

Appendix 6

Notice of Review Process – Further Submissions

Submission From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review

STATEMENT OF OBSERVATIONS

Ms Lesley McCulloch submitted a planning application (planning reference EK/10/0350) on 17 September 2010 to South Lanarkshire Council for the erection of 2 no. detached dwellings (amendment to planning application EK/09/0102) at 352-356 Auldhouse Road, Auldhouse. The submission was incomplete and was subsequently registered on 06 October 2010. After due consideration of the application in terms of the Development Plan and all other material planning considerations, planning application EK/10/0350 was refused by the Council under delegated powers on 12 November 2010 for the reasons listed in the decision notice and supported by a delegated report.

For the avoidance of doubt, it should be noted that there are 3 planning applications that relate to this site that the appellant refers to;

1. EK/09/0102 - Demolition of existing dwellings and erection of 2 no detached dwellings – GRANTED
2. EK/10/0082 - Erection of 2no. detached dwellings with detached garages (amendment to EK/09/0102) – WITHDRAWN
3. EK/10/0350 - Erection of 2no. detached dwellings (amendment to EK/09/0102) - REFUSED

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 provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan for the site is the Adopted South Lanarkshire Local Plan; following assessment it was considered that the proposed development is contrary to the provisions of Policies CRE1 and ENV34 of the adopted plan.

In relation to other material considerations, no consultations were carried out as part of this application. This was due to comments from the preceding two applications being relevant. From these consultations Environmental Services had no objections and Roads and Transportation Services also had no objections subject to improved sightlines, implementation of parking spaces and the construction of passing places. A road dilapidation inspection was also required.

In the submitted 'Notice of Review' and supporting statement, the appellant has responded by raising the following points. A summary of these points made by the appellant together with a response from the Planning Service is given below:

1. **Double garages** – The appellant has argued that the 'approved detached double garages' have been assimilated into the footprint of each dwelling under the latest proposal thereby reducing the overall development footprint.

Response – I can confirm that detached garages were not part of the original application under EK/09/0102 therefore have never been approved. The detached garages were part of application EK/10/0082 that

was subsequently withdrawn by the applicant following recommendation by Planning that the proposal was unacceptable. It is not considered the absence of the garages in the latest application EK/10/0350 justifies a substantial increase in floor space from the proposal already approved.

2. **Floorspace** – The appellant argues that the approved dwellings have a smaller footprint than adjacent properties and fall within standards of the residential design guide. It is also argued that the current proposal also meets these standards.

Response – The dwellings approved under EK/09/0102 are considered acceptable and in keeping with the surrounding rural area in terms of size and design. In terms of the latest application, EK/10/0350, each two storey dwelling would provide an additional 120 square metres floor space more than that of the approved development. Given that the site sits within the Greenbelt, dwellings of this size and scale are not considered to be in keeping with the surrounding dwellings. In this case, the Residential Development Guide is not applicable. The relevant guidance would be the Rural Design Guide which states that proposed dwellings in the countryside should complement or be sympathetic to traditional rural buildings in terms of general size, shape, materials and colours; they should not be of standard, suburban design.

3. **Footprint** – The appellant argues that a comparison can be made between the demolished buildings and the proposed house type under submitted drawing L(sk-)01). Furthermore, it is argued that the dwellings have been positioned to replicate the relationship the original buildings had with Auldhouse Road.

Response – Plan L(sk-)01 shows the footprint of the larger part of the original demolished buildings in comparison to one of the proposed dwellings. It is noted that the remaining smaller section of the original building is not shown. It was agreed under the original application that at least one of the proposed dwellings should face onto Auldhouse Road to remain in keeping with the surrounding area.

4. **Original properties** – The appellant argues that the original buildings were capable of habitation at the time of the first application therefore reinstatement would be likely favoured by the Planning Service. Furthermore it is argued that this would likely include the installation of dormer windows resulting in a similar appearance to the proposed house type.

Response – Demolition had already begun prior to the submission of the first application, therefore no structural survey was submitted, however the Council's Building Standard's at the time confirmed the building had not been deemed unsafe or in need of demolition. It is agreed that reinstatement of the properties would have been supported by Planning provided it was in keeping with the rural area. However it is considered that the original traditional buildings with dormers would be substantially different to two large detached two storey dwellings.

5. **Proposed dwellings** – The appellant argues that the proposed dwellings have been designed to comply with local and national planning policies.

The appellant considers that the visual impact of these properties is minimal and that the design and materials can be incorporated within the rural area.

Response – The proposed dwellings considerably exceed what is acceptable for the countryside. They are substantially larger in floor space, scale and mass than the original dwellings and indeed of the dwellings approved under EK/09/0102. They are therefore considered an inappropriate form of development in the countryside.

In addition to the above points the appellant states that the design, style, materials and positioning of the dwellings are acceptable to Planning. In response, I would state that the design and style are not considered acceptable. The proposed materials are acceptable in principle. However the positioning of the dwellings was already approved under the original application.

In summary, the proposed development does not accord with the provisions of the adopted local plan. Subsequently, the Planning Service would therefore request that the Planning Local Review Body dismiss the applicant's request to overturn the refusal of planning permission.

01 March 2011