

EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

8 January 2014

Report by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2013/05

ERECTION OF TWO STOREY DWELLINGHOUSE AND DETACHED DOUBLE GARAGE
AT LAND ADJACENT TO EASTFIELD, MEARN'S ROAD, NEWTON MEARN'S

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: Full Planning Permission (Ref No:- 2013/0410/TP).
Applicant: Mr D Stewart
Proposal: Erection of two storey dwellinghouse and detached double garage
Location: Land adjacent to eastfield, Mearns Road, Newton Mearns
Council Area/Ward: Newton Mearns South (Ward 5).

REASON FOR REQUESTING REVIEW

3. The applicant has 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, Property and Regeneration).

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 applicant in submitting the review has stated the reasons for requiring the review of the determination of his application. A copy of the applicant's Notice of Review and Statement of Reasons is attached as Appendix 5.

9. The applicant is 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 has indicated that his stated preferences are further written statements, one or more hearing sessions and/or a site visit.

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

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

11. 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.

12. 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 comments/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 applicant's Notice of Review and Statement of Reasons - Appendix 5 (Pages).

13. The applicant has 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 these are attached as Appendix 6 (Pages):-

- (a) Drawing 001 – Location Plan;
- (b) Drawing 002 – Existing Block Plan;
- (c) Drawing 003 – Proposed Block Plan;
- (d) Drawing 004 – Site Plan;
- (e) Drawing 005 – Roof Plan;
- (f) Drawing 006 – Ground Plan;
- (g) Drawing 007 – Upper Floor Plans;
- (h) Drawing 008 – East Elevation;
- (i) Drawing 009 – South Elevation;
- (j) Drawing 010 – West Elevation;
- (k) Drawing 011 – North Elevation;
- (l) Drawing 012 – Proposed Garage
- (m) Drawing 013 – Model Images; and
- (n) Revised Design Statement.

14. 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.

RECOMMENDATIONS

15. The Local Review Body is asked to:-

- (a) consider whether it has sufficient information to allow it to proceed to determine the reviews without further procedure and, if so, that:-
 - (i) it proceeds to determine whether the decisions taken in respect of the applications under review should be upheld, reversed or varied; and
 - (ii) in the event that the decisions are reversed or varied, the reasons and the detailed conditions to be attached to the decision letters are agreed.
- (b) In the event that further procedure is required to allow it to determine the reviews, 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:

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:- December 2013

KEY WORDS:

A report presenting information to allow the Local Review Body to review the decision taken by the appointed officer to refuse the application for planning permission in terms of the scheme of delegation.

Key Words:- Local Review Body, Notice of Review, Statement, Reasons.



2 Spiersbridge Way Thornliebank Glasgow G46 8NG

Tel: 0141 577 3001

Fax: 0141 577 8411

Email: planningapplications@eastrenfrewshire.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000066327-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

New high quality, site specific eco dwelling house and garage on land at Old Humber Road / Meams Road

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? * (Answer 'No' if there is no change of use.) * Yes No

Have the works already been started or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	ataSTUDIO
Ref. Number:	
First Name: *	Graeme
Last Name: *	Andrew
Telephone Number: *	01415720957
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	mail@atastudio.com

You must enter a Building Name or Number, or both:*

Building Name:	ataSTUDIO
Building Number:	110
Address 1 (Street): *	Brunswick Street
Address 2:	studio 1.3
Town/City: *	Glasgow
Country: *	UK
Postcode: *	G1 1TF

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	Mr
Other Title:	
First Name: *	D
Last Name: *	Stewart
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:*

Building Name:	c/o ataSTUDIO
Building Number:	
Address 1 (Street): *	110 Brunswick Street
Address 2:	studio 1.3
Town/City: *	Glasgow
Country: *	Scotland
Postcode: *	G1 1TF

Site Address Details

Planning Authority:

East Renfrewshire Council

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

655014

Easting

254347

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

Mr McDaid advised that our application should include justification for the design in relation to the position on site. Mr McDaid also noted that a sewer runs through the site and that we should consider how we deal with this.

Title:

Mr

Other title:

First Name:

Sean

Last Name:

McDaid

Correspondence Reference Number:

Date (dd/mm/yyyy):

22/05/13

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

715.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

The site is current overgrown and derelict.

Access and Parking

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

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting 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 highlighting 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? *

2

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

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

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

- Yes – connecting to public drainage network
- No – proposing to make private drainage arrangements
- Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

Yes No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
- No, using a private water supply
- No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details:(Max 500 characters)

Bins stores for collection of waste including recycling to be located beside garage.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form 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 the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

Certificate and Notice under Regulation 15 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Certificates

The certificate you have selected requires you to distribute copies of the Notice 1 document below to all of the Owners/Agricultural tenants that you have provided before you can complete your certificates.

Notice 1 is Required

I understand my obligations to provide the above notice(s) before I can complete the certificates. *

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

I hereby certify that -

(1) - No person other than myself/the applicant was an owner [Note 4] 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 accompanying application;

or -

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

c/o Rightmove Countrywide

Address:

Countrywide Estate agents, , 39, Busby Road, Clarkston, Glasgow, G76 7BN

Date of Service of Notice: *

21/09/13

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed:



On behalf of:

Mr D Stewart

Date:

21/06/2013

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

c) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

d) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2008) have you provided a Design Statement? *

Yes No Not applicable to this application

e) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

f) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Graeme Andrew
Declaration Date: 21/06/2013
Submission Date: 21/06/2013

Payment Details



Created: 21/06/2013 18:21

Wallace, Joan

From: David Bremner [REDACTED]
Sent: 26 July 2013 16:03
To: Planning
Subject: REF: 2013/0410/TP : Notice to Neighbours

For the Attention of : Head of Environment (Planning Property and Regeneration)
East Renfrewshire Council

Dear Sir/Madam .

Reference to above Application and Notice to Neighbours dated 8th July 2013 (lodged whilst the writer was away on holiday and has just returned)

I wish to object to this Planning Application.

A. It will be intrusive on the end of our property

B. Will look directly back into our frontage

C. Destabilise one very large and attractive Chestnut Tree at the end of our garden partly on the current "vacant site".

D. Create another vehicle opening onto the Old Mearns Road – the exit from the Old Humble Road is already sufficiently difficult at times.

For these reasons I object to this Planning Application.

Yours Faithfully,

David Y. Bremner

Greenhill Lodge 1 Old Humble Road Newton Mearns Glasgow G77 5DF

26th July 2013

This email has been scanned.

O'Neil, Paul [CE]

From: Wallace, Joan
Sent: 26 November 2013 10:11
To: O'Neil, Paul [CE]
Cc: McCarney, Gillian; McDaid, Sean; Shankland, Graham
Subject: FW: REVIEW/2013/05

From: David Bremner [<mailto:david.bremner@outlook.com>]
Sent: 25 November 2013 23:46
To: Planning
Subject: REVIEW/2013/05

Attention : Paul O'Neil
East Renfrewshire Council Planning Dept.

Dear Sir,

I refer to my e/mail of 26th July 2013 in connection with my objections to the Application for the erection of a Two Storey Dwellinghouse and detached Double Garage.

My objections contained in points A to D of that e/mail of 26th July 2013 have not altered so I restate them with this e/mail to you.

Yours Faithfully,
David Y. Bremner
Greenhill Lodge 1, Old Humble Road Newton Mearns Glasgow G77 5DF

25th November 2013

Ack. 29/07/13 - SM.

- London
- Edinburgh
- Manchester



CHARTERED SURVEYORS

Montagu Evans LLP
302 St Vincent Street
Glasgow G2 5RU
Tel: 0141-204 2090
Fax: 0141-221 8441
www.montagu-evans.co.uk

AF/GEN

26 July 2013

RECEIVED
29 JUL 2013

East Renfrewshire Council
Development Management
2 Spiersbridge Way
Spiersbridge Business Park
Thornliebank
East Renfrewshire
G46 9NG

FAO: Mr Sean McDaid

Dear Sean

**Planning Application Reference (2013/0410/TP)
Land Adjacent To Eastfield, Mearns Road, Newton Mearns
Objection by Mr A Clark**

We write in respect of the above planning application which has been submitted by Mr D Stewart at land adjacent to Eastfield, Mearns Road, Newton Mearns. We have been instructed by Mr A Clark to submit a formal objection to this planning application.

Our client is the owner of Eastfield, Mearns Road, Newton Mearns which sits directly adjacent to the site.

The adopted East Renfrewshire Local Plan (14 February 2011) designates the site as within a general urban area (Policy E1) and within a Tree Preservation Order Area (Policy E3).

The site is at the north east of Eastfield and is an area of ground that previously had a number of large trees which have been removed over recent years. The site is found on the corner of Mearns Road and Old Humber Road in an elevated position. There is large tree found on the site which is covered by a TPO. The remainder of the site is open space.

The application by Mr D Stewart is for detailed planning permission and proposes the erection of a two storey detached dwellinghouse and double garage.

The applicant notes that the site area extends to 715sq.m and the proposal seeks to revive an overgrown and derelict site. The only reason the site has become overgrown is because existing trees have been removed by the applicant. The Council acknowledges that: *"there was no justification for their removal other than to accommodate the proposed house."*

There is a detailed site history which consists largely of applications refused by the Council since 1998 which are summarised below:

- Planning Application (TP/98/0382) for the erection of dwellinghouse and garage, formation of access and erection of 1.3 metre high fence. **Application Refused 28 December 1998**
- Planning Permission Appeal for the erection of dwellinghouse and garage, formation of access and erection of 1.3 metre high fence. **Planning Appeal Refused 30 August 1999**
- Planning Application (2008/0245/TP) for the erection of one and a half storey detached dwellinghouse. **Application Refused 5 November 2008**
- Planning Application (2009/0661/TP) for the erection of dwellinghouse (planning permission in principle). **Planning Application Withdrawn 3 November 2009**

The Committee Report for planning application (2008/0245/TP) notes that the application refused by the Council on 28 December 1998 was considered by the Council to be incapable of accommodating a house and would result in a loss of landscape features. The subsequent appeal was dismissed on 30 August 1999 and the Reporter concluded that the proposal was inconsistent with the local plan and protected trees would be removed.

The conclusions of the Reporter make reference to 'protected trees' and we request that the Council confirms that any trees on the site which have been removed and had a TPO were approved by the Council.

The refused 2008 application proposed a one and a half storey detached dwellinghouse fronting onto Mearns Road. This application was refused for the following reason:

"The proposal is contrary to Policy DC1 of the adopted East Renfrewshire Local Plan and Policy DM1 of the Finalised East Renfrewshire Local Plan as the proposed house would result in overdevelopment of this site and it is considered that the limited size and shape of the plot is not capable of accommodating the proposed house. In addition the development would be visually prominent and dominant at this location and would be detriment of the amenity and surrounding area."

It is considered that the proposal is still in conflict with planning policy and the concerns raised by East Renfrewshire Council for the previously refused planning applications still apply. The new proposal differs from the 2008 application in that it is a two storey dwelling compared to one and half storey previously.

Our client objects to this planning application on the following grounds:

1. The proposal is contrary to the East Renfrewshire Local Plan (Policies DM1, E1 and E3).

East Renfrewshire Local Plan

Policy DM1 – Detailed Guidance for all Development provides general local planning criteria and applies to all forms of development.

This policy states: *"Where the principle of development is deemed to be acceptable in terms of the other policies contained within this Local Plan, proposals for development will require to conform to the appropriate criteria below:*

1. *Not result in a significant loss of character or amenity to the surrounding area.*
2. *Be of a size, scale and density in keeping with the buildings in the locality and respect local architecture, building form, design and materials.*
3. *Not constitute 'backland' development without a road frontage.*
4. *Not impact adversely on the landscape character, involve a significant loss of trees or other important landscape, greenspace or biodiversity features.*
5. *Ensure that landscaping is an integral element in layout design, taking account of existing physical features (e.g. trees, hedgerows, walls etc). Where appropriate, tree planting should augment the amenity and appearance of the site.*
6. *Ensure that the standards for Open Space are satisfied.*
7. *Meet the parking and access requirements of the Council and provide appropriate mitigation to minimise the impact of new development.*
8. *Not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy.*
9. *Seek to create safe and secure environments and reduce the scope for anti-social behaviour and fear of crime.*
10. *Be designed to meet disability needs and include provision for disabled access within public areas.*
11. *Minimise the extent of light pollution caused by street and communal lighting and any flood lighting forming part of, or associated with, development.*
12. *Be designed to include provision for the recycling, storage, collection and composting of waste materials.*
13. *Be designed to retain on-site, for use as part of the development, as much as possible of all waste material arising from construction of the development.*
14. *Be designed where applicable to take into account the legacy of former mining activity."*

It is considered that the proposed development is contrary to Policy DM1 and represents overdevelopment of the site which is not considered suitable to accommodate the proposal. The proposed development would be visually prominent and would have a detrimental impact on the surrounding area resulting in a significant loss of character and amenity. Furthermore, it is submitted that the proposed development does not provide a satisfactory access to the site.

Policy E1 – General Urban Areas advises that: *“within the general urban area, as shown on the Proposals Map, there will be a presumption against significant new development or change of use not compatible with the character and amenity of the locality and its surrounding land uses.”*

It is considered that the proposed development does not comply with Policy E1 and the proposed development of the site is not compatible with the character and amenity of the locality and its surrounding land uses.

Conclusion

The Planning etc (Scotland) Act 2006 requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise.

Our client formally objects to this planning application and it is considered that the applicant has not addressed the previous reasons for refusal since the first application in 1998. There has been a consistent approach from the Council since 1998 that the site is not capable of accommodating a dwellinghouse. Despite numerous attempts to secure residential development on the site, with differing designs and layouts the site is not considered to be suitable for residential development. This has also been ratified by the Scottish Government through a planning appeal.

The proposed development would be visually dominant and prominent and would be detrimental to the amenity of the surrounding area.

