

PLANNING LOCAL REVIEW BODY (PLRB)

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 21 March 2011

Chair:

Councillor Graham Scott

Councillors Present:

Hugh Dunsmuir, Tommy Gilligan, Ian Gray, Bill Holman, Alex McInnes, Patrick Ross-Taylor (Depute)

Attending:

Corporate Resources

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

Enterprise Resources

G Cameron, Planning 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 PLRB held on 6 December 2010 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 EK/10/0295 - Partial Change of Use to Car Wash (Retrospective) at 200 East Kilbride Road, Thorntonhall

A report dated 11 March 2011 by the Executive Director (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 EK/10/0295 by Thorntonhall Car Centre for the partial change of use to a car wash (retrospective) at 200 East Kilbride Road, Thorntonhall.

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 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 on the further submission received from an interested party

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

In their submission the applicant had included an amended drawing, L(SK-)10 which illustrated car sales parking spaces, display car spaces and staff parking. In terms of Section 43B of the Planning etc (Scotland) Act 2006, parties could not raise any matter which was not before the Planning Officer who made the determination unless that party could demonstrate that:-

- ◆ the matter could not have been raised before the review
- ◆ the matter was not raised before due to exceptional circumstances

The PLRB concluded that the applicant had not demonstrated that the new information met the above criteria and, therefore, that it could not consider the amended plan. Similarly, the PLRB concluded that it could not consider the comments from the interested party relating to the amended plan.

The PLRB considered that 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 with the exception of the new information detailed above which the PLRB had concluded it could not consider
- ◆ the relevant policies contained in the Adopted South Lanarkshire Local Plan:-
 - ◆ Policy STRAT3 – the green belt and urban settlements in the green belt
 - ◆ Policy DM1 – development management

Following its review of the information which it could consider, the PLRB concluded that there were no material considerations that warranted granting permission for the partial change of use to a car wash (retrospective) at 200 East Kilbride Road, Thorntonhall contrary to those policies.

The PLRB decided: that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application EK/10/0295 by Thorntonhall Car Centre for the partial change of use to a car wash (retrospective) at 200 East Kilbride Road, Thorntonhall be upheld.

4 Review of Case - Application EK/10/0309 - Erection of Single Storey Front Extension at 14 Wellington, Newlandsmuir, East Kilbride

A report dated 11 March 2011 by the Executive Director (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 application EK/10/0309 by Mr and Mrs Russell for the erection of a single storey front extension at 14 Wellington, Newlandsmuir, 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
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ notice of review, including the applicants' statement of reasons for requiring the review
- ◆ a further submission from an interested party following notification of the request for a review of the case
- ◆ comments from the applicants on the further submission received from an interested party

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

On the basis of the above, the PLRB considered that 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 Plan:-
 - ◆ Policy DM1 – development management
 - ◆ Policy DM4 – house extensions and alterations
 - ◆ Policy RES6 – residential land use

Following its review of the information, the PLRB concluded that the development would not have a significant or material impact on the character and visual amenity of the area and that it would not dominate the streetscene.

The PLRB decided:

that the decision taken by officers, in terms of the Scheme of Delegation to refuse planning permission for planning application EK/10/0309 by Mr and Mrs Russell for the erection of a single storey front extension at 14 Wellington, Newlandsmuir, 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: EK/10/0309

Erection of a single storey front extension at 14 Wellington, Newlandsmuir, East Kilbride

Conditions

- 1 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without prior written approval of the Council as Planning Authority.
- 2 That the facing materials to be used for the external walls and roof of the extension hereby approved shall match, in colour and texture, those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.
- 3 This decision relates to drawing numbers: RUSSELL/2010/01, RUSSELL/2010/02, RUSSELL/2010/03, RUSSELL/2010/04, RUSSELL/2010/05, RUSSELL/2010/06A, RUSSELL/2010/07, RUSSELL/2010/08, RUSSELL/2010/09.

Reasons

- 1 In the interest of amenity and in order to retain effective planning control.
- 2 To ensure satisfactory integration of the proposed extension with the existing building both in terms of design and materials.
- 3 For the avoidance of doubt and to specify the drawings upon which the decision was made.