

MINUTE
of
LOCAL REVIEW BODY

Minute of meeting held at 2.30pm in the Ballroom, Eastwood House, Eastwood Park, Giffnock on 1st October 2025.

Present:

Councillor Jim McLean (Chair)	Councillor Paul Edlin
Councillor Annette Ireland (Vice Chair)(*)	Councillor Andrew Morrison
Councillor Angela Convery(*)	

Councillor McLean in the Chair

Attending:

Michaela Sullivan, Head of Place(*); Mark Brand, Planning Adviser; Nicola McEleny, Solicitor; and John Burke, Democratic Services Officer.

(*) denotes remote attendance

Apologies:

Councillor Chris Lunday and Provost Mary Montague.

DECLARATIONS OF INTEREST

1339. No interests were declared.

The Chair advised that site visits had been held prior to the meeting.

NOTICE OF REVIEW – REVIEW 2025/07 – CONSTRUCTION OF A DETACHED PRIVATE DWELLING AND ACCESS AT SITE SOUTH OF WYCHWOOD, HAZELDEN ROAD, MEARNSKIRK. (REF NO:- 2025/0129/TP).

1340. The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Mr & Mrs Alistair and Fiona Miller against the decision taken by officers to refuse planning permission in respect of the construction of a detached private dwelling and access at a site south of Wychwood, Hazelden Road, Mearnskirik.

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.

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

The Planning Adviser outlined the planning application and reasons for refusal as determined by the Appointed Officer in the decision notice and the applicant's grounds for review.

The Planning Adviser further outlined the proposed condition to be attached to any consent in the event the Local Review Body overturned the decision of the Appointed Officer and granted planning permission.

Discussion took place, particularly around the construction of the site on greenbelt and the granting of a previous application within the area.

Following the discussion, and having heard from the Planning Adviser, the Local Review Body agreed that the Appointed Officer's decision be upheld and planning permission refused for the reasons given in the Report of Handling.

NOTICE OF REVIEW – REVIEW 2025/08 – ERECTION OF SINGLE STOREY REAR EXTENSION AT 39 TIREE PLACE, NEWTON MEARNs, G77 6UJ. (REF NO:- 2025/0235/TP).

1341. The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Mr and Mrs Antonio Maloku against the decision taken by officers to refuse planning permission in respect of the erection of a single storey rear extension at 39 Tiree Place, Newton Mearns.

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.

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

The Planning Adviser outlined the planning application and reasons for refusal as determined by the Appointed Officer in the decision notice and the applicant's grounds for review.

The Planning Adviser further outlined the proposed conditions to be attached to any consent in the event the Local Review Body overturned the decision of the Appointed Officer and granted planning permission.

Discussion took place, particularly around the footprint of the original build as compared to the proposed footprint following erection of the extension.

Following the discussion, and having heard from the Planning Adviser, the Local Review Body agreed that the Appointed Officer's decision be upheld and planning permission refused for the reasons given in the Report of Handling.

NOTICE OF REVIEW – REVIEW 2025/09 – ERECTION OF A REAR SINGLE STOREY SUN LOUNGE EXTENSION AT 14 WIGTON AVENUE, NEWTON MEARNs, G77 6JG. (REF NO:- 2025/0166/TP).

1342. The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Mrs A Asif against the decision taken by officers to refuse planning permission in respect of the erection of a rear single storey sun lounge extension at 14 Wigton Avenue, Newton Mearns..

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.

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

The Planning Adviser outlined the planning application and reasons for refusal as determined by the Appointed Officer in the decision notice and the applicant's grounds for review.

The Planning Adviser further outlined the proposed conditions to be attached to any consent in the event the Local Review Body overturned the decision of the Appointed Officer and granted planning permission.

Discussion took place, particularly around the planning consent that had previously been granted for a smaller sun lounge extension at this location.

Following the discussion, and having heard from the Planning Adviser, the Local Review Body agreed that the Appointed Officer's decision be upheld and planning permission refused for the reasons given in the Report of Handling.

NOTICE OF REVIEW – REVIEW 2025/10 – ERECTION OF 3 TWO STOREY DWELLINGS WITH ASSOCIATED ACCESS AT TREESIDE COTTAGE, AYR ROAD, NEWTON MEARNS, G77 6RT. (REF NO:- 2025/0123/TP).

