

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY14 February 2024Report by Director of Business Operations and PartnershipsREVIEW OF CASE - REVIEW/2023/13DEMOLITION OF EXISTING BUILDING AND ERECTION OF RESIDENTIAL
DEVELOPMENT (PLANNING PERMISSION IN PRINCIPLE)**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: Further application (Ref No:- 2022/0702/TP).
- Applicant: Mr Scott Langlands
- Proposal: Demolition of existing building and erection of residential development (planning permission in principle)
- Location: Weighing Equipment, 37 Stamperland Crescent, Clarkston, G76 8LH
- Council Area/Ward: Clarkston, Netherlee and Williamwood (Ward 4).

REASON FOR REQUESTING REVIEW

3. The applicant has requested a review on the grounds that the Council's Appointed Officer refused the application.

RECOMMENDATIONS

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

7. The report highlighted that historically appeals against planning decisions were dealt with by Scottish Ministers. However, following the introduction of the new planning provisions which came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

8. The applicant in submitting the review has stated the reasons for requiring the review of the determination of the application. A copy of the applicant’s Notice of Review and Statement of Reasons including appeal statement is attached as Appendix 5.

9. The applicant is entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has detailed in their opinion that this review can continue to conclusion based on the assessment of the review documents only, with no further procedure.

10. The Local Review Body is not bound to accede to the applicant’s request as to how it will determine the review and will itself decide what procedure will be used in this regard.

11. At the meeting of the Local Review Body on 10 August 2016, it was decided that the Local Review Body would carry out unaccompanied site inspections for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.

12. In accordance with the above decision, the Local Review Body will carry out an unaccompanied site inspection on Wednesday, 29 November 2023 before the meeting of the Local Review Body which begins at 2.30pm.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

13. 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.

14. 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 199 – 208);
- (b) Objections and Consultations – Appendix 2 (Pages 209 - 242);
- (c) Reports of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 243 - 266);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 267 - 270); and
- (d) A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement - Appendix 5 (Pages 271 - 324).

15. The applicant has also submitted the drawings listed below and these are attached as Appendix 6 (Pages 325 - 328).

- (a) Existing Location Plan.

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

RECOMMENDATIONS

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 - (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; or
- (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: John Burke

Director – Louise Pringle, Director of Business Operations and Partnerships

John Burke, Committee Services Officer
e-mail: john.burke@eastrenfrewshire.gov.uk
Tel: 0141 577 3026

Date:- 7 February 2024

APPLICATION FOR PLANNING PERMISSION

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: planning@eastrenfrewshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100609086-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

The proposal is for the creation of five dwelling houses on the site. The existing site is occupied by warehouses owned by the applicant which are to be removed.

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	cameronwebsterarchitects		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	<input type="text"/>
Last Name: *	Cameron	Building Number:	1
Telephone Number: *	01413309898	Address 1 (Street): *	Bothwell Lane
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Glasgow
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	G12 8JS
Email Address: *	Stuart@cameronwebster.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Scott	Building Number:	37
Last Name: *	Langlands	Address 1 (Street): *	Stamperland Crescent
Company/Organisation	<input type="text"/>	Address 2:	Clarkston
Telephone Number: *	<input type="text"/>	Town/City: *	Glasgow
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	G76 8LH
Fax Number:	<input type="text"/>		
Email Address: *	sl@dbrash.co.uk		

Site Address Details

Planning Authority:

East Renfrewshire Council

Full postal address of the site (including postcode where available):

Address 1:

37 STAMPERLAND CRESCENT

Address 2:

CLARKSTON

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G76 8LH

Please identify/describe the location of the site or sites

Northing

658021

Easting

257599

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1365.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

The site is currently occupied by the client's company warehouses, D. Brash and Sons LTD.

Access and Parking

Are you proposing a new 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 change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(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? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Stuart Cameron

On behalf of: Mr Scott Langlands

Date: 01/12/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country 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 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.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- A copy of an Environmental Statement. * Yes N/A
- A Design Statement or Design and Access Statement. * Yes N/A
- A Flood Risk Assessment. * Yes N/A
- A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * Yes N/A
- Drainage/SUDS layout. * Yes N/A
- A Transport Assessment or Travel Plan Yes N/A
- Contaminated Land Assessment. * Yes N/A
- Habitat Survey. * Yes N/A
- A Processing Agreement. * Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Stuart Cameron

Declaration Date: 01/12/2022

Payment Details

Online payment: ZZ0100003165
Payment date: 01/12/2022 10:14:00

Created: 01/12/2022 10:14

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OBJECTIONS/REPRESENTATIONS

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Comments for Planning Application 2022/0702/TP

Application Summary

Application Number: 2022/0702/TP

Address: Weighing Equipment 37 Stamperland Crescent Clarkston East Renfrewshire G76 8LH

Proposal: Demolition of existing building and erection of 5 dwellings with associated landscaping and engineering works (planning permission in principle).

Case Officer: Mr Derek Scott

Customer Details

Name: Mr Jason Kinloch

Address: 96 Stamperland Hill, Clarkston, East Renfrewshire G76 8AQ

Comment Details

Commenter Type: Rec'd Neighbour Notification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I'm objecting to this Proposal on the following grounds;

Local Authority Guidance - does this development meet with current East Renfrewshire Council planning guidance?

Design and Layout of the Development; the submitted plans do not provide enough information on the proposed design.

Overlooking and/or overshadowing my property.

Height and scale of the buildings is not shown on the plans.

Traffic Impact; this development will remove a number of street parking spaces that are regularly used by motorists in an area which already suffers from illegal and dangerous parking. The removal of these spaces will only lead to increased occurrences of both, which will in turn lead to an increase of danger to both pedestrian and vehicle users in the area.

Impact on the character of the area; the submitted plans do not give any indication of whether or not these proposed dwellings will match the styles of existing dwellings within the area.

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Comments for Planning Application 2022/0702/TP

Application Summary

Application Number: 2022/0702/TP

Address: Weighing Equipment 37 Stamperland Crescent Clarkston East Renfrewshire G76 8LH

Proposal: Demolition of existing building and erection of 5 dwellings with associated landscaping and engineering works (planning permission in principle).

Case Officer: Mr Derek Scott

Customer Details

Name: Mr Les Turner

Address: 92 Stamperland Hill, Clarkston, East Renfrewshire G76 8AQ

Comment Details

Commenter Type: Rec'd Neighbour Notification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am objecting to this application on the grounds that Local Authority Guidance - does this development meet with current ERC planning guidance?

Design and Layout of the Development; the submitted plans do not provide sufficient information on the design, height etc of the proposed design and whether it will be overlooking and/or overshadowing my property.

Height and scale of the buildings are not detailed on the plans.

Traffic Impact; this development will reduce the number of on road parking spaces that are regularly used by shoppers and motorists in an area which already suffers from illegal and dangerous parking. The

removal of these spaces will lead to an increase of both of the above, and an increased danger to both pedestrians and vehicle users in the area.

Impact on the character of the area; the submitted plans do not give sufficient detail of whether or not the proposed houses will match the styles of existing houses within the area.

I also object to the removal of access to the public right of way from Stamperland Hill to Clarkston Road that runs between the house on Stamperland Crescent and the Brash warehouse which is used daily by both pedestrians and motorists.

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Comments for Planning Application 2022/0702/TP

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Proposal: Demolition of existing building and erection of 5 dwellings with associated landscaping and engineering works (planning permission in principle).

Case Officer: Mr Derek Scott

Customer Details

Name: Mr Richard Grant

Address: 90 Stamperland Hill, Clarkston, East Renfrewshire G76 8AQ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The drawings which are online currently do not allow me to make a proper assessment of the overall impact and how it might affect me as a close neighbour.

There is no detail regarding the height of the buildings for me to assess whether there will be an impact on privacy, being generally overlooked or issues with light and view being obscured.

There are no details of the proposed materials and other overall aesthetics of the development for me to make an assessment of whether it will be in keeping with the current surroundings.

I am concerned that the installation of driveways will affect parking in the area, it will reduce on-street parking available for current residents and with the shops nearby and it will exacerbate existing issues with unlawful parking on corners and pavements.

The removal of Stamperland Lane between the existing Brash warehouse and the houses to the South on Stamperland Crescent will cause significant disruption since this is used regularly by pedestrians and vehicles. Is this not a public right of way, which cannot be built over?

I am objecting at this time due to lack of information and would like to see more detail prior to making a final decision.

I am also concerned at the timing of the submission, due to postal strikes and Christmas/New Year the notification was not received until 2nd January despite the letter being dated 15th December. The allocated 21 days for comment expires on 5th January. I am not convinced there has been enough time for neighbouring businesses and residents to fully consider the application

and submit their comments.

Thank you.

Comments for Planning Application 2022/0702/TP

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Application Number: 2022/0702/TP

Address: Weighing Equipment 37 Stamperland Crescent Clarkston East Renfrewshire G76 8LH

Proposal: Demolition of existing building and erection of 5 dwellings with associated landscaping and engineering works (planning permission in principle).

Case Officer: Mr Derek Scott

Customer Details

Name: Mr Patrick Fisher

Address: 88 Stamperland Hill, Clarkston, East Renfrewshire G76 8AQ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The drawings which are online currently do not allow me to make a proper assessment of the overall impact and how it might affect me as a close neighbour.

There is no detail regarding the height of the buildings for me to assess whether there will be an impact on privacy, being generally overlooked or issues with light and view being obscured.

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Comments for Planning Application 2022/0702/TP

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Application Number: 2022/0702/TP

Address: Weighing Equipment 37 Stamperland Crescent Clarkston East Renfrewshire G76 8LH

Proposal: Demolition of existing building and erection of 5 dwellings with associated landscaping and engineering works (planning permission in principle).

Case Officer: Mr Derek Scott

Customer Details

Name: Mrs Sarah Baxter

Address: 34 Stamperland Crescent, Clarkston, East Renfrewshire G76 8LH

Comment Details

Commenter Type: Rec'd Neighbour Notification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I write in respect of the above planning application which has been submitted but due to the recent postal strikes have only just been received this week which I hope is taken into consideration.

These submitted plans do not give enough information to allow us to fully understand the full impact of the proposed application and therefore I object to the application.

The plans do not show or give any indication the heights or scale of the proposed houses and therefore may obscure daylight or cause privacy issues nor we do know if the materials proposed are in keeping or in character with the properties in the surrounding area.

The proposed build will cause a considerable level of disruption to residents, businesses and road users and there is also the question of the side road between 37 and 36 Stamperland Crescent. We have always understood this to be a right of way and is not privately owned.

There is also the consideration of the loss of street parking that is constantly used by residents and locals and the removal of this space may cause an increase in dangerous parking further up the street or surrounding area.

Taking all the above into account, I believe this planning request is completely inappropriate and I respectfully request that the planning application be declined.

Yours sincerely
Sarah Baxter

Comments for Planning Application 2022/0702/TP

Application Summary

Application Number: 2022/0702/TP

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Proposal: Demolition of existing building and erection of 5 dwellings with associated landscaping and engineering works (planning permission in principle).

Case Officer: Mr Derek Scott

Customer Details

Name: Mr Iain Waterston

Address: Chateau Awesomeville, 35 Stamperland Crescent, Clarkston, East Renfrewshire G76 8LH

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am objecting to this application for a number of reasons.

Firstly after reading the other objections I am also concerned with the timing of the "notice to neighbours" being posted we only received ours at the end of last week.

On the other objections I agree with every point made.

My main concern is the lack of detail and how this will effect the area. As mentioned by others there is on street parking and traffic concerns in the area. This is dangerous at the best of times but depending on the build (again no detail) parking may move further up the hill on both sides of the road causing obstructions. 34-38 Stamperland crescent and beyond have driveways on the hill where these cars will/can park. Our driveway sits next to the proposed building site and there have been a number of near misses here already.

Again looking at the lack of detail there is no mention of the materials to be used or heights of the dwellings. This could in turn effect daylight into the surrounding properties, how the dwellings will fit into the local area and also.

On the removal of the lane - I was under the impression this was an access lane for the rear of the properties. This lane is used daily by the community and if removed could also lead to traffic issues as cars also use this lane.

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Comments for Planning Application 2022/0702/TP

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Proposal: Demolition of existing building and erection of 5 dwellings with associated landscaping and engineering works (planning permission in principle).

Case Officer: Mr Derek Scott

Customer Details

Name: Mrs Eleanor Murphy

Address: 31 Stamperland Crescent, Clarkston, East Renfrewshire G76 8LH

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Firstly and most importantly, on looking at the planned area of building works, the proposed buildings have transgressed onto a public right of way, established before 1930. This existed for the houses from 1-36 Stamperland Crescent to access between the main road and the garages at the rear and continues to exist to this day. Brash do not own this piece of land and prior to Brash's existence it was used by other companies and has been a right of way since inception. Instead it is communally owned by the residents.

The schools are already over subscribed, the doctors and dentists are already at capacity and since all new houses need to allow for two cars to be parked, we cannot accommodate the additional traffic.

The water already floods right down the street and the purpose of the grassy mound behind the shops has been to absorb some of the surface water. The utilities, particularly the drainage and water supply have already been compromised as recently as Christmas 2022.

For the local shops on the corner, there are also concerns about fire safety and egress from shops to the rear in an emergency.

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Comments for Planning Application 2022/0702/TP

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Proposal: Demolition of existing building and erection of 5 dwellings with associated landscaping and engineering works (planning permission in principle).

Case Officer: Mr Derek Scott

Customer Details

Name: Ms Fiona Dempsey

Address: 36 Stamperland Crescent, Clarkston, East Renfrewshire G76 8LH

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would reiterate the comments made by others regarding the timing of the neighbour notifications. I am also concerned about the loss of on street parking and potential traffic congestion.

The proposed removal of the lane adjacent to my house is also an issue. There is insufficient detail on the drawings to allow me to assess the width of the proposed gap and what boundary treatment is being proposed. We need sufficient space to maintain our existing boundary walls and fences.

The development will also have an impact on surface water and drainage, as there is a history of flooding in this location.

Finally what is being proposed for the boundary treatment to the north west.? This is the front elevation for the houses and shops on Stamperland Crescent, and I do not think it is appropriate to have a wall/fence and access gate in this location.

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Customer Details

Name: Mr Richard Grant

Address: 90 Stamperland Hill, Clarkston, East Renfrewshire G76 8AQ

Comment Details

Commenter Type: Rec'd Neighbour Notification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Further to my earlier letter dated 5 January, and having seen the Design Statement dated December 2022, I would like to confirm my objection to the proposed development in its current format.

I object to the height of the buildings proposed. Which appear to be higher even than the building adjacent, 36 Stamperland Crescent.

I live directly across the road from the development on Stamperland Hill and the proposed development will completely obscure my view and open aspects, which currently provide a view of the golf course and the hills beyond, as well as considerable skyline and daylight. This development would deny me of this appealing feature that I have appreciated over the years, wish to continue to enjoy, and consider to be a positive attribute which adds value to my property.

The height of the new houses will create an imposing presence compared to the current buildings and will have a significant negative impact on my privacy as they will directly overlook my property.

In addition to the above, I would also like to reiterate my original objection in relation to the closure of the lane and the negative impact on parking as described in my previous letter.

I would however, have no objection to a development which did not extend any higher than the existing buildings.

Thank you,
Richard

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Comments for Planning Application 2022/0702/TP

Application Summary

Application Number: 2022/0702/TP

Address: Weighing Equipment 37 Stamperland Crescent Clarkston East Renfrewshire G76 8LH

Proposal: Demolition of existing building and erection of 5 dwellings with associated landscaping and engineering works (planning permission in principle).

Case Officer: Mr Derek Scott

Customer Details

Name: Ms Jill Gibson

Address: 108 Stamperland Hill, Clarkston, East Renfrewshire G76 8AH

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Am concerned about the impact this development will have on traffic. This corner is already chaos even with the change in pavement layout done recently. Always traffic is queued on this corner and getting out of Stamperland Hill onto Stamperland gardens is constantly tricky and hazardous. This will be significantly worse with building work and the lack of parking if the boundaries to this site need access to their properties once completed. There seems insufficient space for 5 dwellings on this site and I am also concerned that this sets a precedent to the recently sold Stamperland Church site to cram in development on this site only a stones throw away. I object to this development going ahead.

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Comments for Planning Application 2022/0702/TP

Application Summary

Application Number: 2022/0702/TP

Address: Weighing Equipment 37 Stamperland Crescent Clarkston East Renfrewshire G76 8LH

Proposal: Demolition of existing building and erection of 5 dwellings with associated landscaping and engineering works (planning permission in principle).

Case Officer: Mr Derek Scott

Customer Details

Name: Ms Jill Gibson

Address: 108 Stamperland Hill, Clarkston, East Renfrewshire G76 8AH

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Am concerned about the impact this development will have on traffic. This corner is already chaos even with the change in pavement layout done recently. Always traffic is queued on this corner and getting out of Stamperland Hill onto Stamperland gardens is constantly tricky and hazardous. This will be significantly worse with building work and the lack of parking if the boundaries to this site need access to their properties once completed. There seems insufficient space for 5 dwellings on this site and I am also concerned that this sets a precedent to the recently sold Stamperland Church site to cram in development on this site only a stones throw away. I object to this development going ahead.

