

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY5 February 2014Report by Deputy Chief ExecutiveREVIEW/2013/08

PART CHANGE OF USE OF CAR PARK TO CAR VALETING AND ERECTION OF HUT AND
SHELTER (RENEWAL OF PREVIOUS TEMPORARY CONSENT 2010/0372/TP) AND
AMENDMENT TO PART OF CONDITION 3 OF PREVIOUS PLANNING CONSENT TO
ALLOW VALETING TO TAKE PLACE ON SUNDAYS BETWEEN 9.00AM AND 2.00PM
DURING OCTOBER TO FEBRUARY INCLUSIVE
AT NUFFIELD HEALTH AND FITNESS CENTRE, 82 BRAIDHOLM ROAD, GIFFNOCK

PURPOSE OF REPORT

1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 in respect of the application detailed below.

DETAILS OF APPLICATION

2. Application type: Full Planning Permission (Ref No:- 2013/0465/TP).
- Applicant: Mr Kenny McCarlie.
- Proposal: Part change of use of car park to car valeting and erection of hut and shelter (renewal of previous temporary consent 2010/0372/TP) and amendment to part of Condition 3 of previous planning consent to allow valeting to take place on Sundays between 9.00am and 2.00pm during October to February inclusive.
- Location: Nuffield Health and Fitness Centre, 82 Braidholm Road, Giffnock.
- Council Area/Ward: Giffnock and Thornliebank (Ward 3).

REASON FOR REQUESTING REVIEW

3. The applicant has requested a review on the grounds that the Council's appointed officer part approved/refused the application and imposed conditions to the planning consent.

RECOMMENDATIONS

4. The Local Review Body is asked to:-
- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (i) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied; and
 - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed.
 - (b) In the event that further procedure is required to allow it to determine the review, consider:-
 - (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
 - (ii) what procedure or combination of procedures are to be followed in determining the review.

BACKGROUND

5. At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the “local development” category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an “appointed officer”. In the Council’s case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Planning, Property and Regeneration).

7. The report highlighted that historically appeals against planning decisions were dealt with by Scottish Ministers. However, following the introduction of the new planning provisions which came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

8. The applicant in submitting the review has stated the reasons for requiring the review of the determination of his application. A copy of the applicant’s Notice of Review and Statement of Reasons is attached as Appendix 5 to this report.

9. The applicant is entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has indicated that his stated preference is one or more hearing sessions.

10. The Local Review Body is not bound to accede to the applicant's request as to how it will determine the review and will itself decide what procedure will be used in this regard.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

11. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The Local Review Body is advised that the focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.

12. The information detailed below is appended to this report to assist the Local Review Body in carrying out the review of the decision taken by the appointed officer:-

- (a) Application for planning permission – Appendix 1 (Pages 131-137);
- (b) Copies of comments/representations – Appendix 2 (Pages 138-165);
- (c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 166-172);
- (d) Decision notice and reasons for approval/refusal - Appendix 4 (Pages 173-179); and
- (e) Applicant's Notice of Review and Statement of Reasons - Appendix 5 (Pages 180-186).

13. The applicant has also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 6 (Pages 187-190):-

- (a) Location Plan - Approved;
- (b) Block Plan - Approved; and
- (c) Elevations – Approved.

14. The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling.

15. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk.

RECOMMENDATIONS

16. The Local Review Body is asked to:-

- (a) consider whether it has sufficient information to allow it to proceed to determine the reviews without further procedure and, if so, that:-
 - (i) it proceeds to determine whether the decisions taken in respect of the applications under review should be upheld, reversed or varied; and
 - (ii) in the event that the decisions are reversed or varied, the reasons and the detailed conditions to be attached to the decision letters are agreed.

- (b) In the event that further procedure is required to allow it to determine the reviews, consider:-
- (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
 - (ii) what procedure or combination of procedures are to be followed in determining the review.

Report Author:

Director - Caroline Innes, Deputy Chief Executive

Paul O'Neil, Committee Services Officer
e-mail: paul.o'neil@eastrenfrewshire.gov.uk
Tel: 0141 577 3011

Date:- January 2014

KEY WORDS:

A report presenting information to allow the Local Review Body to review the decision taken by the appointed officer to refuse the application for planning permission in terms of the scheme of delegation.

Key Words:- Local Review Body, Notice of Review, Statement, Reasons.

**APPLICATION
FOR
PLANNING PERMISSION**

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Application for Planning Permission

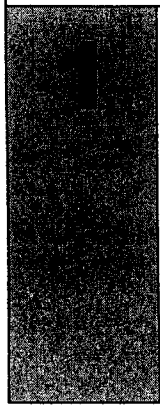
Town & Country Planning (Scotland) Act 1997
as amended by the Planning etc. (Scotland) Act 2006



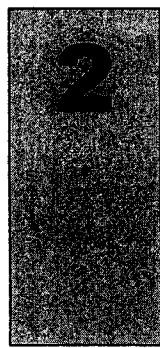
OFFICIAL USE ONLY LPA Ref No 2013/0465/HP Receipt Date 12 JUL 2013

Please note that rather than completing these forms, you can now complete and submit your planning application on-line at www.eplanning.scotland.gov.uk

Please read the notes for guidance before completing this part of the form. Incorrect completion may result in delay in processing your application.

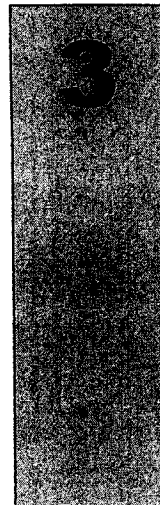


Applicant's Name KENNY MCCALLIE
 Address 22 CROMARTY GARDENS
CLARKSON
GLASGOW Post Code G76 8IA
 Telephone [REDACTED] Fax
 Email
 Is the applicant a member or staff within the planning service or an elected member of East Renfrewshire Council? Yes No



Agent's Name.....
 Address.....

 Post Code.....
 Telephone..... Fax
 Email.....



Type of Application
 What is this application for? Please select one of the following:
 Planning Permission Planning Permission in Principle
 Renewal of Temporary Permission**
 Modification, variation or removal of a Planning Condition**
 **Please give the reference number of the previous application and date when permission was granted:
 Ref No: 2010/0372/HP Date: 9/6/2010

Location of proposed development... CAR PARK TO REAR
OFF NIFFIELD GYM 82 BRADYON ROAD
G.IFFNOCK

Description of proposed development... CAR WASH VALET
CENTRE

<u>Existing</u>	<u>Proposed</u>
Walls	Walls
Roofs	Roofs
Boundary	Boundary
Windows	Windows
Any other relevant information... <u>REFER TO PLANS</u> <u>FROM LAST APPLICATION</u>	

Trees

Are there any trees on or adjacent to the application site? Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal and indicate if any are to be cut back or felled.

Changes to Vehicle Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? Yes No

If yes, please show on your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many parking spaces currently exist on the application site?

How many parking spaces do you propose on the application site?

Please show on your drawings the position of existing and proposed parking spaces.

Hierarchy of Development and pre-application consultation

Which category of development do you consider that your application falls within in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009? (See guidance note for definitions)

National Major Local

Pre-application Screening

If your development is a 'National or 'Major' development, did you submit a Pre-application Screening Notice?

YES NO NOT APPLICABLE

If YES please give the reference number and date:

Reference Number: Date:

Proposal of Application

If your development is a 'National or 'Major' development, you need to submit a 'Proposal of Application Notice' to the Council 12 weeks before submitting for planning permission. Did you do so?

YES NO NOT APPLICABLE

If YES, please give the reference number and date:

Reference Number: Date:

If YES, you required to submit a Pre-application Consultation Report. Please confirm if this report is enclosed

YES NO NOT APPLICABLE

Pre-Application Advice

Have you received advice from the Council in relation to this proposal?

Yes No

If yes, please provide details about the advice in the box below:

How was the advice given?

Meeting Telephone call Letter Email

Please provide a description of the advice you were given and who you received the advice from:

Name:

Reference Number: Date:

Summary of advice received:

.....

.....

.....

Section 1 - Who owns the land?

Tick one box

- A The applicant owned all the land to which the application relates 21 days prior to the date of this application
- B ^{or} The applicant has served notice on all persons listed below who within the 21 days prior to the date of this application owned any part of the land to which it relates.
 (You must complete and serve Notice 1 on all the people you have listed below)

Name of Owner	Address	Date Notified
BRIAN McCall Nuffield HEALTH	82 BRADHOLM ROAD	1/5/13

Section 2 - Agricultural holdings

Tick one box

- A None of the land to which the application relates, formed part of an agricultural holding for the 21 days prior to the date of this application.
- B ^{or} The applicant has served notice on all persons listed below who, within the 21 days prior to the date of this application, were tenants of an agricultural holding which was on or part of the land to which this application relates.
 (You must complete and serve Notice 1 on all the people you have listed below)

Name of Owner	Address	Date Notified

Section 3 - Unable to identify landowner or agricultural tenant

I have/The applicant has taken reasonable steps (specified below) to ascertain the names and addresses of the owners or agricultural tenants of the application site and have/have been unable to do so.

Description of steps taken.....

Signature of Applicant/Agent (delete where appropriate)

Date 4/7/2013

Please read the notes for guidance before completing this part of the form.
 Incorrect completion may result in delay in processing your application.

Checklist

Please tick all the boxes to ensure that your application is complete.

I have completed and enclose two copies of the following

Part 1 - Application form

Part 2 - Land Ownership Certificate

I have served the necessary notices on all identified owners / tenants

I have signed the Land Ownership Certificate

Checklist and Declaration (see overleaf)

I have enclosed 4 copies of the following plans

1:1250 or 1:2500 Location plan.....

1:200 or 1:500 Block plan

1:50 or 1:100 Detailed plans to include all existing and proposed plans and elevations

I have enclosed the following

A pre-application consultation report (for National or Major developments).....

An International Commission on Non-Ionising Radiation Protection declaration (for development involving the installation of antennas)

A Design and Access Statement (for National or Major developments).....

A Design Statement (for certain types of Local developments - refer to guidance notes).....

I have enclosed the appropriate fee

Fee enclosed.....

£ 502

Your completed form should now be returned to: Head of Environment (Planning, Property and Regeneration), 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NG.

Declaration

I declare that the information given within this form, for the purposes of making a planning application, is true and accurate to the best of my knowledge.

Signature of Applicant/Agent
(delete where appropriate)



Date 4/7/2013

If you have any difficulties completing this application form, contact the Council on 0141 577 3001

Data Protection Act 1998

East Renfrewshire Council is the Data Controller for the purposes of the Data Protection Act 1998. Please note that the information provided with this application will appear in the public register of applications and will also be published on the Council's website. Personal details such as signatures, personal phone numbers and personal email addresses will not be published on-line. If you wish any further personal information to be excluded from publication, please request this in writing and the Council will consider your request.

Can you please add to
application to consider Sunday
opening in the winter months
October - February 9am - 2pm.

 4/7/2013

COPIES OF COMMENTS/REPRESENTATIONS

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Application Comments for 2013/0465/TP

Application Summary

Application Number: 2013/0465/TP

Address: Greens Health & Fitness 82 Braidholm Road Giffnock East Renfrewshire G46 6ED

Proposal: Part change of use of car park to car valeting and erection of hut and shelter (renewal of previous temporary consent 2010/0372/TP). Amendment to part of condition 3 of previous planning consent to allow the valeting to take place on Sundays between 9am and 2pm during October to February inclusive

Case Officer: Mr Ian Walker

Customer Details

Name: Mr Declan Diver

Address: 19 Whitton Drive, Giffnock, East Renfrewshire G46 6EE

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The comments from Mr McCarlie merit a response.

