

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY15 March 2017Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2017/03SUB-DIVISION OF FEU AND ERECTION OF ONE AND A HALF STOREY DETACHED DWELLINGHOUSE (PLANNING PERMISSION IN PRINCIPLE) AT 19 SANDRINGHAM AVENUE, NEWTON MEARNES**PURPOSE OF REPORT**

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 made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 in respect of the application detailed below.

**DETAILS OF APPLICATION**

2. Application type: Planning Permission in Principle (Ref No:- 2016/0598/TP).  
Applicant: Mr and Mrs Schlesinger.  
Proposal: Sub-division of feu and erection of one and a half storey detached dwellinghouse (Planning Permission in Principle).  
Location: 19 Sandringham Avenue, Newton Mearns G77 5DU.  
Council Area/Ward: Newton Mearns South (Ward 5).

**REASON FOR REQUESTING REVIEW**

3. The applicants have requested a review on the grounds that the Council's Appointed Officer refused the application.

**RECOMMENDATIONS**

4. The Local Review Body is asked to:-
- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
    - (i) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied; and
    - (ii) 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.

- (b) In the event that further procedure is required to allow it to determine the review, consider:-
  - (i) 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; and/or;
  - (ii) what procedure or combination of procedures are to be followed in determining the review.

## **BACKGROUND**

5. At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the “local development” category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an “appointed officer”. In the Council’s case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Planning, Economic Development and City Deal).

7. The report highlighted that historically appeals against planning decisions were dealt with by Scottish Ministers. However, following the introduction of the new planning provisions which came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

## **NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW**

8. The applicants in submitting the review have stated the reasons for requiring the review of the determination of their application. A copy of the applicants’ Notice of Review and Statement of Reasons is attached as Appendix 5.

9. The applicants are entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and have indicated that their stated preferences are further written submissions and a site inspection.

10. The Local Review Body is not bound to accede to the applicants’ request as to how it will determine the review and will itself decide what procedure will be used in this regard.

11. Members will recall however that at the meeting of the Local Review Body on 10 August 2016, it was decided that the Local Review Body would carry out unaccompanied site inspections for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.

12. In accordance with the above decision, the Local Review Body agreed to carry out an unaccompanied site inspection on Wednesday, 15 March 2017 immediately before the meeting of the Local Review Body which will begin at 2.00pm on that date.

## INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

13. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The Local Review Body is advised that 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.

14. The information detailed below is appended to this report to assist the Local Review Body in carrying out the review of the decision taken by the Appointed Officer:-

- (a) Application for planning permission – Appendix 1 (Pages);
- (b) Copies of objections/representations – Appendix 2 (Pages);
- (c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages); and
- (e) A copy of the applicants' Notice of Review and Statement of Reasons - Appendix 5 (Pages).

15. The applicants have also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and are attached as Appendix 6 (Pages).

- (a) Refused – Location and Block Plan.

16. The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling.

17. All the documents referred to in this report can be viewed online on the Council's website at [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk) with the exception of any representations that have been made to the application.

## RECOMMENDATIONS

18. The Local Review Body is asked to:-

- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
  - (i) it proceeds to determine whether the decisions taken in respect of the application under review should be upheld, reversed or varied; and
  - (ii) 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.

- (b) In the event that further procedure is required to allow it to determine the review, consider:-
- (i) 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; and/or;
  - (ii) what procedure or combination of procedures are to be followed in determining the review.

Report Author: Paul O'Neil

Director - Caroline Innes, Deputy Chief Executive

Paul O'Neil, Committee Services Officer  
e-mail: paul.o'neil@eastrenfrewshire.gov.uk  
Tel: 0141 577 3011

Date:- March 2017



**APPLICATION  
FOR  
PLANNING PERMISSION**

- 9 SEP 2016

**APPLICATION FOR PLANNING PERMISSION**

Town and Country Planning (Scotland) Act 1997  
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application  
**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR & MRS	Ref No.	
Forename	PHILIP	Forename	DAVID
Surname	SCHLESINGER	Surname	HUTCHISON
Company Name	/	Company Name	DAVID HUTCHISON AND ASSOCIATES
Building No./Name	19	Building No./Name	210A
Address Line 1	SANDRINGHAM AV	Address Line 1	NITHSDALE RD
Address Line 2	NEWTON MEARNS	Address Line 2	
Town/City	EAST RENFREWSHIRE	Town/City	GLASGOW
Postcode	G77 5DU	Postcode	G41 5EU
Telephone	/	Telephone	/
Mobile	/	Mobile	07748 131 181
Fax	/	Fax	/
Email	/	Email	dha.hutchison@gmail.com
<b>3. Postal Address or Location of Proposed Development (please include postcode)</b>			
19A SANDRINGHAM AVENUE NEWTON MEARNS G77 5DU			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
<b>4. Type of Application</b>			
What is the application for? Please select one of the following:			
Planning Permission		<input type="checkbox"/>	
Planning Permission in Principle		<input checked="" type="checkbox"/>	
Further Application*		<input type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:	<input type="text"/>	Date:	<input type="text"/>
**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.			

Please describe the current or most recent use:

GARDEN LAND WHICH IS PART OF LAND OCCUPIED BY NO 19 SANDRINGHAM AVENUE

### 9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road?

Yes  No

*If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.*

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes  No

*If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.*

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

NONE

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

THREE

*Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)*

### 10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes  No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

No, proposing to make private drainage arrangements

Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

Discharge to watercourse(s) (including partial soakaway)

Discharge to coastal waters

*Please show more details on your plans and supporting information*

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

Other private drainage arrangement (such as a chemical toilets or composting toilets)

*Please show more details on your plans and supporting information.*

Do your proposals make provision for sustainable drainage of surface water?

Yes  No

**15. For all types of non housing development – new floorspace proposed**

Does your proposal alter or create non-residential floorspace? Yes  No

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

**16. Schedule 3 Development**

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

**17. Planning Service Employee/Elected Member Interest**

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes  No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes  No

If you have answered yes please provide details:

**DECLARATION**

I, the ~~applicant~~ agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the ~~applicant~~ agent hereby certify that the attached Land Ownership Certificate has been completed

I, the ~~applicant~~ agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes  No  N/A

Signature



Name:

DAVID HUTCHISON

Date:

07.09.10

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

# LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997  
 Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

## CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

### CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself \_\_\_\_\_ was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:



On behalf of:

MR & MRS. P. SALESINGER

Date:

07.09.16.

### CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have \_\_\_\_\_ served notice on every person other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have \_\_\_\_\_ served notice on every person other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

## COPIES OF OBJECTIONS/REPRESENTATIONS

# 13

## Roads Service OBSERVATIONS ON PLANNING APPLICATION

**Our Ref:** 2016/0598/TP  
**D.C Ref** Derek Scott  
**Contact:** Allan Telfer  
**Tel:** 0141-577-3417

**Planning Application No:** 2016/0598/TP      **Dated:** 14/9/16      **Received:** 20/9/16  
**Applicant:** Mr and Mrs Schlesinger  
**Proposed Development:** Sub-division of feu and erection of one and a half storey detached dwellinghouse  
**Location:** 19 Sandringham Avenue, Newton Mearns, G77 5DU  
**Type of Consent:** Planning Permission in Principle  
**Ref No. of Dwg.(s) submitted:** As per IDOX

RECOMMENDATION	REFUSE	
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Proposals Acceptable Y/N or N/A	Proposals Acceptable Y/N or N/A	Proposals Acceptable Y/N or N/A
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**1. General**

(a) General principle of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N

**2. Existing Roads**

(a) Type of Connection (junction / footway crossing)	N
(b) Location(s) of Connection(s)	N
(c) Pedestrian Provision	N
(d) Sightlines (2m x 20m x 1.05m)	N

**3. New Roads**

(a) Widths	N/A
(b) Pedestrian Provision	N/A
(c) Layout (horizontal/vertical alignment)	N/A
(d) Turning Facilities (Circles / hammerhead)	N/A
(e) Junction Details (locations / radii / sightlines)	N/A
(f) Provision for P.U. services	N/A

**4. Servicing & Car Parking**

(a) Drainage	N
(b) Car Parking Provision	Y
(c) Layout of parking bays / Garages	N
(d) Servicing Arrangements/Driveways	N

**5. Signing**

(a) Location	N/A
(b) Illumination	N/A

Ref.	COMMENTS
	<p>Access to the application site is from an access shared between No. 5 and 19 Sandringham Avenue and also Belmont House school.</p> <p>The Roads Development Guide states that '3 or more individual dwellings must be served by a road which will require construction consent and the submission of a Road Bond in a residential area'. Such a road can be offered to the Roads Authority for adoption, which ensures there is no potential for neighbour disputes with regard to future access and maintenance. It also ensures the road geometry; lighting; drainage; construction etc. has been properly addressed and will comply with safety audit requirements.</p> <p>The access being proposed is not sufficiently wide to permit two-way traffic and intervisibility is poor given the height of the boundary wall and pillars around No. 5 Sandringham Avenue.</p> <p>The proposed erection of No. 19A would lead to an intensification of use of this substandard access which could pose a safety risk.</p> <p>Servicing of this plot would also be difficult as there would be nowhere for a delivery vehicle to turn therefore necessitating a long reversing manoeuvre to exit which would be unacceptable.</p> <p>Given the above, this Service has no option but to recommend refusal of this application.</p>

**Notes for Intimation to Applicant:**

(i) Construction Consent (S21)*	Required
(ii) Road Bond (S17)*	Required

Controller (M&O)	N/A	Date		by	
VC letter	N/A	Date		by	

DEV File Ref	N/A	Date		by	
CC File Ref	N/A	Date		by	

(iii) Road Opening Permit (S56)*	Required
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\* Relevant Section of the Roads (Scotland) Act 1984

Comments Authorised By: John Marley  
pp Environmental Services Manager

Date: 05/10/16



## Comments for Planning Application 2016/0598/TP

### Application Summary

Application Number: 2016/0598/TP

Address: 19 Sandringham Avenue Newton Mearns East Renfrewshire G77 5DU

Proposal: Sub-division of feu and erection of one and a half storey detached dwellinghouse (planning permission in principle)

Case Officer: Mr Derek Scott

### Customer Details

Name: Mr Tom Castledine

Address: 23 Broompark Drive, Newton Mearns, East Renfrewshire G77 5DX

### Comment Details

Commenter Type: Rec'd Neighbour Notification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: To whom it may concern,

I'd like to object to this on the basis that:

- It does not form part of the development plan.
- It's a small plot for size of house, and not in keeping with the area.
- I object to the felling of trees which currently protect my garden and give a great aspect to the area in general.
- It will be invasive onto a number of properties on Broompark Drive.

Kindest regards,

Tom Castledine

## Comments for Planning Application 2016/0598/TP

### Application Summary

Application Number: 2016/0598/TP

Address: 19 Sandringham Avenue Newton Mearns East Renfrewshire G77 5DU

Proposal: Sub-division of feu and erection of one and a half storey detached dwellinghouse (planning permission in principle)

Case Officer: Mr Derek Scott

### Customer Details

Name: Mrs Fiona Johnston

Address: 19 Broompark Drive, Newton Mearns, East Renfrewshire G77 5DX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We write in connection with the above planning application. We have considered the plans and wish to object strongly to the proposed development of the house in this location.

The proposed siting of the development is ill-considered. We purchased our property in 2013 as the plot was not overlooked due to the position of 19 Sandringham Avenue however this proposal would result in our property being overlooked and a loss of privacy.

We are also concerned about further planning applications being passed by East Renfrewshire Council without considering the needs of residents. The residents of Broompark Drive continue to experience ongoing issues including noise and traffic pollution due to the building work already underway at number 27 Broompark Drive and the flats currently being developed by Westpoint Homes. The proposed development will lead to further disturbance and stress which is inconceivable. We also have major concerns about the overdevelopment and issue of density not only in the Broom estate but within the small garden plot that is being considered. Moreover the proposed development would not have sufficient road frontage. Does this not set a precedence for other residents to begin building in their gardens?

Furthermore we are concerned for the health and wellbeing of pupils attending Belmont school due to the increase of construction traffic that would have to use Sandringham Avenue.

Sandringham Avenue is an extremely busy road and the proposal to build a house in a plot that is accessed only by a narrow road will mean that construction traffic will create further issues and possibly a road accident.

Therefore we ask that East Renfrewshire Council refuse this planning application.

Yours sincerely,

Fiona and Michael Johnston



## Comments for Planning Application 2016/0598/TP

### Application Summary

Application Number: 2016/0598/TP

Address: 19 Sandringham Avenue Newton Mearns East Renfrewshire G77 5DU

Proposal: Sub-division of feu and erection of one and a half storey detached dwellinghouse  
(planning permission in principle)

Case Officer: Mr Derek Scott

### Customer Details

Name: Mr bryson mcneil

Address: Kismuil 20 Greenlaw Road, Newton Mearns, East Renfrewshire G77 6ND

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:as ever I object to any and every sub division of feus.