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Roads Service OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 2022/0702/TP
D.C Ref: Derek Scott
Contact: Allan Telfer

Planning Application No: 2022/0702/TP **Dated:** 15.12.2022 **Received:** 15.12.2022
Applicant: Mr Scott Langlands
Proposed Development: Demolition of existing building and erection of 5 dwellings with associated landscaping and engineering works
Location: 37 Stamperland Crescent, Clarkston
Type of Consent: Planning Permission in Principle

RECOMMENDATION: No Objections Subject to Conditions

Proposals Acceptable Y/N or N/A	Proposals Acceptable Y/N or N/A	Proposals Acceptable Y/N or N/A																																						
<p>1. General</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>(a) General principle of development</td><td style="text-align: center;">Y</td></tr> <tr><td>(b) Safety Audit Required</td><td style="text-align: center;">N</td></tr> <tr><td>(c) Traffic Impact Analysis Required</td><td style="text-align: center;">N</td></tr> </table> <p>2. Existing Roads</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>(a) Type of Connection (junction / footway crossing)</td><td style="text-align: center;">Y</td></tr> <tr><td>(b) Location(s) of Connection(s)</td><td style="text-align: center;">Y</td></tr> <tr><td>(c) Pedestrian Provision</td><td style="text-align: center;">Y</td></tr> <tr><td>(d) Sightlines</td><td style="text-align: center;">N</td></tr> </table>	(a) General principle of development	Y	(b) Safety Audit Required	N	(c) Traffic Impact Analysis Required	N	(a) Type of Connection (junction / footway crossing)	Y	(b) Location(s) of Connection(s)	Y	(c) Pedestrian Provision	Y	(d) Sightlines	N	<p>3. New Roads</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>(a) Widths</td><td style="text-align: center;">N/A</td></tr> <tr><td>(b) Pedestrian Provision</td><td style="text-align: center;">N/A</td></tr> <tr><td>(c) Layout (horizontal/vertical alignment)</td><td style="text-align: center;">N/A</td></tr> <tr><td>(d) Turning Facilities (Circles / hammerhead)</td><td style="text-align: center;">N/A</td></tr> <tr><td>(e) Junction Details (locations / radii / sightlines)</td><td style="text-align: center;">N/A</td></tr> <tr><td>(f) Provision for P.U. services</td><td style="text-align: center;">N/A</td></tr> </table>	(a) Widths	N/A	(b) Pedestrian Provision	N/A	(c) Layout (horizontal/vertical alignment)	N/A	(d) Turning Facilities (Circles / hammerhead)	N/A	(e) Junction Details (locations / radii / sightlines)	N/A	(f) Provision for P.U. services	N/A	<p>4. Servicing & Car Parking</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>(a) Drainage/Flooding</td><td style="text-align: center;">N</td></tr> <tr><td>(b) Car Parking Provision</td><td style="text-align: center;">N</td></tr> <tr><td>(c) Layout of parking bays</td><td style="text-align: center;">N</td></tr> <tr><td>(d) Driveways</td><td style="text-align: center;">N</td></tr> </table> <p>5. Signing</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>(a) Location</td><td style="text-align: center;">N/A</td></tr> <tr><td>(b) Illumination</td><td style="text-align: center;">N/A</td></tr> </table>	(a) Drainage/Flooding	N	(b) Car Parking Provision	N	(c) Layout of parking bays	N	(d) Driveways	N	(a) Location	N/A	(b) Illumination	N/A
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COMMENTS

2(a)	<p>The proposed development would consist of 5 No. terraces houses, each containing 4 No. bedrooms. The properties would be accessed from Stamperland Hill.</p> <p>Although the application is for Planning Permission in Principle, a layout has been submitted showing the position of the buildings and driveways. Detailed comments have therefore been provided.</p> <p>It should be noted that if this had been a full planning application, the Roads Service would have recommended refusal due to the issues identified with the proposed layout.</p> <p>The following comments/conditions must therefore be addressed in any subsequent submission.</p> <p>In order to form the vehicular accesses and proposed new length of footway, an application to the Roads Service for a Section 56 Road Opening Permit will be required.</p> <p>There are street lighting columns adjacent to the proposed development which may require to be relocated.</p> <p>All such works will require to be undertaken to Roads Service specifications and at the Applicants' expense.</p>
2(c)	<p>It is noted that as part of this proposal, a section of footway is proposed along the frontage of the site. Consideration will have to be given as to how this new facility ties in to the existing provision at either end of the site. The new footway must be a minimum of 2 metres in width.</p>



	<p>In addition, clarification is required with regards to Stamperland Lane. Is this a right of way? If so, what is proposed to take its place if removed as part of any housing development?</p> <p>2(d) In the interests of road safety, visibility splays of 2m x 20m in both the primary and secondary directions with no interference above a height of 1.05m within the splays are required at the proposed driveways and will require to be maintained in perpetuity.</p> <p>Visibility splays of 2m x 5m back from the edge of the driveways should be provided no interference within the splay above a height of 1.05m to ensure adequate inter-visibility between vehicles in driveways and pedestrians on the adjacent footway.</p> <p>4(a) Surface water run-off from the site must be contained and not permitted to issue onto the public road. Appropriate SUDS will also require to be incorporated into the proposed development.</p> <p>4(b) As each dwelling contains 4 No. bedrooms, the parking requirement for each dwelling is 3 No. curtilage spaces and 0.1 visitor spaces, or alternatively, 2 No. curtilage spaces and 0.5 visitor spaces.</p> <p>As per drawing PiP-SK102, 2 curtilage spaces are to be provided for each plot.</p> <p>Each plot requires 0.5 visitor spaces therefore 3 are required in total (2.5 rounded up to 3).</p> <p>It is noted that no visitor parking spaces are to be provided with this application and instead, visitor parking is to be accommodated on Stamperland Hill.</p> <p>Given the proposed development has a frontage of over 30 metres, this removes five theoretical on-street parking spaces.</p> <p>In total, there would be a deficit of eight parking spaces on Stamperland Hill.</p> <p>A minimum of 3 visitor spaces are required to be created as per the proposed layout.</p> <p>4(d) The proposed driveways do not appear to be of sufficient size so as to make them functional. Given the prevalence of on-street parking opposite the application site, the width of the driveways is of particular importance as extra driveway width would be required to enable vehicles to be manoeuvred into/out of the proposed driveways.</p> <p><u>Miscellaneous</u></p> <p>Before construction takes place, the Applicants' contractor will be required to contact the Roads Service to discuss among other things, how disruption to public roads can be minimised, what temporary traffic management will be required and what remedial measures may be required on public roads adjacent to the application site.</p> <p>A Section 58 Road Occupation Permit will be required in order to deposit building materials on a road.</p> <p>A skip shall not be deposited on a road without the written permission of this Service.</p> <p>The adjacent public road must be kept clean at all times during construction.</p>
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CONDITIONS	
2(c)	In the interests of pedestrian safety, the proposed new section of footway on Stamperland Hill must be completed before the first house is occupied. The aforementioned footway must be a minimum of 2 metres wide.
2(d)	Visibility splays of 2m x 20m in both the primary and secondary directions with no interference above a height of 1.05m within the splays are required at the proposed driveways and will require to be



	maintained in perpetuity.
4(a)	Surface water run-off from the development must be contained and not permitted to issue onto the public road.
4(b)	3 No. visitor parking spaces are required as part of the proposed development.
4(d)	Driveways are required to conform to the dimensions as set out in ERC Roads Good Practice Guide for Residential Development Roads.

Notes for Intimation to Applicant:

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Required

* Relevant Section of the Roads (Scotland) Act 1984

Comments Authorised By: John Marley Date: 23.12.2022
Principal Traffic Officer



INVESTORS
IN PEOPLE



Healthy
Working
Lives

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Internal Memo

Our Ref: RM
Your Ref: 2022/0702/TP
Date: 18 April 2023
From: Richard Mowat, Environmental Health
To: Development Management

PROPOSAL: Erection of 5 dwellings at Stamperland Crescent, Clarkston (Planning Permission in Principle)

LOCATION: Stamperland Crescent

Further to your consultation request, we would have no objection in principle to the proposed development. However we would consider the following assessments/reports should be submitted to support the subsequent planning application.

1. Due to the historical use of the land, a thorough site investigation to identify any potential ground contamination and consider whether any remediation is necessary. This should be conducted in accordance with BS 10175: 2011: 'Code of Practice for the investigation of potentially contaminated sites' and should include assessment of ground condition under the footprint of current buildings intended for demolition.
2. Noise impact assessment – this should take into account the suitability of the noise environment at the site for residential development, as well as any potential impacts on existing residential properties.
3. An air quality assessment to be conducted in accordance with the Environmental Protection UK guidance document 'Development Control and Air Quality' 2010.

I trust that this information is of use. If you wish to discuss any of the matters raised in this memo, please do not hesitate to contact me.

SENIOR ENVIRONMENTAL HEALTH OFFICER

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Planning Obligations – Finalised Consultation Response

July 21, 2023

Application Ref: 2022/0702/TP

Site address: Weighing Equipment, 37 Stamperland Crescent, Clarkston, G76 8LH

Proposal: Demolition of existing building and erection of residential development (planning permission in principle). ([Updated Description](#))

Applicants: Mr Scott Langlands

Agent: Stuart Cameron, Cameron Webster Architects

This response focuses on **Strategic Policy 2** Development Contributions and **Policy SG4** Affordable Housing of the Council's Local Development Plan 2.

Affordable Housing

LDP Policy and Supplementary Planning Guidance:

This site is subject to Local Development Plan2 (LDP2) Policy SG4 Affordable Housing. Policy 16 of NPF4 states that proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes. The Council's policy SG4 requires a minimum 25% affordable housing contribution where planning permission is sought for residential developments of 4 or more dwellings. The Council's SPG on Affordable Housing (June 2015) is also a material consideration.

Affordable Housing Assessment:

At this stage this application is seeking planning permission in principle for the demolition of an existing building and the erection of residential development. This site is not allocated for residential development in the Council's adopted LDP2.

Should the site be granted Planning Permission in Principle, further detail will require to be submitted at Approval of Matters Specified in Conditions (AMSIC) stage, including a detailed site layout specifying the number of residential units proposed. Should 4 or more residential units be proposed at that point, the Council's affordable housing policy would apply, which would require a minimum 25% affordable housing contribution from the site (for example if 5 units were applied for, a contribution based on 1.25 units would be required). Given the specific circumstances of this site, the payment of a commuted sum would be an acceptable affordable housing contribution, based on a min 25% of the number of units applied for.

Should the Council be minded to grant this Planning Permission in Principle proposal, a section 75 legal agreement would be required to be entered into in order to secure an affordable housing contribution, should 4 or more units be applied for at AMSIC Stage.

Current Position

A summary of policy requirements was sent out to the applicants detailing the above requirements and asked that the applicants to respond to the Council in writing, advising whether they agreed to meet these policy requirements and to entering into a Section75 legal agreement. To date no formal response has been received from the applicants. **As a result, we can only advise that at this point the requirements of Policy SG4 have not been met.**

However should the Council be minded to grant this proposal, we would recommend that any decision was subject to the successful conclusion of a Section 75 legal agreement, in order to secure an appropriate affordable housing contribution from this proposal under Policy SG4.

Development Contributions

LDP Policy and Supplementary Planning Guidance:

The following assessment is provided under the terms of the Council's Local Development Plan 2 **Strategic Policy 2** Development Contributions. The Council's SPG on Development Contributions (June 2015) and the Council's Development Contributions SPG's Education Addendum 2019 are also material considerations.

Development Contributions Assessment:

At this stage this application is seeking planning permission in principle for the demolition of an existing building and the erection of residential development. This site is not allocated for residential development in the Council's adopted LDP2.

Should the site be granted Planning Permission in Principle, further detail will require to be submitted at Approval of Matters Specified in Conditions (AMSIC) stage, including a detailed site layout specifying the number of residential units proposed. Should 4 or more residential units be proposed at that point, the Council's development contributions policy would apply.

Current Position

The applicants were sent a summary of policy requirements, which set out what the development contributions requirements from this proposal would be, should 4 or more units be applied for at AMSIC stage. This included requirements for contributions towards Education (Pre-five, Primary and Secondary); Community Facilities (Community Halls & Libraries and Sports); and Parks and Open Space. The applicants were asked to respond to the Council in writing, advising whether they agreed to meet these policy requirements and to entering into a Section 75 legal agreement. To date no formal response has been received from the applicants. **As a result, we can only advise that at this point the requirements of Strategic Policy 2 have not been met.**

However should the Council be minded to grant this proposal, we would recommend that any decision was subject to the successful conclusion of a Section 75 legal agreement, in order to secure appropriate development contributions from this development, as outlined in the Summary of Policy Requirements previously issued to the applicants.

Legal Agreement

As aforementioned, should this proposal progress a legal agreement (Section 75) would require to be entered into to secure the agreed planning obligations. The applicants have been advised that they would be responsible for the Council's reasonable legal fees and outlays involved in the preparation and completion of the agreement and for registering the Agreement in the Land Register of Scotland and the Books of Council and Session as appropriate.

Planning Obligations Recommendation:

To date no response has been received from the applicants. As a result at this stage we can only advise that the applicants have not agreed to the requirements of Policy SG4 and Strategic Policy 2. It is therefore **recommended that this application is refused.**

If however the Council was minded to grant this application, it is recommended that any decision should be subject to the satisfactory conclusion of a Section 75 legal agreement to secure relevant planning obligations (both affordable housing and development contributions).

The above is the view of the Council's Principal Strategy Officer responsible for the implementation of the Council's Development Contributions and Affordable Housing policies and does not prejudice the determination of any application submitted to the Planning Authority. It is for the Case Officer handling the application to arrive at a recommendation based on the individual merits of the application proposal and any other material considerations.

Local Review Body - Further Representation - Planning Obligations

November 13, 2023

Local Review Body Ref No: REVIEW/2023/13

Site Address: Weighing Equipment, 37 Stamperland Crescent, Clarkston, G76 8LH

Proposal: Demolition of existing building and erection of residential development (planning permission in principle).

Applicants: Mr Scott Langlands

Agent: Stuart Cameron, Cameron Webster Architects

The original planning application ref: 2022/0702/TP was determined by the Council with the application being refused planning permission. Following that determination, the applicant has submitted a Notice of Review requesting that the Council's Local Review Body carry out a review of the decision by the Director of Environment to refuse the application.

Following the submission of the original application, a summary of planning obligation policy requirements was sent to the applicants, setting out requirements under the Council's Local Development Plan 2 policies on Affordable Housing and Development Contributions. Unfortunately no agreement was reached with the applicants on those requirements, as the applicant failed to respond to emails requesting confirmation of their position on those matters.

As a result, one of the reasons for refusal was that the proposal was considered contrary to Strategic Policy 2 and Policy SG4 of the East Renfrewshire Local Development Plan, as the applicant had not agreed to provide contributions towards the provision of affordable housing and community facilities as required by those policies.

Recent Change to Policy Position

New development must be accompanied by the appropriate infrastructure and services required to support new and expanded communities. To ensure appropriate levels are secured, planning applications should be assessed against the relevant Policy / Guidance in place at the point of determination.

In June 2023 the Council adopted new Local Development Plan 2 Supplementary Guidance on both Affordable Housing and Development Contributions. This new guidance provides up to date information on planning obligation requirements and forms part of the adopted Local Development Plan 2. As such it requires to be considered in the determination of all planning applications for residential development on sites with capacity for 4 or more units.

This new guidance is available to view on the Council's Website at using the following links:

- Supplementary Guidance on Development Contributions
https://www.eastrenfrewshire.gov.uk/media/7721/Development-Contributions-Supplementary-Guidance-2023/pdf/SGDevelopmentContributions_web.pdf?m=638313248488900000
- Supplementary Guidance on Affordable Housing
https://www.eastrenfrewshire.gov.uk/media/7721/Development-Contributions-Supplementary-Guidance-2023/pdf/SGDevelopmentContributions_web.pdf?m=638313248488900000

At this stage this review is seeking planning permission in principle for the demolition of an existing building and the erection of residential development. This means that detail around layout or the proposed number of units has not been provided at this stage. This site is not allocated for residential development in the Council's adopted Local Development Plan 2.

Should the site be granted Planning Permission in Principle, further detail would require to be submitted at Approval of Matters Specified in Conditions (AMSIC) stage, including a detailed site layout specifying the number of residential units proposed. Should 4 or more residential units be proposed at that point, the Council's planning obligation policies on Affordable Housing (Policy SG4) and Development Contributions (Strategic Policy 2) would apply, along with the Council's new adopted Supplementary Guidance on Affordable Housing (June 2023) and Development Contributions (June 2023), or any replacement thereof in place at the point of AMIC submission.

