

EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

30 April 2014

Report by Director of Corporate and Community Services

REVIEW/2014/02

ERECTION OF TWO STOREY DETACHED DWELLINGHOUSE WITH FORMATION OF
DRIVEWAY AND ERECTION OF DETACHED GARAGE AT REAR AT 5 AND 7 DUNOLLY
DRIVE, NEWTON MEARNS

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:- 2013/0627/TP).
- Applicant: Mr Hugh Hodge.
- Proposal: Erection of Two Storey Detached Dwellinghouse with Formation of Driveway and Erection of Detached Garage at Rear.
- Location: 5 and 7 Dunolly Drive, 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 his stated preference is the assessment of review documents only, with no further procedure.

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 Local Review Body is advised that the applicant has submitted new information which was not available to the appointed officer at the time the determination of the application was made. The new information is in the form of a letter of support from the owners of the property next to the application site. The letter is dated 15 January 2014 and refers to the decision by the appointed officer to refuse the application. However, the decision to refuse the application was not made until 21 January 2014 (i.e. 6 days after the date of the letter). The individuals who submitted the letter would not have known the decision at the time they wrote the letter. In addition, the appointed officer has no record of having received the letter prior to the decision being made.

13. Members are advised that Section 43B of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 states that:-

“43B Matters which may be raised in a review under section 43A(8)

- (1) In a review under section 43A(8), a party to the proceedings is not to raise any matter which was not before the appointed person at the time the determination reviewed was made unless that party can demonstrate—
 - (a) that the matter could not have been raised before that time, or
 - (b) that its not being raised before that time was a consequence of exceptional circumstances.
- (2) Nothing in subsection (1) affects any requirement or entitlement to have regard to—
 - (a) the provisions of the development plan, or
 - (b) any other material consideration.”

14. The applicant has been given the opportunity to explain why the information was not made available to the Appointed Officer at the time the application was determined. The Council has been advised that the date of the letter should have read 15 February 2014 and not 15 January 2014. As the letter was submitted after the date the decision was made, in terms of the relevant regulations, the individuals who submitted the letter are not considered to be ‘interested parties’ to the review case under consideration.

15. The Local Review Body must decide whether the new information should be considered as part of the review. In the event that the Local Review Body decides that the new information should be considered, it is recommended, in the interests of equality of opportunity to all parties, that the appointed officer and the representees be given the opportunity to comment on the new information.

16. 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) Applicant’s Notice of Review and Statement of Reasons - Appendix 5 (Pages).

17. The applicant has 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 – Location plan – Ref No:- 3023/P/100-A;
- (b) Refused – Proposed site plan – Ref No:- 3023/P/201-B;
- (c) Refused – Front and rear elevations – Ref No:- 3023/P/501;
- (d) Refused – Proposed side elevations – Ref No:- 3023/P/502-A;
- (e) Refused – Proposed floor plans – Ref No:- 3023/P/300; and
- (f) Refused – Detached garage – Ref No:- 3023/P/310-A.

18. 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.

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

RECOMMENDATIONS

20. 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, Director of Corporate and Community Services

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

Date:- April 2014

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 000072526-001

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)

Design and build of 5 bed dwelling house on land between 5 and 7 Dunolly Drive, Newton Meams

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:

Ref. Number:

First Name: *

Last Name: *

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *

Other Title:

First Name: *

Last Name: *

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

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

656263

Easting

254873

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)

We have spoken with the council and have taken aboard their comments.

Title:

Ms

Other title:

First Name:

Alison

Last Name:

Mitchell

Correspondence Reference Number:

PREAPP/2013/0053

Date (dd/mm/yyyy):

06/03/13

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:

607.00

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)

Vacant Land

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? *

0

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)? *

4

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)

See indication on drawings

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Jewitt and Wilkie Architects

On behalf of: Mr Hugh Hodge

Date: 18/09/2013

Please tick here to certify this Certificate. *

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. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan. *

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement *

Yes 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: Jewitt and Wilkie Architects

Declaration Date: 18/09/2013

Submission Date: 18/09/2013

Payment Details



Created: 18/09/2013 15:52

From: [REDACTED]
To: [Planning](#)
Subject: Ref. Planning Application 2013/0627?TP
Date: 23 October 2013 18:28:35

Drive

9 Dunolly

Newton Mearns
Glasgow
G77 5NT

East Renfrewshire Council
Planning Dept.
Spiersbridge Way

[REDACTED]
Spiersbridge Business Park
Thornliebank
East Renfrewshire
G46 8NG

[REDACTED]
07/10/13

Dear Sirs,

Ref. Planning A/No. 2013/0627/TP

With reference the above planning application, I wish to object to this proposal and request that the Council give serious thought to reject this application.

I would ask the committee to consider the following:

1. Referring you to a previous application 2011/0699/TP, it was noted that permission was granted on 21st Nov 2011, but this approval was subject to a condition that the building would not exceed 1.5 storeys. The present application greatly exceeds this height and is contrary to your previous condition, which was issued in order to protect the amenity and scale of the surrounding area.
2. The size of the proposed development is excessive for the site and leaves little available space for recreation at the rear.
3. The proposed 2 storey garage at rear is uncharacteristically high for the surrounding area and should be restricted to the garage size of the adjoining property at number 7.

I trust that the committee will give serious consideration to all objections before reaching the correct decision on this application.

Yours sincerely,

Andrew B.G. Fulton

Wallace, Joan

From: Richard Campbell [REDACTED]
Sent: 22 October 2013 00:42
To: Planning
Subject: Comments regarding notice to neighbours about plan : reference 2013/0627/TP

Dear Sir, Madam,

We are very concerned about what will be a very high level of inconvenience and disruption resulting from the proposed building work on this site immediately across from our property at 8 Dunolly Drive.

Dunolly Drive is a small minor road and completely unsuitable for the sort of large vehicles which will be necessary to level this site and then construct a new building. For there doesn't appear to be any access to this site from the other side in the playing fields. So there will be no doubt large vehicles blocking our drive-way making access difficult to our own property. There will be also be a high level of disruption caused by the noise, dirt and dust which accompanies such work.

So we are very concerned about these two matters arising from the plans for this site and would welcome the opportunity to discuss this with a planning officer at a suitable time.

We look forward to receiving your reply and meeting with a planning officer in due course.

Yours sincerely,

Mr & Mrs R Campbell.

8 Dunolly Drive,
Newton Mearns,
Glasgow. G77 5NT.
[REDACTED]

From: Richard Macdonald Campbell [REDACTED]
Sent: 27 March 2014 17:28
To: O'Neil, Paul [CE]
Subject: Reference number: REVIEW 2014/02

Dear Mr O'Neil,

We are in receipt of your letter of the 20th March regarding the above review. We would add the following to our previous representations.

The area between the two houses 5 and 7 Dunolly Drive is not empty space or open land but made up road with pavements on each side leading down to gates for vehicle access to the field. This is the only entry available for this type of access. The road has been in existence since Dunolly Drive was built and was always a service road and entirely unsuited as a site for a private house.

Yours sincerely,
Robert Campbell.

8 Dunolly Drive,
Newton Mearns,
Glasgow. G77 5NT.
[REDACTED]

38 New City Road
Glasgow G4 9JT

0141 352 6929
www.jawarchitects.co.uk
info@jawarchitects.co.uk

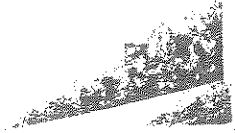
East Renfrewshire Council
2 Spiersbridge Way
Thornliebank
Glasgow
G46 8NG

EAST RENFREWSHIRE COUNCIL
CHIEF EXECUTIVE'S DEPARTMENT
RECEIVED

8 - APR 2014

FAO Mr P O'Neil

PASSED TO:
COPIES TO:
FILE REF:

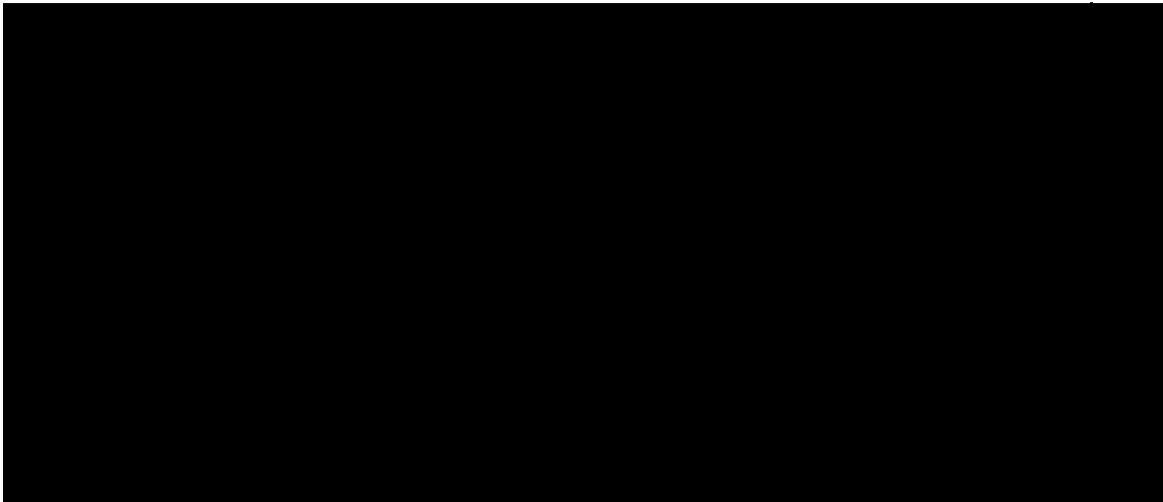


3rd April 2014

Dear Sirs

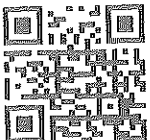
5&7 DUNOLLY DRIVE, NEWTON MEARNS, G77 5NT
Mr H Hodge
Review Ref: REVIEW/2014/02

With reference to the above Notice of Review submission, we are now in receipt of your letters dated 20th March and 28th March 2014. With respect to the letter contents we would comment as follows:



Cont.../

Reference: 3023/3.1/130918/JM



Directors
Jonathan Jewitt
RIBA ARIAS
Michael S Wilkie
RIBA ARIAS

Jewitt and Wilkie United
Registered in Scotland 229 425
Registered Office
Colinton House
89 Sauchiehall Street
Glasgow G41 3HT

Letter Dated 28th March 2014: Representation from Mr R Campbell, 8 Dunolly Drive, dated 27 March 2014.

With respect to the above, we note the comments regarding the ground finish and current use of the site. Whilst the objection appears to be on the basis that the site is unsuitable for residential development, we would consider that the previous Outline Consents – referred to by the Reporting Planner on numerous occasions, for a detached residential dwelling, renders the point irrelevant.

There was nothing in the Report of Handling that referred to, or raised concern with, the proposed use of the Application Site during the original planning process.

We trust that our responses above will now enable you to properly consider our representation, and reassure you that any additional information we attached was relevant.

Yours faithfully

A black rectangular redaction box covering the signature of Michael S Wilkie.

Michael S Wilkie
Director

Copy Mr H Hodge

Reference: 3023/3.1/130918/JM

4 April 2014

Your Ref: REVIEW/2014/02

Mr Paul O'Neil
East Renfrewshire Council HQ
Eastwood Park
Giffnock
East Renfrewshire
G46 6UG

Mr Hugh Hodge
22 Bowencraig
Largs
Ayrshire
KA30 8TB

EAST RENFREWSHIRE COUNCIL
CHIEF EXECUTIVE'S DEPARTMENT
RECEIVED

7 - APR 2014

Telephone: 

Dear Mr O'Neil

PASSED TO:
COPIES TO:
FILE REF:

PROPOSED HOUSE AT 5 & 7 DUNOLLY DRIVE, NEWTON MEARNNS

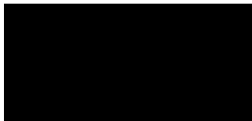
Thank you for your letter of 28th March with copy email from Mr Campbell.

I shall leave a more detailed reply in the hands of my architects Messrs Jewitt and Wilkie.

As the lane has been in disuse and disrepair for more than 25 years Mr Campbell's comments are inaccurate in the extreme and lack any relevance to the matter at issue.

I also wish to express our regret that their dog's 'recreation' is threatened by the proposed development.

