



Council Offices, Almada Street
Hamilton, ML3 0AA

Thursday, 07 November 2019

Dear Councillor

Planning Local Review Body

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

Date: Monday, 18 November 2019

Time: 10:30

Venue: Committee Room 5, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

Yours sincerely

Paul Manning
Depute Chief Executive

Members

Isobel Dorman (Chair), Mark Horsham (Depute Chair), Alex Allison, Maureen Devlin, Ann Le Blond, Davie McLachlan, Graham Scott, David Shearer, Jim Wardhaugh

Substitutes

John Bradley, Walter Brogan, Jackie Burns, Stephanie Callaghan, Margaret Cowie, Martin Lennon, Katy Loudon, Kenny McCreary, Lynne Nailon, Collette Stevenson

BUSINESS

1 Declaration of Interests

- 2 **Minutes of Previous Meeting** 3 - 4
Minutes of the meeting of the Planning Local Review Body held on 7 October 2019 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 **Review of Case - Application P/18/1720 for Change of Use of Premises from Industrial Unit (Class 5 General Industrial) to Dance Hall at Unit 29, 211 Cambuslang Road, Cambuslang** 5 - 8
Report dated 24 October 2019 by the Executive Director (Finance and Corporate Resources). (Copy attached)
- 3a **Appendix 1 Planning Application Form** 9 - 14
- 3b **Appendix 2(a) Report of Handling** 15 - 22
- 3c **Appendix 2(b) Consultation Responses** 23 - 28
- 3d **Appendix 3 Site Photographs and Location Plan** 29 - 42
- 3e **Appendix 4 Planning Decision Notice and Conditions Imposed** 43 - 48
- 3f **Appendix 5 Notice of Review** 49 - 54
- 3g **Appendix 6 Further Representations** 55 - 60
- 3h **Appendix 7 Applicant's Comments on Further Representations** 61 - 64

Urgent Business

- 4 **Urgent Business**
Any other items of business which the Chair decides are urgent.

For further information, please contact:-

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: pauline.macrae@southlanarkshire.gov.uk

PLANNING LOCAL REVIEW BODY (PLRB)

2

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 7 October 2019

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Bradley (*substitute for Councillor Mark Horsham*), Councillor Stephanie Callaghan (*substitute for Councillor David Shearer*), Councillor Ann Le Blond, Councillor Graham Scott, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Walter Brogan, Councillor Mark Horsham (Depute), Councillor Davie McLachlan, Councillor David Shearer

Attending:

Community and Enterprise Resources

G McCracken, 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 10 June 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/19/0158 for a Residential Development Including Formation of Vehicular Access (Planning Permission in Principle) at Land 50 Metres Northwest of 3 Millburn Road, Ashgill, Larkhall

A report dated 24 September 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/19/0158 by D Collins for a residential development including formation of a vehicular access (planning permission in principle) at land 50 metres northwest of 3 Millburn Road, Ashgill, Larkhall.

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

- ◆ further submissions from interested parties following notification of the request for the review of the case
- ◆ comments from the applicant's agent on the further submissions received from the interested parties

The applicant had included in their review submission a General Access Arrangement Sketch which had not been submitted with the original application. Section 43B of the Planning etc (Scotland) Act 2006 restricted the introduction of new material in the review which was not before the appointed person at the time the application was determined. The PLRB concluded that this information could be accepted on the basis that it provided clarification on existing circumstances.

The PLRB heard the Planning Adviser in relation to the case and noted that, in some documentation, Policy 15, Travel and Transport, of the Proposed South Lanarkshire Local Development Plan 2 had been incorrectly referenced as Policy 17.

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 16 – travel and transport
 - ◆ Policy GBRA4 – Small Scale Settlement Extensions (Green Belt and Rural Area Supplementary Guidance)
- ◆ the relevant policies contained in the Proposed South Lanarkshire Local Development Plan 2:-
 - ◆ Policy 4 – green belt and rural area
 - ◆ Policy 15 – travel and transport

Following its review of the information and after discussion, the PLRB concluded that the proposed development was contrary to Policies 3 and 16 of the Adopted South Lanarkshire Local Development Plan and Policy GBRA4 of the associated Supplementary Guidance. It also concluded that there were no material considerations that warranted granting planning permission for planning application P/19/0158 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/19/0158 by D Collins for a residential development including formation of a vehicular access (planning permission in principle) at land 50 metres northwest of 3 Millburn Road, Ashgill, Larkhall be upheld.

4 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Local Review Body
Date of Meeting:	18 November 2019
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Review of Case – Application P/18/1720 for Change of Use of Premises from Industrial Unit (Class 5 General Industrial) to Dance Hall (Class 11 Assembly and Leisure) (Retrospective)
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1. Purpose of Report

1.1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation, on the following application:-

1.2. Summary Application Information

Application Type:	Detailed Planning Permission
Applicant:	M Dempster, John Hillhouse (Plant Hire) Limited
Proposal:	Change of Use of Premises from Industrial Unit (Class 5 General Industrial) to Dance Hall (Class 11 Assembly and Leisure) (Retrospective)
Location:	Unit 29, John Hillhouse Industrial Estate, 211 Cambuslang Road, Cambuslang G72 7TS
Council Area/Ward:	13 Cambuslang West

