

EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

13 August 2014

Report by Deputy Chief Executive

REVIEW/2014/03

ERECTION OF OUTBUILDING TO ACCOMMODATE RESIDENTIAL USE (GRANNY ANNEXE) AT 22 STATION ROAD, BUSBY

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:- 2014/0042/TP).
Applicant: Mr and Mrs Shaw.
Proposal: Erection of Outbuilding to Accommodate Residential Use (Granny Annexe)
Location: 22 Station Road, Busby
Council Area/Ward: Busby, Clarkston and Eaglesham (Ward 6).

REASON FOR REQUESTING REVIEW

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

RECOMMENDATIONS

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

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

BACKGROUND

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

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the "local development" category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an "appointed officer". In the Council's case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Planning, 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 applicants in submitting the review have stated the reasons for requiring the review of the determination of their application. A copy of the applicants' Notice of Review and Statement of Reasons is attached as Appendix 5.

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

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

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 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) Applicants' Notice of Review and Statement of Reasons - Appendix 5 (Pages).

13. The applicants have also submitted the drawings listed below (available for inspection within the Planning service of the Environment Department prior to the meeting and for reference at the meeting). Copies attached as Appendix 6 (Pages):-

- (a) Refused – Ground Floor Plan and Proposed Elevations;
- (b) Refused – Location Plan and Electrical Layout;
- (c) Refused - Block Plan; and
- (d) Refused – Rear Elevation and Roof Plan.

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.

15. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk .

RECOMMENDATIONS

16. 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:- July 2014

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.

**APPLICATION
FOR
PLANNING PERMISSION**

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**TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997 as amended by the Planning etc.
(Scotland) Act 2006**



Householder Application for Planning Permission

Please note that rather than completing these forms, you can now complete and submit your planning application on-line at www.scotland.gov.uk

23 JAN 2014

OFFICIAL USE ONLY: Reference No. 2014/0042/1P **Registration Date?**

Part 1 - Application form

Please read the notes for guidance before completing this part of the form.
Incorrect completion may result in delay in processing your application.

1

Applicant's Name MRY MRS. SHAW
 Address 22 STATION ROAD
BUSBY
GLASGOW Post Code G76 8HZ
 Telephone [REDACTED] Fax

Email

is the applicant a member of staff within the planning service or an elected member of East Renfrewshire Council? Yes/No

2

Agent's Name KENNETH WOTHERSPON
 Address 1 HOLM COURT
CROSSFORD
CARLUKE Post Code ML8 5GR
 Telephone 01555 860144 Fax 01555 860144
 Email

3

Location of proposed development 22 STATION ROAD
BUSBY, GLASGOW
G76 8HZ

4

Description of proposed development ERECTION OF A
DETACHED GRANNY ANNEXE TO REAR
GARDEN AREA

5

Building Materials	
Existing	Proposed
Walls <u>SANDSTONE</u>	Walls <u>WHITE ROUGHCAST</u> <u>PINK KEYED LIMESTONE</u> REMOVE
Roofs <u>GREY SLATE</u>	Roofs <u>GREY CONCRETE TILE</u>
Boundary	Boundary <u>WHITE ROUGHCAST</u>
Windows <u>BROWN UPVC</u>	Windows <u>WHITE UPVC</u>
Any other relevant information.....	

6

Pre-Application Advice

Have you received advice from the planning authority in relation to this proposal?

Yes No

If yes, please provide details about the advice in the box below:

How was the advice given?

Meeting Telephone call Letter Email

Please provide a description of the advice you were given and who you received the advice from:

Name:

Reference Number:

Date:

Summary of advice received

7

Trees

Are there any trees on or adjacent to the application site? Yes No

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

8

Changes to Vehicle Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? Yes No

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes No

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

How many parking spaces currently exist on the application site? 2

How many parking spaces do you propose on the application site? 2 existing

Please show on your drawings the position of existing and proposed parking spaces.

Part 2 - Land Ownership Certificate

Section 1 - Who owns the land?

Tick one box

- A The applicant owned all the land to which the application relates for the 21 days to the date of this application
 or
 B The applicant has served notice on all persons listed below who within the 21 days prior to the date of this application owned any part of the land to which it relates.
 (You must complete and serve Notice 1 on all the people you have listed below)

Name of Owner	Address	Date Notified

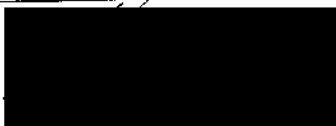
Section 2 - Agricultural holdings

Tick one box

- A None of the land to which the application relates, formed part of an agricultural holding for the 21 days prior to the date of this application.
 or
 B The applicant has served notice on all persons listed below who, within the 21 days prior to the date of this application, were tenants of an agricultural smallholding which was on or part of the land to which this application relates.
 (You must complete and serve Notice 1 on all the people you have listed below)

Name of Owner	Address	Date Notified

Signature of Applicant/Agent



Date

17/10/14

Checklist and Declaration

Please read the notes for guidance before completing this part of the form.
Incorrect completion may result in delay in processing your application.

Checklist

Please tick all the boxes to ensure that your application is complete.

I have completed and enclose two copies of the following

- Part 1 - Application form
- Part 2 - Land Ownership Certificate
- I have served the necessary notices on all identified owners / tenants.....
- Checklist and Declaration

I have enclosed 3 copies of the following plans

- 1:1250 or 1:2500 Location plan
- 1:200 or 1:500 Block plan
- 1:50 or 1:100 Detailed plans to include all existing and proposed plans and elevations.....

I have enclosed the appropriate fee

Fee enclosed..... £192-00

Your completed form should now be returned to: Roads Planning and Transportation Service, East Renfrewshire Council Offices, Eastwood Park, Rouken Glen Road, Giffnock, G46 6UG

Declaration

I declare that the information given within this form, for the purposes of making a planning application, is true and accurate to the best of my knowledge

Signature of Applicant / Agent (delete where appropriate) [REDACTED] Dated 17/01/14

If you have any difficulties completing this application form, contact the Council on 0141 577 3001

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.

Important

Anyone who knowingly or recklessly makes a false declaration is liable, on conviction, to a fine up to £2,000

COPIES OF REPRESENTATIONS

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JEFFREY BAILEY
31 STATION ROAD
BUSBY
GLASGOW
G76 8HZ

ACKN - 26/3/14
(AM)

RECEIVED
26 MAR 2014

IN RESPONSE TO THE PLANNING APPLICATION FOR
GRANNY ANNEXE I MUST STRONGLY OBJECT
TO THE APPLICATION 2014/0042/TP ON THE
GROUNDS OF A POTENTIAL NEW HOUSE WITH
PEOPLE LOOKING OUT OF WINDOW WITH A HEIGHT
ADVANTAGE STRAIGHT INTO MY LIVING ROOM AND ALSO
LOOKING INTO MY BEDROOM, POSSIBLY CUT DOWN ON
SUNLIGHT INTO MY FRONT GARDEN AND WHEN THIS
DRIVEWAY WAS PREVIOUSLY USED AS A DRIVEWAY
THEY HAD TO ASK ME TO MOVE MY CAR + VAN
EVERY TIME THE CARAVAN OR CAR WAS
BEING BROUGHT IN OR OUT OF THIS DRIVEWAY
THE PLANS FOR THIS HOUSE ARE VERY DIFFERENT TO
WHAT I WAS TOLD VERBALLY BY MR SHAW ON A
PREVIOUS OCCASSION. THIS CORNER IS FAMOUS LOCALLY FOR
ACCIDENTS AND NEAR MISSES ESPECIALLY IN WINTER AND
THIS WOULD ONLY ADD TO THIS DANGER