The Committee Report for the previous application (2008/0245/TP) concluded that: *“it is not considered that this is a site capable of accommodating a house.”*

This was ratified by the members of the Planning Committee in the minutes of this meeting (5/11/2008) which concluded: *“The previous application (TP/98/0382) which had been refused planning permission on 28 December 1998 and the subsequent appeal decision which was also dismissed by the Reporter, the Manager, Development Management highlighted that these matters were material considerations in the assessment of the current application. She also indicated that it was considered that the proposed house would result in the overdevelopment of the site and that given the limited size and shape of the site, it was not capable of accommodating the proposed house.”*

The Committee agreed that the application be refused for the reasons stated in the report.”

There are no material considerations that indicate that the planning application should be approved. The previous application refusals and appeal should be taken into consideration in determination of this application.

We trust the above comments will be taken into consideration in your determination of this application. If you have any queries then please contact Alan Fitzpatrick of this office direct.

Yours faithfully



Montagu Evans LLP

O'Neil, Paul [CE]

From: Alan Fitzpatrick [Alan.Fitzpatrick@Montagu-Evans.co.uk]
Sent: 05 December 2013 12:14
To: O'Neil, Paul [CE]
Subject: REVIEW/2013/05: Land adjacent to Eastfield, Mearns Road
Attachments: Mearnskirk Objection (4Dec13).pdf; Mearnskirk Objection 260713.pdf

Dear Paul,

I write in respect of your letter dated 21 November. On behalf of my client, Mr A Clark, please find attached representation. This should be considered with our previous representation dated 26 July 2013. I have attached for ease.

I would be grateful if you could confirm receipt.

Kind Regards,

Alan

Alan Fitzpatrick BA (HONS) MRTPI
Montagu Evans LLP
302 St Vincent Street
Glasgow
G2 5RU
Dir: 0141 227 4657
Tel: 0141 204 2090
Fax: 0141 221 7441
Mobile: 07917 572 025

e-mail: alan.fitzpatrick@montagu-evans.co.uk

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AF/GV8336

4 December 2013

East Renfrewshire Council
Development Management
2 Spiersbridge Way
Spiersbridge Business Park
Thornliebank
East Renfrewshire
G46 9NG

CHARTERED SURVEYORS

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FAO: Mr Paul O'Neil

Dear Paul,

Local Review Body Reference: (REVIEW/2013/05)
Land Adjacent To Eastfield, Mearns Road, Newton Mearns
Objection by Mr A Clark

We write in respect of your letter dated 21 November 2013 and note that the applicant has submitted a notice of review requesting that the Council's Local Review Body carry out a review of the decision by the Director of Environment.

We have been instructed by Mr A Clark to submit a further objection to be considered by the Local Review Body. We previously objected to the application on 26 July 2013. Our client is the owner of Eastfield, Mearns Road, Newton Mearns which sits directly adjacent to the site.

A planning application was submitted for the erection of a two storey dwellinghouse and detached double garage on 22 June 2013. The application was subsequently refused by delegated decision on 14 August for the following reason:

- *"The proposal is contrary to Policy DM1 of the adopted East Renfrewshire Local Plan and Policy D1 of the proposed Local Development Plan as the development will be visually prominent and dominant at this location and this will result in an adverse visual effect on the site and surrounding area."*

The Planning Officer's Report of Handling dated 14 August concludes:

- *"Drawing all of the above matters together it is considered that the proposed house will be visually prominent and dominant and this will have an adverse visual effect on the site and surrounding area."*

There is a detailed site history which consists largely of applications refused by the Council since 1998 which are summarised below:

- Planning Application (TP/98/0382) for the erection of dwellinghouse and garage, formation of access and erection of 1.3 metre high fence. **Application Refused 28 December 1998**
- Planning Permission Appeal for the erection of dwellinghouse and garage, formation of access and erection of 1.3 metre high fence. **Planning Appeal Refused 30 August 1999**
- Planning Application (2008/0245/TP) for the erection of one and a half storey detached dwellinghouse. **Application Refused 5 November 2008**
- Planning Application (2009/0661/TP) for the erection of dwellinghouse (planning permission in principle). **Planning Application Withdrawn 3 November 2009**

The adopted East Renfrewshire Local Plan (14 February 2011) designates the site as within a general urban area (Policy E1) and within a Tree Preservation Order Area (Policy E3).

-2-

The site is at the north east of Eastfield and is an area of ground that previously had a number of large trees which have been removed over recent years. The site is found on the corner of Mearns Road and Old Humber Road in an elevated position. There is large tree found on the site which is covered by a TPO. The remainder of the site is open space.

It is considered that the proposal is still in conflict with planning policy and the concerns raised by East Renfrewshire Council for the previously refused planning applications still apply.

We would reiterate that the proposed development is contrary to Policy DM1 and represents overdevelopment of the site which is not considered suitable to accommodate the proposal. The proposed development would be visually prominent and would have a detrimental impact on the surrounding area resulting in a significant loss of character and amenity. It is submitted that the proposed development does not provide a satisfactory access to the site.

Furthermore, the proposed development does not comply with Policy E1 and the proposed development of the site is not compatible with the character and amenity of the locality and its surrounding land uses.

Conclusion

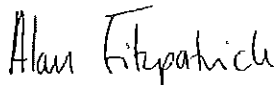
Our client formally objects to this Local Review Body appeal and we would reiterate that the appellant has not addressed the previous reasons for refusal since the first application in 1998. There has been a consistent approach from the Council since 1998 that the site is not capable of accommodating a dwellinghouse. Despite numerous attempts to secure residential development on the site, with differing designs and layouts the site is not considered to be suitable for residential development. This has also been ratified by the Scottish Government through a planning appeal.

The proposed development would be visually dominant and prominent and would be detrimental to the amenity of the surrounding area.

There are no material considerations that indicate that the planning application should be approved. The previous application refusals and appeal should be taken into consideration in determination of this Local Review Body appeal.

We trust the above comments will be taken into consideration in your determination of this appeal.

Yours faithfully



Alan Fitzpatrick MRTPI

E-mail: alan.fitzpatrick@montagu-evans.co.uk

■ London
■ Edinburgh
■ Manchester



AF/GEN

26 July 2013

East Renfrewshire Council
Development Management
2 Spiersbridge Way
Spiersbridge Business Park
Thornliebank
East Renfrewshire
G46 9NG

CHARTERED SURVEYORS

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FAO: Mr Sean McDaid

Dear Sean

**Planning Application Reference (2013/0410/TP)
Land Adjacent To Eastfield, Mearns Road, Newton Mearns
Objection by Mr A Clark**

We write in respect of the above planning application which has been submitted by Mr D Stewart at land adjacent to Eastfield, Mearns Road, Newton Mearns. We have been instructed by Mr A Clark to submit a formal objection to this planning application.

Our client is the owner of Eastfield, Mearns Road, Newton Mearns which sits directly adjacent to the site.

The adopted East Renfrewshire Local Plan (14 February 2011) designates the site as within a general urban area (Policy E1) and within a Tree Preservation Order Area (Policy E3).

The site is at the north east of Eastfield and is an area of ground that previously had a number of large trees which have been removed over recent years. The site is found on the corner of Mearns Road and Old Humble Road in an elevated position. There is large tree found on the site which is covered by a TPO. The remainder of the site is open space.

The application by Mr D Stewart is for detailed planning permission and proposes the erection of a two storey detached dwellinghouse and double garage.

The applicant notes that the site area extends to 715sq.m and the proposal seeks to revive an overgrown and derelict site. The only reason the site has become overgrown is because existing trees have been removed by the applicant. The Council acknowledges that: *"there was no justification for their removal other than to accommodate the proposed house."*

There is a detailed site history which consists largely of applications refused by the Council since 1998 which are summarised below:

- Planning Application (TP/98/0382) for the erection of dwellinghouse and garage, formation of access and erection of 1.3 metre high fence. **Application Refused 28 December 1998**
- Planning Permission Appeal for the erection of dwellinghouse and garage, formation of access and erection of 1.3 metre high fence. **Planning Appeal Refused 30 August 1999**
- Planning Application (2008/0245/TP) for the erection of one and a half storey detached dwellinghouse. **Application Refused 5 November 2008**
- Planning Application (2009/0661/TP) for the erection of dwellinghouse (planning permission in principle). **Planning Application Withdrawn 3 November 2009**

The Committee Report for planning application (2008/0245/TP) notes that the application refused by the Council on 28 December 1998 was considered by the Council to be incapable of accommodating a house and would result in a loss of landscape features. The subsequent appeal was dismissed on 30 August 1999 and the Reporter concluded that the proposal was inconsistent with the local plan and protected trees would be removed.

The conclusions of the Reporter make reference to 'protected trees' and we request that the Council confirms that any trees on the site which have been removed and had a TPO were approved by the Council.

The refused 2008 application proposed a one and a half storey detached dwellinghouse fronting onto Mearns Road. This application was refused for the following reason:

"The proposal is contrary to Policy DC1 of the adopted East Renfrewshire Local Plan and Policy DM1 of the Finalised East Renfrewshire Local Plan as the proposed house would result in overdevelopment of this site and it is considered that the limited size and shape of the plot is not capable of accommodating the proposed house. In addition the development would be visually prominent and dominant at this location and would be detrimental to the amenity and surrounding area."

It is considered that the proposal is still in conflict with planning policy and the concerns raised by East Renfrewshire Council for the previously refused planning applications still apply. The new proposal differs from the 2008 application in that it is a two storey dwelling compared to one and half storey previously.

Our client objects to this planning application on the following grounds:

1. The proposal is contrary to the East Renfrewshire Local Plan (Policies DM1, E1 and E3).

East Renfrewshire Local Plan

Policy DM1 – Detailed Guidance for all Development provides general local planning criteria and applies to all forms of development.

This policy states: *"Where the principle of development is deemed to be acceptable in terms of the other policies contained within this Local Plan, proposals for development will require to conform to the appropriate criteria below:*

1. *Not result in a significant loss of character or amenity to the surrounding area.*
2. *Be of a size, scale and density in keeping with the buildings in the locality and respect local architecture, building form, design and materials.*
3. *Not constitute 'backland' development without a road frontage.*
4. *Not impact adversely on the landscape character, involve a significant loss of trees or other important landscape, greenspace or biodiversity features.*
5. *Ensure that landscaping is an integral element in layout design, taking account of existing physical features (e.g. trees, hedgerows, walls etc). Where appropriate, tree planting should augment the amenity and appearance of the site.*
6. *Ensure that the standards for Open Space are satisfied.*
7. *Meet the parking and access requirements of the Council and provide appropriate mitigation to minimise the impact of new development.*
8. *Not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy.*
9. *Seek to create safe and secure environments and reduce the scope for anti-social behaviour and fear of crime.*
10. *Be designed to meet disability needs and include provision for disabled access within public areas.*
11. *Minimise the extent of light pollution caused by street and communal lighting and any flood lighting forming part of, or associated with, development.*
12. *Be designed to include provision for the recycling, storage, collection and composting of waste materials.*
13. *Be designed to retain on-site, for use as part of the development, as much as possible of all waste material arising from construction of the development.*
14. *Be designed where applicable to take into account the legacy of former mining activity."*

It is considered that the proposed development is contrary to Policy DM1 and represents overdevelopment of the site which is not considered suitable to accommodate the proposal. The proposed development would be visually prominent and would have a detrimental impact on the surrounding area resulting in a significant loss of character and amenity. Furthermore, it is submitted that the proposed development does not provide a satisfactory access to the site.

Policy E1 – General Urban Areas advises that: *“within the general urban area, as shown on the Proposals Map, there will be a presumption against significant new development or change of use not compatible with the character and amenity of the locality and its surrounding land uses.”*

It is considered that the proposed development does not comply with Policy E1 and the proposed development of the site is not compatible with the character and amenity of the locality and its surrounding land uses.

Conclusion

The Planning etc (Scotland) Act 2006 requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise.

Our client formally objects to this planning application and it is considered that the applicant has not addressed the previous reasons for refusal since the first application in 1998. There has been a consistent approach from the Council since 1998 that the site is not capable of accommodating a dwellinghouse. Despite numerous attempts to secure residential development on the site, with differing designs and layouts the site is not considered to be suitable for residential development. This has also been ratified by the Scottish Government through a planning appeal.

The proposed development would be visually dominant and prominent and would be detrimental to the amenity of the surrounding area.

The Committee Report for the previous application (2008/0245/TP) concluded that: *“it is not considered that this is a site capable of accommodating a house.”*

This was ratified by the members of the Planning Committee in the minutes of this meeting (5/11/2008) which concluded: *“The previous application (TP/98/0382) which had been refused planning permission on 28 December 1998 and the subsequent appeal decision which was also dismissed by the Reporter, the Manager, Development Management highlighted that these matters were material considerations in the assessment of the current application. She also indicated that it was considered that the proposed house would result in the overdevelopment of the site and that given the limited size and shape of the site, it was not capable of accommodating the proposed house.”*

The Committee agreed that the application be refused for the reasons stated in the report.”

There are no material considerations that indicate that the planning application should be approved. The previous application refusals and appeal should be taken into consideration in determination of this application.

We trust the above comments will be taken into consideration in your determination of this application. If you have any queries then please contact Alan Fitzpatrick of this office direct.

