EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

9 September 2015

Report by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2015/11

ERECTION OF SINGLE STOREY DWELLINGHOUSE

AND ALTERATIONS TO HARDSTANDING

AT 11 OTTERBURN DRIVE, GIFFNOCK

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:- 2015/0158/TP).

Applicant: Mr Gunter Loffler.

Proposal: Erection of single storey dwellinghouse and alterations to

hardstanding.

Location: 11 Otterburn Drive, Giffnock G46 6PZ.

Council Area/Ward: Giffnock and Thornliebank (Ward 3).

REASON FOR REQUESTING REVIEW

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

RECOMMENDATIONS

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

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

BACKGROUND

- 5. At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.
- 6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the "local development" category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an "appointed officer". In the Council's case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Planning, Economic Development and City Deal).
- 7. The report highlighted that historically appeals against planning decisions were dealt with by Scottish Ministers. However, following the introduction of the new planning provisions with 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 4.
- **9.** The applicant is entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has indicated that that his stated preference is a site inspection.
- **10.** The Local Review Body is not bound to accede to the applicant's request as to how it will determine the review and will itself decide what procedure will be used in this regard.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

11. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The Local Review Body is advised that the focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.

- **12.** The information detailed below is appended to this report to assist the Local Review Body in carrying out the review of the decision taken by the appointed officer:-
 - (a) Application for planning permission Appendix 1 (Pages);
 - (b) Report of Handling by the planning officer under the Scheme of Delegation Appendix 2 (Pages);
 - (c) Decision notice and reasons for refusal Appendix 3 (Pages); and
 - (d) A copy of the applicant's Notice of Review and Statement of Reasons Appendix 4 (Pages).
- 13. The applicant has also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 5 (Pages).
 - (a) Cover sheet and location plan;
 - (b) Existing building PP101:
 - (c) Existing site plan PP103;
 - (d) Refused Proposed site plan PP104;
 - (e) Site layout comparison PP105;
 - (f) Existing street elevation PP106;
 - (g) Proposed street elevation PP107;
 - (h) Refused Proposed ground floor plan PP108;
 - (i) Refused Proposed floor plan PP109;
 - (j) Sections PP110;
 - (k) Refused West elevation PP111;
 - (I) Refused East elevation PP112;
 - (m) Refused South elevation PP113;
 - (n) Refused North elevation PP114;
 - (o) Perspective PP115;
 - (p) Sections PP116; and
 - (q) Plan of trees to be removed.
- **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 with the exception of any representations that have been made to the application.

RECOMMENDATIONS

- **16.** 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:-
 - it proceeds to determine whether the decisions taken in respect of the application under review should be upheld, reversed or varied; and
 - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed.
 - (b) In the event that further procedure is required to allow it to determine the review, consider:-
 - (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
 - (ii) what procedure or combination of procedures are to be followed in determining the review.

Report Author: Paul O'Neil

Director - Caroline Innes, Deputy Chief Executive

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Tel: 0141 577 3011

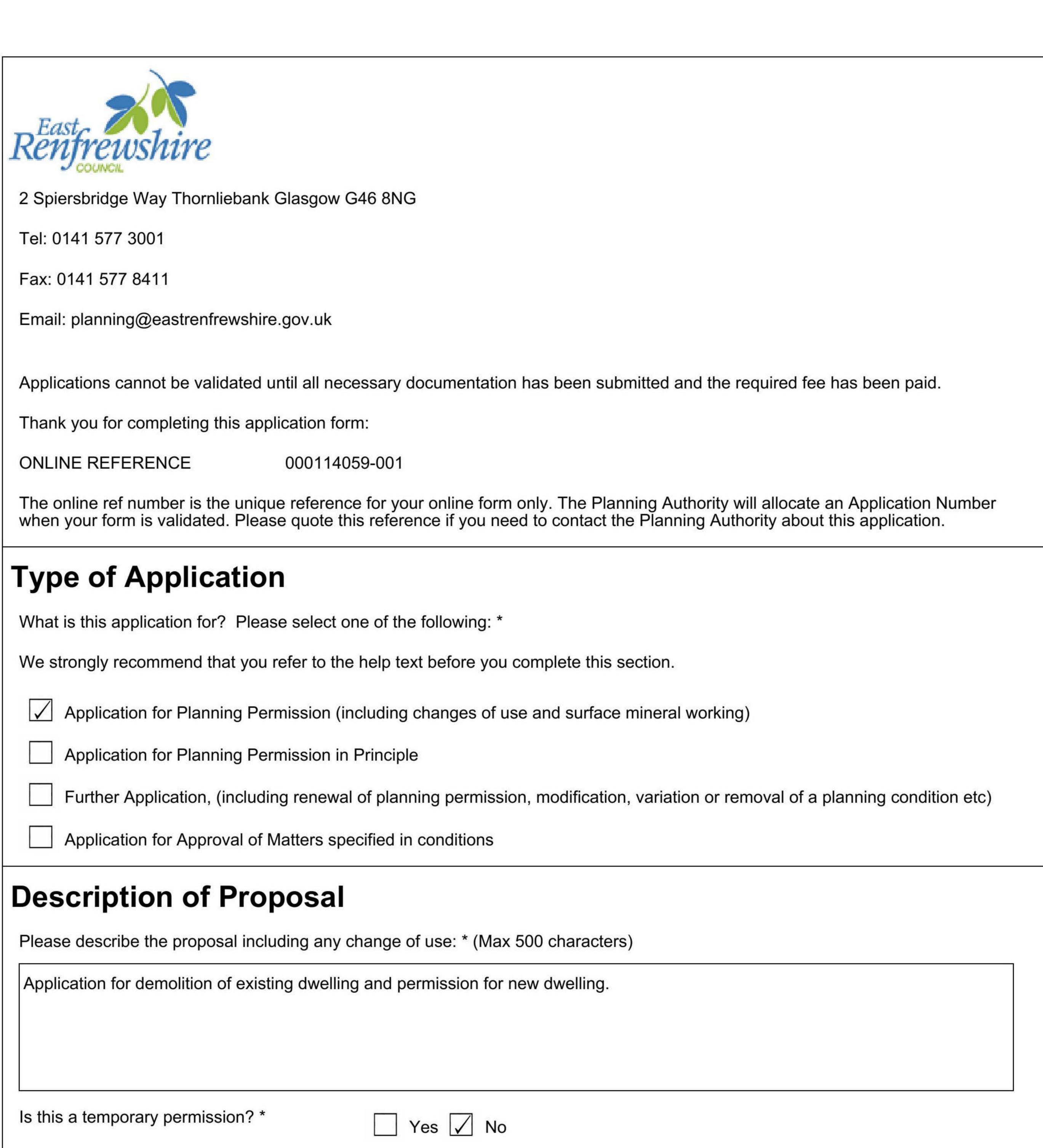
Date:- August 2015

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



Agent Details			
Please enter Agent details			
Company/Organisation:	cameronwebster architects	You must enter a Building Name or Number, or both:*	
Ref. Number:		Building Name:	The Printwokrs
First Name: *	Stuart	Building Number:	10
Last Name: *	Cameron	Address 1 (Street): *	Otago Street
Telephone Number: *	01413309898	Address 2:	
Extension Number:		Town/City: *	Glasgow
Mobile Number:		Country: *	UK
Fax Number:		Postcode: *	G12 8JH
Email Address: *	stuart@cameronwebster.com		
Is the applicant an individual of	or an organisation/corporate entity? *		
✓ Individual ☐ Organis	ation/Corporate entity		
Applicant Details	S		
Please enter Applicant details	3		
Title: *	Mr	You must enter a Building Noth:*	lame or Number, or
Other Title:		Building Name:	
First Name: *	Gunter	Building Number:	11
Last Name: *	Loffler	Address 1 (Street): *	Otterburn Drive
Company/Organisation:		Address 2:	
Telephone Number:		Town/City: *	Giffnock
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G46 6PZ
Fax Number:			
Email Address:			

Site Address D	etails			
Planning Authority:	East Renfrewshire Council			
Full postal address of the	site (including postcode where availab	le):		
Address 1:	11 OTTERBURN DRIVE	Address 5:		
Address 2:	GIFFNOCK	Town/City/Settlement:	GLASGOW	
Address 3:		Post Code:	G46 6PZ	
Address 4:				
Please identify/describe th	ne location of the site or sites.			
Northing 658	3446	Easting 256	5251	
Pre-Application	n Discussion			
	proposal with the planning authority? *	✓ Ye	es No	
Pre-Annlicatio	n Discussion Details			
In what format was the fee				
Meeting Tel	ephone Letter 🗸 Email			
Please provide a description	on of the feedback you were given and	the name of the officer who pro	vided this feedback. If a processing	
agreement [note 1] is curre provide details of this. (Thi	ently in place or if you are currently dis s will help the authority to deal with thi	s application more efficiently.) *	(Max 500 characters)	
	of existing building would not be grant of the Proposed Local Development P	• • • • • • • • • • • • • • • • • • • •		
aspect which may impact	on this submission has been addresse	ed and therefore on submission of	of appropriate and relevant	
information, discussions c	ould then proceed as to the acceptabi	lity, or otherwise, of the details of	the proposed new nouse.	
Title:	Ms	Other title:		
First Name:	Alison	Last Name:	Mitchell	
Correspondence Reference Number:	e	Date (dd/mm/yyyy):	27/11/14	
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: 1491.00				
Please state the measurement type used: Hectares (ha) V Square Metres (sq.m)				

Existing Use
Please describe the current or most recent use: (Max 500 characters)
The site comprises of a large single detached dwelling sitting in a large garden. The house is set back from the main road and surrounded by a tall hedge.
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? *
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 2 site? *
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)? *
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
Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *
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? *

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 propose if any are to be cut back or felled.	al site and indicate		
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)			
A bin store will be provided at the entrance to the house to facilitate ease of collection. This will be sized to accommodate storage, in line with East Renfrewshire's waste collection policy.			
Residential Units Including Conversion			
Does your proposal include new or additional houses and/or flats? *			
How many units do you propose in total? *			
Please provide full details of the number and types of units on the plans. Additional information may be provided in statement.	a supporting		
All Types of Non Housing Development - Proposed New Floors	space		
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 2013 *	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 Guidance notes before contacting your planning authority.	Text and		
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 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013			
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 I	Required
The following Land 0	Ownership Certificate is required to complete this section of the proposal:
Certificate A	
Land Owne	rship Certificate
Certificate and Notic Regulations 2013	e under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Certificate A	
I hereby certify that -	
lessee under a lease	than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates be period of 21 days ending with the date of the accompanying application.
(2) - None of the land	d to which the application relates constitutes or forms part of an agricultural holding.
Signed:	Stuart Cameron
On behalf of:	Mr Gunter Loffler
Date:	13/03/2015
	✓ Please tick here to certify this Certificate. *
Checklist -	Application for Planning Permission
Town and County Pl	lanning (Scotland) Act 1997
The Town and Coun	try Planning (Development Management Procedure) (Scotland) Regulations 2013
in support of your ap	coments to complete the following checklist in order to ensure that you have provided all the necessary information oplication. Failure to submit sufficient information with your application may result in your application being deemed authority will not start processing your application until it is valid.
a) If this is a further to that effect? *	application where there is a variation of conditions attached to a previous consent, have you provided a statement
Yes No	✓ Not applicable to this application
b) If this is an application you provided a state	ation for planning permission or planning permission in principal where there is a crown interest in the land, have ment to that effect? *
Yes No	✓ Not applicable to this application
development belong	ation for planning permission, planning permission in principle or a further application and the application is for ing to the categories of national or major developments (other than one under Section 42 of the planning Act), 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 2013
d) 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 2013, have you provided a Design and Access Statement? *
☐ Yes ☐ No ☑ Not applicable to this application
e) 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 2013) have you provided a Design Statement? *
☐ Yes ☐ No ✓ Not applicable to this application
f) 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 V Not applicable to this application
g) 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 State	ement. *	☐ Yes ✓ N/A		
A Design Statement or Design an	nd 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 Trave	el 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	v). (Max 500 characters)			
Declare - For Appl	ication to Planning Authority			
I, the applicant/agent certify that to plans/drawings and additional info	this is an application to the planning authority as described in the community are provided as a part of this application.	his form. The accompanying		
Declaration Name:	Stuart Cameron			
Declaration Date:	13/03/2015			
Submission Date:	13/03/2015			
Payment Details				
		Created: 13/03/2015 16:36		

REPORT OF HANDLING

REPORT OF HANDLING

Reference: 2015/0158/TP Date Registered: 20th March 2015

Application Type: Full Planning Permission This application is a Local Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 256251/:658446

Applicant/Agent: Applicant: Agent:

Mr Gunter Loffler Cameron Webster Architects

11 Otterburn Drive The Printworks
Giffnock 10 Otago Street

East Renfrewshire Glasgow G46 6PZ G12 8JH

Proposal: Erection of single storey dwellinghouse and alterations to hardstanding

Location: 11 Otterburn Drive

Giffnock

East Renfrewshire

G46 6PZ

CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads and No objections subject to conditions

Transportation Service

Scottish Civic Trust No response at time of writing

Architectural Heritage Society

No response at time of writing

PUBLICITY:

03.04.2015 Glasgow and Southside Extra Expiry date 24.04.2015

SITE NOTICES:

Development within a Date posted 03.04.2015 Expiry date 24.04.2015

Conservation Area

SITE HISTORY:

1994/0056/TP INSTALLATION OF Granted 15.02.1994

FRONT FIRE ESCAPE

VELUX WINDOW

2009/0092/TP Erection of single storey Approved subject 16.03.2009

rear extension. to conditions

REPRESENTATIONS: No representations have been received.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Design Statement The Statement discusses the justification for the demolition of the house,

the brief for, and design of, the house and concludes that the proposed development makes a positive contribution to the area, promotes good architectural design and meets the specific requirements of the family.