1.3. Reason for Requesting Review

<input type="checkbox"/> Refusal of Application	<input checked="" type="checkbox"/> Conditions imposed	<input type="checkbox"/> Failure to give decision (deemed refusal)
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2. Recommendation(s)

2.1. The Planning Local Review Body is asked to:-

- (1) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (a) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied
 - (b) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed
- (2) in the event that further procedure is required to allow it to determine the review, consider:-

- (a) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided
- (b) what procedure or combination of procedures are to be followed in determining the review

3. Background

- 3.1. The Council operates a Scheme of Delegation that enables Council officers to determine a range of planning applications without the need for them to be referred to Area Committees or the Planning Committee for a decision.
- 3.2. In terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, where an application for planning permission relates to a proposal that falls within the category of "local development" and has been or could have been determined under the Scheme of Delegation, the applicant is entitled to request that the determination be reviewed by the Planning Local Review Body.

4. Notice of Review – Statement of Reasons for Requiring the Review

- 4.1. In submitting their Notice of Review, the applicant has stated their reasons for requiring a review of the determination in respect of their application. **(Refer Appendix 5)**
- 4.2. The applicant is entitled to state a preference for procedure (or combination of procedures) to be followed and has indicated that their stated preference is as follows:-

<input type="checkbox"/>	Further written submissions	<input type="checkbox"/>	Site inspection
<input type="checkbox"/>	Hearing session(s)	<input checked="" type="checkbox"/>	Assessment of review documents only, with no further procedure

- 4.3. However, members will be aware that it is for the Planning Local Review Body to determine how a case is reviewed.

5. Information Available to Allow Review of Application

- 5.1. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.
- 5.2. The following information is appended to this report to assist the Planning Local Review Body in its review of the decision taken by officers:-
 - ◆ Planning Application Form **(Appendix 1)**
 - ◆ Report of Handling by the Planning Officer under the Scheme of Delegation **(Appendix 2(a))**
 - ◆ Copies of submissions from statutory consultees **(Appendix 2(b))**
 - ◆ Site photographs and location plan **(Appendix 3)**
 - ◆ Decision notice **(Appendix 4)**
 - ◆ Notice of Review including statement of reasons for requiring the review **(Appendix 5)**

5.3. Copies of the relevant drawings are available for inspection within Administration Services prior to the meeting and will be available for reference at the meeting of the Planning Local Review Body.

6. Notice of Review Consultation Process

6.1. 2 further submissions, including a Statement of Observations from the Planning Officer on the applicant's Notice of Review, were received in the course of the 14 day period from the date on which notification of the request for a review of the case was given. These are listed at and attached as **Appendix 6**.

6.2 The applicant had the opportunity to comment on the further representations received. Comments from the applicant's agent are contained in the submission attached as **Appendix 7**.

Paul Manning

Executive Director (Finance and Corporate Resources)

24 October 2019

Link(s) to Council Values/Ambitions/Objectives

- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities
- ◆ Accountable, effective, efficient and transparent

Previous References

None

List of Background Papers

- ◆ Guide to the Planning Local Review Body

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Pauline MacRae, Administration Officer

Ext: 4108 (Tel: 01698 454108)

E-mail: pauline.macrae@southlanarkshire.gov.uk

Appendix 1

3a

Planning Application Form



3a

Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100145171-005

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Site Address Details

Planning Authority: South Lanarkshire Council

Full postal address of the site (including postcode where available):

Address 1: UNIT 29

Address 2: JOHN HILLHOUSE INDUSTRIAL ESTATE

Address 3: 211 CAMBUSLANG ROAD

Address 4:

Address 5:

Town/City/Settlement: CAMBUSLANG

Post Code: GLASGOW

Please identify/describe the location of the site or sites

Northing

661586

Easting

262663

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Mary"/>	Building Number: <input type="text" value="3"/>
Last Name: *	<input type="text" value="Dempster"/>	Address 1 (Street): * <input type="text" value="211 Cambuslang Road"/>
Company/Organisation	<input type="text" value="John Hillhouse (Plant Hire) Ltd"/>	Address 2: <input type="text" value="Cambuslang"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: * <input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="G72 7TS"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

☒ Yes ☐ No

Application Details

Please select which application(s) the new documentation is related to.

Application: *

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

ADDITIONAL INFORMATION

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

☒ Yes ☐ No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Miss Mary Dempster

Declaration Date: 06/12/2018

Appendix 2(a)

3b

Report of Handling

Report dated 13 June 2019 by the Council's Authorised Officer under the Scheme of Delegation

	Delegated Report	Reference no.	P/18/1720
			3b
		Date	13 June 2019

Planning proposal:	Change use of premises from industrial unit (Class 5 General Industrial) to dance hall (Class 11 Assembly and Leisure) in retrospect
Location:	Unit 29 John Hillhouse Industrial Estate 211 Cambuslang Road Cambuslang G72 7TS

Application Type : Detailed planning application

Applicant : John Hillhouse (Plant Hire) Ltd

Location : Unit 29
John Hillhouse Industrial Estate
211 Cambuslang Road
Cambuslang
G72 7TS

Decision: Application approved

Report by: Area Manager (Planning & Building Standards)

Policy reference:

South Lanarkshire Local Development Plan:

Policy 4: Development Management and Placemaking

Policy 7: Employment

Supplementary Guidance 5: Industrial and Commercial Development Policy

Policy ICD2 : Other Employment Land Use Areas

Proposed South Lanarkshire Local Development Plan 2

Policy 5 Development Management and Placemaking

Policy 8 Employment

Proposed South Lanarkshire Local Development Plan 2 (Volume 2)

Policy ICD3 Other Employment Land Use Areas

Assessment

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	No
Traffic issues?	No
Adheres to development plan policy?	Yes

Adverse comments from consultees?