Yours faithfully



Montagu Evans LLP

**Roads Service
OBSERVATIONS ON
PLANNING APPLICATION**



Our Ref: 2013/0410/TP
D.C Ref: Sean McDaid
Contact: Scott Gibson
Tel: 0141-577-8431

Planning Application No: 2013/0410/TP **Dated:** 8/7/13 **Received:** 1/8/13
Applicant: Mr D Stewart
Proposed Development: Erection of two storey dwelling house and detached double garage
Location: Land Adjacent to Eastfield, Mearns Road
Type of Consent: Full Planning Permission
Ref No. of Dwg.(s) submitted: Drawing006/Drawing007

RECOMMENDATION No objections subject to conditions

Proposals Acceptable Y/N or N/A Proposals Acceptable Y/N or N/A Proposals Acceptable Y/N or N/A

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 (.....)	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	N
(c) Layout of parking bays / garages	N
(d) Servicing Arrangements/Driveways	N

5. Signing

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

Ref.	COMMENTS
1(a)	This Service notes the application for a proposed dwelling house and has no objections subject to the conditions detailed below.
2	The application will require the creation of a new vehicular crossover, which must be in accordance with Roads and Transportation specification and will be carried out at the applicants expense. A visibility splay of 2.5m x 35m must be achieved for vehicular traffic with no interference above a height of 1.05m within the splay. A scale drawing should be provided by the applicant demonstrating this. A 2m wide footway is required along the full frontage of the site to connect with that at Old Humble Road to cater for pedestrians.
4	Parking requirements for a 3 bedroom house is 2 parking spaces which is being provided. The parking layout should allow vehicles to enter and leave the site in forward gear. The arrangement designed in the drawing provided would appear tight and consideration should be given to using additional space within the site for a turning facility. The driveway should be a minimum of 3m wide and 6m long and the first 2m nearest the road should be paved to prevent deleterious material being carried onto the road. The maximum gradient of the driveway should be 10%. Gates should open inwards. Drainage must be contained within the site by sloping the driveway away from the heel of the footway or by means of a positive drainage system.

Ref.	CONDITIONS									
Controller (M&O)		Date		by		DEV File Ref		Date		by
VC letter	Y	Date	05/11/2009	by	SF	CC File Ref		Date		by

2(a)	Creation of a new vehicular crossover must be in accordance with Roads & Transportation Services' specification and will be carried out at the applicant's expense.
2(d)	A visibility splay of 2.5m x 35m should be achieved and maintained for vehicular traffic with no interference above a height of 1.05m within the splay. The applicant should provide this Service with a scale drawing demonstrating this.
2(c)	A 2m wide footway must be provided along the full frontage of the site to connect with that at Old Humbie Road.
4(c)	A parking facility must be provided that will allow vehicles to enter and exit the site in forward gear with provision of a turning facility.
4(d)	The driveway must be a minimum of 3m wide and should be a minimum of 6m long and the first 2m nearest the road should be paved to prevent deleterious material being carried onto the road.
4(d)	The gates must open inwards.
4(a)	Drainage must be contained within the site by sloping the driveway away from the heel of the footway or by means of a positive drainage system.

Notes for Intimation to Applicant:

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Required

* Relevant Section of the Roads (Scotland) Act 1984

Signed: John Marley

8/8/13

pp. Roads and Transportation Manager

REPORT OF HANDLING

Reference: 2013/0410/TP

Date Registered: 4th July 2013

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South

Co-ordinates: 254347/:655014

Applicant/Agent:

Applicant:

Mr D Stewart

C-O AtaSTUDIO

110 Brunswick Street

Studio 1.3

Glasgow

G1 1TF

Agent:

AtaSTUDIO

Mr. Graeme Andrew

110 Brunswick Street

Studio 1.3

Glasgow

G1 1TF

Proposal: Erection of two storey dwellinghouse and detached double garage

Location: Land Adjacent To Eastfield

Mearns Road

Newton Mearns

East Renfrewshire

CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads And
Transportation Service

No objections subject to condition.

East Renfrewshire Council Development
Contributions Officer

No objections as the proposal does not create
new or exacerbate existing deficiencies in local
infrastructure, facilities or environment to an
extent that would require mitigation through the
provision of a development contribution.

PUBLICITY:

19.07.2013 Glasgow and Southside Extra

Expiry date 02.08.2013

SITE NOTICES: None.

SITE HISTORY:

2008/0245/TP

Erection of one and a
half storey detached
dwellinghouse

Refused

05.11.2008

2009/0661/TP

Erection of
dwellinghouse (planning
permission in principle)

Withdrawn

08.01.2010

REPRESENTATIONS:

Two representations have been received from:

Montagu Evans Chartered Surveyors on Behalf Of Mr. A. Clark Eastfield Mearns Road Newton
Mearns East Renfrewshire

Mr. David Y. Bremner Greenhill Lodge 1 Old Humble Road Newton Mearns East Renfrewshire
Eastfield Mearns Road Newton Mearns East Renfrewshire

Representations can be summarised as follows:

Contrary to local plan policies

Overdevelopment

Visually prominent

Detrimental impact

Unsatisfactory access
Previous reasons for refusal not addressed
Intrusive
Overlooking
Mature tree will be affected
Extra vehicular access point

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Design Statement Indicates the rationale behind the development that seeks to revive an overgrown/derelict site with a site specific, designed dwellinghouse. The house and walls is intended to form an improved gateway to Old Humble Road. Indicates the sloping roof will minimise the impact of the building and screen the house known as Eastfield to the north. Also indicates how the applicant/agent considers the development accords with the relevant policies of the Local Plan.

ASSESSMENT:

The site is at the north east side of the property known as Eastfield and is currently an area of ground that previously had a number of large trees. One large tree remains in position which is covered by a Tree Preservation Order. The site extends to approximately 715 sqm and is on the corner of Mearns Road and Old Humble Road. The change in ground levels at this part of Mearns Road results in the corner of the site being elevated above Old Humble Road.

Permission is sought for the erection of a dwellinghouse that is to be of a modern/contemporary design with a monopitch roof. The house is to be curved with a straight rear elevation. The roof is to slope upwards away from Old Humble Road. The house is to be positioned on the north side of the site following the curve of the site just outwith the canopy of the large tree. The house is to have upper floor accommodation in the south part of the house and includes a dormer window in the centre of the roof that faces north-east. The highest point of the house is approximately 6.6m high when measured at its rear elevation dropping to approximately 3.1m at its north elevation. The widest point of the house is along its rear elevation which is approximately 14.77m wide. The footprint of the proposed house is to be 128sqm.

The external materials are to be render with a green roof edged in timber. The lower portion of the house is to have stone that flows down the slope to the base of the slope on site. This stonework continues around the side of the site to form a wall fronting Mearns Road and creating a walled garden. This wall varies in height from between 2.3m to 1.8m across its length. The garden area is to be located between the rear elevation of the house and the garage/driveway.

A detached double garage is to be erected at the south corner of the site and is to be accessed from a driveway formed off Mearns Road that will run parallel to the boundary with the neighbouring property at Eastfield. The garage is to be approximately 6.6m wide by 5.6m long with a monopitch roof 2.7m at its highest point dropping to 2.4m high at its rear. Render is to be applied on three sides with stone used on the rear elevation and a green roof with the eaves line edged in timber.

The submitted drawings also show a paved/tarmac edge around the Mearns Road and Old Humble Road sides of the site. In addition the drawings indicate an existing sewer that runs through the site, under the proposed house, will be diverted.

A design statement has been submitted with the application which indicates that the proposal seeks to revive and replace an overgrown/derelict site with a high quality, site specific, designed house and walled garden. This statement considers the proposal will create a much needed edge to the sporadic urban fabric and the curved wall forms an improved and much needed gateway to Old Humble Road. The statement indicates the curved edge of the proposed house reflects the existing house to the north at 16 Kirkview Crescent and the proposed materials are to reflect those used on the best buildings locally, namely Mearns Parish Kirk. The statement also indicates the building position and orientation is to maximise solar gain and privacy with the sloping green roof to minimise the impact of the building from the north.

Subsequent information has been submitted in which the applicant's agent considers that the design being proposed is a completely different approach to a refusal (2008/0245/TP) which was an off the

shelf kit house 'landed' into the middle of the site with no consideration of its impact on the setting; no consideration of the quality of space created for owners in the garden and visually had no reference to other surrounding built elements. The applicant's agent considers the house now proposed is a site specific eco house that will be an architectural showpiece in a setting that will really benefit from this and also show other 'kit self-builders' that they have to improve their designs. In addition the applicant's agent considers the proposal meets the Government's drive to support building more houses and creating economic stimulation in a bleak environment.

An updated design statement has also been submitted which indicates how the agent considers the proposal accords with Policies E1, E3 and DM1 of the adopted Local Plan as well as the guidance given in Appendix 1.

The application has to be assessed against Policies E1, E3 and DM1 of the adopted East Renfrewshire Local Plan. The site is identified as being within the general urban area and Policy E1 states a presumption against significant new development not compatible with the character and amenity of the locality. The general principle of the development may be considered acceptable as this is an application for a house within the existing urban area. However detailed consideration has to be given to whether the site is capable of accommodating a house, whether the siting and design of the proposed house is appropriate and how it relates to the site and surrounding area. These matters are considered in more detail below.

Policy E3 seeks to protect trees covered by a tree preservation order. The existing mature tree on the site is to be retained and the submitted plans indicate that the proposed house is to be positioned outwith the canopy of the tree. It is considered that the tree should not be directly affected by the position of the house and the proposed footpath and if the development is approved the tree would have to be protected with fencing during construction in accordance with BS 5837: (2012) – trees in relation to design, demolition and construction.

Policy DM1 aims to ensure that development is of a high quality and respects the character and amenity of the area in which it is located. The proposed house is of an unusual design and is not a style of house that exists in the locality. It is acknowledged that there are a variety of house types and designs in the surrounding area depending on the ages of the houses. The rationale for the proposed design and use of external materials is therefore noted. The house that has been referred to at 16 Kirkview Crescent has some curved wall elements however these are secondary in appearance to the original house. The existing stone wall directly opposite the site is clearly a boundary wall and does not have a building constructed on top of it.

Policies D2, D8 and D1 of the proposed Local Development Plan contain similar provisions to Policies E1, E3 and DM1 respectively of the adopted Local Plan.

On the approaches to the site from the north along Mearns Road there are glimpses of existing buildings that bound onto the site through the trees and vegetation. However the full height of these buildings is not readily visible. The more substantial buildings on Old Humble Road are hidden from view by the existing vegetation. The house is being proposed for the part of the site that is the highest above ground level. When viewed from the approaches along Mearns Road, particularly at the junction with Eaglesham Road, the proposed position of the house will mean that it will be readily visible without any mitigation. The position of the house on site when combined with the proposed white render and stone base is considered to exacerbate the visual impact and this visual impact is considered to be dominant. When exiting from Old Humble Road onto Mearns Road the elevated position of the house will again result in it being visually prominent and dominant. The use of the sloping green roof is not considered to reduce the visual impact.

Appendix 1 of the adopted Local Plan provides guidance on the requirements for private open space and gardens. For detached houses private gardens are expected to be one and a half times the ground floor area of the house or 100 sqm, whichever is the greater. Rear gardens should have a depth of at least 9m from house to plot boundary and front gardens a minimum depth of 6m. There should be a minimum of 2m from any house to the side plot boundary.

The proposed development adheres with the guidance referred to in Appendix 1 however compliance with these guidelines does not render the development automatically acceptable. These guidelines are to ensure that a proposed development has the requisite and proportionate amount of open space/garden ground associated with it.

A material consideration assessing this application is the previous planning history at this site. Planning permission was refused under TP/98/0382 for the erection of a dwellinghouse and garage, formation of

access and erection of fence because the development was contrary to the Eastwood District Local Plan because the site was not considered capable of accommodating a house and loss of landscape features. At that time the site had more trees on it. This decision was appealed and dismissed and the appointed Reporter considered the proposal was inconsistent with the local plan and the protected trees would be removed.

Planning permission was again refused by the Planning Applications Committee under 2008/0245/TP for the erection of a one and a half storey detached dwellinghouse because the development would result in overdevelopment and the limited size and shape of the plot was not capable of accommodating the proposed house. In addition the development was considered to be visually prominent and dominant. This house had a footprint of approximately 90sqm and was positioned towards the south part of the site facing out onto Mearns Road. This house had a pitched roof 6.46m high with two separate dormer windows on the front roof slope. A driveway was to be formed in a similar position to the driveway in the current proposal and there were no outbuildings/garages proposed.

The new house now being proposed is different in appearance and position from the house that was refused under 2008/0245/TP. However an important consideration in the determination of the house now being proposed is its visual impact. The previous reason for refusal referred to the house being prominent and dominant and it is considered that the house now being proposed is even more visually prominent and dominant. If the previous refusal was considered to be visually prominent and the current proposal is now even more visually prominent this brings into question whether the existing site is capable of accommodating any house.

With regard to the objections that have been received the issues relating to the principle of the development and the design and appearance of the house have been assessed above and it is not intended to repeat them here. It is not considered that the proposed housing will result in significant overlooking of neighbouring properties because of its orientation and the existing vegetation along the boundaries. In addition the windows on the upper floor of the rear and side elevations are relatively small. The Council's Roads Service has not objected to the application on roads safety grounds.

Conclusion

Drawing all of the above matters together it is considered that the proposed house will be visually prominent and dominant and this will have an adverse visual effect on the site and surrounding area. It is acknowledged that the proposed house is unusual in appearance as it is not a style of house that is prevalent in the surrounding area. This does not automatically render the development unacceptable. It is also acknowledged that it is an interesting design concept for the site. However the house is being constructed at the highest and most visually prominent part of the site. Whether the proposed design is to reflect the site characteristics does not take away from the fact that the house will be visually prominent and dominant. It is also considered that there are no measures possible to lessen the visual impact. Irrespective of whether the house being proposed is different in appearance and position that that refused under 2008/0245/TP it is not considered that the previous reason for refusal has been addressed in this application.

The agent's assertion that the proposal meets the Government's drive to support building more houses and creating economic stimulation in a bleak environment is noted. Scottish Planning Policy (SPP) (paragraph 82) indicates that infill sites within existing settlements can often make a useful contribution to the supply of housing land. However the SPP indicates that proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. However the erection of a one off house is not considered to make a significant contribution to the housing land supply. This combined with the intention to clear up an untidy site are not sufficient justification to allow the development particularly when the visual impact is not acceptable.

It is therefore recommended that the application is refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None

REASON(S) FOR REFUSAL:

1. The proposal is contrary to Policy DM1 of the adopted East Renfrewshire Local Plan and Policy D1 of the proposed Local Development Plan as the development will be visually prominent and dominant at this location and this will result in an adverse visual effect on the site and surrounding area.

ADDITIONAL NOTES: None

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Sean McDaid on 0141 577 3339.