YOURS FAITHFULLY



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Application Comments for 2014/0042/TP

Application Summary

Application Number: 2014/0042/TP

Address: 22 Station Road Busby East Renfrewshire G76 8HZ

Proposal: Erection of outbuilding to accommodate residential use (granny annexe)

Case Officer: Ms Alison Mitchell

Customer Details

Name: Mrs lisa shaw

Address: 22 Station Road, Busby, East Renfrewshire G76 8HZ

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to comment on the objection received from our neighbour at no.31 and address a number of inaccuracies in the statement. In order of points made in the letter:-

1. There will be no height advantage of this single storey house over the 2storey neighbours house since the ground slopes downwards towards the railway line so ground level on the west side of the street (our side) is lower than the east where no. 31 is situated. The annex is also set back from the boundary by approximately 3m and a common ground of a further 5m sits before the road so visibility into their ground floor window will be restricted and there is no way of seeing into the first floor bedroom
2. Due to the above I do not see any issues with sunlight. Our property is also surrounded by numerous mature trees which have been there for many years and will not be altered
3. The driveway at the south access to the property has always been the vehicle access to the house and remains an access point despite a further driveway and parking for multiple cars being added to the front of the house
4. Our neighbour has never been asked to move his vehicles to allow our car in or out, but has on a handful of occasions, been asked to move to allow us to take our caravan in and out for holidays. However, surely this indicates that he is blocking access by parking opposite the drive.
5. Finally, we have lived here for 3 and a half years and have never known of an accident at the corner of the street, but I'm sure police or council records could confirm this

Regards

Lisa & Simon Shaw

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REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2014/0042/TP

Date Registered: 3rd March 2014

Application Type: Full Planning Permission

This application is a Local Development

Ward: 6 -Busby Clarkston Eaglesham

Co-ordinates: 258209/:656175

Applicant/Agent:

Applicant:
Mr And Mrs Shaw
22 Station Road
Busby
East Renfrewshire
G76 8HZ

Agent:
Mr Kenneth Wotherspoon
1 Holm Court
Crossford
Carluke
ML8 5GR

Proposal: Erection of outbuilding to accommodate residential use (granny annexe)

Location: 22 Station Road
Busby
East Renfrewshire
G76 8HZ

CONSULTATIONS/COMMENTS:

Roads And Transportation Service

Refuse as the first 2m of verge adjacent to the carriageway is considered to be public road and should not form part of the application site.

Network Rail

No objections. Construction work must not impact on the operation of the railway. Details should be submitted for approval.

Development Contributions Officer

Development contribution not required

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2000/0104/TP	Installation of front dormer window	GRA	12.04.2000
2001/0224/TP	Erection of rear extension	GRA	11.05.2001
1994/0432/TP	ERECTION OF DWELLINGHOUSE (IN OUTLINE)	REF	17.01.1995

REPRESENTATIONS:

One representations have been received:

Mr Jeffrey Bailey 31 Station Road Busby East Renfrewshire G76 8HZ

The representation can be summarised as follows:

Overlooking
Possible impact on sunlight
Previous issues with driveway
Known accident area

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

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

ASSESSMENT:

The site is located on the west side of Station Road and within an established residential area characterised by a variety of housetypes and built forms. The plot is parallel to the East Kilbride railway line; has a grass verge along the road frontage varying in width from approximately 1.5m to 6m; is tapered in shape, narrowing in width from north to south and has a low fence sitting atop a low retaining along the frontage.

There are two vehicular accesses to the site, the primary one on the north east corner of the site serving a large area of hardstanding and a secondary access on the south east corner of the site comprising a small area of hardstanding across the grass verge. The property is a traditional sandstone villa which has been extended to the side and rear and is orientated gable end onto Station Road. Within the curtilage of the property which rises upwards from north to south and falls across the site, there is a small stone outbuilding and a rough area of hardstanding. There are mature trees along the south boundary and mature shrubs along the west boundary.

Planning permission is being sought to erect a freestanding "granny annex", located at the southern end (narrowest) of the site and accessed from the secondary gate /access off Station Road. The building would be single storey, 8m wide and 5m deep with a dual pitch ridged roof with gable ends. The building would have a single point of entry from a ramped access door on the front elevation, facing Station Road, and would function as a house accommodating a kitchen/living room, bedroom and bathroom. There would be two window units on the front and rear elevations with both gable elevations blank. Externally, the building would be finished in render with grey tiled roof. The applicant advises that the configuration/layout of the original house is not suitable for adaption; the new building will occupy/utilise an existing car parking space/access and trees would not be affected /altered.

The application requires to be assessed against the adopted Local Plan and any material considerations. Matters material to the consideration of the application are: the Proposed Local Development Plan (PLDP); comments from the Roads Service and the representation. In principle, the Council would support ancillary extensions and /or alterations to accommodate family members. The current proposal represents the erection of a new house within the curtilage of an existing house and requires to be assessed as such. Policy E1 presumes against new developments which would not be compatible with the character and amenity of the locality and the surrounding area. Given that the site is in a residential area, the principle of the development may be supported provided there is compliance with policies DM1 and DM2.2. Policy DM1 sets out 14 development criteria against which all proposals are assessed. In this case the relevant criteria are considered to be DM1 (1), DM1 (2), DM1 (6), DM1 (7) and DM1 (8). Policy DM2.2 sets out specific requirements for the subdivision of a plot.

It is acknowledged that the area displays a variety of housetypes and plot sizes which contribute towards the established character of the locality. The proposed house is very small and does not, in this instance, reflect the size and scale of detached houses, both single storey and two storey, in the area. There is no garden ground allocated for the new house which would require a minimum of 100sq metres of private garden ground in accordance with open space standards set out in the adopted Local Plan. Compliance with the open space standards for garden ground could compromise the setting and garden size of the donor house. It is accepted that: the donor house is situated gable end to the road which is not the normal situation in this area; the rear garden area is exposed to public view due to the site levels and the boundary treatment: the building line is not compromised and the development does not constitute backland development in that it has a road frontage. However, the site is not capable of accommodating a house, albeit a small one, without compromising the setting of the donor house and the established pattern of development in the area.

While the trees within the site are not protected by the provisions of a Tree Preservation Order, they do contribute to the amenity of the area and the streetscape. The proposed house is located very close to mature trees along the south boundary and it is likely that their health and stability could be compromised by building works. The presence of the existing stone store would prohibit meaningful repositioning of the proposed house to protect the trees. It is considered that the submitted drawings do not fully represent the levels on the site and the effect this would have on the floor level of the house. However, the proposed single storey house would not have a significant adverse impact on the amenity and privacy of the nearest neighbouring properties on the opposite side of the road as there is more than 20m between opposing windows and one of the two proposed windows on the front elevation is to

serve a bathroom and as such would have obscure glazing. Any overlooking would be over front garden areas of the opposite neighbours which is already exposed, and accepted as open, to public view. As the proposed development is to the west of properties on the opposite side of Station Road, it is considered that overshadowing from the proposed house would not be an issue. Similarly, the donor house would not be adversely affected by overlooking and /or overshadowing from the proposed house.

There is ample provision for off street car parking for the donor house. However, the proposed house would not have off street parking as the secondary access forms part of the public road and, as such, the Roads Service has recommended refusal of the application. In conclusion, the proposal does not accord with the relevant development criteria in policies DM1 and DM2.2 and, as such, conflicts with policy E1. The applicant has declined to withdraw or amend the application.

The Proposed Local Development Plan represents the Councils current policy position in respect of the consideration of development proposals. In this case, the relevant policies are considered to be D1; D2 and D15 which generally reflect aims and objectives of the current Local Plan policies. Consequently, it is considered that the proposal conflicts with the relevant policies in the proposed Local Plan.