Legal Agreement

Should this proposal progress it is recommended that a legal agreement (Section 75) be entered into to secure appropriate Affordable Housing and Development Contributions, should 4 or more units be proposed at AMSIC stage. The applicants would be responsible for the Council's reasonable legal fees and outlays involved in the preparation and completion of the agreement and for registering the Agreement in the Land Register of Scotland and the Books of Council and Session as appropriate.

Planning Obligations Recommendation:

At this point, the applicants have not agreed to the requirements of LDP2 Policy SG4 and Strategic Policy 2. It is therefore recommended that this application is refused. If however the Local Review Body was minded to grant this application, it is recommended that any decision should be subject to the satisfactory conclusion of a Section 75 legal agreement to secure appropriate planning obligations under the terms of LDP2 Policy SG4, Strategic Policy 2 and adopted Supplementary Guidance on Affordable Housing (June 2023) and Development Contributions (June 2023), or any replacement thereof in place at the point of AMIC submission, to ensure that the proposal is accompanied by the appropriate infrastructure and services required to support new and expanded communities.

The above is the view of the Council's Principal Strategy Officer responsible for the implementation of the Council's Development Contributions and Affordable Housing policies and does not prejudice the determination of any application submitted to the Planning Authority. It is for the Case Officer handling the application to arrive at a recommendation based on the individual merits of the application proposal and any other material considerations.

Karen Barrie

Principal Strategy Officer (Planning Obligations Lead)

Strategic Planning, Planning & Building Standards, Environment Department

REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2022/0702/TP

Date Registered: 13th December 2022

Application Type: Planning Permission in Principle This application is a Local Development

Ward: 4 -Clarkston, Netherlee And Williamwood

Co-ordinates: 257599/658021

Applicant/Agent:

Applicant:

Mr Scott Langlands

37 Stamperland Crescent

Clarkston

Glasgow

Scotland

G76 8LH

Agent:

Stuart Cameron

1 Bothwell Lane

Glasgow

Scotland

G12 8JS

Proposal: Demolition of existing building and erection of residential development (planning permission in principle).

Location: Weighing Equipment
37 Stamperland Crescent
Clarkston
East Renfrewshire
G76 8LH

CONSULTATIONS/COMMENTS:

East Renfrewshire Council Environmental
Health ServiceSite investigation and noise assessment
required.Strategy Section – Affordable Housing and
Development ContributionsTo date, applicant has not agreed to the
provision of affordable housing contributions or
developer contributions.

East Renfrewshire Council Roads Service

No objection to the principle of the proposal
subject to conditions.**PUBLICITY:** None.**SITE NOTICES:** None.

SITE HISTORY:

2009/0613/TP

Erection of 2m high steel
palisade fence at rear

Granted

03.02.2010

REPRESENTATIONS: Nine objections have been received and can be summarised as follows:

Proposal does not meet with ERC policy/guidance

Insufficient information has been submitted with the application
Overlooking
Overshadowing
Height of the buildings inappropriate
Impact on traffic and parking
Inadequate space for development of this size
Impact on the character and amenity of the area
Removal of access lane/RoW
Disruption during the construction phase
Impact on local services
Flooding
Emergency access requirements
Timing of the application
Sets a precedent for similar proposals.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Design Statement – Provides an analysis of the site and its environs. Sets out an indicative site layout and design.

ASSESSMENT:

The application site comprises two warehouses on a site within the general urban area, between Clarkston Road/Stamperland Crescent, Stamperland Gardens and Stamperland Hill. Residential properties lie to the south and east of the site on Stamperland Hill and Stamperland Crescent. A parade of shops lies immediately to the west and north of the site, forming the Stamperland Crescent neighbourhood centre. A private access way, that links Clarkston Road with Stamperland Hill, runs through the site. The site is not an allocated housing site in the adopted East Renfrewshire Local Development Plan 2.

Planning permission in principle is sought for the erection of a residential development on the site, following the demolition and removal of the existing buildings. The applicant has confirmed that details showing a terrace of five, three storey townhouse-type dwellings on the site with an open frontage onto Stamperland Hill are indicative only. Those indicative details are not therefore assessed as part of the proposal. Access(es) to the site are proposed to be taken from Stamperland Hill.

The application requires to be assessed with regard to the Development Plan which comprises NPF4 and the East Renfrewshire Local Development Plan 2.

The policies most relevant to this proposal in NPF4 are Policies 1, 2, 3, 4, 9, 12, 14, 15, and 16.

Policy 1 (Climate mitigation and adaptation) states that: "when considering all development proposals significant weight will be given to the global climate and nature crises."

Policy 2 (Climate mitigation and adaptation) states that: "a) development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible; and b) development proposals will be sited and designed to adapt to current and future risks from climate change.

Policy 3 (Biodiversity) states that local development proposals will include appropriate measures to conserve, restore and enhance biodiversity.

Policy 4 (Natural places) states: "Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application."

Policy 9 a) (Brownfield, vacant and derelict land and empty buildings) states: "Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account." It further states at c) that where land is known or suspected to be contaminated, development proposals will demonstrate that that is, or can be made, safe and suitable for the proposed new use.

Policy 12 b) (i) (Zero waste) states: "Development proposals will be supported where they reuse existing buildings and infrastructure"

Policy 14 (Design, quality and place) states: Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

Policy 15 (Local Living and 20 minute neighbourhoods) states: "Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
 employment;
 shopping;
 health and social care facilities;
 childcare, schools and lifelong learning opportunities;
 playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
 publicly accessible toilets;
 affordable and accessible housing options, ability to age in place and housing diversity."

Policy 16 e) (Quality Homes) states: "Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- i. a higher contribution is justified by evidence of need, or
- ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance."

Policy 16 f) (Quality homes) states "Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- iii. and either:

delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or the proposal is consistent with policy on rural homes; or the proposal is for smaller scale opportunities within an existing settlement boundary; or the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan."

The policies most relevant to this proposal in LDP2 are Strategic Policy 1, Strategic Policy 2 and Policies D1, D2, D6, D7, SG1, SG4, E4, E5 and E10.

Strategic Policy 1 sets out the Council's development strategy and gives priority to the regeneration, consolidation and enhancement of the urban areas through the provision of an efficient and sustainable use of land. The development strategy encourages the re-use of brownfield land in keeping with a sequential approach and in accordance with other relevant policies of the plan.

Strategic Policy 2 relates to development contributions and requires that development meets or proportionately contributes towards the cost of providing new infrastructure.

Policy D1 relates to all development and requires that proposals do not result in a significant loss of character or amenity to the surrounding area and ensure that safe and functional pedestrian, cycle and vehicular access and parking facilities are provided in accordance with the Council's Roads Development Guide.

Policy D2 states that development will be supported with the general urban area where it is appropriate in terms of its location and scale and where it complies with other relevant policies of the plan.

Policy D6 provides minimum open space requirements for new development.

Policy D7 states that the Council will seek to increase the quality and quantity of the area's biodiversity.

Policy SG1 states that proposals for housing on allocated and non-allocated sites will to comply with Strategic Policies 1 and 2, Policy D1 and other relevant policies of the plan.

Policy SG4 states that the Council will require residential proposals of 4 or more houses to provide a minimum 25% contribution towards the provision of affordable housing.

Policy E4 states that proposals must be accompanied by appropriate surveys, assessments and management plans and where necessary provide appropriate mitigation measures.

Policy E5 states that a noise impact assessment may be required where the proposed development may cause or exacerbate existing noise levels or be sensitive to existing levels of noise in the area.

Policy E10 states that proposals to redevelop brownfield or derelict sites must be accompanied by a protected species survey.

It is noted that the site lies within the general urban area as defined in the Local Development Plan 2 and is currently occupied by existing buildings. It lies in proximity to public transport networks and within a wider area characterised by residential development. It also lies in proximity to a range of local services. In general, the principle of residential development of the site would therefore raise no significant conflict with Policies 1, 2, 9 a), 12, 14, 15 and 16f of NPF4. Further, given its location and nature. The proposal generally complies with the terms of Strategic Policy 1 of the East Renfrewshire Local Development Plan. The residential use of the site would be in keeping with the predominantly residential character of the wider area and therefore would raise no issue in principle with Policy D1. As this application is made for planning permission in principle, further detailed assessment will be made against Policies D1 and D6 upon the submission of the Approval of Matters Specified in Conditions application(s).

Whilst not assessed formally at this stage, it is worth noting that the indicative site layout would be unlikely to comply with the terms of the development plan. The erection of five dwellings on the site would likely lead to over-development and the open frontage driveways onto Stamperland Hill would likely be considered to be out of character with the more traditional front gardens and individual driveways the generally characterise the dwellings opposite. It should also be noted that the Roads Service has raised issues with the indicative layout. Had the indicative layout been assessed at this stage, it would likely have been the case that the Council would have sought design/layout changes.

As noted, Policies 3 and 4 of NPF4 and Policy D7 of LDP2 state that proposals should include proposals to enhance biodiversity; and where there is likely to be an adverse impact on biodiversity or where there is a reasonable chance that a protected species is present on the site, an ecological survey must be carried out to assess the impact on biodiversity and to establish the presence of the protected species. Further, Policy E10 of LDP2 states that proposals to redevelop brownfield sites must be accompanied by a protected species survey. Given the nature and location of the existing buildings, it is considered that there is potential for the presence of bats. The proposal involves the demolition of the buildings and the applicant has therefore been asked to complete a bat survey. The agent was initially requested to submit a bat survey on 29 March 2023 and responded to the effect that he considered this can be submitted at the Approval of Matters Specified in Conditions stage. A more formal request was therefore submitted in under Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 on 9 May 2023. There has been no response to this request to date.

Given that the applicant has not provided information on biodiversity and protected species, there is insufficient information to determine whether the proposal complies with Policies 3 and 4 of NPF4 and Policies D7 and E10 of LDP2.

Given the site's current use, there is considered to be potential for contamination on the site. In this regard, the Environmental Health Service has requested that a site investigation is carried out. Again, the applicant was requested to provide this and has thus far failed to do so. Given that the applicant has not provided information on contamination, there is insufficient information to determine whether the proposal complies with Policy 9 c) of NPF4 and Policy E4 of LDP2.

The Environmental Health Service requested that the applicant submit a noise assessment and has thus far failed to do so. Given the applicant has not provided information on noise impact,

there is insufficient information to determine whether the proposal would be at risk from significant noise nuisance.

The Principal Strategy Officer (Affordable Housing and Development Contributions) has advised that details of the policy requirements relating to affordable housing and development contributions was sent out to the applicants. The applicant was asked to respond to the Council in writing, advising whether they agreed to meet these policy requirements and to enter into a Section 75 legal agreement. To date no formal response has been received from the applicants. Given this failure to respond, the requirements of Policy 16e of National Planning Framework 4 and Strategic Policy 2 and Policy SG4 of the Local Development Plan 2 have not therefore been met.

The points of objection not specifically addressed above are considered as follows:

The application is made for planning permission in principle and therefore the details of the proposal are not considered at this stage.

Overlooking will be assessed at the stage of approval of matters specified in conditions.

Overshadowing will be assessed at the stage of approval of matters specified in conditions.

The height of the buildings will be assessed at the stage of approval of matters specified in conditions.

The Roads Service has not indicated objection to the principle of the development.

The density of the development will be considered at the stage of approval of matters specified in conditions.

The Strategy Service has confirmed that the access lane running from Stamperland Hill to Clarkston Road is not a public Right of Way. Land ownership is not a material planning consideration.

If the application is approved, a condition can be attached to the planning permission to control the hours of work on site.

If the application were to be approved, a legal agreement would be required to be entered into to secure the provision of contributions towards the provision of community facilities.

The site is not identified as being at risk from fluvial or surface water flooding on SEPA's flood maps.

Access details, including emergency access, will be considered at the stage of approval of matters specified in conditions.

The application has been made properly and neighbour notification carried out in accordance with the relevant planning legislation. The timing of the submission would not be considered to limit the ability of neighbours to comment.

Precedent is not a material planning consideration as each application is assessed on its own merits.

In conclusion, the applicant has failed to provide requested information on biodiversity, noise impact and ground conditions and has failed to agree to the provision of affordable housing contributions and developer contributions. The requirements of Policies 4, 9c and 16e of National Planning Framework 4; and Strategic Policy 2 and Policies D7, SG4, E4, E5 and E10 have not been met. There are no material considerations that indicate the application should not be refused. It is therefore recommended that the application is refused.

PLANNING OBLIGATIONS: None.

RECOMMENDATION: Refuse

REASONS FOR REFUSAL:

1. The applicant has failed to provide sufficient information on biodiversity and site ground conditions to allow proper assessment of the proposal against Policies 4 and 9c of National Planning Framework 4.
2. The applicant has failed to provide sufficient information on biodiversity, site ground conditions and noise impact to allow proper assessment of the proposal against Policies D7, E4, E5 and E10 of the East Renfrewshire Local Development Plan 2.
3. The proposal is contrary to Policy 16e of National Planning Framework 4 and Strategic Policy 2 and Policy SG4 of the East Renfrewshire Local Development Plan as the applicant has not agreed to provide contributions towards the provision of affordable housing and community facilities as required by the development plan.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3001.

Ref. No.: 2022/0702/TP
(DESC)

DATE: 21st July 2023

DIRECTOR OF ENVIRONMENT

Finalised 21st July 2023 – GMcC(1)

Reference: 2022/0702/TP - Appendix 1

DEVELOPMENT PLAN:

Adopted East Renfrewshire Local Development Plan 2

Strategic Policy 1

Development Strategy

Proposals will be required to meet the objectives of the LDP and contribute to the delivery of the Development Strategy in order to create sustainable, well designed, connected, healthy, safe and mixed communities and places. Proposals should be designed to promote the health and wellbeing benefits of the development for people of all ages, abilities and backgrounds and demonstrate economic, social and environmental benefits. Proposals should not result in a significant adverse loss of character or amenity to the surrounding area.

The Council's approach to development is as follows:

1. Regeneration, consolidation and environmental enhancement of the urban areas through the provision of an efficient and sustainable use of land, buildings and infrastructure that encourages the re-use of brownfield and vacant sites, in keeping with a sequential approach and in accordance with other relevant policies

- of the LDP;
2. Master planned approach to development at the following Strategic Development Opportunity locations:
 - a. Maidenhill/Malletsheugh, Newton Mearns (Policy M2.1);
 - b. Barrhead South - Springhill, Springfield, Lyoncross (Policy M2.2);
 - c. Barrhead North - Shanks/Glasgow Road, Barrhead (Policy M3);
 3. Infill development within the rural settlements compatible with the character, amenity and settlement pattern;
 4. Phased release of sites to make efficient use of existing infrastructure and ensure the coordinated delivery of new infrastructure and investment, including schools; green infrastructure; transport infrastructure; community and leisure facilities; and health and care facilities all in accordance with Strategic Policy 2. Proposals for windfall sites will be required to provide the required infrastructure resulting from development in accordance with Strategic Policy 2 and not prejudice the delivery of allocated sites. Where infrastructure constraints cannot be overcome, including any impacts of additional residential development upon education infrastructure, proposals will not be supported;
 5. Implementation of City Deal strategic infrastructure projects set out in Strategic Policy 3 and Schedule 1 and other major infrastructure programmes;
 6. Protection and enhancement of the green belt and landscape character and setting and the distinct identity of towns and villages in accordance with Policies D2 and D3;
 7. Protection, creation and enhancement of an integrated multi-functional green network and connected green spaces within and around the urban areas which actively contribute to local amenity, recreation, active travel and biodiversity objectives in accordance with Policies D4 and D6;
 8. Protection and enhancement of the built, historic and natural environment in accordance with Policies D7 and D14 to D20;
 9. Provision of homes to meet the all tenure housing requirements of Clydeplan (Table 1) in accordance with Policies SG1, SG2 and SG4. The sites listed in Schedules 15 and 16 will provide a range and choice of housing sizes, types and tenures across the Council area to meet these requirements in accordance with the Strategic Housing Need and Demand Assessment and the Council's Local Housing Strategy;
 10. Sustainable and inclusive economic growth and community benefits, including the creation of new employment opportunities through the provision of a range of sites and areas to provide a strong and diverse economy in both the urban and rural areas, in accordance with Policies SG5, SG6 and SG7;
 11. Maintaining and enhancing the vitality and viability of the town and neighbourhood centres by adopting a town centre first approach that directs development and investment to town and neighbourhood centre locations in accordance with Policies SG10 and SG11; and
 12. The contribution to energy reduction and sustainable development in accordance with Policies E1 and E2.

Strategic Policy 2

Development Contributions

New development must be accompanied by the appropriate infrastructure and services required to support new or expanded communities.

Where new developments individually or cumulatively generate a future need for new or enhanced infrastructure provision, services or facilities, the Council will require the development to meet or proportionately contribute to the cost of providing or improving such infrastructure. Development contributions will fairly and reasonably relate in scale to the proposed development and will be required in order to make the proposed development acceptable in planning terms, all in accordance with the policy tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Planning permission will only be granted where the identified level and range of supporting infrastructure and services required to meet the needs of the new development, are already available or will be available in accordance with agreed timescales.