Ref. No.: 2013/0410/TP
(SEMC)

DATE: 14th August 2013

DIRECTOR OF ENVIRONMENT

Reference: 2013/0410/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

East Renfrewshire Local Plan (Adopted 14th February 2011)

Policy E1

General Urban Areas

Within the general urban area, as shown on the Proposals Map, there will be a presumption against significant new development or change of use not compatible with the character and amenity of the locality and its surrounding land uses.

Policy E3

Protection of Natural Features

The Council seeks to protect and where appropriate enhance East Renfrewshire's natural heritage and landscape features, including wildlife habitats within urban greenspaces.

There will be a strong presumption against development where it would compromise the overall integrity of Sites of Special Scientific Interest (SSSIs), Sites of Importance for Nature Conservation (SINCs), Tree Preservation Orders (TPOs) and ancient and long established woodland sites. The locations of SSSIs, SINCs, TPOs are identified on the Proposals Map.

In addition, the Council will encourage woodland management and tree retention and will support planting schemes which contribute to the creation of new native woodlands and to the landscape value and amenity of the area.

d) TPOs

The Council will seek to protect trees that are subject to tree preservation orders. Where permission is granted for the removal of trees, replacement planting will be expected.

Policy DM1

Detailed Guidance for all Development

Where the principle of development is deemed to be acceptable in terms of the other Policies contained within this

Local Plan, proposals for development will require to conform to the appropriate criteria below:

1. Not result in a significant loss of character or amenity to the surrounding area.
2. Be of a size, scale and density in keeping with the buildings in the locality and respect local architecture, building form, design, and materials.
3. Not constitute backland development without a road frontage.
4. Not impact adversely on the landscape character, involve a significant loss of trees or other Important landscape, greenspace or biodiversity features (see

Policies E3 - "Protection of Natural Features", E6 - "Biodiversity" L1 - "Protection of Important Urban Greenspace", and L2- "Safeguarding the Local Greenspace Resource".

5. Ensure that landscaping is an integral element in layout design, taking account of existing physical features (e.g. trees, hedgerows, walls, etc.). Where appropriate, tree planting should augment the amenity and appearance of the site.
6. Ensure that the standards for 'Open Space' are satisfied see Policy L4 - "Open Space Provision in New Developments" and Appendix 1).
7. Meet the parking and access requirements of the Council and provide Appropriate mitigation to minimise the impact of new development (see Policies T3 - "New Transport Infrastructure" and T5 -"Other Traffic Management and Calming Measures).
8. Not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy.
9. Seek to create safe and secure environments and reduce the scope for anti-social behaviour and fear of crime.
10. Be designed to meet disability needs and include provision for disabled access within public areas.
11. Minimise the extent of light pollution caused by street and communal lighting and any flood lighting forming part of, or associated with, development.
12. Be designed to include provision for the recycling, storage, Collection and composting of waste materials.
13. Be designed to retain on-site, for use as part of the development, as much as possible of all waste material arising from construction of the development.
14. Be designed where applicable to take into account the legacy of former mining activity.

Proposed Local Development Plan

The Proposed Local Development Plan (LDP) was issued for consultation on 6TH February 2013. The LDP outlines the Council's most up to date statement of planning policy.

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, water management, 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 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. As much as 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, particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, 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.

Policy D2 General Urban Areas

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 Proposed Plan.

Policy D8 Natural Features

There will be a strong presumption against development where it would compromise the overall integrity of Sites of Special Scientific Interest, Local Biodiversity Sites, Tree Preservation Orders and ancient and long established woodland sites. The location of Sites of Special Scientific Interest, Local Biodiversity Sites and Tree Preservation Orders are identified on the Proposals Map.

Planning permission will not be granted for development that is likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation.

Development within or in close proximity to the natural features outlined above shall be assessed against the criteria set out in the Green Network Supplementary Planning Guidance.

Through Dams to Darnley Country Park the Council will promote the designation of a Local Nature Reserve at Waulkmill Glen as shown on the Proposals Map. This will be undertaken in partnership with Glasgow City Council and in conjunction with Scottish Natural Heritage.

GOVERNMENT GUIDANCE:

Given the size and scale of the development it is not considered that government guidance is a relevant material consideration.

Finalised 14/08/2013. IM.

**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

Ref. No. **2013/0410/TP**

Applicant:

Mr D Stewart
C-O AtaSTUDIO
110 Brunswick Street
Studio 1.3
Glasgow
G1 1TF

Agent:

AtaSTUDIO
Mr. Graeme Andrew
110 Brunswick Street
Studio 1.3
Glasgow
G1 1TF

With reference to your application which was registered on 4th July 2013 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of two storey dwellinghouse and detached double garage

at: Land Adjacent To Eastfield Mearns Road Newton Mearns East Renfrewshire

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 DM1 of the adopted East Renfrewshire Local Plan and Policy D1 of the proposed Local Development Plan as the development will be visually prominent and dominant at this location and this will result in an adverse visual effect on the site and surrounding area.

Dated 14th August 2013



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

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	001		
Block Plan Proposed	003		
Plans Proposed	005		
Proposed floor plans	006		
Proposed floor plans	007		
Elevations Proposed	008		
Elevations Proposed	009		
Elevations Proposed	010		
Elevations Proposed	011		
Garage elevations	012		

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 the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may 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 should be addressed to the Principal Committee Services Officer, Council Headquarters, Eastwood Park, Rouken Glen Road, Giffnock G46 6UG. Applicants can also ask for a review if the application has not been determined within the 2 month time period for a decision.

Requests for review must be made on the Notice of Review form which is available to download from the Council's website at www.eastrenfrewshire.gov.uk or alternatively call the Planning general enquiry lines on 0141 577 3895 or 3878 to request one. 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**

13 NOV 2013

East Renfrewshire Council
 Head of Environment
 (Planning Property & Regeneration)
 2 Spiersbridge Way
 Spiersbridge Business Park
 Thornliebank, G46 8NG

Our ref STEW0024/bwm/jew

E.R.C. Director of Environment
13 NOV 2013
Passed to
Copies to

By Courier

12 November 2013

E.R.C. Director of Environment
RECEIVED
13 NOV 2013
Passed to
Copies to

Dear Sir/Madam

Notice of Review

Section 43A (8) of the Town & Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

The Town & Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

The Town & Country Planning (Appeals) (Scotland) Regulations 2013

Subject: Refusal, under Delegated Powers, of Planning Application Ref 2013/0410/TP

We act on behalf of Mr D Stewart.

We enclose a Notice of Review in relation to the above delegated decision. Enclosed are:

- The Notice of Review form;
- A Paper Apart setting out the List of Documents relating to the submission;
- The Paper Apart setting out the case for the Review; and
- A CD containing all of the documents listed in the Paper Apart. Most of these are PDF files. There is one exception: Related Supporting Document STE 5 (the visual illustration of the proposed development) is contained within the CD as a TIFF image.

Administration

We look forward to receiving your confirmation of the receipt of this Notice of Review. We would also be grateful for your guidance regarding the timetable within which this Review will be considered.

Thank you for your assistance. We look forward to hearing from you.

Yours faithfully



Brian W Muir

bmuir@muirsmithevans.co.uk

Enc.

cc. client and architect



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

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

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

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

(LODGED 21 JUNE 2013)

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)
- 2. Application for planning permission in principle
- 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)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

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:

IT IS SUBMITTED THAT THE MEMBERS OF THE LOCAL REVIEW BODY MAY BE BETTER ABLE TO REACH A BALANCED JUDGEMENT IF THEY HEAR FROM THE APPLICANT AND VISIT THE SITE.

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 checked="" type="checkbox"/> | <input 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:

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 SEE PAPER APART

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.

ONE NEW ITEM IS SUBMITTED. IT IS A VISUAL REPRESENTATION OF THE PROPOSED DEVELOPMENT. IT IS CONSIDERED THAT IT WILL BE OF ASSISTANCE TO THE LOCAL REVIEW BODY. IT IS ENTIRELY BASED ON THE PLANS AND DRAWINGS WHICH WERE BEFORE THE OFFICER.

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.

SEE PAPER APART

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.

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

[Redacted Signature]

Date

12 NOV 2013

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, Head of Environment (Planning, Property and Regeneration), 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

Notice of Review Site: Land Adjacent to Eastfield, Mearns Road, Newton Mearns

Notice of Review Proposal: Erection of two Storey Dwelling House and Detached Double Garage

Applicant for Notice of Review: Mr D Stewart

Agent: Muir Smith Evans

LPA Ref: 2013/0410/TP

NOTICE OF REVIEW DOCUMENTS (PAPER APART)

Principal Documents

- Planning application form and relevant certificates dated 21 June 2013;
- Planning Authority's Decision Notice, dated 14 August 2013;
- Copy of plans and drawings, as refused, and the relevant supporting documents, viz:
 - Drawing 002 – Existing Block Plan;
 - Drawing 003 – Proposed Block Plan;
 - Drawing 004 – Site Plan;
 - Drawing 005 – Roof Plan;
 - Drawing 006 – Ground Plan;
 - Drawing 007 – Upper Floor Plans;
 - Drawing 008 – East Elevation;
 - Drawing 009 – South Elevation;
 - Drawing 010 – West Elevation;
 - Drawing 011 – North Elevation;
 - Drawing 012 – Proposed Garage;
 - Drawing 013 – Model Images; and
 - Revised Design Statement.

Related Supporting Documents

- **STE 1:** Copy of Report of Handling, prepared by the case officer for the original planning application, and dated 14 August 2013.
- **STE 2:** Copy of Consultation Response from East Renfrewshire Council Roads Service, dated 8 July 2013.
- **STE 3:** East Renfrewshire Local Plan (Adopted): Extract page 61, Policy DM1.
- **STE 4:** East Renfrewshire Local Development Plan: Proposed Plan: Extract pages 38 and 39, Proposed Policy D1.
- **STE 5:** Visual illustration of the proposed development, prepared by the applicant and submitted as an additional document in relation to this Notice of Review.

(End of Paper Apart)

Muir Smith Evans

12 November 2013

STATEMENT FOR NOTICE OF REVIEW (PAPER APART)

(This document extends to 4 pages)

Background context in relation to Notice of Review

Recent planning history of the site is relevant.

In 1998 a planning application was submitted for the erection of a dwellinghouse and garage on the site (TP/98/0382). Planning permission was refused because the site was not considered capable of accommodating a house and because of the opinion that there would be a loss of landscape features. This decision was appealed. The appeal was dismissed by a Reporter. The Reporter concluded that the proposal was inconsistent with the local plan and that protected trees would be removed. As noted in the case officer's Handling Report, the site had more trees on it in 1998.

Ten years later, in 2008, a further planning application was submitted seeking permission for a dwelling house (2008/0245/TP). Planning permission was refused on the grounds that it would result in overdevelopment and that the limited size and shape of the plot was not capable of accommodating the proposed house. That decision was not appealed.

The recent planning application, now the subject of this Notice of Review, adopts an entirely different design approach to the site. The description of the design approach is set out in the Revised Design Statement, which forms part of the submitted documents. The new design approach has been formulated by ataSTUDIO, award-winning architects who specialise in domestic architecture and whose recent work includes the gatehouse at Cathcart Cemetery.

However, to summarise:

- The current proposal seeks to revive and replace an overgrown and derelict site with a high-quality, site-specific, designed dwellinghouse and walled garden.
- The new dwellinghouse is designed specifically for the site. It is positioned within the site in a way which properly defines the line of the corner between Mearns Road and Old Humble Road.
- The curved façade reflects the design of old toll houses which, in the past, were often located at road junctions or bridge crossings. These toll houses frequently had curved walls.

Applicant's Reasons for submitting a Notice of Review

With regard to the single reason for refusal as set out in the Decision Notice, this Notice of Review is submitted for the following reasons:

- The relevant policies are open to interpretation and the application site offers an ideal opportunity for an innovative design which will add to the character of the area;
- There are no policy obstacles to the approval of the application; and
- There are no technical reasons which stand in the way of approval.

These reasons are now considered in turn.

The relevant policies are open to interpretation and the application site offers an ideal opportunity for an innovative design which will add to the character of the area

The case officer refused the application, under delegated powers, on the basis of an opinion. His opinion is set out in the Report of Handling (Document STE 1). That opinion was that: the development would be “visually prominent and dominant”; that as a consequence of this it would result in an “adverse visual effect on the site and the surrounding area”; and that, because of this opinion, the proposed development was contrary to Policy DM1 of the adopted East Renfrewshire Local Plan and Policy D1 of the Proposed Local Development Plan.

The description of the officer’s conclusion as an ‘opinion’ is not to suggest that he was not entitled to reach such an opinion. Clearly he was. Rather, to describe it as an “opinion” is to highlight the fact that he reached his conclusion on a subjective basis and that alternative subjective assessments may be equally valid.

It is the submission of the applicant that the design approach which has been adopted for this current development proposal is:

- Respectful of the constraints and opportunities of the site;
- Appropriate for the scale, size, and topography of the site;
- Appropriate in the way in which the built structure addresses the corner of Mearns Road and Old Humble Road; and
- Potentially a contributor to the character of the area, rather than a detractor.

A specific assessment of the proposal against the terms of adopted Policy DM1 and proposed Policy D1 is set out below. However, the purpose of this section has been to highlight the fact that there may be more than one opinion in relation to subjective assessment.

Document STE 5 provides a visual illustration of the proposed development and will hopefully assist the LRB in reaching a conclusion that the proposed development is acceptable.

There are no policy obstacles to the approval of the application

The Report of Handling (Document STE 1) refers to Adopted Policies E1 (General Urban Areas), E2 (Protection of Natural Features, and DM1 (Detailed Guidance for all Development).

The Report of Handling makes clear that the general principle of the development of this site may be considered to be acceptable as it is an application for a dwellinghouse within the existing urban area. The proposal therefore is consistent with the terms of Policy E1 but requires to be assessed against the more detailed criteria of DM1.

The Report of Handling also concludes that there would be no adverse effect on trees, were the development to proceed. The proposed development therefore complies with the terms of Policy E3.