The comments of the representee are noted and have been generally addressed in the report. Alleged issues with the use of/parking on the secondary driveway are not a matter for the Planning Service. The Roads Service while objecting to the application has not made reference to road accidents at the locus.

Although every proposal is treated on its own merits, it is noted that an outline application for the erection of a new dwellinghouse was refused in 1994 on the grounds of non-compliance with Development Plan policies and detrimental to the amenity and character of the area.

Drawing all the above matters together, the proposal does not fully comply with the relevant policies the Development Plan. There are no material considerations which would justify setting aside the relevant policies in the Development Plan and approving the application. It is, therefore, recommended that the application be refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASON:

Reason: The proposal is contrary to the policies E1, DM1 and DM2.2 in the adopted East Renfrewshire Local Plan and policies D1, D2 and D15 in the Proposed Local Development Plan as it would result in a development that, due to its size and location, would be out of keeping with the character and amenity of the area.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Ms Alison Mitchell on 0141 577 3117.

Ref. No.: 2014/0042/TP
(ALMI)

DATE: 21st May 2014

DIRECTOR OF ENVIRONMENT

Reference: 2014/0042/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan: None

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 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.

Policy DM2.2

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

1. The proposed plot should reflect the established pattern of development and should be of a size, shape and disposition capable of accommodating a dwellinghouse and attached land behind the front building line and surrounded by enclosure that provides secluded garden ground of a scale and character compatible with the neighbourhood.
2. A sufficient area of ground for a garden and associated uses for the existing house must be retained in line with Policy L4 - "Open Space Provision in New Developments" and Appendix 1.
3. Existing building lines should be respected.
4. Proposals should preserve and enhance the character and amenity of the area.

Proposed Local Development Plan

The Proposed Local Development Plan (LDP) has been sent for Examination to the Scottish Government. 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 D15

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

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

GOVERNMENT GUIDANCE: None relevant

Finalised 21/05/2014.IM.

DECISION NOTICE
AND
REASONS FOR REFUSAL

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**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. **2014/0042/TP**

Applicant

Mr And Mrs Shaw
22 Station Road
Busby
East Renfrewshire
G76 8HZ

Agent:

Mr Kenneth Wotherspoon
1 Holm Court
Crossford
Carluke
ML8 5GR

With reference to your application which was registered on 3rd March 2014 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of outbuilding to accommodate residential use (granny annexe)

at: 22 Station Road Busby East Renfrewshire G76 8HZ

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 the policies E1, DM1 and DM2.2 in the adopted East Renfrewshire Local Plan and policies D1, D2 and D15 in the Proposed Local Development Plan as it would result in a development that, due to its size and location, would be out of keeping with the character and amenity of the area.

Dated 21st May 2014



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	02		
Block Plan Proposed	03		
Elevations Proposed	01		
Plans Proposed	04		

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**

**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

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RECEIVED

24 JUN 2014

Notice of Review



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

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

* 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

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:

SITE INSPECTION TO SEE PLOT AREA AND ORIGINAL DWELLING
HEARING SESSION TO ALLOW FOR MANY DIFFERING VIEWS AND OPINIONS.

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.

HAVING HAD SOME CONVERSATIONS WITH THE PLANNING OFFICER, ALISON MITCHELL, SHE HIGHLIGHTED HER CONCERNS OVER THE SIZE AND SCALE OF THE PROPOSED AND ALSO THE DISTANCE OF THIS FROM THE MAIN DWELLING. SHE WOULD RATHER THAT THE PROPOSED WAS MADE SMALLER OR ATTACHED TO THE MAIN DWELLING. THE LATTER NOT BEING AN OPTION DUE TO THE LAYOUT OF THE DWELLING. THE SOLE PURPOSE OF THIS DWELLING IS TO ALLOW THE CLIENTS MOTHER TO LIVE WITH THEMSELVES BUT IN AN INDEPENDENT ENVIRONMENT. THE OBJECTIVE OF THE ANNEXE WAS TO PROVIDE A MODEST HOME ON ONE LEVEL MAKING IT FIT FOR PURPOSE IN LATER YEARS. THERE IS NOT ENOUGH SPACE TO EXTEND THE EXISTING HOUSE TO ALLOW FOR THIS, SO THE PLOT AT THE END OF THE GARDEN AREA WAS SELECTED. THIS GIVES SHARED GARDEN SPACE IN-BETWEEN WITH THE ANNEXE UTILITIES RUNNING FROM THE MAIN HOUSE, SO NO SEPARATE RUNNING COSTS.

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.

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.

