

WEST DUNBARTONSHIRE COUNCIL

Report by Planning, Building Standards and Environmental Health Manager

Planning Committee: 03 August 2022

DC22/058/FUL: Part use of restaurant car park for hand car-wash facility with associated works inclusive of office and canopy at Restaurant, Dumbarton Road, Milton, G82 2TN by Happy Lettings and Property

1. REASON FOR REPORT

- 1.1** The application has been subject of an objection from a Community Council. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** Grant planning permission subject to the conditions set out in Section 9 below.

3. DEVELOPMENT DETAILS

- 3.1** The application site is located within the eastern corner of the existing Black Rooster Peri Piri restaurant car park on the A82 Dumbarton Road in Milton. The site is bounded to the north by a wooded area, to the east by a petrol station and the restaurant car park to the south and west. There are also self-service laundrette machines also located in the car park to the west of the proposed development. The site takes access from the shared entry to the petrol station and restaurant from Dumbarton Road, through the car park and to the development site.

Permission is sought to change the use of part of the car park in order to form a hand car-wash facility. The development associated with the use will consist of:

- A corrugated metal office/store building located in the north east corner of the site measuring 2.43m wide, 6.05m long and 2.6m high
- A clear acrylic canopy which covers the office and site, in a right angled formation in the corner site, measuring 20m across the back of the site and 14m along the eastern boundary between the petrol station. The height of the canopy is 3m.

The cars enter at the western side of the site moving through the canopy area and out, back into the car park. Within the southern part of the canopy area there is a valeting

section and outside of the canopy a collection area. There are no proposals to change the boundary fences on either the north or east boundary.

4. CONSULTATIONS

- 4.1** Transport Scotland have no objections subject to a condition that there shall be no drainage connections to the trunk road drainage system.
- 4.2** West Dunbartonshire Council Roads Service have no objections. It is recommended that the applicant carries out a risk assessment for managing water/ice in the car park, and obtains the necessary permissions for waste water to be discharged into the appropriate drainage system.
- 4.3** West Dunbartonshire Council Environmental Health, Scottish Water have no objections to the proposed development.

5. REPRESENTATIONS

- 5.1** Two objections, including one from Bowling & Milton Community Council, were received in connection with the application. The concerns raised can be summarised as follows:
- Potential water run-off onto the A82 with resultant damage to the pavement and car park area of the restaurant.
 - Flooding on the road.
 - Queuing traffic backing up onto A82.
 - Increase in vehicles performing illegal U-turns.
 - Proximity to an existing hand car wash.
 - Labour practices of the business.
 - Negative amenity impacts.
 - Number of car washing facilities in Milton.
 - It would be an eyesore.
 - No benefit to the area.

The points raised in the objections received will be considered in the Section 7 below.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Adopted Local Plan 2010

- 6.1** Policy T5 advises that within the roadside service areas designated on the Proposals Map there will be presumption that the existing petrol station, garage, tourist and other uses will continue. The Policy goes on to advise that any development proposal will be subject to an assessment against Policy GD1 with special consideration given to traffic impact and access. The Council will

encourage improvements to the environmental and design quality of such areas.

- 6.2 Policy GD1 seeks to ensure that all new development is of a high quality design, of an appropriate and compatible land use and that it respects the character and amenity of the surrounding area.
- 6.3 The proposal complies with the policies of the adopted Local Plan and is assessed fully in Section 7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.1 The modified Plan and associated documents was approved by the Council on 19 August 2020. The Council has advised the Scottish Ministers of its intention to adopt the Plan. On 18 December 2020, the Scottish Ministers issued a Direction in relation to the housing land chapter of the Plan. None of the policies considered in the determination of this application are effected by that Direction. Therefore, Local Development Plan 2 is the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications.
- 7.2 Policy E5 states that tourist related development, which will enhance roadside facilities at Milton, will be supported where it does not significantly impact on trade within and the vitality and viability of Town Centres.
- 7.3 Policy CP1 states that new development shall take a design led approach to creating sustainable places which put the needs of people first and demonstrate the six qualities of successful places.

Principle of Development

- 7.4 The Proposals Maps and relevant policies of the adopted Local Plan and proposed LDP2 identify this area of Milton as an area for roadside services where there are clusters of facilities such as petrol stations, shops, cafes, restaurants and hotels. As such it is considered that the use of a car wash facility is in keeping with the other services provided within this area including petrol stations, cafe, restaurant and hotel. These provide convenient facilities for people visiting and passing through West Dunbartonshire and contribute to the local economy. The nature of the proposed development in providing a roadside facility would not draw trade away from designated centres. On the basis of the above, it is considered that this is an appropriate location for the proposed development and the proposal is in accordance with policy E5 of the adopted local plan, and E5 of the LDP2 Proposed Plan.

