



Council Offices, Almada Street,
Hamilton

Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/EK/11/004

- ◆ Site address: 352-356 Auldhouse Road, East Kilbride G75 9DX
- ◆ Application for review by L McCulloch of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application EK/10/0350
- ◆ Application EK/10/0350 for the erection of 2 detached houses (amendment to planning consent EK/09/0102)
- ◆ Application Drawings: L(0-) 01, site location plan; L(1-) 01, site plan; L(2-) 01, proposed elevations and floor plans

Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application EK/10/0350 for the reasons stated on the Council's decision notice dated 12 November 2010.

for *Rosemary M Lake*
Douglas Wilson
Head of Administration Services

Date of Decision Notice: *10 June 2011*

1. Background

- 1.1 This Notice constitutes the formal decision notice of the Planning Local Review Body (PLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The above application for planning permission was considered by the PLRB at its meeting on 16 May 2011. The PLRB was attended by Councillors Graham Scott (Chair), Jim Docherty, Tommy Gilligan, Bill Holman, Clare McColl, Alex McInnes and Patrick Ross-Taylor (Depute).

2. Proposal

- 2.1 The application is for the erection of 2 detached houses (amendment to planning consent EK/09/0102) at 352-356 Auldhouse Road, East Kilbride.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.
- 2.3 The applicant had indicated that they were introducing new information in relation to a demolished property at the site. The PLRB, however, concluded that the information provided clarification on an issue which had been considered when the application was decided by the appointed officer and, as such, could be considered when reviewing the case.

3. Determining Issues

- 3.1 The determining issues in this review were:-

- ◆ the proposal's compliance with Development Plan policies
- ◆ impact on the amenity of the surrounding area and any adjacent properties

- 3.2 The PLRB established that the site was located within the greenbelt to the south west of the settlement of Auldhouse. Policies CRE1, Housing in the Countryside, ENV34, Development in the Countryside and DM1, Development Management, applied.

- 3.3 Policy CRE1 states that proposals for replacement houses would only be considered favourably if the proposed house would:-

- ◆ not generally result in a significant increase in floorspace in terms of the original house
- ◆ respect the local design character and integrate satisfactorily with its surroundings

- 3.4 Policy ENV34 states that proposed developments in the rural area will be permitted where it can be demonstrated that they:-

- ◆ are sympathetic to local, traditional patterns of scale, proportion and density
- ◆ avoid the introduction of suburban style developments
- ◆ are of a design which is sensitive to and respects its immediate setting and surroundings
- ◆ maintain a sense of place and support local identity

- 3.5 Policy DM1 requires all planning applications to take account of the local context and built form and be compatible with adjacent buildings and streetscape in terms of scale, massing, design, external materials and impact on amenity.

- 3.6 In reviewing the case, the PLRB had regard to the applicant's submission that:-

- ◆ the design of the proposed houses was acceptable
- ◆ the Council would have agreed to the renovation of the original houses and the addition of dormers which would have been similar to the proposed development

- 3.7 The PLRB noted that planning consent EK/09/0102, which the application under review sought to amend, was for houses with a significantly smaller floor area than those proposed under application EK/10/0350. It also noted that the proposed houses under the current application were significantly larger than the traditional single storey cottages which previously occupied the site.

- 3.8 The PLRB concluded that, in terms of its design and scale, the proposal did not respect the character of the surrounding rural area and that it would have an adverse impact on amenity due to its size, appearance and location. As a result, the proposal was contrary to Policies CRE1, ENV34 and DM1 of the Adopted Local Plan.

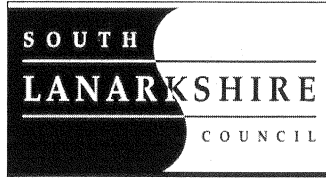
4. Conclusion

- 4.1 The PLRB considered a request to review the decision to refuse planning permission for the erection of 2 detached houses at 352-356 Auldhouse Road, East Kilbride. The PLRB concluded that, in terms of its design and scale, the proposal did not respect the character of the surrounding rural area and would have an adverse impact on amenity due to its size, appearance and location. The PLRB concluded, therefore, that the proposal was at odds with the Development Plan and did not consider that there was justification to depart from the terms of that Plan.

- 4.2 The PLRB, therefore, upheld the decision to refuse planning permission for planning application EK/10/0350 for the reasons set out in the decision notice from the Council dated 12 November 2010.

5. Accompanying Notice

- 5.1 Attached is a copy of the Notice to Accompany Refusal, etc in the terms set out in Schedule 2 to the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.



NOTICE TO ACCOMPANY REFUSAL ETC

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

1. 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions 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 capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.