Guidance providing further information or detail in respect of these policies. Many of the policies in NPF4 are reflected by policies and statutory guidance associated with the Glasgow City Development Plan.

The following CDP policies are considered particularly relevant to the application assessment:

**CDP1: The Placemaking Principle & SG 1 – Placemaking**

*Policy CDP1 is an overarching Policy which must be considered for all development proposals to help achieve the key aims of the Glasgow City Development Plan. This Policy aims to improve the quality of development taking place in Glasgow by promoting a design-led approach.*

*This will contribute towards protecting and improving the quality of the environment, improving health and reducing health inequality, making the planning process as inclusive as possible and ensuring that new development attains the highest sustainability levels.*

*Supplementary Guidance **SG1 'Placemaking'** supports CDP1 and comprises two parts. Part 1 provides the context and approach of Placemaking established in Policy CDP1 and Part 2 contains detailed assessment criteria for small-scale development.*

*SG1 focusses on protecting the amenity of existing and proposed occupants with standards set with respect to private garden ground, car parking design and layout, daylighting and privacy as well as the visual effects of physical development.*

*SG1 does provide some general advice on commercial uses with residential areas or buildings. Primarily new uses should be appropriate for their setting and not impact on residential amenity.*

**SG1 Part 2 : Alterations to Shops and Other Commercial Buildings** seeks to ensure that alterations to shops and other commercial buildings enhance the appearance of buildings and the street scene generally and cause no dis-amenity to neighbours.

**Comment:**

In this case the proposal would re-use an existing vacant industrial unit for a use that would sit comfortably within an industrial estate. As well as general improvements to the frontage and front parking area a new access would be created on the side elevation. Hardstanding would lead vehicles through this access into the car wash and garage.

The existing area to the side is a disused and is made up of a mix of stone chippings and weeds. This development would formalise the access and the remaining edge of the site would be improved through soft landscaping and a low hedge. As well as introducing an aspect of biodiversity onto the site it would reduce visibility of the access.

Conditions are proposed to ensure the landscaping is implemented prior to the use coming into effect as well as general controls regarding hours of operation and noise to protect businesses around it. As discussed below the principle of the use is acceptable and there are no concerns regarding the proposals as a whole.

The proposal would comply with the aspirations of **CDP1 and SG1**.

**CDP3 and IPG3: Economic Development Areas.**

*Policy CPD3 supports economic growth within the city by directing industry and business uses to the city's Economic Development Areas. Policy SG3 advises that EDA's continue to give preference to proposals in Use Classes 4 'Business', 5 'General Industrial' or 6 'Storage or Distribution', of the Town and Country Planning (Use Classes)(Scotland) Order 1997.*

**Comment:**

The proposal to operate a garage and a carwash in a recognised EDA is an appropriate location for the site. The use class for both proposed operations fall within use class 5 and therefore comply with the criteria within IPG3.

There have been 9 representations regarding the proposal. It is noted that most of these representations have come from within Birkmyre Road from other businesses, stating there is too much traffic within the street and allowing the proposal will only exacerbate the parking and further restrict vehicle movement within Birkmyre Road. However, the applicant has demonstrated there is sufficient parking for the garage within the premises and on land within their control.

The applicant has also shown that queuing facilities for 5 cars for the car wash accords with SG11.

On this basis the principle of the use can be supported and subject to conditions the proposal would protect the amenity and viability of businesses around it.

The proposal would comply with **CDP3 and IPG3**.

### **CDP11 and SG11: Sustainable Transport.**

*Policy CPD11 applies restraint-based maximum parking standards to non-residential development with SG11 outlining the parking threshold for all household and non-householder developments.*

*For development of this type the following standards are relevant:*

*Motor Trade - Servicing/ Bodywork 4 spaces per service bay  
Motor Trade - Tyre and Exhaust Centre 2 spaces per service bay  
Motor Trade - Car Wash 5 queuing spaces  
Below threshold for cycle parking and EV charging*

#### **Comment:**

The applicant has submitted plans which accords which the thresholds above including spaces within the building and the curtilage of the site. Cycle parking is not shown on the plans, but a condition could address this to ensure end of trip facilities and secure cycle storage are included within the unit for staff. In this specific circumstance, given the proposed use, it would not be considered appropriate to require cycle parking for customers.

On this basis the proposal would accord with **CPD11 and SG11**.

### **City Development Plan Conclusion**

Taking all the above into consideration the proposal is considered to fully comply with the relevant City Development Plan policies.