No

Consultations

Summary of response

Roads Development Management
Team

No objection to the proposal

Environmental Services

No objection to the proposal

Representation(s):

► 0
► 0
► 0

Objection letters
Support letters
Comment letters

Planning Application Delegated Report

1 Application Summary

- 1.1 The applicant seeks retrospective planning consent for a Change use of premises from industrial unit (Class 5 General Industrial) to dance hall (Class 11 Assembly and Leisure)
- 1.2 The operating times for the dance classes are 16:15-21:30 weekdays and 9:00-13:00 on Saturdays. The classes vary from pre-school to seniors.

2 Representation(s)

- 2.1 Following statutory neighbour notification and advertisement of the proposal in the local press as Bad neighbour and Non-Notification of Neighbours, no third party representations were received.

3 Assessment and Conclusions

- 3.1 The applicant seeks retrospective planning consent for a Change of use of premises from industrial unit (Class 5 General Industrial) to dance hall (Class 11 Assembly and Leisure)
- 3.2 In assessing the application consideration must be given to the policies and guidance within the adopted South Lanarkshire Local Development Plan (Policy 4 - Development Management and Placemaking and Policy 7: Employment) and its associated Industrial and Commercial Development Supplementary Guidance (Policy ICD2 – Other Employment Land Use Areas) and impact on the amenity of adjacent of the area, the provision of essential access main road network.
- 3.3 On 29th May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 5, 8 and ICD3 are relevant.
- 3.4 Development Management and Placemaking Policy 4 states that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In addition the policy states that the proposal should provide suitable access, parking and have no adverse implications for public safety and should make appropriate infrastructure provision to serve the development. The proposal is set within a unit within a small industrial estate. There are no structural changes to the exterior or interior of the building. Roads and Transportation Services are satisfied with the parking facilities within the industrial estate as the dance hall operates out with the working hours of other businesses. In view of this I consider the proposal complies with Policy 4 of the adopted South Lanarkshire Local Development Plan (2015) and Policy 5 of the South Lanarkshire Local Development Plan 2.
- 3.5 Policy 7 - Employment states that the Council will support sustainable economic growth and regeneration by encouraging the development of business in South Lanarkshire through the identification of employment land use area. The site is identified in South Lanarkshire Development Plan (2015) and South Lanarkshire Local Development Plan 2 as Other Employment Land Use Area. Policy ICD2 of South Lanarkshire Development Plan (2015) and Policy ICD3 of the South Lanarkshire Local Development Plan 2 state that proposals for non-industrial/business uses will be considered subject to meeting a

range of criteria. In this case the proposal meets the criteria stated in the above policies. In particular Roads and Transportation Services are satisfied regarding the parking facilities within the industrial estate as the dance hall operates out with the working hours of other businesses. Environmental Services have no objection to the proposal. The proposals will not prejudice the operation of the rest of the estate. Therefore the proposal of change of use from Class 5 to Class 11 satisfies the above policies.

- 3.6 Given the above, it is considered that the proposal will have no significant adverse impact upon the character of the industrial area or public safety. The proposal is therefore considered to comply with the relevant local development plan policies and guidance and the granting of planning consent is therefore justified.

4 Reason for decision

- 4.1 The proposed development will not adversely impact on the character of the surrounding area. The proposal is an acceptable change of use of the building within the area. The proposed development complies with the provisions of Policy 4 and 7 of the South Lanarkshire Local Development Plan, Policies ICD2 of the relevant associated Supplementary Guidance and is consistent with the Proposed Local Development Plan 2.

Delegating officer: Tony Finn

Date: 19 June 2019

Previous references

- ◆ None

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 06.02.2019

▶ Consultations

Roads Development Management Team	03.06.2019
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Environmental Services	08.02.2019
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▶ Representations

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Mohammed Hussain, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455269

Email: mohammed.hussain@southlanarkshire.gov.uk

Planning Application**Application number:** P/18/1720**Conditions and reasons**

01. The dance studio use hereby permitted shall not operate out with the hours of 15:30 - 21:30 weekdays and 09:00-13:00 on Saturday and Sunday.

Reason: To safeguard the amenity of the area.

Reason(s) for decision

The proposed development will not adversely impact on the character of the surrounding area. The proposal is an acceptable change of use of the building within the area. The proposed development complies with the provisions of Policy 4 and 7 of the South Lanarkshire Local Development Plan, Policies ICD2 of the relevant associated Supplementary Guidance and is consistent with the Proposed Local Development Plan 2.

Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
LOCATION PLAN		Approved
FLOOR PLAN 1:200	L[00]001	Approved
FLOOR PLAN 1:100	L[00]001	Approved
FRONT ELEVATION		Approved
SIGNAGE		Approved
PARKING PLAN		Approved

Appendix 2(b)

3c

Consultation Responses

- ◆ Response dated 7 February 2019 from Environmental Services
- ◆ Response dated 30 May 2019 from Roads and Transportation Services



3c

**Community & Enterprise Resources
Executive Director Michael McGlynn
Fleet and Environmental Services**

To:	Planning & Building Standards Services	Our Ref.	PSK/388584
		Your Ref.	P/18/1720
CC:		If Calling Ask for	Paul Kelly
From:	Paul Kelly	Phone	01698 454021
		Date.	7 February 2019

Subject: Application Ref: **P/18/1720**
Address: **Unit 29, John Hillhouse Industrial Estate
211 Cambuslang Road
Cambuslang
Glasgow
G72 7TS**

Proposed Development: **See text**

I refer to the above planning application consultation and would comment as follows;

I have no objections to the proposal

Should you require any further information, please contact Paul Kelly

**Paul Kelly
Environmental Health Officer**

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB Phone: 08457 406080
Minicom: 01698 454039 Email: Paul.Kelly@southlanarkshire.gcsx.gov.uk



From: Hyslop, William
Sent: 30 May 2019 10:59
To: Hussain, Mohammed
Cc: Jack, Fraser
Subject: RE: 12 Rannoch Green EK

Hi Mohammed

We have reviewed the fence line that has been installed at 12 Rannoch Green, East Kilbride.

This fence should be reduced in height to 900mm over the visibility splay requirements for the driveway. This would give clear visibility of other vehicles using the road and for the owner of the property to access the driveway safely. The visibility splay requirements are 2m x 35m in both directions.

With regards to P/19/0697 17 Coldstream Drive, Rutherglen. Looking on Google Maps the proposed fence line would not interfere with the visibility at the junction. However, I will visit the site early next week and confirm this and submit a formal response.

P/18/1720 Unit 29, John Hillhouse Industrial Estate – I would have no objections for this proposal as the operations will generally be outwith the working hours of the other businesses and the vehicles will be able to drop off and pick up within the confines of this industrial estate.

I trust this information is of assistance to you.

Regards

Wullie

William Hyslop
Engineering Officer - Development Management
Roads and Transportation Services
Community and Enterprise Resources
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton
ML3 6LB
Tel: 01698 455263
Email: william.hyslop@southlanarkshire.gov.uk
Website: www.southlanarkshire.gov.uk