The additional insight into the Environmental Services acoustic testing of the valeting operation emphasises the inadequacy of the testing procedure. It would be surprising if the acoustic output of the vacuum cleaner was greater than the entire output of the health club's air conditioning system; that this is somehow taken as confirmation of the lack of noise nuisance is sadly misguided. Consider the analogy of an ambulance siren: it can be heard at a distance not because the acoustic output of the vehicle dominates over the entire ambient road noise, but because at the specific frequency (ie acoustic note) of the siren, its noise output is greater than the ambient noise at that same frequency - that's why the emergency sirens can be heard so clearly.

Bolometric measurements are inappropriate for frequency-specific noise nuisance, which is the problem here (the high-pitched whine of the vacuum cleaner, which dominates the health club's very noisy air conditioning at that frequency).

Actually, this acoustic measurement is further undermined by the fact that the operator switched to a noisier, inferior replacement vacuum cleaner (a domestic VAX, rather than a Kaercher when the latter overheated and failed) at the following weekend, a fact admitted by the operator when we visited on the Saturday morning to find the source of the appalling noise. This is not the first time that the vacuum cleaner has been swapped. We have described this in detail in an email sent to the local councillors, MSP and Environmental staff.

Moreover, the suggestion that the residents have misled the committee about the operating hours

is not correct. In fact, below is an extract from a detailed log of activity sent in May this year to Environmental Services (but somewhat surprisingly not mentioned in their report). This log clearly shows operation beyond 6pm on more than one occasion.

It's interesting to note that Mr McCarlie was advised against applying for planning permission to move the operation to the North wall of the building - a solution that would satisfy everyone. Perhaps the committee could reconsider?

Extract from activity log:

Sat 27th April All afternoon Infringement of planning hours

Wed 1st May All afternoon till 6-30 pm Again infringement of planning hours after 6 pm

Sat 4th May From around 10 am to at least 1-30pm Went over hours after 1pm on a Sat. Phoned wardens refused to come out.

Sun 5th May Started at 10 am Outside hours completely. Phoned wardens refused to come out or even phone club to tell them to stop. Phoned myself and the Health club duty manager stopped them at 11 am.

Tues 7th May Morning and afternoon Intermittent

Wed 8th May All morning from 10-30 am. Also at around 6-40pm. Seemed to be 20 minutes in every half hour this morning. Operating outside planning hours in the evening. Very noisy.

Thurs 9th May Round lunchtime Very high-pitched whine. An Environmental Officer was out: when vacuum in box, noise got much quieter, when he was at the house.

Sat 11th May Morning Very noisy vacuum not in box??

Tues 14th May Morning from 10ish Noisy again vacuum not in box??

An Environmental Officer was out. Found vacuum not in the box and they said it was broken appear to have been using a power hose instead, in contravention of planning regs.

Application Comments for 2013/0465/TP

Application Summary

Application Number: 2013/0465/TP

Address: Greens Health & Fitness 82 Braidholm Road Giffnock East Renfrewshire G46 6ED

Proposal: Part change of use of car park to car valeting and erection of hut and shelter (renewal of previous temporary consent 2010/0372/TP). Amendment to part of condition 3 of previous planning consent to allow the valeting to take place on Sundays between 9am and 2pm during October to February inclusive

Case Officer: Mr Ian Walker

Customer Details

Name: Mrs Kim Russell

Address: 21 Whitton Drive, Giffnock, East Renfrewshire G46 6EE

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Please note this is a copy of my original objection letter that was sent by post on 7th Aug 2013 but does not seem to have been received by you:

This valeting service is directly behind our back garden and are consistently disturbed when cars are being washed etc due to the loud noise coming from the machine that is used. We strongly object to this service having its hours extended to include a Sunday and still strongly object to it being there at all. It has blighted our enjoyment of using our back garden due to the constant noise and do not understand why this was granted this position in the first place and not situated around the other side of the building where there are no residential properties?

Yours Sincerely

Kim & James Russell

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Application Comments for 2013/0465/TP

Application Summary

Application Number: 2013/0465/TP

Address: Greens Health & Fitness 82 Braidholm Road Giffnock East Renfrewshire G46 6ED

Proposal: Part change of use of car park to car valeting and erection of hut and shelter (renewal of previous temporary consent 2010/0372/TP). Amendment to part of condition 3 of previous planning consent to allow the valeting to take place on Sundays between 9am and 2pm during October to February inclusive

Case Officer: Mr Ian Walker

Customer Details

Name: Mr Alastair Gillen

Address: 27 Whitton Drive, Giffnock, East Renfrewshire G46 6EF

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection on the grounds of noise pollution. On purchasing my property I was aware I may hear some noise from patrons of the gym within the car park. What isn't acceptable is hearing whilst inside my property, noise coming from the valeting service, which I note no letter of planning/confirmation of application was originally received prior to the business commencing operations.

Operating this business directly to the rear of my property is a disregard for the standard of living once enjoyed by residents of Whitton Drive and to extend the hours of business is completely unacceptable.

I strongly urge East Renfrewshire Council to refuse this application.

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19 Whitton Drive
Giffnock
East Renfrewshire
G46 6EE

Head of Environment (Planning, Property and Regeneration)
East Renfrewshire Council
2 Spiersbridge Way
Spiersbrige Business Park
Thornliebank
East Renfrewshire
G46 8NG

RECEIVED

12 AUG 2013

7th August 2013

Ref: 2013/0465/TP

Car valeting operation at Nuffield Health Club, Braidholm Rd, Giffnock

Dear Sir/Madam

We are writing to object to the application for planning permission for the latest car valeting service at Nuffield Health club on Braidholm Rd. We believe that the operator should not be running a business like this in a quiet residential area, given his track record since he started this operation. He regularly causes noise and disturbance to neighbours, and often has operated outside planning hours, particularly at the weekend.

This application is presented as a renewal of a previous application, despite this being a new operator, and in the premises of a different business from the previous application. The premises is run now by Nuffield Health, who took over the business from Greens some time ago. This application should have been presented as a new application with a new applicant, and in premises which are described properly. There is no Greens health club in Braidholm Road any more.

However, our most pressing concern is the noise nuisance, which is a disturbing and sometimes distressing problem for us. The operator has been running a series of high-powered vacuum cleaners since early April, each of which has a high-pitched penetrating whine. The business has often operated outside the hours agreed in your 2008 and 2010 planning decisions, running on Saturdays after 1pm and on Sundays, and sometimes running after 6pm on weekday evenings.

As we have said in previous letters to your department, the local topology is similar to a shallow amphitheatre, with the health club and car park on a large flat stage area, and the homes on a rising slope behind. Any sound produced on this flat area is readily transmitted into all the adjoining houses on Whitton Drive, and we often are disturbed by noise from the health club: from their Brasserie, from loud car radios, from people talking and shouting, from car engines revving and from car doors slamming. We have often unwillingly heard every word of mobile telephone conversations taking place in this area.

Despite many recent visits from your environmental health officers to the car valeting operation, the vacuuming noise problems have not been resolved. We can hear the high-pitched whine

inside our house: in our bedrooms, our hall, our living room; and of course in our garden, where it has been disturbing our enjoyment of the recent good weather. This anti-social noise nuisance is unacceptable in what should be a quiet residential area. Visits from your environmental health officers have several times resulted in a temporary improvement in the noise, often only during the visit, followed by deterioration thereafter, even more so when a new member of staff is taken on – clearly without being given adequate instruction in noise reduction.

We ask that the committee reject this application altogether on the grounds of noise nuisance.

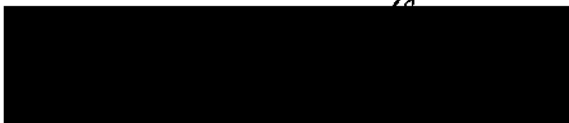
However we would be supportive of the operation moving from its present location to the other side of the Nuffield Health building, to the North East corner, where there would be no reflected noise, and therefore significantly less residential nuisance. We cannot see that this would cause any loss of amenity or visual impact to the health club itself, or attract non-members to the operation, as the car-park is barriered, and the visual impact of the car-valeting operation very low. We have been told that your Planning department rejected this suggestion from the applicants before it actually got to the application stage: we cannot understand why neighbours' legitimate and continuing concerns over the noise nuisance, and the actual impairment of our quality of life, are subordinate to theoretical concerns over visual amenity. It is likely that most drivers in Braidholm Rd would not even notice the operation were it to move to the North East corner of the building.

If the committee does grant the application, we request the following restrictions:

1. Cease weekend operation completely
2. There should be no question of Sunday operation at any time of the year
3. Ensure weekday operation is restricted to 9am to 5pm
4. There should be no question of any weekday evening operation after 5 pm
5. Strict enforcement of noise restrictions on all apparatus used, including any new equipment the operators might introduce in the future

We also question why we did not receive a neighbour notification of this planning application, given our proximity to the site, and given the history of noise disturbance to our home in the past, from the valeting operation and from the club itself. This along with the references to Greens in the application, and the fact that it is a different applicant appear to be significant procedural and legal irregularities.

Yours faithfully



Drs A M Campbell and D A Diver

25 Whitton Drive
Giffnock
Glasgow G46 6EE

9th. August 2013

Head of Environment (Planning, Property and Regeneration)
2 Spiersbridge Way
Spiersbridge Business Park,
Thornliebank
East Renfrewshire G46 8NG

RECEIVED

12 AUG 2013

Ref: 2013/0465/TP

Car valeting operation at Nuffield Health Club, 82 Braidholm Road, G46 6ED.

Dear Sir or Madam,

We wish to object to the above application on the grounds of noise nuisance. Our home is the closest to the site of operation of the car valet and therefore our family are most acutely affected by the noise of its operation. It is important to stress the residential nature of the area, this is not an industrial or commercial location. Also the proximity of buildings tends to reflect and project upwards any sounds which are made on the premises of the health club. When valeting is being undertaken our home is constantly subjected to a high pitched whine which is discernible even through double glazing. Of course, with open windows the noise is very much louder and even more unpleasant. In fact the whine can be heard even in rooms at the front of our home. The application, which we view with horror and despair, would result in us having no peace at all.

The valeting operation results in the following noise nuisance :

- We know they are starting because there is the sound of plastic cones being dragged into place often accompanied by the loud voices of the staff .
- Car horns are often sounded to signal the beginning and end of each operation.
- There is the sound of the water splashing over the car.
- Voices of staff and customers shouting to each other .
- Car doors then repeatedly open and shut.
- The noise of the vacuum motor. This can run for 18 minutes without a break, repeatedly throughout a day.
- The change of pitch of the motor as mats are vacuumed.
- The sound of a radio being played by the operator.
- The sound of mobile phone conversations of both the operator and their customers. We even hear the sound of the mobile phone buttons being pressed.
- Some of the operators swear. A memorable instance of this was when we were trying to enjoy a barbecue on Wednesday 10th July 2013. Their offensive language was audible in our garden.

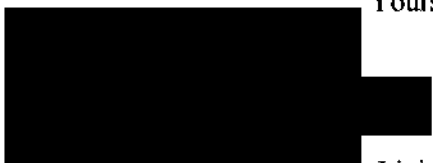
There are already conditions imposed on the operation of a car wash at this site, however this operator has not been fulfilling these, for whatever reason. The applicant has already tried to operate on a Sunday and has on many occasions worked beyond the permitted hours. We have expressed concerns about the noise levels to the council's Environmental Health Department. It is clear that Environmental Health Officers actually had to remind the operator about his obligations in limiting the noise of the motor. However the improvements were very short lived – sometimes as short as the duration of the EHO visit. As the date of this planning application has drawn near, there has been a more prolonged period of noise reduction but we would like to emphasise that the noise reduction undertaken still has no effect on the high pitched whine which we can still hear. Only a complete cessation of vacuuming on that site will free our family from this intolerable intrusion.