ASSESSMENT:

The site is located on the east side of Otterburn Drive at its junction with Douglas Avenue and is situated within the Giffnock Conservation Area which was designated in April 2005. The area is

characterised by a wide variety of built forms and house types. The application property is a detached two storey house, built after 1940, with a flat roofed extension on the south gable, a lean-to extension on the north gable and a freestanding brick garage at the side of the house on the Douglas Avenue frontage. The property is finished in render and red rosemary tiles. The site is bounded by established hedging with a number of mature trees/shrubs predominately around the perimeter of the garden ground. Trees within the site are protected by the provisions of the Conservation Area legislation.

Planning permission is being sought to erect a new house on the site. A concurrent application for Conservation Area Consent (2015/0159/CAC) for the demolition of the existing house has been recommended for approval. This recommendation has been referred to Historic Scotland and they have no comments to make on it and the Conservation Area Consent application can be determined without further reference to them.

The proposed new house is single storey and of contemporary design with a general "U" shaped footprint that extends to approximately 270 sqm. The existing access onto Otterburn Drive would be retained. The house fronts onto Otterburn Drive and would comprise an integral double garage at the front while on the opposite side of the entrance courtyard there would be the kitchen and lounge area. These two parts of the house would link into the widest part of the house to the rear which would accommodate five bedrooms. All three sections of the house would have monopitch roofs with a flat roofed section over the entrance hall and a galleried corridor. Multiple sets of glazed sliding doors would open out onto a rear terraced area with the majority of windows being high level, horizontal, openings. The house would be finished in render with timber cladding panels and a slate finish on the pitch roof. Minor alterations to the existing areas of hardstanding are proposed. It is anticipated that two trees would be removed adjacent to the existing garage with the intention to retaining existing the boundary treatment/hedge.

The Giffnock Conservation Area Appraisal identifies Otterburn Drive as within the oldest part of the Conservation Area with large detached properties that are set in generous gardens. Many of these predate 1900 and most built before circa 1940. The property has been identified in the Appraisal as an unlisted "positive building" although it is not specifically referred to in the document. The existing house was built circa 1941-1970. Section 8.3 of the Appraisal sets out 6 criteria against which new developments should be assessed.

The application requires to be assessed against the Development Plan and any material considerations. The relevant policies in the East Renfrewshire Local Plan are E1, E4, DM1 and DM2.2. Policy E1 presumes against developments which would be out of keeping with, and detrimental to, the surrounding area. Policy E1 also requires that, where acceptable, proposals comply with Policy DM1.

Policy E4 requires that a development within a Conservation Area should preserve or enhance its character and be consistent with the Council's Conservation Area Appraisal.

Policy DM1 sets out general planning criteria against which all developments are assessed. In this case the determining criteria are considered to be: 1) not result in significant loss of character or amenity to the 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 involve a significant loss of trees; 6) ensure open space standards are met; 7) meet Council car parking and access arrangements; and 8) not prejudice the amenity of neighbouring properties by restricting sunlight or privacy.

Policy DM2.2 sets out four determining criteria against which proposals for replacement houses will be assessed. The relevant criteria in this case are considered to be as follows: 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; 3) existing building lines should be respected; and 4) proposals should preserve and enhance the character and amenity of the area.

While the design of the existing house itself does not make a significant contribution to the Conservation Area or the immediate area the site does contribute to the townscape qualities of the area. A redevelopment proposal which, for example, maintains existing building lines, respects the predominate built form at the locus and has minimal impact on established trees and hedging, could enhance and add value to the streetscape qualities on this prominent and important corner site. As previously stated, the Giffnock Conservation Area Appraisal indicates that Otterburn Drive is within the oldest part of the Conservation Area where there are large houses on generous plots. There are also smaller houses, including single storey houses, on more modest plots particularly, for example, to the rear and south of the application site. While the preference would be for a two storey replacement

house which would provide, and continue to have, a presence on this corner plot, there are no objections, in principle, to the erection of a single storey house on the site. The acceptability or otherwise of the proposal will depend on its design and detailing. It should also be noted that the decision on the Conservation Area Consent application does not automatically presume that the new house being proposed is acceptable.

The proposed new house is of a contemporary design which does not relate to the established properties within the Conservation Area. In particular, the proposed house has monopitch roofs which conflict with the clearly predominant traditional dual pitch roof profiles in the area and the wider Conservation Area. It is noted that the proposed sloping roof planes of the monopitch roofs are outward facing and would be finished in a slate finish which, the applicant considers, would match the older existing properties. While there are aspects of the roof profile which are acceptable, the new house does not respect local architecture and built form and would present a discordant element on the streetscape. Approval of the proposed house would neither preserve nor enhance the character of the Conservation Area as required by the Development Plan, the Giffnock Conservation Area Appraisal and Scottish Government advice.

Location in a Conservation Area does not specifically presume against innovative designs provided they do not create undue harm to established amenity and character of the Area. Consideration could be given, for example, to a two storey house with a frontage which respects the character of the area and a more contemporary rear elevation. Alternatively, a single storey house which respects houses in the area could be considered. It is considered that the submitted proposal will not make a positive contribution to area and therefore does not accord with Policies DM1(1) and DM1(2).

The proposal would not result in significant loss of trees and details of any tree works can be addressed by appropriate conditions if approved. The proposal is considered to accord with Policy DM1(3).

Adequate garden ground can be provided for this development and is therefore considered to accord with Policy DM1(6).

With regard to the Policy DM1(7), the Council's Roads Service has no objections to the proposal subject to conditions relating to alterations to the footway crossover and surface water drainage. The proposal is considered to accord with Policy DM1(7).

The proposal will not result in significant overlooking or loss of privacy to the neighbouring properties. The site is set on a north/south axis and there will be no significant overshadowing of neighbouring properties. The proposal does not therefore conflict with Policy DM1(8).

Policy DM2.2 refers specifically to the erection of a replacement house and the matters relating to criteria 1 have already been addressed. The proposal therefore fails to comply with DM2.2(1).

With regard to criterion 3, the proposed house is set forward of the front of the existing house and therefore projects beyond the established building line on this part of Otterburn Drive. The proposal conflicts with Policy DM2.2(3).

Criterion 4 requires that proposals should preserve and enhance the character and amenity of the area. In order to "preserve" a development is considered to leave the character or appearance of the area unharmed and "enhance" is to make a positive contribution to the area. For reasons stated above, it is considered that the proposal would neither preserve nor enhance the area. It would have a negative impact on the established amenity and would not add value to the character of the area due to the design and siting of the house. The proposal conflicts with Policy DM2.2(4).

Drawing the above matters together, it is considered that the proposal does not fully comply with Policies DM1 and DM2.2 and cannot be supported by Policies E1 and E4.

In terms material considerations, the proposed Local Development Plan represents the Council's up-to-date policy position in respect of the consideration of development proposals. Significant weight can now be give to this document as the proposed Local Development Plan Examination Report was received from the Scottish Government in January 2015 and the recommendations will be adopted by the Council in the near future. In this case, the relevant policies are D1, D11 and it's supporting Supplementary Planning Guidance (SPG): Management and Protection of the Built Environment and Policy D15. These policies generally reflect the adopted Local Plan policies and, therefore for reasons previously stated, the proposal does not accord with the proposed Local Development Plan.

The Supplementary Planning Guidance (SPG): Management and Protection of the Built Environment provides clear guidance to applicants and developers for bringing forward development proposals. Section 2.3.4 states that:

Development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation are appraisal.

Section 2.3.9 states that:

No building should be demolished unless it can be clearly demonstrated that the replacement scheme will preserve and enhance the special character of the conservation area

Section 2.3.12 provides additional criteria and states that:

Redevelopment proposals within any of the conservation areas will also require to comply with other policies and in particular Policy D1 and D15.

For reasons given in preceding paragraphs, the proposal does not comply with the SPG and is therefore unacceptable.

The applicant has submitted a Design Statement to support and justify the proposal. The applicant considers that the original property post dates 1940 and is without architectural distinction as it has been altered and extended over the years. The building has little in common with the older, more historic, buildings in the locality and has little townscape value. It is argued that the value is in the size, disposition and character of the plot with, for example, its mature trees and hedging. The house is not suited to the challenging needs of a family member as it is split over multiple levels and the access is elevated which means that the building cannot be reconfigured. Any further alterations/additions to the house would further compromise the appearance of the building to the potential detriment of the character of the Conservation Area. The applicant considers the proposed house would allow access to all internal parts unaided and externally will provide a modest streetscape with no detriment to the positive attributes of the site.

Additional supporting documentation has been submitted in respect of the bespoke facilities required due to the family's circumstances. While the Planning Service is not unsympathetic to the applicant's situation, there is insufficient justification for setting aside the relevant planning policies and approving this particular house.

To conclude, the proposed new dwellinghouse is considered to be:

contrary to Policies E1, E4, DM1 and DM2.2 in the adopted East Renfrewshire Local Plan; contrary to Policies D1, D11, and D15 in the proposed Local Development Plan; and conflicts with the Supplementary Planning Guidance: Management and Protection of the Built Heritage

Accordingly, it is considered that for reasons stated above, that there are no material considerations that would justify setting aside the Development Plan and approving the application. It is therefore recommended that the erection of the new house be refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None

REASONS FOR REFUSAL:

- 1. The proposed development is contrary to Policies E1, E4, DM1(1),DM1(2), DM2.2(1), DM2.2(3) and DM2.2(4) in the adopted East Renfrewshire Local Plan as the siting of the proposed house does not respect the established building line and the design of the roof will not be in keeping with established building form in the surrounding area. The proposal introduces a building of inappropriate design and appearance which will have an adverse visual effect on the character of the Giffnock Conservation Area
- 2. The proposed development is contrary to Policies D1(1), D1(2), D2, D11 and D15 in the Proposed Local Development Plan as the siting of the proposed house does not respect the established building line and the design of the roof will not be in keeping with established building form in the surrounding area. The proposal introduces a building of inappropriate

design and appearance which will have an adverse visual effect on the character of the Giffnock Conservation Area

3. The proposed development is contrary to the Supplementary Planning Guidance-Management and Protection of the Built Environment as it does not comply with the design principles contained therein.

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.: 2015/0158/TP

(ALMI)

DATE: 27th May 2015

DIRECTOR OF ENVIRONMENT

Reference: 2015/0158/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

This proposal raises no strategic issues in terms of the Glasgow and the Clyde Valley Strategic Development Plan and therefore the East Renfrewshire Local Plan is the relevant policy document

East Renfrewshire Local Plan (Adopted 14th February 2011)

Policy E1

General Urban Areas

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

Policy E4

Conservation of the Built Heritage

The Council will safeguard the special character of Conservation Areas and the area at Netherlee subject to an Article 4 Direction (identified on the Proposals Map), Listed Buildings and their settings and properties included on the Inventory of Gardens and Designed Landscapes. Development likely to prejudice these assets will be resisted.

b) Conservation Areas

Development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the planning authority to contribute to character and appearance shall be preserved. Given the importance of assessing design matters, outline planning applications will not normally be considered appropriate for developments in conservation areas.

Where an existing building, listed or not, contributes positively to the character of the conservation area, the demolition aspect of policy (a) above shall apply. Where an existing building does not make a positive contribution to the character of the conservation area, proposals for its demolition will not be considered favourably unless there is a detailed planning application for a replacement development that enhances or preserves that character. Demolition shall not begin until evidence is given of contracts let for an approved replacement development.

Ref Location

E4.3

Giffnock Conservation Area

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) outlines the Council's most up to date statement of planning policy. The LDP has been examined by the Scottish Government and the Examination Report has been published. It is now intended to adopt the LDP.

Policy D1

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;
- 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;
- 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 D11

Management and Protection of the Built Heritage

The Council will safeguard the special character of conservation areas and the Netherlee

Article 4 Direction Area; sites included on the Inventory of Gardens and Designed Landscapes; scheduled monuments and archaeological sites; and listed buildings and their settings. Development likely to adversely affect these assets will be resisted.

Further detailed information and guidance is provided in the Management and Protection of the Built Heritage Supplementary Planning Guidance.

The Council will seek to secure the implementation of the environmental protection projects shown on the Proposals Map and listed in Schedule 5.

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:

Scottish Planning Policy on Conservation Areas indicates that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

Finalised 27/05/15 IM(1)

DECISION NOTICE AND REASONS FOR REFUSAL

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

REFUSAL OF PLANNING PERMISSION

Ref. No. 2015/0158/TP

Applicant

Mr Gunter Loffler 11 Otterburn Drive Giffnock East Renfrewshire G46 6PZ Agent:

Cameron Webster Architects Mr. Stuart Cameron The Printworks 10 Otago Street Glasgow G12 8JH

With reference to your application which was registered on 20th March 2015 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of single storey dwellinghouse and alterations to hardstanding

at: 11 Otterburn Drive Giffnock East Renfrewshire G46 6PZ

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:-

- The proposed development is contrary to Policies E1, E4, DM1(1),DM1(2), DM2.2(1), DM2.2(3) and DM2.2(4) in the adopted East Renfrewshire Local Plan as the siting of the proposed house does not respect the established building line and the design of the roof will not be in keeping with established building form in the surrounding area. The proposal introduces a building of inappropriate design and appearance which will have an adverse visual effect on the character of the Giffnock Conservation Area
- The proposed development is contrary to Policies D1(1), D1(2), D2, D11 and D15 in the Proposed Local Development Plan as the siting of the proposed house does not respect the established building line and the design of the roof will not be in keeping with established building form in the surrounding area. The proposal introduces a building of inappropriate design and appearance which will have an adverse visual effect on the character of the Giffnock Conservation Area
- The proposed development is contrary to the Supplementary Planning Guidance-Management and Protection of the Built Environment as it does not comply with the design principles contained therein.