Where appropriate, contributions may be sought in relation to Education (including Early Years, Primary, Secondary and Additional Support Needs); Community Facilities (including Community Halls and Libraries and Sports); Healthcare; Parks and Open Space; Transportation Infrastructure; Active Travel; and Green Infrastructure.

Future analysis will be carried out with our community planning partners to consider the capacity required to support future demand for healthcare infrastructure.

Further detailed information and guidance is provided in the Development Contributions Supplementary Guidance. The guidance contains details of how impacts will be assessed and how contributions will be calculated. This policy should be read in conjunction with Policy SG4: Affordable Housing.

Policy D1

Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density and layout that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character and setting, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;

7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
12. Unless justified, there will be a general presumption against landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;
14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces 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 Guidance;
16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy D2:

General Urban Areas

Development will be supported within the general urban areas, shown on the Proposals Map. Proposals will be required to demonstrate that the proposed development is appropriate in terms of its location and scale and will not result in a significant loss of character or amenity to the surrounding area. Proposals must also comply with appropriate policies of the Proposed Plan.

Policy D6

Open Space Requirements

Proposals will be required to incorporate multi-functional, integrated and accessible on-site green networks and green infrastructure, including open space provision, wildlife habitats and landscaping.

Proposals will be required to meet the following criteria:

1. Demonstrate that the provision and distribution of open space and green infrastructure has been integrated into the design approach from the outset and has been informed by the context and characteristics of the site using key natural and physical features. Proposals should be designed to accommodate users of all age groups, and levels of agility and mobility;
2. Provide a network and hierarchy of open space to create a structured and legible framework for development, which clearly distinguishes public space, semi-public space and private space using appropriate boundary treatments. Design and layout of proposals should encourage species dispersal through improving connectivity and the availability of habitats. New planting must promote and enhance the biodiversity of the area and incorporate native trees where appropriate;
3. Complement, extend and connect existing open spaces and provide links to the wider green network;
4. Make provision for the long-term management and maintenance of open space. Details of maintenance requirements and arrangements must be set out, including who is responsible for these requirements;
5. Integrate Sustainable Urban Drainage Systems (SUDs) features with open space and active travel networks as part of a multifunctional approach to landscape design. SUDs may form part of open spaces subject to their design, provided they are accessible and contribute to the amenity value of the wider open space; and
6. Meet the minimum open space requirements set out in Schedule 4.

Policy D7

Natural Environment Features

The Council will protect and enhance the natural environment features set out in Schedule 5, and shown on the Proposals Map, and seek to increase the quantity and quality of the areas biodiversity.

1. There will be a strong presumption against development on or adjacent to Natural Features where it would compromise their overall integrity, including Local Biodiversity Sites, Local Nature Reserves, Tree Preservation Orders and ancient and long established woodland sites. Adverse effects on species and habitats should be avoided with mitigation measures provided wherever this is not possible.
2. Development that affects a Site of Special Scientific Interest (SSSIs) will only be permitted where:
 - a. The objectives of designation and the overall integrity of the area will not be compromised; or
 - b. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, community or economic benefits of national importance to the satisfaction of Scottish Ministers and measures are provided to mitigate harmful impacts.
3. Development affecting trees, groups of trees or areas of woodland will only be permitted where:
 - a. Any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity and character of the area has been incorporated into the development through design and layout; or
 - b. In the case of woodland:
 - i. its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits, in line with the Scottish Government's Policy on Control of Woodland Removal; or
 - ii. in the case of individual trees or groups of trees, their loss is essential to facilitate development and is clearly outweighed by social, environmental, community or economic benefits.

Where woodland is removed in association with development, developers will be required to provide compensatory planting which enhances the biodiversity of the area and demonstrates a net gain.

The loss of ancient or semi-natural woodland, or trees covered by Tree Preservation Orders will not be supported. Ancient woodland is an irreplaceable resource and should be protected from adverse impacts arising from development.
4. Where there is likely to be an adverse impact on natural features or biodiversity an ecological appraisal will be required. This appraisal should identify measures adequate to mitigate any impacts that are identified.

Further detailed guidance and information is set out in the Green Network Supplementary Guidance.

Policy SG1

Housing Supply, Delivery and Phasing

To deliver housing needs across all tenures up to 2031 the LDP provides a range and choice of housing sites and supports the delivery of sustainable mixed communities. Provision is made for

the housing land requirement (set out in Table 1) and associated infrastructure to be delivered between 2012 to 2031 to comply with Clydeplan, the requirements of Scottish Planning Policy and in accordance with Strategic Policy 1.

The land supply will be monitored annually through the Housing Land Audit, Housing Trajectory and the Action Programme. Sites will be subject to phased release to ensure that a minimum of a 5 year continuous effective land supply is maintained at all times and to manage impact upon infrastructure and services.

Proposals for housing development on both allocated housing sites listed in Schedule 15 and shown on the Proposals Map, and on windfall sites not identified for housing development will require to comply with Strategic Policy 1, Strategic Policy 2, Policy D1 and any other relevant policies of the LDP.

Sites listed in Schedule 16 and shown on the Proposals Map, are allocated exclusively for affordable housing, including housing for particular needs. Proposals for private/ market housing on these sites will not be supported.

If the Housing Land Audit identifies a shortfall in the 5 year effective housing land supply, and this cannot be addressed through the early release of sites within the established housing land supply, the Council will then only consider housing proposals which:

1. Are consistent with Strategic Policy 1, Policy D1 and Policy 8 and Diagram 10 of Clydeplan with preference for brownfield sites within the urban areas. Sites within the green belt will only be considered where it has been demonstrated that a suitable site does not exist within the urban area and where all other criteria can be met. Proposals will be required to provide a defensible green belt boundary;
2. Are appropriate to the scale and character of the specific settlement and local area;
3. Demonstrate positive social, economic and environmental benefits;
4. Would not prejudice delivery of allocated housing sites listed in Schedule 15;
5. Are effective and capable of delivering completions in the next 5 years as demonstrated through supporting evidence in accordance with PAN 2/2010. Details of the phasing of development is required to be submitted with any application; and
6. Can provide the required infrastructure resulting from development in accordance with Strategic Policy 2. Where infrastructure constraints cannot be overcome, including impacts upon education infrastructure, proposals will not be supported.

Policy SG4

Affordable Housing

The Council will require residential proposals of 4 or more dwellings, including conversions, to provide a minimum 25% affordable housing contribution. This contribution may be made on site; or by means of a commuted sum payment; or off site. The affordable housing must be well integrated into the overall development. All proposals will require to comply with Strategic Policy 2 and Policy D1.

Further detailed information and guidance is provided in the Affordable Housing Supplementary Guidance.

The Council will support the implementation of the affordable housing sites listed in Schedule 16.

Policy E4

Protecting Soil Quality

Proposals will be required to minimise adverse impacts on soil, avoiding the unnecessary disturbance of peat and other carbon rich soils, and minimise the amount of land that is affected.

Proposals must be supported by appropriate surveys, assessments and management plans and where necessary provide appropriate mitigation measures.

In the case of carbon rich soils, in order that the Council may assess the merits of the proposal, applicants must demonstrate the effect it would have on CO2 emissions as a result of its construction.

Policy E5

Noise

The impact of noise will be taken into account when assessing relevant development proposals, particularly those that are close to or could become a source of noise. A noise impact assessment may be required where the proposed development may cause or exacerbate existing noise levels or be sensitive to levels of existing noise in the area.

Where it is not possible to separate noise generating uses and noise sensitive land uses, developers will be required to incorporate good acoustic design.

Where areas already have an unacceptable noise level it may not be possible to mitigate the adverse effects of noise. In such circumstances noise sensitive development, such as new residential development, may not be appropriate.

Development proposals that would either result in or be subject to unacceptable levels of noise will not be supported unless appropriate measures can be put in place that reduce, control and mitigate the noise impact.

Policy E10

Vacant, Derelict and Contaminated Land and Unstable Land

Proposals will be required to optimise the remediation and redevelopment of vacant, derelict and contaminated and unstable land and buildings where appropriate.

Where contamination of a development site is identified, applicants will be required to submit a contaminated land survey alongside their application. Where instability of a development site is identified, including as a result of past mining activity, applicants will be required to submit a ground conditions report or coal mining risk assessment alongside their application.

Any proposals to redevelop brownfield and vacant sites must be accompanied by protected species surveys. The design of the development should be informed by the results of these surveys in order to try to maximise the opportunity for these sites to retain their biodiversity assets.

Temporary greening of sites will be encouraged. Consideration will be given to whether the greening of a site could bring about positive environmental benefits and improvements to the

overall amenity of the area, for example by assisting with the regeneration of the area; site decontamination; or improving existing green infrastructure and green network provision. The biodiversity value of these sites will be required to be assessed through protected species surveys. Proposals should not prejudice the long term development potential of the site.

Opportunities for redevelopment and take up of vacant and derelict land will be monitored through the annual Vacant and Derelict Land Audit.

National Planning Framework 4

Policy 1

Tackling the climate and nature crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2

Climate mitigation and adaptation

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3

Biodiversity

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale

- and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
- v. local community benefits of the biodiversity and/or nature networks have been considered.
 - c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
 - d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4

Natural places

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.
- c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
 - i. The objectives of designation and the overall integrity of the areas will not be compromised; or
 - ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

- d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
 - i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
 - ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.
- e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
- f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests.

If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application

- g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:
 - i. will support meeting renewable energy targets; or,
 - ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

Policy 9

Brownfield, vacant and derelict land and empty buildings

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP
- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 12

Zero waste

- a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- b) Development proposals will be supported where they:
 - i. reuse existing buildings and infrastructure;
 - ii. minimise demolition and salvage materials for reuse;
 - iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the

- end of their useful life;
- iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
- v. use materials that are suitable for reuse with minimal reprocessing.
- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
 - i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross- contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:
 - i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;
 - ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;
 - iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
 - iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
 - v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
 - vi. consideration has been given to co-location with end users of outputs.
- e) Development proposals for new or extended landfill sites will only be supported if:
 - i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
 - ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.
- f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.
- g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal.
 - i. is consistent with climate change mitigation targets and in line with circular economy principles;
 - ii. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;

- iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)
- iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and
- v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

Policy 14

Design, quality and place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:
 - Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.
 - Pleasant: Supporting attractive natural and built spaces.
 - Connected: Supporting well connected networks that make moving around easy and reduce car dependency
 - Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
 - Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
 - Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 15

Local Living and 20 minute neighbourhoods

- a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:
 - sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
 - employment;
 - shopping;

health and social care facilities;
 childcare, schools and lifelong learning opportunities;
 playgrounds and informal play opportunities, parks, green streets and spaces,
 community gardens, opportunities for food growth and allotments, sport and
 recreation facilities;
 publicly accessible toilets;
 affordable and accessible housing options, ability to age in place and housing diversity.

Policy 16

Quality homes

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
 - i. meeting local housing requirements, including affordable homes;
 - ii. providing or enhancing local infrastructure, facilities and services; and
 - iii. improving the residential amenity of the surrounding area.
- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
 - i. self-provided homes;
 - ii. accessible, adaptable and wheelchair accessible homes;
 - iii. build to rent;
 - iv. affordable homes;
 - v. a range of size of homes such as those for larger families;
 - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
 - vii. homes for people undertaking further and higher education; and
 - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
 - i. a higher contribution is justified by evidence of need, or
 - ii. a lower contribution is justified, for example, by evidence of impact on viability,

where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance.

- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
 - i. the proposal is supported by an agreed timescale for build-out; and
 - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
 - iii. and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

- g) Householder development proposals will be supported where they:
 - i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

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DECISION NOTICE

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**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 PERMISSIONRef. No. **2022/0702/TP****Applicant:**

Mr Scott Langlands
37 Stamperland Crescent
Clarkston
Glasgow
Scotland
G76 8LH

Agent:

Stuart Cameron
1 Bothwell Lane
Glasgow
Scotland
G12 8JS

With reference to your application which was registered on 13th December 2022 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Demolition of existing building and erection of residential development (planning permission in principle).

at: Weighing Equipment 37 Stamperland Crescent Clarkston East Renfrewshire G76 8LH

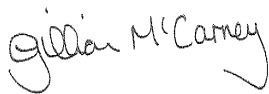
the Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

The reason(s) for the Council's decision are:-

1. The applicant has failed to provide sufficient information on biodiversity and site ground conditions to allow proper assessment of the proposal against Policies 4 and 9c of National Planning Framework 4.
2. The applicant has failed to provide sufficient information on biodiversity, site ground conditions and noise impact to allow proper assessment of the proposal against Policies D7, E4, E5 and E10 of the East Renfrewshire Local Development Plan 2.
3. The proposal is contrary to Strategic Policy 2 and Policy SG4 of the East Renfrewshire Local Development Plan as the applicant has not agreed to provide contributions towards the provision of affordable housing and community facilities as required by those policies.

Dated 21st July 2023

Head of Environment
(Chief Planner)
East Renfrewshire Council
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG
Tel. No. 0141 577 3001



The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	SK100		

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 a decision to refuse permission (or by an 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 can be submitted online at www.eplanning.scotland.gov.uk. Please note that beyond the content of the appeal or review forms, **you cannot normally raise new matters** in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. 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 3001
Email planning@eastrenfrewshire.gov.uk**

NOTICE OF REVIEW

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: planning@eastrenfrewshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100609086-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	cameronwebsterarchitects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	
Last Name: *	Cameron	Building Number:	1
Telephone Number: *	01413309898	Address 1 (Street): *	Bothwell Lane
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G12 8JS
Email Address: *	Stuart@cameronwebster.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Scott"/>	Building Number:	<input type="text" value="37"/>
Last Name: *	<input type="text" value="Langlands"/>	Address 1 (Street): *	<input type="text" value="Stamperland Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Clarkston"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G76 8LH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="sl@dbrash.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="East Renfrewshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="37 STAMPERLAND CRESCENT"/>
Address 2:	<input type="text" value="CLARKSTON"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GLASGOW"/>
Post Code:	<input type="text" value="G76 8LH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="658021"/>	Easting	<input type="text" value="257599"/>
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Description of Proposal

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

Demolition of existing building and erection of residential development (planning permission in principle). at: Weighing Equipment, 37 Stamperland Crescent, Clarkson, East Renfrewshire, G76 8LH

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Statement provided as separate document.

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Notice of Review to East Renfrewshire Council Statement; Appendix A Drawing 2211SK100 Existing Location Plan

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

2022/0702/TP

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

01/12/2022

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

21/07/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

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

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

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

Declaration Name: Mr Stuart Cameron

Declaration Date: 16/10/2023

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Notice of Review to East Renfrewshire Council

Planning Application ref: 2022/0702/TP

Address: 37 Stamperland Crescent, Clarkston, East Renfrewshire G76 8LH

Demolition of existing building and erection of residential development

Application Type: Planning Permission in Principle

Date Refused: 21 July 2023

Deadline for Notice of Review: 20 October 2023

1. Executive Summary

- 1.1. This paper outlines the case for a review of planning application 2022/0702/TP that was refused on 24th July 2023 under delegated powers. The applicant is requesting that the Local Review Panel overturns the officer's decision and decides to either grant planning permission or to be minded to grant planning permission subject to a Section 75 legal agreement.
- 1.2. This is an application for Planning Permission in Principle. The key question is whether the site bounded by the red line on drawing PiP SK100 is appropriate for residential use. The Review is not being asked to approve any specific site layout, number of residential units or design of any dwellings or parking arrangements but to just consider whether the principle of residential use on this site is acceptable.
- 1.3. The case officer has already stated in his Handling Report that the proposed site sits within an existing residential neighbourhood and that the principle of residential development on this site has no significant conflict with National Planning Policy for creating walkable neighbourhoods, re-use of brownfield land, reducing waste, and creating liveable places. The officer also acknowledges that the proposal complies with the Local Development Plan Strategic Policy 1 Housing Supply, Delivery and Phasing and does not raise any concern in respect of Policy D1 Placemaking and Design.
- 1.4. Therefore, the officer has not refused the application on the principle of residential use but has instead decided to refuse the application based on certain technical information not being provided. The Applicant asserts that provision of the technical information requested is disproportionate to an application for Permission in Principle - both in the cost of obtaining the requested reports, their technical feasibility and their potential to become invalid given the likely timescale between their completion and any future detailed proposed design being brought forward or implemented.

- 1.5. The Applicant is therefore requesting that, should the Review Panel be minded to grant Planning Permission in Principle that these technical reports are instead specified as a requirement by means of conditions attached to a consent.
- 1.6. The officer also cites the lack of an undertaking by the Applicant to enter into a legal agreement as a reason for refusal of the application. As a long-standing local business and employer, the Applicant recognises the need to provide local services and has no objection to entering into a legal agreement of an acceptable form and for that agreement to be registered with the land Title. However, there is substantial case history across Scotland at both Local Review, and in cases decided at Appeal to the Scottish Ministers, demonstrating that the requirement for a legal agreement does not prevent a decision being made. In such cases it is normal procedure for a requirement for a legal agreement to either be attached as a condition to the consent or for the Local Review to 'be minded to grant consent subject to a legal agreement'.
- 1.7. As a long-standing local employer the Applicant requests the Review Panel support this application and grant consent for Planning Permission in Principle.