At the very least, we are pleading to be granted one day out of seven when our home and garden are freed from this high pitched whine nuisance although a complete cessation of weekend operations altogether would more benefit our family.

However, we take issue with the description of this application as a renewal of a previous application and would seek the following guidance . The applicant, Mr. McCarlie, was not the previous applicant. Surely he should be making a new application? Indeed, on the council paperwork the premises have been incorrectly described as "Green's Health and Fitness" when in fact they have been taken over by Nuffield. Could we ask for confirmation from one of your legal representatives that this application is technically valid ?

Mr. McCarlie's apparent ignorance of, and repeated failure to comply with, the conditions imposed on the operation of the car valet surely indicate that his application should fail.

Yours faithfully,



Mr. R. Livingstone Mrs. C. Livingstone

RECEIVED

15 AUG 2013

2013/0465/TP
147
ACKN 16/8/13 (IW)



9/8/13

Dear Sirs,

Ref: 2013/0465/TP

With reference to past change of use of salading service at 82 Strandham Rd, may I remind you that permission was originally granted dependant on noise levels. This was adhered to for a short period of time, with noise levels becoming more & more intrusive, there is also loud music noise from vehicles approaching & leaving the business.

The ideal solution would be to re-locate away from private homes, & most certainly not to increase the hours of operation.

It is surely not too much to ask for ratepayers to have peace & quiet

in their own gardens, & during summer
with windows open, in their own
homes.

I cannot stress enough how intensive
& even debilitating the noise levels are,
& at the moment Sundays are out only
reprieve.

Yours faithfully



Councillor James Fletcher
 Ward No.5 Giffnock & Thornliebank

East Renfrewshire Council Headquarters,
 Eastwood Park, Rouken Glen Road, Giffnock G46 6UG
 Phone: 0141 577 3107 Fax: 0141 577 3119

Home/Fax: 0141 639 0265
 35 Fowles Drive, Crookfur, Newton Mearns G77 6JL
 e-mail: jim.fletcher@eastrenfrewshire.gov.uk

Councillor James Fletcher
Leader of the Council

Ref: JF/MP

13 August 2013

Mr Ian Walker
 Planning Officer
 Planning Department
 Environment Department
 East Renfrewshire Council

Dear Mr Walker

PLANNING APPLICATION: 2013/0465/TP

I have been contacted by residents living in Whitton Drive, Giffnock who feel their lives are being greatly disturbed by the noise pollution from the car valeting operation at the Nuffield Health Club. I have also been advised that the operator often operates outside the agreed hours which at present are 8.00 am to 6.00 pm weekdays and 8.00 am – 1.00 pm on Saturday. They have also been known to operate on Sundays which is not included in the present planning consent. As Ward Councillor I therefore wish to strongly object to the proposed planning application.

Should this application be granted and given the noise nuisance which has been endured by local people for a number of years now, I would ask that any extension to the existing hours of operation be restricted.

Yours sincerely,



James Fletcher
Leader of East Renfrewshire Council



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19 Whitton Drive
Giffnock
East Renfrewshire
G46 6EE
13th August 2013

Head of Environment (Planning, Property and Regeneration)
East Renfrewshire Council
2 Spiersbridge Way
Spiersbridge Business Park
Thornliebank
East Renfrewshire
G46 8NG

RECEIVED

14 AUG 2013

Ref: 2013/0465/TP

Car valeting operation at Nuffield Health Club, Braidholm Rd, Giffnock

Dear Sir/Madam

We are writing to make some further points regarding the application for planning permission for the latest car valeting service at Nuffield Health club on Braidholm Rd.

There are two issues we wish to emphasise in addition to the points we made in our original letter:

1. Firstly, the high pitched noise from the vacuum cleaner is penetrating, even when the operators have the cleaner enclosed. Once heard it is impossible to un-hear, and to have it coming on, sometimes twice or even three times in an hour (as it did this afternoon between 2-30pm and 3-30pm), for 20 minutes at a time, throughout the day, really can be quite difficult to cope with. If the operators fail to keep the door of the hut closed (a fairly common occurrence), or if they have the vacuum cleaner outside the enclosure, it can actually make us flinch when it is turned on. It is a great pity if existing protective legislation cannot take that into account, and we hope that you can take this into account in your deliberations.
2. The second issue is the extra traffic that this operation brings in to the rear of our house and garden. This is not the same as the noise of traffic which just drives past in the street. Instead, clients are slowing down and parking, often with loud thumping car radios, talking loudly on carphones (which are used with loud and echoing speaker phones) and occasionally blowing their horns as cars draw up to the operation. Then there is the added shouting and slamming of car doors. These associated disturbances constitute an inseparable element of the overall noise nuisance, and so must be taken into consideration

Again we ask that the operation either be denied planning permission in this physical location so close to Whitton Drive homes, or at the very least, have its hours curtailed to within 9 am to 5 pm, Monday to Friday only.

Yours faithfully



Drs A M Campbell and D A Diver

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Councillor Gordon Wallace BA DMS MREHS
Ward No.3 Giffnock & Thornliebank

East Renfrewshire Council Headquarters,
Eastwood Park, Rouken Glen Road, Giffnock G46 6UG
Phone: 0141 577 3107 Fax: 0141 577 3119

Phone/Fax: 0141 639 4872
Home: 32 Newtonlea Avenue, Newton Mearns G77 5QA
e-mail: gordon.wallace@eastrenfrewshire.gov.uk



Ian Walker
Planning Officer
Environment Department
East Renfrewshire Council
2 Spiersbridge Way
Thornliebank
G46 9NG

15th August 2013

Dear Mr Walker

Planning Application 2013/0465/TP

I write in objection to the above planning application.

Notwithstanding the negative impact that the existence of such an operation has on the residential amenity of the area, it is the nature of the noise that emanates from this operation that is of concern, described by local residents as a "high-pitched penetrating noise". Whilst this may not be of sufficient scale as to "break the law", it is of such a nature as to cause considerable discomfort.

Residents who live close to the environs of the Health Club already have to deal with the constant "comings and goings" of people and their motor vehicles at all hours; that they should now be having to contemplate extended hours of an operation which is already causing considerable additional discomfort is not in anyone's interests.

No-one wishes the business to falter but, given the considerable benefit that such a business enjoys being located at the heart of a high amenity area, there must be a quid pro quo where local residents are afforded reasonable periods of respite in view of which I would request, at the very least, that the permitted period of operation not be extended,

Yours sincerely

**GORDON WALLACE
COUNCILLOR – GIFFNOCK & THORNIEBANK**

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From: Waters, Vincent (Cllr)
Sent: 16 August 2013 16:07
To: Walker, Ian
Subject: Nuffield Health Club - Associated Car Wash Application - Objection

Ian

This is an objection to the above planning application.

I believe the application should be refused because of, inter alia, the detrimental effect on the amenity of the area, the noise nuisance to neighbours, the increase in associated traffic, the location of the site within the curtilage of the club, and the limited available space for operation of the business and concomitant danger posed by club-user car park traffic.

Assuming the application is now passed to the planning committee for decision, I would advise I may wish to make a representation at the meeting.

Regards

Councillor Vincent Waters

Ward 3: Giffnock & Thornliebank

Convener for Environment

East Renfrewshire Council

0141 577 3107/8

07703 88 71 70

Twitter: @WatersSNP

FB: Facebook.com/WatersSNP

Skype: CouncillorVincentWaters

Instagram: cllrvwaters

Google+: Councillor Vincent Waters

www.eastrenfrewshire.gov.uk

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From: Declan Diver [mailto: [REDACTED]]
Sent: 11 September 2013 16:47
To: Maclean, Iain (Env)
Cc: McCarney, Gillian; Fry, Lesley; Fletcher, J (Cllr); Wallace, Gordon (Cllr); Waters, Vincent (Cllr); Reid, Claire; Walker, Ian; ken.macintosh.msp@scottish.parliament.uk; Anne Campbell; Corry, Andrew
Subject: Re: Complaint ref 721032. Noise nuisance from car valeting operation in Nuffield health car park

Dear Mr Maclean,
 thanks for your reply, but unfortunately it doesn't really address the issues I raised.

The observation that the nuisance noise 'lacked a high-frequency tonal quality' was not recorded in the official report, and so must be considered as anecdotal, and profoundly at odds with the experience of the neighbours.

I informed you about the 5dB penalty in my original email; adding this penalty brings the vacuum cleaner noise to the same level as the background, and therefore makes the qualitative judgement much more important (according to your own guidelines).

The issue of the reflecting wall is that it enhances the nuisance at the distance of the houses - BS4142 specifically cautions against measurements which don't account for the effect of reflections. The houses can't be moved away from the reflections, even if your monitoring equipment can!

The issue about not taking the time to ensure accurate, clean measurements is that it reflects the rather cursory nature of the treatment we residents are receiving from officialdom. Specifically, to say that the beeping noise present would be to our advantage is underlines the misunderstanding between frequency-specific noise, and bolometric or broad-band noise: the beeping noise can be heard not because its total noise output is louder than the plant air conditioning, but because at that frequency, it is above the background threshold. Hence the beeping noise would not have registered on your broadband measurement in any case, and would not have been to our advantage, since the whole measurement exercise was inappropriate.

That Clean Enuff have only 1 vacuum cleaner in use at a time is not the point: they use a variety of random machines, each with different levels of noise nuisance, and there is no provision to ensure that a single noise standard is adhered to. It is very clear from our experience, well documented to your department, that they do not replace 'like with like'. To claim that the vacuum cleaner is not in continual use for more than 5 minutes at a time is to underestimate the nature of the activity: cars take longer than 5 minutes to vacuum.

To claim that although measurements were only taken once, there were previous visits to the site did not produce a 'statutory nuisance' can only be an assertion, rather than fact; your own admission states that no measurements were taken to establish this as fact.

You don't comment at all on the fact that no professional noise mitigation advice was offered to Clean Enuff; at best the suggestion to put the vacuum cleaner in a dilapidated hut to try to keep the noise down is misplaced optimism.

It's a shame that you consider the matter to be closed, since there are patently technical aspects that have not been addressed; nevertheless I hope that you will bear in mind our

comments in any discussion you might be involved in concerning the application for planning permission.

As you point out, we still have the option of pursuing this outside East Renfrewshire Council if we remain unsatisfied.

Regards,
Declan

On Wed, Sep 11, 2013 at 12:17 PM, Maclean, Iain (Env)
<Iain.MacLean@eastrenfrewshire.gov.uk> wrote:

Mr Diver, thank you for your most recent email.

In my email to you dated 29 August 2013, I indicated that my investigation was concluded and that this was the end of the Council's complaints policy. However, as your email is seeking clarification on points raised in my response, I have decided to re-open the stage 2 and respond to your follow up points of clarification.

I apologise for the delay in responding, but prior to doing so it was necessary for me to take advice from my Environmental Health colleagues

I am advised that a number of visits were carried out to the premises in response to the complaints made by residents of neighbouring properties. It is the professional judgement of the Environmental Health Officers that there was not a distinct 'high frequency' tonal component of the sound. This judgement was made at the time of our Officers' visits to the site and the monitoring exercise, and not retrospectively. The noise measurement was a 'broadband' assessment, taking into account noise at all frequencies across the range of human hearing.