Dated 27th May 2015



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
Block Plan and Location Plan	PP-104		
Proposed floor plans	PP-108		
Roof Plan Proposed	PP-109		
Elevations Proposed	PP-112		
Elevations Proposed	PP-111		
Elevations Proposed	PP-113		
Elevations Proposed	PP-114		

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

cameronwebsterarchitects



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

Date

10th August 2015

Re

11 Otterburn Drive

Reference: 1404/15.08.10/pl

Dear Sir/Madam,

Notice of Review, Planning Application 2015/0158/TP, 11 Otterburn Drive

We enclose a Notice of Review for the above-mentioned planning application which was refused on the 02nd June 2015. We trust you will confirm a date for the review in due course.

Yours sincerely,



Stuart Cameron cameronwebsterarchitects

Enc.

cameronwebster architects LLP

The Printworks 10 Otago Street Glasgow G12 8JH

t: 0141 330 9898 f: 0141 334 3641

e: mail@cameronwebster.com

Stuart Cameron DIP ARCH ARIAS Miranda Webster DIP ARCH ARIAS Robin Webster OBE RSA FRIAS

11 Otterburn Drive
Giffnock,
East Renfrewshire
G46 6PZ
NOTICE OF REVIEW
August 2015

Contents

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- 2.0 Statement
- 3.0 Documents and Evidence
 - 3.1 1404/15.08.10 Photo 01
 - 3.2 1404/15.08.10 Photo 02
 - 3.3 Email 01

1.0 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)		Agent (if ar	Agent (if any)		
Name Mr Gunter Loffle	!	Name	Stuart Cameron, cameronwebster architect		
Address 11 Otterburn Dri Giffnock East Renfrewsh	· · ·	Address	The Printworks 10 Otago Street Glasgow		
Postcode G46 6PZ		Postcode	G12 8JH		
Contact Telephone 1 Contact Telephone 2 Fax No		Contact Te Contact Te Fax No	elephone 1 0141 330 9898 elephone 2		
E-mail*		E-mail*	stuart@cameronwebster.com		
* Do you agree to corresp	ondence regarding you	_	is representative: X Yes No ent by e-mail? X		
Planning authority		East R	enfrewshire Council		
Planning authority's applic	ation reference number	er 2015/0	1158/TP		
Site address	11 Otterburn Drive, Giffi	nock, East Renfrewsh	nire, G46 6PZ		
Description of proposed development	Erection of single storey dwellinghouse and alterations to hardstanding				
Date of application 20th	h March 2015	Date of decision	on (if any) Refused		

	te. This notice must be served on the planning authority within three months of the date of the d lice or from the date of expiry of the period allowed for determining the application.	lecision
Na	ture of application	
1.	Application for planning permission (including householder application)	x
2.	Application for planning permission in principle	X
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 planning condition)	
4.	Application for approval of matters specified in conditions	[]
Re	asons for seeking review	
1.	Refusal of application by appointed officer	X
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	
Re	view procedure	
time to d	e Local Review Body will decide on the procedure to be used to determine your review and may e during the review process require that further information or representations be made to enable determine the review. Further information may be required by one or a combination of process; written submissions; the holding of one or more hearing sessions and/or inspecting the ich is the subject of the review case.	le them edures,
har con	ase indicate what procedure (or combination of procedures) you think is most appropriate indling of your review. You may tick more than one box if you wish the review to be conducted inbination of procedures. However, please note that the Local Review Body is not bound to account request(s) and will decide what procedure will be used to determine your review.	ed by a
1.	Further written submissions	П
2.	One or more hearing sessions	님
3.	Site inspection	X
4	Assessment of review documents only, with no further procedure	
bek	ou have marked box 1 or 2, please explain here which of the matters (as set out in your sta ow) you believe ought to be subject of that procedure, and why you consider further submissionaring are necessary:	
		o de completa esta constitución de la completa esta esta esta esta esta esta esta e
Site	e inspection	
In ti	he event that the Local Review Body decides to inspect the review site, in your opinion:	
1.	Yes Can the site be viewed entirely from public land?	No
		닏
2	Is it possible for the site to be accessed safely, and without barriers to entry?	Ш

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. <u>Note</u> : 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.
See attached statement

Yes No

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?		Yes [X]	No
the app	ou should explain in the box below, why you are raising new material, why it was n pinted officer before your application was determined and why you consider it si red in your review.		
Only ne applica	ew material being raised is to address the reasons for refusal. The officer did not raise these reasons di tion so we were unable to address them.	uring the	
	ocuments and evidence provide a list of all supporting documents, materials and evidence which you wish t	o subm	it with
your noti	ce of review and intend to rely on in support of your review.		apagagagan sasa sasar
Photogi	raph 1404/15.08.07/Photo 01		
Photog	raph 1404/15.08.07/Photo 02		
· ·		14	J. on A. A. Sagangan
notice of	e planning authority will make a copy of the notice of review, the review docum- the procedure of the review available for inspection at an office of the planning authority website.	ents and nority. I	d any it may
Checklis	at a second seco	tit did like til kan kan kala sa kan kan kan	
	nark the appropriate boxes to confirm you have provided all supporting documents to your review:	and evid	dence
X	Full completion of all parts of this form		
[x]	Statement of your reasons for requiring a review		
x	All documents, materials and evidence which you intend to rely on (e.g. plans ar or other documents) which are now the subject of this review	ıd drawi	ngs

<u>Note</u>. 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 10-08-15

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

2.0 Statement

We seek a review for the following reasons:

1.0 Procedure:

We question the justification of the reasons for refusal as they were not raised or discussed as being of concern during the pre-application or the planning application.

It is frustrating that the planning application had to come to the stage of review. We feel that had the planners engaged in dialogue at any stage, during pre-application or application processes, this would not have been required.

In our view the planners seemed preoccupied with resisting demolition of the existing house and their 'expectation' that a 2-storey house was required as a replacement, this despite the primary requirement for development being meeting the needs of the applicants disabled daughter. In sum we seek a review to be offered the opportunity to contest the planners' reasons for refusal that were only made known once the refusal had been published.

2.0 Historic Scotland:

We are concerned that comments received from Historic Scotland during consultation were misconstrued and misrepresented to infer that they had concerns over the design of the proposed house. Following our request, Historic Scotland clarified to the planners that they had made no comment with regards the quality of the proposals of new build, since they had not had sight of them and there was no requirement for them to offer an opinion on the design of the new house. We are concerned that this misunderstanding has skewed the evaluation of the proposals and seek a review to ensure that the proposals can be reviewed in isolation from this misunderstanding.

3.0 Reasons for refusal:

3.1 Building line

On the specific reasons for refusal the first is an assertion by the planners that the proposals do "not respect the established building line" and we wish to challenge this assertion taking account of the following:

3.1.1 The proposed building has a building line on the north elevation that matches the existing building. The attached photograph 1404/15.08.10/Photo 01 highlights that no "established" building line exists and therefore assume that the planners are not refusing on the basis of the building line to this elevation.

- 3.1.2 Following on from the above we therefore assume that the planners are concerned with the building line on the west elevation, which relates to the neighbouring building to the south. Being a corner site and the continuation of Otterburn Drive following a curved path northwards, there are no buildings to the north on this building line.
- 3.1.3 There is a significant distance (approximately 23 metres/25 yards) between the proposed house and the neighbouring house to the south. This is significantly greater than the normal grain of the area, which limits the ability for the two buildings to be read together with regards their alignment, questioning the assertion that an established building line exists.
- 3.1.4 11 Otterburn Drive was formerly a tennis court that had been excavated and leveled, resulting in it sitting considerably lower than Otterburn Drive and the site to the south. This significant change in level further limits the ability to read the buildings together with regards an "established" building line.
- 3.1.5 The topography of Otterburn Drive is such that the boundary between number 11 and the site to the south coincides with the crest of a slope as shown on the attached photograph 1404/15.08.10/Photo 02. This topography further diminishes the ability to read any established building line between the two properties.
- 3.1.6 The planner refused to meet us on site to review their expectation of a 2-storey proposal. (see attached email dated 23rd April). Had the officer raised the issue of the building line wish us and had there been a willingness to meet and engage at the site, we would have been able to demonstrate the above in support of the proposed building and its positioning on the site.
- 3.1.7 In summary, it would appear that assertion that an established building line exists has been made solely on the basis of the OS plan and we would consider consider this to be a flawed appraisal (given comments 3.1.1 to 3.1.6 above).

3.2 The roof

The second reason for refusal states that "the roof [of the proposal] will not be in keeping with established building form in the surrounding area". The planners report acknowledges, "being located in a Conservation Area does not specifically presume against innovative designs provided they do not create undue harm to established amenity". We agree that the character of the area is that of slate clad pitched roofs and that is what we have proposed. The proposed roof runs from eaves level up to the ridgeline, sitting towards the centre of the site. The front and rear portion of the roof is held apart by a flat roofed element, forming the entrance and the circulation spine of the house. From the street the form will be that of slate clad pitched roofs and rendered walls, which is in accordance with the buildings from the area and will not create harm to the amenity of the area as the planners suggest.

4.0 The notice of refusal does not list all of the submitted drawings as being refused. We are not clear why this is the case but attach a full set of the submitted drawings for ease of retrieval, including the street elevations and the 3d sketch of the proposed house.

3.0 Documents and Evidence



Building line of neighbouring house (10 Douglas Avenue)

Eastward looking along North elevation



View of 13 Otterburn Drive.

The slope of the road between 11 and 13 Otterburn Drive along with the lowered level of 11 Otterburn Drive relative to the road results in no visible building line at street level. From: Mitchell, Alison (Env) <alison.Mitchell@eastrenfrewshire.gov.uk>

Subject: RE: planning applications 11 Otterburn Drive

Date: 23 April 2015 17:48:41 GMT+01:00 To: Stuart Cameron

I have visited, and familiar with, the site. There would be no merit to a site meeting unless a revised scheme had been submitted, either formally or informally, for consideration.

I would reiterate that I would be happy to comment on draft revisions. Alternatively, if you wish the application to be progressed on the basis of the current submission, please advise accordingly.

Regards Alison

Alison Mitchell Senior Planner **Environment Department** Tel: 0141 577 3117

East Renfrewshire: Your Council, Your Future

www.eastrenfrewshire.gov.uk

Please consider the environment - do you need to print this email?

Information security classification No marking No special handling practices PROTECT Protective action required

PROTECT+ Additional protective action required DPA sensitive

From: Stuart Cameron [mailto:stuart@cameronwebster.com] Sent: 23 April 2015 14:47 To: Mitchell, Alison (Env) Subject: Re: planning applications 11 Otterburn Drive

Alison

Thank you for the update.

Are you amenable to meeting me on site in the first instance to review/discuss your comments.

Best

Stuart



aerial view looking north (model shown pulled apart in all photos)

11 Otterburn Drive Giffnock, Glasgow G46 6PZ

DESIGN STATEMENT

PLANNING APPLICATION March 2015



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- 4.2 Space standards
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4.0 Conclusion



1.0 Introduction

1.1 The Brief

This planning report has been prepared by cameronwebster architects to accompany the application for planning consent in relation to the proposal to demolish the existing building, 11 Otterburn Drive, Giffnock, Glasgow G46 6PZ and to construct a new detached five bedroom single storey family house in its place, that will cater for the needs of the owners' disabled daughter. The development includes the retention of the garden space, along with the boundary hedge and trees around the perimeter, and will enhance the leafy open nature of the area.

1.2 Pre-Application Discussion

This proposal has evolved following a series of discussions and pre-application submissions since 14 March 2014 with Ms Alison Mitchell, a senior planner of the Development Management Department of East Renfrewshire Council. A justification for demolition was requested, along with detailed proposals of what was intended to replace the existing building.

The purpose of this report is threefold; to argue that the existing building at 11 Otterburn Drive does not merit its classification as a "positive" building in conservation area; to explain that the building is not capable of repair or alteration to meet the needs of the disabled daughter; and to demonstrate that the proposed replacement will be a significant improvement over the existing building and will make a positive contribution to the character of the area.



2.0 Justification for demolition

The Site

The building subject to this application sits on the former site of a tennis court that belonged to a neighbouring detached period house of historic architectural merit, prior to the properties being split. They are now in separate ownership.

The site is a corner plot which comprises a single detached dwelling sitting in a large garden. The house is set back from the road and is surrounded by a tall hedge. There are several mature trees in the vicinity of the site although none are protected by tree preservation orders.



Site View 1



Site View 2



Site View 3

















buildings deemed to be not 'positive'

buildings deemed to be 'positive'

2.1 Defining a positive Building

From pre-application discussions it has been made clear to us that Number 11 enjoys protected status by dint of being within the conservation area and furthermore identified as a 'positive building' in the Townscape Appraisal Map. The conservation area appraisal defines 'positive buildings' as those 'which retain all or a high proportion of their original architectural detailing and which add interest and vitality to the appearance of the conservation area' and further states that they will be 'good examples of relatively unaltered historic buildings ... that make a positive contribution to the special interest of the conservation area.'

However we would contend that Number 11 does not deserve this protected status. It was originally built after 1940, in a block-like two storey form without any architectural distinction, and has since undergone a series of clumsy alterations and additions, a flat roof extension, a converted garage unsympathetically positioned aside hous and pastiche "trusses" applied to the external render and to the chimney. A building that shares little in common with the historic houses for which conservation area protection was originally imposed has been further impaired by these changes. In appearance it shares much in common with other buildings that have been purposely excluded from the 'positive building' designation. (see opposite page)



front elevation from street



south west elevation from street

2.2 Number 11's positive attributes

Considering the above, the 'positive' contribution made by number 11 to the character of the conservation area is dependant solely on its nature as a single detached dwelling on a large plot, set back from the main road and surrounded by mature trees and well established hedges which will be retained in the proposed scheme. The appearance of the building itself plays no part in this contribution. The building is not listed.