Appendix 3

3d

Site photographs and location plan

Photo 1



Photo 2



Photo 3



14:33 19/FEB/2019

Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



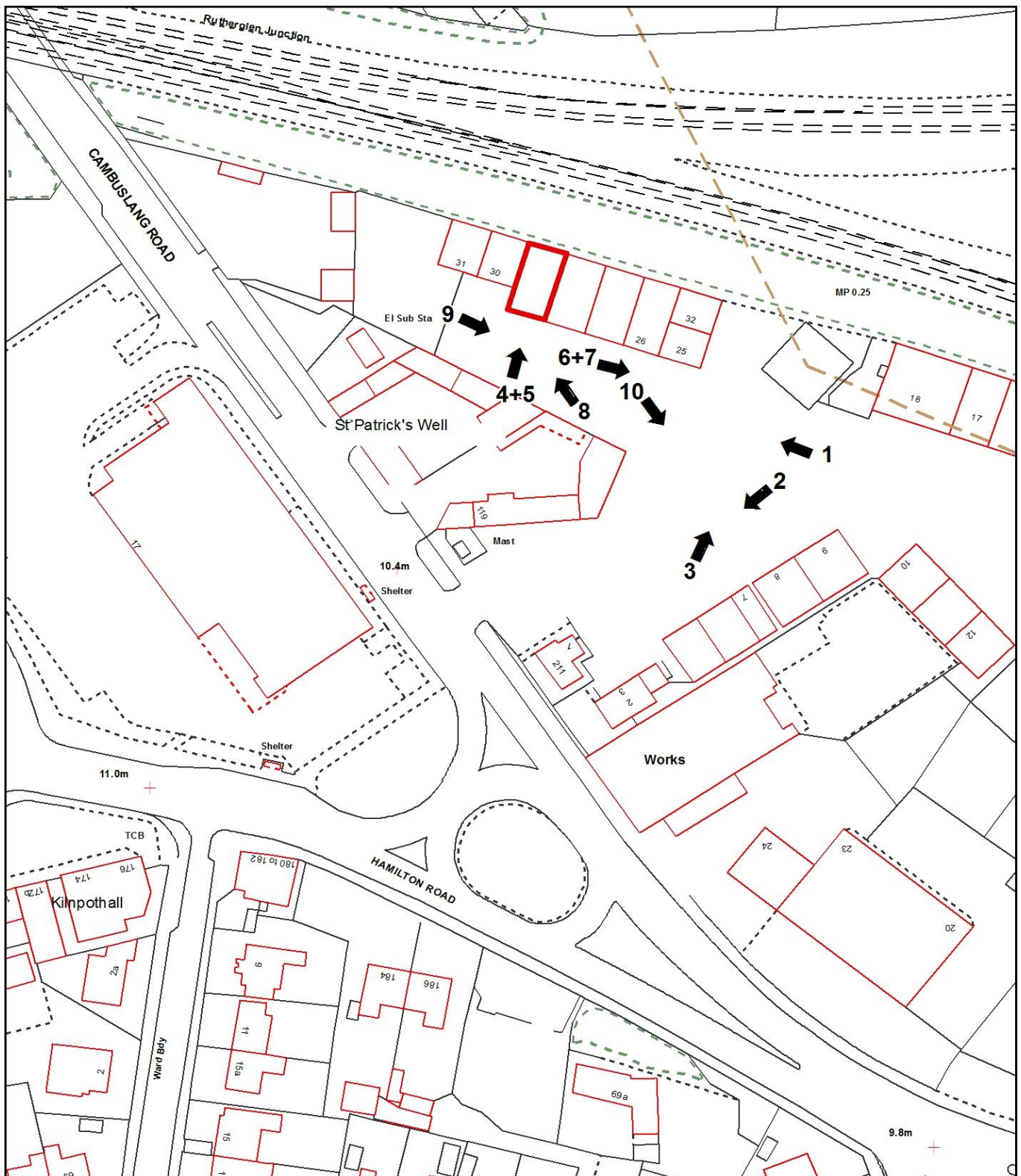
Photo 9



Photo 10



Planning Review for application P/18/1720
Hillhouse Industrial Estate, Cambuslang Road, Cambuslang



This map indicates from where photographs were taken

-  Application site
-  Photograph viewpoints
-  Settlement Boundary



Scale: 1:1,250

Date:

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Ordnance Survey
100020730



Appendix 4

3e

Planning Decision Notice and Conditions Imposed



3e

Community and Enterprise Resources
Executive Director **Michael McGlynn**
Planning and Economic Development

Miss Mary Dempster
John Hillhouse (Plant Hire) Ltd
211 Cambuslang Road
Cambuslang
G72 7TS

Our Ref: P/18/1720
Your Ref:
If calling ask for: Mohammed Hussain
Date: 21 June 2019

Dear Sir/Madam

Issue of decision – compliance with conditions

Proposal: Change use of premises from industrial unit (Class 5 General Industrial) to dance hall (Class 11 Assembly and Leisure) in retrospect
Site address: Unit 29, John Hillhouse Industrial Estate, 211 Cambuslang Road, Cambuslang, G72 7TS,
Application no: P/18/1720

I am pleased to enclose the decision notice relating to the above mentioned application which was recently approved by the Council, subject to conditions. Please note that the Council does not issue paper plans with the decision notice. The application is granted in accordance with the plans and any other documentation listed in the conditions imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at www.southlanarkshire.gov.uk

If you require a hard copy of the approved plans, please contact us quoting the application number at planning@southlanarkshire.gov.uk.

Please check the decision notice carefully for any conditions imposed on the consent which require the submission and approval of details **before works start on site**. It is most important that these are dealt with **before** work on the development begins. If the development starts without complying with these 'pre-commencement' conditions, it may be rendered unlawful. Enforcement action may also be taken if conditions or details are not submitted and approved by the Council, if you are required to do so.

I would also advise you that under the Planning etc (Scotland) Act 2006, once you have decided the date that you will start work on the development, you must inform the Council of that date as soon as possible. This ensures that the Council is aware that the development is due to begin and can follow up on any suspensive conditions attached to the planning permission as mentioned above. If you do not notify the Council, that is a breach of planning control and action may be taken against you. I enclose a 'Notification of initiation of development' for you to submit when you are ready to begin work. Similarly, you require to notify us when the development has

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Email mohammed.hussain@southlanarkshire.gov.uk Phone: 01698 455269



Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

To : **Miss Mary Dempster**
John Hillhouse (Plant Hire)
Ltd
211 Cambuslang Road
Cambuslang
G72 7TS

Per :

With reference to your application received on 29.11.2018 for planning permission under the above mentioned Act :

Description of proposed development :

Change use of premises from industrial unit (Class 5 General Industrial) to dance hall (Class 11 Assembly and Leisure) in retrospect

Site location :

Unit 29
John Hillhouse Industrial Estate
211 Cambuslang Road
Cambuslang
G72 7TS

SOUTH LANARKSHIRE COUNCIL in exercise of their powers under the above mentioned Act hereby:

GRANT CONDITIONAL PLANNING PERMISSION

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, subject to any condition(s) listed overleaf in the paper apart. Any condition(s) are imposed by the Council for the reasons detailed.

Date: 21st June 2019

Head of Planning and Economic Development

This permission does not grant any consent for the development that may be required under other legislation, e.g. Building Warrant or Roads Construction Consent.

South Lanarkshire Council
Community and Enterprise Resources

South Lanarkshire Council

Grant planning permission

Paper apart - Application number: P/18/1720

Conditions and reasons

01. The dance studio use hereby permitted shall not operate out with the hours of 15:30 - 21:30 weekdays and 09:00-13:00 on Saturday and Sunday.

Reason: To safeguard the amenity of the area

Reason(s) for decision

The proposed development will not adversely impact on the character of the surrounding area. The proposal is an acceptable change of use of the building within the area. The proposed development complies with the provisions of Policy 4 and 7 of the South Lanarkshire Local Development Plan, Policies ICD2 of the relevant associated Supplementary Guidance and is consistent with the Proposed Local Development Plan 2.



COMMUNITY AND ENTERPRISE RESOURCES

EXECUTIVE DIRECTOR **Michael McGlynn**
Planning and Economic Development

Important notes

Town and Country Planning (Scotland) Act 1997

1. Compliance with conditions

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

2. Procedure for appeal to the planning authority

- (a) 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 require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997, within three months from the date of this notice. The notice of review should be addressed to:

Executive Director (Corporate Resources)
Council Headquarters
Almada Street
Hamilton
ML3 0AA

To obtain the appropriate forms:

Administrative Services at the above address.