Yours sincerely



H Hodge

REPORT OF HANDLING

Reference: 2013/0627/TP

Date Registered: 2nd October 2013

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South

Co-ordinates: 254886/:656250

Applicant/Agent:

Applicant:
Mr Hugh Hodge
22 Bowen Craig
Largs
KA30 8TB

Agent:
Jewitt and Wilkie Architects
38 New City Road
Glasgow
G4 9JT

Proposal: Erection of two storey detached dwellinghouse with formation of driveway and erection of detached garage at rear l

Location: 5 And 7 Dunolly Drive
Newton Mearns
East Renfrewshire
G77 5NT

CONSULTATIONS/COMMENTS:

Roads And Transportation Service

No objections subject to conditions

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2002/0440/TP	Erection of a ASTC dwellinghouse (in outline)	20.08.2002
2008/0679/TP	Erection of ASTC dwellinghouse (in outline) (renewal of previous consent 2005/0689/TP)	14.11.2008
2011/0699/TP	Erection of ASTC dwellinghouse (planning permission in principle) (renewal of previous consent 2008/0679/TP)	21.11.2011

REPRESENTATIONS:

Two representations have been received:

Mr. And Mrs. R. Campbell 8 Dunolly Drive Newton Mearns East Renfrewshire G77 5NT
Andrew Fulton 9 Dunolly Drive Newton Mearns East Renfrewshire G77 5NT

The representations can be summarised as follows:

Noise and disturbance during construction
Contrary to consent 2011/0699/TP stipulating 1.5 storeys
Overdevelopment of site
Two storey garage inappropriate.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Design Statement	Discusses the proposal in relation to the site and policy context. Concludes that proposal removes gap site, retains building line and constitutes a development appropriate for the site and locality
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ASSESSMENT:

The site which is located on the east side of Dunolly Drive and within an established residential area, is a new plot comprising a short section of unmade private road which is a redundant access to former school playing fields situated between numbers 5 and 7 Dunolly Drive and a narrow strip of land from both of the aforementioned properties. Overall, the site is approximately 38m long and 15m wide, primarily rectangular in shape but narrowing slightly towards the rear. Hedging/shrubs form the original side boundaries to donor houses with fencing to the rear of the site where it abuts the former playing fields associated with Belmont School.

Planning permission is being sought for the erection of a two storey detached house with freestanding garage. The house which will have an "L" shaped footprint would be 10.9m wide across the front with the north west gable and south east gables 14.5m and 10.8m in length respectively and would comprise four apartments on the ground floor and five bedrooms on the upper floor. Externally, the house would be finished in render with stone detailing and slate effect roof tiles. To the rear and side of the plot, a double garage is proposed with a dual pitch ridged roof finished in materials to match the house. The footway would be extended across the frontage of the site and driveways at 5 and 7 Dunolly Drive adjusted to take account of the new plot boundaries. It is anticipated that five small trees would be removed.

The site has had the benefit of planning permission in principle since 2002 with the most recent consent issued in November 2011 under reference 2011/0699/TP. Each planning consent has stipulated that the maximum height of the development should be 1.5 storeys. The current application is not associated with the most recent consent i.e. is not for reserved matters. and accordingly has such has to be treated on its own merits.

In support of the proposal, the applicant has submitted a Design Statement which describes and discusses the proposal with regard to such matters as site details; site and area appraisal and planning policy. The document concludes that the proposal removes a gap site from the area; preserves and enhances the character of the area; is of high quality of design with sustainable design principles and respects building lines and existing ridge heights.

The proposal requires to be assessed against the Development Plan and any other material considerations with the latter deemed to be the Proposed Local Development Plan, comments from the Roads Service and representations received.

The site is located within a General Urban Area and covered by Policy E1 in the adopted Local Plan. Policy E1 presumes against significant proposals which would not be compatible with the character and amenity of the locality and its surrounding land uses. The proposal represents the erection of a new dwellinghouse within an established residential area which has the benefit of planning permission in principle albeit for a 1.5 storey house. Consequently, it is considered that the proposal would not have a significant detrimental impact on the amenity and character of the area to justify non-compliance with the aims and objectives of Policy E1.

All proposals require to be assessed against Policy DM1 which sets out 14 general criteria that apply to all developments throughout the area. The relevant criteria in this case are considered to be : 1) not result on 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; 4) not impact adversely on the landscape character, involve a significant loss of trees or other important landscape features; 6) ensure that standards for open space are satisfied; 7) meet parking and access requirements and 8) not prejudice the amenity of neighbouring properties.

As previously stated, it is considered that the proposal is for a single house, it will not have a significant adverse impact on the surrounding area and as such the proposal does not conflict with policy DM1 (1).

The character of the locality is derived by detached and semi-detached houses and the proposal reflects this. However, with the exception of the donor house at 7 Dunolly Drive, all the properties in Dunolly Drive are 1/1.5 storeys and this is reflected in the planning history of the site by the imposition of a condition requiring any new house to be no more than 1.5 storeys. It is noted that the requirement

for 1.5 storeys has never been challenged despite several applications for planning permission in principle. There are two distinct areas of single and two storey houses in the vicinity with Windsor Avenue to the north of the site comprising single storey houses on both sides of the road and single storey houses on the north side of Dunbeath Avenue. There is not therefore a random mix of single and two storey houses. As previously stated, the two storey house at 7 Dunolly Drive is the exception rather than the rule. Notwithstanding the foregoing, the proposal does reflect the character of the area in terms of, for example, footprint, setting, building line and materials. However, the fundamental issue of the proposed dwellinghouse being two storey does not, for reasons stated, fully comply with the Policy DM1 (2). The applicant has been advised to consider a 1.5 storey house in accordance with the planning permission in principle but has declined to do so.

Trees within the site are not protected by the provisions of a Tree preservation Order and the removal of tree and hedging will not have a significant adverse impact on the character of the area. It should be noted that the most recent and historic planning permissions in principle did not preclude the removal of trees/hedging. The proposal accords with Policy DM1 (4).

Appendix 1 in the adopted Local Plan sets out minimum garden sizes and setbacks for new houses. The proposal complies with the Policy DM1 (6).

With regard to Policy DM1(7), the Roads Service has no objections to the proposal subject to conditions regarding, for example, the formation of a new footway, driveway width, sight lines and on site vehicle manoeuvres. With reference to the latter, it is noted that the driveway is narrower than 3m and provision has not been made specifically to allow vehicles to enter and leave in forward gear. It is considered that the proposed arrangement for vehicles entering and leaving the site is comparable with other properties including the donor houses and as Dunolly Drive is not an A or B class road, road and pedestrian safety would not be significantly compromised by the proposed arrangement. On balance, it is considered that the proposal accords with Policy DM1 (7).

The proposed house would have two ground floor and three upper floor windows on the north west elevation facing 5 Dunolly Drive, the latter serving bathrooms. On the opposite gable, there would be two windows on the ground floor and one bathroom window on the upper floor. None of the side windows are considered to have an adverse impact on the privacy of the side neighbours. To the rear, an upper floor balcony is proposed projecting approximately 1.8m from the back wall. Privacy screens could be incorporated to protect the amenity of the neighbours. The plot is set on a south -west/north-east axis and given that the proposal respects the front and rear building lines of the side neighbours, it is considered that the residential amenity will not be significantly prejudiced by overshadowing. The proposal, therefore, accords with Policy DM1 (8).

The Proposed Local Development Plan outlines the Councils most up to date statement of planning policy and there are no significant changes to the relevant policies relative to the adopted Local Plan. Policy D1 sets out 15 general development criteria against which all proposals would be assessed and broadly reflects those criteria in Policy DM1 of the adopted Local Plan. However, in the proposed Development Plan the relevant policies are considered to be 1, 2, 3, 4 and 9. Policy D7 and the associated Supplementary Planning Guidance Green Network and Environmental Management provides guidance on garden sizes in new developments. For reasons previously stated, it is considered that the proposal does not fully comply with Policy D1 (2) in that being two storey, it does not respect building form in the locality.

Two representations have been received. With regard to matters not already discussed in the report, construction and delivery hours could be controlled by means of a planning condition and the two storey garage has been amended to a garage of conventional height.

Drawing all the above matters together, it is considered that the primary determining issue is the introduction of a two storey house where the predominate built form in this locus is 1/1.5 storey properties. While the application has to be treated on its own merits, it is noted that the previous and current consent for the development of the site was for a maximum of 1.5 storeys. Had two storeys been considered appropriate at this site, no restrictions would have been placed on the outline consents which have been consistently conditioned at 1.5 storeys since 2002. Accordingly, it is recommended that the application be refused on the grounds that it does not accord with policy DM1 (2) and D1 (2) in the adopted and proposed development plan respectively.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASON(S):

Reason: The proposed development would be contrary to policy DM1 (2) of the East Renfrewshire Local Plan and Policy D1 (2) of the Proposed Local Development Plan as it introduces a two storey house in a locality where the predominate built form comprises one and one and half storey houses.

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.: 2013/0627/TP
(ALMI)

DATE: 21st January 2014

DIRECTOR OF ENVIRONMENT

Reference: 2013/0627/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.

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.

GOVERNMENT GUIDANCE: None relevant

Finalised 21/01/2014.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. **2013/0627/TP**

Applicant:

Mr Hugh Hodge
22 Bowen Craig
Largs
KA30 8TB

Agent:

Jewitt and Wilkie Architects
38 New City Road
Glasgow
G4 9JT

With reference to your application which was registered on 2nd October 2013 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of two storey detached dwellinghouse with formation of driveway and erection of detached garage at rear

at: 5 And 7 Dunolly Drive Newton Mearns East Renfrewshire G77 5NT

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 proposed development would be contrary to policy DM1 (2) of the East Renfrewshire Local Plan and Policy D1 (2) of the Proposed Local Development Plan as it introduces a two storey house in a locality where the predominate built form comprises one and one and half storey houses.

Dated 21st January 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	3023/P/100-A		
Block Plan Proposed	3023/P/201-B		
Proposed floor plans	3023/P/300		
Elevations Proposed	3023/P/501		
Elevations Proposed	3023/P/502-A		
Garage elevations	3023/P/310_A		

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**



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 000072526-002

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.

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:

Ref. Number:

First Name: *

Last Name: *

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="Hugh"/>
Last Name: *	<input type="text" value="Hodge"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

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

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="22"/>
Address 1 (Street): *	<input type="text" value="Bowen Craig"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Largs"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="KA30 8TB"/>

Site Address Details

Planning Authority:	<input type="text" value="East Renfrewshire Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		

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

Northing	<input type="text" value="656263"/>	Easting	<input type="text" value="254873"/>
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Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached document.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

Yes No

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Design Statement
Location Plan - 2303/P/100A
Proposed Site Plan - 2303/P/201B
Street Elevations - 2303/P/500
Front & Rear Elevations - 2303/P/501
Side Elevations - 2303/P/502A
Statement of Reasons for Requesting Review

Application Details

Please provide details of the application and decision.

What is the application reference number? *

2013/0627/TP

What date was the application submitted to the planning authority? *

02/10/13

What date was the decision issued by the planning authority? *

21/01/14

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Jewitt and Wilkie Architects

Declaration Date: 13/03/2014

Submission Date: 13/03/2014

3023 Dunolly Drive, Newton Mearns, East Renfrewshire.

Family Home for Mr & Mrs Hugh Hodge

Thursday 30th January 2014

NOTICE OF REVIEW

We are submitting this Notice of Review as we believe that the reason given by the Planning Officer, for the refusal determination, referred in no way to current council Planning Guidance, and took little cognisance of the Design Statement our Architect prepared and submitted as part of the Planning Application.

At all stages, and as confirmed in the Report of Handling, the determining officer made constant reference to the number of storeys being a determining factor. Whilst this may have been the case on all the previous decisions - they were personally involved in on the same site, we would submit that our application was for Full Planning Permission and should have been assessed on it's own merits - ie against the current and emerging Local Plan, without constant back-referrals to previous outline decisions.

This application is for our family home and our immediate neighbors fully support our application. (Letter of support appended)

3023 Dunolly Drive, Newton Mearns, East Renfrewshire.

Family Home for Mr & Mrs Hugh Hodge

Thursday 30th January 2014

COMMENTS ON REPORT OF HANDLING

We would like to take the opportunity to address the assertions made in the Report, and to clarify some of the factual information submitted with the application and assessed by the officer during their determination of the application.

We submitted the application to properly utilise a gap site in Dunolly Drive with a house that is virtually identical in *size, scale and density* to all the adjoining homes in the area.

Dunolly Drive is an established residential area of detached family homes in garden settings, and our intention is to build a home that will be compatible in every way with the *locality*.

From the Report of Handling, the officer suggests that "it is considered that the proposal does not fully comply with Policy DM1 (2), in that being two storey, it does not respect building form in the locality".

We would like to address her interpretation of the Policy, and her assessment made against it.

