



Council Offices, Almada Street,
Hamilton

Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/EK/11/001

- ◆ Site address: 200 East Kilbride Road, Thorntonhall, G76 8RS
- ◆ Application for review by Thorntonhall Car Centre of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission (retrospective) for planning application EK/10/0295
- ◆ Application EK/10/0295 for the partial change of use to a car wash (retrospective)
- ◆ Application Drawings: L(0-) 00, L(0-) 01, L(0-) 02

Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application EK/10/0295 for the reasons stated on the Council's decision notice dated 19 October 2010.


Douglas Wilson
Head of Administration Services

Date of Decision Notice:

15 April 2011

1. Background

- 1.1 This Notice constitutes the formal decision notice of the Planning Local Review Body (PLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The above application for planning permission was considered by the PLRB at its meeting on 21 March 2011. The PLRB was attended by Councillors Graham Scott (Chair), Hugh Dunsmuir, Tommy Gilligan, Ian Gray, Bill Holman, Alex McInnes and Patrick Ross-Taylor (Depute).

2. Proposal

- 2.1 The application is for partial change of use to a car wash (retrospective) at 200 East Kilbride Road, Thorntonhall.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.
- 2.3 The applicant had indicated that they were introducing new information comprising an amended drawing, L(SK-)10, which illustrated car sales parking spaces, display car spaces and staff parking.
- 2.4 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 the parties could demonstrate that:-
- ◆ the matter could not have been raised before the review
 - ◆ the matter was not raised before due to exceptional circumstances
- 2.5 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.

3. Determining Issues

- 3.1 The determining issues in this review were:-
- ◆ the proposal's compliance with the Adopted South Lanarkshire Local Plan
 - ◆ impact on public safety
- 3.2 The PLRB established that the site was located within the Greenbelt. Policies STRAT3, The Greenbelt and Urban Settlements in the Greenbelt and DM1, Development Management, of the Adopted Local Plan applied.
- 3.3 Policy STRAT3 of the Adopted Local Plan states that there shall be a general presumption against all development except:-
- ◆ where it is necessary for the furtherance of agriculture, horticulture, forestry, recreation or establishments and institutions standing in extensive grounds
 - ◆ where it is considered by the Council to be appropriate to the Greenbelt
 - ◆ where the development forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups
- 3.4 Policy DM1 states that proposals should:-
- ◆ provide suitable access and parking
 - ◆ have no adverse impact on public safety
 - ◆ incorporate safety and security measures

3.5 In considering the case, the PLRB had regard to the applicant's submission that:-

- ◆ although situated in the Greenbelt, the site had a long history of previous uses including a petrol filling station, car sales and retail
- ◆ traffic queuing back onto East Kilbride Road had only occurred under extreme weather conditions
- ◆ the operation of the business would not impede the free flow of traffic and it had successfully used the existing access and egress points for a considerable time without problem
- ◆ the proposal would not set a precedent as no other opportunities existed to provide a similar development on East Kilbride Road

3.6 The PLRB noted that the proposal was not connected to a rural business and was, therefore, at odds with Policy STRAT3 of the Adopted Local Plan. The PLRB, nevertheless, also noted that the site did have a history of previous uses including petrol filling station, car sales and retail. The PLRB, however, considered that there was insufficient parking provision at the site to accommodate both the car sales and car wash businesses and concluded that the lack of parking led to vehicles queuing back onto the East Kilbride Road, which is a high speed road, resulting in an adverse effect on traffic flow to the detriment of public safety. The PLRB further concluded that the site layout and the nature of the access and egress to the site resulted in cars moving slowly on entering or leaving the site, causing further problems for traffic and public safety on the East Kilbride Road. As a result, the PLRB concluded that the proposed development was contrary to DM1 of the Adopted South Lanarkshire Local Plan.

4. Conclusion

4.1 The PLRB considered a request to review the decision taken to refuse planning permission (retrospective) for the partial change of use to a car wash at Thorntonhall Car Centre, 200 East Kilbride Road, Thorntonhall. The PLRB concluded that the operation of the car wash and the lack of adequate off street parking for the 2 businesses operating from the site resulted in the free flow of traffic on East Kilbride Road being impeded thus creating a danger for traffic and the public. It, therefore, concluded that the proposal did not comply with Policy DM1 of the Adopted South Lanarkshire Local Plan and that there was no justification to depart from the terms of the Plan.

4.2 The PLRB, therefore, upheld the decision to refuse planning permission (retrospective) for planning application EK/10/0295 for the reasons set out in the decision notice from the Council dated 19 October 2010.

5. Accompanying Notice

5.1 Attached is a copy of the Notice to Accompany Refusal etc. in the terms set out in Schedule 2 to the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.



NOTICE TO ACCOMPANY REFUSAL ETC

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

1. If the applicant is aggrieved by the decision of the planning authority 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
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 V of the Town and Country Planning (Scotland) Act 1997.