These proposals are all in pursuit of profit and only impinge further on the local infrastructure. time to call a halt on the unlimited expansion of housing in newton mearns

## Comments for Planning Application 2016/0598/TP

### Application Summary

Application Number: 2016/0598/TP

Address: 19 Sandringham Avenue Newton Mearns East Renfrewshire G77 5DU

Proposal: Sub-division of feu and erection of one and a half storey detached dwellinghouse (planning permission in principle)

Case Officer: Mr Derek Scott

### Customer Details

Name: Dr Mian Sadiq

Address: 21 Broompark Drive, Newton Mearns, East Renfrewshire G77 5DX

### Comment Details

Commenter Type: Rec'd Neighbour Notification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: After searching for over 20 years, we bought our dream house at 21 Broompark Drive, G77 5DX. There was attraction of privacy, greenery and pretty gardens.

The proposed planning at 19A Sandringham Avenue to build a house will cause severe over shadowing as the proposed dwelling will be very close to our back garden. There will be a problem of overlooking into our premises. We will also lose open view of greenery and privacy.

On the basis of the above points, we strongly object to the proposed plan to construct a house at 19A sandringham Avenue G77 5DU.

Dr Mian Sadiq & Mrs Samina Sadiq

## Comments for Planning Application 2016/0598/TP

### Application Summary

Application Number: 2016/0598/TP

Address: 19 Sandringham Avenue Newton Mearns East Renfrewshire G77 5DU

Proposal: Sub-division of feu and erection of one and a half storey detached dwellinghouse (planning permission in principle)

Case Officer: Mr Derek Scott

### Customer Details

Name: Dr Barry Vallance

Address: Faraways, 5 Sandringham Avenue, Newton Mearns, East Renfrewshire G77 5DU

### Comment Details

Commenter Type: Rec'd Neighbour Notification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We reside at 5 Sandringham Avenue. Although the numbers do not reflect it we are the immediate neighbour's to number 19.

We wish to register our objection to the proposal to split the feu in our neighbour's garden at 19 Sandringham Avenue.

We share the entrance, a small driveway, with number 19. The initial part of this driveway is also shared by Belmont House School. This is a domestic driveway and not an access road.

We are very concerned re the increased traffic, which will result from the building of a new house as proposed. The driveway is small and cars cannot pass each other. Should there be further traffic on this driveway then there will be considerable inconvenience to all users. The driveway has been mono-blocked and was not constructed to carry the traffic from 3 houses let alone any construction vehicles.

During the construction of a new dwelling there will be a large number of construction vehicles that will not only cause substantial disruption and noise but there will be no room for the parking of such vehicles and any additional vehicles brought to the site by construction workers.

We have enjoyed the 'off road' aspect of our house and the green garden views that we have looking towards the southwest from our front driveway and entrance. These will be destroyed by the erection of a dwelling house on the proposed section of the plot at number 19. This will have a major impact on the appeal of our house and consequently an adverse effect on its value.

We wish these objections to be taken into account when the Council assesses the proposal.

Dr Barry D Vallance

Mrs Monica Vallance

Mr Paul O'Neil

The Local Review Body

East Renfrewshire Council

Rouken Glen Road

Giffnock G46 6UG

9 February 2017

Dear Sir,

Your Ref. REVIEW/2017/03

Further to our previously made representation, we wish to submit in writing again our strong objection to the proposed planning at 19A Sandringham Avenue, G77 5DU. In our previous representation, we wrote that after searching for over 20 years, we bought our dream house at 21 Broompark Drive, G77 5DX. There was attraction of privacy, greenery and pretty gardens.

The proposed planning at 19A Sandringham Avenue to build a house will cause severe over shadowing as the proposed dwelling will be very close to our back garden. There will be a problem of overlooking into our premises. We will also lose open view of greenery and privacy.

The proposed dwelling will look extremely odd in a well planned area of Broom Estate. Erecting and oddly fitting a new house in between big School Buildings and well planned existing houses will take away the beauty and solace. This will also create a psychological stress and unhappiness especially to my family as the proposed dwelling falls just behind our garden.



My wife who is already suffering from depression and anxiety will feel more stressed and panic.

Therefore, we strongly oppose the proposed construction of a house at 19A Sandringham Avenue, G77 5DU as we believe our objections are fair and genuine.

We have addressed our strong points of objections to the above proposal. We hope that the wise and able representatives of East Renfrewshire Council will decide in the best interest of environment, health of residents, beauty and tranquillity of this area.

Yours faithfully



Dr Mian M Sadiq & Mrs Samina Sadiq

21 Broompark Drive, Newton Mearns, East Renfrewshire G77 5DX

Tel. 0141 639 2352

Mobile: 07881651176

Email: miansadiq@gmail.com



Our Ref: ep516/let002ERC/DS

17<sup>th</sup> February 2017

Mr. Paul O'Neil  
East Renfrewshire Council  
Corporate and Community Services  
Council Headquarters  
Eastwood Park  
Rouken Glen Road  
Giffnock G46 6UG

Dear Mr. O'Neill

**REVIEW/2017/3**

**2016/0598/TP – PLANNING PERMISSION IN PRINCIPLE FOR SUB-DIVISION OF FEU AND  
ERECTION OF ONE AND A HALF STOREY DWELLING HOUSE AT 19 SANDRINGHAM AVENUE,  
NEWTON MEARN, EAST RENFREWSHIRE G77 5DU**

Thank you for your letter of 13<sup>th</sup> February 2017 and for your invitation to respond to the further representations made by Dr. M Sadiq and Mrs.S Sadiq who reside at 21 Broompark Drive, Newton Mearns, located to the south west of the application site.

Dr. and Mrs. Sadiq have reiterated concerns expressed in their original objection letter to the application in respect of potential overshadowing, loss of privacy, loss of view towards greenery and incompatibility with the character of development in the area. Dealing with each concern in turn we would respond as follows:

**Overshadowing** – As noted in the Planning Officer's Report of Handling, the application is for planning permission in principle and as a consequence of this it is not possible, at this stage, to assess the overshadowing effects of any dwelling house proposed on neighbouring properties. Such an assessment would take place following the submission of a detailed application or an application for Approval of Matters Specified in Conditions in the event of planning permission in principle being granted. Notwithstanding this we consider it entirely possible to accommodate a dwelling house on the site which would not compromise the amenity levels in Dr. and Mrs. Sadiq's garden in any material way.

**Loss of Privacy** – As above.

**Loss of View towards Greenery** – As noted in our original submissions it has been suggested that two trees be felled in association with the development of the proposed house. Whilst the ornamental conifer will have to be removed our clients are quite happy to retain the sycamore and if acceptable to Dr. & Mrs. Sadiq undertake further landscaping works along the mutual boundary to enhance the outlook from the rear of their property.

**Incompatibility with Character** - As noted in the Planning Officer's Report of Handling on the application *'Given the mixed plot sizes in the area and their irregular shapes, the proposed plot*

*would not be considered to be out of character with the immediate area and would be capable of providing sufficient garden ground in keeping with the character of the area.'*

Please acknowledge receipt of this response at your earliest convenience.

Yours sincerely

A large black rectangular redaction box covering the signature of Derek Scott.

Derek Scott

cc. Mr. & Mrs P Schlesinger

# Dr Barry<sup>26</sup> Vallance

M.B.Ch.B., F.R.C.P. (Glasg.), F.R.C.P. (Edin.)  
Consultant Physician and Interventional Cardiologist

## Registered Address

5 Sandringham Avenue  
Newton Mearns  
Glasgow G77 5DU

Tel: 0141 639 1962

## Consulting Rooms

Ross Hall Hospital  
221 Crookston Road  
Glasgow G52 3NQ

12<sup>th</sup> February 2017

Mr Paul O'Neil,  
Head of Democratic and Partnership Services,  
Local Review Body,  
Council Headquarters,  
Eastwood Park,  
Rouken Glen Road,  
Giffnock,  
G46 6UG

Dear Mr O'Neil,

Re: **Review /2017/03**

**Location: 19 Sandringham Avenue, Newton Mearns, East Renfrewshire, G77 5DU**

**Proposal: Sub-division of feu and erection of one and a half storey detached dwellinghouse (Planning Permission in Principle)**

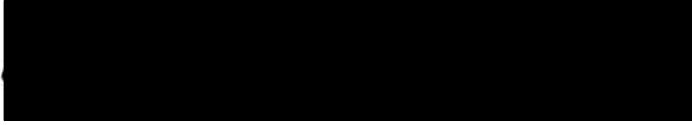
Thank you for affording the opportunity to make further representations. I would like to emphasise the following points that support the Council's decision to refuse planning permission for the reasons that the new proposed dwelling house has no separate road frontage and will be accessed via a sub-standard private access serving more than two dwellings which would be detrimental to public road safety.

1. In the appeal I note that the driveway is described as a cul-de-sac. Such a term is normally used to describe a street or road with only one inlet/outlet and refers to dead ends with a circular end, which makes it easy to turn around. There is no such circular turning space at this site and the monoblocked path is certainly not a street or a road. There is no way of predicting the type of and how many additional vehicles the new occupants of number 19 may park outside their house and whether they will choose to garage their cars. Even now as cars are parked on the existing monoblocked parking area outside number 19 there is little room for manoeuvring, especially for vans and delivery lorries.
2. The access to both 5 Sandringham Avenue and 19 Sandringham Avenue is a shared pedestrian and vehicular access with Belmont House School. This is a very busy area during school times even in the evenings and also often at weekends when pupils along with relatives attend the school for extra curricular activities. On a daily basis, except on Sundays, large buses and heavy service lorries also use this access and on occasion have collided with and damaged our boundary wall, as has happened as recently as one week ago. As the line of site between the school area and the monoblocked narrow path is restricted additional traffic will increase the risk of accident with pedestrians and of traffic collision.
3. Should any school traffic and/or any of the occupants of number 5, 19 and the proposed new dwelling house wish to enter and/or leave at the same time, something that currently occurs on a not infrequent basis with the current two houses, conflict and difficulties will arise more often.

Queuing to enter the monoblocked driveway<sup>27</sup> causes obstruction at the common access into the school and queuing out on to Sandringham Avenue. Furthermore any additional domestic traffic will potentially increase congestion and the risk of conflict on the monoblock driveway.

4. The driveway is monoblocked and was never constructed to withstand anything more than limited vehicular access by a few cars from the two existing houses. As such it is sub-standard to be considered as access for any additional dwelling house and its associated traffic. It is likely to suffer damage from heavy construction vehicles and in the longer term from the increase in vehicular traffic.

Yours sincerely,



Barry D Vallance  
Consultant Physician & Cardiologist



Our Ref: ep516/let004ERC/DS

17<sup>th</sup> February 2017

Mr. Paul O'Neil  
East Renfrewshire Council  
Corporate and Community Services  
Council Headquarters  
Eastwood Park  
Rouken Glen Road  
Giffnock G46 6UG

Dear Mr. O'Neill

**REVIEW/2017/3**

**2016/0598/TP – PLANNING PERMISSION IN PRINCIPLE FOR SUB-DIVISION OF FEU AND  
ERECTION OF ONE AND A HALF STOREY DWELLING HOUSE AT 19 SANDRINGHAM AVENUE,  
NEWTON MEARNES, EAST RENFREWSHIRE G77 5DU**

Thank you for your letter of 14<sup>th</sup> February 2017 and for your invitation to respond to the further representations made by Dr. Barry Vallance who resides at 5 Sandringham Avenue, Newton Mearns, located to the north east of and immediately adjacent to 19 Sandringham Avenue.

Dr. Vallance has raised four further points in opposition to the application proposed by our clients and in respect of which we would wish to respond as follows:

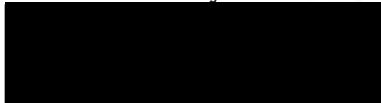
1. A cul-de-sac is a term used to describe a road or other means of passage which has a dead end. It does not necessarily have to include a circular end as claimed to make it easy for vehicles to turn around. The indicative layout submitted with the application demonstrates that it would be possible to accommodate at least three cars within the driveway of the proposed dwelling and at the same time ensure that they can access and exit the site in a forward gear. Such arrangements are more than suitable for a dwelling house of the size proposed. As far as existing arrangements are concerned, our clients would normally garage their vehicles and are only rarely parked on the mono block outside. Any parking that does occur applies to occasional visitors. On the rare occasions that delivery vans and lorries have visited the property our clients are unaware of any problems having been encountered.
2. Our clients would not wish to dispute the claims made by Dr. Vallance that the access arrangements serving his property, the school and their property is at certain times busy. Acknowledging this, all users of the existing access arrangements exercise due care when accessing or exiting their properties. Our clients are unaware of any collisions between vehicles or between vehicles and pedestrians in the time they have lived in the property. As Dr. Vallance has not mentioned any such incidents in his representations either it is fair to assume that there have been none. The erection of a single house and the inconsequential number of additional vehicle movements arising as a result of that will not alter the situation. Dr. Vallance's comments about damage caused to his boundary

wall as a result of large buses and heavy vehicles accessing the school are irrelevant in the context of the application for the proposed dwelling house.

