

Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/CR/21/001

- ◆ Site address: Burnside Bowling Club, Burnside Road, Rutherglen, G73 4RJ
- ◆ Application for review by Burnside Bowling Club of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission in principle for planning application P/20/1616
- ◆ Application P/20/1616 for the erection of a detached 2-storey house with detached double garage and new vehicular access (planning permission in principle)
- ◆ Application Drawing: BCC/LP-001

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 P/20/1616 for the reasons detailed in the Council's decision notice dated 5 February 2021.

Susan Scherville

for **Geraldine McCann**
Head of Administration and Legal Services

Date of Decision Notice: *6 September 2021*

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 2013.
- 1.2. The above application for planning permission in principle was considered by the PLRB at its meeting on 9 August 2021. The PLRB was attended by Councillors Alex Allison, Maureen Devlin, Isobel Dorman (Chair), Mark Horsham (Depute), Ann Le Blond, Davie McLachlan, Graham Scott and Jim Wardhaugh.

2. Proposal

- 2.1. The proposal is for the erection of a detached 2-storey house with detached double garage and new vehicular access (planning permission in principle) at Burnside Bowling Club, Burnside Road, Rutherglen, G73 4RJ.
- 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 PLRB noted that the Report of Handling referred to a letter of support and a letter of comment and that this had been due to an administrative error and no such letters had been received.

3. Determining Issues

- 3.1. The determining issues in this review were:-

- ◆ the proposal's compliance with the adopted South Lanarkshire Local Development Plan 2
- ◆ impact on the amenity and visual character of the surrounding residential area

- 3.2. The PLRB established that, in terms of the adopted South Lanarkshire Local Development Plan 2, the site was located within a residential area. The following policies applied to the application site:-

- ◆ Policy 3 – general urban areas and settlements
- ◆ Policy 5 – development management and placemaking
- ◆ Policy 15 – travel and transport
- ◆ Policy DM1 – new development design

- 3.3. Policy 3 of the adopted South Lanarkshire Local Development Plan 2 states that residential developments on appropriate sites will generally be acceptable. Particular consideration will be given to likely impacts on the amenity of the area. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted.

- 3.4. Policy 5 states that, in order to ensure that development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Proposals should have no unacceptable significant adverse impacts on the local community and the environment.

- 3.5. Policy 15 states that the Council expects active travel and the availability and /or provision of public transport facilities and access to be fundamental design and locational elements of new development. New development proposals should promote opportunities for travel by sustainable travel modes in the following order of priority – walking, cycling, public transport and car.

- 3.6. Policy DM1 states that new development will require to promote quality and sustainability in its design and layout and should enhance or make a positive contribution to the character and appearance of the urban or rural environment in which it is located.

- 3.7. In considering the case, the PLRB had regard to the applicant's submission that:-

- ◆ the area was predominately made up of 2-storey dwellings and the proposed development would be situated behind existing hedgerows, trees and bushes, at a sufficient distance from other houses
- ◆ the proposed development would not result in the loss of an area of open landscaping as the area of open landscaping was situated behind existing hedges, trees and bushes and was not visible
- ◆ there were a variety of house types near to the site and design could be agreed with the Planning Officer to take account of the local context and built form

- ♦ the proposed layout and siting of the house, garage, parking and access could meet policy requirements
- ♦ the site was sufficiently distanced from adjacent residential properties to allow for a stand-alone design solution
- ♦ the criteria required to be met in Policy DM13 (of the previous South Lanarkshire Local Development Plan) could be controlled through a reserved matters application
- ♦ the proposed site was not public space and was not used for any purpose by the Bowling Club. The site was surplus to requirements and only a small section of hedge would be lost to form the vehicular access
- ♦ the site was adjacent to Blairbeth Road and the public footpath and near to existing rail and bus routes
- ♦ parking provision would be provided within the site with a double garage, hard standing and turning area to allow vehicles to turn and exit the site in a forward direction
- ♦ the representations to the Review application were not supported by planning reasons
- ♦ the title to the land would not prevent this proposed development

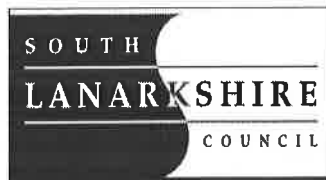
3.8. In reviewing the case, the PLRB considered that it had sufficient information and adequate plans to allow proper consideration of the proposal. It further considered that the proposal would be detrimental to the amenity and visual character of the surrounding residential area through the loss of an area of open landscaping at a significant focal point.

4. Conclusion

- 4.1. The PLRB considered a request to review the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/20/1616 for the erection of a detached 2-storey house with detached double garage and new vehicular access (planning permission in principle) at Burnside Bowling Club, Burnside Road, Rutherglen. The PLRB concluded that the proposal would be detrimental to the amenity and visual character of the surrounding residential area and that it was contrary to Policies 3 and 5 of the adopted South Lanarkshire Local Development Plan 2.
- 4.2. The PLRB, therefore, upheld the decision to refuse planning permission in principle for planning application P/20/1616 for the reasons stated on the Council's decision notice dated 5 February 2021.

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 2013.



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.