Telephone: 01698 454108

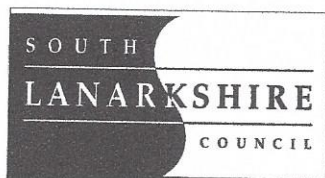
E-mail: pauline.macrae@southlanarkshire.gov.uk

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, 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 incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Appendix 5

3f

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Miss M Dempster

For official use: NOR/ _ _ / _ _ / _ _
Date received by PLRB: _ _ / 3f / _ _

Notice of Review

Under Section 43A(8) of The Town and Country Planning (Scotland) Act 1997 (as amended) in respect of decisions on local developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

The Town and Country Planning (Appeals) (Scotland) Regulations 2013

This notice requires to be served on the Planning Authority within 3 months of the date of the decision notice or from the date of expiry of the period allowed for determining the application which is set as 2 months following the validation date of the application

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your Notice of Review.

Please complete in BLOCK CAPITALS

Applicant(s)		Agent (if any)											
Name:	MARY DEMPSTER JOHN HILLHOUSE (PLANT HIRE) LTD	Name:											
Address:	211 CAMBUSLANG ROAD CAMBUSLANG GLASGOW	Address:											
Postcode:	G72 7TS	Postcode:											
Contact Telephone 1:		Contact Telephone 1:											
Contact Telephone 2:		Contact Telephone 2:											
Fax No:		Fax No:											
E-mail:*		E-mail:*											
Mark this box to confirm that all contact should be through this representative: <input type="checkbox"/>													
* Do you agree to correspondence regarding your review being sent by e-mail? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
Application reference number:		<table border="1"><tr><td></td><td>P</td><td>/</td><td>1</td><td>8</td><td>/</td><td>1</td><td>7</td><td>2</td><td>0</td></tr></table>			P	/	1	8	/	1	7	2	0
	P	/	1	8	/	1	7	2	0				
Site address:	UNIT 29, 211 CAMBUSLANG ROAD, CAMBUSLANG, GLASGOW G72 7TS												
Description of proposed development:	CHANGE USE OF PREMISES FROM INDUSTRIAL UNIT (CLASS 5 GENERAL INDUSTRIAL) TO DANCE HALL (CLASS 11 ASSEMBLY AND LEISURE)												
Validation date of application:	29/11/2018	Date of decision (if any):	21/06/2019										

Nature of application

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for requesting review

1. Refusal of application by appointed officer ☐
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☒

Review procedure

In cases where the Planning Local Review Body considers that it has sufficient information, including the Notice of Review, the decision notice, report of handling and any further representations from interested parties, it may, under Regulation 12, proceed to determine the review. It is anticipated that the majority of cases the Planning Local Review Body deals with will fall into this category.

The Planning Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable it to determine the review. Further information may be required by one or a combination of procedures, such as written submissions, the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Although the Planning Local Review Body will decide on the procedure to be used to determine your review, you can indicate what procedure (or combination of procedures) you consider most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- | | | | |
|---------------------------------|--------------------------|---|-------------------------------------|
| 1. Further written submissions | <input type="checkbox"/> | 3. Site inspection | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> | 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Planning Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement of reasons for requiring the review

You must state, in full, why you are requesting a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is, therefore, essential that you submit with your Notice of Review all necessary information and evidence that you rely on and wish the Planning Local Review Body to consider as part of the review.

If the Planning Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your Notice of Review and all matters you wish to raise. If necessary, this statement can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

I THINK THE CONDITIONS THAT ARE IN PLACE ARE UNFAIR ON THE BUSINESS

I AM ASKING FOR A REVIEW SO BUSINESS HOURS COULD BE – WEEKDAYS 10AM – 9.30PM
WEEKENDS 10AM – 8.00PM

THERE IS AMPLE PARKING FOR ALL CLASSES AS MOST PARENTS ARE THERE TO DROP OFF AND PICK UP

THE WEEKEND RESTRICTIONS I DON'T UNDERSTAND AS OUT OF ALL THE OTHER UNITS IN THE ESTATE ONLY FOUR OF THEM ARE IN ON A SATURDAY – UNIT 15 9AM-5PM, UNIT 18 SHOWROOM OPENED BETWEEN 12-3PM, UNIT 8 OPENED BETWEEN 8AM – 12 AND UNIT 4 OPENED 10AM-5PM. THESE UNITS ALSO DON'T HAVE A LARGE STAFF COUNT AND NONE OF THEM ARE SITUATED NEAR UNIT 29 THEREFORE GIVING MORE SPACE FOR PARKING.

THE SAFETY OF ADULTS AND CHILDREN ARE UP MOST IN OUR MIND AND ALL PARENTS ARE INFORMED OF THE SITUATION OF THE UNIT AND ITS SURROUNDING BUSINESSES AND ARE MINDFUL THAT NO CHILDREN ARE LEFT TO WANDER INTO THE UNIT BY THEMSELVES.