3. Our clients have experienced no 'conflict' or 'difficulties' arising between them and Dr. Vallance as they access or exit their respective properties. On the rare occasions when both parties are leaving or arriving at their respective properties they all give way as required and take great care not to block the driveway. Given that the proposed dwelling house will be serviced by its own parking spaces such arrangements would continue in the future. When National Roads Guidelines suggest that a private unadopted driveway can be used in association with five dwellings we have great difficulty in understanding why three properties creates difficulties within East Renfrewshire.
4. Whilst any damage caused to the mutual driveway during construction is not a material planning consideration, our clients have asked us to advise, that in the event of planning permission being granted for the house and it being subsequently erected, any such damage will be made good by them at no cost to Dr. Vallance or the school. It is worth noting that the drive has withstood all vehicular traffic (including large delivery vehicles) without a single brick being damaged or replaced since the paving was installed eight years ago.

This concludes our comments on the representations made by Dr. Vallance. Please acknowledge receipt of this response at your earliest convenience.

Yours sincerely

A black rectangular redaction box covering the signature of Derek Scott.

Derek Scott

cc. Mr. & Mrs P Schlesinger

## REPORT OF HANDLING



# REPORT OF HANDLING

Reference: 2016/0598/TP

Date Registered: 9th September 2016

Application Type: Planning Permission in Principle This application is a Local Development

Ward: 5 -Newton Mearns South

Co-ordinates: 254984/:656704

Applicant/Agent:

Applicant:  
Mr And Mrs Schlesinger  
19 Sandringham Avenue  
Newton Mearns  
East Renfrewshire  
G77 5DU

Agent:  
David Hutchison And Associates  
210A Nithsdale Road  
Glasgow  
G41 5EU

Proposal: Sub-division of feu and erection of one and a half storey detached dwellinghouse (planning permission in principle)

Location: 19 Sandringham Avenue  
Newton Mearns  
East Renfrewshire  
G77 5DU

## CONSULTATIONS/COMMENTS:

Roads Network Manager

Recommends refusal of the application as: i) three or more dwellings must be served by an access road that is built to adoptable standards; ii) the access is not sufficiently wide to allow two vehicles to pass; iii) inter-visibility is poor; and iv) delivery vehicles would be unable to access/egress the site in a forward gear.

**PUBLICITY:** None.

**SITE NOTICES:** None.

## SITE HISTORY:

2008/0568/TP	Erection of two storey side extension	ASTC	08.09.2008
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## REPRESENTATIONS:

Five representations have been received objecting to the proposal. The grounds of objection can be summarised as follows:

Inadequate access and safety issues during the construction phase

Overlooking

Overshadowing

Impact on existing infrastructure

Cumulative impact of this and other developments under construction on residential amenity

Loss of trees

Loss of view

Precedent

Applicant is motivated by profit

**DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:** See Appendix 1

**SUPPORTING REPORTS:**

No reports have been submitted for consideration as part of this application.

**ASSESSMENT:**

The application site comprises part of the residential curtilage associated with a detached two storey dwelling and lies within an established residential area. The existing curtilage measures approximately 1500 square metres. That part which comprises the application site measures 600 square metres. The boundaries are characterised by established planting, timber fencing and several trees. The curtilage is well kept ornamental lawns and beds. The site lies outwith (though adjacent to) the Whitecraigs Conservation Area and outwith the Tree Preservation Order Area. It is accessed via a private shared driveway serving 5 and 19 Sandringham Avenue as well as Belmont House School. The area is characterised by mixed house types and Belmont House School, which is a category B listed building, lies immediately to the south east. The plots in the surrounding area are of varying sizes and some of irregular shapes.

Planning permission in principle is sought for the subdivision of the curtilage at 19 Sandringham Avenue and for the erection of a new dwelling. The applicant has indicated a one and a half storey dwelling with three bedrooms and two in-curtilage car-parking spaces accessed via a continuation of the shared driveway. The dwelling is indicated on the submitted drawings as being located in the southern-most corner of the site in relative proximity to the south east and south west boundaries. A semi-mature sycamore tree and a conifer are proposed to be felled.

The application requires to be assessed with regard to Policies D15 and D1 of the adopted East Renfrewshire Local Development Plan.

Policy D15 relates to the sub-division of existing curtilages for the erection of a new dwelling and contains the criteria the following is an assessment against:

- i) Given the mixed plot sizes in the area and their irregular shapes, the proposed plot would not be considered to be out of character with the immediate area and would be capable of providing sufficient garden ground in keeping with the character of the area;
- ii) It is considered to be of a sufficient size to accommodate a dwelling that would be capable of being in keeping with the character of the dwellings in the immediate area (although the dwelling could be better positioned within the plot than the position indicated on the submitted site plan);
- iii) If approved, the dwelling would be located within a cul-de-sac where the building line is only loosely formed;
- iv) The Council's Roads Service has advised that the application should be refused as the proposed access, serving two existing houses, Belmont House School and the proposed house would be unacceptable.

The proposal is therefore contrary to Policy D15 of the adopted East Renfrewshire Local Development Plan as it would not provide safe vehicular access.

Policy D1 states that backland development (development without a road frontage) will not be accepted and that the council's parking and access requirements must be met in all development. As the proposal relates to the erection of a dwelling at the end of a private cul-de-sac, it does not have a road frontage. Furthermore, it has been noted that the proposed access would not meet the Council's access standards. The proposal is therefore contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan.

In terms of the grounds of objection not specifically addressed above the following comments are made.

As the application relates to planning permission in principle, overlooking or overshadowing cannot be assessed at this stage and this would have to be done in any subsequent detailed planning application.

Other than the access, which has been discussed above, the existing infrastructure would not be significantly strained by the erection of one additional dwelling. The developer would have to seek separate consents to connect to infrastructure such as water supply and drainage.

If approved, the hours of construction could be controlled by a condition. It is noted that two trees will be felled, however, the site is not covered by a Tree Preservation Order. Any road safety issues that might arise during the construction phase would be controlled by separate health and safety legislation. Precedent, loss of view and economic motives are not material planning considerations.

In conclusion, the proposal is contrary to Policies D1 and D15 of the adopted East Renfrewshire Local Development Plan as it is backland development with a road frontage and a safe vehicular access cannot be formed.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None

**REASONS FOR REFUSAL:**

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it i) would result in the erection of a new dwelling without a road frontage; ii) would be accessed via sub-standard private driveway serving more than two dwellings which would be detrimental to public road safety.
2. The proposal is contrary to Policy D15 of the adopted East Renfrewshire Local Development Plan as the proposed dwelling would be accessed via a sub-standard private access serving more than two dwellings which would be detrimental to public road safety.

**ADDITIONAL NOTES:** None

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3034.

Ref. No.: 2016/0598/TP  
(DESC)

DATE: 7th November 2016

**DIRECTOR OF ENVIRONMENT**

**Reference: 2016/0598/TP - Appendix 1**

**DEVELOPMENT PLAN:**

**Strategic Development Plan**

This proposal raises no strategic issues in terms of the Glasgow and the Clyde Valley Strategic

Development Plan and therefore the East Renfrewshire Local Plan is the relevant policy document

### **Adopted East Renfrewshire Local Development Plan**

#### Policy D1

##### Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major

developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.

16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D15

Sub-division of the Curtilage of a Dwellinghouse for a New Dwellinghouse and Replacement of an Existing House with a New House

The proposed plot should reflect the established pattern of development and should be of a size and shape capable of accommodating a dwellinghouse. There should also be sufficient land to provide garden ground that is of a scale and character compatible with the locality.

Any new house must reflect the scale and character of the surrounding residences and the established pattern of development in the area. It should be designed to contribute to the visual character of the area.

Existing building lines should be respected.

Development should provide safe vehicular access and parking in accordance with the Council's roads and parking standards.

**GOVERNMENT GUIDANCE:** None relevant

**Finalised 07/11/16 IM(1)**

**DECISION NOTICE  
AND  
REASONS FOR REFUSAL**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND) REGULATIONS 2013**

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE**

Ref. No.       **2016/0598/TP**

**Applicant**

Mr And Mrs Schlesinger  
19 Sandringham Avenue  
Newton Mearns  
East Renfrewshire  
G77 5DU

**Agent:**

David Hutchison And Associates  
210A Nithsdale Road  
Glasgow  
G41 5EU

With reference to your application which was registered on 9th September 2016 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Sub-division of feu and erection of one and a half storey detached dwellinghouse (planning permission in principle)**

**at: 19 Sandringham Avenue Newton Mearns East Renfrewshire G77 5DU**

the Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

**The reason(s) for the Council's decision are:-**

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it i) would result in the erection of a new dwelling without a road frontage; ii) would be accessed via sub-standard private driveway serving more than two dwellings which would be detrimental to public road safety.
2. The proposal is contrary to Policy D15 of the adopted East Renfrewshire Local Development Plan as the proposed dwelling would be accessed via a sub-standard private access serving more than two dwellings which would be detrimental to public road safety.

Dated           7th November 2016



Director of Environment  
East Renfrewshire Council  
2 Spiersbridge Way,  
Spiersbridge Business Park,  
Thornliebank,  
G46 8NG  
Tel. No. 0141 577 3001

The following drawings/plans have been refused

<b>Plan Description</b>	<b>Drawing Number</b>	<b>Drawing Version</b>	<b>Date on Plan</b>
Block Plan and Location Plan Proposed	01		

**GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS**

**REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY**

1. If the applicant is aggrieved by a decision to refuse permission (or by an 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. A Notice of Review can be submitted online at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk). Alternatively, you can download a Notice of Review form (along with notes for guidance) from [www.eastrenfrewshire.gov.uk/planning-appeals-reviews](http://www.eastrenfrewshire.gov.uk/planning-appeals-reviews) which should be returned to The Planning Service, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NA. You may also call the Council on 0141 577 3001 to request the Notice of Review Form. Please note that beyond the content of the appeal or review forms, you cannot normally raise new matters in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.
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 5 of the Town and Country Planning (Scotland) Act 1997.

**CONTACT DETAILS**

**East Renfrewshire Council  
Development Management Service  
2 Spiersbridge Way,  
Spiersbridge Business Park,  
Thornliebank,  
G46 8NG**

**General Inquiry lines 0141 577 3895 or 0141 577 3878  
Email [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.gov.uk)**



**NOTICE OF REVIEW  
AND  
STATEMENT OF REASONS**





## NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2013

Rather than completing this form, you may submit your review online at <https://www.eplanning.scot>

**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.

Use BLOCK CAPITALS if completing in manuscript

### Applicant(s)

Name

Address

Contact Telephone 1   
Contact Telephone 2   
Fax No

E-mail\*

### Agent (if any)

Name

Address

Contact Telephone 1   
Contact Telephone 2   
Fax No

E-mail\*

Mark this box to confirm all contact should be  
through this representative:

Yes  No

\* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)



Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

### Nature of application

- |  |                                     |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application)   | <input type="checkbox"/>            |
| 2. Application for planning permission in principle  | <input checked="" type="checkbox"/> |
| 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) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/>            |

### Reasons for seeking review

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

### Review procedure

The 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 them 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.

Please indicate what procedure (or combination of procedures) you think is 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. However, please note that the Local Review Body is not bound to accede to your request(s) and will decide what procedure will be used to determine your review.

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

*We reserve the right to respond to any representations made by the Appointed Officer, Consultees or Third Parties in connection with this Review Request.*

### 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 type="checkbox"/>            | <input checked="" 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 Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A

### Statement

You must state, in full, why you are seeking 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 Local Review Body to consider as part of your review.

If the 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 can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE REFER TO ATTACHED STATEMENT



## Notice of Review

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.

N/A.

### 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.

PLEASE REFER TO ATTACHED STATEMENT

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority. It may also be available on the planning authority website.