This leaves Policy DM1 as the sole adopted policy against which the proposed development requires to be assessed. Document STE 3 is an extract from the adopted East Renfrewshire Local Plan which contains Policy DM1.

Policy DM1 sets out fourteen criteria against which any development requires to be assessed.

It is submitted that the proposed development is compliant with, or does not undermine, the terms of Criteria 3 – 14. It is further submitted that the terms of the Report of Handling, prepared by the case officer, support this conclusion.

This leaves the terms of Criteria 1 and 2, viz:

- Not result in a significant loss of character or amenity to the surrounding area; and
- Be of a size, scale and density in-keeping with the buildings in the locality and respect local architecture, building form, design, and materials.

In relation to criterion 1 reference is made to the plans, drawings, and model images submitted with the original planning application and now submitted as part of this Notice of Review. It is submitted that, when taken together and considered in the round, these documents demonstrate very clearly that the development proposal would not result in a significant loss of character or amenity to the surrounding area. The area is one of diverse character in terms of plot sizes, architecture, building lines, types of housing (detached, semi-detached, flatted), and general density. It is submitted that it is entirely reasonable to reach a different opinion to that of the case officer, and to conclude that the proposed development is capable of complying with the terms of criterion 1.

In relation to criterion 2, it is submitted that the arguments are similar to those relating to criterion 1. It is submitted that the size of the building is entirely appropriate for the plot size and that its scale and density is generally in-keeping with the buildings in the locality (see again the plans, drawings, and model images submitted with the original application and resubmitted as part of this Notice of Review). In relation to the requirement to respect local architecture, building form, design, and materials, it is submitted that the Revised Design Statement (submitted with the original application and resubmitted as part of this Notice of Review) sets out clearly the design basis on which the proposed development respects the local context. There is no one form of architecture which is dominant within the local area nor is there one dominant building form or palette of materials. The use of high quality stone and white render for the proposed building would reflect traditional materials which can be found locally, including at Mearns Parish Kirk.

Taking an overview, it is submitted that these observations demonstrate that it is possible to reach an opinion different to that reached by the case officer in the determination of the original planning application.

In relation to the policies contained within the emerging local development plan (Proposed Plan) the relevant policy is contained within Document STE 4. The relevant policies are D2, D8, and D1. As the Report of Handling points out, these

policies contain provisions which are similar to the policies in the adopted local plan, as set out above.

There is therefore no need to further assess the proposed development against these emerging policies which, in any event, remain only a material consideration.

There are no technical reasons which stand in the way of approval

The Report of Handling confirms that there are no technical reasons which stand in the way of approval. In particular, the council's Roads Service has no objections to the application, subject to appropriate planning conditions being attached (see Document STE 2).

Conclusions

It is submitted that:

- The design of the proposed development is innovative and appropriate for the site;
- The proposed development is consistent with general land-use policies, with residential use being entirely appropriate for the site;
- The proposed development would contribute to the character and amenity of the surrounding area (placing an interesting building on an overgrown and disused site); and
- The proposed development is of a size, scale, and density which is entirely in-keeping with the buildings in the locality.

The applicant requests that the Local Review Body grants planning permission for this development subject to appropriate conditions as necessary.

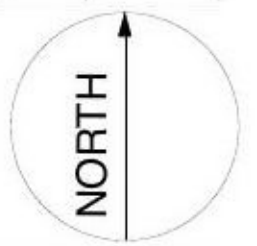
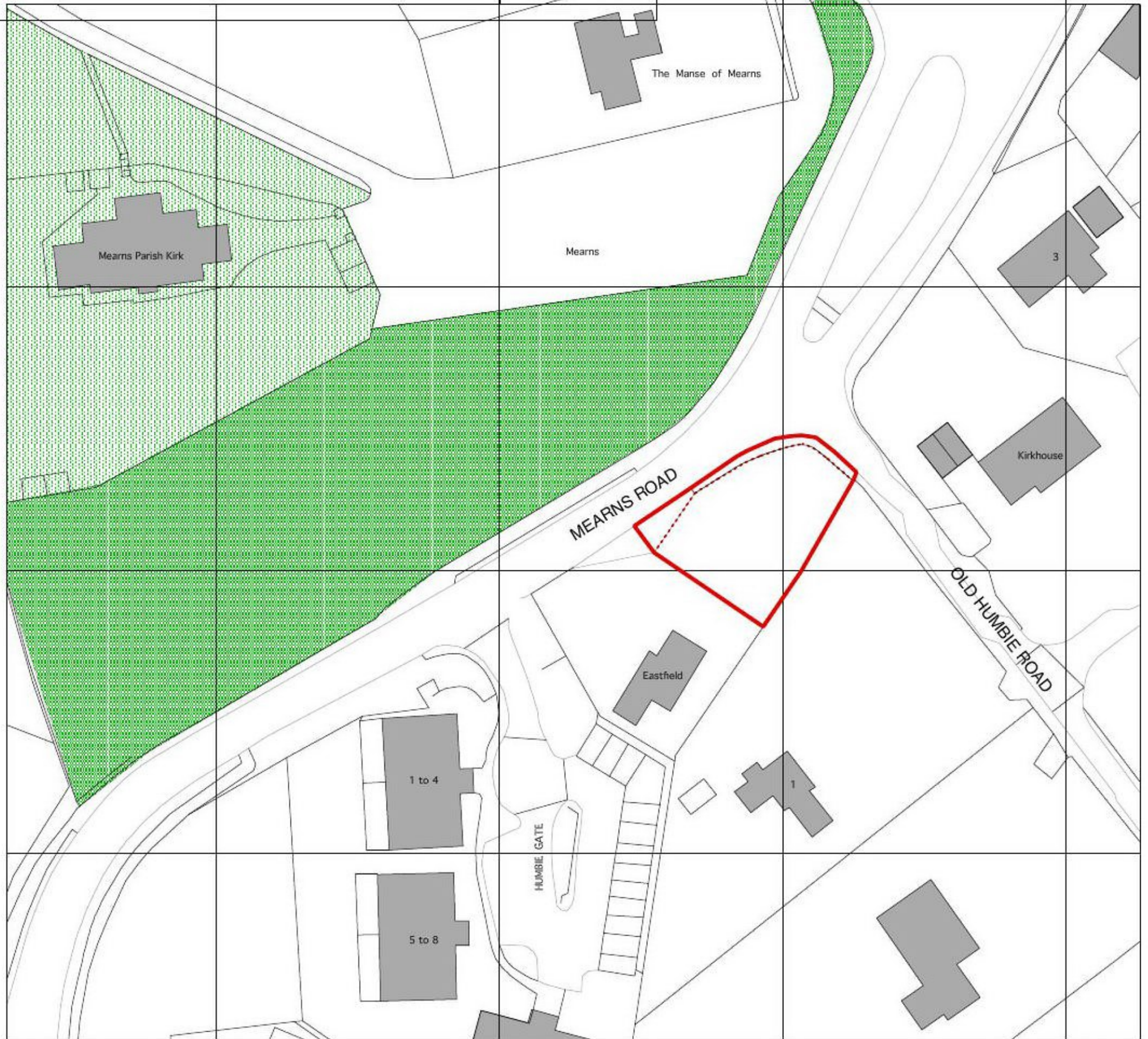
(END OF STATEMENT)

Muir Smith Evans
12 November 2013

Town and Country Planning (Scotland) Act 1997

REFUSED

Director of Environment
East Renfrewshire Council



scale (metres)



New house for plot at Mearns Road - Old Humbie Road
Proposal for Mr + Mrs Stewart

PLANNING Drawing 001 June 2013
location plan 1:750 scale (at A3 size)

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SITE AREA = 715m²
(618m² inside pavement edge)



Town and Country Planning (Scotland) Act 1997

REFUSED

Director of Environment East Renfrewshire Council

SITE AREA = 715m²
(618m² inside pavement edge)

PROPOSED HOUSE FOOTPRINT = 128m²
(17.9% of site area)

PROPOSED GARAGE FOOTPRINT = 30m²



The proposal will replace an overgrown and derelict site with a high quality, site specific, designed dwelling house and walled garden.

A mature oak tree to north east corner will be retained - the building is located so as not to interfere with tree roots or canopy but benefit from the special setting.

The building is designed and positioned to form a linking piece on a key corner site and creates a much needed edge to the sporadic urban fabric.

The building is positioned to the north of the site with the majority of glazed openings to the private south facing garden to maximise solar gain and privacy.

The building will be finished with a high quality stone plinth that is also the garden wall and white render reflecting the best buildings locally namely the Mearns Parish Kirk.

A new stone wall wraps around site edge and becomes part of building wall, curvature echoes stone wall around the adjacent Kirkhouse on Old Humble Road.

The curving stone walls around the site and kirkhouse form an improved gateway to Old Humble Road.

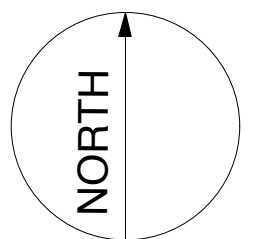
The best access point to site is off Mearns Road alongside the established entrance to Eastfield. (note there is a steeply sloping bank to Old Humble Road edge).

The special modern design echoes that of the house on diagonally opposite corner Eaglesham Rd/Mearns Rd - modernist curved white render box recently renovated to first class condition.

The new dwelling will feature a high quality sloping green roof system which will minimise the impact of the building and screen the poor quality neighbouring building (Eastfield) from the north approach.

An existing 150mm fire clay foul sewer running through the site will be redirected around the building (consent can be gained for this through Scottish Water as we have done on similar projects)

modern curved edges on house diagonally opposite on Eaglesham Rd/Mearns Rd corner



scale (metres)



New house for plot at Mearns Road - Old Humble Road

Proposal for Mr + Mrs Stewart

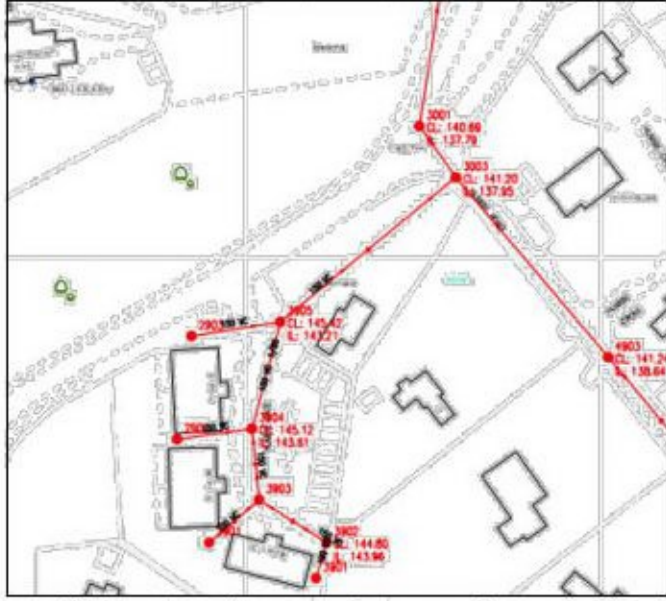
PLANNING Drawing 004 June 2013

site analysis plan 1:500 scale (at A3 size)

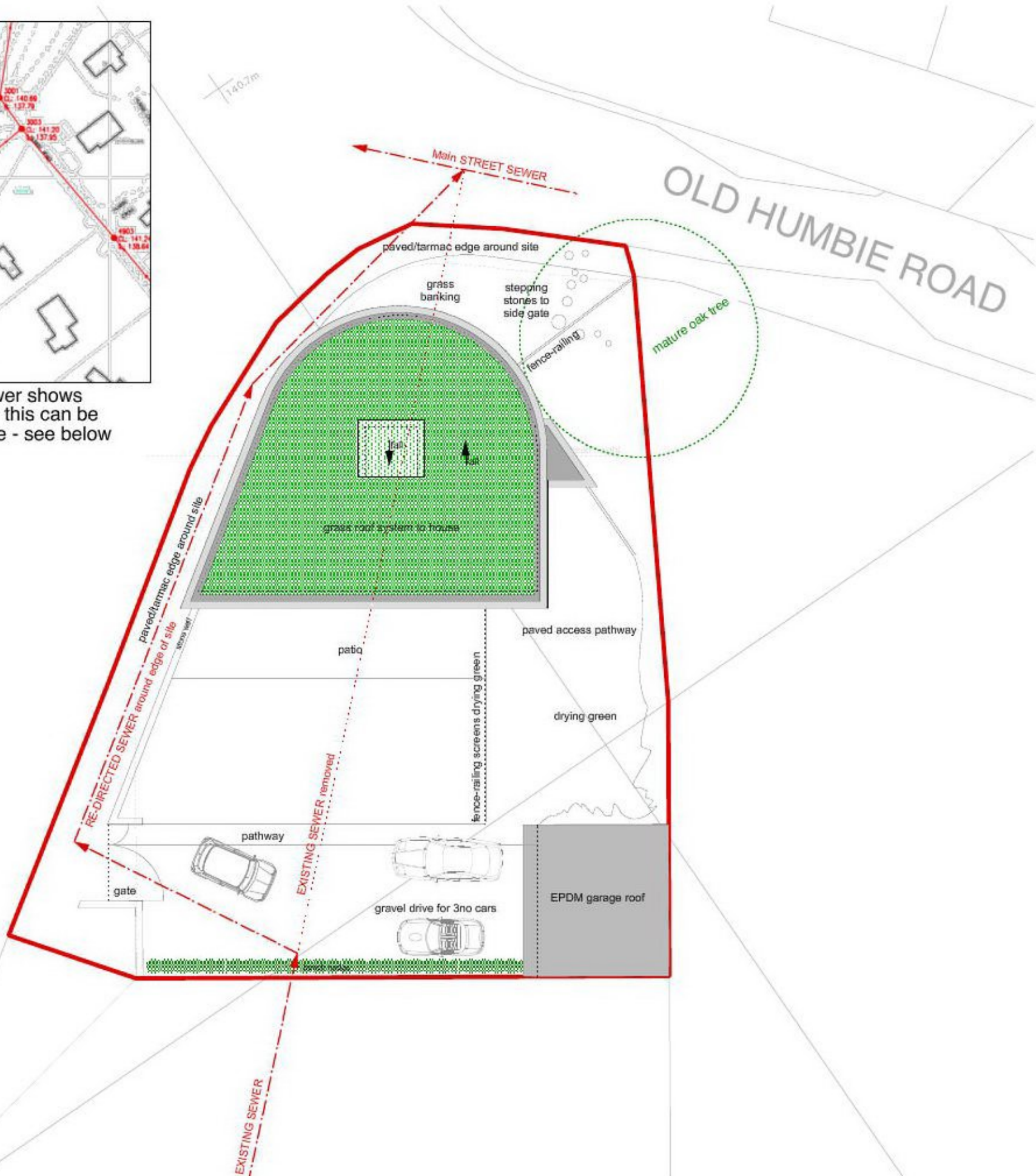
110 Brunswick Street
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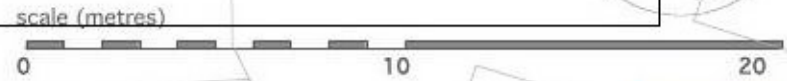
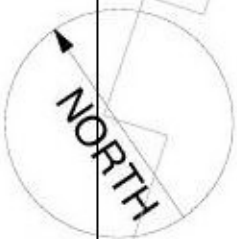
scottish water diagram of sewer shows 150mm fireclay through site - this can be redirected around edge of site - see below