2. Application Background

- 2.1. D Brash & Sons is a family-owned business that was founded in Glasgow in 1879. The original business built, supplied and serviced scales to the coal trade and moved to its present site in Clarkston in 1974. The Company now operates from 6 sites across and is one of the UK's leading independent distributors of weighing equipment.
- 2.2. The premises at Stamperland Crescent comprise a two storey brick built industrial building with a metal roof. The building is set back from Stamperland Crescent and is largely concealed behind a parade of single storey shops. There is a small parking and loading area to the front accessed from Stamperland Crescent. To the rear the premises are also accessed from Stamperland Hill. Due to the natural topography the premises are generally lower in height than the existing adjacent houses on Stamperland Crescent and also those on the other side of Stamperland Hill.
- 2.3. The premises are no longer fit for purpose and do not support the needs of the business and the head office of a UK wide company. There are significant problems in the site drainage, vehicle access, poor energy efficiency and ongoing maintenance. These are inherent in the building and, consequently, D Brash & Sons is considering relocation of its head office operation to more suitable premises within the local area.
- 2.4. The existing premises sit within an established residential neighbourhood and therefore the applicant is seeking to obtain planning permission in principle (PPP) for the redevelopment of the site as housing as this would appear to be the most beneficial use of the site in the long-

term and be more 'in-keeping' with the existing residential character of the Stamperland neighbourhood.

- 2.5. A pre-application enquiry was sent to the planning department in early September 2022, Unfortunately, the planning department took over 3 months to reply by when the applicant had decided to submit a formal application. Therefore the application for planning permission in principle was submitted on 1st December 2022 and validated on 15th December in the absence of any pre-application advice from the planning department.
- 2.6. Following a lengthy period during which there was ongoing correspondence with the case officer the application was refused on 24th July 2023 - more than seven months after it was submitted. The representations and correspondence with the officer is discussed in more detail below.
- 2.7. The Town and Country Planning (Scotland) Act 1997 as Amended does not require that detailed plans and elevations of a proposal are provided for a PPP application. Therefore, the applicant wishes to stress that the 'proposed' plans and elevations of five new houses were provided only as being indicative and do not form part of the formal application for which approval is being sought. Any approval would be based on the Location Plan drawing PiP SK100 only and would not necessarily specify the number or size of any dwellings that might subsequently be approved under an application for Matters Specified in Conditions (AMSIC).

3. Application Timeline

2 September 2022	Initial Preapplication Enquiry
1 December 2022	Submission of PPP application
6 December 2022	Response by case officer to pre application enquiry
13 December 2022	Invalidation letter requesting additional fee and additional drawing
13 December 2022	Application validated upon receipt of requested information
05 January 2023	Neighbour consultation expiry
8 February 2023	Agent's response to Neighbour representations submitted
9 February 2022	Email from case officer advising that the application will be decided under delegated powers.
13 February 2023	Statutory decision period expires
27 February 2023	Email from case officer advising his intent to visit the site (received more than 8 weeks after application validated)
29 March 2023	Email from officer advising that he visited the site 'last week' and there were 'some issues I want to discuss with you' (received 6 weeks after expiry of statutory period).
29 March 2023	Email advising that a bat survey and noise survey will be required.

	Reply from CWA commenting that a bat survey and noise survey would normally be dealt with as conditions under a permission for planning in principle.
11 April 2023	Follow up email from agent requesting an update on the application
18 April 2023	Further email from agent requesting a progress update and noting that the application has so far taken 18 weeks. Reply from case officer advising that he is waiting on consultation responses from Environmental Health and Affordable Housing Contributions (AH+DC) Officer
3 May 2023	Email from AH+DC lead officer attaching calculation of developer contributions totalling £33,766.30 based on 5 dwellings.
9 May 2023	Letter from case officer stating a requirement for a bat survey, site investigation and noise survey (this is the first response to the agents email of 29 March).
9 May 2023	Updated report received from AH+DC removing specific mention of a proposed number of residential units. Notes that the application will not be determined until the applicant's position is confirmed in writing. This point is discussed in more detail below.
4 July 2023	Notification of Refusal

4. Reason for Review

- 4.1. The applicant seeks a review of the case officer's decision and requests that the Review Panel approves the application on the basis that the site is suitable for development as housing. As this is an application for Planning Permission in Principle, the applicant is only seeking approval 'in principle' and accepts that any approval will have attached conditions requiring further approval of detailed matters - such as the number of housing units, their design, parking provision and all relevant associated technical matters and development contributions as would normally be required under planning policy.
- 4.2. It is noted that whilst the case officer refuses the application on the grounds of inadequate technical information, he acknowledges that **in principle** the site is suitable for development as housing. The officer states three reasons for his refusal:

The applicant has failed to provide sufficient information on biodiversity and site ground conditions to allow proper assessment of the proposal against Policies 4 and 9c of National Planning Framework 4.

The applicant has failed to provide sufficient information on biodiversity, site ground conditions and noise impact to allow proper assessment of the proposal against Policies D7, E4, E5 and E10 of the East Renfrewshire Local Development Plan 2.

The proposal is contrary to Strategic Policy 2 and Policy SG4 of the East Renfrewshire Local Development Plan as the applicant has not agreed to provide contributions towards the provision of affordable housing and community facilities as required by those policies.

- 4.3. The Applicant asserts that the technical information and agreements noted by the officer could be attached to a PPP consent as conditions and would be better addressed as 'matters specified in conditions' when a full detailed design of the proposed housing, including the number and size of swellings, is available.

5. Neighbour Representations

- 5.1. Nine representations were received within the neighbour consultation period. The agent provided a response to these representations on 8 February 2023. The case officer's handling Report summarises the points of objection as follows:

- *“The application is made for planning permission in principle and therefore the details of the proposal are not considered at this stage.*
- *Overlooking will be assessed at the stage of approval of matters specified in conditions.*
- *Overshadowing will be assessed at the stage of approval of matters specified in conditions.*
- *The height of the buildings will be assessed at the stage of approval of matters specified in conditions.*
- *The Roads Service has not indicated objection to the principle of the development.*
- *The density of the development will be considered at the stage of approval of matters specified in conditions.*
- *The Strategy Service has confirmed that the access lane running from Stamperland Hill to Clarkston Road is not a public Right of Way. Land ownership is not a material planning consideration.*
- *If the application is approved, a condition can be attached to the planning permission to control the hours of work on site.*
- *If the application were to be approved, a legal agreement would be required to be entered into to secure the provision of contributions towards the provision of community facilities.*
- *The site is not identified as being at risk from fluvial or surface water flooding on SEPA's flood maps.*
- *Access details, including emergency access, will be considered at the stage of approval of matters specified in conditions.”*

- 5.2. In summary, the case officer considered that there were no material reasons that Planning in Permission should be refused as a consequence of objections received from the neighbour/public consultation process. He also noted that 'if the application were to be approved' a legal agreement would be required.

6. Comment on Policy

- 6.1. The Decision Notice makes reference to the following policies as justification for refusal of the application:

National Planning Framework 4 (NPF4)

<i>Policy 4</i>	<i>Natural Places</i>	Discussed below in relation to protected species
<i>Policy 9c</i>		Discussed below in relation to contaminated land

East Renfrewshire Local Development Plan 2

<i>Policy D7</i>	<i>Natural Environment Features</i>	Discussed below in relation to protected species
<i>Policy E4</i>	<i>Protecting Soil Quality</i>	this policy is not relevant as it is primarily intended to protect greenfield sites and not applicable to a brownfield site
<i>Policy E5</i>	<i>Noise Impacts</i>	Discussed below in relation to a Noise Survey
<i>Policy E10</i>	<i>Vacant, Derelict, Contaminated and Unstable Ground</i>	Discussed below in relation to contaminated land
<i>Strategic Policy 2</i>	<i>Development Contributions</i>	Discussed below in relation to the requirement for a legal agreement
<i>Policy SG4</i>	<i>Affordable Housing</i>	Discussed below in relation to the requirement for a legal agreement

NPF4

- 6.2. The case officer refers to National Planning Framework 4 throughout his report. It is therefore important to highlight how NPF4 is intended to be used by local authorities in assessing planning applications.
- 6.3. It is also important to note that NPF4 does not make any distinction between Full Planning Applications (FP) and applications for Planning Permission in Principle (PPP).
- 6.4. NPF4 Annex A also provides guidance on how NPF4 should be applied (agents highlighting in bold).

*The Local Development Plan section clarifies the expected role of LDPs for each topic. The focus for LDPs should be on land allocation through the spatial strategy and interpreting this national policy in a local context. **There is no need for LDPs to replicate policies within NPF4, but authorities can add further detail including locally specific policies should they consider to be a need to do so, based on the area's individual characteristics.** The policy sections are for use in the determination of planning applications. The policies should be read as a whole. **Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis.** Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies.*

- 6.5. In other words, the Local Review Panel - as the decision maker - can decide how NPF4 is applied on a case by case basis. The Applicant asserts that in this case the officer is requesting levels of technical information that may be appropriate to a full application or for Approval of Matters Specified in Conditions but that is not appropriate to an application for Planning Permission in Principle where the number, type or design of any residential units has not been included for approval.

7. Report of Handling

- 7.1. A Report of Handling - Delegated was published to coincide with the notification of refusal. In the Handling Report the officer outlines the relevant national and local policies and assesses the application against those policies.
- 7.2. *Statutory Consultations*
Three consultation responses are noted:
- Environmental Health requested a noise survey and a site investigation - this is assumed to be in respect of contamination.

- AF+DC requested the applicant agreed with the calculation of developer contributions and to enter into a legal agreement.
- Roads Service noted no objection in principle to the proposal.

7.3. Officer's Assessment

The case officer assesses the application against relevant policies and comments as follows (agent's emphasis in bold):

*It is noted that the site lies within the general urban area as defined in the Local Development Plan 2 and is currently occupied by existing buildings. It lies in proximity to public transport networks and within a wider area characterised by residential development. It also lies in proximity to a range of local services. In general, the principle of residential development of the site would therefore raise no significant conflict with Policies 1, 2, 9 a), 12, 14, 15 and 16f of NPF4. Further, given its location and nature. **The proposal generally complies with the terms of Strategic Policy 1 of the East Renfrewshire Local Development Plan. The residential use of the site would be in keeping with the predominantly residential character of the wider area and therefore would raise no issue in principle with Policy D1.** As this application is made for planning permission in principle, further detailed assessment will be made against Policies D1 and D6 upon the submission of the Approval of Matters Specified in Conditions application(s).*

- 7.4. In summary, the officer considers that 'in principle' development of residential housing on the site would be acceptable.

8. Discussion of Reasons for Refusal

Bat Survey

- 8.1. NPF4 (4f) states that (agent's highlighting in bold)

*Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. **If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence.** The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.*

- 8.2. The Applicant has never observed any protected species on the site nor has the case officer presented the Applicant with any reasonable evidence to suggest that a protected species is present. Furthermore, NPF4 does not make any stipulation between Full Planning Applications and Planning Applications in Principal.

- 8.3. The case officer notes that he requested a bat survey on 29 March 2023 but did not provide any reasonable evidence to support this request. On 9 May 2023 the request is repeated but again, no reasonable evidence is offered to justify the request. In his report he states “Given that the applicant has not provided information on biodiversity and protected species, there is insufficient information to determine whether the proposal complies with Policies 3 and 4 of NPF4 and Policies D7 and E10 of LDP2.”
- 8.4. The agent suggested that a bat survey would be best handled under a Matters Specified in Conditions given that the precise nature of any residential development is not approved under a PPP application.
- 8.5. Whilst the applicant does not have any prior experience of bat roosting within the building he has no objection to providing a bat survey however would point out the following for the Panel to consider:
- A bat survey can only be carried out between end of April and beginning of October
 - A protected species survey is only valid for 6 months
 - The cost of a survey is in the region of £2500
- 8.6. Therefore, it is highly likely that any survey carries out to support a PPP application would expire before any approval of detailed design was forthcoming. Particularly, as it took the case officer 4 months to make a first visit to the site. It is therefore highly likely that the cost of the bat survey would be abortive and need to be repeated at a later date.
- 8.7. The best time to carry out a survey is during the summer that is immediately preceding the start of a development. Therefore, in this case where it is only the principle of residential development that is in question, the applicant proposes that any approval of the application is either conditional upon or subject to a Phase 1 bat survey evidencing that no protected species is present on the site.

Biodiversity

- 8.8. NPF 3(c) states:

Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

- 8.9. Unlike protected species surveys NPF3(c) does not state that a biodiversity appraisal is completed as a pre-requisite to a determination of a planning application.
- 8.10. East Renfrewshire Policy D7.4 states

Where there is likely to be an adverse impact on natural features or biodiversity an ecological appraisal will be required. This appraisal should identify measures adequate to mitigate any impacts that are identified.

- 8.11. The application site is an existing light industrial building surrounded by asphalt areas with a small patch of grass on one side. It is not within any designated green network, open space or protected urban greenspace. There are no trees within the site. The likelihood of an adverse impact on existing biodiversity is extremely low to zero. In this context, the cost of a baseline biodiversity appraisal that is likely to be in the region of £2000 would seem disproportionate and unreasonable.
- 8.12. On this basis the applicant would assert that a biodiversity appraisal is not required in order for a determination to be made and that it would be much more reasonable for any such survey to be specified in the conditions attached to an approval.

Noise Survey

- 8.13. Policy E5 states that
A noise impact assessment may be required where the proposed development may cause or exacerbate existing noise levels or be sensitive to levels of existing noise in the area.
 and,
Development proposals that would either result in or be subject to unacceptable levels of noise will not be supported unless appropriate measures can be put in place that reduce, control and mitigate the noise impact.
- 8.14. Whilst the Environmental Health officer has requested a noise survey the Applicant would assert that this is more appropriately handled as a condition to any consent for Planning Permission in Principle. There is a significant cost in obtaining a professional noise survey. The retail units adjacent to the site are not generally of the nature that generate high noise levels from external machinery or internal activities. There are only three externally mounted condenser fans at the rear of the shop units that serve a closed cafe and the Premier mini-market on the corner of Stamperland Crescent and Stamperland Gardens.
- 8.15. Furthermore, it is not unreasonable that any background ambient noise levels could be attenuated through the use of acoustic ventilators and high quality triple glazing to windows that is commonly used in current housing designed to meet current energy standards.
- 8.16. The applicant therefore proposes that this matter is more appropriately handled as a condition attached to a planning consent notice.

Site Investigation

- 8.17. NPF4 Policy9(d) states:

Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

- 8.18. In this case the applicant agrees that there is a risk of contamination of the site based on prior use. However, the following may also be considered:
- The site is almost entirely occupied by a building that is currently in use as a thriving business therefore digging pits or boring holes in the floor of the building is not practical
 - The area at most risk of contamination is outwith the area of the site likely to be developed
 - the cost of a Phase 2 full site investigation is likely to be in excess of £10,000
 - Any contamination of the site that is evidenced following investigations will need to be mitigated and remediated within detailed proposals that are brought forward under the approval process of Matters Specified in Conditions.
- 8.19. Therefore, the applicant respectfully proposes that the provision of a site investigation for contamination and remediation is included as a suspensive condition to any approval.

Developer Contributions

- 8.20. The Applicant recognised that substantial developer contributions would likely be attached to any consent for residential development prior to making the application. This was one of the primary reasons that an initial pre-application enquiry was made - in the hope that some guidance could be given on the level of developer contribution that may be levied. It is very unfortunate that a reply to the initial pre-application enquiry took so long. However, an amended assessment of the level of developer contributions was received from AH+DC on the 9 May 2023 - over 5 months after the planning application was first submitted. This amended assessment correctly disregarded the indicative plans for 5 houses and provided an assessment based on a 'per residential unit' basis. The assessment requested the applicant's position on entering into a legal agreement to this effect.
- 8.21. Whilst the applicant is in agreement with the assessment methodology and also agrees in principle to entering into a legal agreement prior to formal issue of decision notice, the Applicant does have some reservations:
- 8.22. The officer's report states:

As set out above, should this proposal progress, a legal agreement would be required to secure both the affordable housing commuted sum and development contributions should 4 or more units be applied for at AMSIC stage; planning permission in principle would be subject to the satisfactory conclusion of the legal agreement to secure the payment of the appropriate contributions. This means that planning permission in principle would not be granted until the legal agreement had been agreed, finalised and registered in the Books of Council and Session, and in the case of Section 75 agreements, registered in the Land Register of Scotland.