### Checklist

Please mark the appropriate boxes to confirm 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
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



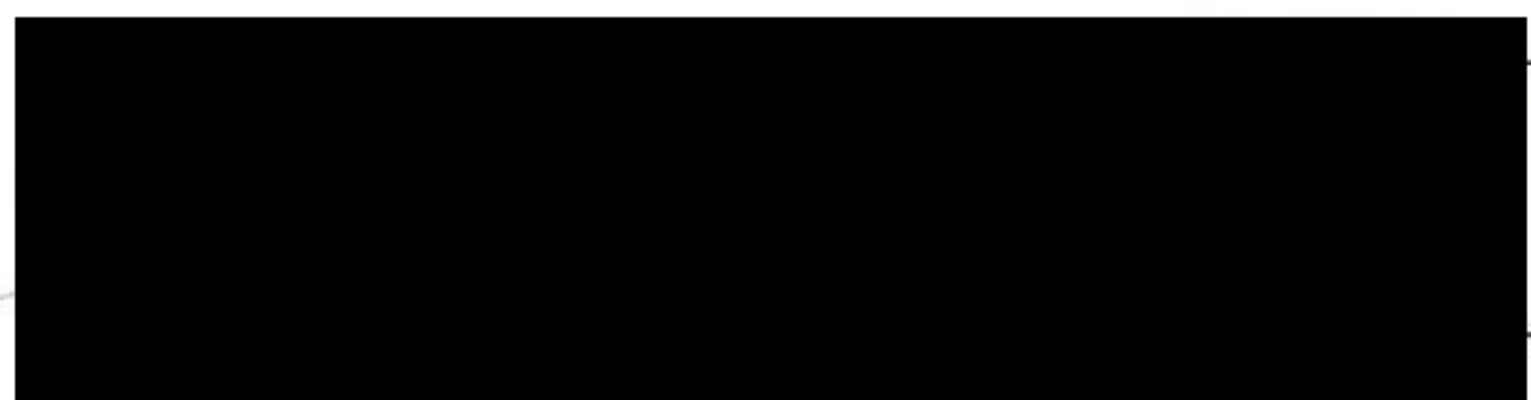
Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number,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

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### 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

30.01.17

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### Data Protection Act 1998

East Renfrewshire Council is the Data Controller for the purposes of the Data Protection Act 1998. Please note that the information provided with this application will appear in the public register of applications and will also be published on the Council's website. Personal details such as signatures, personal phone numbers and personal email addresses will not be published on-line. If you wish any further personal information to be excluded from publication, please request this in writing and the Council will consider your request.

Your completed notice of review should now be returned to: **East Renfrewshire Council, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NG.** Alternatively, you can e-mail your notice of review to [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.gov.uk)



# REVIEW STATEMENT

**2016/0598/TP – PLANNING PERMISSION IN PRINCIPLE FOR SUB-DIVISION OF FEU AND  
ERECTION OF ONE AND A HALF STOREY DWELLING HOUSE**

at

**19 Sandringham Avenue  
Newton Mearns  
East Renfrewshire  
G77 5DU**

Prepared by

**Derek Scott Planning  
Planning and Development Consultants**



**21 Lansdowne Crescent  
Edinburgh  
EH12 5EH  
Tel No: 0131 535 1103  
Fax No: 0131 535 1104  
E-Mail: [enquiries@derekscottplanning.com](mailto:enquiries@derekscottplanning.com)**

On behalf of

**Mr. & Mrs. P Schlesinger**

# Executive Summary

**2016/0598/TP – PLANNING PERMISSION IN PRINCIPLE FOR SUB-DIVISION OF FEU AND ERECTION OF ONE AND A HALF STOREY DWELLING HOUSE AT 19 SANDRINGHAM AVENUE, NEWTON MEARNs, EAST RENFREWSHIRE G77 5DU**

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- **The application site forms part of the garden ground attached to 19 Sandringham Avenue in Newton Mearns which is a two storey detached dwelling house lying within an established residential area. The site area associated with the existing house measures some 1500 sq. metres. The application site which is broadly triangular in shape and located on the southern side of the overall plot measures some 600 sq. metres in area.**
- **The site is bounded to the north by the existing dwelling at No. 19 Sandringham Avenue; to the south west by detached dwelling houses on Broompark Drive (Numbers 19, 21 & 23); and to the south east by Belmont House School which is a category ‘B’ Listed Building. The site boundaries are established by planting, timber fencing and a number of trees. The existing property at Number 19 is accessed via a private driveway shared with Number 5 Sandringham Avenue as well as the school. The wider area, with the exception of the school, is characterised by a mixture of house types in varying plot sizes.**
- **The application submitted to and refused by the Appointed Planning Officer, sought planning permission in principle for the sub-division of the existing plot and for the erection of a detached dwelling house. The indicative layout accompanying the application shows a one and a half storey dwelling house with three bedrooms; a single garage and two further car parking spaces which would be accessed via a continuation of the shared driveway. The proposed house is shown in the southern most corner of the site closest to the south east and south west boundaries. A single sycamore and a conifer tree are identified as having to be felled to accommodate the proposed dwelling.**
- **The applicants, as their needs change with advancing age, are planning to relocate from the existing house on the site into the new house in the event of planning permission being granted for it. They have lived in this part of Newton Mearns since 1989 and want to remain in the area but in a smaller and more manageable property.**
- **The application was refused by the Appointed Planning Officer who considered the proposal to be contrary to the terms of Policies D1 and D15 of the adopted East Renfrewshire Local Development Plan as the proposal would (i) result in the erection of a new dwelling house without a road frontage and (ii) would be accessed via a sub-standard private driveway serving more than two dwellings which would be detrimental to road safety.**



- **We disagree with the Planning Officer's assessment of the application for the following reasons:**
  - (a) **The application site does not constitute a typical backland site without a road frontage. It will be developed and accessed through an extension of an existing private driveway and will be located to the side of rather than to the rear of an existing dwelling house.**
  - (b) **The existing driveway which serves two properties is not sub-standard in nature. It can only be identified as such if one applies the theory that no more than two houses should be accessed of a non-adopted road. National Roads Guidelines suggest that a private unadopted driveway could be used in association with up to five dwelling houses.**
  - (c) **The existing access arrangements have operated safely and without conflict with traffic using the adjoining High School for many years. The traffic associated with an additional single dwelling house will not have an adverse impact on that situation.**
  
- **Other points in support of the application include the following:**
  - **The application site is located within the settlement boundary on '*white land*' within the East Renfrewshire Local Development Plan where there is a presumption in favour of development proposals.**
  - **The sub-division of the garden and the erection of a house thereon will make a small but nonetheless important contribution towards meeting the area's housing requirements.**
  
- **Based on our consideration of the development plan and all other material considerations it is our strongly held view that the application should not have been refused and as such it is respectfully requested that permission be granted for the sub-division of the plot and for the erection of a detached dwelling house thereon as applied for.**

# REVIEW STATEMENT

**2016/0598/TP – PLANNING PERMISSION IN PRINCIPLE FOR SUB-DIVISION OF FEU AND  
ERECTION OF ONE AND A HALF STOREY DWELLING HOUSE AT 19 SANDRINGHAM AVENUE,  
NEWTON MEARN, EAST RENFREWSHIRE G77 5DU**

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<b>Document 1</b>	Copy of Planning Application and associated documents as submitted to East Renfrewshire Council.
<b>Document 2</b>	Decision Notice dated 07 <sup>th</sup> November 2016
<b>Document 3</b>	Report of Handling dated 07 <sup>th</sup> November 2016

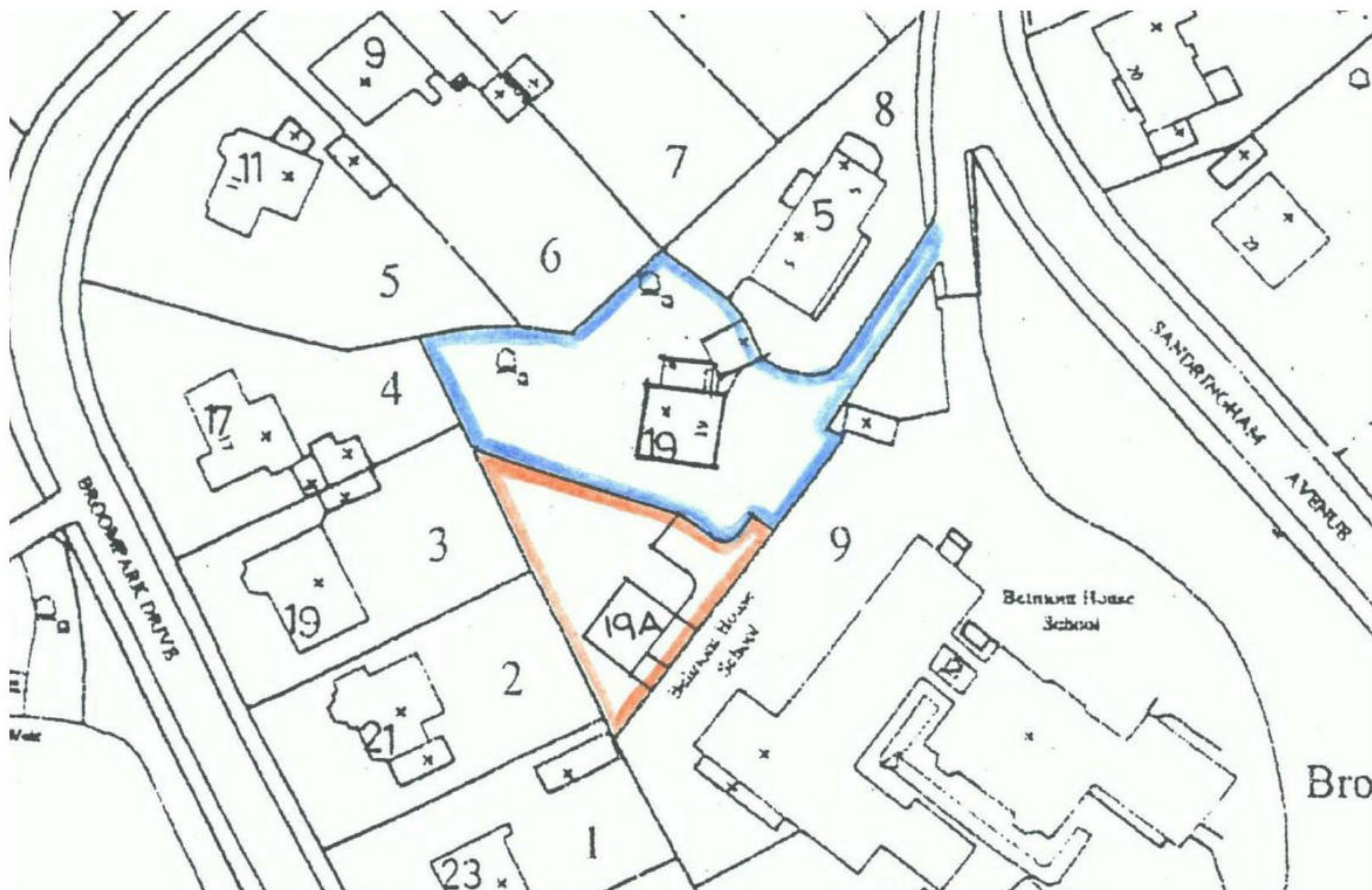


# REVIEW STATEMENT

**2016/0598/TP – PLANNING PERMISSION IN PRINCIPLE FOR SUB-DIVISION OF FEU AND ERECTION OF ONE AND A HALF STOREY DWELLING HOUSE AT 19 SANDRINGHAM AVENUE, NEWTON MEARN, EAST RENFREWSHIRE G77 5DU**

## 1. INTRODUCTION

- 1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants on behalf of our clients, Mr. & Mrs. Philip Schlesinger. We dispute, on behalf of Mr. & Mrs. Schlesinger, the appointed Planning Officer's reasons for refusing the above-mentioned application, which sought planning permission in principle for the sub-division of an existing feu and for the erection of a one and a half storey detached dwelling house at 19 Sandringham Avenue, Newton Mearns. A copy of the planning application and supporting information submitted to and refused by the Appointed Planning Officer is attached as **Document 1**.



*Location Plan*



## 2. LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site forms part of the garden ground attached to 19 Sandringham Avenue in Newtonmearns which is a two storey detached dwelling house lying within an established residential area. The site area associated with the existing house measures some 1500 sq. metres. The application site which is broadly triangular in shape and located on the southern side of the overall plot measures some 600 sq. metres in area. The site is bounded to the north by the existing dwelling at No. 19 Sandringham Avenue; to the south west by detached dwelling houses on Broompark Drive (Numbers 19, 21 & 23); and to the south east by Belmont House School which is a category 'B' Listed Building. The site boundaries are established by planting, timber fencing and a number of trees. The existing property at Number 19 is accessed via a private driveway shared with Number 5 Sandringham Avenue as well as Belmont House School. The wider area, with the exception of the school, is characterised by a mixture of house types in varying plot sizes.