SHEET 1 - PROPOSED ELEVATIONS - 4 COPIES

SHEET 2 - LOCATIONS PLAN - 4 COPIES

SHEET 3 - PROPOSED BLOCK PLAN - 4 COPIES

SHEET 4 - PROPOSED PLANS - 4 COPIES

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



Date

23 JUNE 2014

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

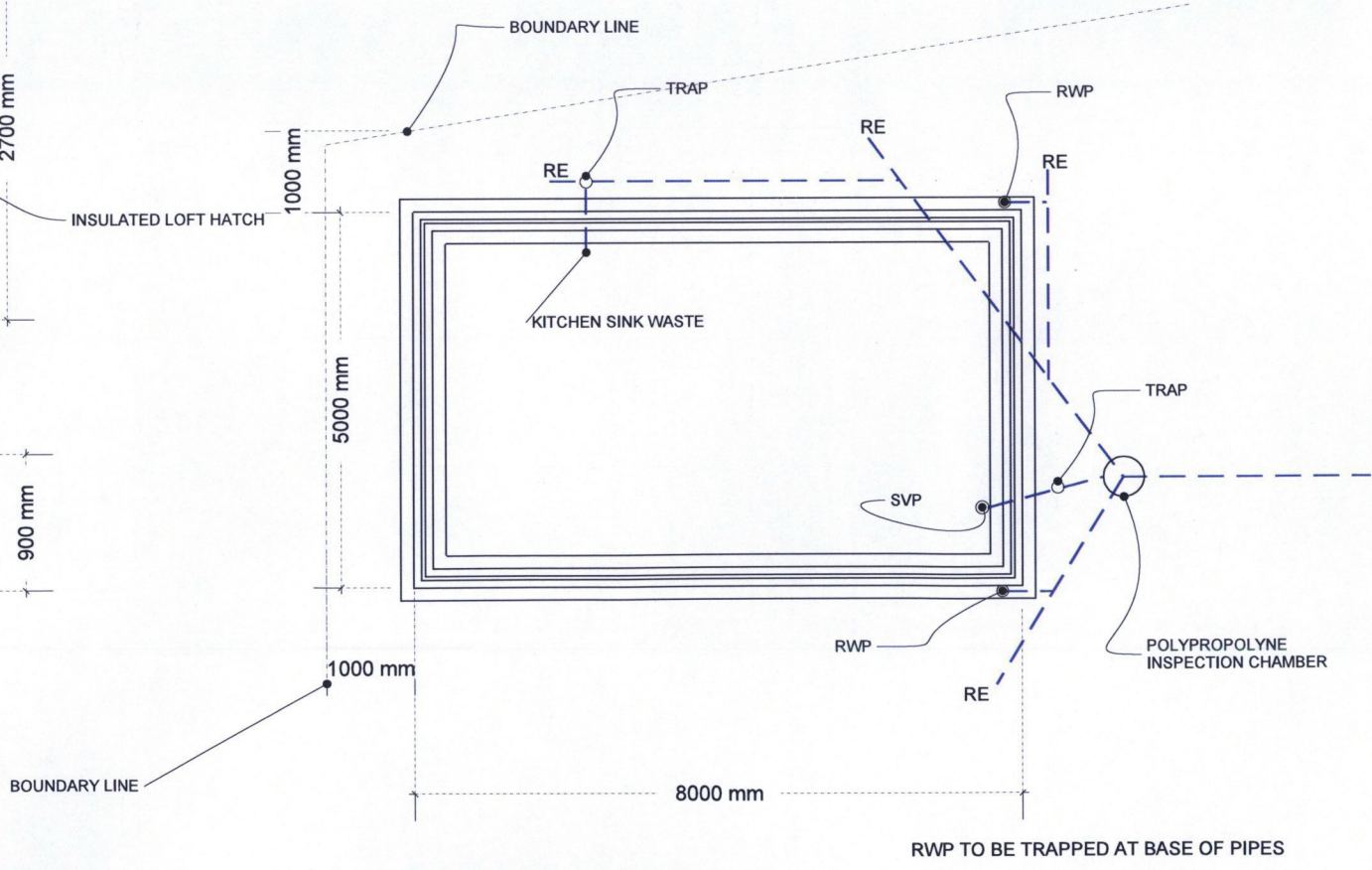
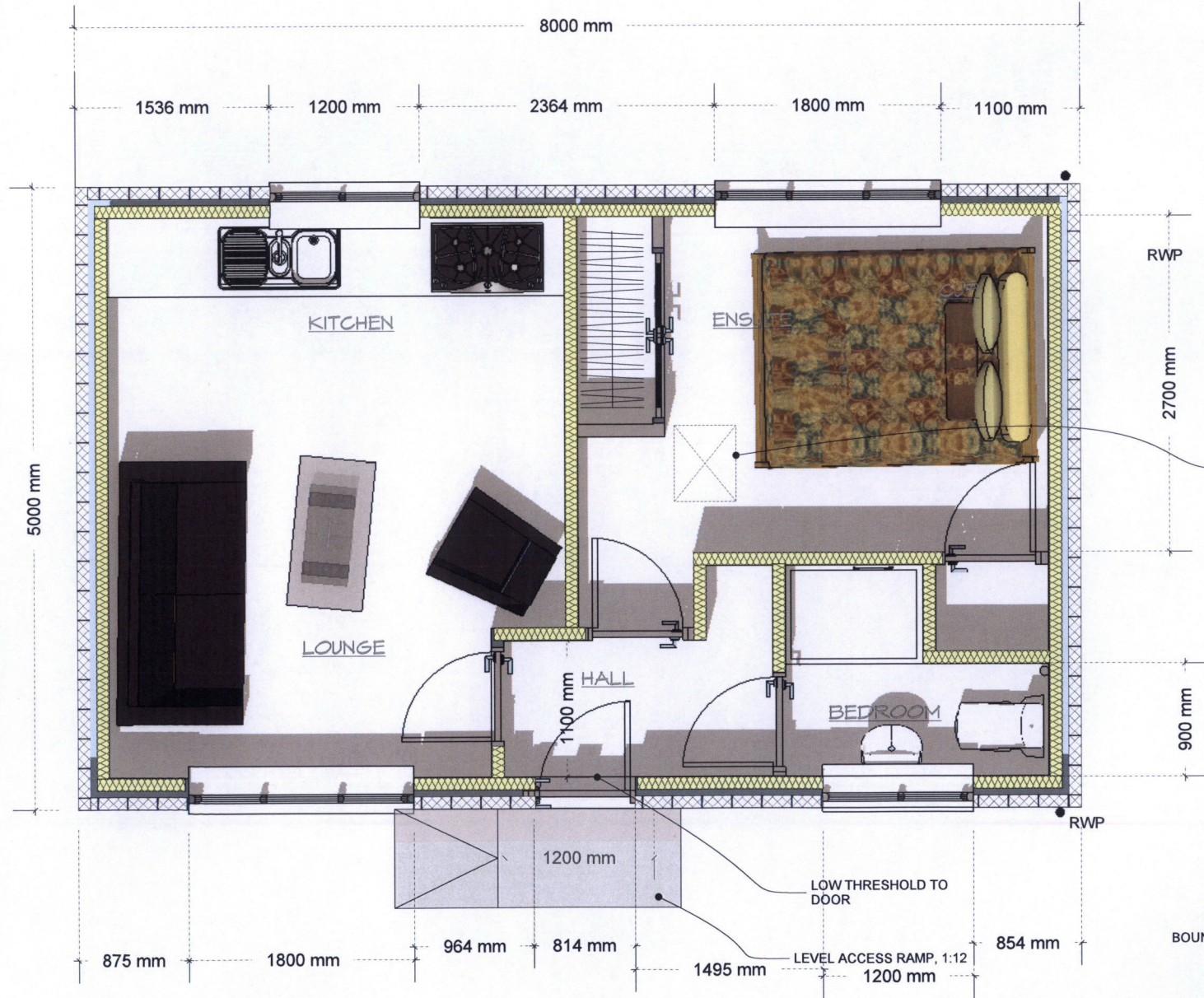
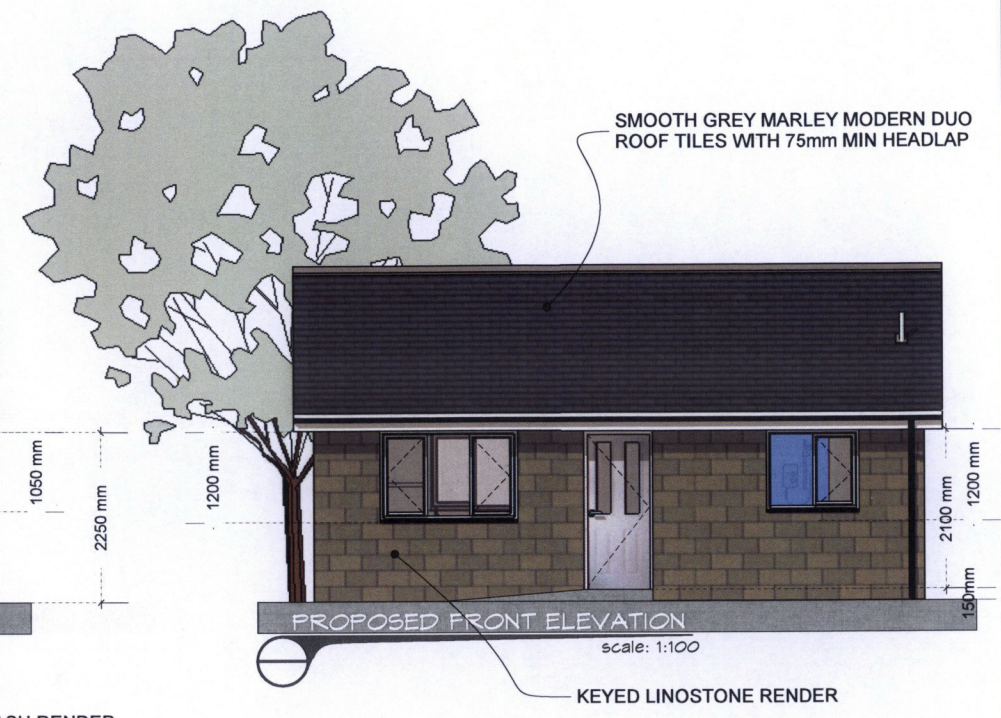
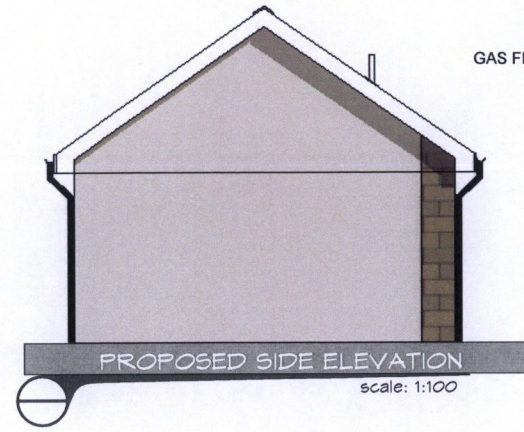
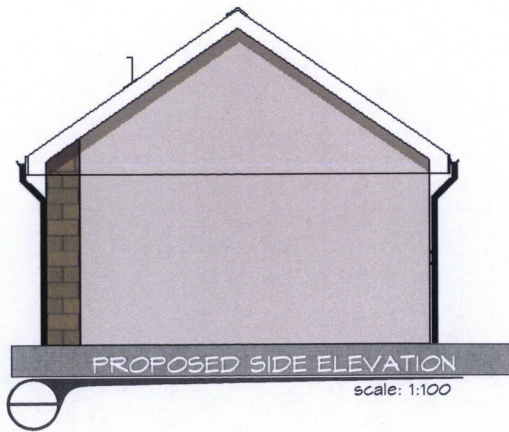
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PLANS/PHOTOGRAPHS/DRAWINGS