Site Layout, Design and Appearance

- 7.5** The development consists of an office/store building and a clear acrylic canopy which sits at 3m high. The development is located within the rear corner of an existing car park. The area is one which has an array of different facilities immediately adjacent including self-service laundrette machines, a restaurant and a petrol station. No colour finishes have been noted for the office/store and it is recommended that any granting of permission should include a condition which requires an acceptable colour to be agreed prior to the development commencing. The car wash facility is small in scale compared to the surrounding development and situated within a suitable location for a roadside facility. Subject to condition, will not cause an unacceptable visual impact upon the surrounding area and there is no conflict with Policy CP1 of LDP2.

Car Parking Requirements

- 7.6** The car wash uses the most western part of the facility for cars to enter and then further east along the canopy to exit, returning back into the existing car park. The capacity for the restaurant which the car park currently serves is 76 covers with four staff working at any time. The proposed development would leave 47 car parking spaces remaining which is sufficient that the removal of car parking spaces will not adversely affect the existing restaurant. Both Transport Scotland and the Council's Road Service have been consulted on the application proposal and neither offer any objection to this arrangement.
- 7.7** The car wash facility has the potential for water to run off from the development into the existing car park. Given the advice from the Council's Road Service it is considered appropriate that any granting of permission include a condition which requires a risk assessment for managing water/ice on the car park surface to be approved prior to the commencement of the development on site. This will ensure that no adverse impact is created for the existing use. The requirement to secure an appropriate drainage arrangement can also be addressed by condition.
- 7.8.** There are no objections from Transport Scotland subject to a condition stating that there shall be no drainage connections to the trunk road draining system. For the above reasons it is considered that, subject to conditions there will be no adverse impact upon the access to the roadside services or upon the existing car park.

Representations Received

- 7.9** Bowling and Milton Community Council have objected to the proposal as well as one objection from a member of the public. The objection from a member of public focuses on the proposal bringing no value to the people of Milton and that it is designed for passing trade. Both the adopted Local Plan and the proposed LDP2 have identified this area as "roadside services". The LDP2 states that this area provides convenient facilities for people visiting and passing through West Dunbartonshire. For this reason it is considered that this is an appropriate location for the type of development.

- 7.10** The Community Council have objected on a number of points including the potential for run off from the development onto the A82. It is considered that the condition for a risk assessment will ensure that this will not become an issue. Queuing traffic onto the A82 is also a concern of the Community Council. Both the Council's Roads Service and Transport Scotland have no concerns on this matter. The development is located in an existing car park and any queuing vehicles would be stopped within the car park itself. An increase in vehicles performing illegal U-turns has been highlighted as part of the objection also. There is nothing to suggest that this would occur and again the Council's Roads Service and Transport Scotland have not highlighted this as an issue.
- 7.11** Further concerns raised by the Community Council include the proximity of another hand car wash facility. It is not, however, the purpose of the planning system to inhibit competition. The proposed location is an acceptable location and as such does not conflict with local planning policies. Labour practices of the development are a concern of the Community Council however this is not a material planning consideration and cannot be governed by a planning application. The existing laundry business has also been noted as a concern. This development has an existing permission and the addition of the car wash facility will further add to the provision of roadside services in accordance with the adopted and proposed Plans.

8. CONCLUSION

- 8.1** The proposed development is considered to be in accordance with Policy T5 of the adopted Local Plan and Policy E5 of the proposed LDP2 as this is an area identified for road side services and the proposed development is in keeping with the types of services expected in such an area. There is also no conflict with the aims of Policy GD1 of the adopted Plan and Policy CP1 of the proposed LDP2. Subject to the conditions set out in Section 9 below, the proposal raises no issues in terms of the impact upon the trunk road, existing uses or upon visual amenity.

9. CONDITIONS

1. Notwithstanding the approved plans, details and specifications of the proposed external colour of the office/store shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented as approved unless an alternative is otherwise agreed in writing by the Planning Authority.
2. Prior to works commencing on the development hereby approved, details of on-site drainage infrastructure shall be submitted for the written approval of the Planning Authority. The details shall ensure that no water shall be discharged onto the public road or into the road drainage system. The approved drainage infrastructure shall then be installed prior to the commencement of the use hereby permitted and maintained in an operational condition at all times.

3. Prior to works commencing on the development hereby approved, details of a risk assessment for managing water/ice on the car park surface shall be submitted for the written approval of the Planning Authority. Any recommendations and mitigations within the approved assessment shall then be followed at all times.
4. Prior to the commencement of the use hereby approved, details for the storage and the collection of waste arising from the proposed development hereby approved shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place for the commencement of the use and thereafter maintained for the lifetime of the development.
5. Notwithstanding the approved plans, there shall be no drainage connection to the trunk road drainage system.

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Date: 3rd August 2022

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Appendix: Appendix 1 – Location Plan

Background Papers:

1. Application forms and plans
2. Consultation responses
3. West Dunbartonshire Local Plan 2010
4. West Dunbartonshire Local Development Plan 2 Proposed Plan
5. Representations

Wards affected: Ward 3 – Dumbarton