**Town and Country Planning
(Scotland) Act 1997**

REFUSED

**Director of Environment
East Renfrewshire Council**



New house for plot at Mearns Road - Old Humbie Road
Proposal for Mr + Mrs Stewart

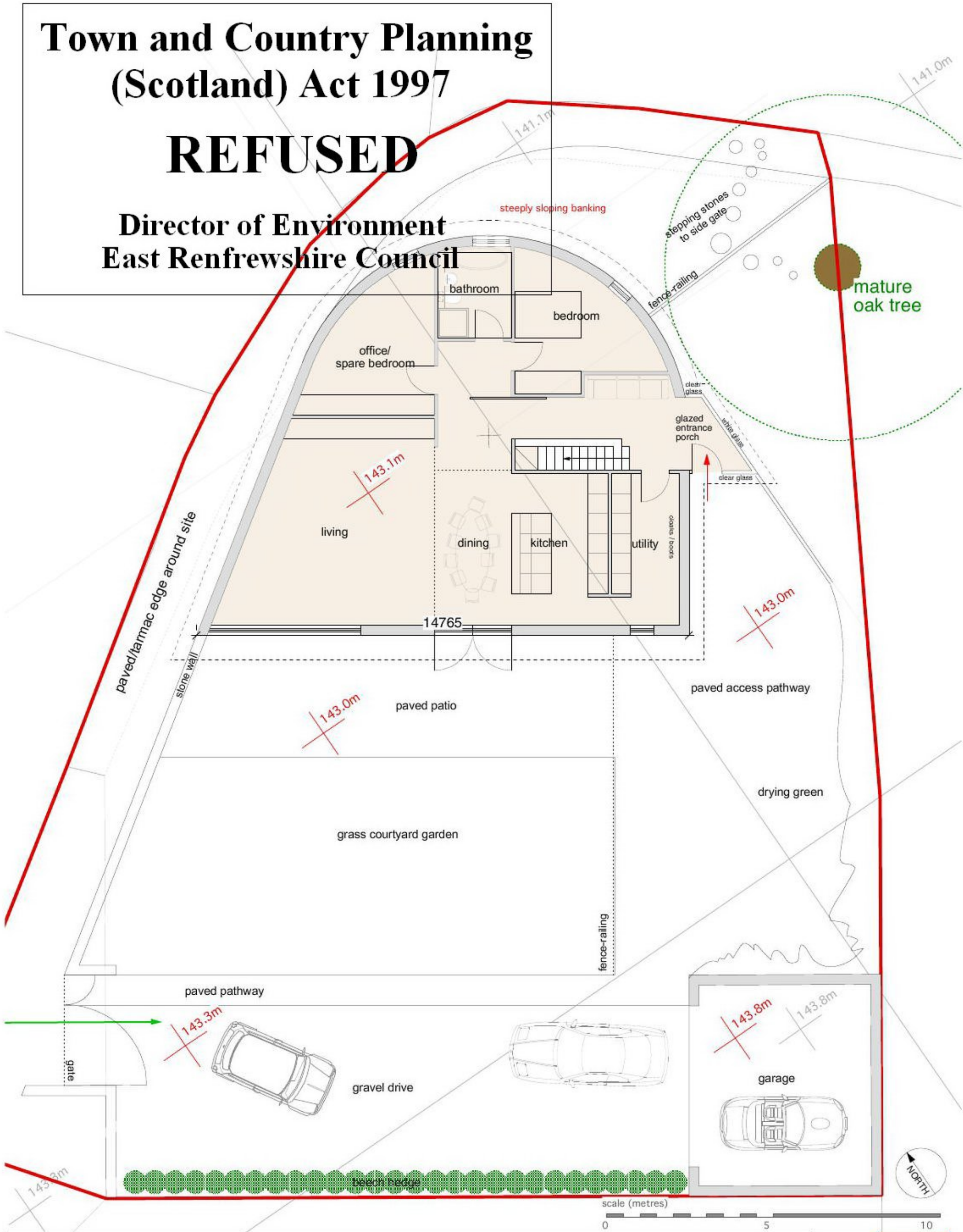
PLANNING Drawing 005 June 2013
site and roof plan 1:200 scale (at A3 size)

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Town and Country Planning (Scotland) Act 1997

REFUSED

Director of Environment East Renfrewshire Council

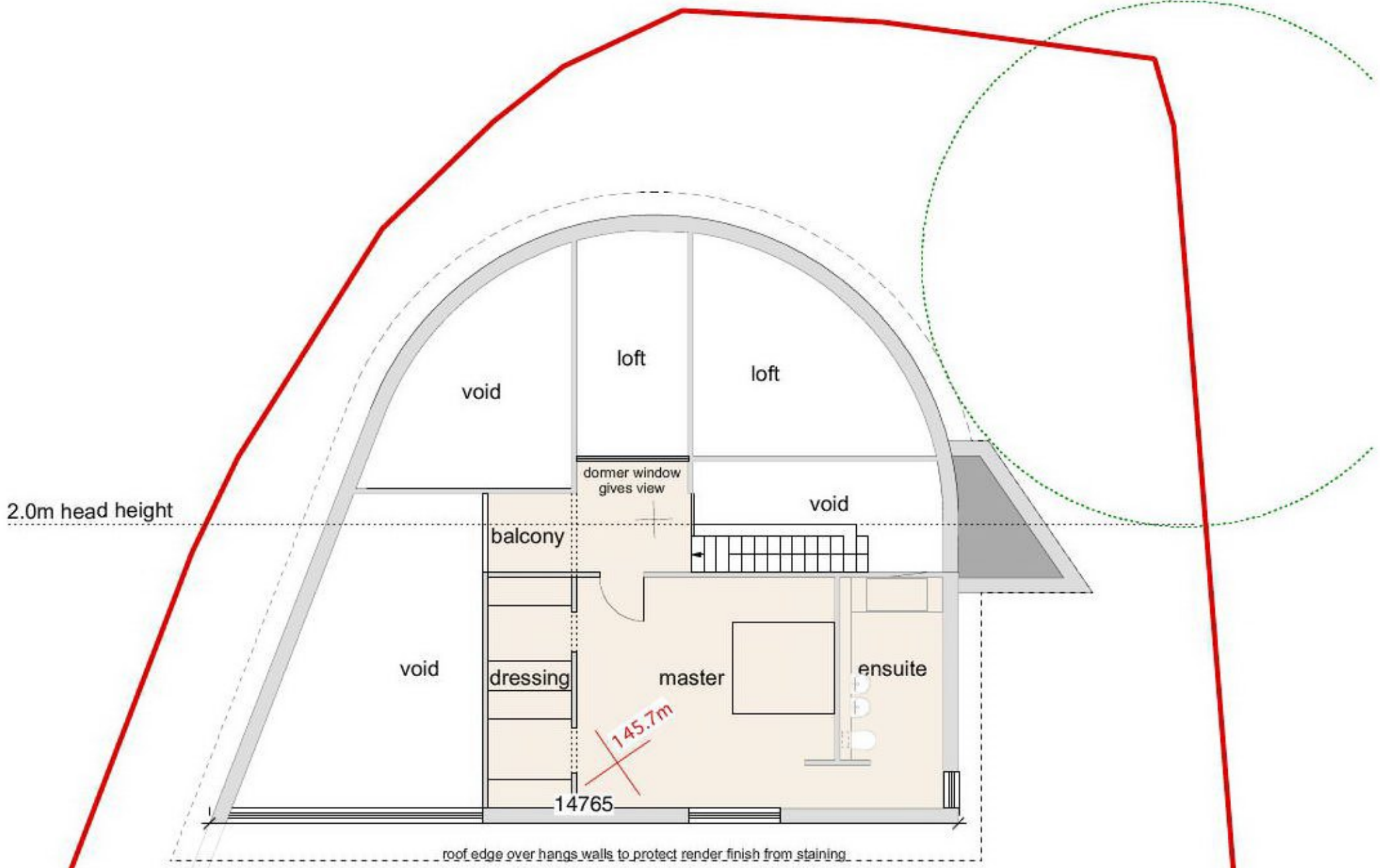


New house for plot at Mearns Road - Old Humber Road
Proposal for Mr + Mrs Stewart

PLANNING Drawing 006 June 2013
ground plan 1:100 scale (at A3 size)

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**Town and Country Planning
(Scotland) Act 1997**

REFUSED

**Director of Environment
East Renfrewshire Council**

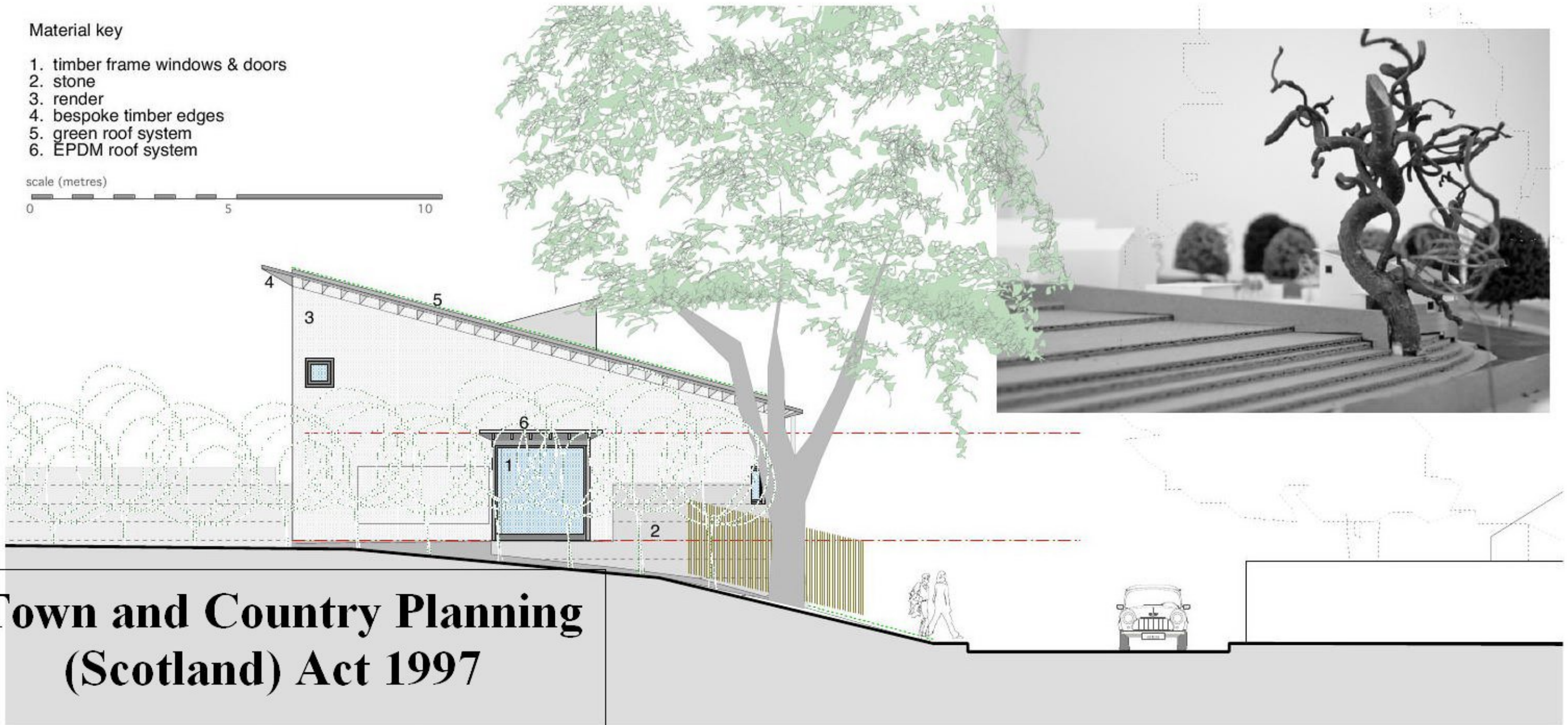
EPDM garage roof



Material key

- 1. timber frame windows & doors
- 2. stone
- 3. render
- 4. bespoke timber edges
- 5. green roof system
- 6. EPDM roof system

scale (metres)



**Town and Country Planning
(Scotland) Act 1997**

REFUSED

**Director of Environment
East Renfrewshire Council**

1:500 scale digramatic elevation shows low impact of building scale in setting between other buildings and trees