THE COUNCIL HAD NO OBJECTION TO BE IN PARTNERSHIP WITH THE BUSINESS TO OFFER CHEERLEADING CLASSES THROUGHOUT THE EASTER HOLIDAYS

THE TIME RESTRICTIONS WOULD IMPACT THE BUSINESS AS WEEKEND ACCESS WOULD MEAN BETTER PREPARATIONS FOR COMPETITIONS WITH EXTRA PRACTISE

WEEKDAYS I WOULD BE LOOKING FOR ACCESS FROM 10AM, THIS IS MAINLY FOR SCHOOL HOLIDAYS ETC TO ALLOW THE BUSINESS TO GROW WITH EXTRA CLASSES I.E. SUMMER/EASTER CAMPS AND THE ODD CLASS DURING THE DAY

MOST OF THE CLASSES ARE IN THE EVENING EXCEPT SCHOOL HOLIDAYS, EASTER AND SUMMER

I UNDERSTAND THE PARKING IS A CONCERN TO YOURSELVES AND THE SAFETY OF CHILDREN AND ADULTS BUT THE OTHER UNITS ARE MINDFUL OF THE TYPE OF BUSINESS I HAVE AND HAVE BEEN GREAT IN REALTION TO HELPING ME WITH ENSURING THE SAFETY OF MY CUSTOMERS

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your Notice of Review and intend to rely on in support of your review.

LIST OF OTHER UNITS TRADING AT THE WEEKEND

COPY OF EMAIL BETWEEN COUNCIL AND TENANT TO PROMOTE EASTER CHEERLEADING

EMAILS FROM TENANT TO OUTLINE HER REQUIREMENTS TO RUN HER BUSINESS TO ITS FULL POTENTIAL.

Note: A copy of the Notice of Review, the review documents and any notice of the procedure of the review will be made available for inspection by prior appointment (Phone: 08457 406080) at the office of Planning and Building Standards Services, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB until such time as the review is determined. It may also be made available on the Council's website.

Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

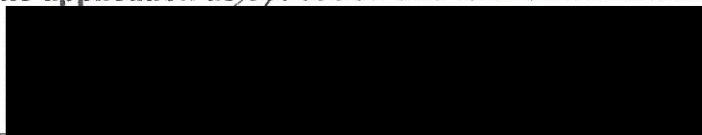
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ **2 copies** of all documents, materials and evidence which you intend to rely on (eg planning application form, plans and drawings, decision notice or other documents) which are now the subject of this review.

Note. Where the review relates to a further application, eg renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed:



Date:

05/09/2019

This form and 2 copies of all supporting documents should be sent to:-

Planning and Building Standards Services

Community and Enterprise Resources, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB

Email: planning@southlanarkshire.gov.uk

Phone: 08457 406080

For more information or if you want this information in a different format or language, please phone 01698 455379 or send email to planning@southlanarkshire.gov.uk

For official use

Date stamp)

Appendix 6

3g

Further Representations

Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review
- ◆ Roads and Transportation Services

STATEMENT OF OBSERVATIONS

3g

Planning application P/18/1720 - Change of use of premises from industrial unit (Class 5 – General Industrial) to dance hall (Class 11 Assembly and Leisure) in retrospect at Unit 29, 211 Cambuslang Road, Cambuslang.

1 Planning Background

1.1 Retrospective planning permission was granted to Mary Dempster for a change of use of premises from industrial unit (Class 5 – General Industrial) to dance hall (Class 11 Assembly and Leisure) at Unit 29, 211 Cambuslang Road, Cambuslang on 21st June 2019.

1.2 Planning consent was issued subject to the applicant adhering to the following opening times:

The dance studio use hereby permitted shall not operate out with the hours of 15:30 - 21:30 weekdays and 09:00-13:00 on Saturday and Sunday.

2 Assessment against the development plan and other relevant policies

2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended requires that an application for planning permission is determined in accordance with the development plan unless material considerations indicate otherwise.

2.2 The development plan in this instance comprises the Adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and its associated Supplementary Guidance (SG). The site is identified as being within an established industrial area whereby Policy 7 – Employment of SLLDP is applicable. Policy 7 advises that the Council will support sustainable economic growth and regeneration by encouraging the development of business in South Lanarkshire. However it is acknowledged by the Council that some businesses have difficulty finding suitable premises and some estates have changed their character from core industrial and business to a wider range of uses. As such, Policy ICD2 - Other Employment Land Use Areas of SG5 is also applicable to this site as it is located within one of these types of estate. Policy ICD2 advises that in order to be considered acceptable a non-industrial/business use requires to meet the following criteria:

- The development is not for residential use
- The proposal is not for retail uses that could undermine the vitality and viability of existing town and village centres within South Lanarkshire
- The development will not prejudice the operation of adjoining businesses
- The site or premises can easily be accessed from main road routes and have satisfactory access by walking, cycling and public transport
- The development will not adversely affect public safety
- The infrastructure implications including the impact on the transport network of the development are acceptable or can be mitigated to an acceptable level
- The proposal includes appropriate parking provision for the type of development
- The development will not adversely affect the natural or built environment, including Natura 2000 sites and protected species.

2.3 In addition to the above policies, Policy 4 – Development Management and Placemaking of SLLDP is also relevant. It states that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In addition the policy states that the proposal should provide suitable access and

parking. It should have no adverse implications for public safety and make appropriate infrastructure provision to serve the development.

2.4 On 29th May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the SLLDP. In this instance Policies 5, 8 and ICD3 in the proposed Local Development Plan 2 are relevant to the development. It is noted that these policies are broadly consistent to those within the current SLLDP. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration.