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REFUSED

Director of Environment
East Renfrewshire Council



AMENDED PLANS RECEIVED
Date: 28/2/14

PROPOSED GROUND FLOOR PLAN
scale: 1:100

PROPOSED FOUNDATION PLAN
scale: 1:100

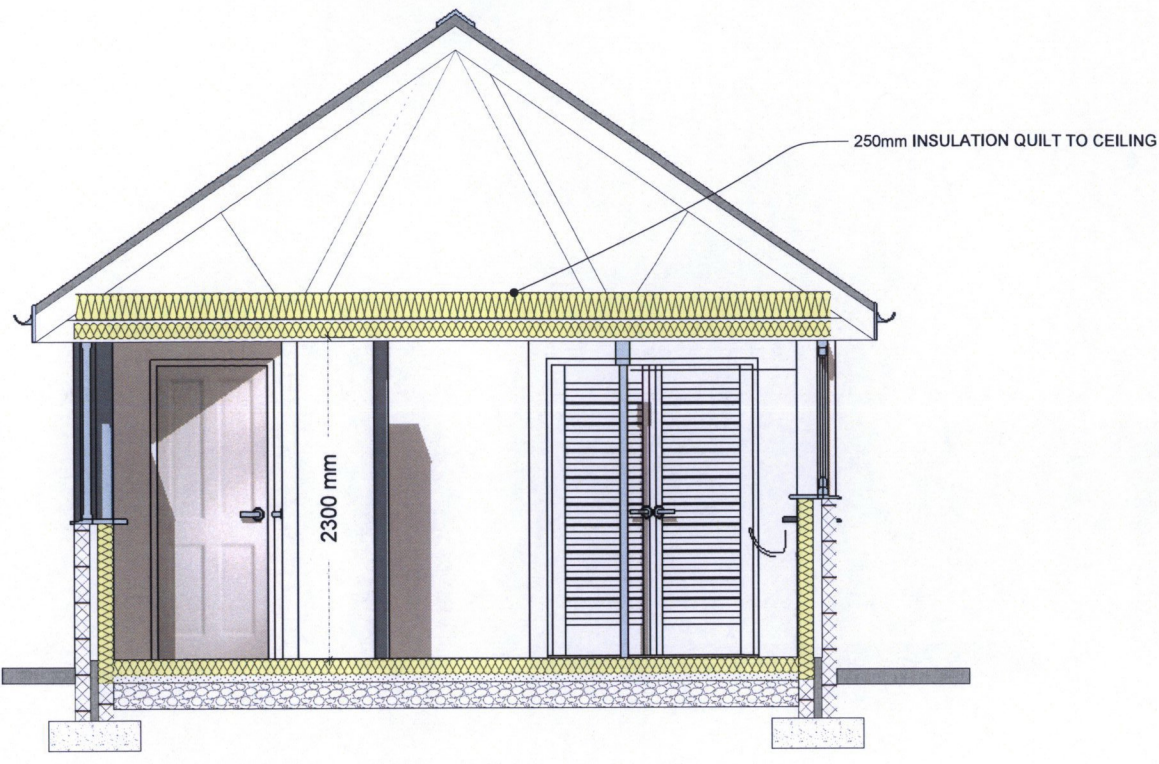
PROPOSED DETACHED
GRANNY ANNEXE FOR
MR AND MRS SHAW,
22 STATION ROAD,
BUSBY
G76 8H2