Even if it was considered that there was a particular tonal component to the noise, I am advised that this would be accounted for by adding a +5dB penalty to the noise level measured. In the case of noise measured from the car valet operation, even adding this penalty would not indicate that the noise was of a level to be considered a statutory nuisance.

In selecting the sites where the noise monitoring would be carried out, Officers selected the monitoring position to reflect the worst case scenario i.e. close to the boundary fence between

the car park and the residential properties, approximately halfway between the car being valeted and the residential properties and away from any reflecting surfaces.

In your email you state that “*Moreover, in a 30 minute monitoring period, only two 5 minute measurements were taken, one of which was claimed to be compromised by the parking of a car, and some transient beeping noise from the club itself.*” For clarification, the noise measurement (which included the car parking and beeping noise) was, in fact, the measurement taken with the vacuum cleaner on. These events did not occur while the measurement was being taken of the background noise without the vacuum cleaner on and therefore would be to the advantage of the your case, rather than to your detriment. In addition, a 5 minute measurement period is shorter than staff would normally use, but this was chosen to reflect the fact that the vacuum cleaner is not in constant, continual use. During the 5 minute period, the vacuum was in continual use. If staff had taken measurements over a longer time period (e.g. one hour) this would have included times when the vacuum was not in use, and would have given a lower overall noise level. I would have though that such an approach would have been helpful to your case.

The situation of the Nuffield Health Club and the associated car parking directly at the rear of the gardens at Whitton Drive means that the area cannot be regarded as purely residential. Accordingly, Environmental health consider that BS4142 is the most appropriate standard to apply in this case and I support this approach.

The Henry vacuum cleaner was the one in use during the noise monitoring. This was the only vacuum cleaner on site at that time. As far as we are aware, they only have one vacuum cleaner on site at a time, and will renew this like with like if the one that they are operating breaks down.

Although other measurements have not been carried out, as previously stated a number of visits have been carried out and advice given to the Operators of Clean Euff. None of the models previously used would be classed as a statutory nuisance. These vacuum cleaners are not designed to operate inside enclosures and require good ventilation. The Operators of Clean Euff have co-operated with our requests to take measures to reduce the impact of noise not just from use of a vacuum cleaner but their entire operation. The measures they have taken have been in response to complaints made. We cannot insist that any remedial action is taken as there is not a statutory nuisance.

My review of your follow up communication is now concluded and this is the end of the Council's complaints process. If you remain dissatisfied, the Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about most organisations that provide public services in Scotland, including Councils.

The SPSO cannot normally look at complaints about events that happened more than a year ago or matters that have been or will be considered in court. Their service is independent, free and confidential. The SPSO can be contacted at 4 Melville Street, Edinburgh EH3 7NS on 0800 377 7330 or at their web site www.spsos.org.uk.

Iain MacLean

Head of Environment (Planning, Property and Regeneration)

East Renfrewshire Council

2 Spiersbridge Way

Spiersbridge Business Park

Thornliebank

G46 8NG

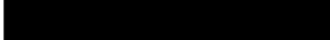
Tel: 0141 577 3720

email: iain.maclea@eastrenfrewshire.gov.uk

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Please consider the environment - do you need to print this email?

From: Declan Diver [mailto: 
Sent: 02 September 2013 21:00
To: Maclean, Iain (Env)
Cc: McCarney, Gillian; Fry, Lesley; Fletcher, J (Cllr); Wallace, Gordon (Cllr); Waters, Vincent (Cllr); Reid, Claire; Walker, Ian; ken.macintosh.msp@scottish.parliament.uk; Anne Campbell
Subject: Re: Complaint ref 721032. Noise nuisance from car valeting operation in Nuffield health car park

Dear Mr MacLean

Thank you for your detailed response, and the time you invested in it.

There are still aspects of the department's actions that remain unsatisfactory.

My response is given below, using your broad headings:

1. It is claimed that noise measurements were taken 'with cognisance' of BS4142, which is the standard that applies to mixed industrial and residential locations.

Where there is a distinct tonal nature to the sound, then there is a correction of 5dB that must be applied to the standard measurement, over and above the standard 'A' weighting. No such correction was applied in the measurements done by your officers. Had this been done, the vacuum noise would have been rated as very similar to the air conditioning noise, and not 'actually lower', as stated in the report.

It is claimed in your response that the Environmental Health Staff did not perceive any particular tonal component to the noise - yet this does not appear in their monitoring report as communicated by Claire Reid on Aug 14th 2013.

Clearly no spectrum was measured; was the judgement of 'no particular tonal component' made retrospectively? It seems astonishing to conclude that a vacuum cleaner has no specific tonal characteristics especially since the high pitched noise is the basis of all the residents' objections.

Note that the Scottish Governments own guidelines (<http://www.scotland.gov.uk/Publications/2011/03/02104659/3>) specifically cite the importance of understanding the qualitative impact of noise on residential properties, particularly the ability to relax, and to use outdoor facilities such as gardens. Crucial in this qualitative assessment is assessing such factors as the spectral characteristics of the noise, and the frequency of occurrence.

The recording period for your officers was precisely 30 minutes, including an assessment of background noise, from two locations 2m from the boundary fence inside the Nuffield

Centre's grounds. The reflections from the building wall are a major source of the problem, given the relatively high position of the houses, yet no account was taken of this aspect.

Moreover, in a 30 minute monitoring period, only two 5 minute measurements were taken, one of which was claimed to be compromised by the parking of a car, and some transient beeping noise from the club itself. Why did your officers not take another 5 minute measuring period to get a cleaner result?

BS4142 has suffered from being used in circumstances where it was never intended to apply (according to the Scottish Government's Technical Advice Note: Assessment of Noise). To claim that Whitton Drive is a mixed industrial/residential area is inappropriate, yet this is the context in which BS4142 is valid.

In your response, you claim that a Henry vacuum cleaner was used most recently, was this the one used during the acoustic monitoring? It is clear that Clean Enuff use a variety of different vacuum cleaners, including Vax, Kaercher and Henry. Despite the persistent level of complaints from residents, there was only one measurement on one vacuum system, and no advice was offered to the operators about professional noise mitigation strategies (such as acoustic enclosures) - putting the vacuum in a thin walled, non-airtight, standard shed with a hole cut in it for the hose does not constitute a competent noise mitigation strategy.

To be clear then: the technical shortcomings referred to in my original statement are (i) the lack of a spectral measurement, (ii) the failure to correct for tonal quality (iii) no repeat measurement at a different time when different equipment was being used by Clean Enuff (iv) no qualitative assessment of the impact, separate from any quantitative measurement 'with cognisance of BS4142', including accounting for the reflecting walls.

Turning to your point 2, the planning applicant told me that your officers had indicated a likely success for his application, save for the extended Sunday operating hours. I am reassured by your firm assurances that no such conversation occurred; it is a pity that the applicant appeared to misunderstand the conditionality of the statements that were made to him.

Finally, your point 3: We did not suggest at any time a relocation to the front of the building, but instead to the north-east wall (that is, at the rear of building, on the wall on the opposite side of the building from its current location). This would be a clear improvement, in that the building itself would shield the Whitton Drive residents from the noise, and all other residences are significantly further from the proposed location than the car valeting operation is from us now. Visual impacts are surely negligible, and any cosmetic issue must be outweighed by the nuisance factor that the current site presents.

The applicant himself states that planning discouraged an application to relocate. It is interesting to note that you believe a relocation to the front of the Nuffield building could attract objections and concerns from other residents, yet we feel our actual complaints are not being taken seriously.

Please note that we are not motivated to make trivial or malicious complaints: this process is time consuming and stressful, and we take no satisfaction from having to engage in it.

Thank you for the information on the Scottish Public Services Ombudsman. This will become useful if we are not satisfied with the outcome.

Yours sincerely,

Declan

(Dr D A Diver)

On Thu, Aug 29, 2013 at 3:20 PM, Maclean, Iain (Env)
<Iain.MacLean@eastrenfrewshire.gov.uk> wrote:

Dear Dr Diver,

I refer to your recent enquiries in connection with the above proposal, and in particular your e-mail of 17 August 2013.

Given the nature and content of your email, it has been recorded as a formal complaint. I have attached a copy of the Council's Dealing with Complaints leaflet for your information and attention. Given the level of detail involved, I have decided to treat this as a stage 2 complaint.

You have raised concerns regarding several aspects of the above proposed operation, including the incidence of noise on your property and the manner in which the assessment of the planning application was undertaken. I consider your complaint relates to the following matters - one relating to the Council's Environmental Health Service and two relating to actions of the Council's Planning Service.

1. The manner in which the Council's Environmental Health Service have investigated complaints in connection with the noise impact of valeting activities on site.
2. That assurances have been given to the applicants that planning permission will be forthcoming. You use the term 'license'.
3. The refusal of the proposal to relocate the facility to the other side of the Nuffield building.

1. In terms of the first matter, you have specifically requested an explanation of the actions of the Council's Environmental Health Service. I have contacted that service, who were copied into your e-mail and they have commented as follows.

The noise measurements were taken with an 'A' weighting, which is the standard weighting used to reflect the response of the human ear to different frequencies of noise. This is why the noise measurements are described in the noise monitoring report in terms of L_{A90} and L_{Aeq} . During the measurement period, the Environmental Health Staff did not perceive any particular tonal component to the noise.

Having taken the noise measurements and numerous visits by several different Environmental Health Officers to the complainant's properties (most of which were undertaken shortly after receiving phone calls from complainants), Environmental Health could not establish the existence of any noise nuisance. The Environmental Health Service therefore considered that they had no justification in making an objection to the planning application under consideration on the grounds of noise impact.

I appreciate that you disagree with the Council's conclusion that the noise from the vacuum is not a nuisance. Whilst noting your comments regarding Environmental Health's perceived "technical shortcomings", being "almost wilful in missing the point", I consider these

statements are not supported with any evidence. For clarification, the purpose of taking noise measurements was to provide objective evidence of the existence of a noise nuisance or otherwise. The noise measurements were taken with cognisance to the relevant British Standard (BS 4142) and with the benefit of a number of years of experience in assessing noise nuisance. The Environmental Health Officer concerned has 12 years experience and holds a first class honours degree in Environmental Health, a diploma from the Royal Environmental Health Institute of Scotland, as well as the Institute of Acoustics' 'Certificate of Competence in Environmental Noise Measurement' and the 'Certificate in Anti-Social Behaviour (Scotland) Act 2004 Noise Measurements'. I consider this officer therefore to be competent to undertake an assessment of noise.

On the most recent visit to 'Clean Enuff' they were using a 'Henry' vacuum cleaner, which was located within the hut, with the vacuum hose extended through the specially cut hole in the door. We understand that, following discussions with neighbouring residents, the operators of the car valet agreed to immediately cease using a 'Vax' vacuum cleaner. The officer did not perceive any particular tone to the Henry vacuum currently in use.

2. In respect of the second matter that the applicant has been given assurances that the submitted planning permission will be favourably determined, I can reassure you that this is absolutely not the case.

Mr Walker the planning officer dealing with the application spoke to an employee on the occasion of a recent site visit. At that time he stressed that the matter was still under assessment. During that visit, Mr Walker also advised the employee that it was possible that the application would require to be determined by the Planning Applications Committee. Since those exchanges, it now appears unlikely that the application will require to be determined by Committee. Mr Walker has not spoken to the applicant Mr McCarlie at any point since the application was made, but he has spoke directly to you and another third party. He has also discussed elements of the proposal with three local Councillors who have made enquiries on the progress of the planning application.

