

**MINUTE**  
**of**  
**LOCAL REVIEW BODY**

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 8 January 2014.**

**Present:**

Councillor Kenny Hay (Chair)  
Councillor Betty Cunningham  
Provost Alastair Carmichael  
Councillor Barbara Grant

Councillor Gordon McCaskill  
Councillor Stewart Millar  
Councillor Paul O'Kane

Councillor Hay in the Chair

**Attending:**

Graham Shankland, Principal Planner (Planning Adviser); Marie Paterson, Senior Solicitor, (Legal Adviser); and Paul O'Neil, Committee Services Officer, (Clerk).

**DECLARATIONS OF INTEREST**

**884.** There were no declarations of interest intimated.

**NOTICE OF REVIEW – REVIEW 2013/05 – ERECTION OF TWO STOREY DWELLINGHOUSE AND DETACHED DOUBLE GARAGE AT LAND ADJACENT TO EASTFIELD, MEARNS ROAD, NEWTON MEARNS (REF NO: 2013/0410/TP)**

**885.** The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Mr D Stewart against the decision taken by officers to refuse planning permission in respect of the proposed erection of a two storey dwellinghouse and detached double garage at land adjacent to Eastfield, Mearns Road, Newton Mearns.

It was noted that the decision had been made in accordance with the Council's 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.

The Local Review Body, having considered the information previously circulated, agreed that it had sufficient information to determine the review without further procedure.

Following discussion, Councillor Cunningham, seconded by Councillor Carmichael moved that the decision of the Appointed Officer dated 14 August 2013 to refuse the application for planning permission be overturned and that planning permission be granted.

Councillor Miller, seconded by Councillor Grant moved as an amendment that the Local Review Body uphold the decision of the Appointed Officer dated 14 August 2013 and that planning permission be refused for the reasons stated in the decision notice.

On a vote being taken five Members voted for the motion and two Members for the amendment. The motion was accordingly declared carried and it was agreed that planning permission be granted.

The Local Review Body agreed that the decision as set out in the decision notice of 14 August 2013 be overturned and that planning permission be granted in accordance with the application for planning permission dated 21 June 2013, subject to the conditions as detailed at Appendix 1 to this Minute.

#### **NOTICE OF REVIEW – REVIEW 2013/07 – ERECTION OF TWO STOREY DWELLINGHOUSE AT LAND AT REAR OF 261 AND 263 FENWICK ROAD, GIFFNOCK**

**886.** The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Ms Pauline McFadden against the decision taken by officers to refuse planning permission for the proposed erection of a two storey dwellinghouse at land at rear of 261 and 263 Fenwick Road, Giffnock.

It was noted that the decision had been made in accordance with the Council's 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.

The Clerk advised that a further letter of representation had been received and that in accordance with the relevant regulations, the Local Review Body was required to give the applicant an opportunity to submit further comments in response thereon within 14 days of being given notification. In the circumstances, it was noted that consideration of the review case required to be continued to the next meeting to allow this consultation to take place.

Furthermore, it was noted that the applicant had submitted new evidence which was not before the Appointed Officer at the time the determination of the application was made. The new evidence was outlined in the report and included the following documents:-

- (a) Letters of support;
- (b) Photomontage with commentary;
- (c) Property photographs with commentaries;
- (d) Schedule of plot sizes and road frontages;
- (e) Ordnance survey maps;
- (f) Aerial photograph; and
- (g) Photographs and commentary on 3A Eastwoodmains Road, Giffnock.

The Clerk advised that the Local Review Body had to decide whether to give consideration to the new information as part of the review and should it decide to consider the new information which had not been previously circulated the case officer and any other interested party would be given an opportunity to submit further comments in response. Once these comments were received the applicant would also be given an opportunity to submit comments thereon.

The Local Review Body, having heard the legal adviser explain the criteria under Section 43B of the Town and Country Planning (Scotland) Act 1997 which must be met before new information can be considered, and the Planning Adviser, decided not to give consideration to the new information in the determination of the review.

At this stage, the Local Review Body agreed as follows that:-

- (a) consideration of the review case be continued to allow consultation to take place with the applicant on the terms of the further letter of representation that had been received;
- (b) the new information submitted by the applicant be not considered by the Local Review Body; and
- (c) an unaccompanied site visit take place prior to the next meeting.

CHAIR



REVIEW 2013/05ERECTION OF TWO STOREY DWELLINGHOUSE AND DETACHED DOUBLE GARAGE  
AT LAND ADJACENT TO EASTFIELD, MEARNS ROAD, NEWTON MEARNS  
CONDITIONS TO BE ATTACHED TO PLANNING CONSENT (REF NO:- 2013/0410/TP)

1. Prior to work commencing on site samples of materials to be used on all external surfaces of the building and hard surfaces shall be submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration).

Reason: To ensure the development is satisfactory in appearance.

2. Prior to work commencing on site details and location of all walls (including retaining walls), fences and gates to be erected on the site shall be submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration).

Reason: To ensure the development is satisfactory in appearance.

3. Prior to the commencement of any works on site, the existing mature tree at the north of the site identified on Drawings 005 and 006 shall be protected by suitable fencing. Fencing should be erected on at least the fullest extent of the canopy on broadleaf trees and half the height of conifer trees as set out in BS3998/2010 and BS5837/2012. Details of the location and type of fencing shall be submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration) prior to the commencement of works.

Reason: To protect the existing tree during construction works on site.

4. Visibility splays of 2.5 metres by 35 metres shall be provided in both directions at the junction of the new access with the existing road prior to the occupancy of the house hereby approved and thereafter maintained free from any obstructions exceeding a height of 1.05 metres above the adjacent road.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

5. Notwithstanding the details shown on Drawings 005 and 006 a turning head/facility shall be provided within the site. Prior to work commencing on site a plan shall be submitted for the approval in writing by the Head of Environment (Planning, Property and Regeneration) showing the turning head/facility.

Reason: To enable drivers of vehicles leaving the site in forward gear and to have a clear view over a length of road sufficient to allow safe exit.

6. A two metre wide footpath shall be formed around the frontage of the site prior to the occupation of the dwellinghouse hereby approved.

Reason: In the interests of roads and pedestrian safety.

7. Drainage must be contained within the site by a positive drainage system. Prior to work commencing on site details of the drainage system shall be submitted for the approval in writing by the Head of Environment (Planning, Property and Regeneration).

Reason: To ensure that surface water drainage does not flow directly onto the public road.