In terms of issues **(a)** the proposal is considered to accord with the Development Plan, having regard to the designated land use and all relevant policies as addressed above.

In respect of **(b)** other material considerations include the views of statutory and other consultees and the contents of letters of objection and letters of support. This application did not require or generate any consultee comments. As noted above, in total 9 representations have been received, all of which object to the planning application.

Those concerns regarding the principal of the use and its potential impact on the character of the Economic Development Area have been addressed in the assessment above. Similarly, the proposal would include sufficient vehicle parking commensurate to its scale and overall use. Whilst there may be issues with traffic in the street at the moment this is accountable to existing businesses. This is an existing business unit which when in use would always generate a level of traffic. It is not considered that this proposal would introduce such a significant level of new traffic to render the proposal unacceptable.

With regards to potential pollution from vehicle washing and oil spillage, the applicant has provided a floor plan which includes the proposed location of a drainage separator in the ground for separating soap and other impurities from wastewater before it enters the sewerage system. Owing to the proposed use and the likely pollutants from washing vehicles the applicant is required to obtain consent from Scottish Water to discharge trade effluent into the public sewer. SEPA may also regulate and control any resulting impact from oil pollutants which could be associated with the mechanical repair aspect of the use. With this in mind it would not be suitable to control these aspects via condition but instead require the applicant to submit evidence of their consent to operate from the appropriate monitoring authority, in this case Scottish Water. Any breach of that consent would be enforced by Scottish Water and potentially SEPA in more extreme circumstances. This would be outwith the remit of Planning.

### **CONCLUSION**

The above demonstrates that the proposed development complies with the Development Plan. Other material considerations have been considered however these do not outweigh the proposal's accordance with the Development Plan.

On the basis of the foregoing, it is recommended that the application for full planning permission be granted subject to conditions.

### **Approved Drawings**

The development shall be implemented in accordance with the approved drawing(s)

1. 24-WD-PS-02 REV E Received 15 September 2024
2. 24-WD-PS-SP-03 REV C VEHICLE ACCESS SITE PLAN Received 15 May 2024
3. 24-WD-PS-SP-01 EXISTING ZONAL SITE PLAN Received 18 March 2024
4. 24-WD-PS-LP-01 A LOCATION PLAN Received 18 March 2024

As qualified by the above condition(s), or as otherwise agreed in writing with the Planning Authority

### **Conditions and Reasons**

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this permission.

Reason: In the interests of certainty and the proper planning of the area, and to comply with section 58(1) of the Town and Country Planning (Scotland) Act 1997, as amended.

02. The hours of operation permitted are as follows: Monday to Sunday: 8am to 8pm.

Reason: To protect local residents from exposure to noise and disturbance at unsocial hours.

03. Noise from or associated with the completed development (the building and fixed plant) shall not give rise to a noise level, assessed with windows closed, within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 35 between 0700 and 2200, and Noise Rating Curve 25 at all other times.

Reason: To protect local residents from exposure to noise and disturbance at unsocial hours.

04. The use of the property shall not commence until evidence is submitted to the Planning Authority, demonstrating that consent has been given by Scottish Water (or any other relevant authority) to discharge trade effluent into the public sewer. This will include evidence of an oil separation device where required by regulators.

Reason: In the interests of the natural environment.

05. Before any work on the site is begun, a scheme of landscaping shall be submitted to and approved in writing by the planning authority. The scheme shall include hard and soft landscaping works, boundary treatment(s), details of trees and other features which are to be retained, and a programme for the implementation/phasing of the landscaping in relation to the construction of the development. For the avoidance of doubt any new hardstanding should be finished in a permeable surface. All landscaping, including planting, seeding and hard and soft landscaping, shall be completed in accordance with the approved scheme.

Reason: To ensure that the landscaping of the site contributes to the landscape quality and biodiversity of the area.

06. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the landscaping of the site contributes to the landscape quality and biodiversity of the area.

07. Prior to the commencement of development details of staff cycling provision shall be submitted



for the written approval of the Planning Authority. If agreed the development shall be completed in compliance with these details and available for staff prior to the first use of the premises. For the avoidance of doubt the provision shall include secure cycle parking for a minimum of 2 bikes, changing and shower facilities and lockers for staff employed at the premises.

Reason: To ensure that appropriate provision is provided for cyclists.

for Executive Director of Neighbourhoods, Regeneration and Sustainability

MH/RM/30/10/2024

## BACKGROUND PAPERS

### **PLEASE NOTE THE FOLLOWING:**

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