We would argue that 'the building is of little townscape value' and our proposal for the demolition of Number 11 therefore meets the justification of the Scottish Historic Environment Policy (para.3.58) (SHEP), as required in the Council's Conservation Area Appraisal (7.1.1)



front elevation- vehicular access to houseentrance set back from road



view towards the front elevation



view towards the north east elevation

2.3 Unreasonable adaptation

In addition to this justification SHEP also states that demolition of a building in a conservation area may be permitted 'if its form ... makes its re-use extremely difficult.' In this case the family's daughter is significantly disabled and at present Number 11 is extremely difficult for her to access and does not meet her needs, contrary to the Council's own Development Management Policy (Chapter 11 Policy DM1 no 10) that requires buildings '... to meet disability needs and include provision for disabled access.' Adapting the house is not viable due to its existing form. The accommodation is split over multiple levels, the access is elevated above the ground and the entire building cannot be reconfigured. Her needs, which are increasing as her condition deteriorates, could be best met by a new bespoke house where the necessary accessibility provisions and adaptations can be designed in rather than added to an existing building.

Attempting to achieve the same condition in the existing building would result in further alteration to its appearance and therefore its contribution to the character of the conservation area may be further compromised.



access to front door



view towards the south west elevation







В





E F

2.4 Otterburn Drive vernacular

As a final justification for the demolition and replacement of Number 11, the Council's policy E4, as supported by SHEP 3.59, states that proposals for demolition will not be considered favourably unless accompanied by a proposition for a replacement building that would preserve or enhance the character of the conservation area.

Otterburn Drive largely features storey and a half dwellings, on large plots, with a mix of hipped and gable roof types. It is not unusual to see a gable end fronting the street (see images B and G)





D





3.0 Design Proposals

3.1 Key design considerations

The proposal is for a single storey dwelling within the existing planted site perimeter to comply with Development Management Policy DM2, using appropriate materials that are compatible with the existing properties in the conservation area.

The key design considerations are as follows:

To demolish the existing house as it cannot accommodate the needs of the disabled child and does not make a positive contribution to the area.

To retain the existing garden without substantial loss and maintain the present location of the building on the site.

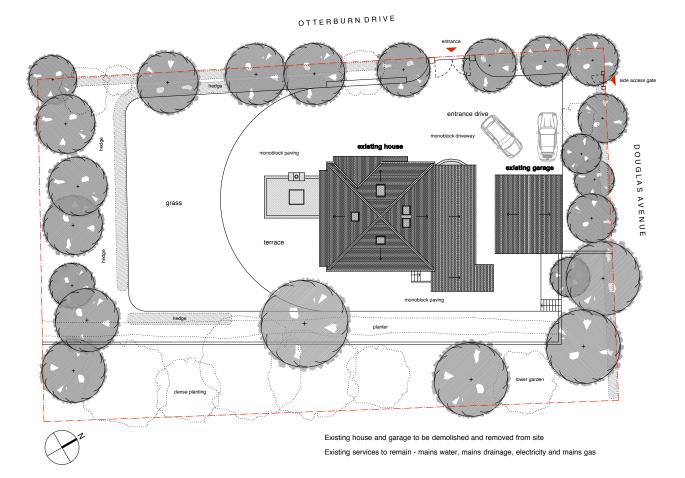
To design the entire house at a single level, to allow the handicapped daughter to access all parts of it unaided.

To reduce the height of the pitched roofs so that they are below the height of the existing trees, (matching the height of its neighbour in Douglas Avenue), retaining the trees and hedges, and thus increasing and enhancing the perception of the leafy nature of the area.

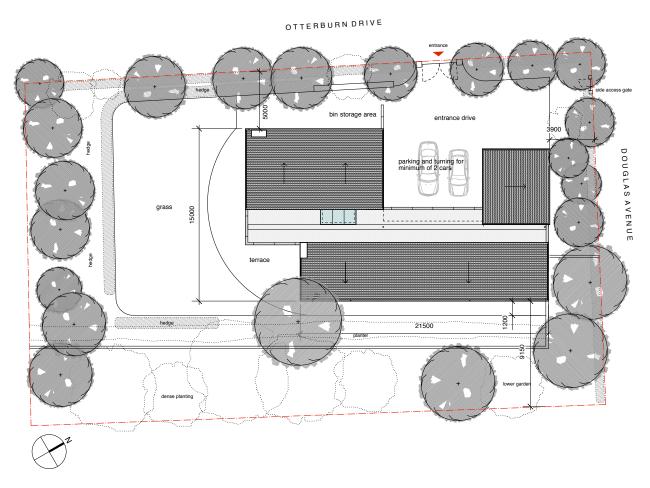
To positively address the streetscape - maintaining an appropriate scale and materiality in relation to the street as shown in section 3.5

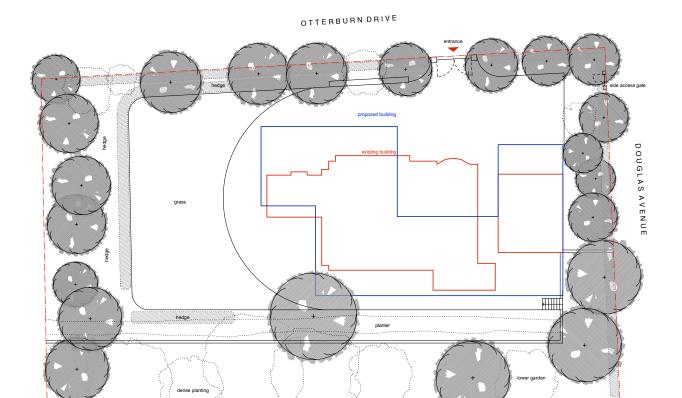
3.2 Space standards

Unlike many modern houses, the space standards proposed are generous and more comparable to the older houses considered to be 'positive' in the conservation area, with a total internal floor area of 205 sq metres, and large double height public rooms.



existing site plan

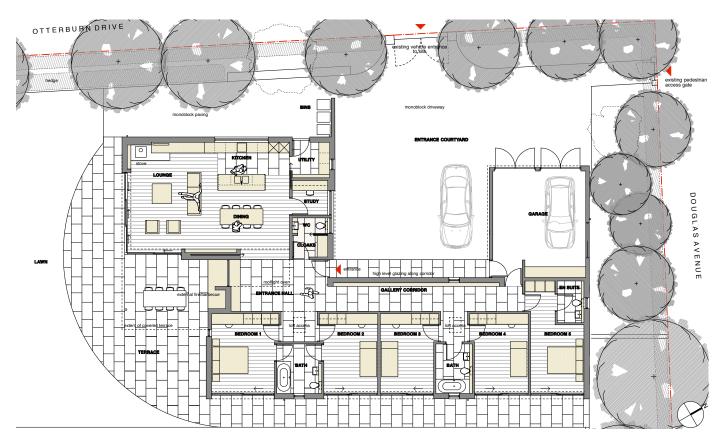




house footprint to plot ratio

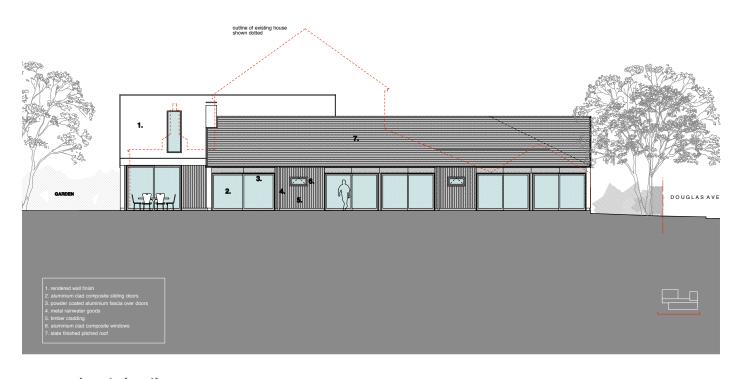
- approx. existing building footprint- 199m2
- approx. proposed building footprint- 270m2

existing footprint to plot ratio= 13% proposed footprint to plot ratio = 18%

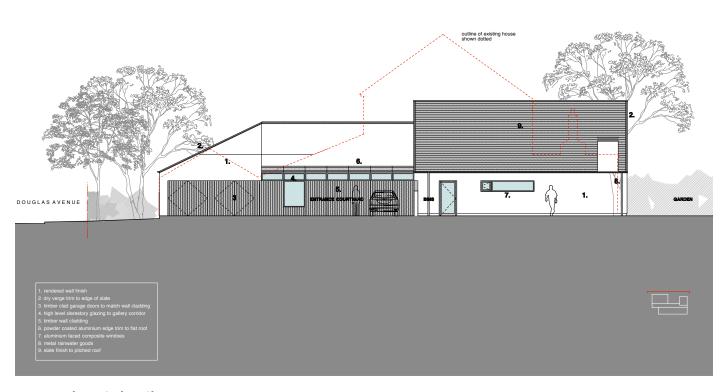


3.3 The standards set out in Lifetime Homes are achieved as follows:

- 1. On site car parking is provided, capable of achieving 3300mm width.
- 2. The distance from the car to the front door is kept to a minimum, and is covered.
- 3. The approach to all entrances is gently sloping, if not level.
- 4. The main entrance is covered and illuminated.
- 5. The width of internal doorways and hallways conform to the building regulations for wheelchair access.
- 6. The living room (and all other rooms) is at entrance level.
- 7. An accessible shower and toilet with drainage is included.
- 8. Walls in bathrooms and toilets can take handrails as required.
- 9. A hoist from a bedroom to the bathroom can be fitted.
- 10. Windows in the living room come down to ground level and are easy to open.
- 11. Switches and sockets are located at a height useable by all.



proposed east elevation



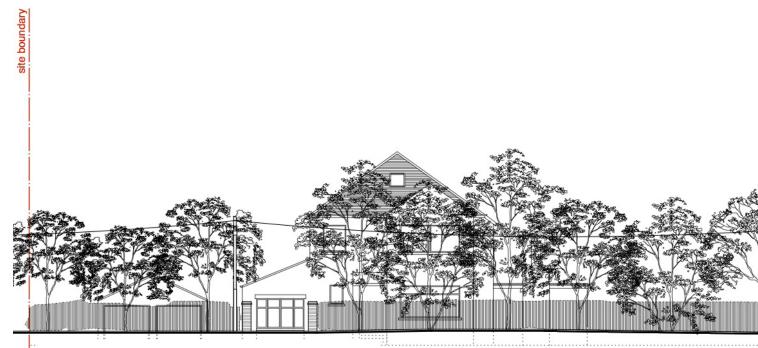
3.4 Materials

The new house will have pitched roofs, with wet dash rendered walls and timber windows and doors, to match the materials of the older existing properties.

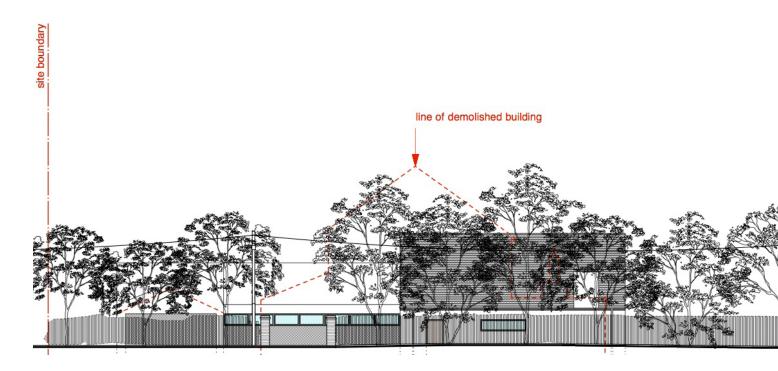
3.5 Streetscape

The existing mature trees are located around the perimeter of the site, along with the well established hedge. These will be retained as it is felt that they do make a positive contribution to the nature of the conservation area.

The proposed building provides a modest streetscape, with no detriment to the 'positive' attributes of the street.