- 8.23. Unfortunately, the note above contains an inherent potential contradiction between the first sentence and the second sentence that needs to be clarified. The application is for Planning Permission in Principle of residential development. The permission does not state a number of residential units. Therefore, it will not be possible to determine the level commuted sum until a full design is brought forward at a future date under the process for Approval of Matters Specified in Conditions (AMSIC). Planning Permission in Principle would therefore be subject to a Section 75 agreement to be brought forward during the AMISC process depending upon the number of residential units being proposed at that stage. That is 'in principle' acceptable to the applicant.
- 8.24. However, although any agreement would not be able to include a specific number of residential units it could include the methodology for calculation of the commuted sum on a 'per unit' basis should a proposal for 4 or more residential units be brought forward at AMSIC stage. It is the Agent's understanding that developer contributions would not apply for developments of fewer than four residential units. Therefore, should a proposal for fewer than 4 residential units be brought forward, a legal agreement would not be required.

9. Conclusion

- 9.1. D Brash & Sons is a long standing East Renfrewshire based business that is committed to supporting the East Renfrewshire economy through local employment. Recent growth into a UK wide business has led to the Directors seeking to relocate to more appropriate modern and efficient premises within East Renfrewshire. This will release the existing premises for redevelopment and, as such the company is looking for confirmation that the principle of residential development is acceptable to the Council.
- 9.2. The case officer has acknowledged that residential use at this site is acceptable and in accordance with Council policies as set out in Local Development Plan 2.

The proposal generally complies with the terms of Strategic Policy 1 of the East Renfrewshire Local Development Plan. The residential use of the site would be in keeping with the predominantly residential character of the wider area and therefore would raise no issue in principle with Policy D1.

- 9.3. The officer has however refused the application on the basis of a lack of information. The applicant asserts that
- the absence of the technical information does not prevent a determination of the application
 - that the cost of technical surveys requested is disproportionate and prohibitive to an application for Planning Permission in Principle on this small site
 - that the technical information requested can and should be included as conditions to an approval of the application and therefore presented for Approval of Matters Specified in Conditions.

9.4. Regarding the request for a legal agreement, the Applicant agrees to the principle that any approval of Planning Permission in Principle is subject to a Section 75 legal agreement on the broad terms set out above.

9.5. The applicant refers to the case officers report that states:

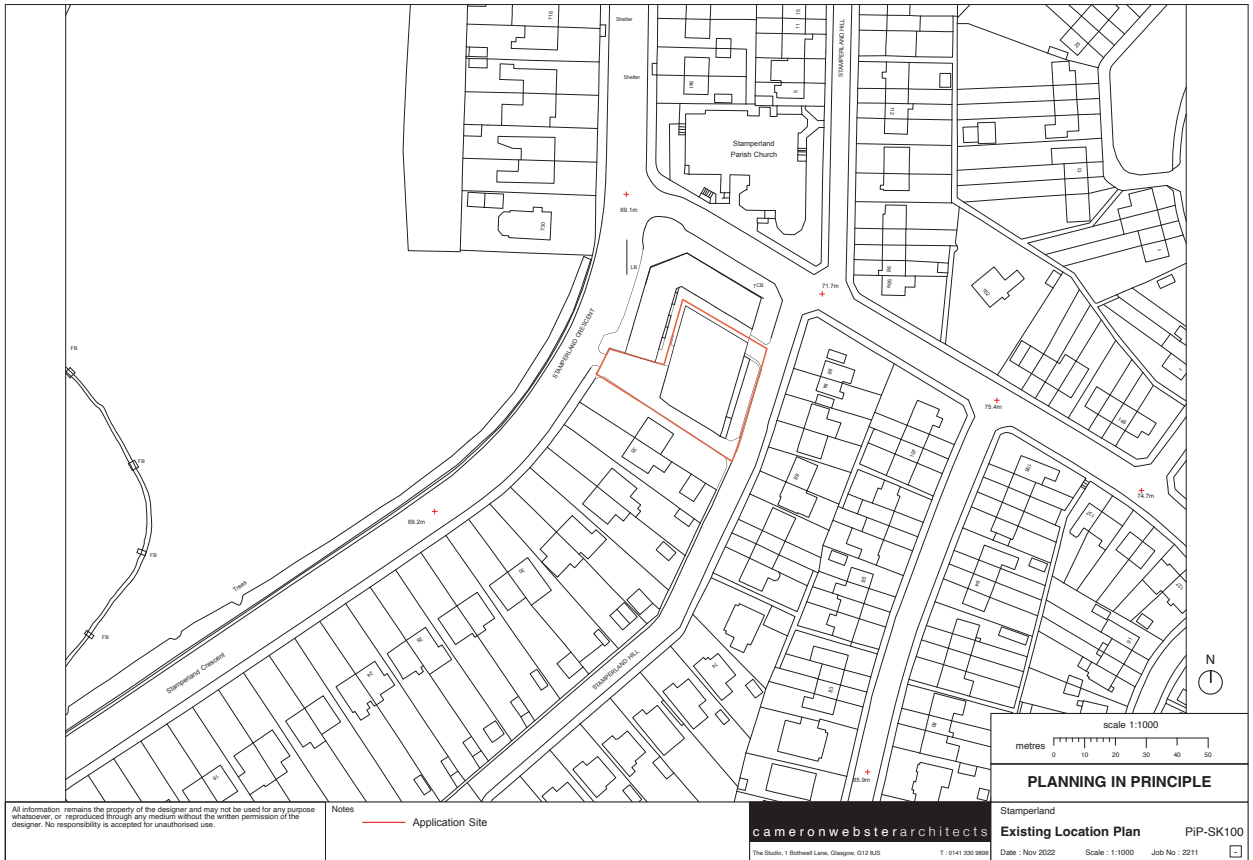
As this application is made for planning permission in principle, further detailed assessment will be made against Policies D1 and D6 upon the submission of the Approval of Matters Specified in Conditions application(s).

9.6. Therefore, the Applicant respectfully requests that the Local Review Panel allows this appeal with the proposed conditions as outlined above.

Appendices:

- A. Location Plan Drawing PiP SK100
- B. Site Photographs
- C. AH+CD Assessment Report
- D. Handling Report
- E. Decision Notice

APPENDIX A: Location Plan Drawing PiP SK100



APPENDIX B: Site Photographs



Photo of existing warehouse set back from parade of shops on Stammerland Crescent



Photos of existing warehouse and parking/ loading area to front of site.



Existing warehouses on site viewed from Stamperland lane.



Adjacent houses on Stamperland Hill



Google streetview screengrab showing site from Stamperland Hill



Photo of parade of shops on Stamperland Gardens



Photo of the condition to the rear of the shops

APPENDIX C: AH + CD Assessment Report

Planning & Building Standards



 Planning Obligations – Summary of Policy Requirements

May 9, 2023

Updated following change of description of proposal
Application: 2022/0702/TP**Site Address:** Weighing Equipment, 37 Stamperland Crescent, Clarkston, G76 8LH**Proposal:** Demolition of existing building and erection of residential development (planning permission in principle). **(Updated Description)****Applicants:** Mr Scott Langlands**Agent:** Stuart Cameron, Cameron Webster Architects

This summary of policy requirements will form the basis for any agreement you enter into with East Renfrewshire Council. Your application will be unable to be determined (in terms of delegated powers /reported to committee) until we receive a response in writing to the terms as set out below, confirming the applicant's position.

Affordable Housing

LDP Policy and Supplementary Planning Guidance:

Proposals for residential development on this site are likely to be subject to National Planning Framework 4 (NPF4) Policy 16 and Local Development Plan2 (LDP2) **Policy SG4** Affordable Housing. Policy 16 of NPF4 states that proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes. The Council's policy SG4 requires a minimum 25% affordable housing contribution where planning permission is sought for residential developments of 4 or more dwellings. The Council's SPG on Affordable Housing (June 2015) is also a material consideration.

Affordable Housing Assessment:

At this stage, this application is seeking planning permission in principal (PPiP) for the erection of residential development. Should the site be granted PPiP, further detail will require to be submitted at Approval of Matters Specified in Conditions (AMSIC) stage, including a detailed site layout specifying the number of residential units proposed. Should 4 or more residential units be proposed at that point, the Council's affordable housing policy would apply, which would require a minimum 25% affordable housing contribution from the site (for example if 5 units were applied for, a contribution based on 1.25 units would be required).

Should the Council be minded to grant this Planning Permission in Principle proposal, a section 75 legal agreement would be required to be entered into in order to secure an affordable housing contribution, should 4 or more units be applied for at AMSIC Stage.

If 4 or more units are applied for, the following would apply:

Given the specific circumstances of this site, the payment of a commuted sum would be an acceptable affordable housing contribution, based on a min 25% of the number of units applied for.

In line with Scottish Government Planning Advice Note 2/2010: Affordable Housing & Housing Land Audits, the commuted sum required would be of a value equivalent to the cost of providing the percentage of serviced land required by the policy, and at a reasonable density for the end use as affordable housing. The value of the commuted sum would be determined by the District Valuer (DV) unless the applicant requests otherwise, in which case it would be determined by a chartered valuation surveyor suitably experienced in the type of property and



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the locality and appointed by mutual agreement between the parties, failing which the chairman of the RICS in Scotland.

Should 4 or more units be applied for at AMSIC stage, the Council would commission the DV to produce a valuation report to determine the appropriate per unit commuted sum payable for this application. In doing so the Council would supply the District Valuer with copies of all relevant plans and planning application documentation for the development. We are currently awaiting updated information from the Valuation Office Agency (VOA) on current estimated fees for the production of a standard report. The estimated costs to the applicants will be advised prior to the DV being instructed (in previous years this has been in the range of approx. £2,000-3,000 excluding VAT however costs can vary depending on site specifics, and costs may have increased since the last estimate was issued). As per the Council's SPG, in this case, 50% of the valuation fees would be recharged to the applicant.

The Section 75 legal agreement required to be entered into at this PPiP stage would set out information and requirements in relation to the required affordable housing contribution should 4 or more units be applied for, the valuation of the per unit commuted sum, and future phasing of payments etc.

Development Contributions

LDP Policy and Supplementary Planning Guidance:

Proposals for residential development on this site are likely to be subject to National Planning Framework 4 (NPF4) Policy 18 and the Council's Local Development Plan2 (LDP2) **Strategic Policy 1 'Development Strategy'** and **Strategic Policy 2 'Development Contributions'**. The Council's SPG on Development Contributions (June 2015) and the Council's Development Contributions SPG's Education Addendum 2019 are also material considerations.

Development Contributions Assessment

At this stage, this application is seeking planning permission in principle for the erection of residential development. Should the site be granted planning permission in principle, further detail will require to be submitted at Approval of Matters Specified in Conditions (AMSIC) stage, including a detailed site layout specifying the number of residential units proposed. Should 4 or more residential units be proposed at that point, the Council's development contributions policy would apply.

Should the Council be minded to grant this Planning Permission in Principle (PPiP) proposal, a section 75 legal agreement would be required to be entered into in order to secure the required development contributions, should 4 or more units be applied for at AMSIC Stage.

If 4 or more units are applied for, the following would apply:

Education

East Renfrewshire is recognised throughout Scotland for the quality of its education provision and the high performance of its schools and such success has contributed to a subsequent growth in the number of pupils in schools and children in early learning and childcare establishments. The quality of Education provided within East Renfrewshire contributes significantly to its desirability as a place to live, and in turn, is a key contributor to the marketability of new homes in the area. In the authority the number of East Renfrewshire resident pupils has risen by over 20% in primary aged children and 12% in secondary aged children from 2011 – 2020.

Considerable residential development (including windfall sites) and rising inward migration have led to an increase in the pupil product ratio i.e. the anticipated propensity of residential units to generate children of school age. This has been particularly significant in the East of the Authority, which has resulted in very high occupancy levels within the school estate.



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East Renfrewshire's educational estate must continue to be developed in a planned and phased way to ensure sufficient places are available to meet increasing demand (for early learning and childcare establishments, primary and secondary schools and additional support needs). In doing so, this takes account of planned and agreed new residential development allocated in the Local Development Plan.

With regards to Primary, Secondary, Early-Years and Additional Support Needs (ASN) education the Council is seeking to secure contributions for necessary improvements in education infrastructure arising from the **cumulative impact** of all the emerging housing sites within the Council's Local Development Plan. Windfall sites are treated in the same manner. The Council's notional maximum occupancy, over which development contributions will be sought, is 85% capacity for secondary schools and 90% capacity for pre-school and primary. Where the cumulative effect results in the need for contributions, the windfall site will be expected to meet the cost of all pupils that it generates over the associated threshold.

Strategic Policy 1 of the LDP2 advises that proposals for windfall sites will be required to provide the required infrastructure resulting from development in accordance with Strategic Policy 2 and not prejudice the delivery of allocated sites. Where infrastructure constraints cannot be overcome, including any impacts of additional residential development upon education infrastructure, proposals will not be supported.

Education Recommendation:

Sufficient education places for the resident population, a legislative duty, must be provided by East Renfrewshire Council. Proposed development at 37 Stamperland Crescent must be carefully and strategically planned to ensure the provision of Education places due to high occupancy levels. It is essential that suitable and appropriate Education infrastructure is in place corresponding to the Development Contributions Supplementary Planning Guidance (SPG).

In line with the Development Contributions Supplementary Planning Guidance and Education Addendum, should the Council be minded to approve 4 or more units on this site at AMSIC stage, contributions would be required for Our Lady of the Missions Primary School, St Ninian's High School, Williamwood High School and ASN.

The Education contribution requirements of this site would be as follows.

Education Establishment	Per Residential Unit Requirements
Netherlee Primary	No required at this time
Our Lady of the Missions Primary	£3,496.08 per residential unit
Williamwood High School	£2,330.72 per residential unit
St Ninian's High School	£874.02 per residential unit
Busby Clarkston & Eaglesham Community ELC	Not required at this time
Isobel Mair ASN	£52.44 per residential unit
Total	£6,753.26 Indexed per residential unit*

* Indexed from the date of June 2018 to the date of payment**

For further detailed information, please see the Development Contributions SPG and Education Addendum (2019), available on the [Council's website](#)

Community Facilities

Library & Community Halls

Should the Council be minded to grant this proposal, and 4 or more units be applied for at AMSIC stage, a contribution would be required to mitigate the impact which this proposal would have on existing community halls and libraries in the area. SPG per unit figure of £193 per residential unit Indexed from the date of adoption of the SPG (June 2015) to the date of payment.

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Sports Facilities

Should the Council be minded to grant this proposal, and 4 or more units be applied for at AMSIC stage, a contribution would be required to mitigate the impact which this proposal would have on existing Sports facilities in the area. SPG figure of £382 per residential unit Indexed from the date of adoption of the SPG (June 2015) to the date of payment.

Contribution type	Per Residential Unit Requirements
Libraries & Community Halls	£193 per residential unit Indexed
Sports	£382 per residential unit Indexed

Contributions for community facilities may be pooled in order to deliver best value mitigation measures.

Parks & Open Space

Should the Council be minded to grant this proposal, and 4 or more units be applied for at AMSIC stage, a contribution would be required to mitigate the impact which this proposal would have on existing parks and open space in the wider Newton Mearns area. Noting that because this is a greenbelt location, the usual SPG distance restrictions on use would not apply. SPG per unit figure of £194 per residential unit Indexed from the date of adoption of the SPG (June 2015) to the date of payment.

Contribution type	Per Residential Unit Requirements
Parks & Open Space	£194 per residential unit Indexed

Roads & Transportation

No requirements at this stage: At this Planning Permission in Principle stage, no contribution requirements for off-site works have been identified by the Roads Service. Should this position change following submission of a detailed design at the Approval of Matters Specified in Conditions stage, the requirement for roads and transportation contributions would be reassessed.

Green Network & Access

In this instance, we would expect appropriate access links and any mitigation for loss of green network to be provided on site. To be addressed by the case officer and secured by condition if required.

The Council will expend all development contributions on a best value basis which may include pooling development contributions from other applications and other sources of funding to ensure the best outcome.

Should the Council be minded to grant this proposal, the Section 75 legal agreement required to be entered into at this PPIP stage would set out information on development contribution requirements, should 4 or more units be applied for, per residential unit sums and arrangements for phasing of payments etc.

Legal Agreement

As set out above, should this proposal progress, a legal agreement would be required to secure both the affordable housing commuted sum and development contributions should 4 or more units be applied for at AMSIC stage; planning permission in principle would be subject to the satisfactory conclusion of the legal agreement to secure the payment of the appropriate contributions. This means that planning permission in principle would not be granted until the legal agreement had been agreed, finalised and registered in the Books of Council and Session, and in the case of Section 75 agreements, registered in the Land Register of Scotland.

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It should be noted that the applicants would be responsible for the Council's reasonable legal fees and outlays involved in the preparation and completion of the legal agreement.

The above is the view of the Council's Principal Strategy Officer responsible for the implementation of the Council's Development Contributions and Affordable Housing policies and does not prejudice the determination of any application submitted to the Planning Authority. It is for the Case Officer handling the application to arrive at a recommendation based on the individual merits of the application proposal and any other material considerations.