3023 Dunolly Drive, Newton Mearns, East Renfrewshire.

Family Home for Mr & Mrs Hugh Hodge

Thursday 30th January 2014

1.0 APPLICATION

In the Report of Handling, the Planning Officer confirms that:

“The current application is not associated with the most recent consent ie is not for Reserved Matters”

and

“(The application) is not for Reserved Matters, and accordingly as such has to be treated on it’s own merits”

From the above we understood then that our Application for Full Planning Permission would be assessed against the Current and the Proposed Local Plan, and the Policy Guidance contained therein – without reference being made to any extant previous Outline Consents or Permissions In Principle.

2.0 RELEVANT GUIDANCE CLAUSES

In the Report of Handling, the Planning Officer noted the following Policy Clauses (as referenced in the Proposed Local Development Plan), as being relevant in assessing our Application (briefly summarised):

E1: Proposal should not be a significant proposal.

DM1 (1): Proposal should have no adverse impact on the character or amenity of the surrounding area.

DM1 (2): Proposal should be of a size scale and density in keeping with the buildings in the locality.

DM1 (4): Proposal should not impact on local landscape character or trees.

DM1 (6): Proposal should ensure that standards for Open Space are followed (minimum garden sizes).

DM1 (7): Proposal should Comply with Roads Service requirements.

DM1 (8): Proposal should not prejudice amenity of adjoining neighbours.

3023 Dunolly Drive, Newton Mearns, East Renfrewshire.

Family Home for Mr & Mrs Hugh Hodge

Thursday 30th January 2014

3.0 ASSESSMENT

In assessing the Application against the above noted Policy Clauses, the Planning Officer concludes the following:

E1: Proposal accords with Policy

DM1 (1): Proposal accords with Policy

DM1 (2): See Clause 4.0 below

DM1 (4): Proposal accords with Policy

DM1 (6): Proposal accords with Policy

DM1 (7): Proposal accords with Policy

DM1 (8): Proposal accords with Policy

3023 Dunolly Drive, Newton Mearns, East Renfrewshire.

Family Home for Mr & Mrs Hugh Hodge

Thursday 30th January 2014

4.0 POLICY DM1 (2)

From the Current Local Plan, Policy Guidance Clause DM1 (2), states:

“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;”

There is no mention of ‘the number of storeys’ as a criterion that the proposal should meet. When considering this Policy, the proposal is to be assessed on the basis of “size, scale, massing and density”

In the Report of Handling, the Planning Officer assesses:

“The character of the locality is derived by detached and semi-detached house and **the proposal reflects this**”, and..

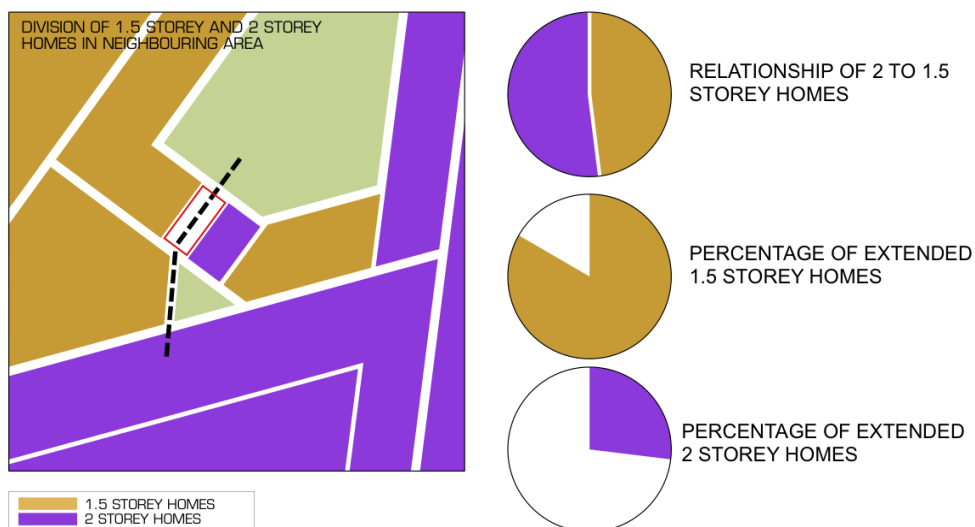
“the proposal does reflect the character of the area in terms of, for example, footprint, setting, building line and materials”

4.1 Locality

As we clearly demonstrated in the Design Statement we submitted with our application, the size, scale and massing is fairly constant throughout the locality.

The Design Statement also confirms that the **predominant storey height** (when considering the nearest 50 homes) is **2 storey** – including the adjacent plot at No 7 Dunolly Drive. From our observation 26no Houses are 2 storey and 24no Houses are 1.5 storey (or converted/extended 1 storey).

A further copy of our Design Statement is appended, however the extracted diagram below, confirms the results of the above survey:



3023 Dunolly Drive, Newton Mearns, East Renfrewshire.

Family Home for Mr & Mrs Hugh Hodge

Thursday 30th January 2014

5.0 DETERMINATION

In their determination, The Planning Officer states "it is considered that the proposal does not fully comply with Policy D1 (2), in that being two storey, it does not respect building form in the locality"

We would suggest that the determination is flawed for the following reasons:

- 1) There is no mention anywhere in Policy D1 (2) that the number of storeys is a criterion against which the Application should be assessed.
- 2) The Officer herself states "the proposal **does** reflect the character of the area in terms of, for example, footprint, setting, building line and materials"
- 3) The Officer also states "The character of the locality is (a) derived by detached and semi-detached house and **the proposal reflects this**"
- 4) With respect to the stated Policy D1 (2) criteria of "**size, scale and massing**", we have appended our Street Elevations – as submitted with the application, clearly demonstrating that the height, scale and massing of the building sits very well between the 2-storey dwelling at No 7 Dunolly Drive, and the 1.5-storey dwelling at No 5 Dunolly Drive.
- 5) Again, with respect to Policy D1 (2), our appended Site Layout – as submitted with the application, demonstrates that our proposal also complies in terms of size and density.
- 6) Throughout their Report of Handling, the Officer refers - on numerous occasions, to the previous outline and in-principle consents granted for the site.

At the beginning of their Assessment however, they confirm:

"The current application is not associated with the most recent consent i.e. is not for reserved matters. And accordingly (h)as such has to be treated on it's own merits"

We would submit that they did not follow their own stated intent, by constantly referring to storey height in reference to the previous Outline and In-Principle Consents.

- 7) Policy Guidance aside, the Planning Officer's assertion that 1.5 storey houses are the predominant build form is flawed, as our Design Statement and a survey of the surrounding houses clearly demonstrates.

3023 Dunolly Drive, Newton Mearns, East Renfrewshire.

Family Home for Mr & Mrs Hugh Hodge

Thursday 30th January 2014



6.0 CONCLUSION

We feel that our Application should have had a positive determination, for the following reasons:

- 1) As confirmed by the Planning Officer in their Report of Handling, with the exception of D1 (2), they confirm that our application meets the requirements of all relevant policies, as noted above under Section 2.0
- 2) Under Sections 4.0 & 5.0 we feel we have clearly demonstrated that when our Application is assessed purely against Policy D1 (2) - and the stated, defined criteria of size, scale and massing therein, our application meets the requirement of this policy also.
- 3) There should have been no reference or consideration given to number of storeys or previous consents in the Report of Handling, as it was the Planning Officer's own stated intent not to.
- 4) Finally, our proposal is completely in keeping with the locality, which in terms of size, scale and massing is defined by an almost equal number of 2 storey and 1.5 storey detached and semi-detached dwellings - clearly demonstrating that the number of storeys is irrelevant to the character of the locality.

The Officer's assessment of the proposal for our home was not done against current and emerging policy. We have clearly demonstrated that when assessed against said Policy clauses - and in our accompanying drawings, our home will fit into the character of the locality.

In light of the above we would respectfully request that the LRB review our application and grant this consent.



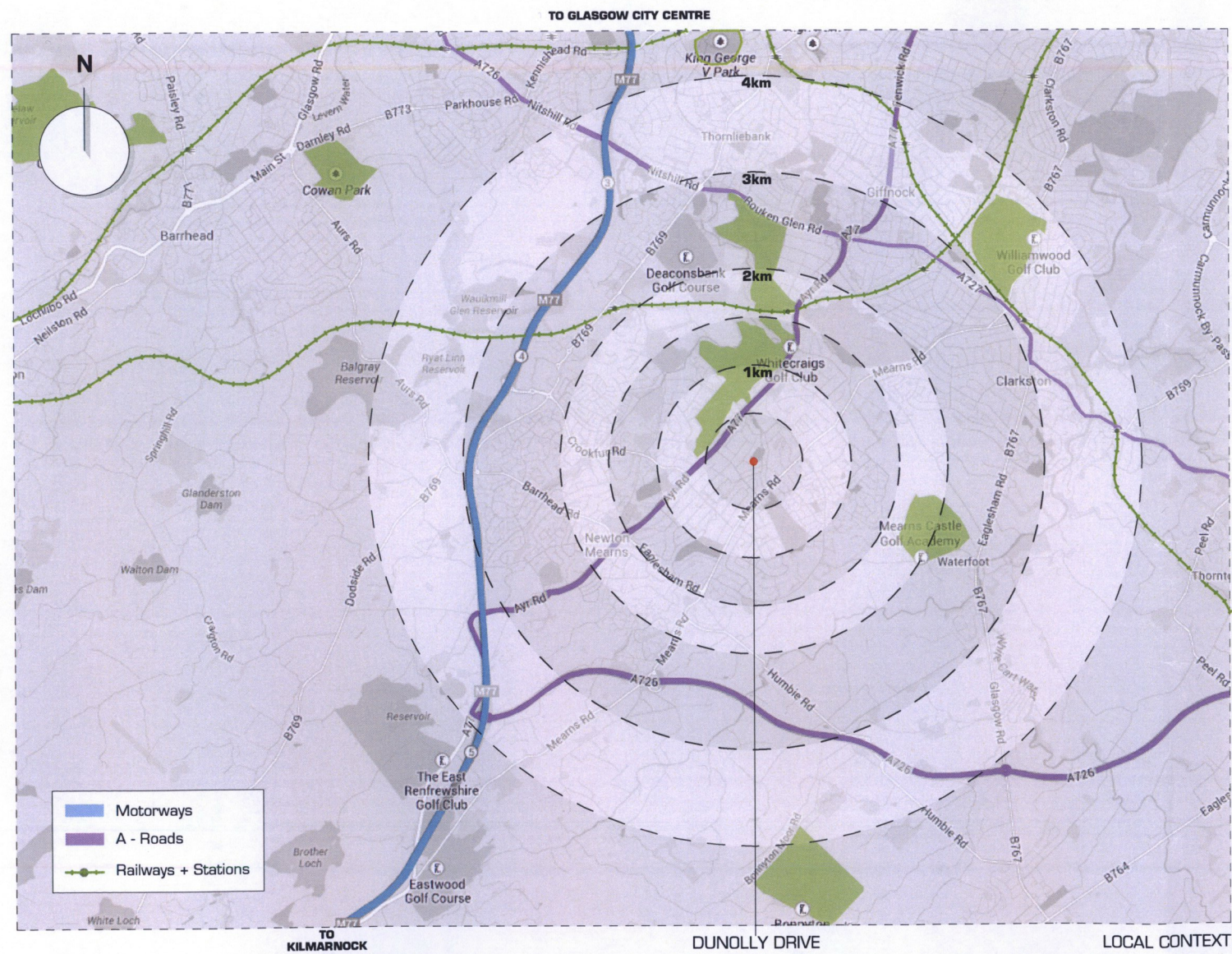
DESIGN STATEMENT:

Proposed New Residential Property at
**DUNOLLY DRIVE, NEWTON MEARNs,
EAST RENFREWSHIRE**

CONTENTS + CONTACT INFORMATION:	01
SITE DETAILS:	
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DESCRIPTION OF CLIENT BRIEF:
Residential proposal on site to create two storey house.
DATE:
September 2013

CONTENTS



SURROUNDING AREA

LOCATION

The application site is located in the Broom Estate in Newton Mearns.

SITE DESCRIPTION

The total area of the application site is 604 m² / 0.15 Acres. The site is bound to the east and west by houses, to the north by vacant grassland and to the south by Dunolly Drive

The topography of the site slopes down away from Dunolly Drive. It is situated amongst 1 and 2 storey homes, both detached and semi detached, adopting the local 'Whitcraigs modernism' exteriors familiar of the Broom Estate.

HISTORY

The site contains no prevalent structure, and historically was a turning head which has long since been abandoned.