1343. The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Mr Robin Ghosh against the non-determination of a planning application in respect of the erection of 3 two storey dwellings with associated access at Treeside Cottage, Ayr Road, Newton Mearns, G77 6RT.

The appeal related to a non-determination, where the Planning Department had not determined the application within the required timescale, with the Applicant deciding to, therefore, proceed to a review.

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

The Planning Adviser outlined the planning application and reasons for the non-determination as provided by the appointed officer, which related to the non-submission of a noise assessment for the site. The Planning Adviser also detailed the applicant's grounds for review.

The Planning Adviser further outlined the proposed conditions to be attached to any consent in the event the Local Review Body overturned the decision of the Appointed Officer and granted planning permission.

Discussion took place, particularly around the requirement of a noise impact assessment and the fact that the application was for planning permission in principle.

Following the discussion, and having heard from the Planning Adviser, the Local Review Body agreed that the application be approved and planning permission in principle granted, subject to the following conditions:

1. The development hereby approved must be begun not later than the expiration of 5 years beginning with the date on which the permission is granted.

Reason: To comply with the provisions of Section 59 of The Town and Country Planning (Scotland) Act 1997, as amended.

2. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed site layout. The proposed layout shall be shown on a plan at a scale of 1:500 or 1:200 showing existing and proposed site levels, the positions of the dwellinghouses, the positions of the driveways/parking areas, the garden ground as well as any hardsurfaced areas.

Thereafter the matters that are approved shall be implemented in their approved form.

Reason: To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.

3. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed floor plans and elevations of these dwellinghouses to be erected on site and shall show dimensions as well as the type and colour of all external materials.

Thereafter the matters that are approved shall be implemented in their approved form.

4. For the avoidance of doubt the applications in relation to Conditions 2 and 3 above shall allow for the following:

- i) The parking provision must be provided in line with the requirements set out in East Renfrewshire Council's Good Practice Guide For Residential Development Roads.*
- ii) The design and layout of the driveways and any visitor parking bays should be provided as per East Renfrewshire Council's Good Practice Guide For Residential Development Roads.*
- iii) The new road shall be a minimum of 5.5 metres wide, to accommodate two way traffic.*
- iv) A 2 metre minimum wide footway on at least on one side of the new road is required.*
- v) The visibility splay at the proposed junction between the development and Malletsheugh Road is required to be 2.5 metres x 90 metres x 1.05 metres.*
- vi) To ensure an adequate and safe inter-visibility between vehicles exiting from a driveway and pedestrians on the adjacent footway, visibility splays of 2 metres x 5 metres should be provided and thereafter maintained in perpetuity at either side of the driveway.*
- vii) In relation to the servicing of the development a swept path analysis will be required to demonstrate that service/refuse vehicles can safely access the development without over-run of the adjacent footway.*
- viii) Visibility splays of 2 metres x 20 metres x 1.05 metres must be provided between individual driveways and the new road.*
- ix) A turning area being provided within the site.*

Reason: To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.

5. For the avoidance of doubt the applications in relation to Conditions 2 and 3 above shall be accompanied with a Noise Impact Assessment and Air Quality Assessment to demonstrate that the position of each dwellinghouse in the site as well as their internal layouts and any mitigation measures have been informed by the conclusions/recommendations of the Assessments.

Reason: To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location and that acceptable noise levels within each dwellinghouse can be achieved and the impact of air quality is acceptable.

6. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to all walls (including retaining walls) and fences (including any acoustic fences) to be erected on site.

Thereafter the matters that are approved shall be implemented in their approved form.

Reason: To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.

7. The principles of Sustainable Urban Drainage Systems (SUDS) for the surface water regime shall be incorporated into the development. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to details of the surface water management and SUDS proposals. The maximum outflow from the development site into any relevant outfall should not exceed 8 l/s/ha. Thereafter the surface water management details shall be fully be implemented in their approved form.

Reason: To ensure the Planning Authority has the necessary information to determine the application and in the interests of sustainable development.

8. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to a scheme setting out the measurements to be put in place as required by Policy E1 (Sustainable Design) of the adopted Local Development Plan 2. The said scheme shall include any phasing details as necessary.

Thereafter the matters that are approved shall be implemented in their approved form.