SHEET 01

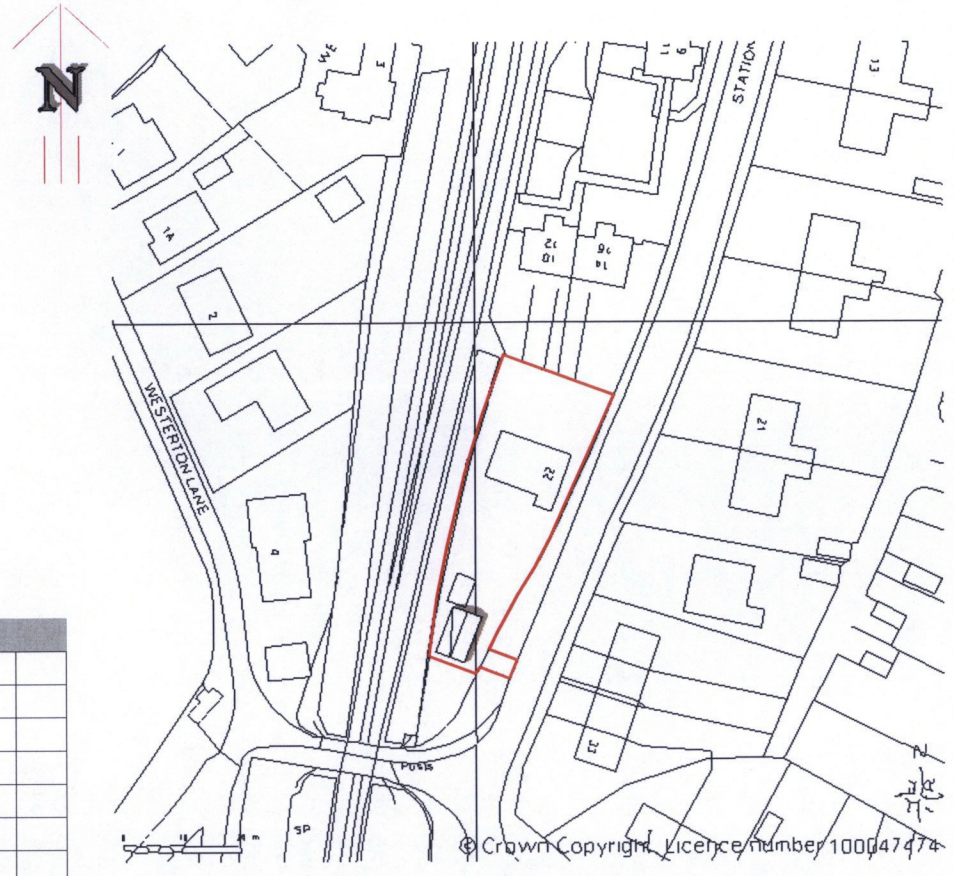
DRAWN BY
KENNETH WOTHERSPOON

NOTE: THESE DRAWINGS ARE TO BE USED FOR THE PURPOSE OF OBTAINMENT OF LOCAL AUTHORITY APPROVALS I.E PLANNING PERMISSION AND BUILDING WARRANTS ONLY WHERE APPLICABLE AND TO BE USED FOR GUIDANCE ONLY, IT IS THE CONTRACTORS RESPONSIBILITY FOR FINAL MEASUREMENTS OF ALL NECESSARY SIZES AND RESPONSIBILITY FOR CORRECTNESS AND COMPLETENESS OF HIS OWN MEASUREMENTS NOT WITH STANDING THE APPROVAL OF THE DESIGNER AND OR BUILDING STANDARDS SURVEYOR.
LEVELS AND SPECIFICATIONS ARE TO BE VERIFIED PRIOR TO COMMENCEMENT OF WORKS AND PURCHASING OF GOODS. DRAWINGS HAVE BEEN DONE IN ACCORDANCE WITH SITE SURVEY, NO RESPONSIBILITY FOR SHALL BE HELD FOR SERVICES AND SPECIALIST FOUNDATIONS REQUIREMENTS WHICH ARE NOT VISIBLE ABOVE GROUND LEVEL AND MEASUREMENTS TAKEN AND ALSO POSITIONING OF BOUNDARY LINES, IT IS THE CLIENTS RESPONSIBILITY TO ENSURE THAT BOUNDARY LINES NOTED ON DRAWINGS ARE CORRECT BEFORE WORK COMMENCEMENT DO NOT SCALE OFF DRAWINGS

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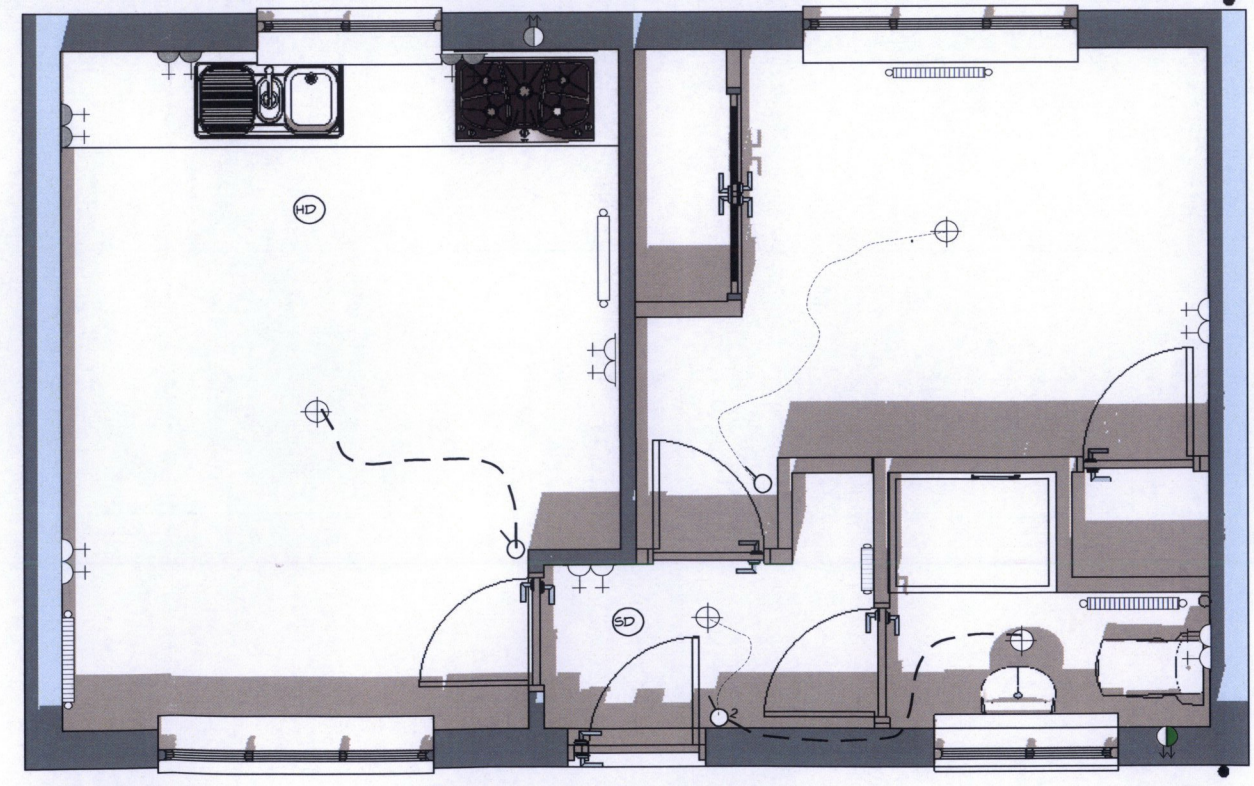
SECTION THRO PROPOSED
scale: 1:50



LOCATION PLAN
scale: 1:1250

ELECTRICAL LEGEND	
	WALL LIGHT POINT
	CEILING SPOT LIGHT
	CEILING LIGHT POINT
	TWIN LOW LEVEL SOCKET
	SINGLE LOW LEVEL SOCKET
	TWIN HIGH LEVEL SOCKET
	SINGLE HIGH LEVEL SOCKET
	MECHANICAL EXTRACT FAN 60 LTS/PS
	MECHANICAL EXTRACT FAN 15 LTS/PS
	TWO WAY LIGHT SWITCH
	ONE WAY LIGHT SWITCH
	PULL CORD LIGHT SWITCH
	SMOKE DETECTOR
	HEAT DETECTOR
	EMERGENCY LIGHT
	FIRE EXIT SIGN ILLUMINATED
	RADIATOR WITH TRV FITTED

AMENDED PLANS RECEIVED
Date: 28/2/14



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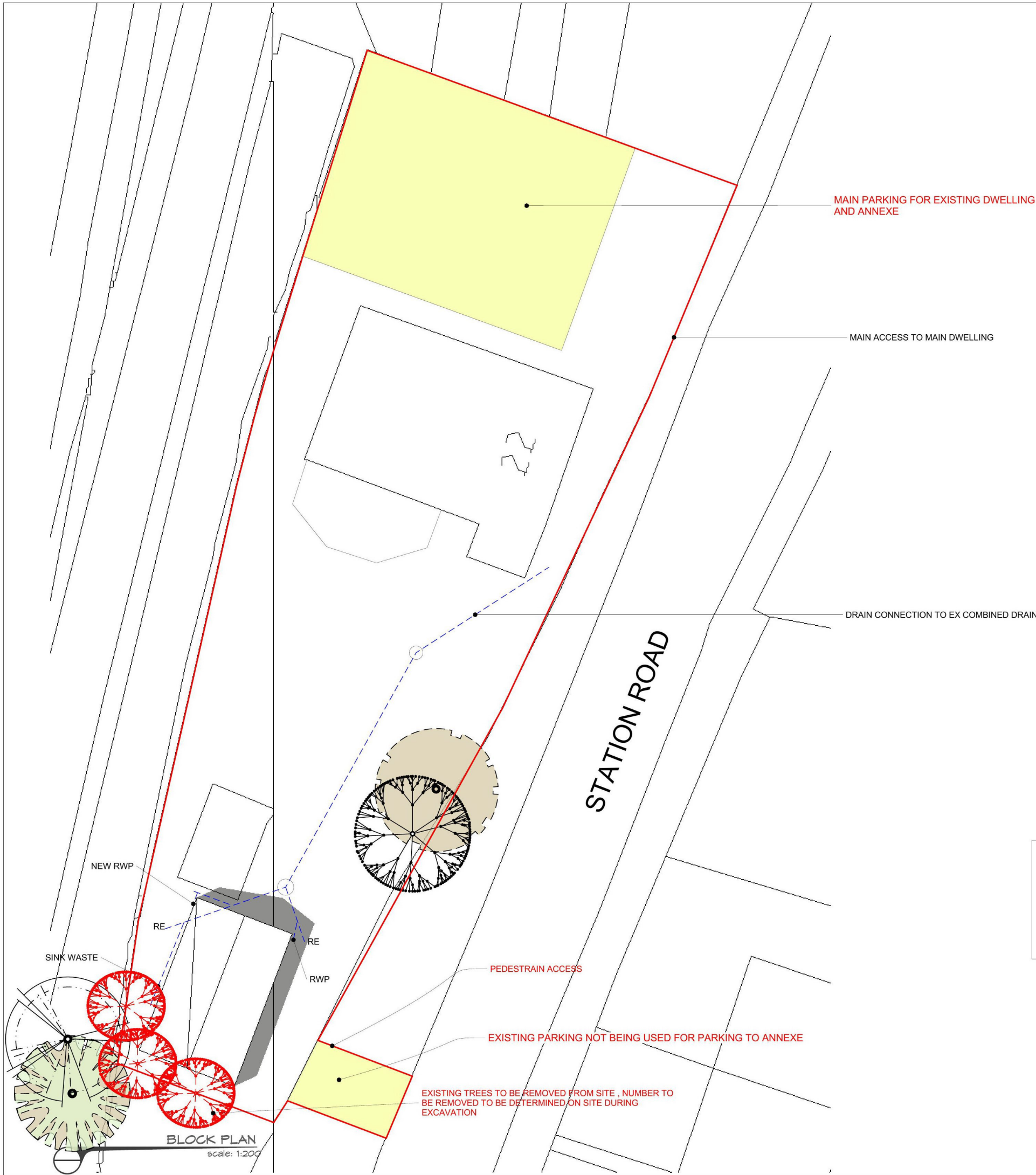
Town and Country Planning
(Scotland) Act 1997
REFUSED
Director of Environment
East Renfrewshire Council