OWNERSHIP

All of the land to which this application relates, highlighted within the site boundary, is owned by the Applicant.

(PPP) CONDITIONS:

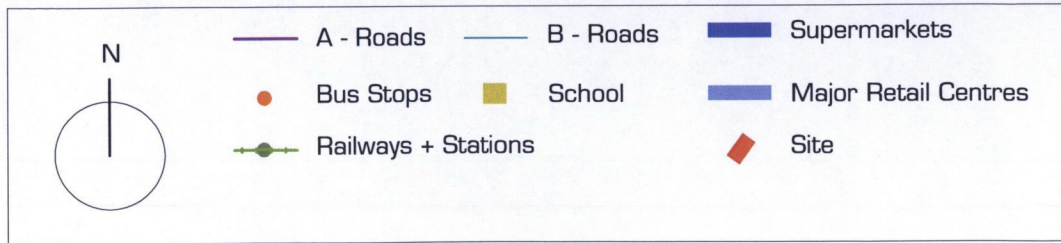
- Development shall not commence until an application for approval of the following matters has been submitted to and approved in writing by the Head of Environment (Planning, Property and Regeneration) on Conditional Planning Approval in Principle REF NO: 2011/0699/TP.
- The maximum height of the development hereby approved shall be 1.5 storeys.
- The front build line of the house shall not extend beyond the front of the adjacent houses.
- There shall be a minimum of 2 metres from the house to the side plot boundaries.

SITE DETAILS



AREA ANALYSIS

200m



CONNECTION - VEHICULAR MOVEMENT

Public Transport: The site benefits from good public transport links with bus stops serving five local routes within 5mins walk, and four routes within a 15min walk. Whitecraigs railway station is located 25 minutes walk serving routes to Neilston, Cathcart, Pollokshields East and Glasgow Central Station.

Glasgow Central Rail Station is accessible within 20mins, with links across Scotland and England.

Road Links: The site is accessible from the existing vehicular access from Dunolly Drive from which, via Broomvale Drive, will present the main Ayr Road, A77.

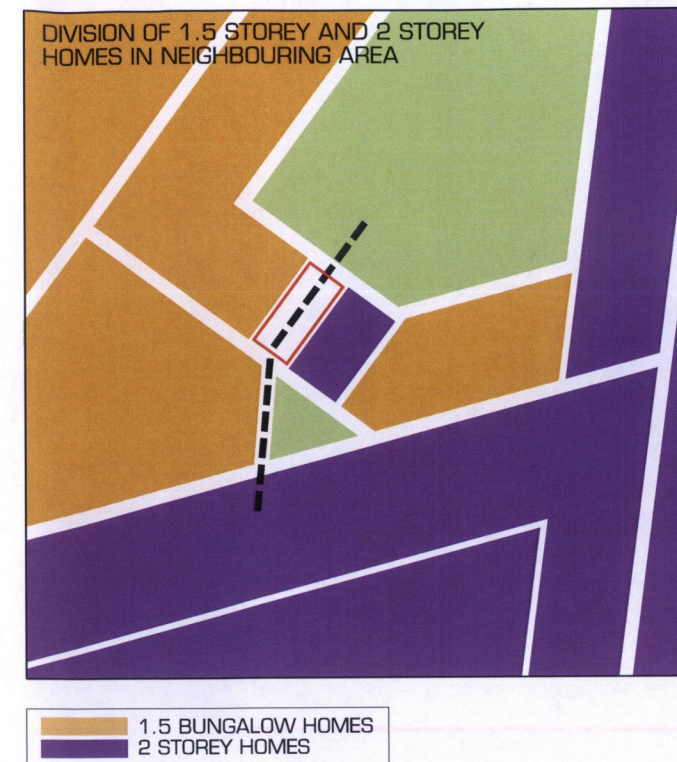
The M77 is located 3.7 km to the west, giving access to Kilmarnock, Prestwick and Ayr to the south. The M77 northbound presents connections to the M8 for Stirling, Falkirk and Edinburgh; whilst M74 presents journeys to Hamilton Motherwell.

The proposal demonstrates that the site is able to accommodate resident's need for parking.

CONNECTION - PEDESTRIAN ACCESS

Access to the site is taken from Dunolly Drive. All pedestrian routes around the site are well maintained and secure. Local primary schools and secondary schools are within 20 minutes walking distance. All major amenities, including a nearby shopping centre, are in reach within a 10 minute walk. There are numerous leisure, sports and cultural activities/facilities available within 5 minutes walk.

The site is well located to reduce car reliance: with various bus stops located on the nearby main road, within 5 minutes walk, and a train station within 25 minutes walk.



CONTEXT - LOCAL AREA

The area is recognised as being highly sought after for residence, and the neighbouring properties are well maintained.

The site is currently empty, overgrown, disused and not maintained creating a noticeable eyesore within Dunolly Drive.

IDENTITY - SURROUNDING BUILDINGS

The surrounding residential area is composed of 2 storey and 1 storey housing — in which the site borders on both. The vast majority of these bungalows have undergone extensions to meet modern day living requirements, demonstrating that single storey buildings are no longer as suited to being modern family houses.

The site itself is on the border of two storey and single storey houses having both an extended bungalow and a two storey house either side of the site.

In the above aerial image a total of 50 houses are depicted which are:

- 24 1.5 storey bungalow homes
- 26 2 storey homes

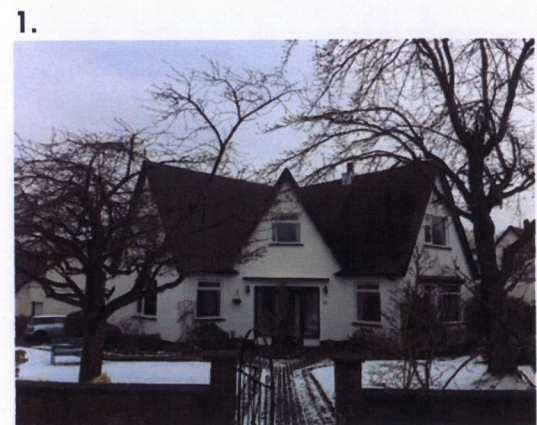
Subsequently in this aerial image the number of homes extended are:

- 20 1.5 bungalow homes (84%)
- 7 2 storey homes (26%)

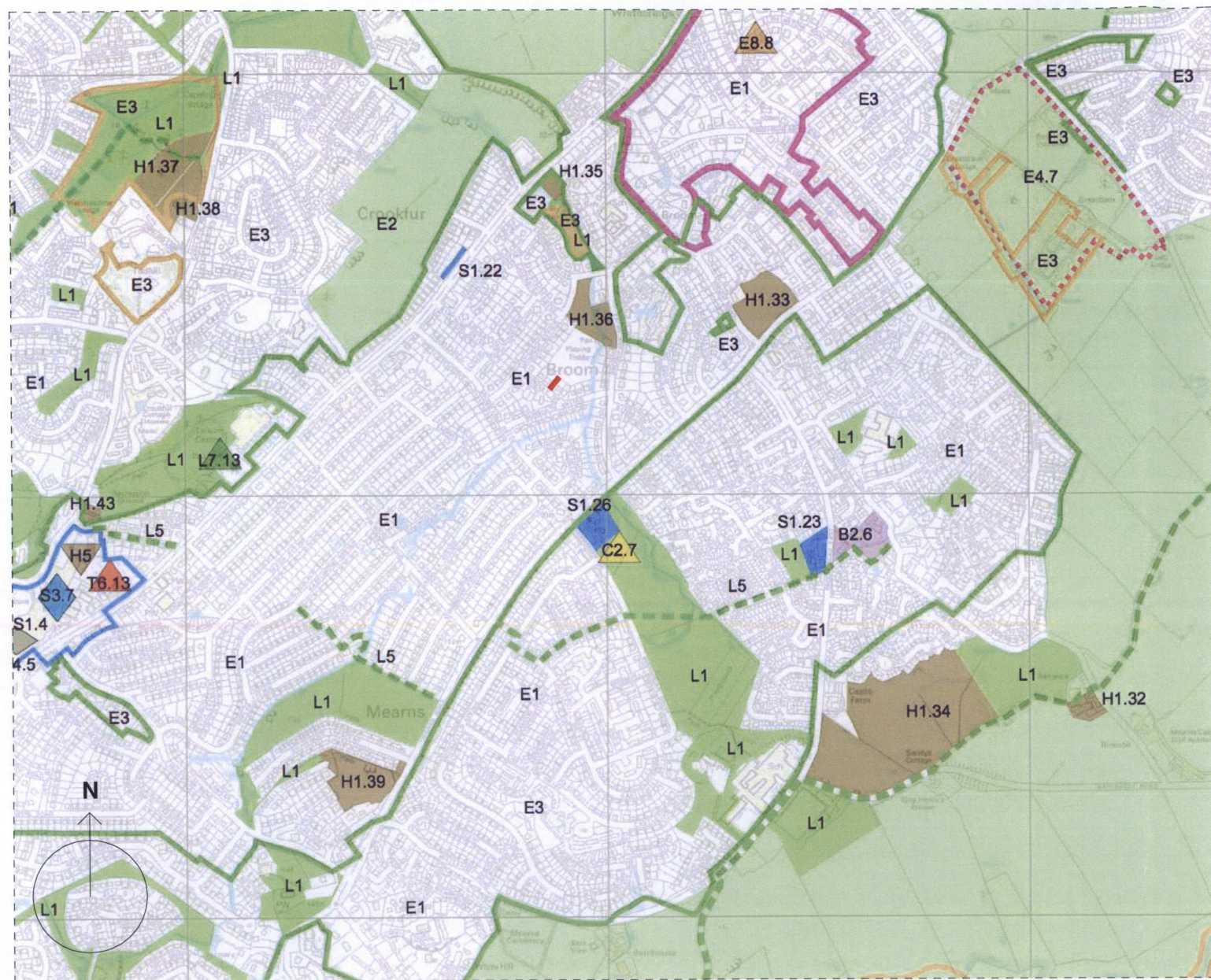
With so many single storey properties in the area extended, it is important to acknowledge the evolving requirements of modern families. With this in mind it is felt that two storey proposal is the most suitable option for the site.



IDENTITY - SURROUNDING BUILDINGS



IDENTITY



AIMS OF PLANNING POLICY RELATING TO THE SITE

The site is to be developed in line with its Policy Designation as a General Urban Area.

The purpose of the designations at this site are to:

1. accommodate developments or change of use compatible with the character and amenity of the locality and its surrounding land uses.

SUITABILITY OF SITE FOR DEVELOPMENT

The proposed residential site is situated centrally within the Broom Estate on a gap site once used to access the playing field to the rear, which is now no longer used. As the site is now redundant it would be beneficial to the street scape to develop a two-storey property.

The proposal encompasses a 5-bed detached house with a driveway culminating to 254m² footprint upon a site area of 604m². The plan maintains a 2m distance to the side plot boundary, with the driveway increasing to 3m to the subsequent side plot boundary.

The current plot has fallen into disuse and it has created a noticeable break in the street scape therefore the Applicant wishes to create a home that merges into the immediate locality and surrounding estate of Broom and can provide for modern requirements in the long term.

POLICY CONSIDERATIONS

The design has been developed with reference to guidance within the Local Plan 2 pertaining to the relevant designations, and in consultation with the Planning Department. We believe that the proposal acknowledges the need to be compatible in character with the surrounding area and draws recognition within the amenity of the local area within the terms of the policy document.

CONCLUSIONS

This proposed development will:

1. remove a gap site within an urban area, and ensure that its development is well maintained to preserve and enhance the character and appearance of the Broom estate.
2. employ a high quality of design with appropriate use of materials compatible with its local and surrounding character and amenity, utilising advice from the local selling agent.
3. follow sustainable design principles, utilising renewable energies, to minimise the impact on the Environment.
4. retain a front of house build line congruous with neighbouring properties, and a ridge height line not exceeding either neighbour properties.

LOCAL PLAN: PLANNING POLICY

A study of the 'Local Plan : Proposal Map' reveals a single overarching Policy directly applicable to the site, that is its designation as:

E1 - General Urban Areas

It is conclusive the site is centrally located within a residential zone and immediately surrounded by 'general urban areas'.