existing west elevation showing relationship with 13 Otterburn Drive



proposed west elevation showing relationship with 13 Otterburn Drive





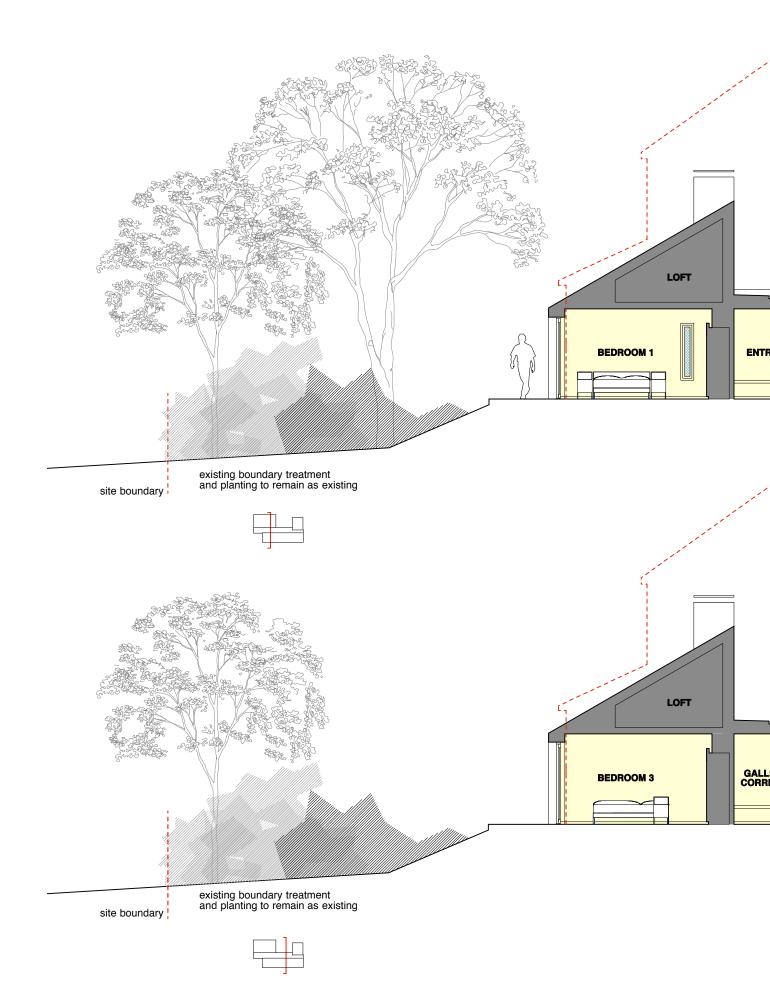
Douglas Drive, existing east elevation

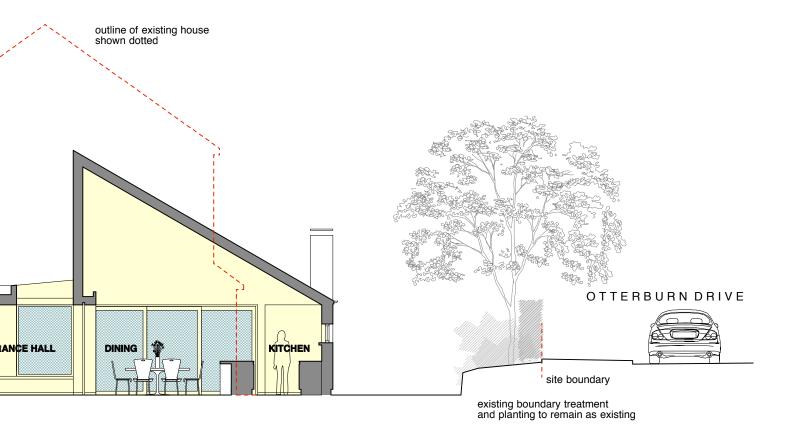


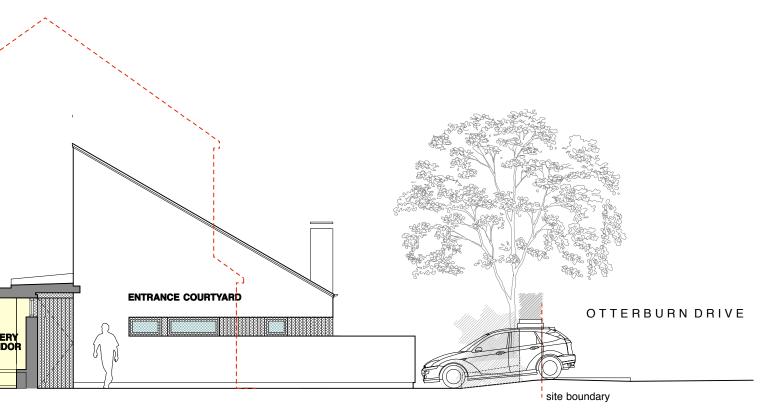
Douglas Drive, proposed east elevation











existing site access to remain as existing

3.6 Sectional design considerations

- maximized ceiling height in principal living space for comfortable living conditions- sense of space
- maximized storage space in loft
- level floors and thresholds throughout
- air movement- energy efficient, clean and comfortable environment

In addition to sensitive design this proposal provides all facilities required to comply with policy for a new dwellinghouse

3.7 Waste and Recycling management

A bin store will be provided at the entrance to the house to facilitate ease of collection.

This will be sized to accommodate storage, in line with East Renfrewshire's waste collection policy:

- 1. Room for two 240 litre landfill bins
- 2. Recycling box.
- 3. Food waste box
- 4. Clothes recycling

The kitchen will have an under counter waste bin to allow for the separation of waste and recycling. In line with the principles of Secure by Design, the binstore will be constructed with the same materials as the main house in a secure, windowless enclosure, and the door will be lockable.

It will have a washdown facility to comply with BS5906

3.8 Servicing and maintenance

As a single storey building there will not be any difficulty in cleaning the windows. Maintenance access for gutters will be via a ladder and a safe access point will be identified in the maintenance schedule.

3.9 Cycle Storage

There will be covered storage in the garage for up to six bicycles, hung from the walls.

3.10 Crime and Security

In line with the National Planning Policy Framework, the scheme will provide a safe and accessible environment thus helping in part to reduce crime and disorder. The windows in the kitchen and bedroom corridor give good views of the front court, and the rear and side garden is overlooked by the bedroom and living area windows. Door and window locking hardware and doorsets will comply with the performance and material standards set out by the relevant British Standards.

External lighting will be provided to provide security, with PIR controlled sensors.

4.0 Conclusion

The proposal seeks to reconcile the requirements of the family and their disabled daughter with the requirements of the conservation area, and to enhance the latter while providing good quality living conditions for the family's particular circumstances.

The addition of a fully wheelchair accessible home to the wider housing stock of the area, which are few and far between, will in time be a benefit to the wider community.

The proposals have been developed carefully and sensitively in relation to the site, whilst promoting good architectural design and contemporary living standards.

We believe that No 11 Otterburn drive has been wrongly identified in Figure 12 (Townscape Appraisal Map) of the Giffnock Conservation Area Appraisal for the reasons given above, and that its demolition is appropriate. Construction of a new single storey house in its place will make a positive contribution to the area, retain the garden trees and hedge and be fully compliant with current regulations and inclusive access, as well as allowing the family's disabled daughter to continue to live there as an active part of the community.

PLANS/PHOTOGRAPHS/DRAWINGS

PLANNING APPLICATION

March 2015

CONTENTS	DRG NO.	FORMAT
Cover Sheet / Location Plan	100	АЗ
Existing Building	101	АЗ
Existing Site Plan	103	АЗ
Proposed Site Plan	104	A3
Comparison	105	A3
Existing Street Elevation	106	A3
Proposed Street Elevation	107	A3
Proposed Ground Floor Plan	108	A3
Proposed Roof Plan	109	A3
Proposed Sections	110	A3
Proposed Elevation	111	A3
Proposed Elevation	112	A3
Proposed Elevation	113	A3
Proposed Elevation	114	A3
Perspectives	115	АЗ







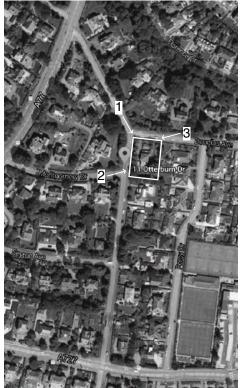
LOCATION PLAN



11 Otterburn Drive

Giffnock - Glasgow G46 6PZ

cameronwebsterarchitects



SITE

11 Otterburn Drive







SITE VIEW 3

'applied' trusses



EXISTING BUILDING



new garage erected

Notes

original garage converted



SITE VIEW 2



alterations to existing chimney

PLANNING

11 Otterburn Drive

Existing Building

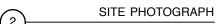
PP-101

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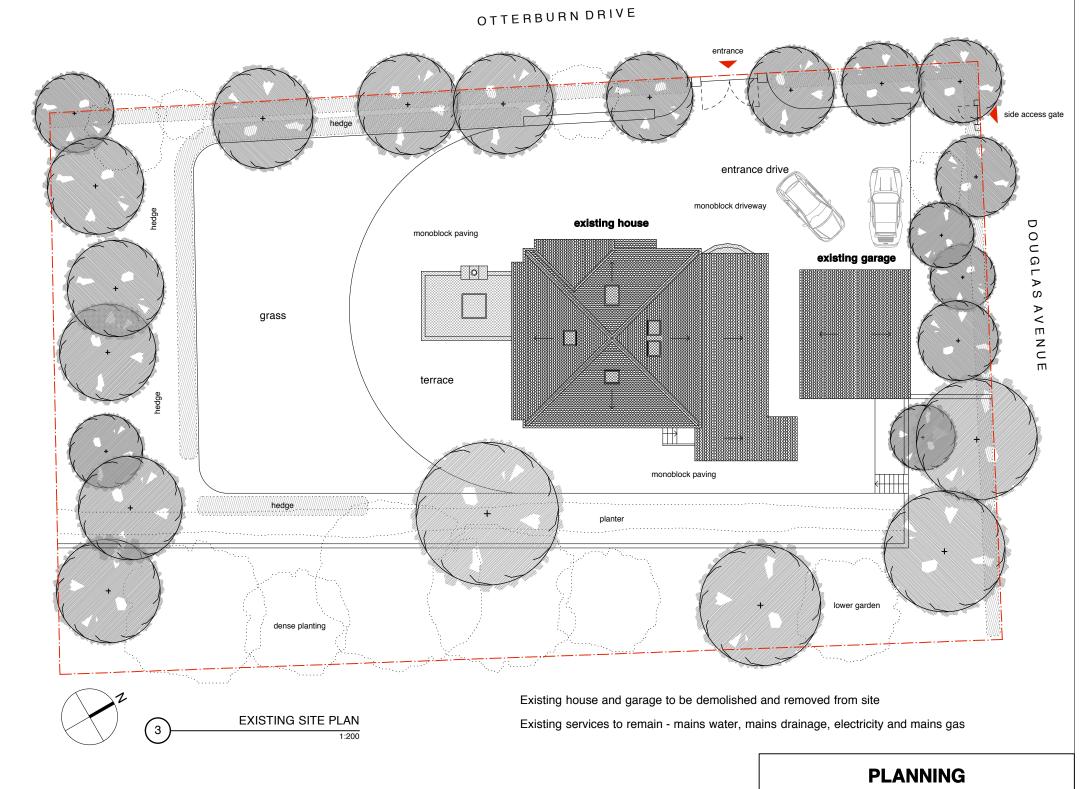
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11 Otterburn Drive

Existing Site Plan

metres

PP-103

Date : Aug 2014 Scale : 1:200 Job No : 1404

scale 1:200









Town and Country Planning (Scotland) Act 1997 REFUSED OTTERBURN DRIVE **Director of Environment East Renfrewshire Council** bin storage area entrance drive DOUGLAS parking and turning for minimum of 2 cars AVENUE grass terrace 21500 dense planting PROPOSED SITE PLAN

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PLANNING

scale 1:200

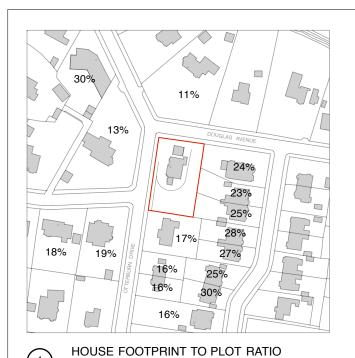
metres 0 4 8 10

11 Otterburn Drive

Proposed Site Plan

PP-104

Date : Aug 2014 Scale : 1:200 Job No : 1404

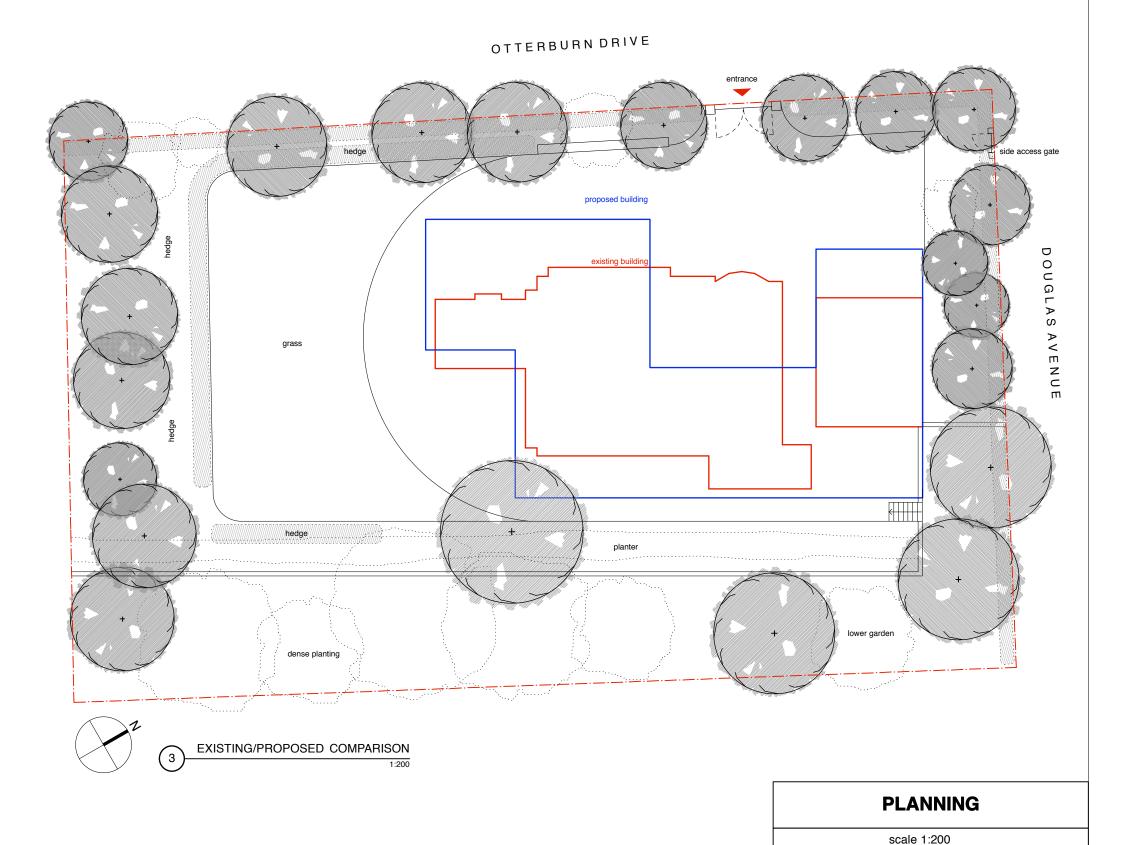


site area - 1495m2

approx. existing building footprint - 199m2

approx. proposed building footprint - **270m2**

existing footprint to plot ratio = 13% proposed footprint to plot ratio = 18%



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11 Otterburn Drive **Site Layout Comparison**