PROPOSED DETACHED
GRANNY ANNEXE FOR
MR AND MRS SHAW,
22 STATION ROAD,
BUSBY
G76 8HZ

SHEET 02
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**Town and Country Planning
 (Scotland) Act 1997**
REFUSED
 Director of Environment
 East Renfrewshire Council

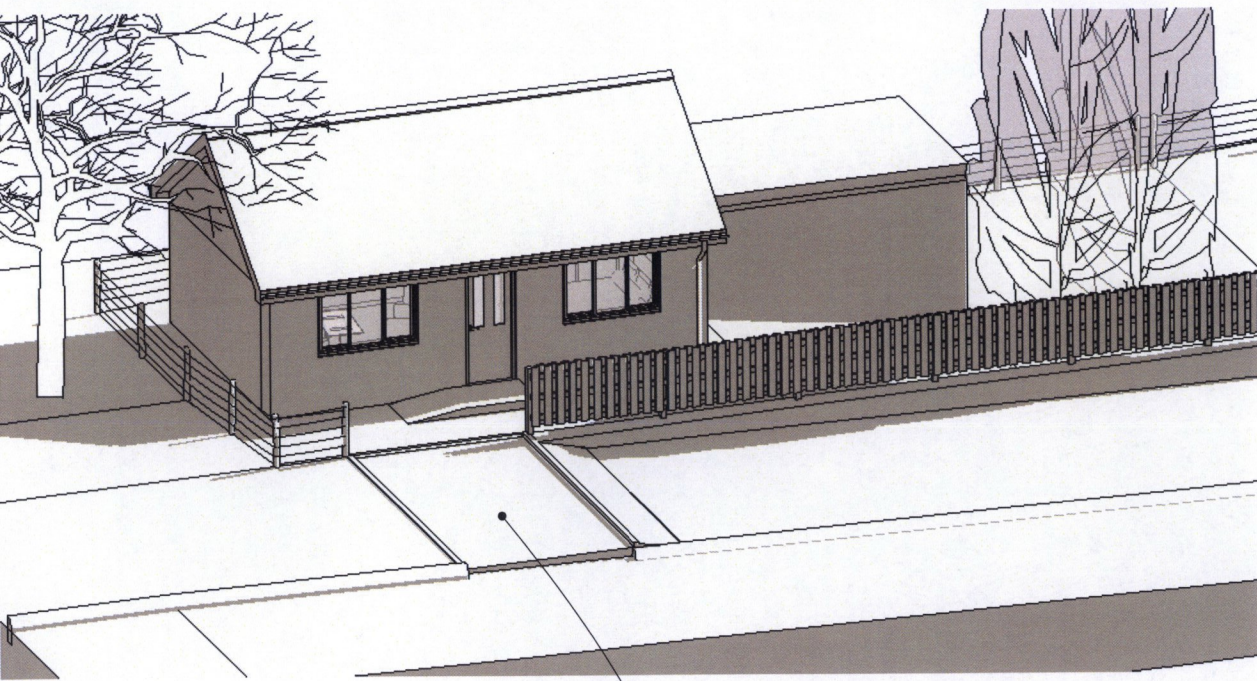
PROPOSED DETACHED
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 G76 8H2

SHEET 03
 DRAWN BY
 KENNETH WOTHERSPOON

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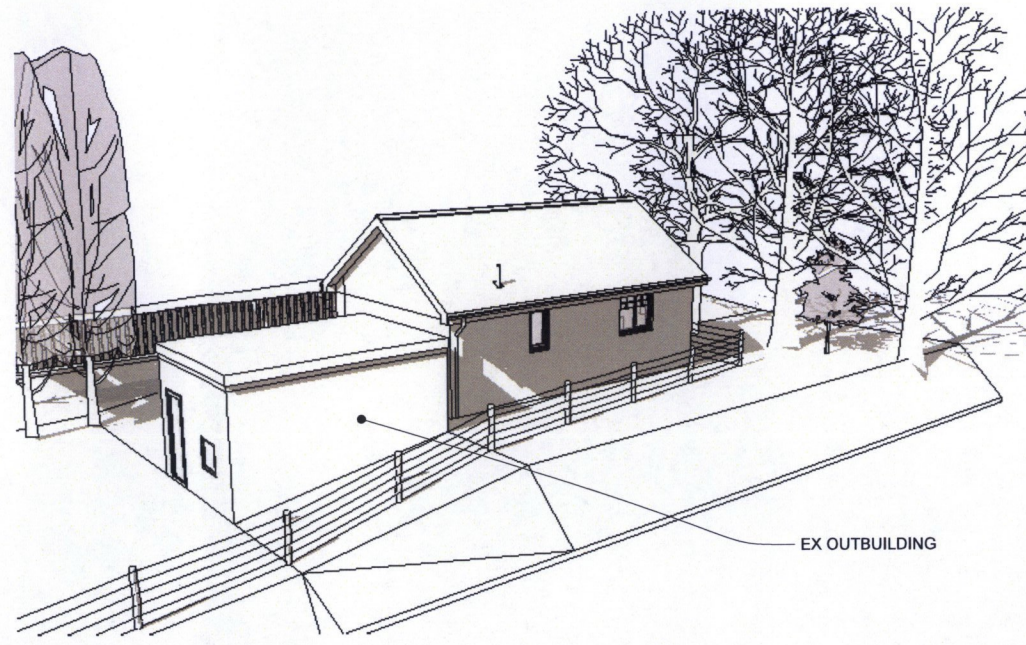


