

Report

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Report to:	East Kilbride Area Committee
Date of Meeting:	31 August 2005
Report by:	Executive Director (Enterprise Resources)

Subject:	Proposed Enforcement Action at 86 Jamaica Drive, East Kilbride
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1 Purpose of Report

1.1 The purpose of the report is to:-

seek authority to take enforcement action as necessary to terminate the unauthorised operations of a car repair business from the dwellinghouse at No.86 Jamaica Drive, Westwood, East Kilbride

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that authority be granted to take enforcement action ,including the preparation of a report to the Procurator Fiscal if necessary, to end the unauthorised business activity at No. 86 Jamaica Drive

3 Background

- 3.1 The owner/occupier of No.86 Jamaica Drive, has been operating a car breakdown/repair business from his house. The Planning Service first recorded the unauthorised use on 3rd December 1997. Planning Permission was granted in February 1994 for the erection of a two-storey extension and integral double garage, and it is this garage, equipped with industrial style roller shutter doors, where the aforementioned repairs have been being carried out. The double garage has been fitted out with a hydraulic ramp as well as paint spraying equipment and a compressor.
- 3.2 On 1st April 1998 a Planning Contravention Notice was served on Mr Frank Boyce of 86 Jamaica Drive following continued complaints from local residents. These complaints related to the running of an un-authorised breakdown and car repair business, but also the amount of cars associated with this business being parked in the curtilage and on the street around 86 Jamaica Drive. The response to this Contravention Notice was received on 12 May 1998, in which Mr Boyce states that he was not operating a business from his premises and also that the double garage was being used only for domestic purposes, for the parking of 1 or 2 motor cycles. Further visits were carried out by the Planning Service over a period of time, but no further action was taken.
- 3.3 On 9th October 2003 a complaint was received by the Planning Service from Council's Housing and Technical Services. Several complaints had been received

from local residents claiming that Mr Boyce was again operating this un-authorised business. The site was then monitored by the Planning Service and subsequently on the 8th June 2004 another Planning Contravention Notice was served on the owner of 86 Jamaica Drive. The response once again stated that the garage was being used for no other purpose than being incidental to the enjoyment of the dwellinghouse.

- 3.4 A meeting was then arranged between the owner and two officers from the Planning Service. Mr Boyce stated in this meeting that he was going to follow the Planning Service's advice and only park one recovery vehicle associated with his business at 86 Jamaica Drive and that there would be a reduction in the amount of cars parked around his property. The site was then monitored by the Planning Service over the next few months where the situation seemed to improve. However, the situation has since worsened with further complaints being received.

4 Site

- 4.1 Number 86 Jamaica Drive is a two storey end terrace house which overlooks Westwood Road and bounds Granada Place, which consists of two rows of garages.

5. Considerations

Depending on the circumstances there are occasions when operating a business from a residential dwellinghouse is permitted. However it is felt that the scale of the operations in this case, particularly in relation to the number of cars associated with the business, is having an adverse impact on the residential amenity and safety of surrounding residents.

The owner has been given the opportunity to reduce the scale of his business to an acceptable standard in relation to planning legislation, and although the situation did improve for a period of time, the situation has once again worsened to an unacceptable level

6 Employee Implications

None.

7 Financial Implications

None.

8 Other Implications

None.

9 Consultation

None.

Iain Urquhart
Executive Director (Enterprise Resources)

17 August 2005

Links to Council Objectives

Living in the Community

Previous References

None

List of Background Papers

None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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