

PLANNING LOCAL REVIEW BODY (PLRB)

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 23 August 2010

Chair:

Councillor Graham Scott

Councillors Present:

Jim Docherty, 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 28 June 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/09/0212 - Part Change of Use from Agricultural Yard to Class 6, Storage and Distribution, at Land Opposite Jackton Cottage, Jackton Road, Jackton, East Kilbride

A report dated 12 August 2010 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/09/0212 by A and R Haddow for part change of use from an agricultural yard to Class 6, storage and distribution, at land opposite Jackton Cottage, Jackton Road, Jackton, 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 applicants' statement of reasons for requiring the review
- ◆ further submissions from interested parties following notification of the request for a review of the case
- ◆ comments from the applicant on the further submissions received from interested parties

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

In the notice of review, the applicants had indicated that they were introducing new information in relation to traffic issues. The PLRB concluded that this information could be accepted on the basis that it provided clarification on a matter that had previously been raised.

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 STRAT3 – greenbelt and urban settlements in the greenbelt
 - ◆ Policy DM1 – development management

Following its review of the information, the PLRB concluded that the proposal was:-

- ◆ contrary to policies STRAT 3 and DM1 of the Adopted South Lanarkshire Local Plan
- ◆ an inappropriate use in the greenbelt and would set an undesirable precedent
- ◆ unacceptable in terms of traffic and public safety

The PLRB noted, however, that the application was retrospective and that the storage and distribution business was currently operating from the premises opposite Jackton Cottage and employed a workforce of 9 full time and 2 part time operatives. The PLRB considered that, in determining the review, it should be sensitive to the employment issues involved. It concluded, therefore, that while the application was contrary to the Development Plan, a departure was justified on the basis that the grant of temporary planning consent for a period of 6 months would allow the applicant, with the assistance of the relevant Council Service(s), an opportunity to seek alternative premises from which to operate while ensuring the continued operation of the business in the interim period.

The PLRB decided:

- (1) that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application EK/09/0212 by A and R Haddow for part change of use from an agricultural yard to Class 6, storage and distribution, at land opposite Jackton Cottage, Jackton Road, Jackton, East Kilbride be reversed and that temporary planning permission for a period of 6 months be granted for the proposal to allow the applicant to locate alternative premises from which to operate; and
- (2) that planning permission be subject to the conditions specified by the PLRB, attached as an appendix to this minute.

4 Review of Case - Application HM/10/0083 - Change of Use from Shop (Class 1) to Hot Food Takeaway (Sui Generis) and Erection of Flue to Rear of Property at 142 Station Road, Blantyre

A report dated 12 August 2010 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 HM/10/0083 by F Weir for a change of use from shop (Class 1) to a hot food takeaway (Sui Generis) and the erection of a flue to the rear of the property at 142 Station Road, Blantyre.

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 representation 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 a 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.

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 RES6 – residential land use
 - ◆ Policy DM1 – development management
 - ◆ Policy DM10 – hot food shops

Following its review of the information, the PLRB concluded that there were no material considerations that warranted granting permission for the change of use from a shop (Class 1) to a hot food takeaway (Sui Generis) and the erection of a flue to the rear of the property contrary to the relevant Development Plan policies.

The PLRB decided: that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application HM/10/0083 by F Weir for the change of use from a shop (Class 1) to a hot food takeaway (Sui Generis) and the erection of a flue to the rear of the property at 142 Station Road, Blantyre be upheld.

5 Urgent Business

There were no items of urgent business.

Appendix

Application Number EK/09/0212

Part change of use from agricultural yard to Class 6, storage and distribution, at land opposite Jackton Cottage, Jackton Road, Jackton, East Kilbride.

Conditions

- 1 The consent shall be carried out strictly in accordance with drawing numbers: Location Plan, Block Plan, Access, Distribution of Uses, Landscape Area – all drawings as submitted in March 2010 at time of application.
- 2 That the permission hereby granted is for a temporary period only and shall expire on 10 March 2011.
- 3 That the use hereby permitted shall be discontinued and all associated materials, plant and facilities shall be removed and the uses discontinued on or before 10 March 2011.
- 4 That the land shall be restored to its former condition as agricultural land to the satisfaction of the Council as Planning Authority on or before 10 May 2011.
- 5 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.
- 6 That before 0800 and after 1800 on Mondays to Fridays, and before 0900 and after 1600 on Saturdays, and at no time on Sundays, no industrial processes or other operations shall take place within the site and no commercial vehicles shall enter or leave the site.
- 7 A turning facility shall be provided, to the satisfaction of the Council as Roads Authority, within the site to allow vehicles to enter and exit the site in forward gear.
- 8 That any proposed gates shall be set back at least 20 metres from the near road channel of Jackton Road and shall open inwards.
- 9 The site shall not be illuminated by lighting without the prior written approval of the planning authority.
- 10 All rubbish and scrap materials generated on the site shall be collected and stored in a tidy manner, in a screened position within the site area, until such time as they may be properly disposed of to a suitable licensed waste disposal site.
- 11 That no material shall be deposited in such a way that it is carried into any water course and the applicant shall be responsible for the immediate treatment of any contamination of water which does arise as a result of the operations hereby approved.
- 12 That there shall be no burning of materials on the site at any time.
- 13 All runoff from the site must be collected, contained and disposed of in such a manner that pollution of the water environment does not occur.
- 14 Jackton Road must be kept clear of mud and deleterious material at all times to the satisfaction of the Council as Roads and Planning Authority.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997
- 2 In the interests of amenity and in order to retain effective planning control
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- 6 In the interests of amenity
- 7 In the interests of public safety

- 8 In the interests of public safety
- 9 In the interests of amenity
- 10 In the interests of amenity and in order to retain effective planning control
- 11 In order to protect the environment and to retain effective planning control
- 12 In order to protect the environment and to retain effective planning control
- 13 In order to protect the environment and to retain effective planning control
- 14 In the interests of road safety