

**Business Operations and Partnerships Department**

**Director of Business Operations & Partnerships: Louise Pringle**

Council Headquarters, Eastwood Park, Giffnock, East Renfrewshire, G46 6UG

Phone: 0141 577 3000

website: [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk)

Date: 9 February 2024

When calling please ask for: John Burke (Tel No. 0141 577 3026)

e-mail:- [john.burke@eastrenfrewshire.gov.uk](mailto:john.burke@eastrenfrewshire.gov.uk)

TO: Councillors B Cunningham (Chair), J McLean (Vice Chair), P Edlin, A Ireland, C Lunday, M Montague and A Morrison.

**LOCAL REVIEW BODY**

A meeting of the Local Review Body will be held in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock on **Wednesday, 14 February 2024 at 2:30pm or following Planning Applications Committee, whichever is the later**

The agenda of business is as shown below.

**Louise Pringle**

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DIRECTOR OF BUSINESS OPERATIONS & PARTNERSHIPS

**AGENDA**

1. **Appointment of Chair and report apologies for absence.**
2. **Declarations of Interest.**
3. **Notice of Review – Review 2023/010 – Erection of Perimeter Wall with Controlled Access Gates at 2 Blackhouse Gardens, Newton Mearns, G77 5HS. (Ref No:- 2023/0257/TP). Report by Director of Business Operations and Partnerships (copy attached, pages 3 - 78).**
4. **Notice of Review – Review 2023/11 – Installation of Side Dormer and Roof Extension to Side to form Gable at 15 Nethercliffe Avenue, Netherlee, G44 3UW. (Ref No:- 2023/0318/TP). Report by Director of Business Operations and Partnerships (copy attached, pages 79 - 128).**
5. **Notice of Review – Review 2023/12 – Erection of 2 Dwellings, Together with Access, Landscaping and Associated Works at Site Bounded by Salterland Road, Glasgow Road and a railway track to the south, Barrhead. (Ref No:- 2023/0200/TP). Report by Director of Business Operations and Partnerships (copy attached, pages 129 - 194).**

6. **Notice of Review – Review 2023/13 – Demolition of Existing Building and Erection of Residential Development (Planning Permission in Principle) at Weighing Equipment, 37 Stamperland Crescent, Clarkston, G76 8LH. (Ref No:- 2022/0702/TP). Report by Director of Business Operations and Partnerships (copy attached, pages 195 - 328).**
  
7. **Local Review Body Meeting Schedule – Report by Director of Environment (copy attached, pages 329 – 334).**

**This document can be explained to you in other languages and can be provided in alternative formats such as large print and Braille. For further information, please contact Customer First on 0141 577 3001 or email [customerservices@eastrenfrewshire.gov.uk](mailto:customerservices@eastrenfrewshire.gov.uk)**

**A recording of the meeting will also be available following the meeting on the Council's YouTube Channel <https://www.youtube.com/user/eastrenfrewshire/videos>**

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY14 February 2024Report by Director of Business Operations and PartnershipsREVIEW OF CASE - REVIEW/2023/10ERECTION OF PERIMETER WALL WITH CONTROLLED ACCESS GATES**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:- 2023/0257/TP).
- Applicant: Mrs Ayesha Ameen
- Proposal: Erection of perimeter wall with controlled access gates
- Location: 2 Blackhouse Gardens, Newton Mearns, G77 5HS
- Council Area/Ward: Newton Mearns South and Eaglesham (Ward 5).

**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 7 - 14);
- (b) Objections and Consultation Responses – Appendix 2 (Pages 15 - 30);
- (c) Reports of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 31 – 42);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 43 - 48); and
- (d) A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement - Appendix 5 (Pages 49 - 60).

**15.** The applicant has also submitted the drawings listed below and these are attached as Appendix 6 (Pages 61 - 78).

- (a) Various Site Photographs
- (b) Site Map;
- (c) Detailed Site Plan;
- (d) Elevations; and
- (e) Proposed Wall Elevations.

**16.** All the documents referred to in this report can be viewed online on the Council's website at [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk).

## RECOMMENDATIONS

**17.** 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 decisions taken in respect of the application under review should be upheld, reversed or varied; and
  - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed; 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](mailto: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](mailto: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      100627037-001

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.

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

erection of perimeter wall with controlled access gates

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:	Bennett Developments and Consulting		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Don	Building Name:	<input type="text"/>
Last Name: *	Bennett	Building Number:	10
Telephone Number: *	07989417307	Address 1 (Street): *	Park Court
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	07989417307	Town/City: *	Glasgow
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	G46 7PB
Email Address: *	don@bennettgroup.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Ayesha	Building Number:	2
Last Name: *	Ameen	Address 1 (Street): *	Blackhouse Gardens
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Newton Mearns
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	G77 5HS
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

### Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

### Pre-Application Discussion

Have you discussed your proposal with the planning authority? \* ≤ Yes  No

### 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.

### Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*  Yes ≤ No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? \*

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

## 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: Don Bennett

On behalf of: Ms Ayesha Ameen

Date: 01/05/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

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) Have you provided a written description of the development to which it relates? \* T Yes ≤ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \* T Yes ≤ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? \* T Yes ≤ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale. T Yes ≤ No
- e) Have you provided a certificate of ownership? \* T Yes ≤ No
- f) Have you provided the fee payable under the Fees Regulations? \* T Yes ≤ No
- g) Have you provided any other plans as necessary? \* T Yes ≤ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ≤ Yes  No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \* T Yes ≤ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr David Jarvie

Declaration Date: 01/05/2023

## Payment Details

Online payment

Payment date: 0



Created: 02/05/2023 15:51

**OBJECTIONS/REPRESENTATIONS**

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## Comments for Planning Application 2023/0257/TP

### Application Summary

Application Number: 2023/0257/TP

Address: 2 Blackhouse Gardens Newton Mearns East Renfrewshire G77 5HS

Proposal: Erection of perimeter wall with controlled access gates.