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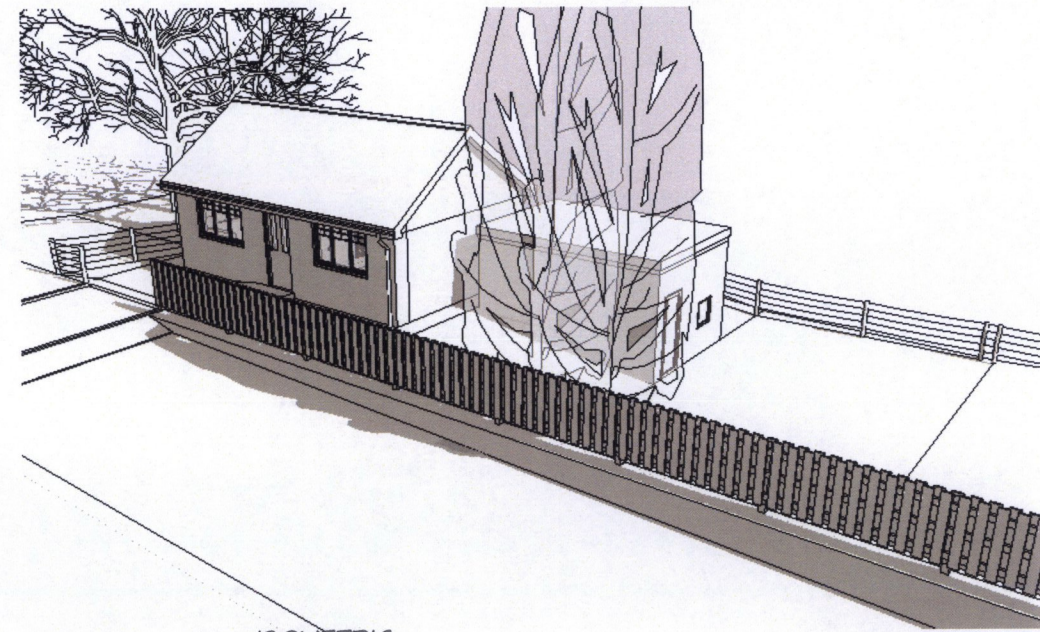
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PROPOSED 5700 X 3300mm CAR PARKING SPACE

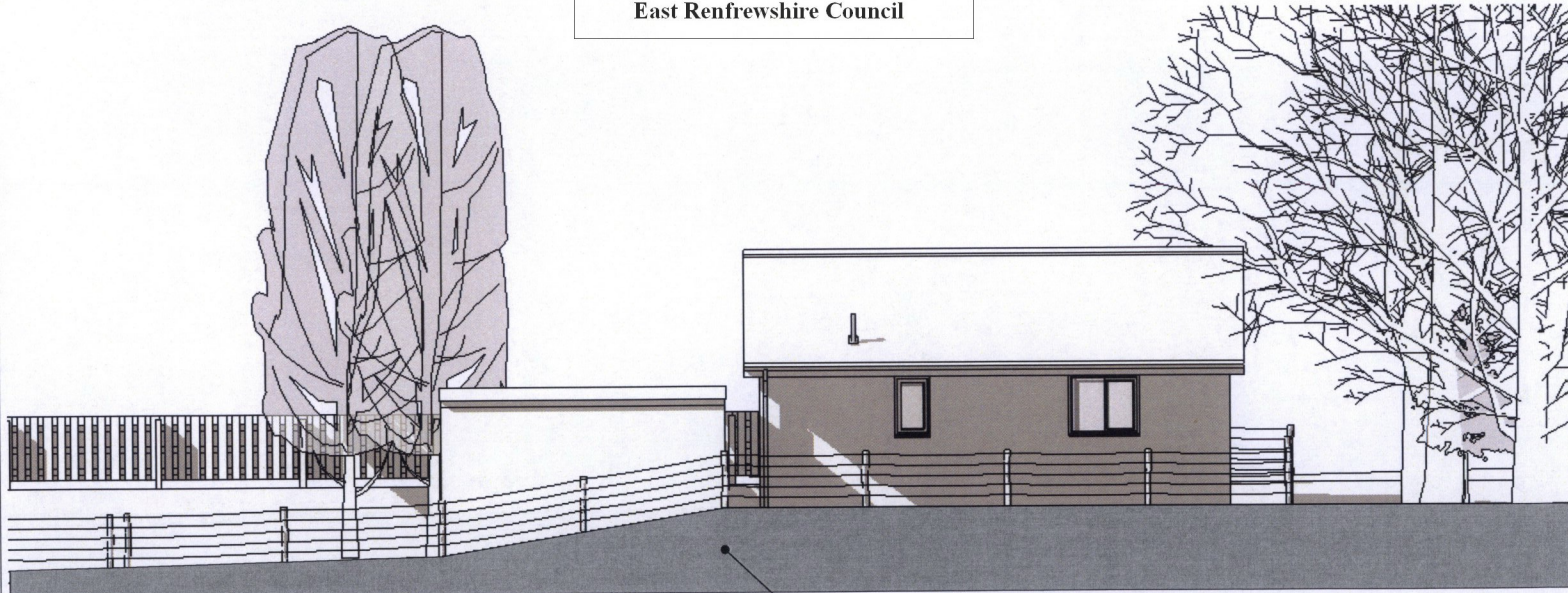


EX OUTBUILDING

ISOMETRIC
scale: nts

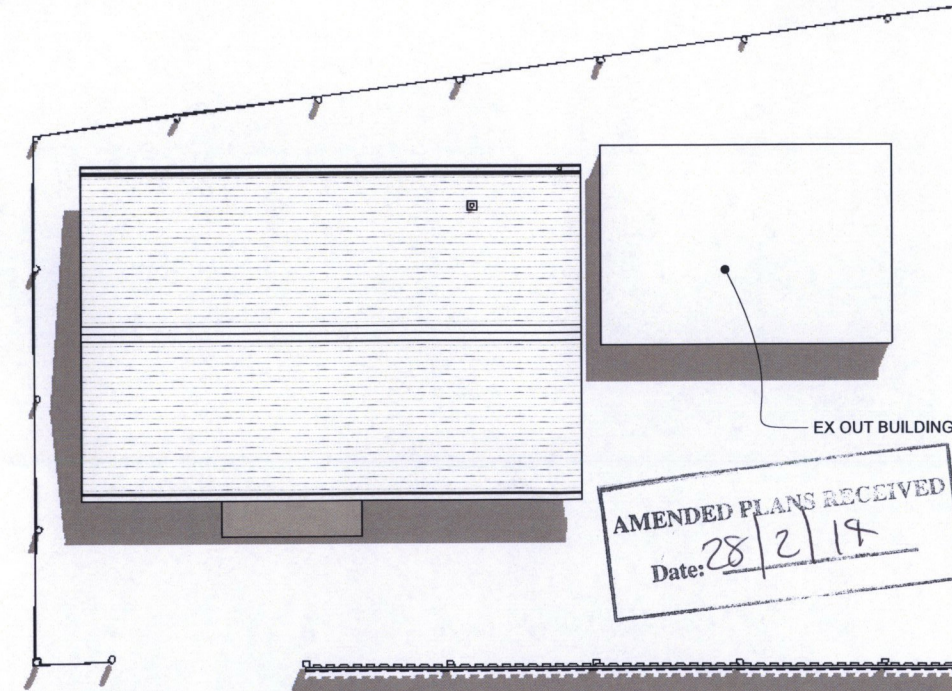


ISOMETRIC
scale: nts



ex graded ground levels

REAR ELEVATION WITH GROUND GRADIENT
scale: 100



EX OUT BUILDING

AMENDED PLANS RECEIVED
Date: 28/2/19

ROOF PLAN
scale: 1:50

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



PROPOSED DETACHED
GRANNY ANNEXE FOR
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SHEET 04

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KENNETH WOTHERSPOON

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