Confirmation of Position

I would be grateful if you could respond in writing to confirm the applicant's position, should the Council be minded to grant this PPIp proposal, on the following:

1. to entering into a s75 legal agreement to secure that, should 4 or more units be approved at AMSIC stage, the payment of affordable housing commuted sum and development contributions will be required;
2. That if 4 or more units are proposed at AMSIC stage, the Council will commission the services of the District Valuer, to independently determine the value of the required affordable housing commuted sum;
3. that the Council would then recharge of 50% of the cost of this valuation to the applicants as detailed above;
4. the Development Contribution per residential unit requirements as set out above (should 4 or more units be applied for);
5. that the applicants would be responsible for the Council's reasonable legal fees and outlays involved in the preparation and completion of the legal agreement; and
6. that the applicants would be responsible for registering the Agreement in the Land Register of Scotland and the Books of Council and Session.

I look forward to hearing from you.

Karen Barrie
Principal Strategy Officer (AH & DC Lead),
Planning and Building Standards
Email: karen.barrie@eastrenfrewshire.gov.uk

APPENDIX D: AH + CD Assessment Report

REPORT OF HANDLING

Reference: 2022/0702/TP

Date Registered: 13th December 2022

Application Type: Planning Permission in Principle This application is a Local Development

Ward: 4 -Clarkston, Netherlee And Williamwood
 Co-ordinates: 257599/:658021
 Applicant/Agent: Applicant: Mr Scott Langlands
 37 Stamperland Crescent
 Clarkston
 Glasgow
 Scotland
 G76 8LH
 Agent: Stuart Cameron
 1 Bothwell Lane
 Glasgow
 Scotland
 G12 8JS

Proposal: Demolition of existing building and erection of residential development (planning permission in principle).
 Location: Weighing Equipment
 37 Stamperland Crescent
 Clarkston
 East Renfrewshire
 G76 8LH

CONSULTATIONS/COMMENTS:

East Renfrewshire Council Environmental Health Service	Site investigation and noise assessment required.
Strategy Section – Affordable Housing and Development Contributions	To date, applicant has not agreed to the provision of affordable housing contributions or developer contributions.
East Renfrewshire Council Roads Service	No objection to the principle of the proposal subject to conditions.

PUBLICITY: None.**SITE NOTICES:** None.**SITE HISTORY:**

2009/0613/TP	Erection of 2m high steel palisade fence at rear	Granted	03.02.2010
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REPRESENTATIONS: Nine objections have been received and can be summarised as follows:

Proposal does not meet with ERC policy/guidance
 Insufficient information has been submitted with the application
 Overlooking

Overshadowing
 Height of the buildings inappropriate
 Impact on traffic and parking
 Inadequate space for development of this size
 Impact on the character and amenity of the area
 Removal of access lane/RoW
 Disruption during the construction phase
 Impact on local services
 Flooding
 Emergency access requirements
 Timing of the application
 Sets a precedent for similar proposals.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Design Statement – Provides an analysis of the site and its environs. Sets out an indicative site layout and design.

ASSESSMENT:

The application site comprises two warehouses on a site within the general urban area, between Clarkston Road/Stamperland Crescent, Stamperland Gardens and Stamperland Hill. Residential properties lie to the south and east of the site on Stamperland Hill and Stamperland Crescent. A parade of shops lies immediately to the west and north of the site, forming the Stamperland Crescent neighbourhood centre. A private access way, that links Clarkston Road with Stamperland Hill, runs through the site. The site is not an allocated housing site in the adopted East Renfrewshire Local Development Plan 2.

Planning permission in principle is sought for the erection of a residential development on the site, following the demolition and removal of the existing buildings. The applicant has confirmed that details showing a terrace of five, three storey townhouse-type dwellings on the site with an open frontage onto Stamperland Hill are indicative only. Those indicative details are not therefore assessed as part of the proposal. Access(es) to the site are proposed to be taken from Stamperland Hill.

The application requires to be assessed with regard to the Development Plan which comprises NPF4 and the East Renfrewshire Local Development Plan 2.

The policies most relevant to this proposal in NPF4 are Policies 1, 2, 3, 4, 9, 12, 14, 15, and 16.

Policy 1 (Climate mitigation and adaptation) states that: "when considering all development proposals significant weight will be given to the global climate and nature crises."

Policy 2 (Climate mitigation and adaptation) states that: "a) development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible; and b) development proposals will be sited and designed to adapt to current and future risks from climate change.

Policy 3 (Biodiversity) states that local development proposals will include appropriate measures to conserve, restore and enhance biodiversity.

Policy 4 (Natural places) states: "Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application."

Policy 9 a) (Brownfield, vacant and derelict land and empty buildings) states: "Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account." It further states at c) that where land is known or suspected to be contaminated, development proposals will demonstrate that that is, or can be made, safe and suitable for the proposed new use.

Policy 12 b) (i) (Zero waste) states: "Development proposals will be supported where they reuse existing buildings and infrastructure"

Policy 14 (Design, quality and place) states: Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

Policy 15 (Local Living and 20 minute neighbourhoods) states: "Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
employment;
shopping;
health and social care facilities;
childcare, schools and lifelong learning opportunities;
playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
publicly accessible toilets;
affordable and accessible housing options, ability to age in place and housing diversity."

Policy 16 e) (Quality Homes) states: "Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- i. a higher contribution is justified by evidence of need, or
- ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance."

Policy 16 f) (Quality homes) states "Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- iii. and either:

delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or the proposal is consistent with policy on rural homes; or the proposal is for smaller scale opportunities within an existing settlement boundary; or the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan."

The policies most relevant to this proposal in LDP2 are Strategic Policy 1, Strategic Policy 2 and Policies D1, D2, D6, D7, SG1, SG4, E4, E5 and E10.

Strategic Policy 1 sets out the Council's development strategy and gives priority to the regeneration, consolidation and enhancement of the urban areas through the provision of an efficient and sustainable use of land. The development strategy encourages the re-use of brownfield land in keeping with a sequential approach and in accordance with other relevant policies of the plan.

Strategic Policy 2 relates to development contributions and requires that development meets or proportionately contributes towards the cost of providing new infrastructure.

Policy D1 relates to all development and requires that proposals do not result in a significant loss of character or amenity to the surrounding area and ensure that safe and functional pedestrian, cycle and vehicular access and parking facilities are provided in accordance with the Council's Roads Development Guide.

Policy D2 states that development will be supported with the general urban area where it is appropriate in terms of its location and scale and where it complies with other relevant policies of the plan.

Policy D6 provides minimum open space requirements for new development.

Policy D7 states that the Council will seek to increase the quality and quantity of the area's biodiversity.

Policy SG1 states that proposals for housing on allocated and non-allocated sites will to comply with Strategic Policies 1 and 2, Policy D1 and other relevant policies of the plan.

Policy SG4 states that the Council will require residential proposals of 4 or more houses to provide a minimum 25% contribution towards the provision of affordable housing.

Policy E4 states that proposals must be accompanied by appropriate surveys, assessments and management plans and where necessary provide appropriate mitigation measures.

Policy E5 states that a noise impact assessment may be required where the proposed development may cause or exacerbate existing noise levels or be sensitive to existing levels of noise in the area.

Policy E10 states that proposals to redevelop brownfield or derelict sites must be accompanied by a protected species survey.

It is noted that the site lies within the general urban area as defined in the Local Development Plan 2 and is currently occupied by existing buildings. It lies in proximity to public transport networks and within a wider area characterised by residential development. It also lies in proximity to a range of local services. In general, the principle of residential development of the site would therefore raise no significant conflict with Policies 1, 2, 9 a), 12, 14, 15 and 16f of NPF4. Further, given its location and nature. The proposal generally complies with the terms of Strategic Policy 1 of the East Renfrewshire Local Development Plan. The residential use of the site would be in keeping with the predominantly residential character of the wider area and therefore would raise no issue in principle with Policy D1. As this application is made for planning permission in principle, further detailed assessment will be made against Policies D1 and D6 upon the submission of the Approval of Matters Specified in Conditions application(s).

Whilst not assessed formally at this stage, it is worth noting that the indicative site layout would be unlikely to comply with the terms of the development plan. The erection of five dwellings on the site would likely lead to over-development and the open frontage driveways onto Stamperland Hill would likely be considered to be out of character with the more traditional front gardens and individual driveways the generally characterise the dwellings opposite. It should also be noted that the Roads Service has raised issues with the indicative layout. Had the indicative layout been assessed at this stage, it would likely have been the case that the Council would have sought design/layout changes.

As noted, Policies 3 and 4 of NPF4 and Policy D7 of LDP2 state that proposals should include proposals to enhance biodiversity; and where there is likely to be an adverse impact on biodiversity or where there is a reasonable chance that a protected species is present on the site, an ecological survey must be carried out to assess the impact on biodiversity and to establish the presence of the protected species. Further, Policy E10 of LDP2 states that proposals to redevelop brownfield sites must be accompanied by a protected species survey. Given the nature and location of the existing buildings, it is considered that there is potential for the presence of bats. The proposal involves the demolition of the buildings and the applicant has therefore been asked to complete a bat survey. The agent was initially requested to submit a bat survey on 29 March 2023 and responded to the effect that he considered this can be submitted at the Approval of Matters Specified in Conditions stage. A more formal request was therefore submitted in under Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 on 9 May 2023. There has been no response to this request to date.

Given that the applicant has not provided information on biodiversity and protected species, there is insufficient information to determine whether the proposal complies with Policies 3 and 4 of NPF4 and Policies D7 and E10 of LDP2.

Given the site's current use, there is considered to be potential for contamination on the site. In this regard, the Environmental Health Service has requested that a site investigation is carried out. Again, the applicant was requested to provide this and has thus far failed to do so. Given that the applicant has not provided information on contamination, there is insufficient information to determine whether the proposal complies with Policy 9 c) of NPF4 and Policy E4 of LDP2.

The Environmental Health Service requested that the applicant submit a noise assessment and has thus far failed to do so. Given the applicant has not provided information on noise impact,

there is insufficient information to determine whether the proposal would be at risk from significant noise nuisance.

The Principal Strategy Officer (Affordable Housing and Development Contributions) has advised that details of the policy requirements relating to affordable housing and development contributions was sent out to the applicants. The applicant was asked to respond to the Council in writing, advising whether they agreed to meet these policy requirements and to enter into a Section 75 legal agreement. To date no formal response has been received from the applicants. Given this failure to respond, the requirements of Policy 16e of National Planning Framework 4 and Strategic Policy 2 and Policy SG4 of the Local Development Plan 2 have not therefore been met.

The points of objection not specifically addressed above are considered as follows:

The application is made for planning permission in principle and therefore the details of the proposal are not considered at this stage.

Overlooking will be assessed at the stage of approval of matters specified in conditions.

Overshadowing will be assessed at the stage of approval of matters specified in conditions. The height of the buildings will be assessed at the stage of approval of matters specified in conditions.

The Roads Service has not indicated objection to the principle of the development.

The density of the development will be considered at the stage of approval of matters specified in conditions.

The Strategy Service has confirmed that the access lane running from Stamperland Hill to Clarkston Road is not a public Right of Way. Land ownership is not a material planning consideration.

If the application is approved, a condition can be attached to the planning permission to control the hours of work on site.

If the application were to be approved, a legal agreement would be required to be entered into to secure the provision of contributions towards the provision of community facilities.

The site is not identified as being at risk from fluvial or surface water flooding on SEPA's flood maps.

Access details, including emergency access, will be considered at the stage of approval of matters specified in conditions.

The application has been made properly and neighbour notification carried out in accordance with the relevant planning legislation. The timing of the submission would not be considered to limit the ability of neighbours to comment.

Precedent is not a material planning consideration as each application is assessed on its own merits.

In conclusion, the applicant has failed to provide requested information on biodiversity, noise impact and ground conditions and has failed to agree to the provision of affordable housing contributions and developer contributions. The requirements of Policies 4, 9c and 16e of National Planning Framework 4; and Strategic Policy 2 and Policies D7, SG4, E4, E5 and E10 have not been met. There are no material considerations that indicate the application should not be refused. It is therefore recommended that the application is refused.

PLANNING OBLIGATIONS: None.

RECOMMENDATION: Refuse

REASONS FOR REFUSAL:

1. The applicant has failed to provide sufficient information on biodiversity and site ground conditions to allow proper assessment of the proposal against Policies 4 and 9c of National Planning Framework 4.
2. The applicant has failed to provide sufficient information on biodiversity, site ground conditions and noise impact to allow proper assessment of the proposal against Policies D7, E4, E5 and E10 of the East Renfrewshire Local Development Plan 2.
3. The proposal is contrary to Policy 16e of National Planning Framework 4 and Strategic Policy 2 and Policy SG4 of the East Renfrewshire Local Development Plan as the applicant has not agreed to provide contributions towards the provision of affordable housing and community facilities as required by the development plan.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3001.

Ref. No.: 2022/0702/TP
(DESC)

DATE: 21st July 2023

DIRECTOR OF ENVIRONMENT

Finalised 21st July 2023 – GMcC(1)

Reference: 2022/0702/TP - Appendix 1

DEVELOPMENT PLAN:

Adopted East Renfrewshire Local Development Plan 2

Strategic Policy 1

Development Strategy

Proposals will be required to meet the objectives of the LDP and contribute to the delivery of the Development Strategy in order to create sustainable, well designed, connected, healthy, safe and mixed communities and places. Proposals should be designed to promote the health and wellbeing benefits of the development for people of all ages, abilities and backgrounds and demonstrate economic, social and environmental benefits. Proposals should not result in a significant adverse loss of character or amenity to the surrounding area.

The Council's approach to development is as follows:

1. Regeneration, consolidation and environmental enhancement of the urban areas through the provision of an efficient and sustainable use of land, buildings and infrastructure that encourages the re-use of brownfield and vacant sites, in keeping with a sequential approach and in accordance with other relevant policies

- of the LDP;
2. Master planned approach to development at the following Strategic Development Opportunity locations:
 - a. Maidenhill/Malletsheugh, Newton Mearns (Policy M2.1);
 - b. Barrhead South - Springhill, Springfield, Lyoncross (Policy M2.2);
 - c. Barrhead North - Shanks/Glasgow Road, Barrhead (Policy M3);
 3. Infill development within the rural settlements compatible with the character, amenity and settlement pattern;
 4. Phased release of sites to make efficient use of existing infrastructure and ensure the coordinated delivery of new infrastructure and investment, including schools; green infrastructure; transport infrastructure; community and leisure facilities; and health and care facilities all in accordance with Strategic Policy 2. Proposals for windfall sites will be required to provide the required infrastructure resulting from development in accordance with Strategic Policy 2 and not prejudice the delivery of allocated sites. Where infrastructure constraints cannot be overcome, including any impacts of additional residential development upon education infrastructure, proposals will not be supported;
 5. Implementation of City Deal strategic infrastructure projects set out in Strategic Policy 3 and Schedule 1 and other major infrastructure programmes;
 6. Protection and enhancement of the green belt and landscape character and setting and the distinct identity of towns and villages in accordance with Policies D2 and D3;
 7. Protection, creation and enhancement of an integrated multi-functional green network and connected green spaces within and around the urban areas which actively contribute to local amenity, recreation, active travel and biodiversity objectives in accordance with Policies D4 and D6;
 8. Protection and enhancement of the built, historic and natural environment in accordance with Policies D7 and D14 to D20;
 9. Provision of homes to meet the all tenure housing requirements of Clydeplan (Table 1) in accordance with Policies SG1, SG2 and SG4. The sites listed in Schedules 15 and 16 will provide a range and choice of housing sizes, types and tenures across the Council area to meet these requirements in accordance with the Strategic Housing Need and Demand Assessment and the Council's Local Housing Strategy;
 10. Sustainable and inclusive economic growth and community benefits, including the creation of new employment opportunities through the provision of a range of sites and areas to provide a strong and diverse economy in both the urban and rural areas, in accordance with Policies SG5, SG6 and SG7;
 11. Maintaining and enhancing the vitality and viability of the town and neighbourhood centres by adopting a town centre first approach that directs development and investment to town and neighbourhood centre locations in accordance with Policies SG10 and SG11; and
 12. The contribution to energy reduction and sustainable development in accordance with Policies E1 and E2.

Strategic Policy 2

Development Contributions

New development must be accompanied by the appropriate infrastructure and services required to support new or expanded communities.

Where new developments individually or cumulatively generate a future need for new or enhanced infrastructure provision, services or facilities, the Council will require the development to meet or proportionately contribute to the cost of providing or improving such infrastructure. Development contributions will fairly and reasonably relate in scale to the proposed development and will be required in order to make the proposed development acceptable in planning terms, all in accordance with the policy tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Planning permission will only be granted where the identified level and range of supporting infrastructure and services required to meet the needs of the new development, are already available or will be available in accordance with agreed timescales.

Where appropriate, contributions may be sought in relation to Education (including Early Years, Primary, Secondary and Additional Support Needs); Community Facilities (including Community Halls and Libraries and Sports); Healthcare; Parks and Open Space; Transportation Infrastructure; Active Travel; and Green Infrastructure.

Future analysis will be carried out with our community planning partners to consider the capacity required to support future demand for healthcare infrastructure.

Further detailed information and guidance is provided in the Development Contributions Supplementary Guidance. The guidance contains details of how impacts will be assessed and how contributions will be calculated. This policy should be read in conjunction with Policy SG4: Affordable Housing.