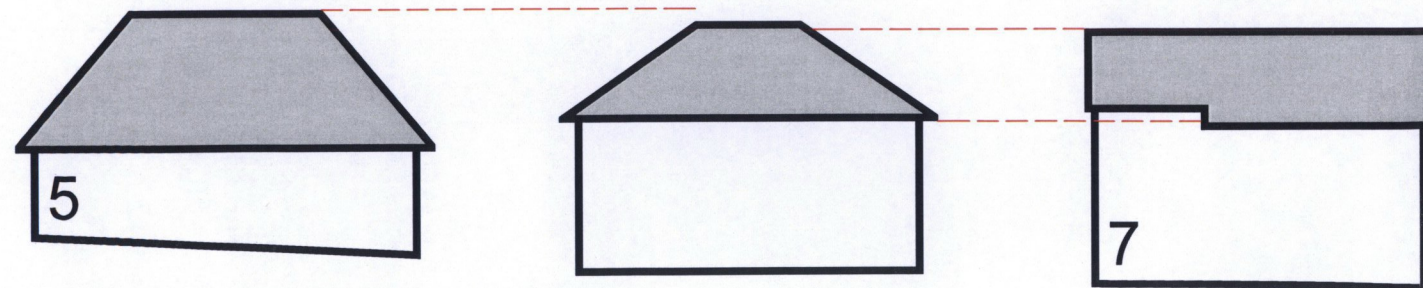
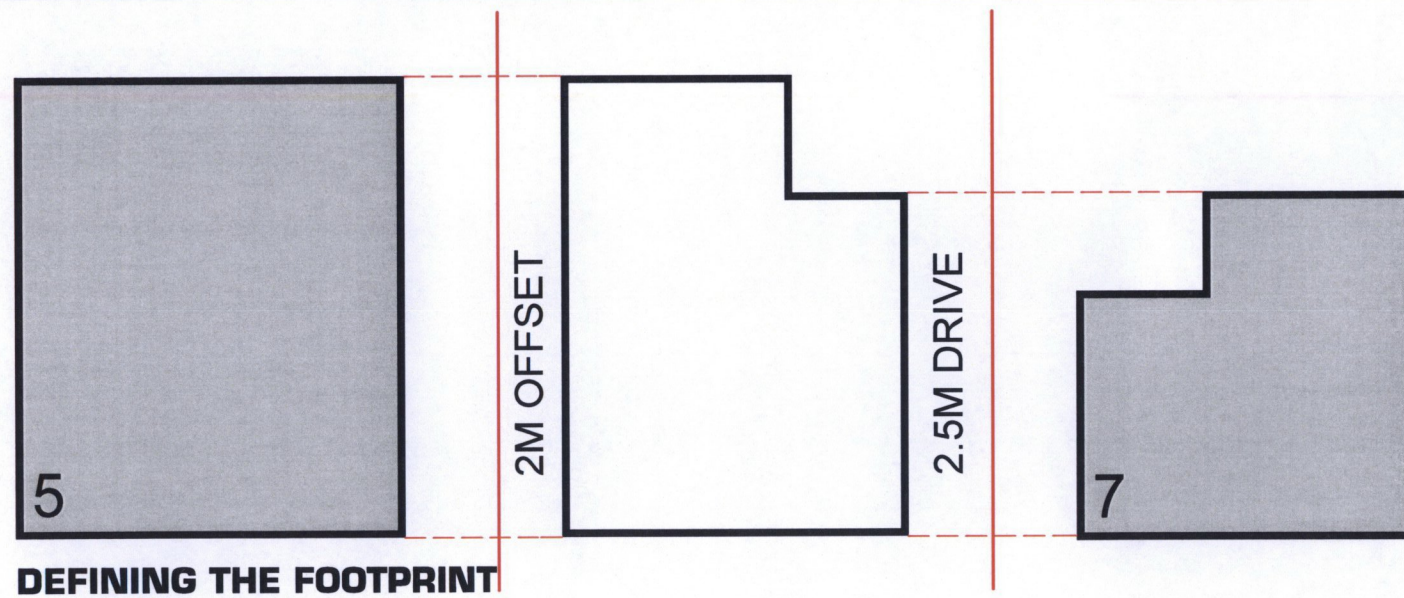
The map can be found in 'Inset 3 & 4 (Eastwood Area) - February 2011' via 'East Renfrewshire's Current Local Plan'.



NO.5 DUNOLLY DRIVE



NO.7 DUNOLLY DRIVE



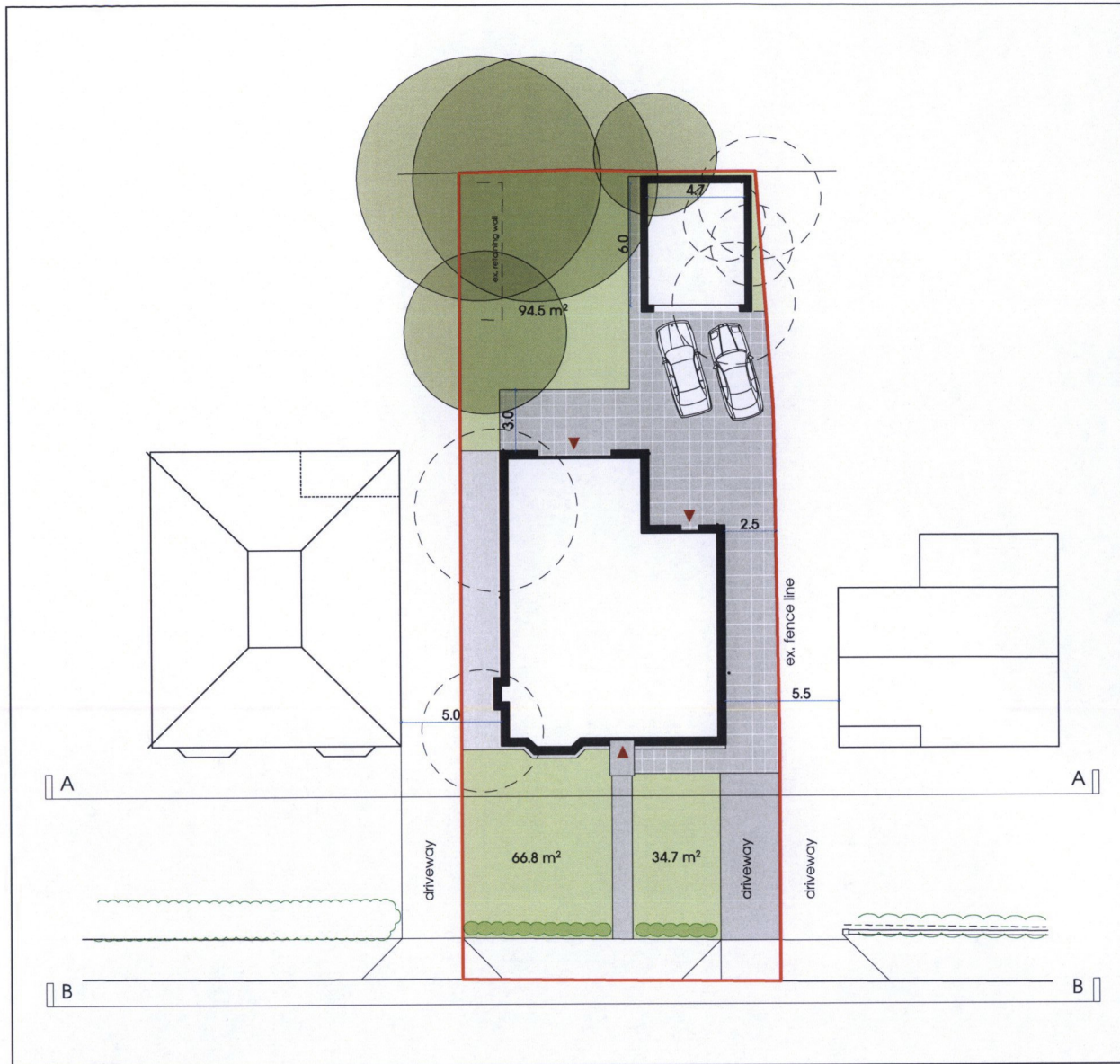
DEFINING PARAMETERS

In setting out the buildings parameters, we have honoured the existing front and rear building lines to create a fluid continuation between No. 5 and No. 7 Dunolly Drive.

Further to this we have ensured to maintain East Renfrewshire's policy of a minimum garden size 1.5 times the building footprint

With reference to the analysis of adjacent house types, we have taken the ridge height to be in between No. 5 and No. 7, and have referenced the eaves of No.7. Again this provides a sympathetic transition between the two houses.

DEFINING PARAMETERS



SITE PROPOSAL

The proposed site plan is similar in shape and size to the adjacent houses. The proposal is within the building line of neighbouring properties adhering to condition 3 set out in the PPP. The rear of the property maximises garden area to offer the space with views into the field beyond and maintain a good building to plot ratio.

It is proposed that the ridge situate between the ridge lines of both neighbouring properties, to provide the best solution. This supports a fluent transition between the properties but also allows the eaves to be set such that they are consistent with No. 7 Dunolly Drive - the detached 2-storey house.

The proposed property would be a 5-Bed detached family house with a modest 127m² floor area, which would enjoy a generous plot of 485m². This makes the scale of the proposal comparable to No. 5 Dunolly Drive but does not impress upon No. 7 Dunolly Drive as the eaves are coherent.

A quality solution to the design is the expressed objective of the Applicant, whilst maintaining a coherent consistency that is definitive of the character of the locality.



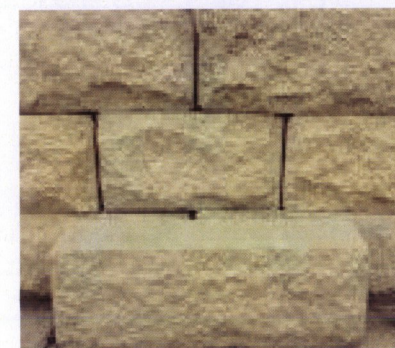
3D RENDER

MATERIALS

The building will adopt the same exterior finishes and proportions of neighbouring houses, that is of 'Whitecraigs modernism': utilising red brick, white render, reconstituted stone, wired windows and a slate effect roof are proposed.



WHITE RENDER



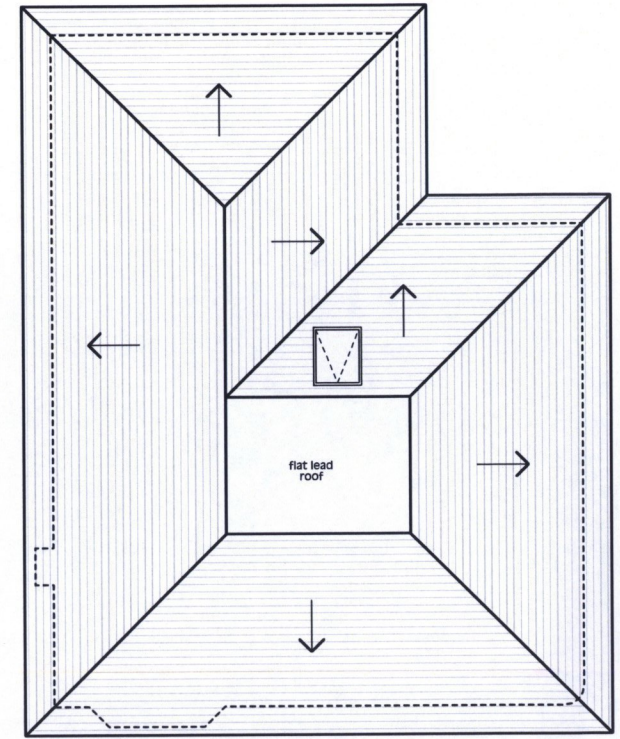
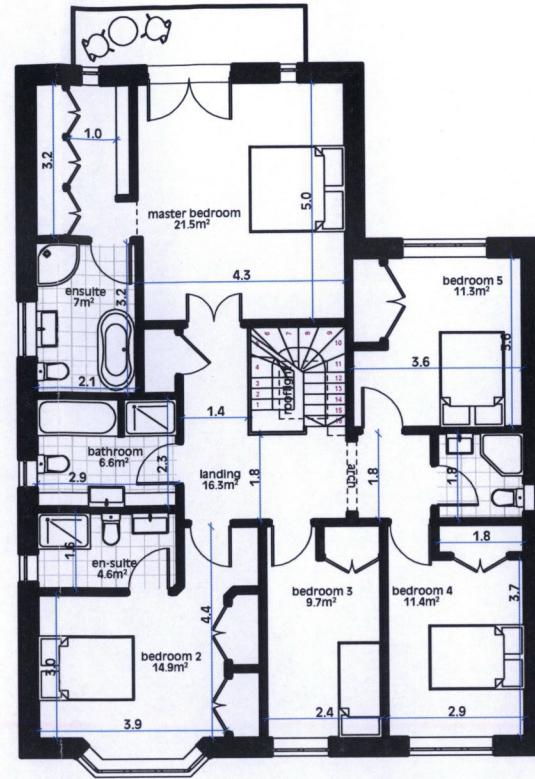
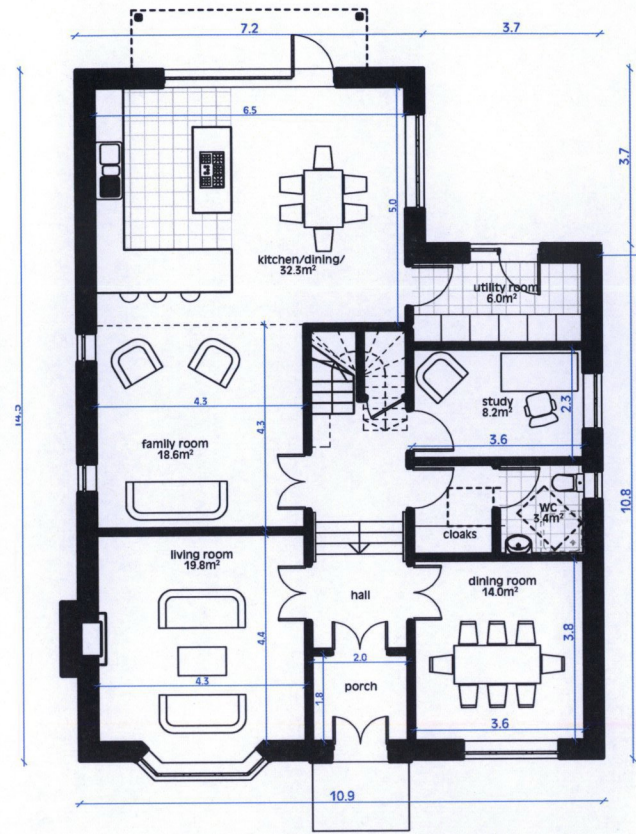
RECONSTITUTED STONE