Reason: In order for the Planning Authority to determine the application and to ensure the development complies with Policy E1 of the adopted Local Development Plan 2.

9. There shall be no construction work or offloading of delivered materials at the development site out with the hours of 0800 to 1900 Mondays to Fridays and 0800 to 1300 on Saturdays with no working on Sundays or local or national public holidays unless minor and temporary amendments have been otherwise agreed in advance in writing by the planning authority.

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

10. A Phase 1 or Desk Study, to review all currently available information about the historical uses of this site, shall be carried out to determine any types of contamination likely to be encountered and possible pathways to sensitive receptors. Development shall not begin until the report of this investigation has been submitted to and approved in writing by the Planning Authority.

If this investigation gives any indication of the potential for contaminants to be present, development shall not begin until a full intrusive survey has been carried out and its findings submitted to and, approved in writing by the Planning Authority. This survey shall investigate all aspects of potential contamination of the site. The report of the investigation shall clearly document the methodology, findings and results. The risk posed by the presence of pollutants in relation to sensitive receptors shall be assessed to current guidelines and, where appropriate recommendations made for further investigations or remediation options to reduce those risks identified.

Analytical and investigatory work used to support the conclusions of the survey shall include all results, logs etc. and information regarding the methodology and Quality Assurance Systems used. Greater credence will be given to analytical work undertaken by organisations, which participate in the CONTEST SCHEME, or are UKAS accredited in relevant areas. Guidance is given in:

CIRIA C552 – ‘Contaminated Land Risk Assessment. A Guide to Good Practice’ by the DETR and CIRIA

‘Guidance for the Safe Development of Housing on Land Affected by Contamination’ by the NHBC & Environment Agency

‘How to Approach Contaminated Land’ and ‘How to Investigate Contaminated Land’ by Scottish Enterprise.

The developer’s reports of ‘Site Investigation’, ‘Risk Assessment’ and ‘Remediation Options and the final Remediation Plan’ shall be submitted to the Planning Authority, for written approval, prior to commencement of development works on the site.

Changes to the approved Remediation Plan may only be made with the written agreement of the Planning Authority. Occupation of premises shall not be permitted until remediation/control measures are fully implemented.

On completion of all remediation works, a Completion Report shall be submitted to the Planning Authority confirming the works have been carried out to the agreed plan.

Reason: In the interests of public health and to protect users of the development and the wider environment from the effects of contamination.

****Note – the suggested inclusion of Condition 5 does not mean that these matters have been addressed and that the proposal is acceptable in terms of noise and air quality impacts.****

Advisory notes

The applicant/developer is advised a Construction Consent under Section 21 of the Roads (Scotland) Act 1984 is required.

The applicant/developer is advised a Road Bond under Section 17 of the Roads (Scotland) Act 1984 is required.

The applicant/developer is advised that there is an obligation in terms of Section 95 of The Roads (Scotland) Act 1984 for the construction site contractor to ensure that any material, of whatever nature, deposited from their vehicles onto the public road is removed as soon as reasonably practicable.

The applicant/developer is advised in terms of Section 96 of The Roads (Scotland) Act 1984 the Operator shall be responsible for the expense of any repairs required to any road as a result of any damage caused to it by the excessively heavy or additional traffic from the proposed construction work.

The applicant/developer is advised the construction site should include an appropriate level of off-road car parking for all vehicles associated with the project during the extent of the building works. Under no circumstances should any of the aforementioned vehicles be allowed to stop or park on the adjacent Malletsheugh Road or Ayr Road.

The applicant/developer is advised: all waste arising from construction or demolition activities must be removed by a licensed waste carrier; there must be no burning on site, other than that permitted by Scottish Environmental Protection Agency by prior agreement and any such burning must not cause nuisance; adequate precautions must be taken to prevent nuisance from dust from the demolition or construction activities.

The applicant/developer is advised Scottish Water records indicate that there is live infrastructure in the proximity of the development area that may impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact their Asset Impact Team via their Customer Portal for an appraisal of the proposals. The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Written permission must be obtained before any works are started within the area of Scottish Water apparatus.

The applicant/developer is advised to submit a Pre-Development Enquiry (PDE) Form to Scottish Water via their Customer Portal prior to any formal technical application being submitted, to allow them to fully appraise the proposals.

CHAIR