Part of the assessment process involves taking account of other material considerations including the planning history of the site, consultation responses and third party representations. These have also been discussed with the Councillors and this is not unusual. I would stress again that during none of these discussions did Mr Walker give any firm assurances. Indeed he was not in a position to do so. All these exchanges were qualified in that the assessment was still ongoing and this remains the case at this point in time.

3. In addition to the above matter you have referred to the proposal to relocate the car wash/valeting business to the other side of the building. You commend this idea as a solution to your own problems with the current site.

With regards to a suggested relocation, depending on where it would be relocated to, there would be potential for objections and concerns from other neighbours, and other visual impacts if it were to be at the front of the building. For these reasons it is considered more appropriate to determine the application as submitted to us, as requested by the applicant.

I hope that the above sufficiently addresses your concerns. I hope you will appreciate this response demonstrates that the Council's action in respect of the unauthorised works on site have been reasonable.

For clarification, your objections continue to be considered in the ongoing assessment of the planning application.

Following this investigation, my review of your complaints]is now concluded and this is the end of the Council's complaints process. I hope that you are reassured that I have considered all of the background and circumstances relating to your case.

If you remain dissatisfied, the Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about most organisations that provide public services in Scotland, including Councils.

The SPSO cannot normally look at complaints about events that happened more than a year ago or matters that have been or will be considered in court. Their service is independent, free and confidential. The SPSO can be contacted at 4 Melville Street, Edinburgh EH3 7NS on 0800 377 7330 or at their web site www.spsos.org.uk.

Iain MacLean

Head of Environment (Planning, Property and Regeneration)

East Renfrewshire Council
2 Spiersbridge Way
Spiersbridge Business Park
Thornliebank
G46 8NG
Tel: 0141 577 3720

email: ian.maclean@eastrenfrewshire.gov.uk

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From: Declan Diver [<mailto:> [REDACTED]]
Sent: 17 August 2013 11:08
To: Fletcher, J (Cllr); Wallace, Gordon (Cllr); Waters, Vincent (Cllr); Reid, Claire;
ken.macintosh.msp@scottish.parliament.uk; Walker, Ian
Cc: Anne Campbell
Subject: noise nuisance this morning from car valeting operation in nuffield health car park

There has been a significant disturbance this morning from the car valeting operation in the Nuffield Health club car park on Braidhold Road.
At 9.30 am this morning, a loud and piercing note (around 466 Hz in frequency) could be heard in my home (19 Whitton Drive) even through the closed double glazing and over the background noise of wind and rain. The operator 'CleanNuff' was using a replacement Vax vacuum cleaner when valeting two cars this morning. The Vax device is not the approved one as tested by Environmental services: the Kaercher device burned out a couple of days ago, and the Vax was substituted. The piercing tone produced by the inferior machine is unacceptable. We met with the operators, who admitted that the replacement machine was inferior and inappropriate, and they agreed to cease operations immediately until they procure

an approved replacement; however it is clear that this would not have been done had we not taken it upon ourselves to intervene.

The recent communications from Environmental Health have proved to be unhelpful, and seem almost wilful in missing the point: decibel ratings over the whole frequency range are useless in assessing narrow-band frequency nuisance - indeed, it is a poor indictment of Environmental Services monitoring if even the bolometric sound recording is dominated by the racket made by the Nuffield club's air conditioning system - another noise nuisance about which the council has singularly failed to accommodate residents concerns.

During the course of our discussions with the operator this morning, it was revealed that they have 'unofficial assurance' that they will get their licence to operate, but not on a Sunday - in other words, they have been told that planning will approve their application, but not the requested extended hours. Remarkably, this unofficial assurance was given to them during the consultation period during which objections are permitted, and long before any planning meeting!

The operators change their equipment and operating procedures with impunity, and give scant regard to the consequences of those actions in terms of their impact on the residences. This goes to the heart of the matter: residents are not satisfied with the assurances from the Council that the operating conditions will be strictly enforced.

Given the technical shortcomings of the Environmental Services assessment of the noise nuisance, and the alarming news of unofficial decisions being taken in advance of planning meetings, is it any wonder that our faith in the council prosecuting business competently has been utterly shaken? For example, would they really defend the sound proofing arrangement they have approved to a technical consultant? The arrangement they have approved consists of putting the vacuum cleaner inside a thin wooden hut with the door closed: thin, rigid non-airtight containers are acoustically transparent, particularly at high frequencies. There is also the 'approved' option of putting the cleaner inside a rigid mdf box with a thermal insulating rigid foam lid (causing the machine to overheat and fail, leaving the operator to continually purchase replacement equipment, usually inferior to the model 'tested' by Environmental Services).

We deserve an explanation of the Council's actions on this matter, and an urgent reappraisal of the nuisance to neighbours. The solution is quite simple: move the operation 200m to the North wall of the Nuffield Health building, where residents in Whitton Drive will be shielded from the operator noise. It appears that this simple and effective solution is being blocked by Planning - and in so doing, abrogating their prime responsibility to the residents they are paid to represent. In 2010 the Roads department had no objection to the location of the operation, so the opposition of Planning to a minor relocation within the same car park, given the nuisance to residents, is extremely frustrating.

This email has been addressed to the local councillors, Environmental Service staff and the local MSP. Please don't underestimate the affected residents' resolve to pursue a satisfactory resolution of this issue, going beyond the council if required.

I look forward to your replies.

Dr D A Diver,

FInstP, CPhys, FRAS

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REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2013/0465/TP

Date Registered: 23rd July 2013

Application Type: Full Planning Permission

This application is a Local Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 257066/:659562

Applicant/Agent: Applicant: Agent:

Mr. Kenny McCarlie
22 Cromarty Gardens
Clarkston
East Renfrewshire
G76 8PA

Proposal: Part change of use of car park to car valeting and erection of hut and shelter (renewal of previous temporary consent 2010/0372/TP).
Amendment to part of condition 3 of previous planning consent to allow the valeting to take place on Sundays between 9am and 2pm during October to February inclusive

Location: Nuffield Health & Fitness Centre
82 Braidholm Road
Giffnock
East Renfrewshire
G46 6ED

CONSULTATIONS/COMMENTS:

East Renfrewshire Council Environmental Health Service No Objections

East Renfrewshire Council Roads And Transportation Service No Objections.

PUBLICITY:

02.08.2013 Glasgow and Southside Extra Expiry date 16.08.2013

SITE NOTICES: None.**SITE HISTORY:**

2002/0744/TP	Erection of bin/beer store	Granted	18.11.2002
2002/0753/TP	Installation of 2 satellite dishes to east elevation	Granted	15.11.2002
2004/0249/TP	Amendment to Condition 6 of Planning Consent 2001/0008/TP to permit the Health and Fitness Club to open between 6.30 am to 11.00 pm (Mondays to Fridays) and to permit occasional opening to midnight	Refused	25.05.2004
2008/0149/TP	Part change of use of car park to car valeting and erection of hut and shelter	Approved subject to conditions	07.05.2008
2009/0219/TP	Part change of use of car park to car valeting and	Approved subject to conditions	22.06.2009

erection of hut and
shelter (Renewal of
planning permission
2008/0149/TP)

2010/0372/TP

Part change of use of car
park to car valeting and
erection of hut and
shelter (renewal of
previous temporary
consent 2009/0219/TP)

Approved subject
to conditions

13.07.2010

REPRESENTATIONS:

Representations have been received from:

Mr Alastair Gillen 27 Whitton Drive Giffnock East Renfrewshire G46 6EF
Mr. And Mrs. Livingstone 25 Whitton Drive Giffnock East Renfrewshire G46 6EE
Valerie Jackson 23 Whitton Drive Giffnock East Renfrewshire G46 6EE
Kim and James Russell 21 Whitton Drive Giffnock East Renfrewshire G46 6EE
Drs. A.M. Campbell and D.A. Diver 19 Whitton Drive Giffnock East Renfrewshire G46 6EE
Councillor James Fletcher
Councillor Gordon Wallace
Councillor Vincent Waters

Representations can be summarised as follows:

Adverse noise impact.
Breaches of operating hours.
Behaviour of clients.
Site should be relocated

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS: The applicant has submitted a letter in support of the application.

ASSESSMENT:

This application involves an existing car valeting facility that has been operating at the end of a car parking area on the rear/side of the Nuffield Health and Fitness Centre (formerly Greens) on Braidholm Road, Giffnock. The facility occupies 7 spaces and comprises a small timber shed which functions as an office and a portastore on the north side of the site adjacent to the open car wash area. To the south side occupying two spaces is an open shelter utilised for some valeting functions.

The rear boundary of existing housing on Whitton Drive abuts the site to the south. Whitton Drive sits at a higher level than the car park and a landscaped strip separates the site from the rear boundaries. This landscaped strip supports a hedge and an established line of conifer type trees. Due to the relationship with the neighbouring houses planning permissions to date have been approved on a restricted and temporary basis with operating hours as follows:

'Notwithstanding the details hereby approved the car valeting centre shall not operate before 0800 or after 1800 hours, Monday to Friday and 0800 to 1300 hours on a Saturday and no time on a Sunday.'

This application has been submitted by a new operator and is in part retrospective. It proposes two elements: the renewal of the previous permission and the extension of operating hours to include 9.00 am to 2.00pm on Sundays from October through to February.

The proposal requires to be assessed against the terms of the adopted Local Plan. Policy DM1 relates to all developments and includes criteria relating to the impact on adjacent properties, traffic and servicing considerations. Policy D1 of the proposed Local Development Plan is similar to Policy DM1.

The Councils Road's Service has raised no significant concerns relating to the operation of the valeting centre in terms of road safety or impact on the car parking provision for the Fitness Centre.

The Council's Environmental Health Service has not objected to the application. They have had to respond to complaints from the adjacent properties that back on to the site on the basis of claimed unauthorised operations on site since the new operator has taken over the site.

Since the change of ownership it is understood that there have been incidences where the business operated outwith the previous restrictions/conditions. However since this application was submitted it is understood that the operator has been adhering to the restrictions on the periods of operation.

The impact on the visual amenity of the area is not considered to be significant as the area involved is adjacent to the utility/servicing area for the health centre generally well screened and not exposed to main public views.

The impact on the residential amenity of properties on Whitton Drive requires to be considered. The valeting activity involves the cleaning and valeting of cars at the end of an established parking area. The buildings associated with the business are in themselves acceptable.

This new application has generated objections from five properties on Whitton Drive and three local Councillors. The grounds of objection refer in the main to concerns of the degree of noise disturbance from the operation. The Council's Environmental Health Service has assessed the impact of the operation and has not found any substantive evidence of a significant or detrimental noise impact. Additional comments were made in respect of the proposed extension to operating hours on Sundays and the behaviour of certain clients in terms of blaring music and loud exchanges of conversation.

There is also a suggestion made by the objectors that the planned relocation of the business should be encouraged.

In considering the potential impact on residential amenity it is worth noting that following the initial application for the use by a different applicant in 2008 which generated 6 objections subsequent renewal applications attracted limited objections (one in 2009 and none in 2010). Furthermore there is no record of any formal complaint to the Council's Planning Service in connection with the use since it was approved by the previous planning permissions.

The change in operator earlier this year did result in complaints and these were addressed by the action of the Council's Environmental Health Service. This was attributed to the new operator's lack of knowledge of the operating conditions.