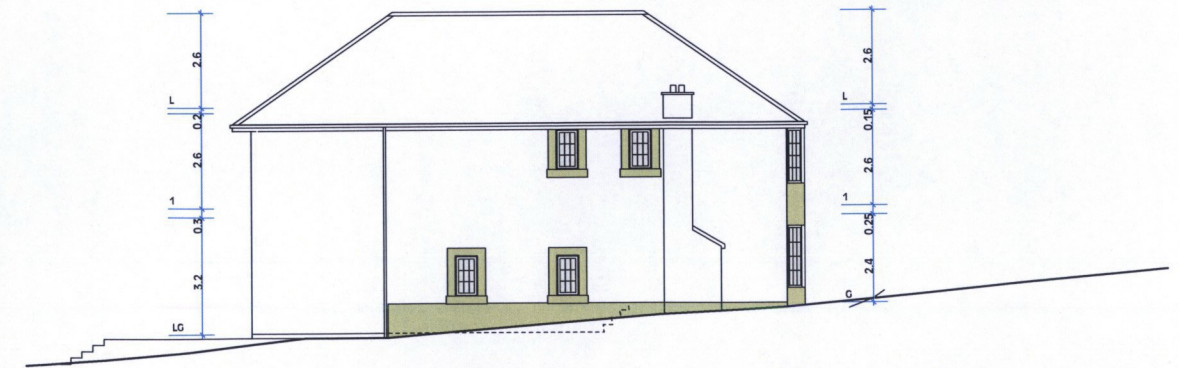
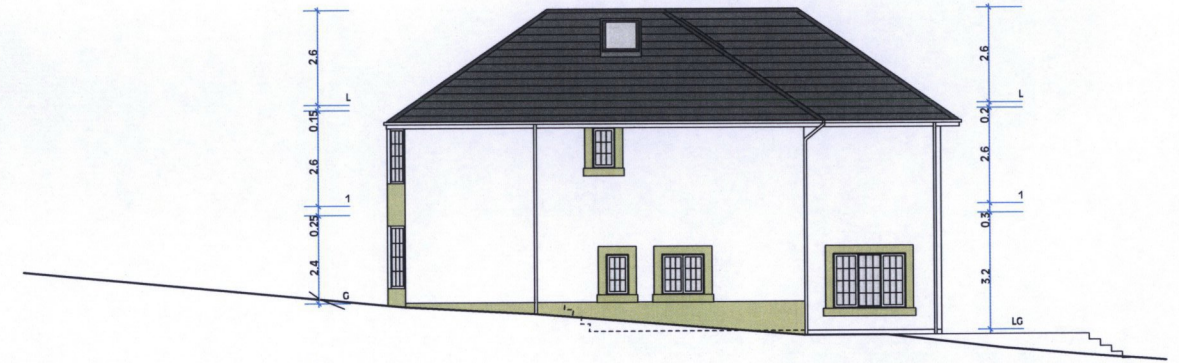
SLATE EFFECT ROOF

PROPOSAL: SITE & MATERIALS

PLANS @ 1:200



ELEVATIONS @ 1:200



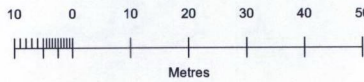
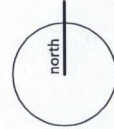
PROPOSAL: PLANS, SECTION & ELEVATIONS

REFUSED

Director of Environment
East Renfrewshire Council

Ordnance Survey®

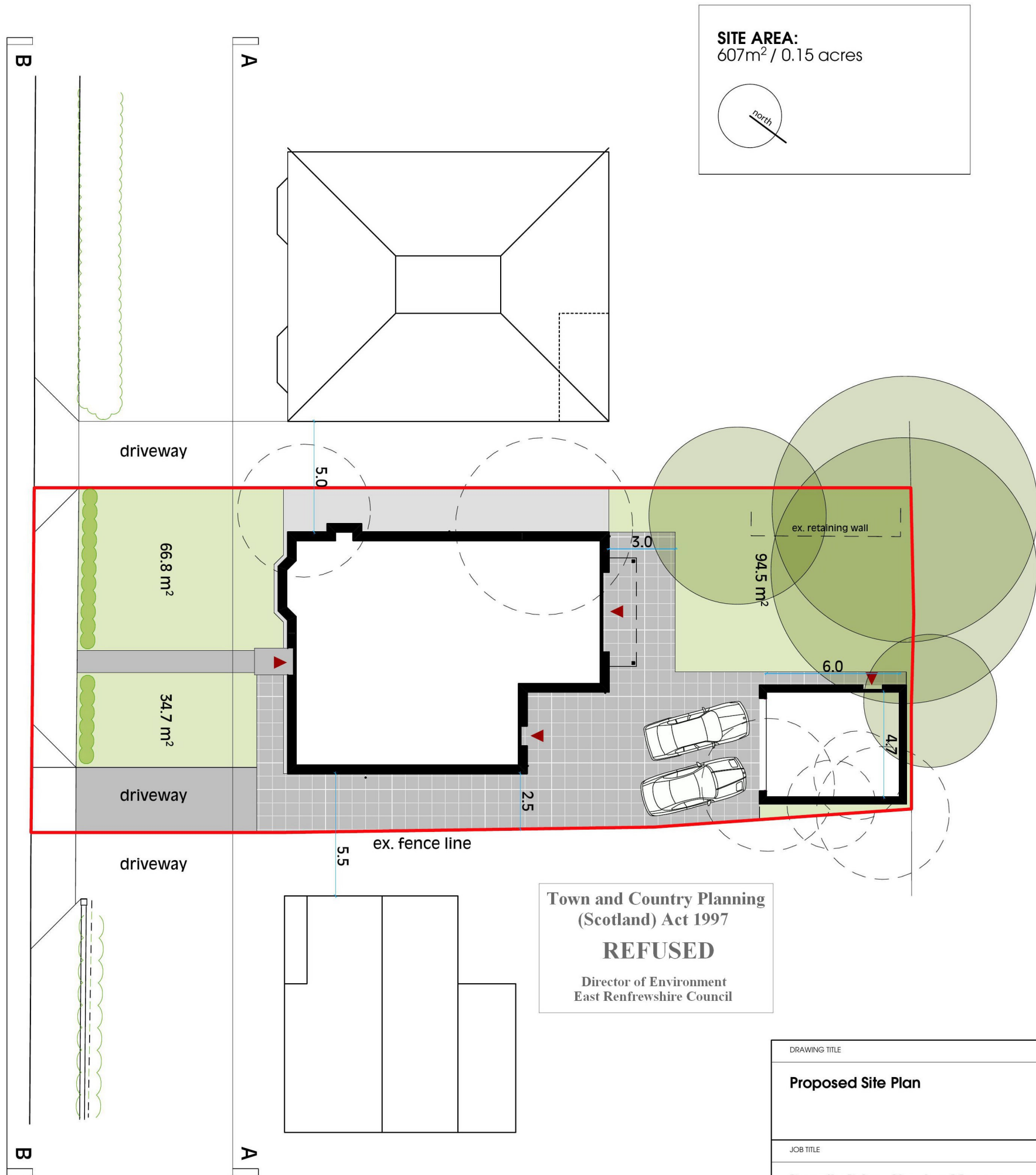
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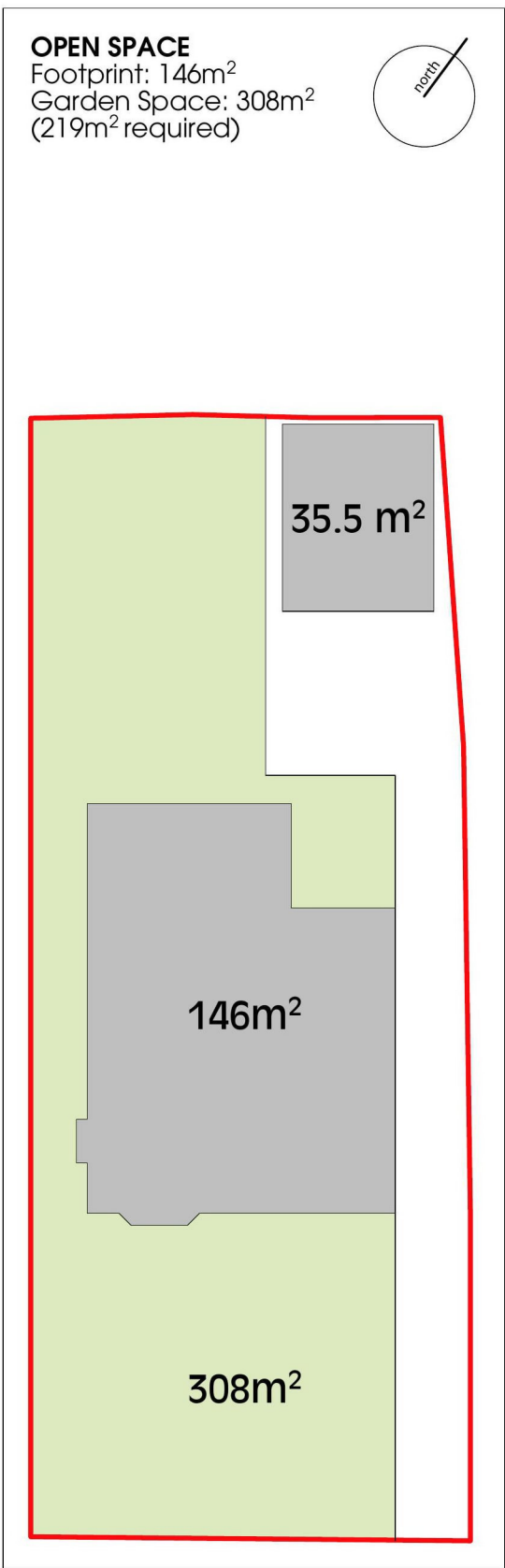
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AMENDED PLANS RECEIVED
Date: 2/10/13

<p>DRAWING TITLE</p> <p>Location Plan</p> <hr/> <p>JOB TITLE</p> <p>Dunolly Drive, Newton Mearns for Mr H Hodge</p>	<p>Jewitt and Wilkie architects</p> <p>38 New City Road Glasgow - G4 9JT 0141 352 6929</p> <p>info@jawarchitects.co.uk www.jawarchitects.co.uk</p>	<p style="font-size: small;">Do not scale. All dimensions to be checked on site prior to commencement of work</p> <p>SCALE: 1:500@A4 DATE: SEPT 2013</p> <p>DRAWN BY: JH CHECKED BY: JJ</p> <p>DRAWING NO: REV:</p> <p style="font-size: large; font-weight: bold;">3023/P/100-A</p>
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Town and Country Planning
(Scotland) Act 1997
REFUSED
Director of Environment
East Renfrewshire Council