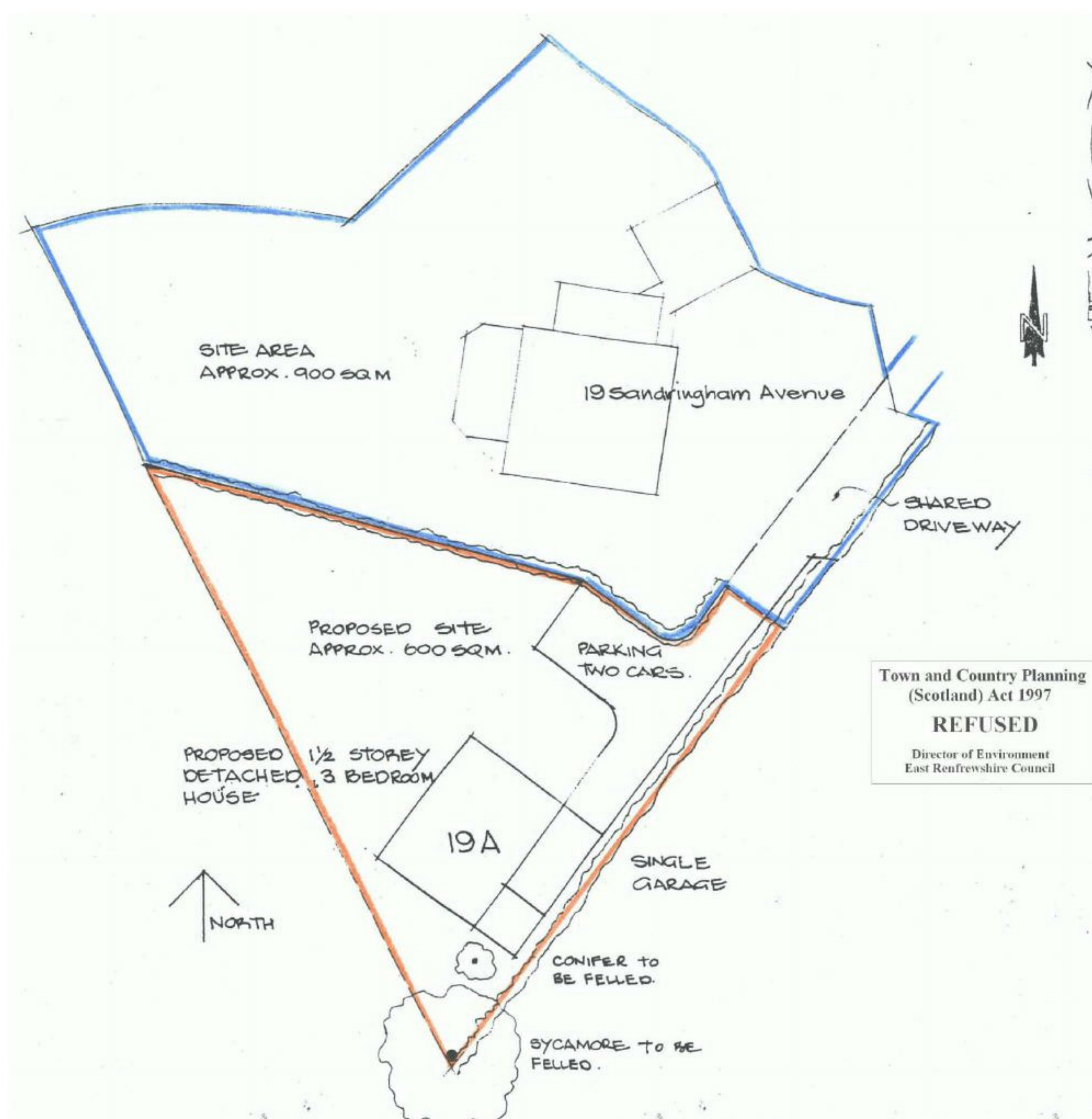


*Site Photographs*



### 3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application submitted to and refused by the Appointed Planning Officer, sought planning permission in principle for the sub-division of the existing plot and for the erection of a detached dwelling house. The indicative layout accompanying the application shows a one and a half storey dwelling house with three bedrooms; a single garage and two further car parking spaces which would be accessed via a continuation of the shared driveway. The proposed house is shown in the southern most corner of the site closest to the south east and south west boundaries. A single sycamore and an ornamental conifer tree are identified as having to be felled to accommodate the proposed dwelling.
- 3.2 It is worth noting that our clients, as their needs change with advancing age, are planning to relocate from the existing house on the site into the new house in the event of planning permission being granted for it. They have lived in this part of Newton Mearns since 1989 and want to remain in the area but in a smaller and more manageable property. Our clients are entirely flexible insofar as the precise location of the proposed dwelling house within the site is concerned.



*Proposed Site Plan (Indicative)*



## 4. PLANNING POLICY

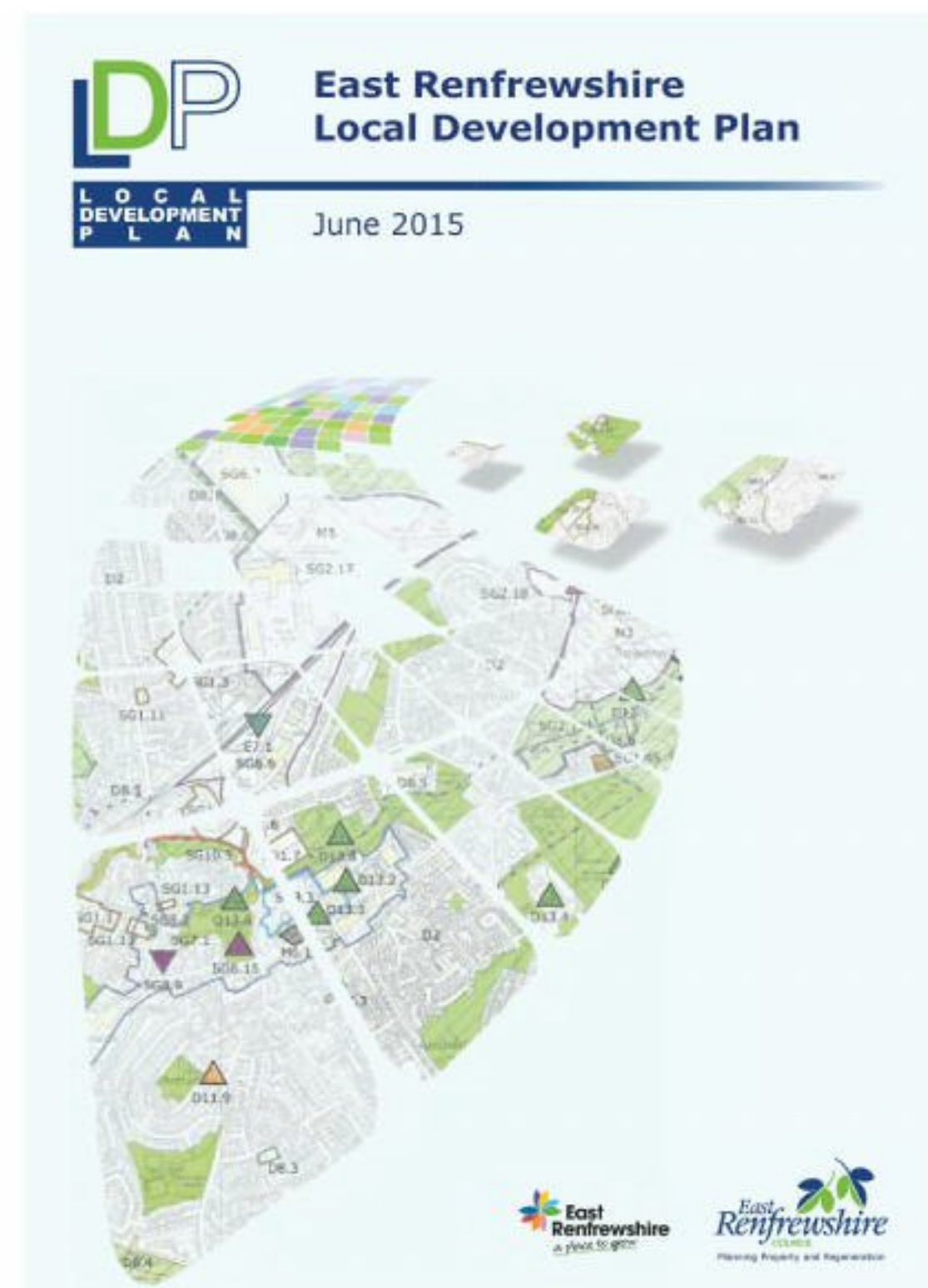
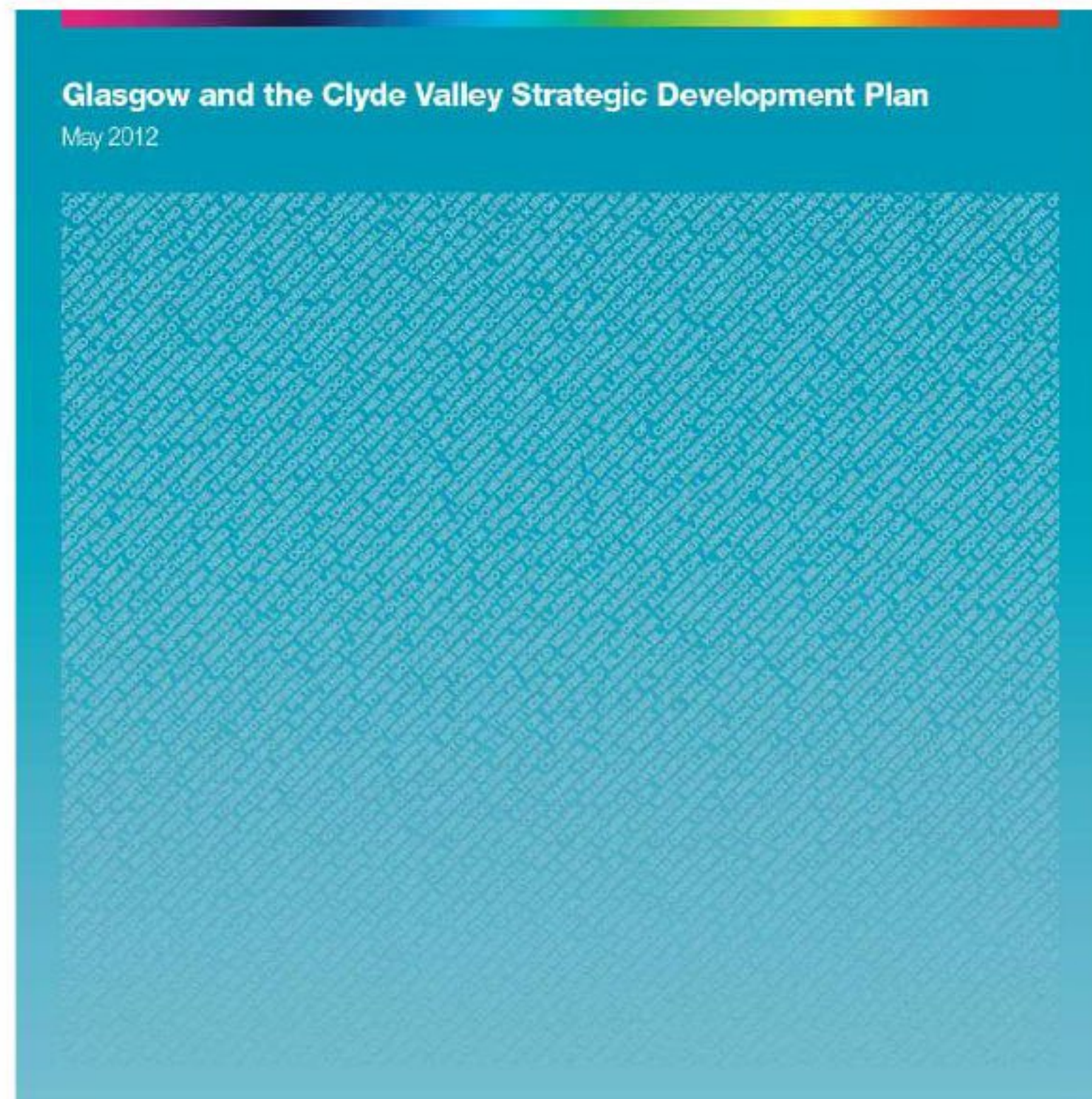
4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

*‘where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.’*

4.2 In the context of the above it is worth making reference to the House of Lord’s Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

4.3 The relevant development plan for the area comprises the Glasgow and Clyde Valley Strategic Development Plan and the adopted East Renfrewshire Local Development Plan. Other key material considerations in the determination of the application include Scottish Planning Policy; third party representations and consultation responses.



### **Glasgow & Clyde Valley Strategic Development Plan**

4.4 The Glasgow and Clyde Valley Strategic Development Plan was approved by Scottish Ministers in May 2012 and published by Clydeplan in July 2012. The plan sets out



proposals for the development of the region in the period between 2012 and 2035 and provides the strategic framework for the determination of planning applications and the preparation of local plans. However, it contains no specific policies or proposals of direct relevance to either the site or the proposed development and as such merits no further comment in the context of the application/appeal proposals.