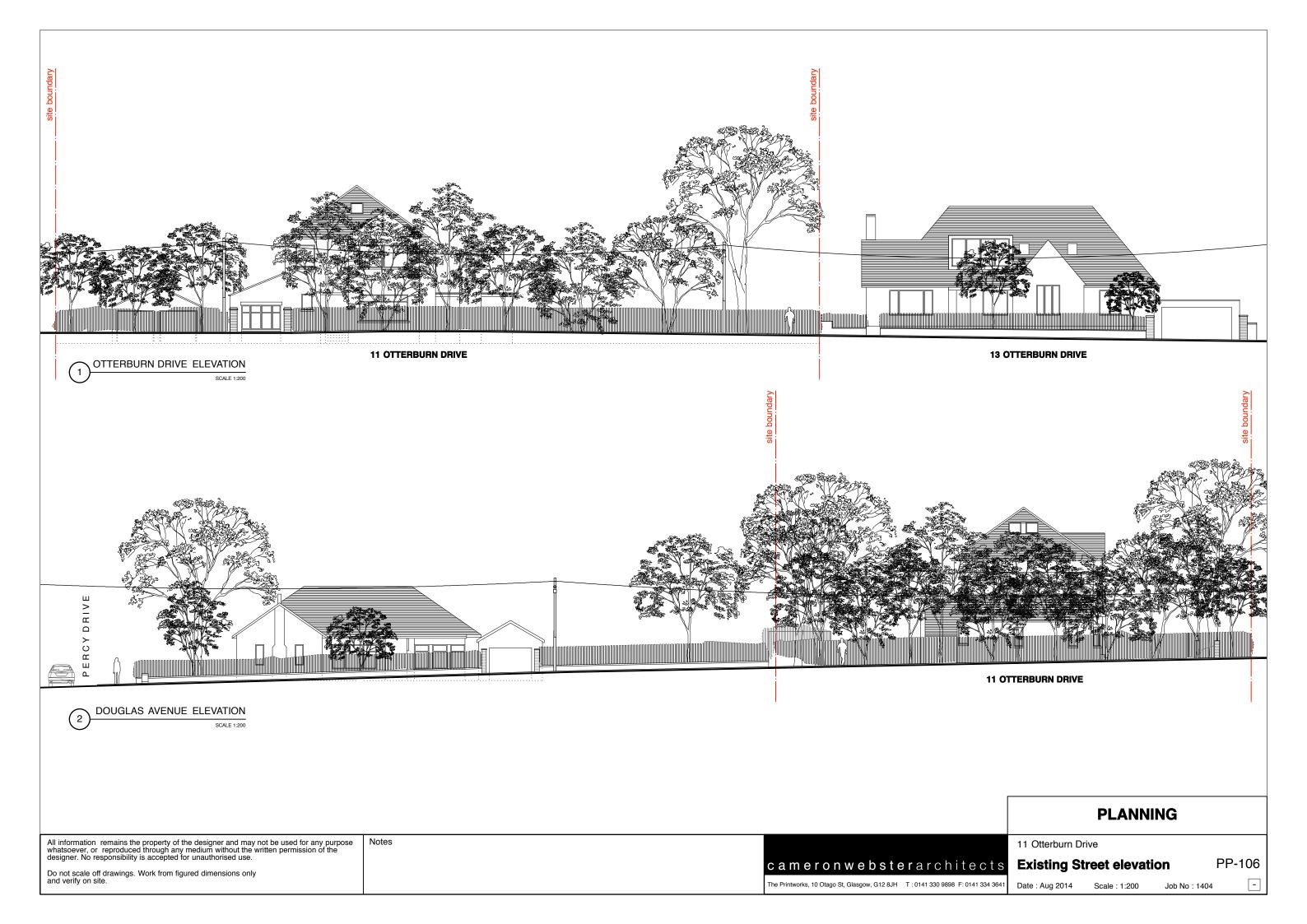
PP-105

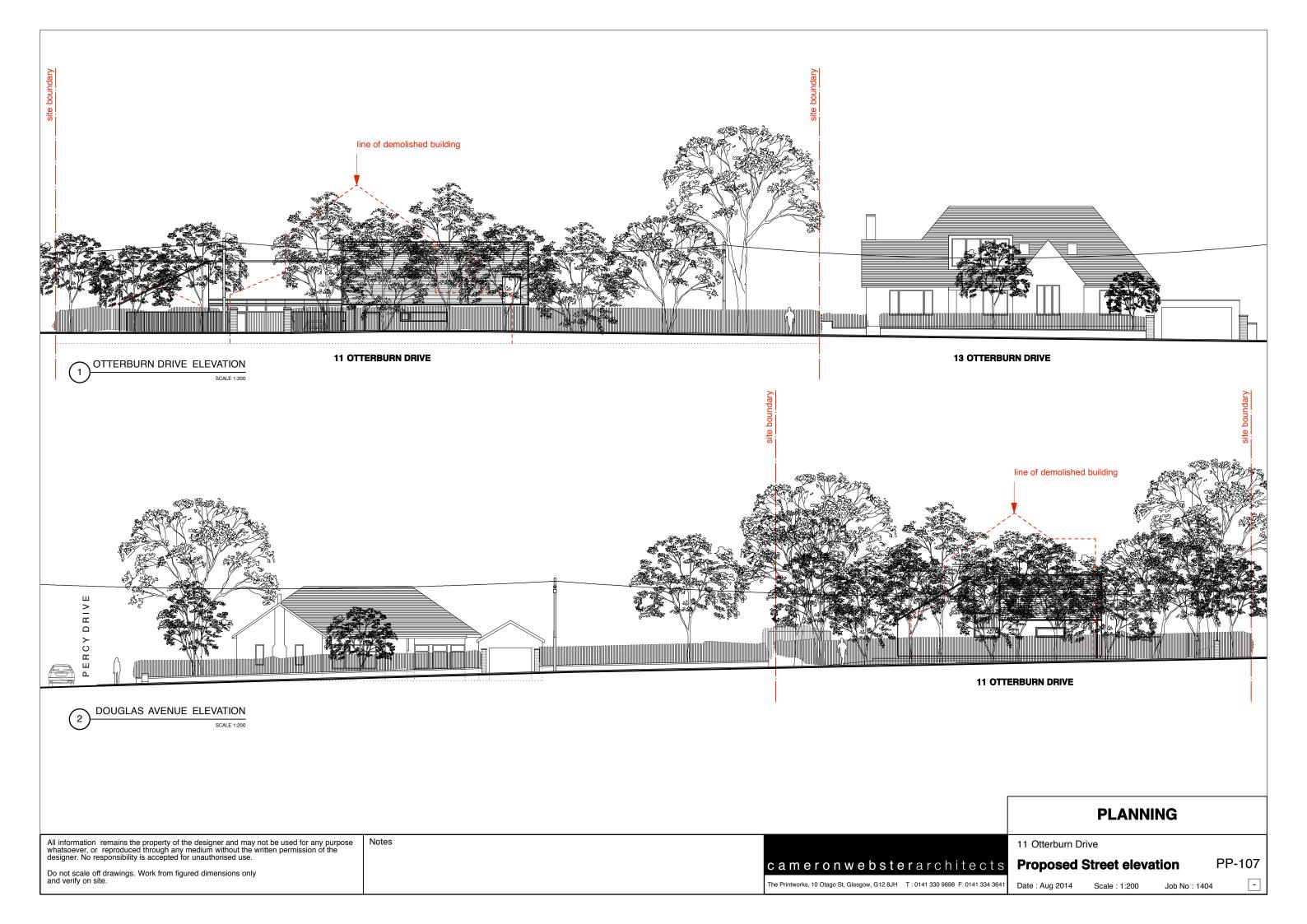
Date : Aug 2014 Scale : 1:200

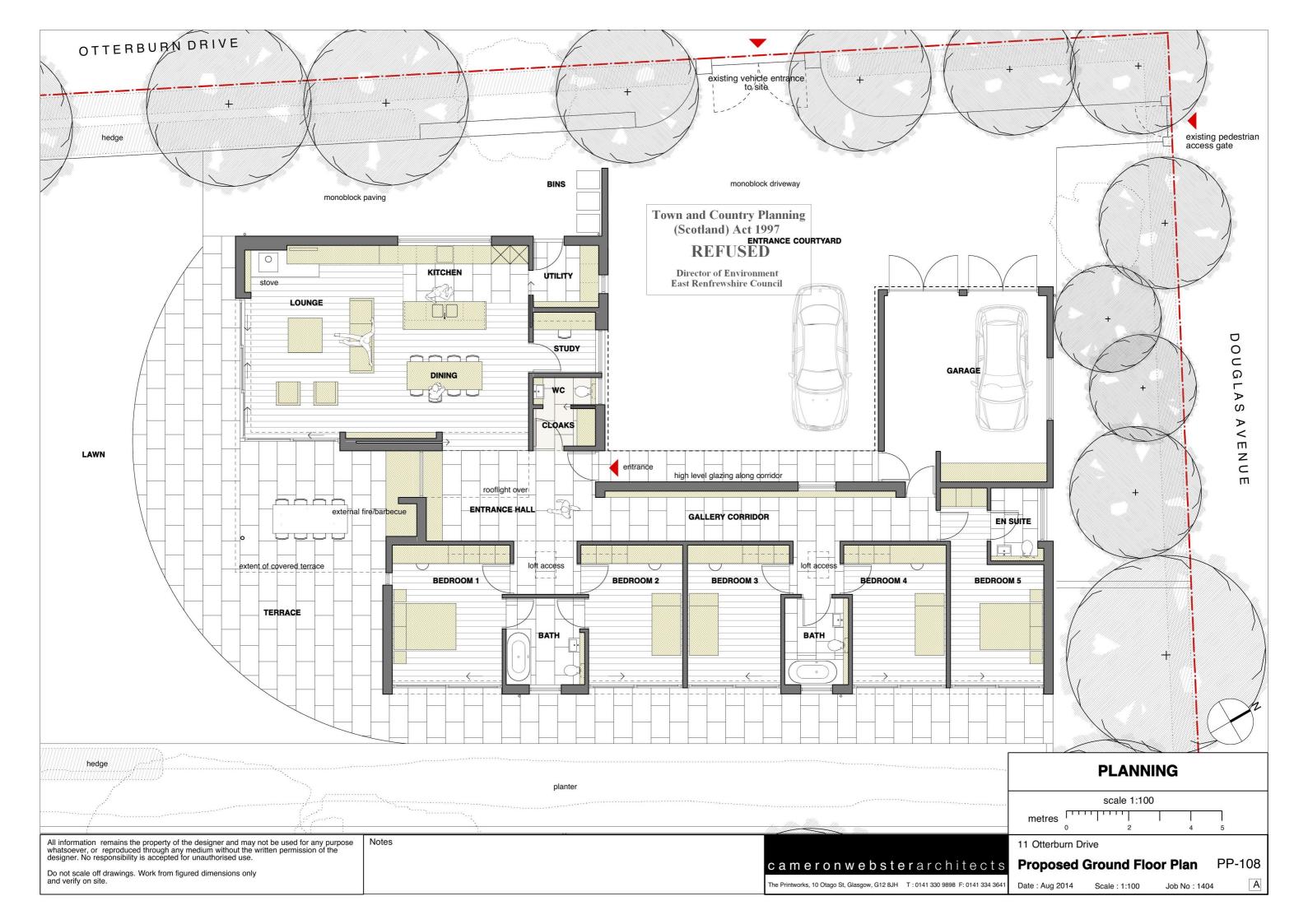
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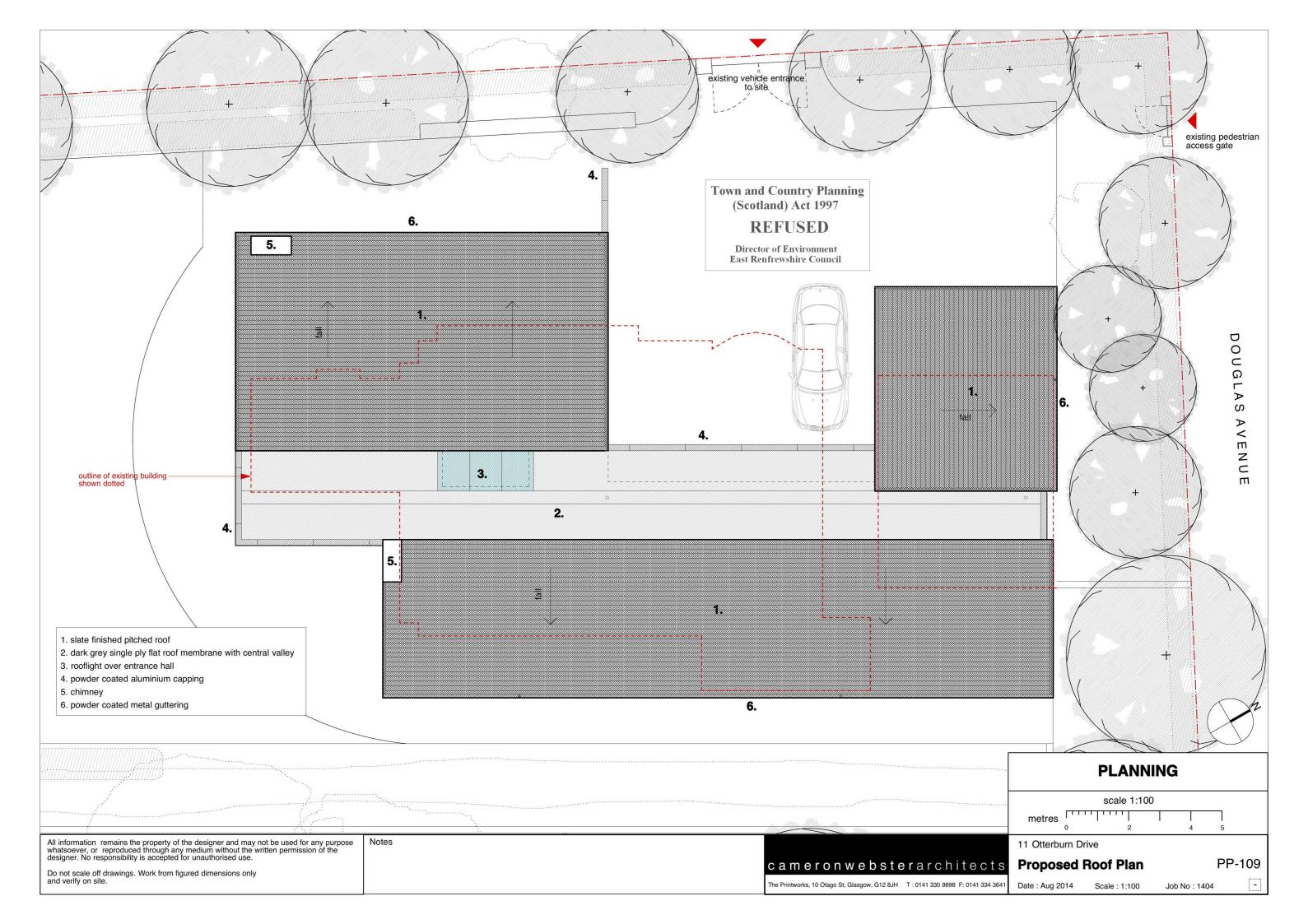
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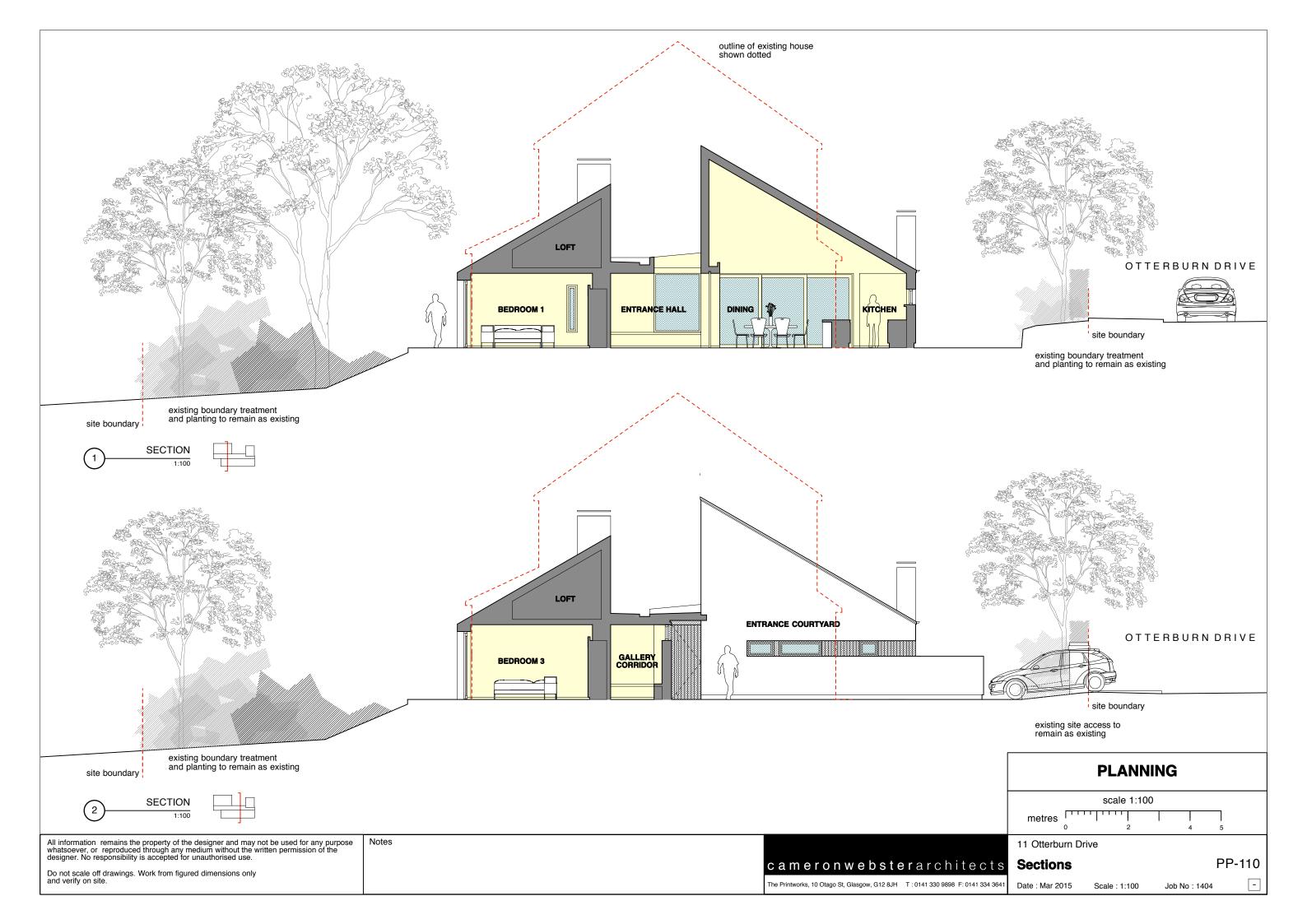
Job No : 1404