Rev A: Balcony shown 26/09/13
Rev B: Alterations to detached Garage:
Removal of second-storey accommodation
and relocation of side-entry door 14/01/14

DRAWING TITLE	Proposed Site Plan		Do not scale. All dimensions to be checked on site prior to commencement of work. SCALE: 1:200, 1:250 @A3 DATE: SEPT 2013 DRAWN BY: JH CHECKED BY: JJ DRAWING NO: REV: 3023/P/201-B
JOB TITLE	Dunolly Drive, Newton Mearns for Mr H Hodge		
Jewitt and Wilkie architects 38 New City Road Glasgow - G4 9JT 0141 352 6929 info@jawarchitects.co.uk www.jawarchitects.co.uk			

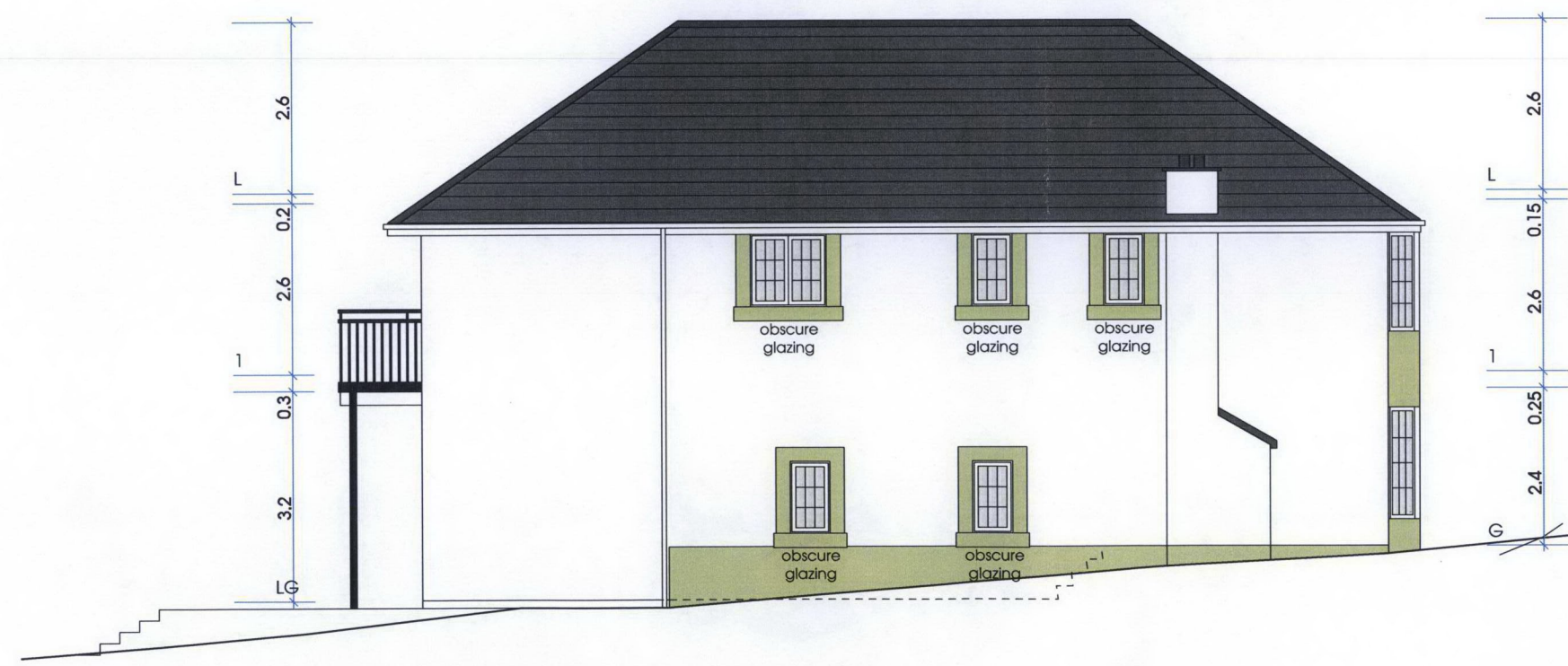
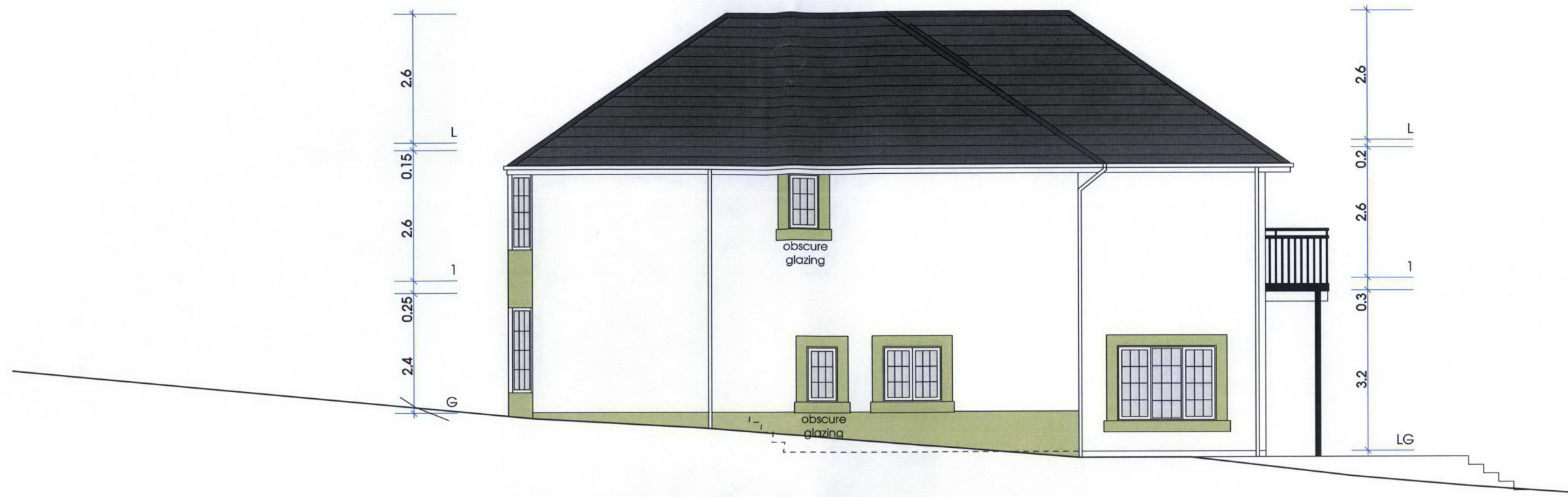


Town and Country Planning
(Scotland) Act 1997

REFUSED

Director of Environment
East Renfrewshire Council

DRAWING TITLE	Jewitt and Wilkie architects	Do not scale. All dimensions to be checked on site prior to commencement of work
Front and Rear Elevations		
JOB TITLE	38 New City Road Glasgow - G4 9JT 0141 352 6929 info@jawarchitects.co.uk www.jawarchitects.co.uk	SCALE: 1:100 @A3 DATE: SEPT 2013
Dunolly Drive, Newton Mearns for Mr H Hodge		DRAWN BY: JH CHECKED BY: JJ DRAWING NO: REV: 3023/P/501