Material key

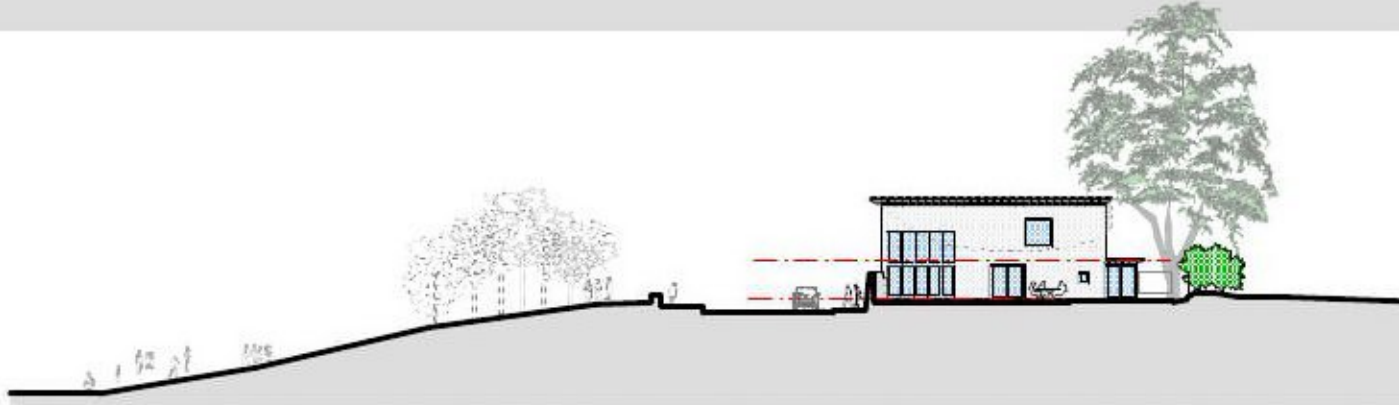
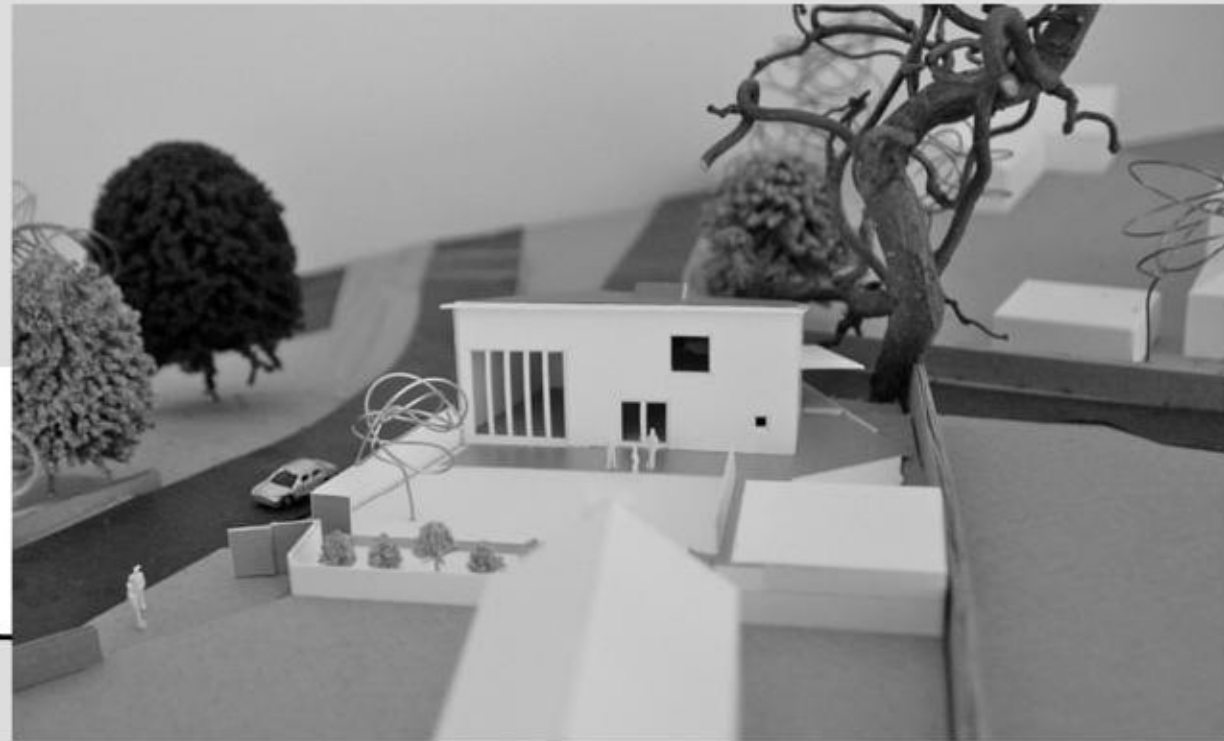
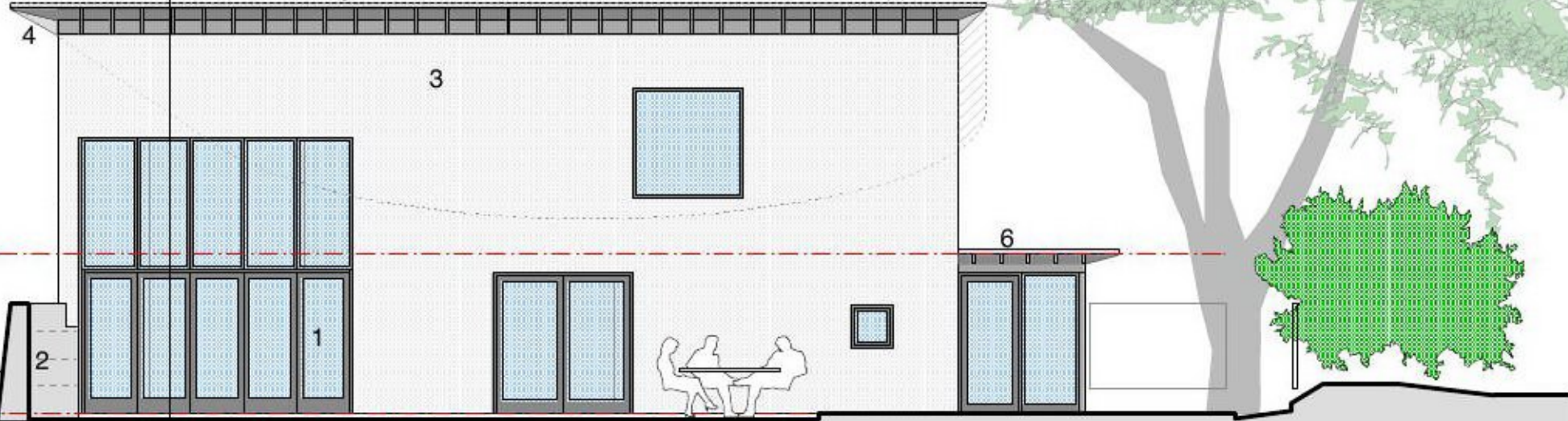
- 1. timber frame windows & doors
- 2. stone
- 3. render
- 4. bespoke timber edges
- 5. green roof system
- 6. EPDM roof system

**Town and Country Planning
(Scotland) Act 1997**

REFUSED

**Director of Environment
East Renfrewshire Council**

scale (metres)
5 5 10



1:500 scale digramatic elevation shows open views to parkland across Mearns Road and majority of window openings in private south wall elevation

New house for plot at Mearns Road - Old Humble Road
Proposal for Mr + Mrs Stewart

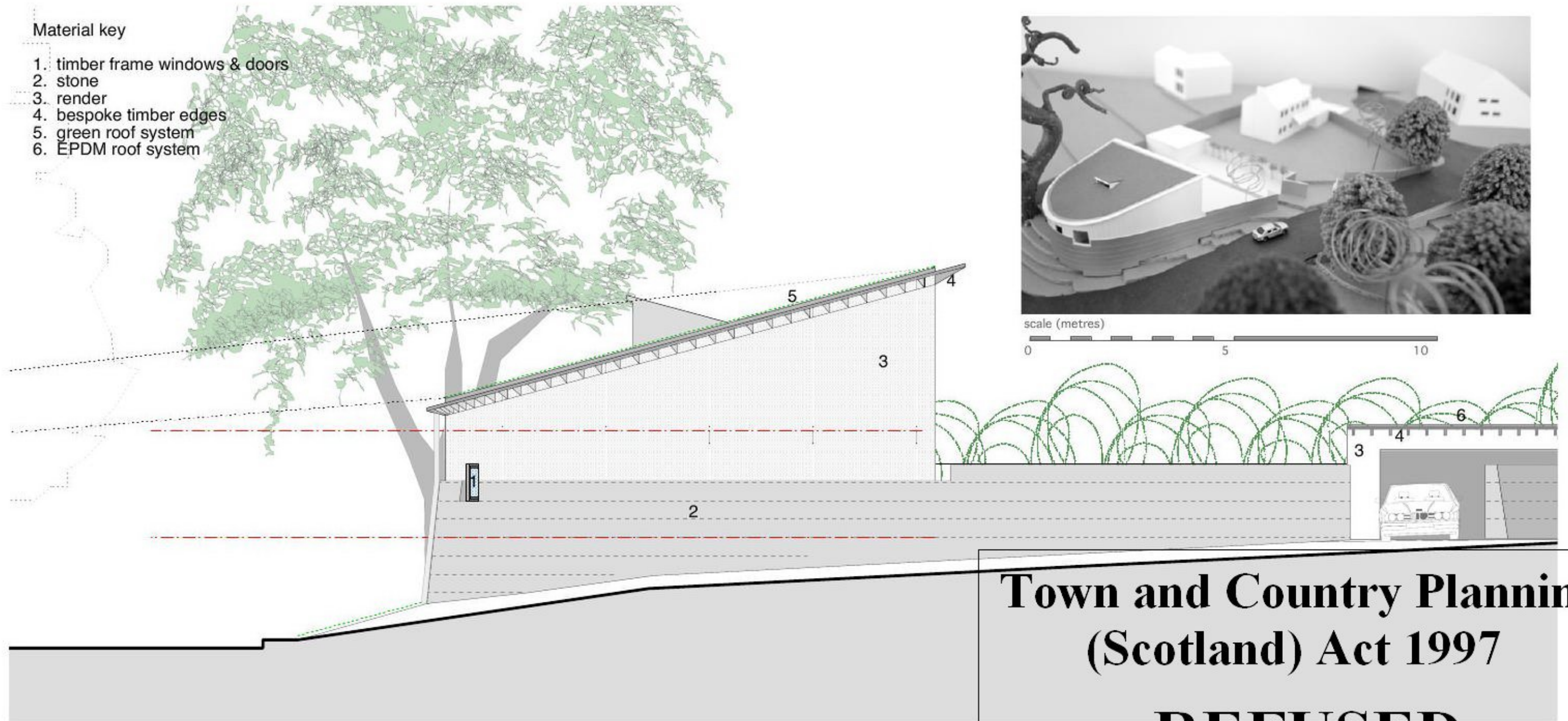
PLANNING Drawing 009 June 2013
south elevation 1:100 scale (at A3 size)

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Material key

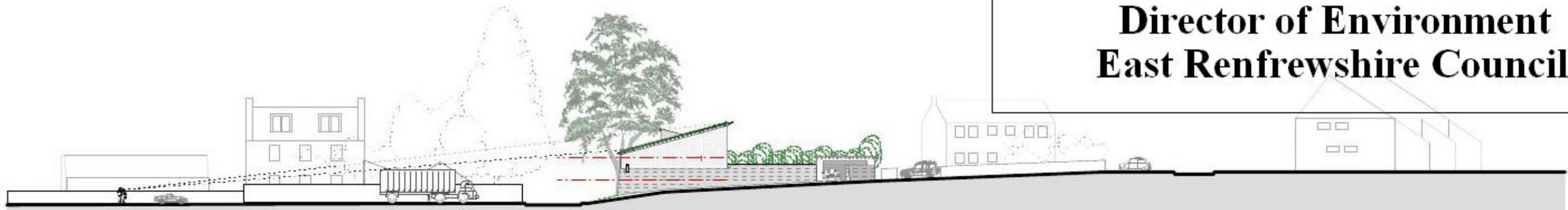
- 1. timber frame windows & doors
- 2. stone
- 3. render
- 4. bespoke timber edges
- 5. green roof system
- 6. EPDM roof system



**Town and Country Planning
(Scotland) Act 1997**

REFUSED

**Director of Environment
East Renfrewshire Council**



1:500 scale digramatic elevation shows sight line from Mearns Road where roof surface is visible from Eaglesham Road junction

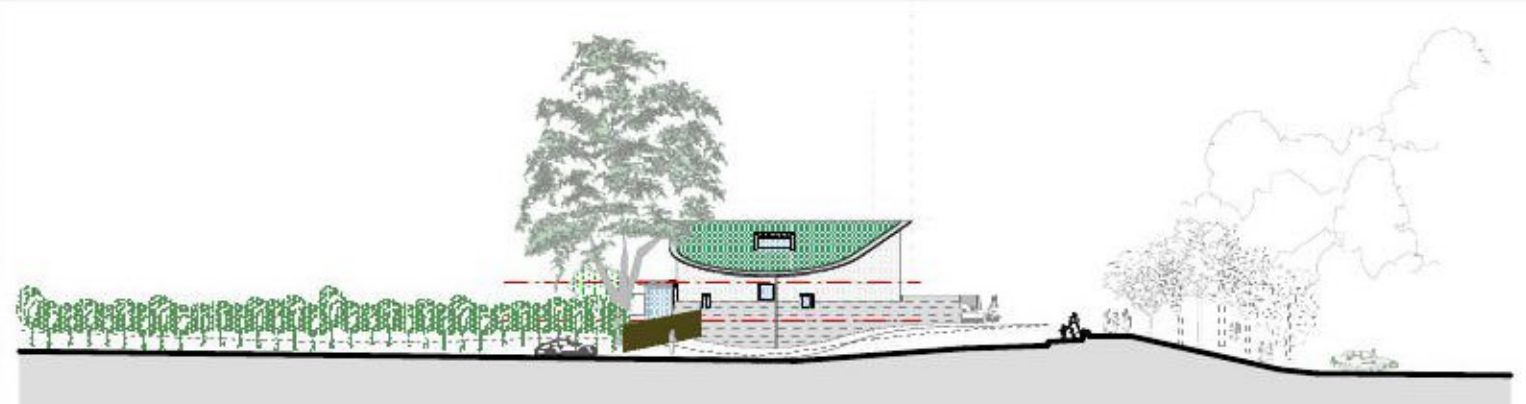
Material key

- 1. timber frame windows & doors
- 2. stone
- 3. render
- 4. bespoke timber edges
- 5. green roof system
- 6. EPDM roof system