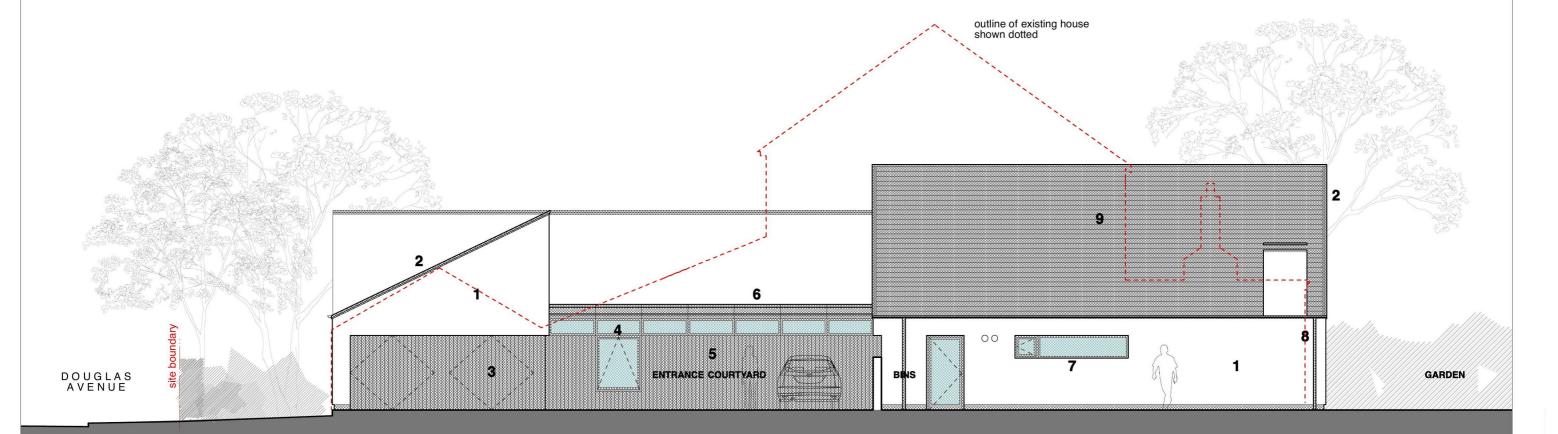




Town and Country Planning (Scotland) Act 1997

REFUSED

Director of Environment East Renfrewshire Council



- 2. dry verge trim to edge of slate
- 3. timber clad garage doors to match wall cladding
- 4. high level clerestory glazing to gallery corridor
- 5. timber wall cladding
- 6. powder coated aluminium edge trim to flat roof
 7. aluminium faced composite windoes
 8. metal rainwater goods

- 9. slate finish to pitched roof

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PLANNING

scale 1:100 metres

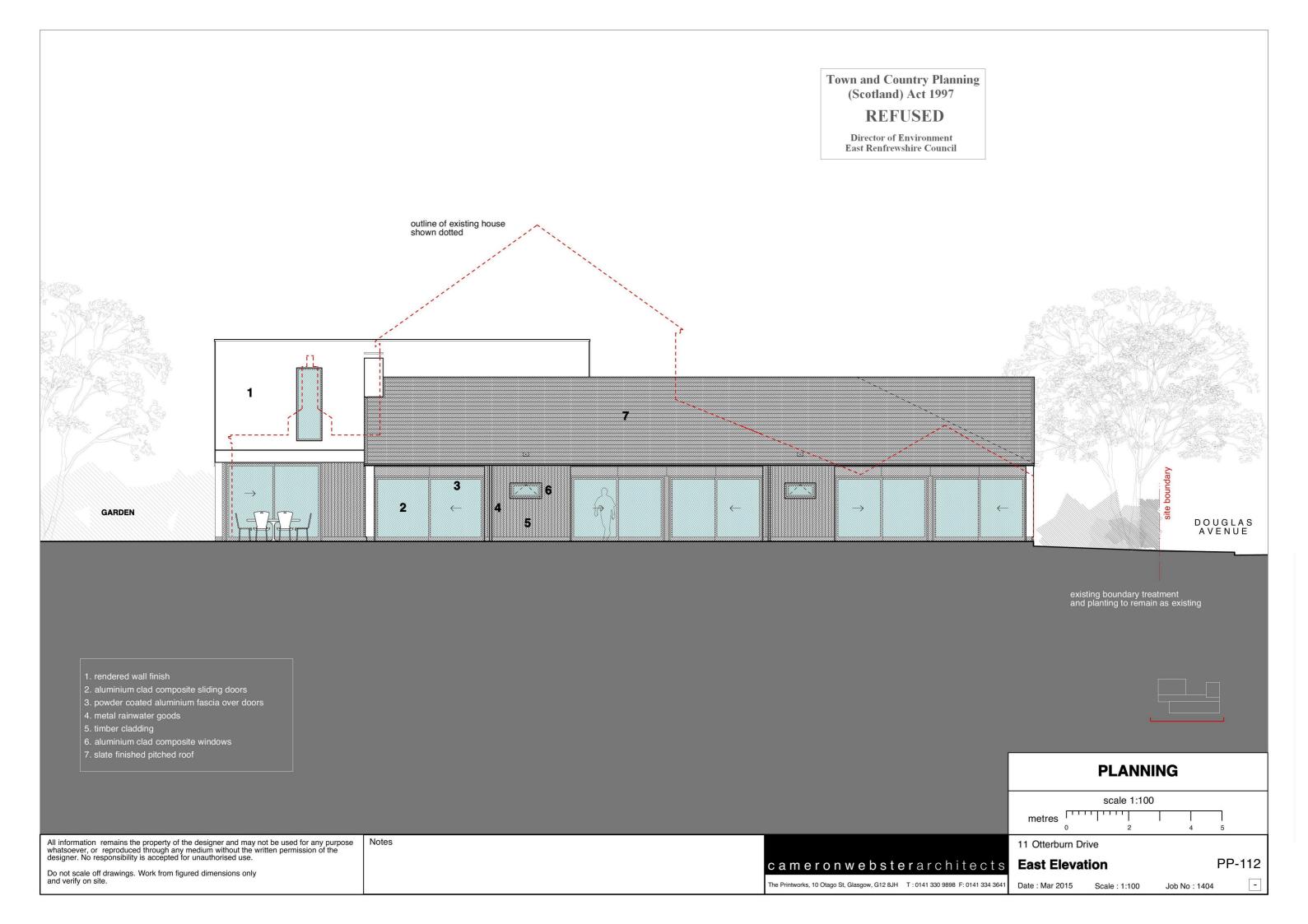
11 Otterburn Drive

West Elevation

PP-111

Date : Mar 2015 Scale : 1:100

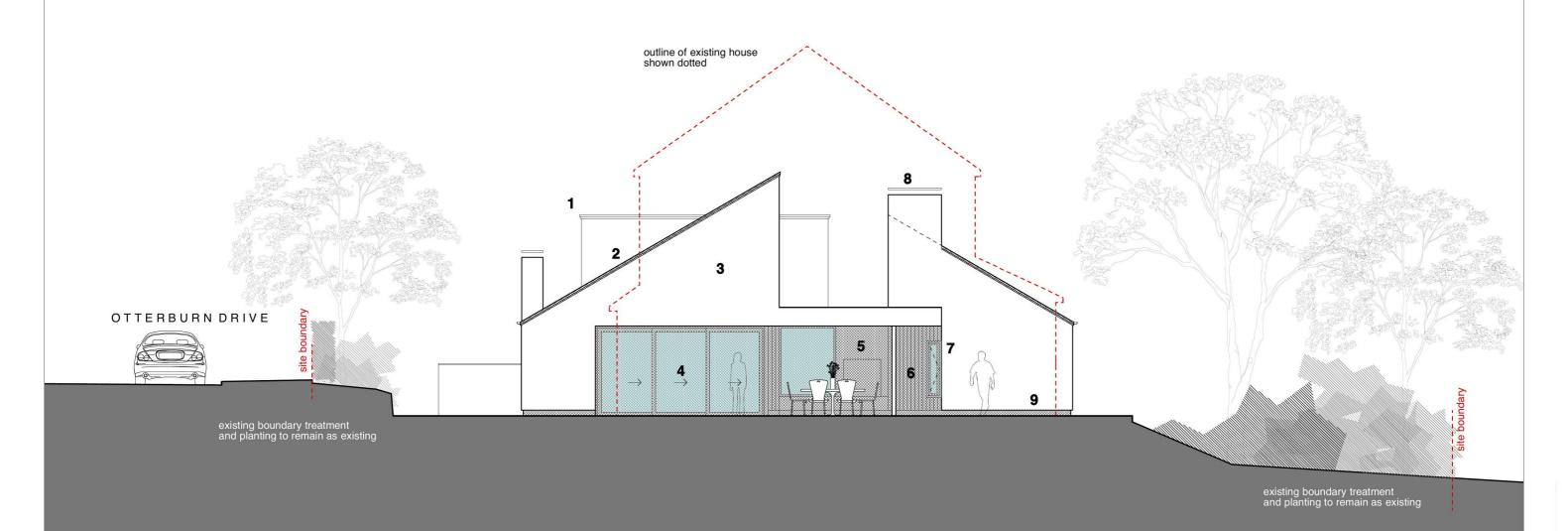
Job No: 1404



Town and Country Planning (Scotland) Act 1997

REFUSED

Director of Environment East Renfrewshire Council



- 1. garage beyond
- 2. dry verge trim to edge of slate
- 3. rendered wall finish
- 4. aluminium faced composite sliding doors
- 5. tiled barbecue recess

