

## LOCAL REVIEW BODY

At a Meeting of the Local Review Body held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Tuesday, 6 September 2011 at 2.00 p.m.

**Present:** Provost Denis Agnew and Councillors Jim Brown, Douglas McAllister, Jonathan McColl and Lawrence O'Neill.

**Attending:** Alan Williamson, Planning Adviser; Nigel Ettles, Legal Adviser and Craig Stewart, Committee Officer, Legal, Democratic and Regulatory Services.

**Also Attending:** Mr John Andrew, Agent (DC11/064/HOU); and Mr Stephen O'Neill, Applicant (DC11/080/FUL).

**Apologies:** Apologies for absence were intimated on behalf of Councillors Gail Casey, Willie McLaughlin and Marie McNair.

### Councillor Douglas McAllister in the Chair

#### WELCOME AND INTRODUCTION

Councillor McAllister, Chair, welcomed everyone to the meeting and introduced the Elected Members and officers present.

The Chair then explained how the meeting would proceed.

#### DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in the items of business on the agenda.

#### MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Local Review Body held on 1 March 2011 were submitted and approved as a correct record.

**APPLICATION FOR REVIEW: DC11/064/HOU**

Review papers were submitted for Planning Application DC10/064/HOU – Single storey rear and side extension at 53 Geils Avenue, Dumbarton.

The Planning Adviser advised the Committee that the matter brought before the Local Review Body (LRB) related to a planning application submitted on behalf of Mrs Dorothy George. The Planning Adviser was then heard in relation to the background and current position with regard to the matter and the Review documents and photographs of the site were considered by the LRB.

Prior to the determination of the Review, the Chair, Councillor McAllister, thanked the Planning Adviser and invited the LRB to comment on whether they considered they had sufficient information to enable them to determine the review. Following discussion, Members indicated that they had sufficient information in this respect.

The LRB considered that Policy H5 of the West Dunbartonshire Local Plan was relevant to the proposal. This policy sought to safeguard the character and amenity of existing residential areas and sets out criteria for the assessment of development proposals within residential areas. In particular, the fourth criterion of the policy was considered most relevant. This was concerned with ensuring that any extension to dwellings must complement the character of the existing building, particularly in terms of scale and materials, not dominate in terms of size or height, and not have a significantly adverse effect on neighbouring properties.

In considering these matters, the LRB assessed the impact of the proposal on the building line of Geils Avenue and, in particular, Geils Quadrant. The LRB were of the opinion that the impact of the proposal on the building line was acceptable. The proposal would not have an adverse effect on neighbouring properties and its design and appearance were acceptable.

Having heard the Chair and having considered all of the information before them, the LRB were of the opinion that the proposal was acceptable in terms of Policy H5 and that planning permission be granted. Accordingly, the LRB agreed to reverse the determination of the appointed officer and to grant planning permission subject to the recommended conditions, as detailed in Appendix 1 hereto.

The Chair, Councillor McAllister, then confirmed that a decision letter to this effect would be sent to the applicant's representative.

**APPLICATION FOR REVIEW: DC11/080/FUL**

Review papers were submitted for Planning Application DC11/080/FUL – Sub-division of garden ground and erection of dwellinghouse at 17 Glenhead Road, Clydebank.

The Planning Adviser advised the Committee that the matter brought before the Local Review Body (LRB) related to a planning application submitted on behalf of Mr Stephen O'Neill. The Planning Adviser was then heard in relation to the background and current position with regard to the matter, and the Review documents and photographs of the site were considered by the LRB.

Prior to the determination of the Review, the Chair, Councillor McAllister, thanked the Planning Adviser and invited the LRB to comment on whether they considered they had sufficient information to enable them to determine the Review. Following discussion, Members indicated that they had sufficient information in this respect.

The LRB considered that Policy H5 of the West Dunbartonshire Local Plan was relevant to the proposal. This policy sought to safeguard the character and amenity of existing residential areas and sets out criteria for the assessment of development proposals within residential areas. In particular, the fifth criterion of the policy was considered most relevant. This was concerned with ensuring that any subdivision of the curtilage of a dwelling for a new house should ensure that the proposed plot can accommodate a house and garden; that the new house and garden should be of a scale and character appropriate to the neighbourhood; that sufficient garden ground should be retained for the existing house; that the privacy of existing properties should not be adversely affected; and that separate vehicular accesses should be provided.