The reference to a relocation of the business is based on the knowledge that the applicant did consider siting elsewhere in the car park. Indeed the applicant has made a submission as referred to above. His submission, in addition to refuting the claims of noise nuisance and working outwith the approved hours, states that he was advised against seeking a relocated position.

It should be noted that no formal application for planning permission to operate elsewhere has been made and therefore there is no refusal of permission.

Whilst the noise impact has been assessed and found not to be significant the perception of the neighbours has been heightened by the activities of the new operator. Accordingly it is considered that the continuation of a car valeting facility at the location is acceptable. However while there has been a change in the operator it is considered that any permission should again be for a temporary period. In addition it is considered that conditions should be attached relating to operating times and requiring signage to be displayed advising patrons not to have engines running or play music, etc while waiting. Equally it is considered that the proposed Sunday operating should not be approved as the increased activity at this time is likely to result in disturbance during a general quiet time.

RECOMMENDATION: Part Approve /Part Refuse.

1. Continuation of car valeting. **Approve for a temporary period.**
2. Extension of operating hours to include 9.00am to 2.00pm on Sundays. **Refuse**

PLANNING OBLIGATIONS: None

CONDITION(S):

1. The development hereby approved shall cease on 19th September 2014.

Reason: To enable the planning authority to monitor the proposed development and to ensure that it does not result in an adverse impact on the residential amenity of the adjacent dwellinghouses.

2. At the end of the period of permission, the buildings shall be removed and the use discontinued and the land restored to its former condition within two months of expiry of the date of permission.

Reason: To ensure the timeous reinstatement of the land in the interests of the amenity of the area.

3. Notwithstanding the details hereby approved the car valeting centre shall only operate between 0800 and 1800 hours, Monday to Friday and 0800 to 1300 hours on a Saturday. For the avoidance of doubt the car valeting centre shall not operate on Sundays.

Reason: To prevent noise nuisance to residents of nearby houses.

4. Car washing shall be carried out by mains water pressure only. For the avoidance of doubt no power washing is permitted.

Reason: To prevent noise nuisance to residents of nearby houses.

5. The vacuum unit shall be enclosed in the timber hut.

Reason: To prevent noise nuisance to residents of nearby houses.

6. That details of advisory signage and its placement on site shall be submitted for the written approval of the Head of Environment (Planning Property & Regeneration) within two weeks of the date of this permission and thereafter maintained on site in accordance with those details. The signage shall include details advising patrons to refrain from running cars, playing loud music etc while waiting for the valeting service.

Reason: To prevent noise nuisance to residents of nearby houses.

REASON FOR REFUSAL:

1. The proposed extension to operating hours during Sundays is contrary to Policy DM1 of the adopted East Renfrewshire Local Plan in that it would have a detrimental effect on the amenity of the adjacent residential properties as a result of additional activity on site with increased noise and disturbance.

ADDITIONAL NOTES: The applicant is requested to comply with the requirements of Scottish Environment Protection Agency (SEPA).

ADDED VALUE:

Conditions have been added that are necessary to control or enhance the development and to ensure the proposal complies with the Council's Local Plan policies.

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Ian Walker on 0141 577 3042.

Ref. No.: 2013/0465/TP
(IAWA)

DATE: 19th September 2013

DIRECTOR OF ENVIRONMENT

Reference: 2013/0465/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan: None

East Renfrewshire Local Plan (Adopted 14th February 2011)

Policy DM1

Detailed Guidance for all Development

Where the principle of development is deemed to be acceptable in terms of the other Policies contained within this

Local Plan, proposals for development will require to conform to the appropriate criteria below:

1. Not result in a significant loss of character or amenity to the surrounding area.
2. Be of a size, scale and density in keeping with the buildings in the locality and respect local architecture, building form, design, and materials.
3. Not constitute backland development without a road frontage.
4. Not impact adversely on the landscape character, involve a significant loss of trees or other Important landscape, greenspace or biodiversity features (see Policies E3 - "Protection of Natural Features", E6 - "Biodiversity" L1 - "Protection of Important Urban Greenspace", and L2- "Safeguarding the Local Greenspace Resource".
5. Ensure that landscaping is an integral element in layout design, taking account of existing physical features (e.g. trees, hedgerows, walls, etc.). Where appropriate, tree planting should augment the amenity and appearance of the site.
6. Ensure that the standards for 'Open Space' are satisfied see Policy L4 - "Open Space Provision in New Developments" and Appendix 1).
7. Meet the parking and access requirements of the Council and provide Appropriate mitigation to minimise the impact of new development (see Policies T3 - "New Transport Infrastructure" and T5 - "Other Traffic Management and Calming Measures).
8. Not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy.
9. Seek to create safe and secure environments and reduce the scope for anti-social behaviour and fear of crime.
10. Be designed to meet disability needs and include provision for disabled access within public areas.
11. Minimise the extent of light pollution caused by street and communal lighting and any flood lighting forming part of, or associated with, development.
12. Be designed to include provision for the recycling, storage, Collection and composting of waste materials.
13. Be designed to retain on-site, for use as part of the development, as much as possible of all waste material arising from construction of the development.
14. Be designed where applicable to take into account the legacy of former mining activity.

Proposed Local Development Plan

The Proposed Local Development Plan (LDP) was issued for consultation on 6TH February 2013. The LDP outlines the Council's most up to date statement of planning policy.

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, water management, landscaping, greenspace, water management and Sustainable Urban

Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network Supplementary Planning Guidance;

6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. As much as possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.

GOVERNMENT GUIDANCE: None relevant.

Finalised 24/09/13 IM(1)

DECISION NOTICE
AND
REASONS FOR APPROVAL/REFUSAL

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EAST RENFREWSHIRE COUNCIL

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

CONDITIONAL PLANNING APPROVALREF NO. **2013/0465/TP****Applicant:**

Mr. Kenny McCarlie
22 Cromarty Gardens
Clarkston
G76 8PA

Agent:

With reference to your application registered on 23rd July 2013 for the following development:-

Part change of use of car park to car valeting and erection of hut and shelter (renewal of previous temporary consent 2010/0372/TP).

at: Nuffield Health & Fitness Centre 82 Braidholm Road Giffnock East Renfrewshire G46 6ED

The Council in exercise of its powers under the above Acts and Regulations now grant planning permission for the above development in accordance with the particulars given in the application and the attached docketed plans.

To comply with the provisions of Section 58 of the above Act, the development must be begun not later than the expiration of three years beginning with the date of this permission. Any condition(s) attached to this consent, with the reasons for imposing them as shown below.

The reason(s) why the Council made this decision are as follows:

1. The development is considered to comply with development plan policies.

The approval is subject to the following condition(s):-

1. The development hereby approved shall cease on 19th September 2014.

Reason: To enable the planning authority to monitor the proposed development and to ensure that it does not result in an adverse impact on the residential amenity of the adjacent dwellinghouses.

2. At the end of the period of permission, the buildings shall be removed and the use discontinued and the land restored to its former condition within two months of expiry of the date of permission.

Reason: To ensure the timeous reinstatement of the land in the interests of the amenity of the area.

3. Notwithstanding the details hereby approved the car wash/valeting centre shall only operate between 0800 and 1800 hours, Monday to Friday and 0800 to 1300 hours on a Saturday. For the avoidance of doubt the car wash/valeting shall not operate on Sundays.

Reason: To prevent noise nuisance to residents of nearby houses.

4. Car washing shall be carried out by mains water pressure only. For the avoidance of doubt no power washing is permitted.

Reason: To prevent noise nuisance to residents of nearby houses.

5. The vacuum unit shall be enclosed in the timber hut.

Reason: To prevent noise nuisance to residents of nearby houses.

6. That details of advisory signage and its placement on site shall be submitted for the written approval of the Head of Environment (Planning Property & Regeneration) within two weeks of the date of this permission and thereafter maintained on site in accordance with those details. The signage shall include details advising patrons to refrain from running cars, playing loud music etc while waiting for the valeting service.

Reason: To prevent noise nuisance to residents of nearby houses.

Dated 24th September 2013



Director of Environment
East Renfrewshire Council
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG
Tel. No. 0141 577 3001

The following drawings/plans have been approved

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan			
Block Plan Proposed			
Elevations Proposed			

Notes

Planning Officials may monitor the site during the course of development to ensure compliance with the planning permission hereby granted.

It should be understood that this planning permission does not carry with it any approval which may be necessary under the Building (Scotland) Act 2003 or any other enactment.

No materials or skips should be placed on the footpath / road without the prior written consent of East Renfrewshire Council Roads and Transportation Service, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire, G46 8NG.

It is the applicants responsibility to obtain approval of neighbouring landowners should any part of the development encroach over the boundary or if entry is required during construction.

The applicant is required to comply with the European Council's Directive 92/43/EEC on the Conservation of Natural Habitats, the Wildlife and Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004 which provide full protection for certain plant and animal special and European Protected Species. It is illegal to capture, kill, disturb any such animal, damage or destroy breeding or nesting sites or eggs or deliberately or recklessly pick, collect, cut, uproot or destroy European Protected Species of wild plant. In addition, where it is proposed to carry out works which will affect European Protected Species or their shelter/breeding places, a licence is required from the Scottish Government. Further information on these matters can be sought at Scottish Government Species Licensing Team, Countryside and Heritage Unit, Victoria Quay, Edinburgh or from Scottish Natural Heritage.

Information on home and property crime prevention advice can be found at www.securedbydesign.com/aware.

The applicant is requested to comply with the requirements of Scottish Environment Protection Agency (SEPA).

**GUIDANCE NOTES FOR 'LOCAL' DEVELOPMENTS
DETERMINED UNDER DELEGATED POWERS**

NOTICES

Notification of Intention of Development

Once planning permission has been granted and you have decided when to start work on the development, it is a requirement that you inform the Council's Planning Service of that date. The Notice of Intention of Development form must be submitted before work starts and failure to do so would constitute a breach of planning control. This form is included in the decision pack and is also available to download from the Council's website at www.eastrenfrewshire.gov.uk.

Notification of Completion of Development

Once the development has been completed you must, as soon as practicable, submit a Notice of Completion of Development to the Council's Planning Service. Where a development is carried out in phases, you are required to submit a notice at the conclusion of each phase. This form is included in the decision pack and is also available to download from the Council's website.

OTHER INFORMATION

Variation of Planning Permissions

Applications may be varied provided there is not a substantial change to the development. Where there is a substantial change, a new planning application should be submitted.

To apply for a Variation of Planning Permission you must fill in a Non-Material Variation form and submit 2 sets of amended plans to the Council's Planning Service. A decision letter will be issued by the Council's Planning Service. The Non-Material Variation form is available from the Council's Planning Service at the contact details below.

Fulfilment of Conditions

Any conditions attached to your planning permission require to be complied with, which may involve discharging the terms of the conditions before the development commences. Failure to discharge the conditions before the development commences may affect the legality of your development.

To discharge the relevant conditions please complete the enclosed 'Approval of Conditions attached to Planning Permission' form and submit it and the relevant information to the Planning Service. Once submitted and considered you will receive a decision notice from the Council.

It should be noted that you can apply to discharge more than one condition at a time.

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A notice of review should be addressed to the Principal Committee Services Officer, Council Headquarters, Eastwood Park, Rouken Glen Road, Giffnock G46 6UG. Applicants can also ask for a review if the application has not been determined within the 2 month time period for a decision.