#### **East Renfrewshire Local Development Plan**

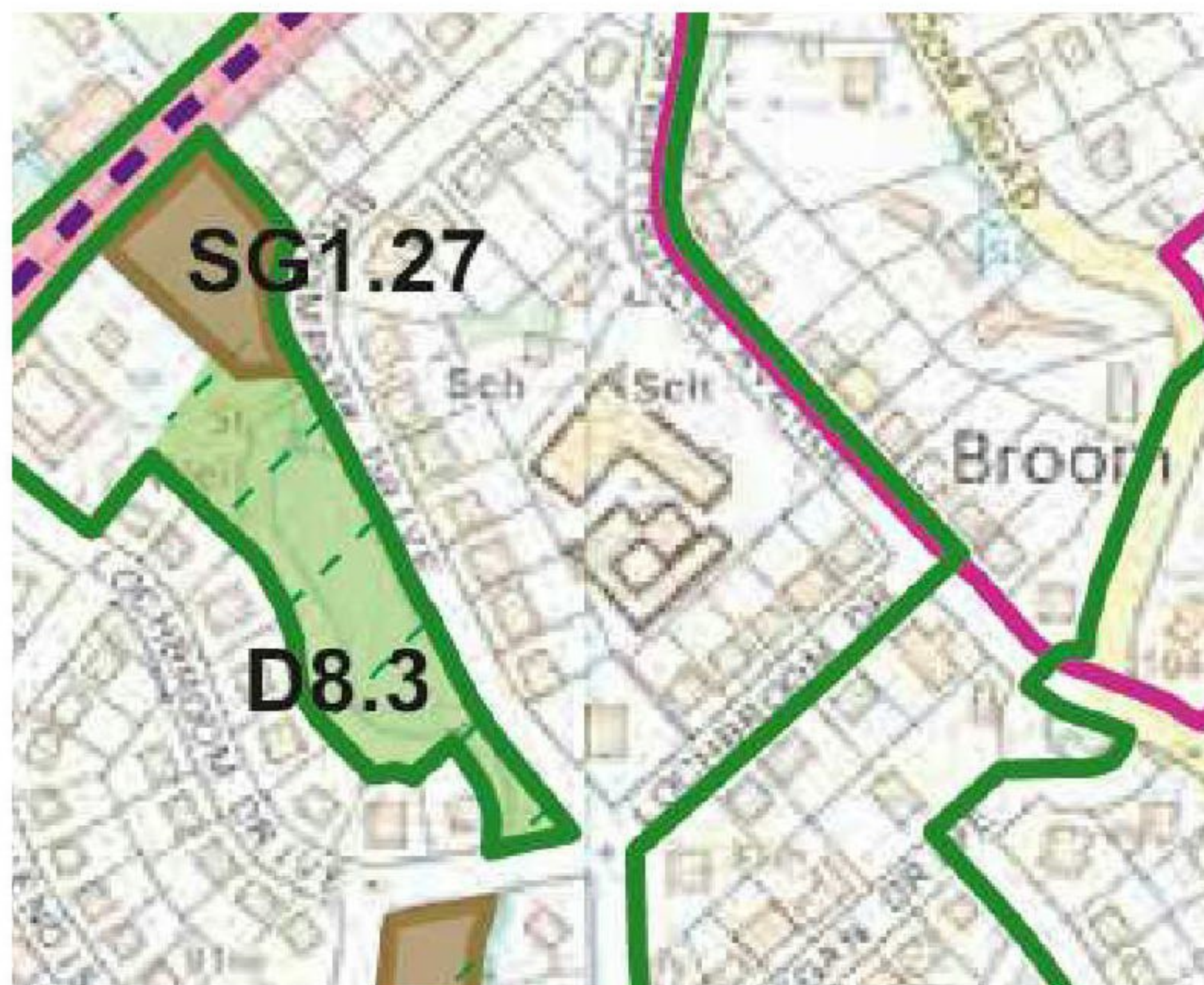
- 4.5 The East Renfrewshire Local Development Plan was adopted by East Renfrewshire Council on 25<sup>th</sup> June 2015. The application site lies within the Newton Mearns Settlement Envelope but has no specific zoning within the settlement map. It is consequently located within ‘white land’ where there is a presumption in favour of development. Policies within the Plan which are of relevance to the application under consideration include the following:

**Strategic Policy 1** – Development Strategy

**Policy D1** – Detailed Guidance for All Development

**Policy D2** – General Urban Areas

**Policy D15** – Sub-division of the Curtilage of a Dwellinghouse for a new Dwellinghouse and Replacement of an Existing House with a New House



*Application site zoned as ‘white land’*

- 4.6 Strategic Policy 1 on ‘Development Strategy’ states the following:

*‘The Council supports proposals that promote sustainable development, contribute to the reduction of carbon emissions and are served by a choice of transport modes including public transport. Proposals will be supported where they provide positive economic, environmental and social benefits to the area and meet the needs of the community up to*



2025 and beyond. All proposals are required to comply with the key aim and objectives of the Plan.

The Council supports a complementary two strand approach to development as follows:

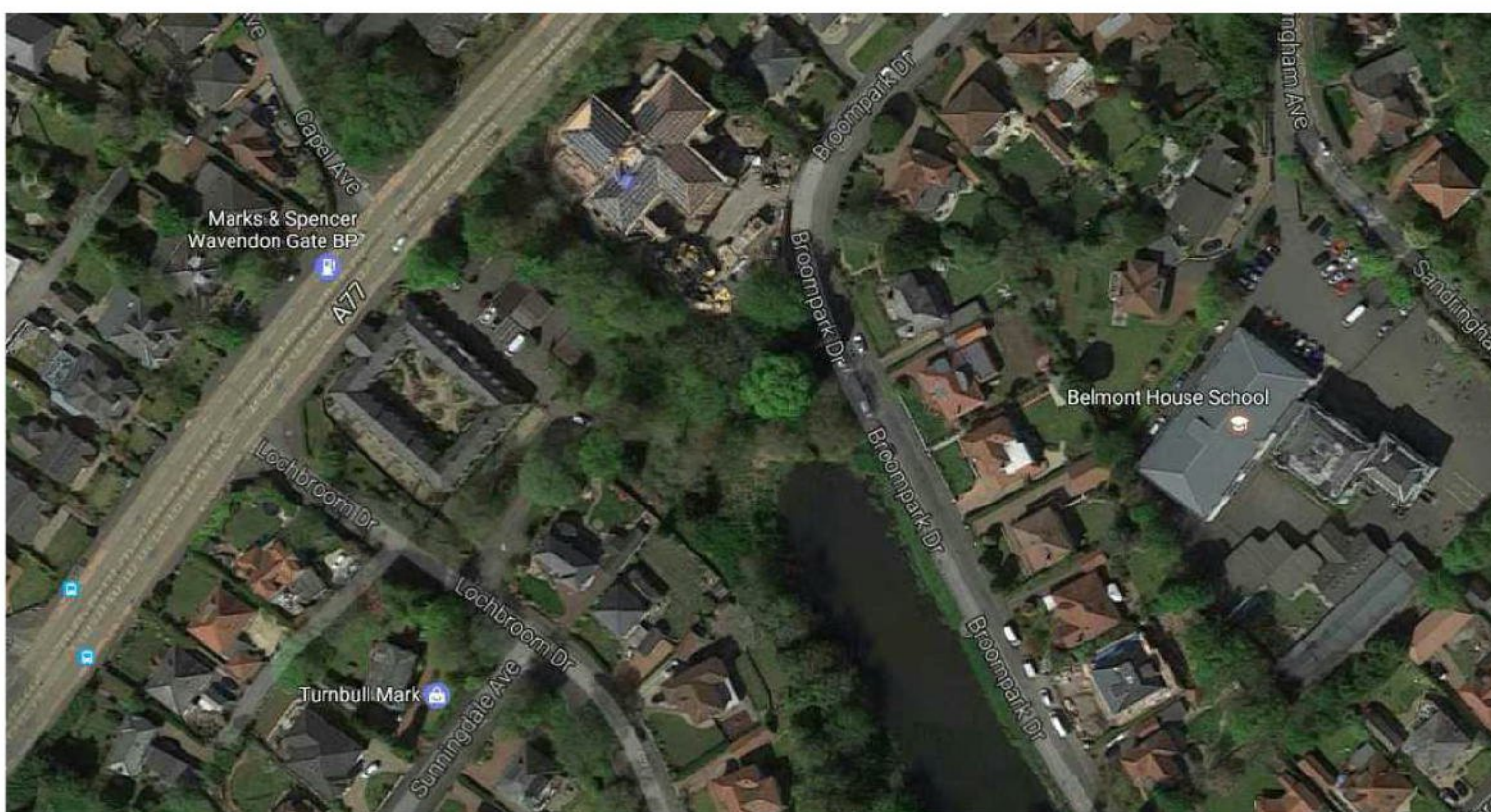
1. Regeneration and consolidation of urban areas with an emphasis on developing Brownfield and vacant sites alongside the continued protection and enhancement of the green belt and countryside around towns and the green network;
2. Controlled Growth to be master planned and directed to the following locations:

a. Urban Expansion:

- i. Malletsheugh/Maidenhill Newton Mearns Strategic Development Opportunity (Policy M2.1);
- ii. Barrhead South – Springhill, Springfield, Lyoncross Strategic Development Opportunity (Policy M2.2); and

b. A major regeneration proposal Strategic Development Opportunity at Glasgow Road/Shanks Park, Barrhead (Policy M3).’

- 4.7 The proposal to sub-divide the existing plot and to create an additional dwelling house on a site within the existing settlement envelope and with good access to public transport and other services complies with the spirit and principle of Strategic Policy 1.



*Application site located to north-west of Belmont High School*

- 4.8 Policy D1 on the ‘Detailed Guidance for All Development’ states the following:

*‘Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate,*



*met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.*

- 1. The development should not result in a significant loss of character or amenity to the surrounding area;*
- 2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;*
- 3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;*
- 4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;*
- 5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;*
- 6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;*
- 7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;*
- 8. The Council will not accept 'backland' development, that is, development without a road frontage;*
- 9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';*
- 10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;*
- 11. Developments should include provision for the recycling, storage, collection and composting of waste materials;*
- 12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;*
- 13. Where applicable, new development should take into account the legacy of former mining activity;*
- 14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways soliums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;*
- 15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.*

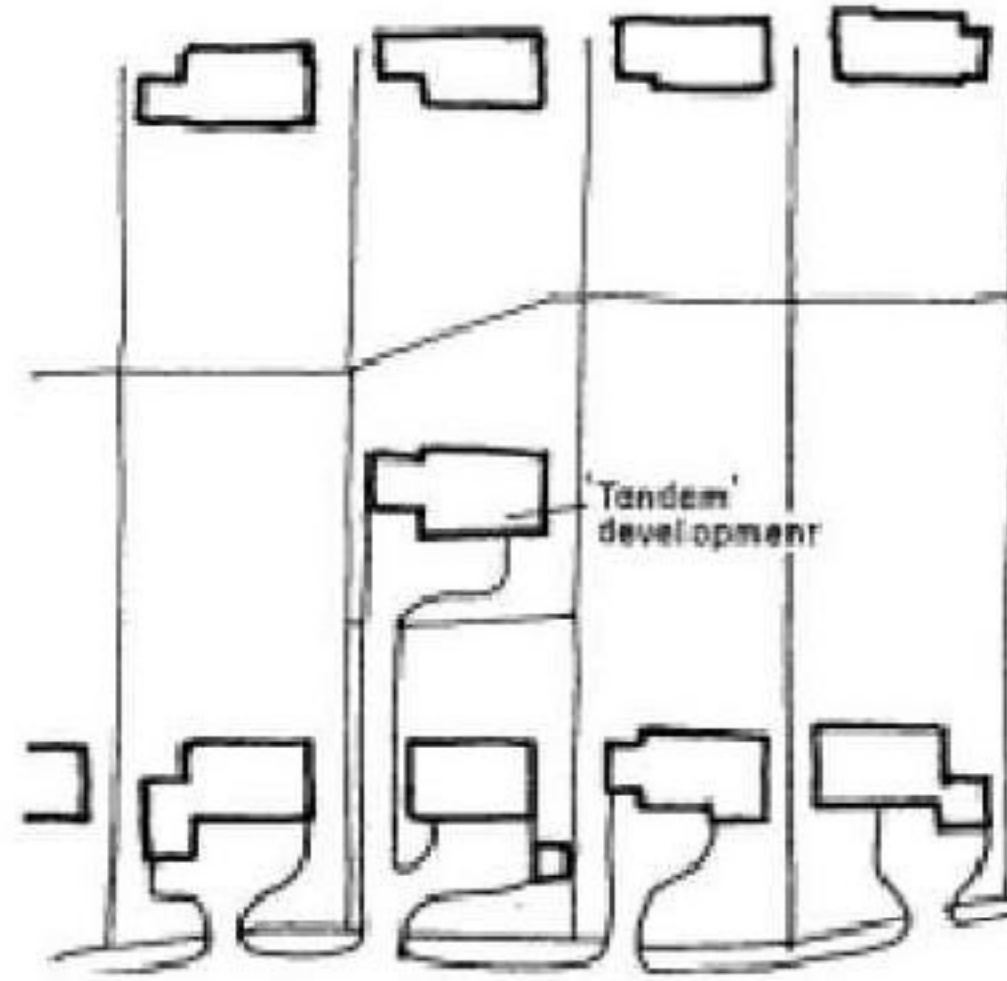


16. *Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.'*

4.9 The application which has been refused by the Appointed Planning Officer was for planning permission in principle thus rendering it difficult to respond in detail to all of the criteria referred to in Policy D2 above. Notwithstanding this, our responses, where possible, are as follows:

