

**MINUTE**  
**of**  
**LOCAL REVIEW BODY**

**Minute of meeting held at 2.50pm in the Council Chamber, Council Headquarters, Giffnock on 9 November 2022.**

**Present:**

Councillor Jim McLean (Vice-Chair)  
Councillor Paul Edlin  
Councillor Annette Ireland

Councillor Chris Lunday  
Provost Mary Montague

Councillor McLean in the Chair

**Attending:**

Mark Brand, Planning Adviser; Siobhan Wilson, Solicitor (Legal Adviser); Eamonn Daly, Democratic Services Manager, Jennifer Graham, Committee Services Officer and Liona Allison, Assistant Committee Services Officer.

**Apologies:**

Councillors Betty Cunningham (Chair) and Andrew Morrison.

**DECLARATIONS OF INTEREST**

**212.** There were no declarations of interest intimated.

The Chair advised that site visits had been held prior to the meeting.

**NOTICE OF REVIEW – REVIEW 2022/08 – ALTERATIONS TO EXISTING SIDE DORMER TO INCREASE SIZE, AND ERECTION OF DORMER TO REAR - 15 NETHERCLIFFE AVENUE, NETHERLEE (REF NO:- 2021/0999/TP).**

**213.** The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Mrs Fiona O'Donnell against the decision taken by officers to refuse planning permission in respect of alterations to existing side dormer to increase size and erection of dormer to rear at 15 Nethercliffe Avenue, Netherlee.

The decision had been made in accordance with the Council's Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended.

The Local Review Body, having considered the information previously circulated, agreed that it had sufficient information to determine the review without further procedure.

The Planning Adviser outlined the planning application and reasons for refusal as determined by the Appointed Officer in the decision notice and the grounds for review.

The Planning Adviser further outlined additional conditions to be attached to any consent in the event the Local Review Body overturned the decision of the Appointed Officer and granted planning permission.

Full discussion followed. Referring to the plans that had been submitted Councillor Ireland indicated that she understood why the Appointed Officer had refused the planning application, and that she supported the Appointed Officer's decision. This was echoed by Councillor McLean.

Provost Montague acknowledged the challenges facing people with growing families who wanted to maximise living space. However the Local Review Body had to look at the application in terms of planning policy and in this case she agreed with the Appointed Officer.

The Local Review Body agreed to uphold the Appointed Officer's decision to refuse planning permission as set out in the decision notice of 17 May 2022.

**NOTICE OF REVIEW – REVIEW 2022/09 – CHANGE OF USE FROM CLASS 2 TO HOT FOOD TAKEAWAY (SUI GENERIS), INCLUDING ERECTION OF FLUE TO REAR – LLOYDS TSB, 85 MAIN STREET, THORNLIEBANK (REF NO:- 2021/0973/TP)**

**214.** The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Robinbrook Ltd against the decision taken by officers to refuse planning permission in respect of change of use from Class 2 to hot food takeaway (Sui Generis), including erection of a flue to rear at Lloyds TSB, 85 Main Street, Thornliebank.

The decision had been made in accordance with the Council's Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended.

Prior to consideration of the matter, the Legal Adviser clarified that the "new information" referred to in the papers regarding the marketing of the property before the Local Review Body was in fact additional information of the same type already included in the original application and so had already been considered by the Appointed Officer when determining the application. As such, the Local Review Body could take the information into account without the need to determine that as a preliminary matter as would have been required were the information to be new.

Thereafter, the Local Review Body, having considered the information previously circulated and taken account of the comments made by the Legal Adviser, agreed that it had sufficient information to determine the review without further procedure.

The Planning Adviser outlined the planning application and reasons for refusal as determined by the Appointed Officer in the decision notice and the grounds for review.

The Planning Adviser further outlined additional conditions to be attached to any consent in the event the Local Review Body overturned the decision of the Appointed Officer and granted planning permission.

Discussion then followed in the course of which Councillor Lunday referred to the site visit, where the high number of hot food takeaway premises in the row of properties including the

application site had been apparent. He also recognised that the only interest from potential tenants appeared to be if the property could be used for that purpose.

Councillor Edlin recognised the finely balanced nature of the argument and that it did appear to him that when such premises opened they did tend to be successful. He also recognised the potential local economic benefits of the proposals in terms of possible job opportunities for local people. In conclusion he intimated he was minded to support the appeal and that planning permission should be granted.

Provost Montague then commented. She referred to the already large number of hot food takeaway premises in the area, that she considered adding to the number would result in overprovision, and that as the majority of such premises only opened in the evening she did not see that it would do anything to improve additional footfall in the town centre during the day. In view of this she indicated that she supported the decision of the Appointed Officer to refuse planning permission. Councillor Ireland echoed the views of Provost Montague. She acknowledged that the only interest in letting the property appeared to be in relation to a *Sui Generis* class but that in her view more effort should be made to market the property on the basis of the existing use class.

The Local Review Body agreed to uphold the Appointed Officer's decision to refuse planning permission as set out in the decision notice of 7 June 2022.

**NOTICE OF REVIEW – REVIEW 2022/10 – CHANGE OF USE FROM CLASS 2 TO HOT FOOD TAKEAWAY (SUI GENERIS), INCLUDING ERECTION OF FLUE TO REAR AND FORMATION OF NEW SHOP FRONT – LLOYDS TSB, 83 MAIN STREET, THORNLIEBANK (REF NO:- 2021/0972/TP)**

**215.** The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Robinbrook Ltd against the decision taken by officers to refuse planning permission in respect of change of use from Class 2 to hot food takeaway (Sui Generis), including erection of a flue to rear and formation of new shop front at Lloyds TSB, 83 Main Street, Thornliebank.

The decision had been made in accordance with the Council's Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended.

Councillor McLean referred to the links between this and the preceding case and proposed that in light of this the points made equally applied and that the Local Review Body could proceed to a decision without further deliberation. This was agreed.

The Local Review Body agreed to uphold the Appointed Officer's decision to refuse planning permission as set out in the decision notice of 7 June 2022.

**NOTICE OF REVIEW – REVIEW 2022/11 – ERECTION OF DETACHED TWO AND ONE HALF STOREY DWELLING (AMENDMENT TO PLANNING PERMISSION REF 2021/0693/TP TO ALLOW ALTERATIONS, DELETING BASEMENT AND ALTERATIONS TO ROOF PROFILE – 29 ROUKEN GLEN ROAD, GIFFNOCK (REF NO:- 2022/0242/TP)**

**216.** The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Mr Rehan Tahir against the decision taken by officers to refuse planning permission in respect of erection of detached two and one half storey dwelling (amendment to planning permission ref 2021/0693/TP to allow alterations, deleting basement and alterations to roof profile at 29 Rouken Glen Road, Giffnock.

The decision had been made in accordance with the Council's Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended.

The Local Review Body, having considered the information previously circulated, agreed that it had sufficient information to determine the review without further procedure.

The Planning Adviser outlined the planning application and reasons for refusal as determined by the Appointed Officer in the decision notice and the grounds for review.

The Planning Adviser further outlined additional conditions to be attached to any consent in the event the Local Review Body overturned the decision of the Appointed Officer and granted planning permission.

The Planning Adviser having displayed plans of the roof as approved and the proposed alterations that had been refused, Councillor Ireland indicated that she agreed with the Appointed Officer and that in her view the review should not be upheld. Councillor Edlin supported this stating that in his view the proposed alteration would lead to the building being more out of character with the surrounding area.

The Local Review Body agreed to uphold the Appointed Officer's decision to refuse planning permission as set out in the decision notice of 28 June 2022.

CHAIR