Town and Country Planning (Scotland) Act 1997

REFUSED

Director of Environment
East Renfrewshire Council



1:500 scale digramatic elevation shows garden wall as edge to Old Humble Road and Mearns Road elevations providing enclosure to site, privacy to garden and strong edge to built environment similar to Kirkhouse boundary on the opposite side of Road - green roof is also visible and sitting under mature tree setting

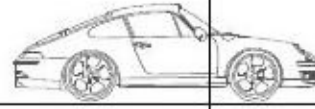
Town and Country Planning (Scotland) Act 1997

REFUSED

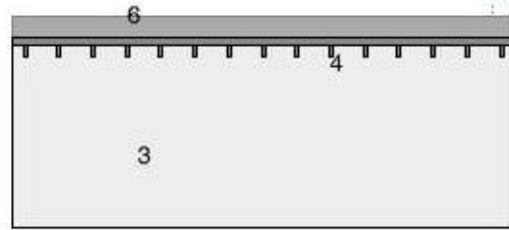
Director of Environment
East Renfrewshire Council

Material key

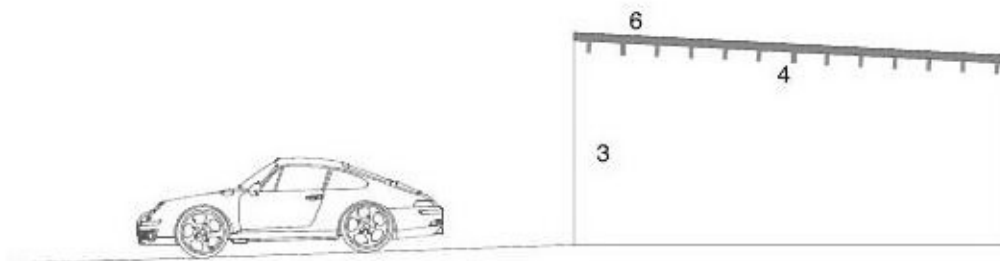
1. timber frame windows & doors
2. stone
3. render
4. bespoke timber edges
5. green roof system
6. EPDM roof system



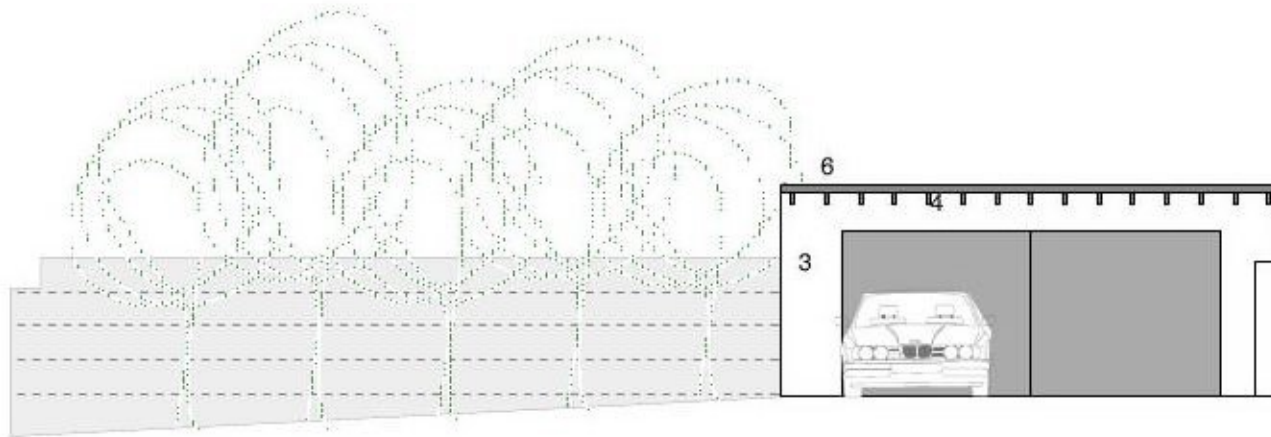
north garage elevation



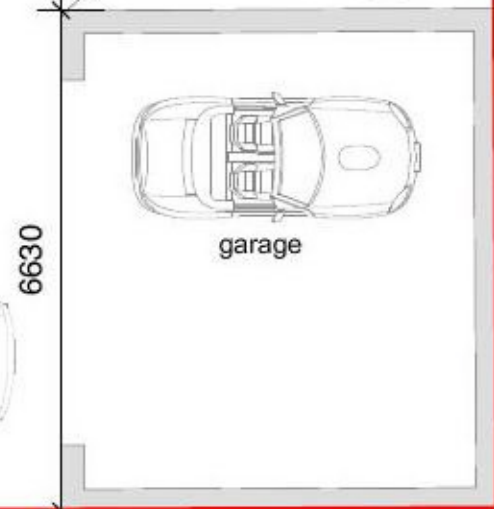
east garage elevation



south garage elevation

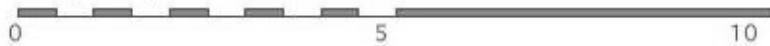


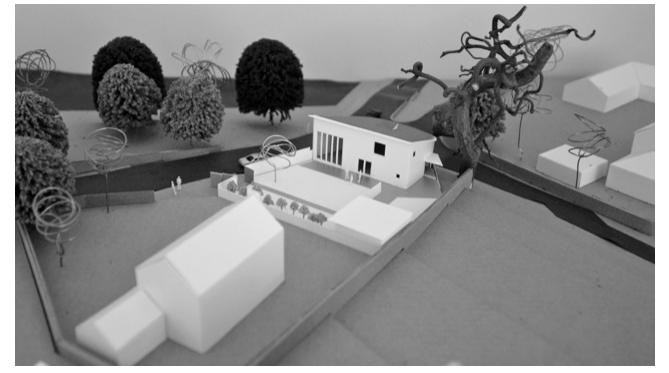
west garage elevation



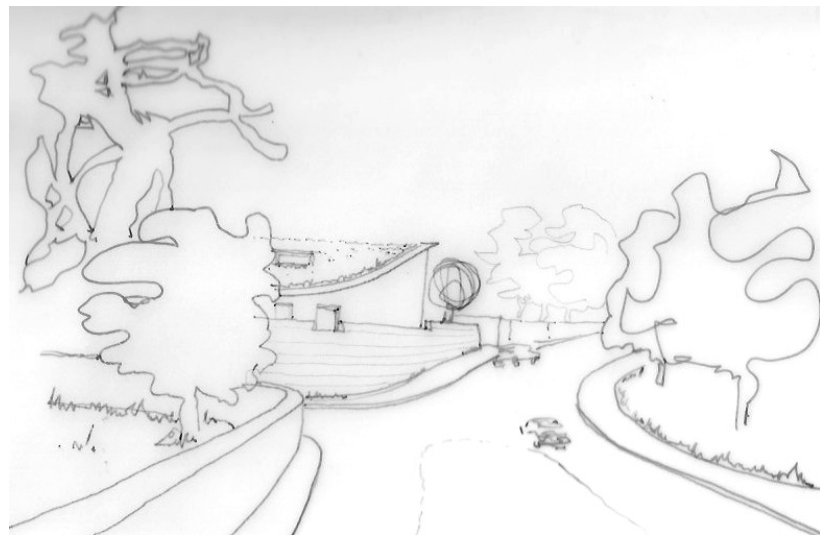
garage

scale (metres)

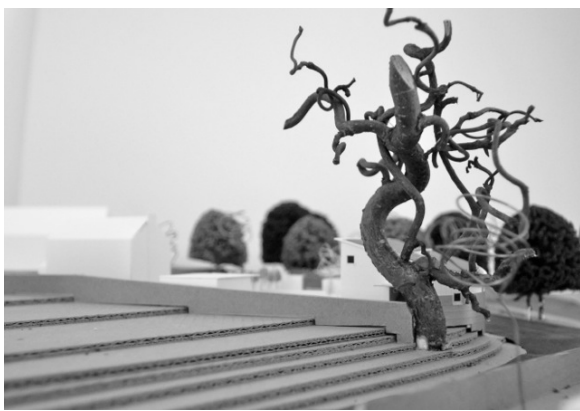




The proposal will replace an overgrown and derelict site with a high quality, site specific, designed dwelling house and walled garden. The building is positioned to the north of the site with the majority of glazed openings to the private south facing garden to maximise solar gain and privacy.



A new stone wall wraps around site edge and becomes part of building wall, curvature echoes stone wall around the adjacent Kirkhouse on Old Humble Road. The curving stone walls around the site and kirkhouse form an improved gateway to Old Humble Road.



The new dwelling will feature a high quality sloping green roof system which will minimise the impact of the building and screen the poor quality neighbouring building (Eastfield) from the north approach. The special modern design echoes that of the house on diagonally opposite corner Eaglesham Rd/Mearns Rd - modernist curved white render box recently renovated to first class condition.

Defining an edge - the eco house on a wall

Design Statement in relation to policy for new dwelling house proposal for land at Mearns Road - Old Humble Road, Newton Mearns

This proposal seeks to revive and replace an overgrown, 'leftover' and derelict piece of land with a high quality, site specific, designed dwelling house and walled garden.

The site is located in a residential area on the corner of Mearns Road / Old Humble Road in Newton Mearns. The proposal for a new dwelling house is a minor development in line with surrounding land uses and compatible with the character and amenity of the locality in line with **Policy E1 General Urban Areas and DM1 and proposed local plan Policy D2**. The design seeks to compliment and enhance the surrounding areas through design and material finish.

Designed and positioned to form a linking piece on a key corner site, the dwelling will create a much needed edge to the sporadic urban fabric. A new stone wall will wrap around the site edge, becoming part of building wall to the north, with the curvature echoing the stone wall around the adjacent Kirkhouse on Old Humble Road. Together the mirrored curving stone walls form an improved and much needed gateway to Old Humble Road.

The modern curved edge to the proposed dwelling reflects the modernist dwelling diagonally opposite on Eaglesham Road / Mearns Road (this white rendered box has recently been renovated to a high standard). The proposed building will be finished with a high quality stone plinth that is also the garden wall and white render reflecting materials from the best buildings locally namely the Mearns Parish Kirk.

The site features one mature oak tree to the north east corner which is subject to a tree preservation order (TPO). This will be retained and become a special key feature of the building setting (the building is located so as not to interfere with tree roots or canopy) in line with **Policy E3 Protection of Natural Features and proposed local plan Policy D8**. The rest of the site is overgrown with minor self-seeded scrub planting which will be removed and replaced with garden planting including native species to enhance the setting and create a lush green backdrop to the house in line with **proposed local plan Policy D1**. The site is not of specific scientific interest (SSSI), of importance for nature conservation (SINCs) or an ancient and long established woodland site.

The new dwelling will feature a high quality sloping green roof system which will minimise the impact of the building and screen the poor quality neighbouring building (Eastfield) from the north approach. This will create an additional urban green space for wildlife.

The proposal complies with **Policy DM1 Detailed Guidance for all Development and proposed local plan Policy D1** as follows:

- The proposal enhances the character or amenity to the surrounding area.
- The proposal is of a size, scale and density in keeping with the buildings in the locality. The design respects local architecture, building forms, design and materials.
- The proposal seeks to revive a prominent corner site with road frontage on two sides and therefore does not constitute 'backland' development.
- The development retains the large mature tree with TPO, together with a private planted garden and green roof.
- Landscaping has been an integral element of the development and layout design. The proposal works around the large mature tree, creates a new stone wall around the site to reflect surrounding property boundaries, and green roof and garden planting to augment the amenity and appearance of the site.
- The proposal meets the parking and access requirements of the council.

- The proposal does not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy. The design and building layout creates a private house and garden for the building users and maintains privacy for the neighbours.
- The existing site has no boundary fencing and has been used for dumping, and youth loitering. Development will create a safe and secure environment and reduce scope for antisocial behaviour and fear of crime.
- The proposal has been designed to meet disability needs and include provision for disabled access.
- Lighting to the single dwelling house will be minimal in line with the surrounding locality.
- The proposal has been designed to include provision for the recycling, storage, collection and composting of waste materials.
- It is our intention to retain on-site, for use as part of the development, as much as possible of all waste material arising from the construction of the development.

The proposal significantly exceeds the guidance for private open space as set out in **DM1 appendix 1**. The detached dwelling has a private garden 5 times the area of the ground floor of the house (over 500m²) (guidance is for 1&1/2 times size of footprint or 100m²).

In response to the typography and orientation of the site, the dwelling does not have a typical front and back garden. Access to the dwelling is practically positioned off of Mearns Road alongside the established entrance to Eastfield. This allows for important level access to the site (site is steeply sloping to Old Humber Road side and access at corner road junction is not sensible).

This entrance area faces south and is also the best location for garden space. The dwelling has therefore been positioned to the north of the site with the layout and majority of glazed openings positioned to the private south facing courtyard garden to maximise solar gain and privacy. This private garden is almost 17m deep from the boundary with neighbouring 'Eastfield' and 5m to the bounding neighbour on Old Humber Road therefore exceeding guidance set out in **DM1 appendix 1**. The distance to side boundaries around the curved 'back' edge of the dwelling are at points less than the minimum guidance but these edges are not to neighbouring properties instead to a wide busy road. The curved house and boundary wall provides privacy beside the busy road.

An existing 150mm fireclay foul sewer running through the site will be redirected around the building (consent can be gained for this through Scottish Water as we have done on similar projects).

The previous application for this site (which was refused Nov 2008) was a catalogue kit house dropped on the site. Unlike the proposed development, this refused application was not site specific in any way.

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