1. With the exception of the school to the south, the character of the area within which the application site is located, is predominantly residential in nature. The addition of a house within the site applied for will not alter that overall character.
2. There are a variety of house types and plot sizes and shapes in the area. As such the proposal to subdivide the existing plot and to erect a one and a half storey dwelling could not be considered to be out of character with the established pattern of development in terms of size, scale, massing and density.
3. The indicative layout submitted with the application identifies a house in the southern part of the site next to the boundary with the school and the properties at 21 and 23 Broompark Drive. Given that the site is some 600 sq. metres in area and that there exists a distance in excess of 15 metres between the rear of the properties on Broompark Drive and the mutual boundary with the application site a house can clearly be accommodated on the application site without compromising the amenity of those neighbouring properties.
4. Whilst the indicative layout submitted with the application suggests the removal of two trees (sycamore and ornamental conifer) to facilitate the development of a new house our clients would happily retain the sycamore tree. If this were not possible they would be more than prepared to provide additional planting to compensate for any tree loss arising as a result of the proposal.
5. Our clients are quite happy to incorporate green infrastructure within the development which could be secured through the imposition of a condition on any consent granted.
6. Located at what is effectively the end of a cul-de-sac the proposed dwelling will create a secure and safe residential environment.
7. The proposal relates to a private dwelling house and as such will be devoid of public areas requiring disabled access.
8. '*Backland development*' otherwise known as '*tandem development*' occurs when a dwelling house is proposed to be developed at the rear of an existing house with access taken at the side of the house as shown in the diagram overleaf.





The dwelling house proposed on this site is not being proposed to the rear of the existing dwelling house on the plot. It is being proposed to the side of the existing house and will be located at the end of a residential cul-de-sac. It does not involve the type of development that this criterion of the policy seeks to prevent.

9. The indicative layout submitted with the application shows two car parking spaces and a garage associated with the proposed dwelling house which comfortably meets requirements.
  10. There will be no light pollution arising from the proposed development.
  11. Provision for recycling, storage, collection and composting of waste materials can be secured, if desired through the imposition of a condition on any consent granted.
  12. Every effort will be made to ensure that waste material arising from construction, will, where possible be reused on site or otherwise recycled.
  13. We are unaware of the site being subject to any sort of mining legacy.
  14. The site is located within 175 metres of the A77 which provides a range of public transport services.
  15. The application relates to the erection of a single dwelling house and as such there is no requirement to submit a design statement in association with it.
  16. It would be our client's intention to ensure that the dwelling proposed would be provided with digital infrastructure.
- 4.9 Policy D2 on 'General Urban Areas' states the following:
- 'Development will be supported within the general urban areas, as defined on the Proposals Map, where compatible with the character and amenity of the locality and surrounding land uses and where it complies with other appropriate policies of the Plan.'*
- 4.10 The application site is located within the urban area and the residential use proposed is compatible with the character and amenity of the area and with the surrounding land uses.



4.11 Policy D15 on ‘*Sub-division of the Curtilage of a Dwellinghouse for a new Dwellinghouse and Replacement of an Existing House with a New House*’ states the following:

- *The proposed plot should reflect the established pattern of development and should be of a size and shape capable of accommodating a dwellinghouse. There should also be sufficient land to provide garden ground that is of a scale and character compatible with the locality.*
- *Any new house must reflect the scale and character of the surrounding residences and the established pattern of development in the area. It should be designed to contribute to the visual character of the area.*
- *Existing building lines should be respected.*
- *Development should provide safe vehicular access and parking in accordance with the Council’s roads and parking standards.*

4.12 We would respond to the criteria outlined in the policy above in the following terms:

- There is a range and mix of plot sizes and house types in the area and as a consequence of this the erection of a dwelling house on the proposed plot would be in keeping with the character with the area. The application plot is some 600 sq. metres in area and the sub-divided plot some 900 sq. metres in area. This will ensure that both properties can be provided with adequate private garden areas and a plot ratio which is in character with the spatial density of the area.
- In a similar vein to the above it is evidently clear that the plot is capable of accommodating a dwelling house which would be in keeping with the character and amenity of the area.
- Given the cul-de-sac nature of the wider development it has a loosely defined building line which the proposal to erect a new dwelling house on the sub-divided plot would not compromise in any material way.
- We are very firmly of the view that the site can be provided with a safe means of access. The existing access presently serves Belmont House School and two dwelling houses with no history of safety concerns arising. The addition of a further dwelling using the road will lead to only a marginal increase in traffic which is not considered to constitute a safety risk.

4.13 Whilst our views on the merit of the proposal differ from those of the Planning Officer, for reasons commented upon further in Section 5 of this Statement, we are very firmly of the opinion that the proposal is entirely compliant with the terms of the development plan and therefore meets the requirements of the first part of Section 25 of the Planning Act.

**Other material considerations**

4.14 There are a number of other material considerations which must be addressed in the consideration of the proposal by the Local Review Body including Scottish Planning Policy, third party representations and consultation responses.



***Scottish Planning Policy***

- 4.15 The Scottish Planning Policy Document was produced by the Scottish Government in June 2014 with its purpose stated as being ‘*to set out national planning policies which reflect Scottish Ministers’ priorities for operation of the planning system and for the development and use of land.*’ The document advocates the efficient use of existing capacities of land, buildings and infrastructure and as such supports, in principle, the development of new residential homes on sites lying within existing settlements such as that proposed.

***Third Party Representations***

- 4.16 It is understood that a total of five representations have been submitted to the Council objecting to the proposed development. Those grounds of objection and our responses to them are outlined below:

*‘Inadequate access and safety issues during the construction phase’*

**Response** – Whilst it is acknowledged that there will be additional traffic in the area arising from the construction of the proposed dwelling such impacts are short term and temporary in nature and do not provide justification for refusing a planning application.

*‘Overlooking’*

**Response** – The application site is some 600 sq. metres in area. Although broadly triangular in shape, the site, at its widest point, is some 33 metres in width and 36 metres in length. With dimensions as such it can easily accommodate a dwelling house which will not result in a loss of privacy of or overlooking into neighbouring properties.

*‘Overshadowing’*

**Response** – As above regarding dimensions and size of site.

*‘Impact on existing infrastructure’*

**Response** – There are no infrastructural capacity constraints preventing the development of a single dwelling house on the site.

*‘Cumulative impact of this and other developments under construction on residential amenity.’*

**Response** – The current proposal relates to the erection of a single dwelling house on a sustainably located site within the existing settlement envelope. Whilst it is appreciated and acknowledged that other developments are under construction or in the pipeline this dwelling house will not result in an adverse impact on residential amenity.

*‘Loss of Trees’*

**Response** – The indicative layout presented in the application will result in the loss of two trees, a sycamore and an ornamental conifer. As noted previously our clients will look again at the possibility of retaining these trees but if that is not possible they are prepared to commit to undertaking compensatory planting either on the existing plot or the proposed plot or both.

*‘Loss of View’*

**Response** – Under Planning Law there is no right to a view.

*‘Precedent’*

**Response** – Each planning application must be treated on its own individual merits.

*‘Applicant is motivated by profit’*

**Response** – Whilst this particular point does not represent a valid ground of objection we would nevertheless wish to comment on it. As noted previously, our clients are motivated by the desire to continue living in this part of Newton Mearns and to enable them to do so as their needs change with advancing age, they wish to be able to downsize from their present dwelling house.

#### **Consultation Responses**

4.17 It is our understanding that the Roads Department are the only consultee to have objected to our client’s planning application. The grounds of objection and our responses to them are outlined below:

(i) *Three or more dwellings must be served by an access road that is built to an adoptable standard.*

**Response** – The Council’s Roads Department claims that no more than two dwellings can be served from a road which is not adopted. Whilst that might be the Council’s position it is one that conflicts with and is contrary to the terms of the National Roads Development Guide which has been produced by the Society of Chief Officers of Transport in Scotland, supported by Transport Scotland and the Scottish Government’s Planning and Architecture Division. It was last updated in February 2014. Paragraph 2.1.14 of this document states:-

*‘6 or more individual dwellings should normally be served by a ‘road’ which will require Construction Consent and the submission of a road bond in a residential area.*

*Generally 5 or fewer dwellings (more if a brownfield site’, e.g. redeveloped farm steadings) will be served by a ‘private access’ which, as there is no right of public access, will not require Construction Consent and will not be available for adoption. Such layouts should provide adequate turning facilities and a satisfactory junction with a public road.’*

The quote referred to clearly implies that it is appropriate for up to five dwelling houses to be serviced from a private unadopted road and not the two as has been referred to by the Council’s Roads Department.





## NATIONAL ROADS DEVELOPMENT GUIDE



(ii) *The access is not sufficiently wide to allow vehicles to pass.*

**Response** – Short private driveways of this nature are seldom, if ever, sufficiently wide to allow vehicles in opposite directions to pass each other. As far as this particular site is concerned it is evidently clear that vehicles could pass each other in the vicinity of and at the frontage to 19 Sandringham Avenue (i.e. the donor property)

(iii) *Inter-visibility is poor.*

**Response** – We are not entirely clear as to what is meant by this term or what it refers to. As the private access road is readily visible by existing users the reference may relate to the relationship with the access arrangements with the adjoining school. The access arrangements serving the school and the two existing dwelling houses have worked extremely well and with no serious conflict for many years. An additional dwelling house of the type proposed will not impact significantly on those existing arrangements.

(iv) *Delivery vehicles would be unable to access/egress site in a forward gear.*

**Response** – It is not unusual for delivery vehicles, on the relatively rare occasions they have to make a delivery to a domestic property to reverse into it and drive out of it in a forward gear. In this particular instance delivery vehicles could drive into and turn within the grounds of 19 Sandringham Avenue. Even if that were not possible their concern does not provide a justifiable reason for refusing our client's planning application.



- 4.18 Having assessed the proposal against the terms of the development plan and all other material considerations we are firmly of the view that there are no sound reasons for refusing this application.

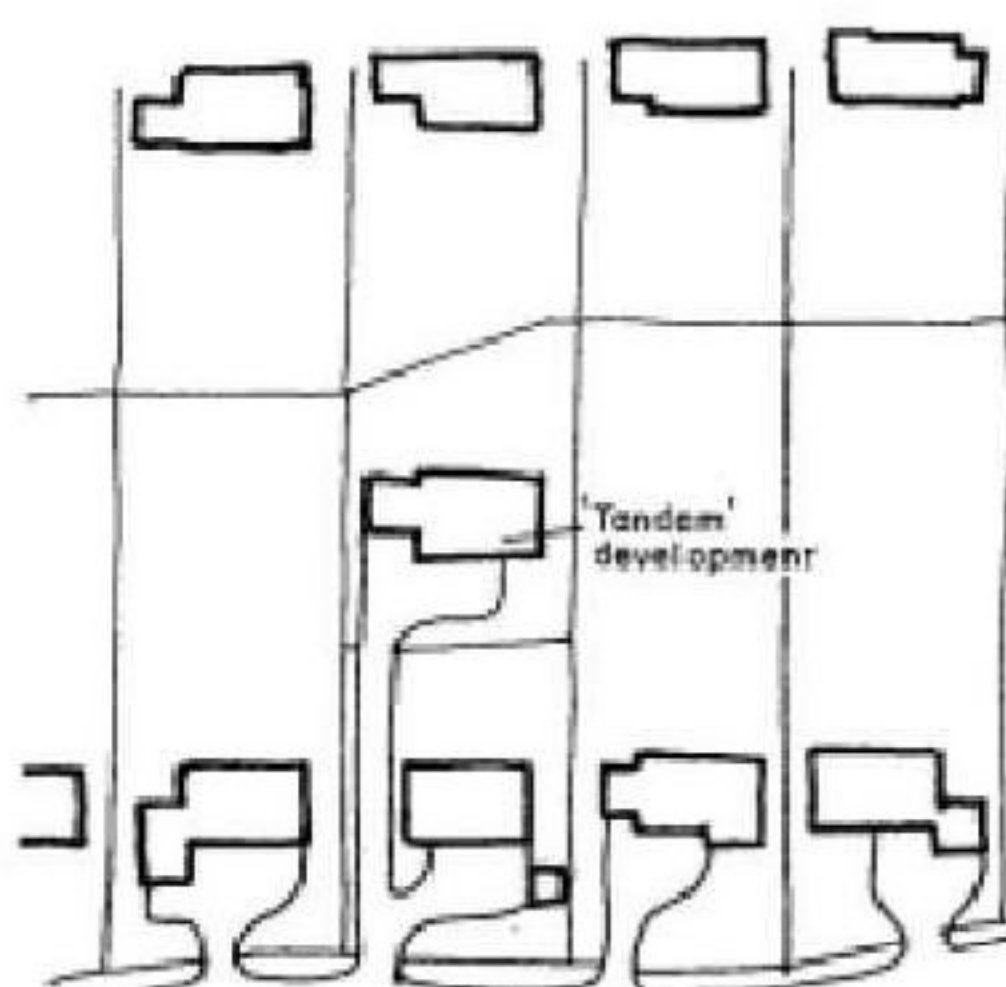


## 5. COMMENTS ON REASONS FOR REFUSAL

5.1 The application has been refused by the Appointed Planning Officer for two reasons. Copies of the Decision Notice and Report of Handling are attached as **Documents 2 and 3** respectively. The reasons and our responses to them are outlined below:

1. *The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it (i) would result in the erection of a new dwelling without a road frontage; and (ii) would be accessed via a sub-standard driveway serving more than two dwelling houses which would be detrimental to road safety.*

**Response** – (i) As noted on a number of occasions previously the proposed development does not relate to a typical ‘backland’ development which one would normally associate with the erection of a dwelling house directly behind an existing dwelling house with access taken down the side of the dwelling house as shown in the diagram below.