- aluminium faced composite windows
 s. powder coated aluminium chimney capping
- 9. rendered upstand below dpc

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PLANNING

scale 1:100 metres

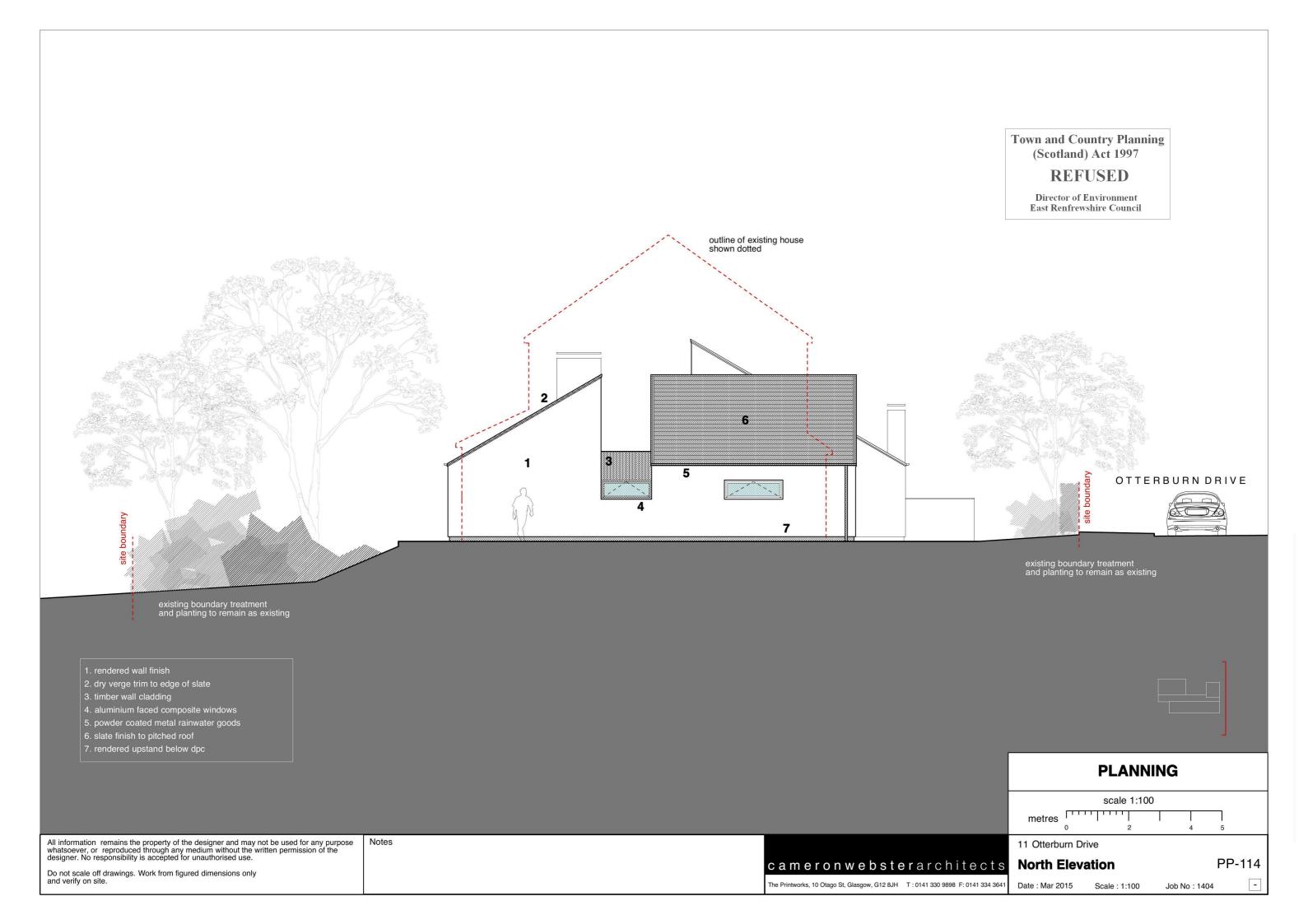
11 Otterburn Drive

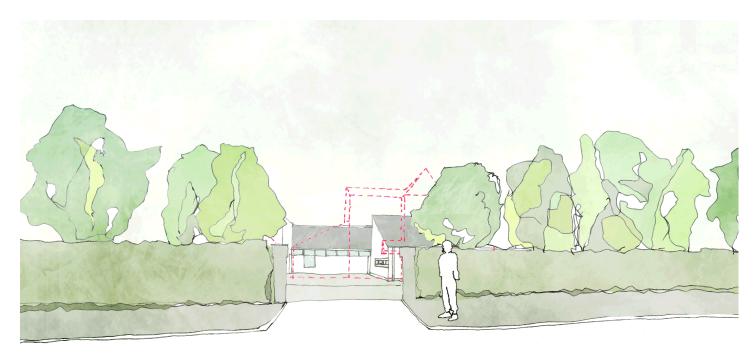
South Elevation

PP-113

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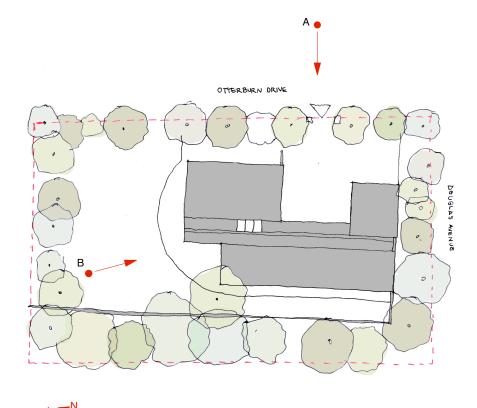
Date : Mar 2015 Scale: 1:100 Job No: 1404











VIEW B

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- — — - outline of existing building

11 Otterburn Drive

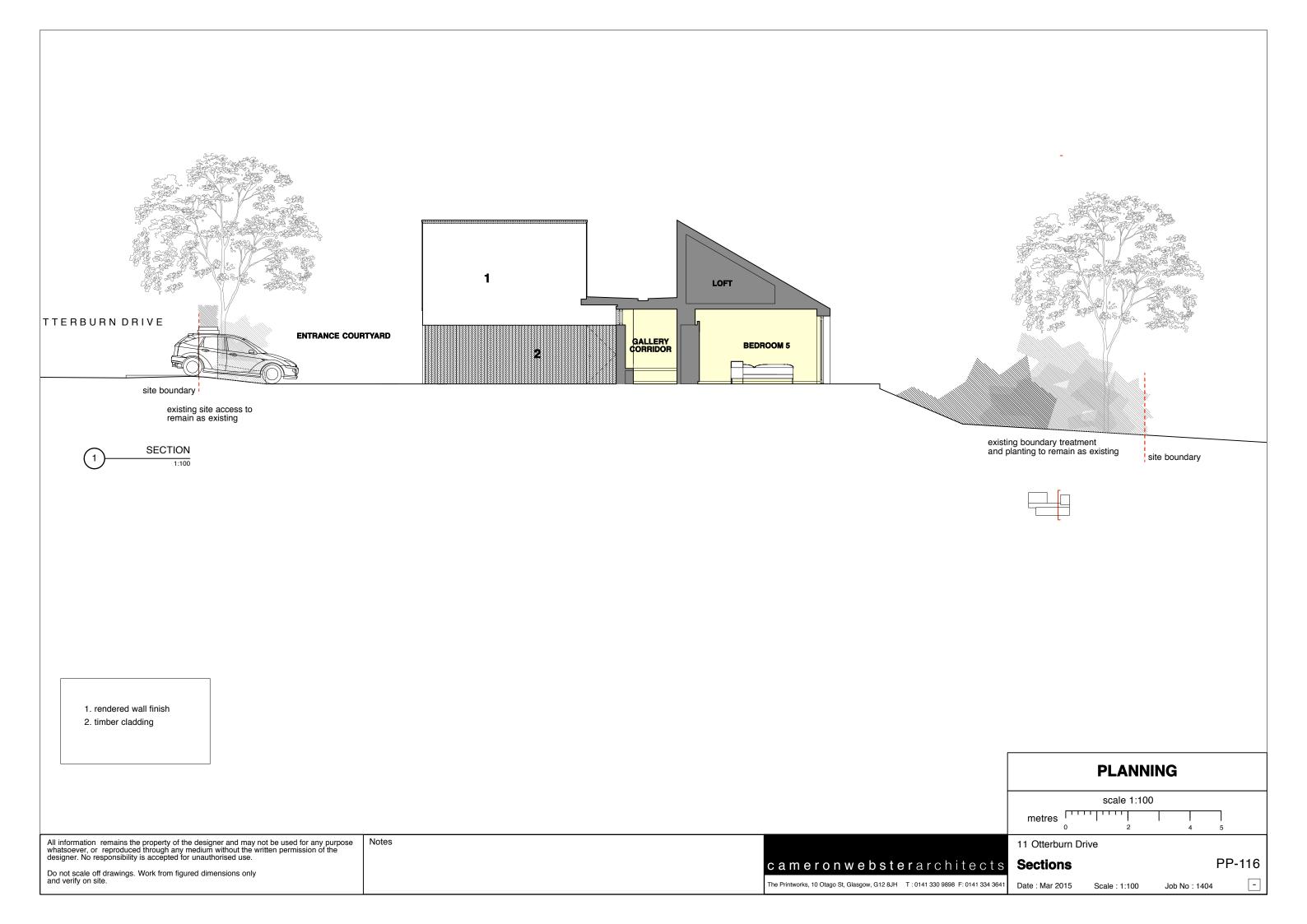
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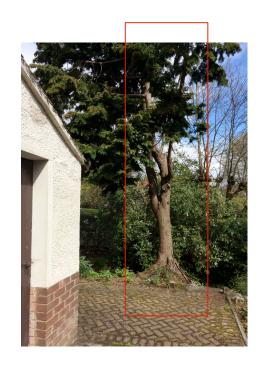
PLANNING

Perspectives

PP-115

Date : Mar 2015 Scale : nts Job No : 1404

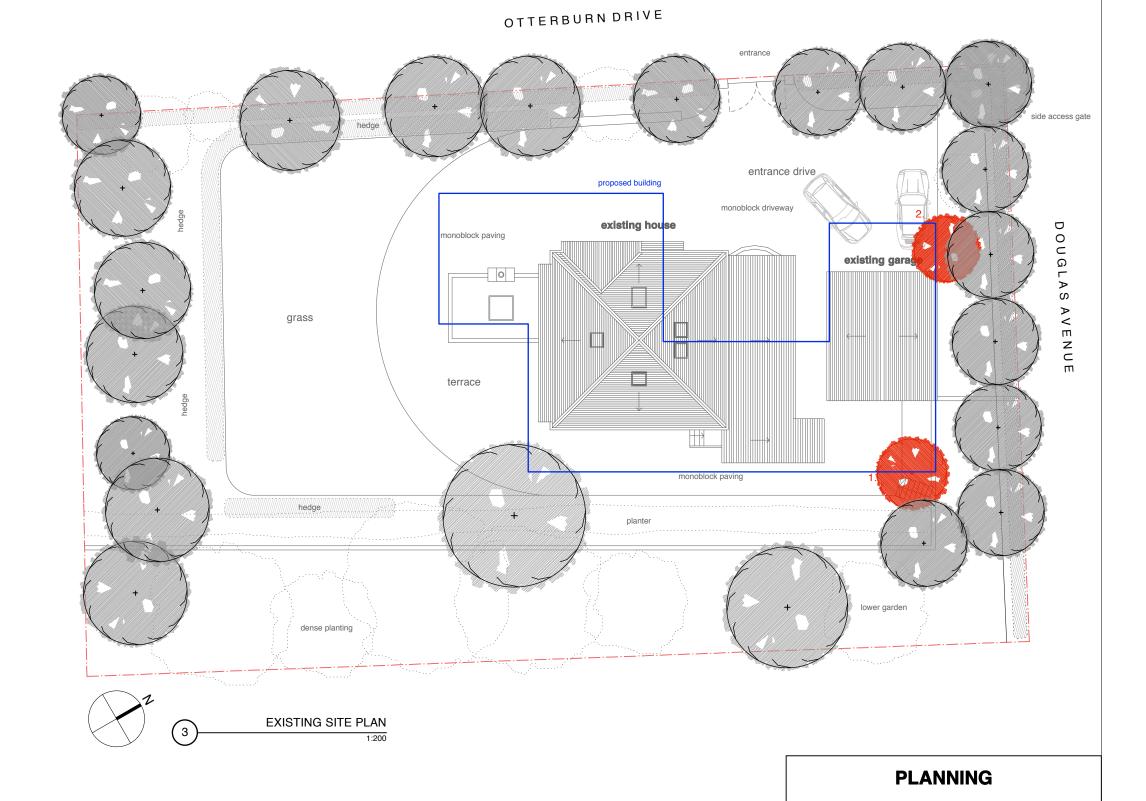




Tree to be removed



Tree to be removed



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11 Otterburn Drive

metres

Plan of trees to be removed PP-117

scale 1:200

Date : May 2015 Scale : 1:200 Job No : 1404