It was noted by the LRB that the Council's Roads and Transportation Service had not raised any concern with regard to the proposed parking arrangements. It was also noted that no representations had been received from neighbours in relation to the proposal. It was further noted that no concerns had been raised in relation to the architectural design of the house.

In discussion, the LRB considered concerns regarding the proposal not reflecting the surrounding area, the impact of the proposal on the privacy of surrounding houses, and parking arrangements. It was noted that this proposal involved a reduced development footprint and, consequently, a larger garden for the proposed house than a proposal for this site previously considered. Significant weight was given to the fact that no objections to the proposal had been received from surrounding properties.

Having heard the Chair and having considered all of the information before them, Councillor McAllister, seconded by Councillor McColl, moved:-

That the conclusion of the LRB was that the proposal was acceptable in terms of Policy H5 and that planning permission should be granted.

As an amendment, Provost Agnew, seconded by Councillor Brown, moved:-

That the LRB uphold the determination of the appointed officer and refuse planning permission for the reasons listed by the appointed officer in the Review papers.

On a vote being taken 2 Members voted for the amendment and 3 for the Motion which was accordingly declared carried.

Accordingly, the LRB agreed to reverse the determination of the appointed officer and to grant planning permission subject to the recommended conditions, as detailed in Appendix 1 hereto.

The Chair, Councillor McAllister, then confirmed that a decision letter to this effect would be sent to the applicant's representative.

The meeting closed at 2.45 p.m.

**APPLICATIONS FOR PLANNING PERMISSION CONSIDERED BY THE LOCAL REVIEW BODY ON 6 SEPTEMBER 2011**

**Planning Application DC11/064/HOU – Single Storey rear and side extension at 53 Geils Avenue, Dumbarton**

**Permission GRANTED subject to the following conditions:-**

1. The development hereby approved shall commence within a period of 3 years from the date of this decision notice.

**Reason** In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. The developer shall submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:
  - a) A Notice of Commencement of Development as soon as practicable once it is decided to commence the development hereby approved (which shall be prior to the development commencing); and
  - b) A Notice of Completion of Development as soon as practicable once the development has been completed.

**Reason** In accordance with the terms of Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

**Planning Application DC11/080/FUL – Sub-Division of garden ground and erection of dwelling at 17 Glenhead Road, Parkhall, Clydebank**

**Permission GRANTED subject to the following conditions:-**

1. The development hereby approved shall commence within a period of 3 years from the date of this consent.

**Reason** To comply with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented as approved.

**Reason** To ensure that the materials are appropriate to the character of the area and sympathetic .

3. Prior to the occupation of the dwelling hereby approved, the car parking spaces shown on drawing No. 01 Rev. A shall be completed to their finished standard. Thereafter, these spaces shall be retained for the parking of vehicles.

**Reason** To facilitate the orderly parking of vehicles on the site and to minimise the incidence of roadside parking which could be a danger to other road users .

4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, and any subsequent orders amending, revoking or re-enacting that order, no gates capable of being opened outwards over the public road or footpath shall be installed across the driveway.

**Reason** In the interests of road safety.

5. Prior to the commencement of works, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and shall thereafter be implemented within a timescale agreed with the Planning Authority.

**Reason** In the interests of visual amenity and to ensure that the materials to be used are appropriate to the character of the area.

6. Prior to the commencement of works, full details of the design and location of all walls and fences to be erected on site shall be submitted for the further written approval of the Planning Authority and shall thereafter be implemented within a timescale agreed with the Planning Authority.

**Reason** To ensure that the boundary treatments are appropriate to the character of the area and sympathetic to established finishing materials in the area.

7. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed by the Planning Authority shall be carried out between 8am and 6pm Mondays to Fridays, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.

**Reason** In order to avoid disturbance to nearby residential properties.

8. The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, if requested, a comprehensive contaminated land investigation shall be carried out.

**Reason** In the interests of public health and to ensure that the site is suitable for the proposed end use.

9. The developer shall submit to the Planning Authority in writing upon the forms specified for the purpose and attached to the decision notice:
- a) A Notice of Commencement of Development as soon as practicable once it is decided to commence the development hereby approved (which shall be prior to the development commencing); and
  - b) A Notice of Completion of Development as soon as practicable once the development has been completed.

**Reason** In accordance with the terms of Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

10. Prior to the commencement of use of the development hereby approved, the kerb shall be lowered and the footpath regraded across the full width of the driveway to West Dunbartonshire Council Roads Services specifications.

**Reason** In the interests of roads and public safety.