This development involves the provision of an extension to an existing road and the erection of a dwelling house at the end of that road. Due to the layout and configuration of the existing and proposed properties this proposal cannot be described as a backland development and furthermore it will benefit from a road frontage.

(ii) We do not consider the existing driveway and the one that will service the proposed dwelling house to be substandard in nature. The existing driveway serves two houses at present which is significantly fewer than the maximum of five suggested in the National Roads Development Guide. We are not aware of any concerns regarding the relationship of the existing driveway with the access arrangements serving the existing school. A single additional house at the end of this driveway and the minimal traffic generated by it will not, result in a risk to public safety.

2. *The proposal is contrary to Policy D15 of the adopted East Renfrewshire Local Development Plan as the proposed dwelling would be accessed via a sub-standard private access serving more than two dwellings which would be detrimental to public road safety.*

**Response** – Our comments on Reason for Refusal 1 (ii) as outlined above are equally applicable to Reason for Refusal 2.



## 6. SUMMARY AND CONCLUSIONS

6.1 Our client's request for a review is summarised in the following terms:

- **The application site forms part of the garden ground attached to 19 Sandringham Avenue in Newton Mearns which is a two storey detached dwelling house lying within an established residential area. The site area associated with the existing house measures some 1500 sq. metres. The application site which is broadly triangular in shape and located on the southern side of the overall plot measures some 600 sq. metres in area.**
- **The site is bounded to the north by the existing dwelling at No. 19 Sandringham Avenue; to the south west by detached dwelling houses on Broompark Drive (Numbers 19, 21 & 23); and to the south east by Belmont House School which is a category 'B' Listed Building. The site boundaries are established by planting, timber fencing and a number of trees. The existing property at Number 19 is accessed via a private driveway shared with Number 5 Sandringham Avenue as well as the school. The wider area, with the exception of the school, is characterised by a mixture of house types in varying plot sizes.**
- **The application submitted to and refused by the Appointed Planning Officer, sought planning permission in principle for the sub-division of the existing plot and for the erection of a detached dwelling house. The indicative layout accompanying the application shows a one and a half storey dwelling house with three bedrooms; a single garage and two further car parking spaces which would be accessed via a continuation of the shared driveway. The proposed house is shown in the southern most corner of the site closest to the south east and south west boundaries. A single sycamore and a conifer tree are identified as having to be felled to accommodate the proposed dwelling.**
- **The applicants, as their needs change with advancing years, are planning to relocate from the existing house on the site into the new house in the event of planning permission being granted for it. They have lived in this part of Newton Mearns since 1989 and want to remain in the area but in a smaller and more manageable property.**
- **The application was refused by the Appointed Planning Officer who considered the proposal to be contrary to the terms of Policies D1 and D15 of the adopted East Renfrewshire Local Development Plan as the proposal would (i) result in the erection of a new dwelling house without a road frontage and (ii) would be accessed via a sub-standard private driveway serving more than two dwellings which would be detrimental to road safety.**
- **We disagree with the Planning Officer's assessment of the application for the following reasons:**
  - (a) **The application site does not constitute a typical backland site without a road frontage. It will be developed and accessed through an extension of**



**an existing private driveway and will be located to the side of rather than to the rear of an existing dwelling house.**

**(b) The existing driveway which serves two properties is not sub-standard in nature. It can only be identified as such if one applies the theory that no more than two houses should be accessed of a non-adopted road. National Roads Guidelines suggest that a private unadopted driveway could be used in association with up to five dwelling houses.**

**(c) The existing access arrangements have operated safely and without conflict with traffic using the adjoining school for many years. The traffic associated with an additional single dwelling house will not have an adverse impact on that situation.**

- **Other points in support of the application include the following:**
  - **The application site is located within the settlement boundary on ‘white land’ within the East Renfrewshire Local Development Plan where there is a presumption in favour of development proposals.**
  - **The sub-division of the garden and the erection of a house thereon will make a small but nonetheless important contribution towards meeting the area’s housing requirements.**

6.2 In light of the considerations outlined above it is respectfully requested that the appeal be upheld and planning permission granted for the proposed sub-division of the plot and for the erection of a detached dwelling house on that sub-divided plot. We reserve the right to provide additional information in support of this appeal in the event of further representations being made by the Appointed Planning Officer, consultees or by third parties prior to its determination by the Local Review Body.

Signed



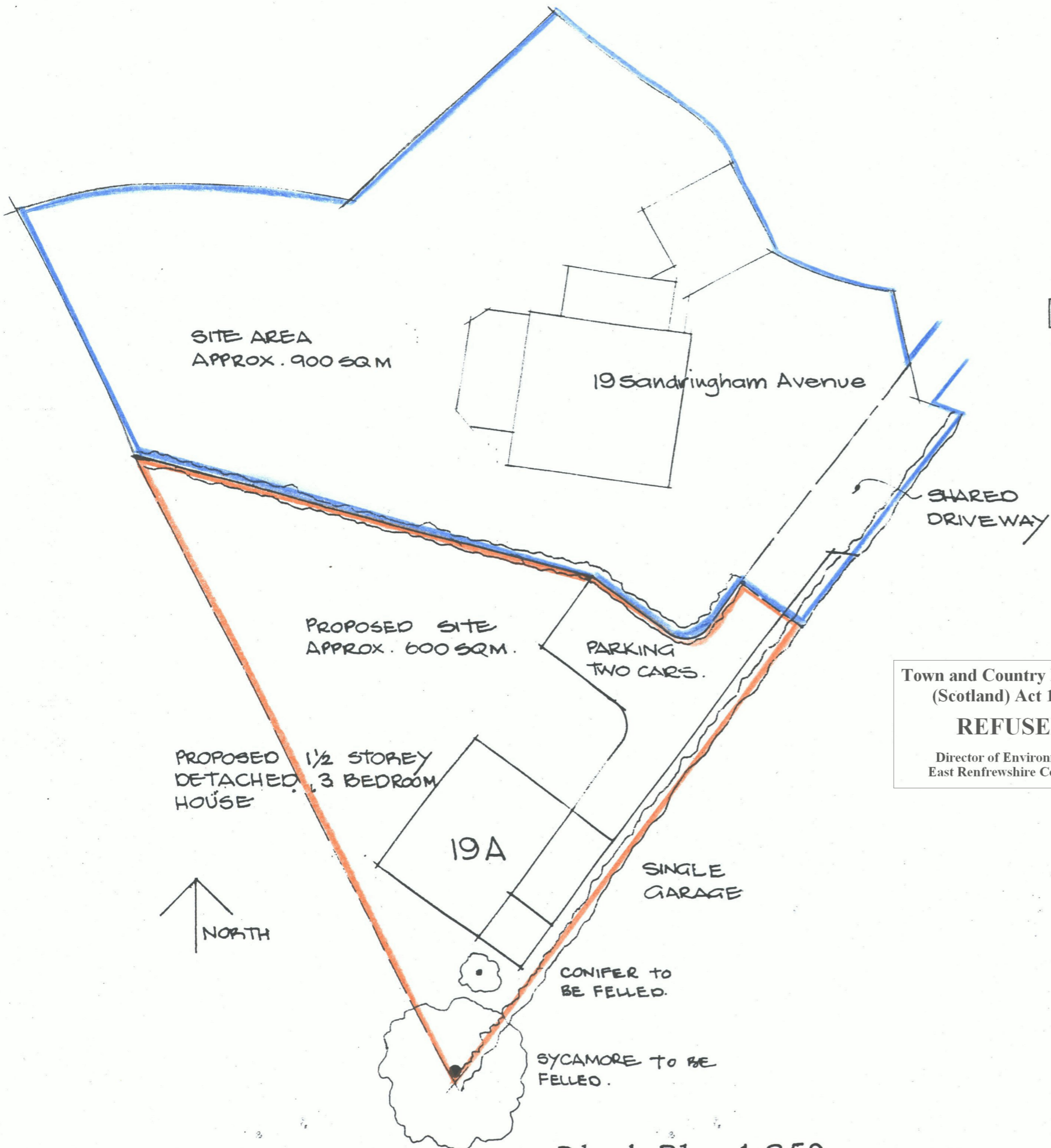
Derek Scott

Date

30<sup>th</sup> January 2017

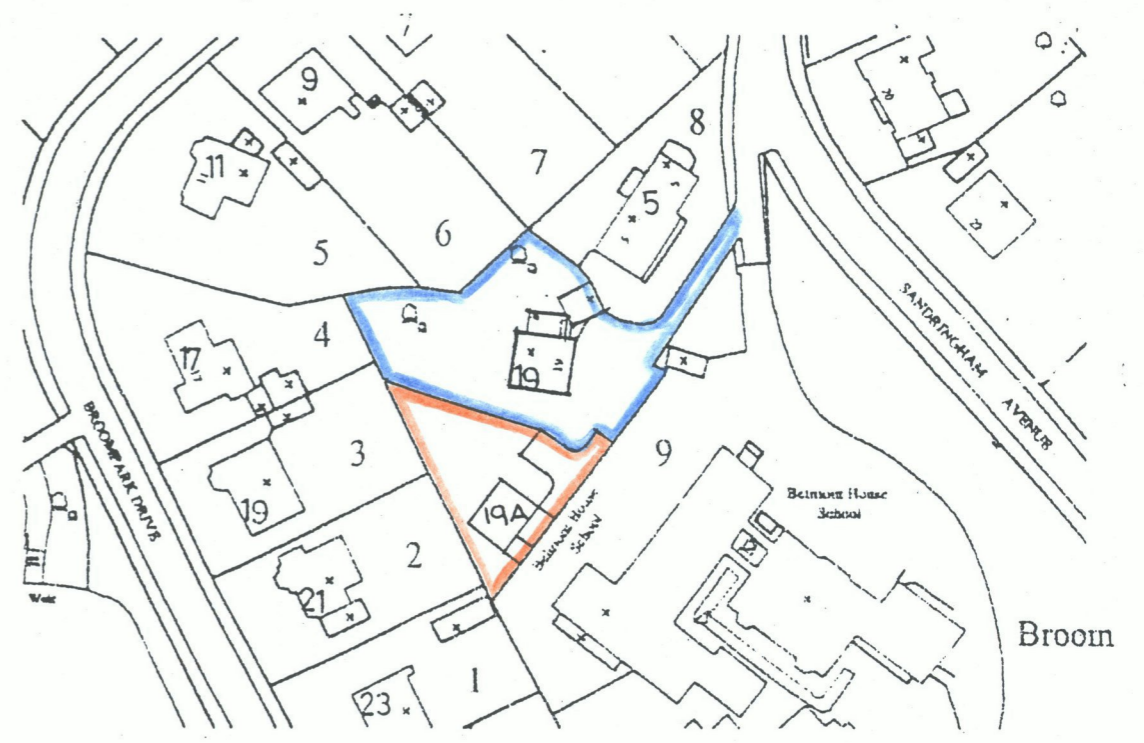
**PLANS/PHOTOGRAPHS/DRAWINGS**





Block Plan 1:250

Town and Country Planning  
(Scotland) Act 1997  
**REFUSED**  
Director of Environment  
East Renfrewshire Council



Location Plan 1:1250

PROJECT		
19A SANDRINGHAM AV.		
DRAWING TITLE		
LOCATION & BLOCK PLANS		
Drn by	Drn date	Scale
DHA	SEP '16	1:1250 1:250
Proj no	Drn no	Revision
221	01	
CHECKED BY		
DAVID HUTCHISON & ASSOCIATES		
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