

PLANNING LOCAL REVIEW BODY (PLRB)

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 10 June 2019

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Davie McLachlan, Councillor Graham Scott

Councillors' Apologies:

Councillor Walter Brogan, Councillor Alistair Fulton, Councillor David Shearer, Councillor Jim Wardhaugh

Attending:

Community and Enterprise Resources

L Campbell, Planning Adviser to the Planning Local Review Body

Finance and Corporate Resources

P MacRae, Administration Officer; K Moore, Legal Adviser to the Planning Local Review Body

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Local Review Body held on 13 May 2019 were submitted for approval as a correct record.

The PLRB decided: that the minutes be approved as a correct record.

3 Review of Case – Application P/18/1839 for Erection of 2 Domestic Garages and Formation of Landscape Buffer Strip at Land Adjacent to 3 Leaburn Cottages, Millwell Road, Auldhouse, East Kilbride

A report dated 29 May 2019 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/18/1839 by A Brooks for the erection of 2 domestic garages and formation of landscape buffer strip at land adjacent to 3 Leaburn Cottages, Millwell Road, Auldhouse, East Kilbride.

To assist the PLRB in its review, copies of the following information had been appended to the report:-

- ♦ planning application form
- ♦ report of handling by the planning officer under the Scheme of Delegation together with representations and responses from statutory consultees
- ♦ site photographs and location plan
- ♦ decision notice
- ♦ notice of review, including the applicant's statement of reasons for requiring the review
- ♦ a further submission from an interested party following notification of the request for the review of the case

- ◆ comments from the applicant's agent on the further submission received from the interested party

The relevant drawings in relation to the review were available for inspection prior to and at the meeting of the PLRB.

The PLRB noted that the applicant had requested a site visit, however, on the basis of the above, the PLRB considered it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance (SG):-
 - ◆ Policy 3 – green belt and rural area
 - ◆ Policy 4 – development management and placemaking
 - ◆ Development Management, Placemaking and Design Supplementary Guidance – Policies DM1 (design) and DM2 (house extensions and alterations)
- ◆ the relevant policies contained in the Proposed South Lanarkshire Local Development Plan 2:-
 - ◆ Policy 4 – green belt and rural area
 - ◆ Policy 5 – development management and placemaking
 - ◆ Policy DM1 – new development design
 - ◆ Policy DM2 – house extensions and alterations

Following its review of the information and after discussion, the PLRB concluded that the proposed development was contrary to Policies 3 and 4 of the Adopted South Lanarkshire Local Development Plan and Policies DM1 and DM2 of the associated Supplementary Guidance. It also concluded that there were no material considerations that warranted granting planning permission for planning application P/18/1839 contrary to the relevant policies.

The PLRB decided:

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/18/1839 by A Brooks for the erection of 2 domestic garages and formation of landscape buffer strip at land adjacent to 3 Leaburn Cottages, Millwell Road, Auldhouse, East Kilbride be upheld.

4 Review of Case – Application P/19/0060 for Change of Use of Industrial Unit to Dance Studio at 12 Whin Place, East Kilbride

A report dated 29 May 2019 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0060 by C Curran for the change of use of an industrial unit to a dance studio at 12 Whin Place, East Kilbride.

To assist the PLRB in its review, copies of the following information had been appended to the report:-

- ◆ planning application form
- ◆ report of handling by the planning officer under the Scheme of Delegation together with representations and responses from statutory consultees
- ◆ site photographs and location plan

- ◆ decision notice
- ◆ notice of review, including the applicant's statement of reasons for requiring the review
- ◆ a further submission from an interested party following notification of the request for the review of the case

The relevant drawings in relation to the review were available for inspection prior to and at the meeting of the PLRB.

The PLRB noted that the applicant had requested a site visit and a hearing, however, on the basis of the above, the PLRB considered it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance
 - ◆ Policy 4 – development management and placemaking
 - ◆ Policy 7 - employment
 - ◆ Industrial and Commercial Development Supplementary Guidance - Policy ICD2 (other employment land use areas)
- ◆ the relevant policies contained in the Proposed South Lanarkshire Local Development Plan 2:-
 - ◆ Policy 5 – development management and placemaking
 - ◆ Policy 8 – employment
 - ◆ Policy ICD3 – other employment land use areas

Following its review of the information and after discussion, the PLRB concluded that, while the development was contrary to Policy 4 of the Adopted South Lanarkshire Local Development Plan, Policy 7 and Policy ICD2 of the associated Supplementary Guidance encouraged flexibility within areas designated as Other Employment Land Use. Given the imposition of a condition restricting planning consent to an initial period of one year and the specification of hours of operation, a departure from the Development Plan could be justified for the following reasons:-

- ◆ the consent was for a temporary period only which would allow the operation of the business to be monitored
- ◆ the hours of operation were restricted to outwith the main operational hours of the industrial users within the estate

The PLRB decided:

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0060 by C Curran for the change of use of an industrial unit to a dance studio at 12 Whin Place, East Kilbride be reversed and that planning permission be granted for the proposal subject to the conditions specified by the PLRB, attached as an appendix to this minute.

5 Urgent Business

There were no items of urgent business.

Application Number P/19/0060

Change of Use of Industrial Unit to Dance Studio at 12 Whin Place, East Kilbride

Conditions

1. That this permission shall operate for the benefit of Claire Curran only and for no other person and on the discontinuance of the occupation of the site by the said person, the hereby approved use shall cease to the satisfaction of the Council as Planning Authority.

Reason: To retain effective planning control.

2. That the permission hereby granted is for a temporary period only and shall expire on 31 August 2020.

Reason: In order to retain effective planning control

3. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), the use of the unit shall be restricted to use as a dance studio; and for no other purpose within Class 11 as defined in the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, without the prior written consent of the Council as Planning Authority.

Reason: To ensure that the Council retains control over future developments on the site.

4. That the permission hereby granted relates to a change of use only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any other such order revoking or re-enacting that order) no alterations shall be made to the external appearance of the building without the prior written consent of the Council as Planning Authority.

Reason: To ensure that the Council retains control over future developments on the site.

5. The use of the premises shall be restricted to a maximum of 10 students per class with the following hours of operation:

Tuesdays, Thursdays and Fridays: Between 6pm and 9.30pm

Saturdays: Between 11am and 9.30pm

Sundays: Between 11am and 9.30pm

Reason: To minimise conflict with existing users of the estate.