Requests for review must be made on the Notice of Review form which is available to download from the Council's website at www.eastrenfrewshire.gov.uk or alternatively call the Planning general enquiry lines on 0141 577 3895 or 3878 to request one. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered

capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

CONTACT DETAILS

East Renfrewshire Council
Development Management Service
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG
General Inquiry lines 0141 577 3895 or 0141 577 3878
Email planning@eastrenfrewshire.gov.uk

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

REFUSAL OF PLANNING PERMISSION

Ref. No. **2013/0465/TP**

Applicant:

Mr. Kenny McCarlie
22 Cromarty Gardens
Clarkston
G76 8PA

Agent:

With reference to your application which was registered on 23rd July 2013 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Amendment to part of condition 3 of previous planning consent 2010/0372/TP to allow the valeting to take place on Sundays between 9am and 2pm during October to February inclusive.

at: Nuffield Health & Fitness Centre 82 Braidholm Road Giffnock East Renfrewshire G46 6ED

the Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

The reason(s) for the Council's decision are:-

1. The proposed extension to operating hours during Sundays is contrary to Policy DM1 of the adopted East Renfrewshire Local Plan in that it would have a detrimental effect on the amenity of the adjacent residential properties as a result of additional activity on site with increased noise and disturbance.

Dated 24th September 2013



Director of Environment
East Renfrewshire Council
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG
Tel. No. 0141 577 3001

GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS**REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A notice of review should be addressed to the Principal Committee Services Officer, Council Headquarters, Eastwood Park, Rouken Glen Road, Giffnock G46 6UG. Applicants can also ask for a review if the application has not been determined within the 2 month time period for a decision.

Requests for review must be made on the Notice of Review form which is available to download from the Council's website at www.eastrenfrewshire.gov.uk or alternatively call the Planning general enquiry lines on 0141 577 3895 or 3878 to request one. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

CONTACT DETAILS

**East Renfrewshire Council
Development Management Service
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG**

**General Inquiry lines 0141 577 3895 or 0141 577 3878
Email planning@eastrenfrewshire.gov.uk**

**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name KENNY MCARDLE

Address NUFFIELD HEALTH CLUBS
82, BRAIGHAM ROAD
Giffnock
Postcode G46 6AD

Contact Telephone 1 [REDACTED]
Contact Telephone 2 [REDACTED]
Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name [REDACTED]

Address [REDACTED]
Postcode [REDACTED]

Contact Telephone 1 [REDACTED]
Contact Telephone 2 [REDACTED]
Fax No [REDACTED]

E-mail* [REDACTED]

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority [REDACTED]

Planning authority's application reference number 2013/0465/TP

Site address NUFFIELD HEALTH CLUBS
82 BRAIGHAM ROAD GIFFNOCK

Description of proposed development CAR VALET AT REAR OF GYM

Date of application 23/7/13

Date of decision (if any) 24/9/13

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

PART /

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures. However, please note that the Local Review Body is not bound to accede to your request(s) and will decide what procedure will be used to determine your review.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

ENVIRONMENTAL HEALTH CAME OUT AND TOOK READINGS AND NO NOISE WAS PICKED UP ABOVE THE NOISE FROM AIR CON UNIT CONNECTED TO GYM

Site inspection

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

- | | | |
|--|--------------------------|-------------------------------------|
| | Yes | No |
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

- ① THE LAST PERMISSION (2010/0372/TP) WAS GRANTED FOR 3 YEARS, BUT THIS TIME IT IS ON GRANTED FOR 1 YEAR BECAUSE OF NOISE FROM CAR VALET ACTIVITY BUT YOUR OWN ENVIRONMENTAL HEALTH OFFICERS HAVE STATED THAT THERE IS NO NOISE.
- ② PERMISSION TO TRADE ON SUNDAYS FOR THE WINTER MONTHS WAS REFUSED AGAIN DUE TO NOISE.
- ③ IT IS ALSO WORTH NOTING THAT SINCE THE 1 YEAR PERMISSION WAS GRANTED THERE HAS BEEN NO COMPLAINTS FROM NEIGHBOURS REGARDING NOISE.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

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.

INTERNAL MEMO DATED 12TH AUG 2013 REF EA/CR. FROM ENVIRONMENTAL HEALTH WITH THEIR FINDINGS BUT THERE IS NO EVIDENCE OF CAR VALETING NOISE.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

Data Protection Act 1998

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Your completed notice of review should now be returned to: **East Renfrewshire Council, Head of Environment (Planning, Property and Regeneration), 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NG.** Alternatively, you can e-mail your notice of review to planning@eastrenfrewshire.gov.uk



Internal Memo

RECEIVED

18 DEC 2013

Our Ref: EA/CR
Your Ref: 2013/0465/TP
Date: 12th August 2013
From: Claire Reid, Environmental Health
To: Ian Walker, Development Management

PROPOSAL: PART CHANGE OF USE OF CAR PARK TO CAR VALETING AND ERECTION OF HUT AND SHELTER (RENEWAL OF PREVIOUS TEMPORARY CONSENT 2012/0372/TP). AMENDMENT TO PART OF CONDITION 2 OF PREVIOUS PLANNING CONSENT TO ALLOW THE VALETING TO TAKE PLACE ON SUNDAYS BETWEEN 9AM AND 2PM DURING OCTOBER TO FEBRUARY INCLUSIVE

LOCATION: NUFFIELD HEALTH, 82 BRAIDHOLM ROAD, GIFFNOCK, G46 6ED

I have reviewed the above planning application and would comment as follows:

We have received a number of complaints regarding the noise from the car valeting activity over the last few months and have visited the site on numerous occasions. Discussions with the car valet operator resulted in the introduction of enclosure for the vacuum to be placed in, to reduce noise.

We have also recently taken noise measurements with and without the vacuum cleaner in operation. The noise from the plant and equipment associated with the Nuffield Health Club itself dominates the noise environment at the site and our monitoring exercise found that the noise from the car valet vacuum did not lead to any significant increase in the overall noise levels from the site.

We consider there to be no evidence that a statutory nuisance, as defined by the Environmental Protection Act 1990 exists, and therefore do not intend to take any further action with regards to noise from the car valeting activity.

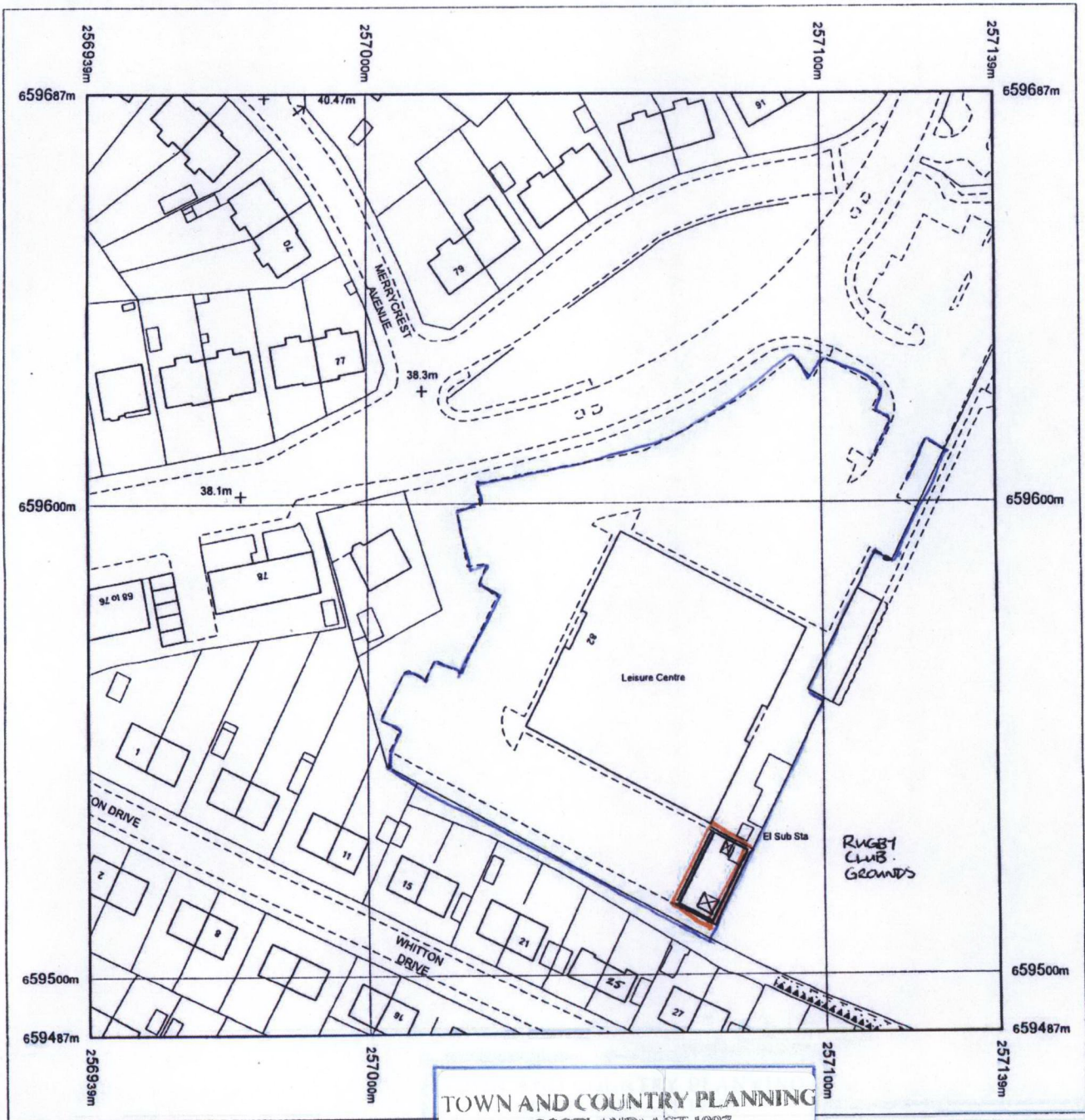
This notwithstanding, I would recommend that, should planning consent be granted, the applicant be required to ensure that noise mitigation measures are maintained e.g. use of an enclosure for the vacuum. I would also recommend that restrictions be placed on the operating hours of the car valeting operation.

I trust that this information is of use. If you wish to discuss any of the matters raised in this memo, please do not hesitate to contact me.

