

Appendix 7

**Applicant's Comments on Further Representations
Submitted by Interested Parties in the Course of the
Notice of Review Consultation Process**

Response to Representations

Application Reference:
EK/10/0295

DTA /22/02/2011_RevA

**Response to Representations received in the Local Review Body Appeal
against Refusal of Planning Permission for Thorntonhall Car Centre
against South Lanarkshire Council**

Planning Reference EK/10/0295

**Partial Change of Use to Car Wash. (Retrospective Application)
200 East Kilbride Road, Thorntonhall**

Response

Planning Service Comments

Our Notice of Review stated that we have requested a hearing to accompany our written submission. Having reviewed the contents of the Planning Services comments we now consider this to be absolutely imperative.

The key issue in respect to this appeal are the perceived roads concerns. The Planner's comments refer to a previous Enforcement Notice where what was described as '*inherent roads safety issues could not be over come by the imposition of planning conditions*'. The Councils Enforcement Officer's remit does not extend to assessing roads safety issues or deciding the outcome of future applications without going through due planning process. It is not known on what information these assertions were made as the official Roads and Transportation comments did not become available until some months later, just prior to the refusal notice being issued.

We maintain that a suitably worded condition relating to the internal layout of the site would be sufficient in allaying these concerns. However, we understand that the Review Body will want to be completely satisfied that this can be achieved. It appears that Roads and Transportation department have commented on our appeal submission. As was the case in the application process DTA are not being afforded the opportunity to review or respond to these comments. Similarly, the members of the Review Body have not been shown these comments and can not therefore reasonably determine the appeal fairly. We would therefore respectfully request that the Local Review Body reconvene at a later date for a hearing in which our proposals can be discussed openly with our Roads colleagues and a solution found that would allow the Review Body to permit the approval. We have been informed that a meeting between ourselves and the Roads Department can be arranged to seek a resolution to matters prior to this hearing taking place.

The appellants only other alternative is to withdraw this appeal and re-submit revised proposals. This we feel creates an unnecessary delay when the Review Body has the powers to determine the application at a hearing.

With regards to the second reason for refusal I.e. whether the proposals accord with the provisions of the Local Plan, we are aware of a 'material consideration' which would allow the appeal to be granted. Again this will require to be assessed by the Local Review body through some open and informed debate at a hearing.

Conclusion

It is apparent that the Roads and Transportation department have commented on our Local Review Body appeal submission. Otherwise it would appear that the Planning Department are commenting on Roads issues which is outwith their remit. This then presents procedural problems surrounding this Review. We are not being permitted the chance to see the new information I.e. the comments from Roads. Similarly the Local Review Body are being asked to determine the appeal without access to all of this information. The only way that this can be dealt with fairly under the current Planning System is for the Review Body to allow us to speak at a hearing at some later date and for this information to be made available to all parties.