Policy D1

Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density and layout that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character and setting, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;

7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
12. Unless justified, there will be a general presumption against landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;
14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces 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 Guidance;
16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy D2:

General Urban Areas

Development will be supported within the general urban areas, shown on the Proposals Map. Proposals will be required to demonstrate that the proposed development is appropriate in terms of its location and scale and will not result in a significant loss of character or amenity to the surrounding area. Proposals must also comply with appropriate policies of the Proposed Plan.

Policy D6

Open Space Requirements

Proposals will be required to incorporate multi-functional, integrated and accessible on-site green networks and green infrastructure, including open space provision, wildlife habitats and landscaping.

Proposals will be required to meet the following criteria:

1. Demonstrate that the provision and distribution of open space and green infrastructure has been integrated into the design approach from the outset and has been informed by the context and characteristics of the site using key natural and physical features. Proposals should be designed to accommodate users of all age groups, and levels of agility and mobility;
2. Provide a network and hierarchy of open space to create a structured and legible framework for development, which clearly distinguishes public space, semi-public space and private space using appropriate boundary treatments. Design and layout of proposals should encourage species dispersal through improving connectivity and the availability of habitats. New planting must promote and enhance the biodiversity of the area and incorporate native trees where appropriate;
3. Complement, extend and connect existing open spaces and provide links to the wider green network;
4. Make provision for the long-term management and maintenance of open space. Details of maintenance requirements and arrangements must be set out, including who is responsible for these requirements;
5. Integrate Sustainable Urban Drainage Systems (SUDs) features with open space and active travel networks as part of a multifunctional approach to landscape design. SUDs may form part of open spaces subject to their design, provided they are accessible and contribute to the amenity value of the wider open space; and
6. Meet the minimum open space requirements set out in Schedule 4.

Policy D7

Natural Environment Features

The Council will protect and enhance the natural environment features set out in Schedule 5, and shown on the Proposals Map, and seek to increase the quantity and quality of the areas biodiversity.

1. There will be a strong presumption against development on or adjacent to Natural Features where it would compromise their overall integrity, including Local Biodiversity Sites, Local Nature Reserves, Tree Preservation Orders and ancient and long established woodland sites. Adverse effects on species and habitats should be avoided with mitigation measures provided wherever this is not possible.
2. Development that affects a Site of Special Scientific Interest (SSSIs) will only be permitted where:
 - a. The objectives of designation and the overall integrity of the area will not be compromised; or
 - b. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, community or economic benefits of national importance to the satisfaction of Scottish Ministers and measures are provided to mitigate harmful impacts.
3. Development affecting trees, groups of trees or areas of woodland will only be permitted where:
 - a. Any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity and character of the area has been incorporated into the development through design and layout; or
 - b. In the case of woodland:
 - i. its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits, in line with the Scottish Government's Policy on Control of Woodland Removal; or
 - ii. in the case of individual trees or groups of trees, their loss is essential to facilitate development and is clearly outweighed by social, environmental, community or economic benefits.

Where woodland is removed in association with development, developers will be required to provide compensatory planting which enhances the biodiversity of the area and demonstrates a net gain.

The loss of ancient or semi-natural woodland, or trees covered by Tree Preservation Orders will not be supported. Ancient woodland is an irreplaceable resource and should be protected from adverse impacts arising from development.
4. Where there is likely to be an adverse impact on natural features or biodiversity an ecological appraisal will be required. This appraisal should identify measures adequate to mitigate any impacts that are identified.

Further detailed guidance and information is set out in the Green Network Supplementary Guidance.

Policy SG1
Housing Supply, Delivery and Phasing

To deliver housing needs across all tenures up to 2031 the LDP provides a range and choice of housing sites and supports the delivery of sustainable mixed communities. Provision is made for

the housing land requirement (set out in Table 1) and associated infrastructure to be delivered between 2012 to 2031 to comply with Clydeplan, the requirements of Scottish Planning Policy and in accordance with Strategic Policy 1.

The land supply will be monitored annually through the Housing Land Audit, Housing Trajectory and the Action Programme. Sites will be subject to phased release to ensure that a minimum of a 5 year continuous effective land supply is maintained at all times and to manage impact upon infrastructure and services.

Proposals for housing development on both allocated housing sites listed in Schedule 15 and shown on the Proposals Map, and on windfall sites not identified for housing development will require to comply with Strategic Policy 1, Strategic Policy 2, Policy D1 and any other relevant policies of the LDP.

Sites listed in Schedule 16 and shown on the Proposals Map, are allocated exclusively for affordable housing, including housing for particular needs. Proposals for private/ market housing on these sites will not be supported.

If the Housing Land Audit identifies a shortfall in the 5 year effective housing land supply, and this cannot be addressed through the early release of sites within the established housing land supply, the Council will then only consider housing proposals which:

1. Are consistent with Strategic Policy 1, Policy D1 and Policy 8 and Diagram 10 of Clydeplan with preference for brownfield sites within the urban areas. Sites within the green belt will only be considered where it has been demonstrated that a suitable site does not exist within the urban area and where all other criteria can be met. Proposals will be required to provide a defensible green belt boundary;
2. Are appropriate to the scale and character of the specific settlement and local area;
3. Demonstrate positive social, economic and environmental benefits;
4. Would not prejudice delivery of allocated housing sites listed in Schedule 15;
5. Are effective and capable of delivering completions in the next 5 years as demonstrated through supporting evidence in accordance with PAN 2/2010. Details of the phasing of development is required to be submitted with any application; and
6. Can provide the required infrastructure resulting from development in accordance with Strategic Policy 2. Where infrastructure constraints cannot be overcome, including impacts upon education infrastructure, proposals will not be supported.

Policy SG4

Affordable Housing

The Council will require residential proposals of 4 or more dwellings, including conversions, to provide a minimum 25% affordable housing contribution. This contribution may be made on site; or by means of a commuted sum payment; or off site. The affordable housing must be well integrated into the overall development. All proposals will require to comply with Strategic Policy 2 and Policy D1.

Further detailed information and guidance is provided in the Affordable Housing Supplementary Guidance.

The Council will support the implementation of the affordable housing sites listed in Schedule 16.

Policy E4

Protecting Soil Quality

Proposals will be required to minimise adverse impacts on soil, avoiding the unnecessary disturbance of peat and other carbon rich soils, and minimise the amount of land that is affected.

Proposals must be supported by appropriate surveys, assessments and management plans and where necessary provide appropriate mitigation measures.

In the case of carbon rich soils, in order that the Council may assess the merits of the proposal, applicants must demonstrate the effect it would have on CO2 emissions as a result of its construction.

Policy E5

Noise

The impact of noise will be taken into account when assessing relevant development proposals, particularly those that are close to or could become a source of noise. A noise impact assessment may be required where the proposed development may cause or exacerbate existing noise levels or be sensitive to levels of existing noise in the area.

Where it is not possible to separate noise generating uses and noise sensitive land uses, developers will be required to incorporate good acoustic design.

Where areas already have an unacceptable noise level it may not be possible to mitigate the adverse effects of noise. In such circumstances noise sensitive development, such as new residential development, may not be appropriate.

Development proposals that would either result in or be subject to unacceptable levels of noise will not be supported unless appropriate measures can be put in place that reduce, control and mitigate the noise impact.

Policy E10

Vacant, Derelict and Contaminated Land and Unstable Land

Proposals will be required to optimise the remediation and redevelopment of vacant, derelict and contaminated and unstable land and buildings where appropriate.

Where contamination of a development site is identified, applicants will be required to submit a contaminated land survey alongside their application. Where instability of a development site is identified, including as a result of past mining activity, applicants will be required to submit a ground conditions report or coal mining risk assessment alongside their application.

Any proposals to redevelop brownfield and vacant sites must be accompanied by protected species surveys. The design of the development should be informed by the results of these surveys in order to try to maximise the opportunity for these sites to retain their biodiversity assets.

Temporary greening of sites will be encouraged. Consideration will be given to whether the greening of a site could bring about positive environmental benefits and improvements to the

overall amenity of the area, for example by assisting with the regeneration of the area; site decontamination; or improving existing green infrastructure and green network provision. The biodiversity value of these sites will be required to be assessed through protected species surveys. Proposals should not prejudice the long term development potential of the site.

Opportunities for redevelopment and take up of vacant and derelict land will be monitored through the annual Vacant and Derelict Land Audit.

National Planning Framework 4

Policy 1

Tackling the climate and nature crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2

Climate mitigation and adaptation

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3

Biodiversity

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale

- and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
- v. local community benefits of the biodiversity and/or nature networks have been considered.
 - c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
 - d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4

Natural places

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.
- c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
 - i. The objectives of designation and the overall integrity of the areas will not be compromised; or
 - ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

- d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
 - i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
 - ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.
- e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
- f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests.

If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application

- g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:
 - i. will support meeting renewable energy targets; or,
 - ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

Policy 9

Brownfield, vacant and derelict land and empty buildings

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP
- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 12

Zero waste

- a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- b) Development proposals will be supported where they:
 - i. reuse existing buildings and infrastructure;
 - ii. minimise demolition and salvage materials for reuse;
 - iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the

- end of their useful life;
- iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
- v. use materials that are suitable for reuse with minimal reprocessing.
- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
 - i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross- contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:
 - i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;
 - ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;
 - iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
 - iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
 - v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
 - vi. consideration has been given to co-location with end users of outputs.
- e) Development proposals for new or extended landfill sites will only be supported if:
 - i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
 - ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.
- f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.
- g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:
 - i. is consistent with climate change mitigation targets and in line with circular economy principles;
 - ii. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;

- iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)
- iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and
- v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

Policy 14

Design, quality and place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:
 - Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.
 - Pleasant: Supporting attractive natural and built spaces.
 - Connected: Supporting well connected networks that make moving around easy and reduce car dependency
 - Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
 - Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
 - Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 15

Local Living and 20 minute neighbourhoods

- a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:
 - sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
 - employment;
 - shopping;

health and social care facilities;
 childcare, schools and lifelong learning opportunities;
 playgrounds and informal play opportunities, parks, green streets and spaces,
 community gardens, opportunities for food growth and allotments, sport and
 recreation facilities;
 publicly accessible toilets;
 affordable and accessible housing options, ability to age in place and housing diversity.

Policy 16

Quality homes

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
 - i. meeting local housing requirements, including affordable homes;
 - ii. providing or enhancing local infrastructure, facilities and services; and
 - iii. improving the residential amenity of the surrounding area.
- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
 - i. self-provided homes;
 - ii. accessible, adaptable and wheelchair accessible homes;
 - iii. build to rent;
 - iv. affordable homes;
 - v. a range of size of homes such as those for larger families;
 - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
 - vii. homes for people undertaking further and higher education; and
 - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
 - i. a higher contribution is justified by evidence of need, or
 - ii. a lower contribution is justified, for example, by evidence of impact on viability,

where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance.

- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
 - i. the proposal is supported by an agreed timescale for build-out; and
 - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
 - iii. and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
 - i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

APPENDIX E: DECISION NOTICE

EAST RENFREWSHIRE COUNCIL

**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 PERMISSIONRef. No. **2022/0702/TP****Applicant:**

Mr Scott Langlands
37 Stamperland Crescent
Clarkston
Glasgow
Scotland
G76 8LH

Agent:

Stuart Cameron
1 Bothwell Lane
Glasgow
Scotland
G12 8JS

With reference to your application which was registered on 13th December 2022 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Demolition of existing building and erection of residential development (planning permission in principle).

at: Weighing Equipment 37 Stamperland Crescent Clarkston East Renfrewshire G76 8LH

the Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

The reason(s) for the Council's decision are:-

1. The applicant has failed to provide sufficient information on biodiversity and site ground conditions to allow proper assessment of the proposal against Policies 4 and 9c of National Planning Framework 4.
2. The applicant has failed to provide sufficient information on biodiversity, site ground conditions and noise impact to allow proper assessment of the proposal against Policies D7, E4, E5 and E10 of the East Renfrewshire Local Development Plan 2.
3. The proposal is contrary to Strategic Policy 2 and Policy SG4 of the East Renfrewshire Local Development Plan as the applicant has not agreed to provide contributions towards the provision of affordable housing and community facilities as required by those policies.

Dated 21st July 2023

Head of Environment
(Chief Planner)
East Renfrewshire Council
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG
Tel. No. 0141 577 3001

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	SK100		

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 a decision to refuse permission (or by an 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 can be submitted online at www.eplanning.scotland.gov.uk. Please note that beyond the content of the appeal or review forms, **you cannot normally raise new matters** in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. 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

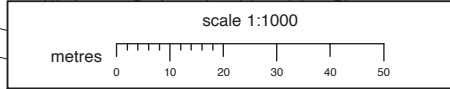
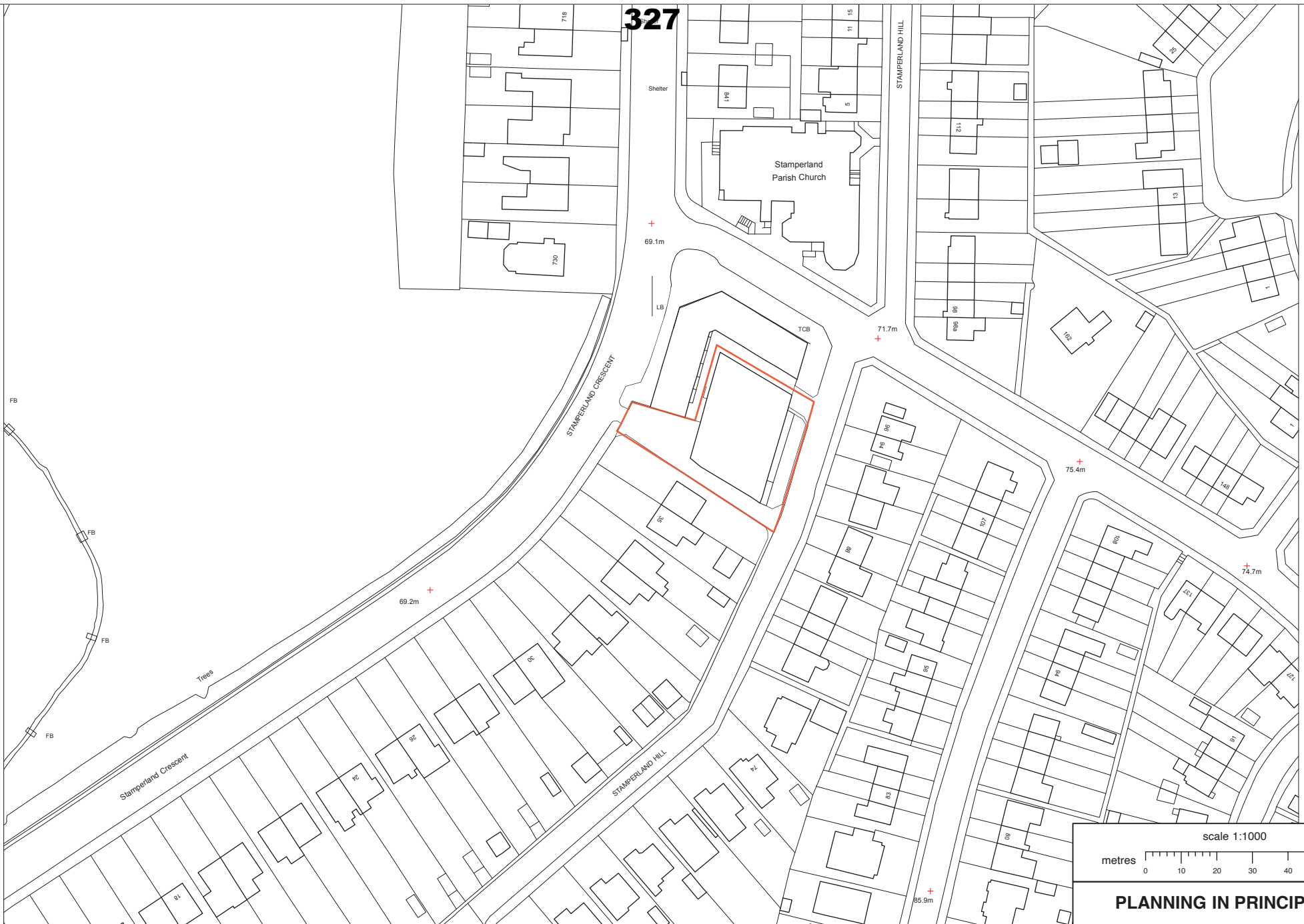
**East Renfrewshire Council
Development Management Service
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG**

**General Inquiry lines 0141 577 3001
Email planning@eastrenfrewshire.gov.uk**

PLANS/DRAWINGS

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PLANNING IN PRINCIPLE

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Notes

— Application Site

cameronwebsterarchitects

The Studio, 1 Bothwell Lane, Glasgow, G12 8JS

T : 0141 330 9898

Stamperland

Existing Location Plan

PIP-SK100

Date : Dec 2022

Scale : 1:1000

Job No : 2211



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