2.5 Roads and Transportation Services were consulted on the planning application and were satisfied that as the dance hall would operate out with the working hours of other businesses within the industrial estate the proposal would be unlikely to be detrimental to public safety as the opportunity for conflict between participants for dancing and the customers of these other businesses would be reduced and there would be sufficient parking when the dance hall was open. On this basis in assessment of the proposal in relation to the above policies and guidance it was considered that the proposals would not prejudice the operation of the rest of the estate and that it would not be detrimental to public safety. Planning consent was therefore granted subject to the above planning condition (Paragraph 1.2) to ensure the proposal's impact was effectively controlled on this basis.

3 Observations of applicants 'Notice of review'

3.1 The applicant has submitted a notice of review to amend the planning condition to the following opening times:

Weekdays 10am-9.30pm

Weekends 10am-8.00pm

3.2 It is considered that the amended hours of operation are unacceptable as they are likely to conflict with the hours of operation of a number of the existing businesses within the industrial estate and result in insufficient parking to service the industrial estate to the detriment of public safety. It is noted there are no marked parking bays and no pedestrian footpaths. In particular, it is considered that the proposed extended hours of operation for weekdays would significantly prejudice the operation of adjacent businesses. Therefore should the facility operate on the basis of these new hours of opening it would no longer be in accordance with the development plan as it would be contrary to Policies 4 and 7 of the adopted South Lanarkshire Local Development Plan and Policy ICD2 of Supplementary Guidance 5: Industrial and Commercial Development and Policies 5, 8 and ICD3 of the proposed South Lanarkshire Local Development Plan 2 as it would be detrimental to public safety.

4 Conclusion

4.1 For the reasons detailed above it is not considered that the proposed amended hours of operation are acceptable. It is therefore respectfully requested that the Review Body refuse permission to amend the planning condition to the proposed hours of operation.

Unit 29, 211 Cambuslang Road, Rutherglen – P/18/1720

I have read the Notice of Review requesting a change to the operational hours for the above dance studio and reiterate my previous comments as follows:-

The premise is located within a busy operational industrial estate with no marked parking or pedestrian routes. The previous application for the dance studio was reviewed with the operation of the business out with the normal working day, thus reducing the conflict between participants for the dancing studio and the other industrial businesses and therefore able to utilise the car parking available when the other businesses are closed, with a safer access to the premises.

On inspection of this site during normal operating times there is no parking capacity for the dance studio. These alterations to the times of the business would not be supported by this department due to insufficient car parking and a greater risk, to the parents and participants being dropped off, for a potential accident to occur.

More information with regards to weekend hours of opening was requested. Some information was provided within this Notice of Review, however, to assess whether there is spare capacity within the industrial estate for car parking, the usage of the area in terms of vehicle manoeuvres and pedestrian safety is required. The applicant has stated that there is a reduced usage of the industrial estate at the weekend, however, there are no details to support this.

In conclusion, alterations to the opening times during the weekdays whilst the other businesses are in full operation would not be supported. The applicant must provide more information in relation to the level of parking/ operations at the weekend of the other businesses to allow an assessment to be made. As the applicant has stated, they are looking to increase and grow the business and this will subsequently increase the number of participants and parking requirement.

I trust this information is of assistance to you.

Appendix 7

3h

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

John Hillhouse (Plant Hire) Ltd

211 Cambuslang Road, Cambuslang, Glasgow G72 7TS



3h

H LANKSHIRE COUNCIL
RATION AND LEGAL SERVICES

08 October 2019

Pauline MacRae, Floor 2
South Lanarkshire Council
Almada Street
HAMILTON
ML3 0AA.

RECEIVED	- 9 OCT 2019
FILED	
FOR ATTENTION OF	
COPY/COPIES FOR INFORMATION	

Notice of Review

Planning Application No: P/18/1720

Proposal: Change of Use of Premises from Industrial Unit (Class 5 General Industrial) to
Dance Hall (Class 11 Assembly and Leisure)

Location: Unit 29, 211 Cambuslang Road, Cambuslang, G72 7TS

Please find attached comments on the statement of Observations with reference to the
above application for review.

Yours faithfully



Mary Dempster
FOR JOHN HILLHOUSE (PLANT HIRE) LTD

UNIT 29, 211 CAMBUSLANG ROAD, CAMBUSLANG – P/18/1720

I have read the statement of Observations with reference to the above and would like to add the following –

We are asking for the review so business hours could be weekdays 10am – 9.30pm
Weekends 10am – 8.00pm

I am the Landlord for the entire estate and asked the tenants individually what their times of business operations were and stated in my notice of review that the weekend workings are limited to four other businesses with two of these business only opened for a short period of time on a Saturday.

I therefore see no parking issue at the weekend.

As for the parking and safety issues during weekdays, Unit 29 would operate mostly in the evening/night when the estate is quieter but ask that the hours not be limited to support classes in holiday time i.e. Easter/Summer/Christmas.

I have worked in the industrial estate for 26 years and not once has there been an issue with public safety.

All tenants are mindful of the other businesses around them and when the customers of Unit 29 drop off and pick up from the unit, no child is left to wander into the unit themselves as we all need to adhere to safety and all children signed in and out.

Parking is ample in the estate and all the customers are encouraged not to wait but drop off and pick up only.

Unit 29 is not looking to operate during the above business hours every day or every week but feel that the restrictions in place are unnecessary as they would like to grow their business given the opportunity (Summer, Easter, Christmas extra classes etc)