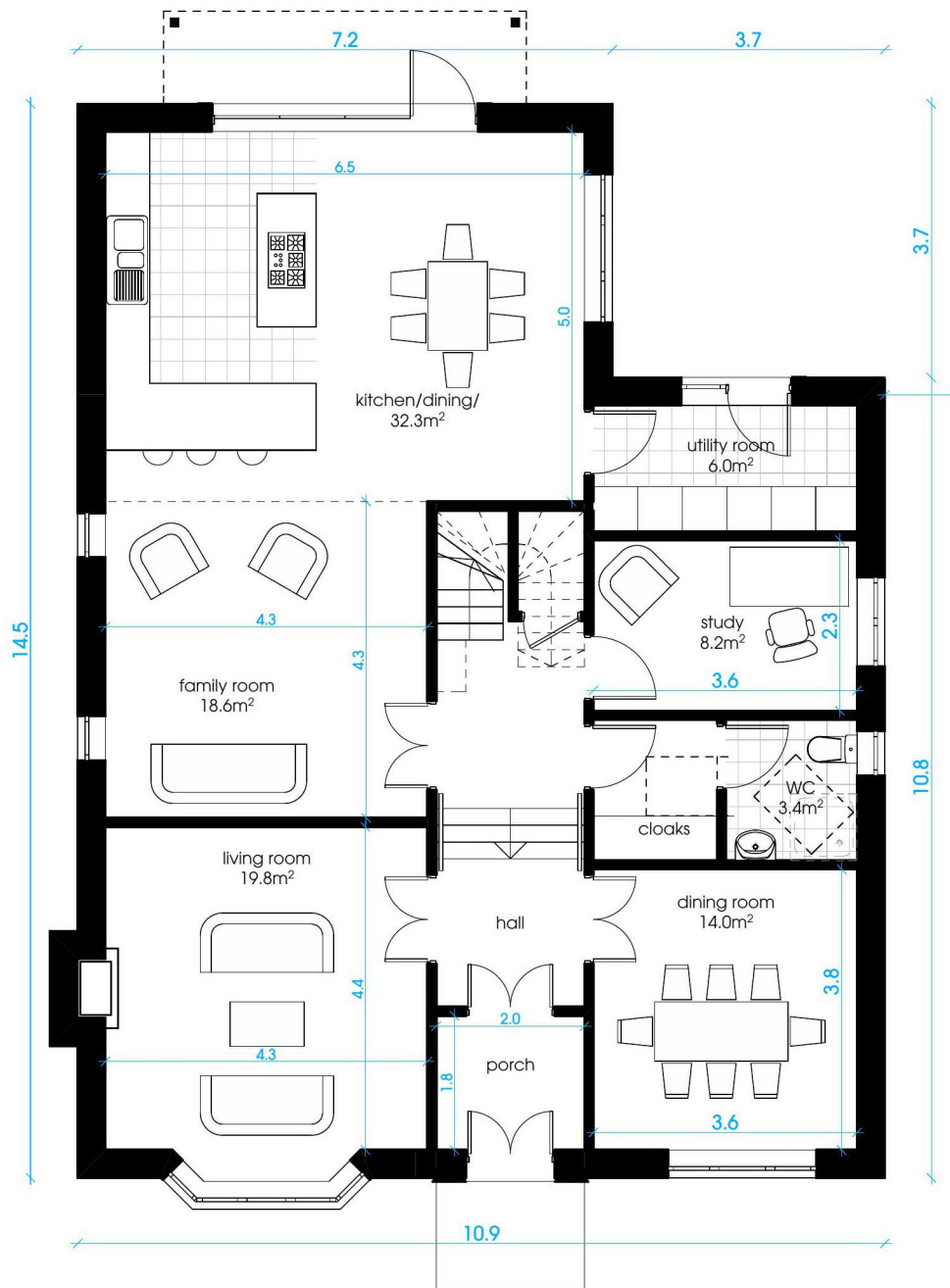


AMENDED PLANS RECEIVED
 Date: 2/10/13

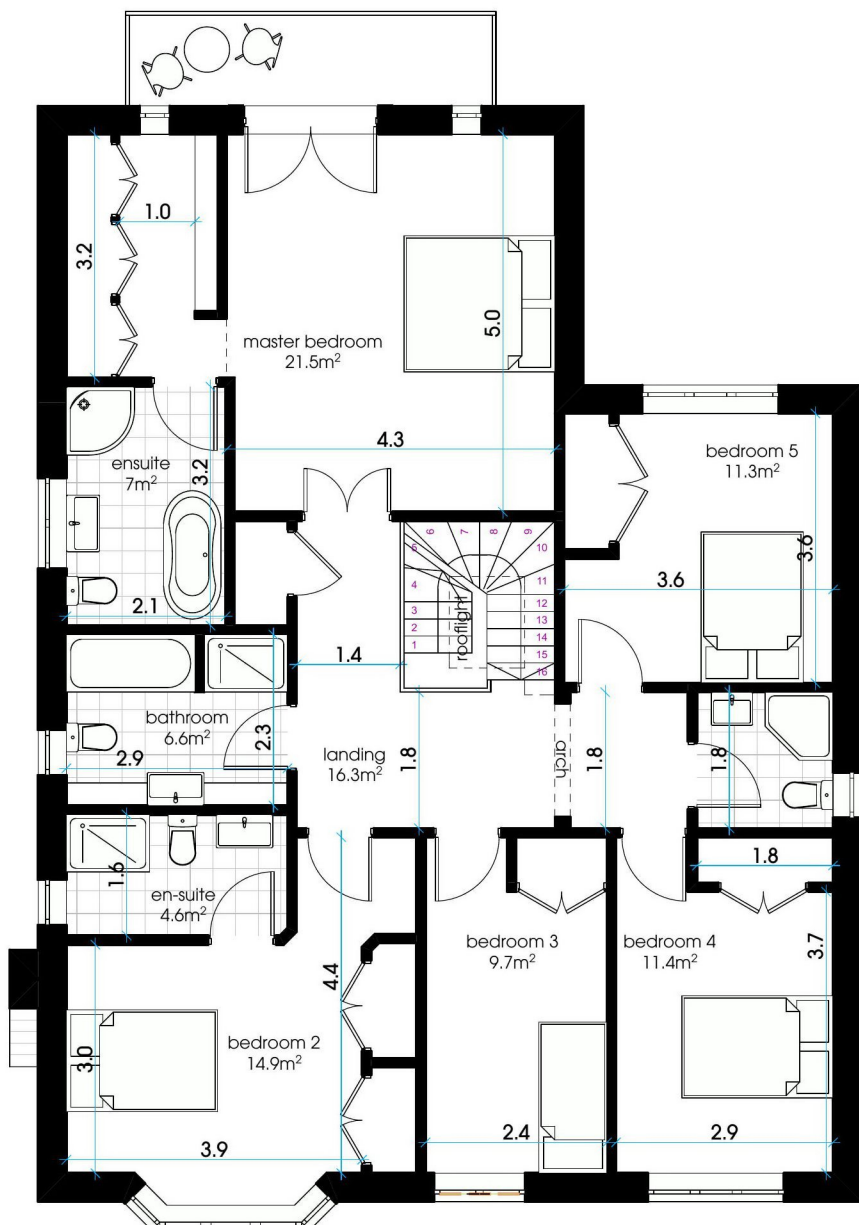
**Town and Country Planning
 (Scotland) Act 1997**
REFUSED
 Director of Environment
 East Renfrewshire Council

Rev A: Balcony shown, ensuite windows amended 26/09/13

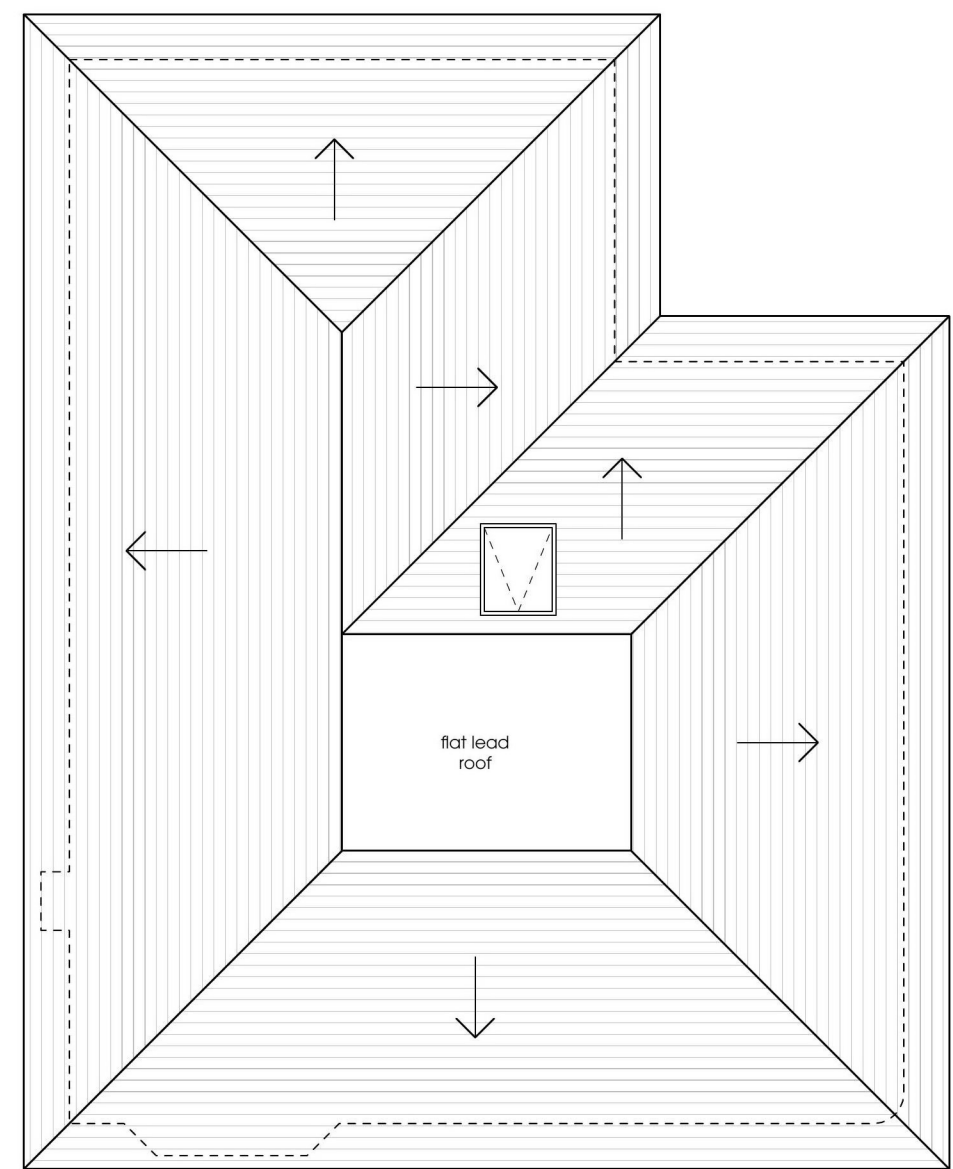
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JOB TITLE Dunolly Drive, Newton Mearns for Mr H Hodge	38 New City Road Glasgow - G4 9JT 0141 352 6929 info@jawarchitects.co.uk www.jawarchitects.co.uk	3023/P/502-A



GROUND FLOOR PLAN



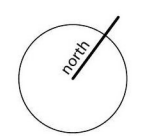
FIRST FLOOR PLAN



ROOF PLAN

SITE AREA:
607m² / 0.15 acres

GIFA:
Ground - 127m² / 1,370ft²
First - 127m² / 1,370ft²
Total - 254m² / 2,735ft²
Plus Detached Garage



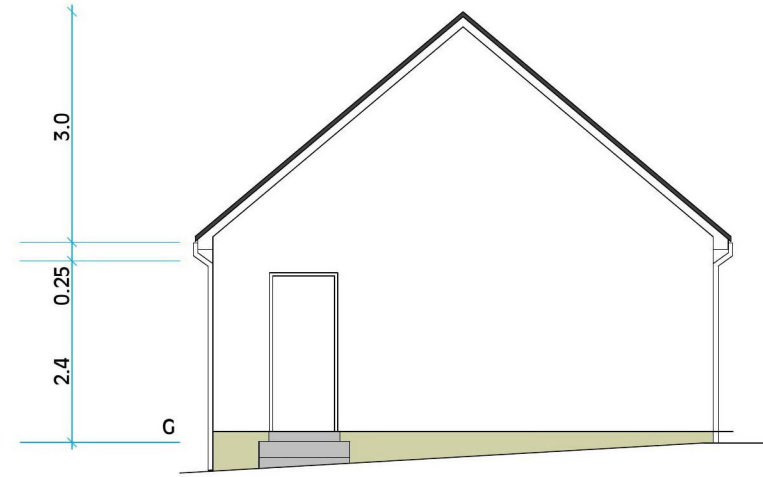
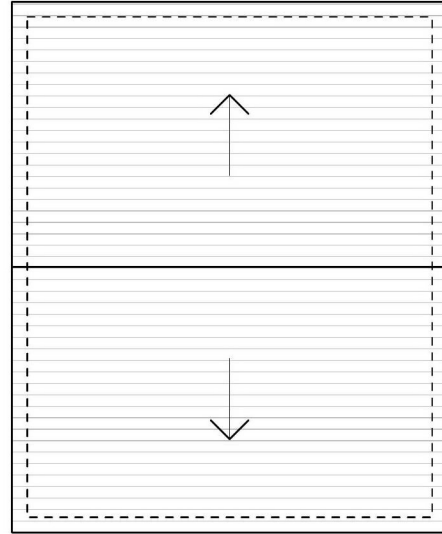
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(Scotland) Act 1997**

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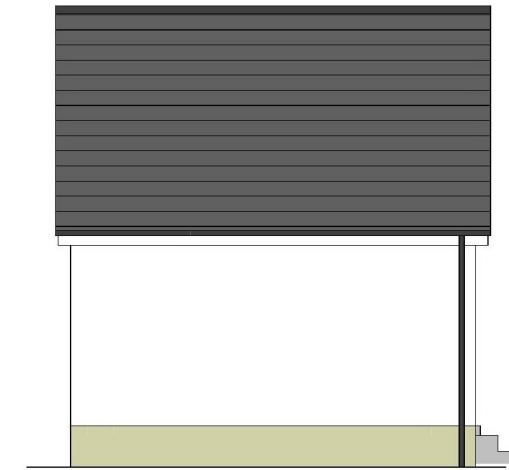
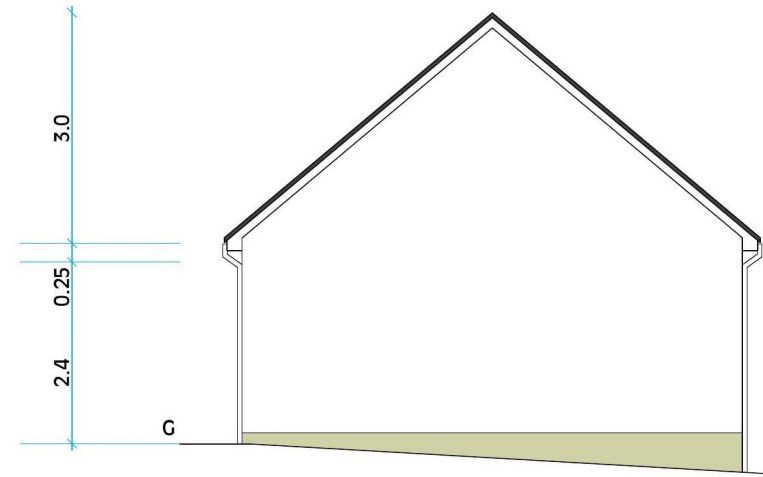
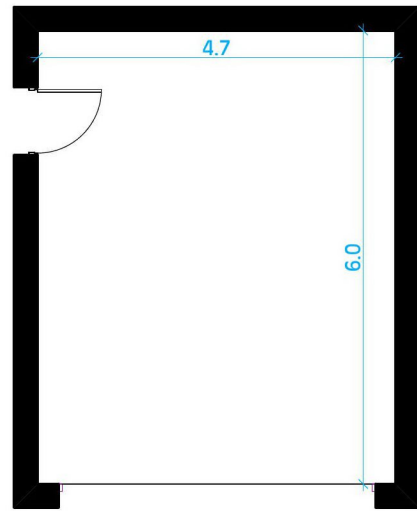
Director of Environment
East Renfrewshire Council

DRAWING TITLE		Jewitt and Wilkie architects 38 New City Road Glasgow - G4 9JT 0141 352 6929 info@jawarchitects.co.uk www.jawarchitects.co.uk	Do not scale. All dimensions to be checked on site prior to commencement of work.	
Proposed Floor Plans			SCALE: 1:100 @A3	DATE: SEPT 2013
JOB TITLE			DRAWN BY: JH	CHECKED BY: JJ
Dunolly Drive, Newton Mearns for Mr H Hodge		DRAWING NO:	REV:	
		3023/P/300		

ROOF



GROUND



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

Rev A: Alterations to detached Garage:
Removal of second-storey accommodation
and relocation of side-entry door 14/01/14

DRAWING TITLE	Jewitt and Wilkie architects	<small>Do not scale. All dimensions to be checked on site prior to commencement of work.</small> SCALE: 1:100 @A3 DATE: DRAWN BY: CHECKED BY: DRAWING NO: REV:
Detached Garage		
JOB TITLE	38 New City Road Glasgow - G4 9JT 0141 352 6929 info@jawarchitects.co.uk www.jawarchitects.co.uk	3023/P/310-A
Dunolly Drive, Newton Mearns for Mr H Hodge		