SENIOR ENVIRONMENTAL HEALTH OFFICER

PLANS/PHOTOGRAPHS/DRAWINGS

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The representation of features as lines is no evidence of a property boundary.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

APPROVED

DIRECTOR OF ENVIRONMENT
EAST RENFREWSHIRE COUNCIL

Supplied by: **East Renfrewshire C**
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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

APPROVED

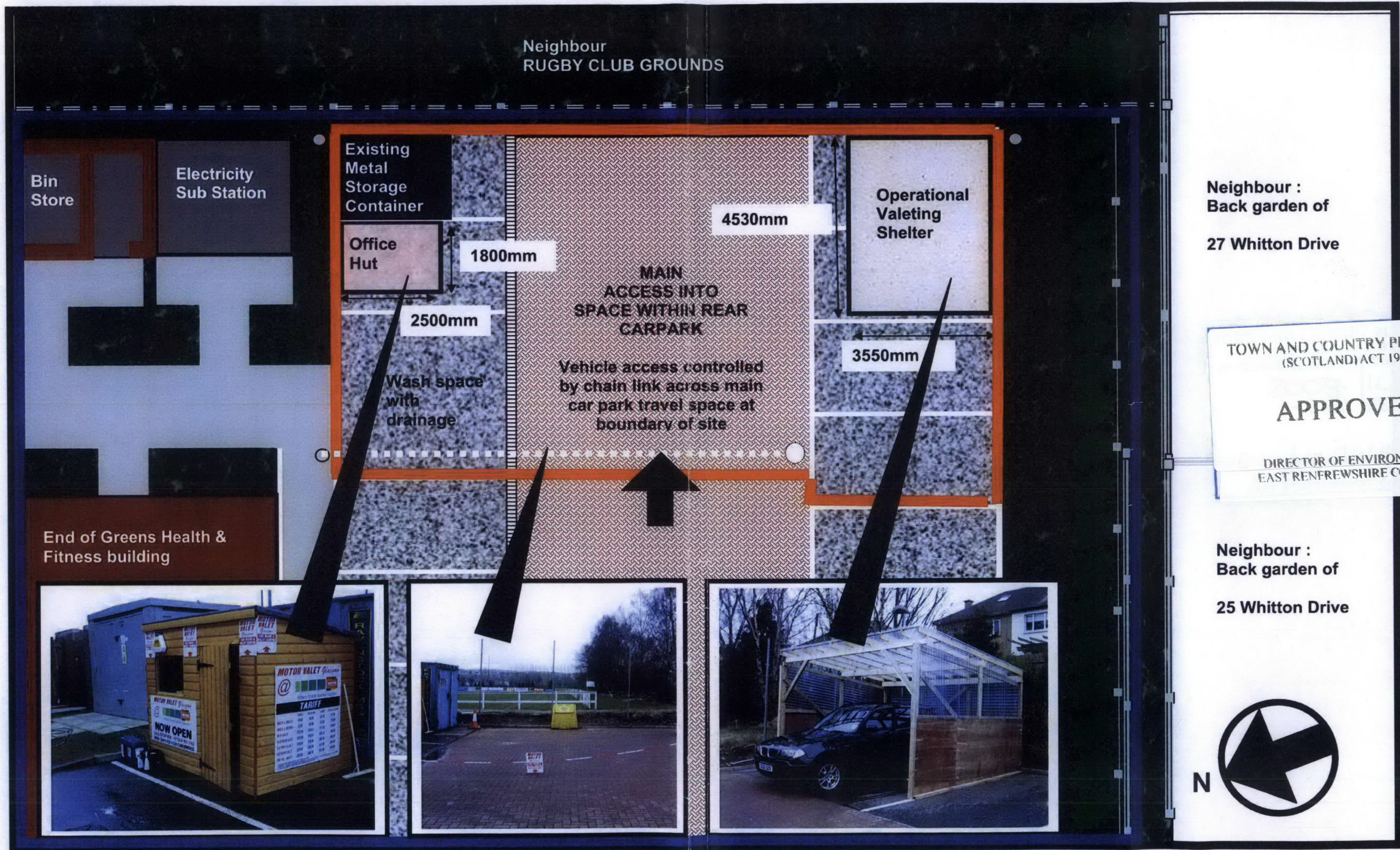
DIRECTOR OF ENVIRONMENT
EAST RENFREWSHIRE COUNCIL

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BLOCK PLAN FOR PLANNING APPLICATION: CHANGE OF USE OF A SECTION OF LAND AT REAR OF BUILDING (retrospective)

FOR THE PURPOSE OF INTRODUCING AN EXCLUSIVE VALETING SERVICE FOR MEMBERS AND GUESTS OF THE APPLICANT

Applicant: **GREENS HEALTH & FITNESS, 82 BRAIDHOLM ROAD, GIFFNOCK, GLASGOW G46 6EB**



Neighbour :
Back garden of
27 Whitton Drive

TOWN AND COUNTRY PLANNING
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EAST RENFREWSHIRE COUNCIL

Neighbour :
Back garden of
25 Whitton Drive



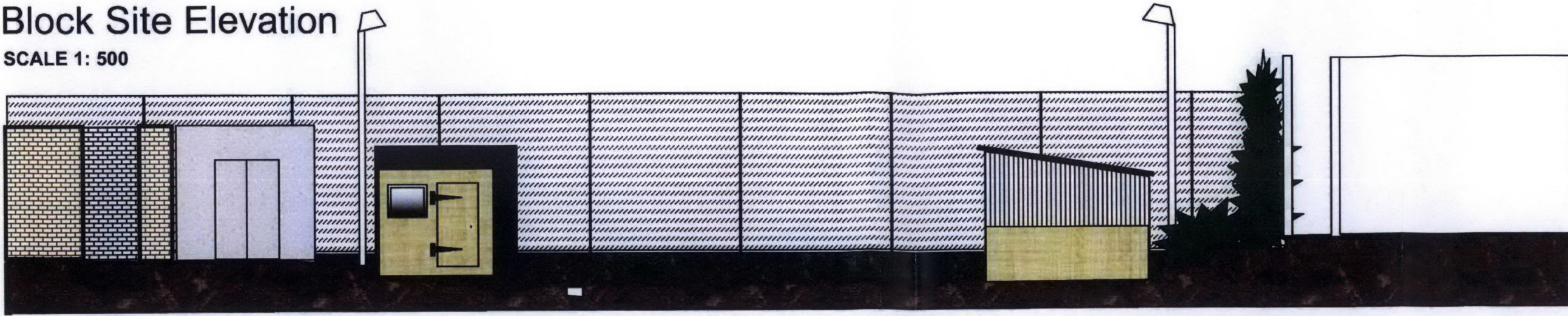
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Produced By: **J. Mackay BSc Hons Arch**
On Behalf of **Greens Health & Fitness -Giffnock**
February 2008

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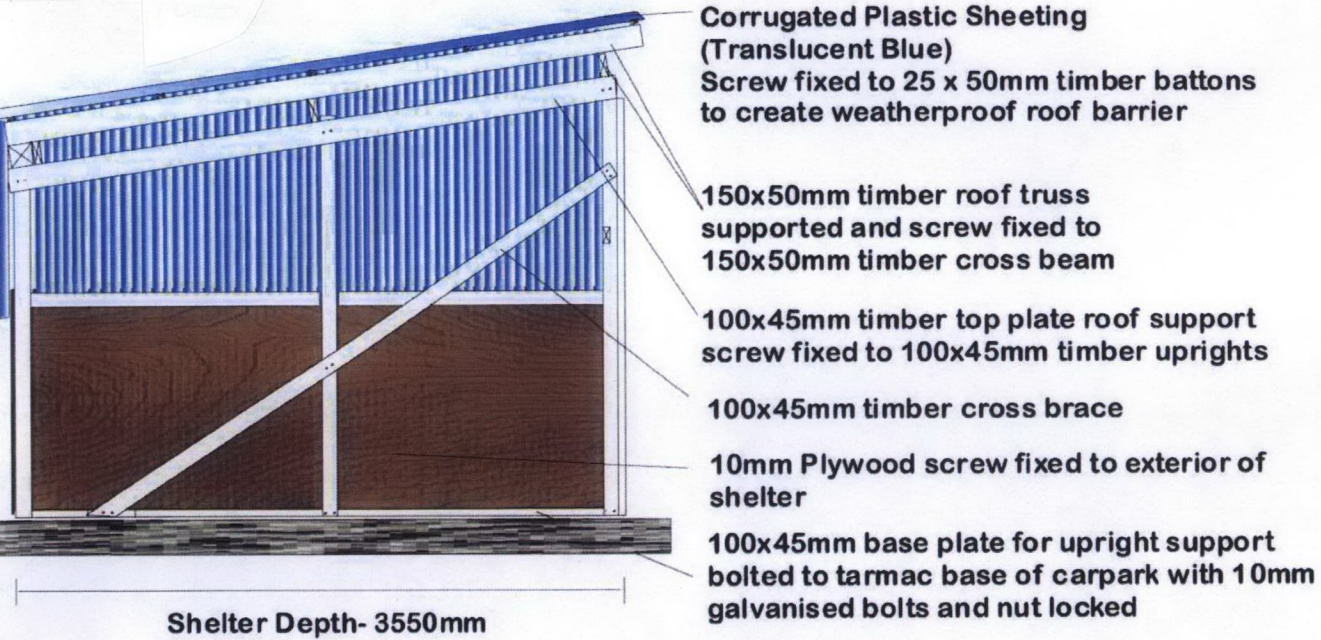
Block Site Elevation

SCALE 1: 500

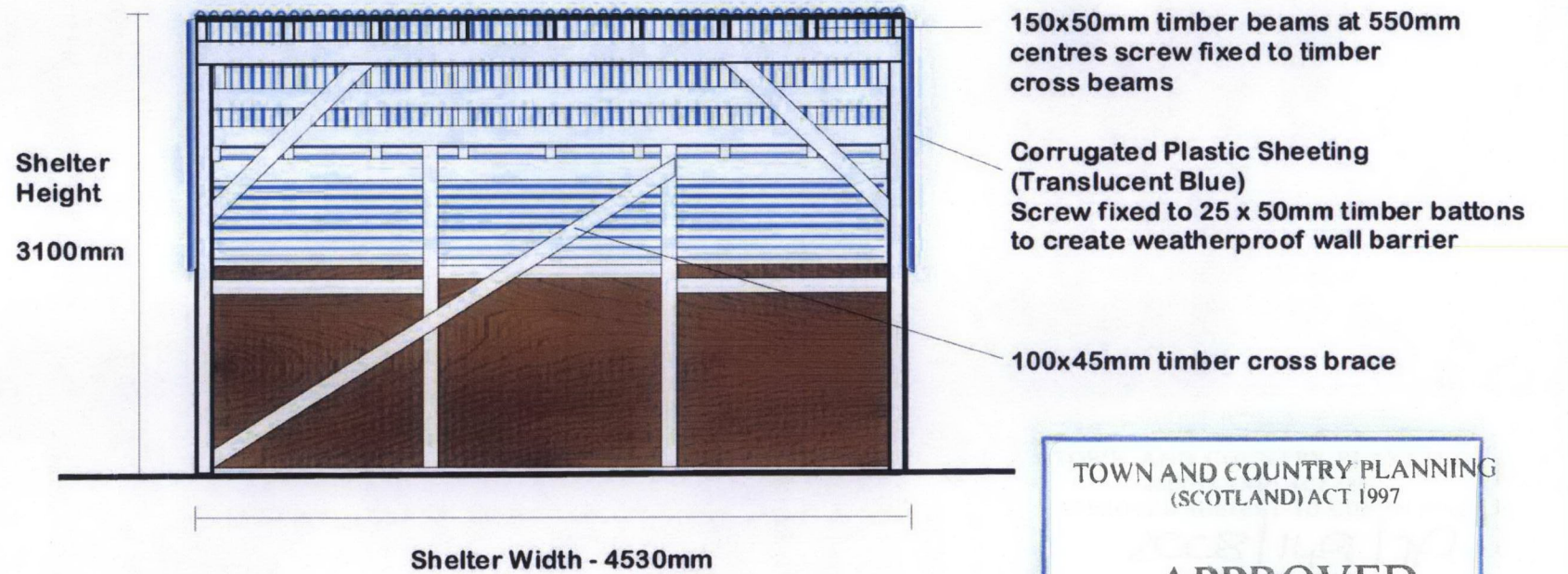


Sectional End elevation of Valeting Shelter

SCALE 1:400



Front Elevation of Valeting Shelter



TOWN AND COUNTRY PLANNING
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Corner Detail of Valeting Shelter showing cross bracing and diagonal supports to main frame.



Oblique view of built Valeting Shelter demonstrating that only one car will be valeted at any one time. Ply panel to be finished with Motor Valet Signage.



Operation Hut – Pre-fabricated timber panelling, assembled on site. Standard hut base size 2500mm x 1800mm. Car Wash space beside hut.

Produced By: J. Mackay BSc Hons Arch
On Behalf of Greens Health & Fitness -Giffnock
February 2008