Case Officer: Ms Margaret McGleish

### Customer Details

Name: Mr herbert oliphant

Address: 5 Broomfield Avenue, Newton Mearns, East Renfrewshire G77 5HR

### Comment Details

Commenter Type: Rec'd NeighbourNotification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application is similar to a previous one for this address which was rejected, I make the following comments;~

1. The frontal garden areas in this street are all open plan with no fences or walls, this proposal would distort the appearance of the entire surrounding area.
2. These streets and road junction are a busy route to school and to local shops, anything which changes the visual approach at this junction would create an increased hazard for both pedestrians and approaching vehicles.

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### Application Summary

Application Number: 2023/0257/TP

Address: 2 Blackhouse Gardens Newton Mearns East Renfrewshire G77 5HS

Proposal: Erection of perimeter wall with controlled access gates.

Case Officer: Ms Margaret McGleish

### Customer Details

Name: Mr iain grubb

Address: 6 Blackhouse Gardens, Newton Mearns, East Renfrewshire G77 5HS

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This proposed development is contrary to policy D1 of the adopted Local Development Plan 2 and policy 16(g) of the national planning framework as the proposed introduction of a perimeter wall and fencing with two sets of controlled access gates at this prominent corner location would create an incongruous addition to the street scape at odds with the character of the area to the detriment of visual amenity and also be to the detriment of the safety of both pedestrians and vehicular traffic in the locale due to the lack of cognisance in its design of the required pedestrian driver intervisibility.

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### Customer Details

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## Comments for Planning Application 2023/0257/TP

### Application Summary

Application Number: 2023/0257/TP

Address: 2 Blackhouse Gardens Newton Mearns East Renfrewshire G77 5HS

Proposal: Erection of perimeter wall with controlled access gates.

Case Officer: Ms Margaret McGleish

### Customer Details

Name: Mrs Barbara Smith

Address: 4 Blackhouse Gardens, Newton Mearns, East Renfrewshire G77 5HS

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed development is contrary to Policy D1 of the adopted Local Development Plan 2 and Policy 16(g) of the National Planning Framework 4.

The proposed development would create an incongruous addition to the street scape, at odds with the character of the area to the detriment of visual amenity.

It would be to the detriment of the safety of both pedestrians and vehicles.

It would restrict the view into Broomfield Avenue.

The proposed development is contrary to the development plans of Blackhouse Gardens with its open planned front gardens.

The proposed development would likely have an adverse effect on the value of my property.

The proposed development would be very unsightly and out of character for Blackhouse Gardens.

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## Comments for Planning Application 2023/0257/TP

### Application Summary

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Address: 2 Blackhouse Gardens Newton Mearns East Renfrewshire G77 5HS

Proposal: Erection of perimeter wall with controlled access gates.

Case Officer: Ms Margaret McGleish

### Customer Details

Name: Mr James Steel

Address: 19 Broomfield Avenue, Newton Mearns, East Renfrewshire G77 5HR

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: In its height and scale, the proposal to erect a perimeter wall and fencing with two sets of access gates aims to introduce a significant solid barrier along the boundary of our properties. This is contested on the grounds of overshadowing and safety. At the prominent corner location, it would be to the detriment of the safety of both pedestrian and vehicular traffic in the locale due to the lack of cognisance in its design of the required pedestrian driver intervisibility. It does not provide safe vehicular access for the proposed and neighbouring properties as required under point 4 Policy D1 (2: Residential Sub-division and Replacement) of the LDP2.

The proposed design would also create an incongruous addition to the street scape at odds with the character of the area to the detriment of visual amenity. I object to the replacement of the existing wooden fencing which runs along the boundary at the rear of my property and the applicants and continues in a uniform material along the boundaries of all other neighbouring properties. There are additional objections in relation to the disruption and required access to my property for both construction and ongoing maintenance. Furthermore, the proposed design would have a negative impact on the free movement of wildlife in the area.

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## Roads Service OBSERVATIONS ON PLANNING APPLICATION

**Our Ref:** 2023/0257/TP  
**D.C Ref:** Margaret McGleish  
**Contact:** Allan Telfer

**Planning Application No:** 2022/0257/TP    **Dated:** 24.05.2023    **Received:** 24.05.2023  
**Applicant:** Ms Ayesha Ameen  
**Proposed Development:** Erection of perimeter wall with controlled access gates  
**Location:** 2 Blackhouse Gardens, Newton Mearns  
**Type of Consent:** Full Planning Permission

### 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><b>1. General</b></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><b>2. Existing Roads</b></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;">N/A</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	N/A	(d) Sightlines	N	<p><b>3. New Roads</b></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><b>4. Servicing &amp; Car Parking</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>(a) Drainage</td><td style="text-align: center;">N/A</td></tr> <tr><td>(b) Car Parking Provision</td><td style="text-align: center;">N/A</td></tr> <tr><td>(c) Layout of parking bays / Garages</td><td style="text-align: center;">N/A</td></tr> <tr><td>(d) Servicing Arrangements/Driveways</td><td style="text-align: center;">N/A</td></tr> </table> <p><b>5. Signing</b></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	N/A	(b) Car Parking Provision	N/A	(c) Layout of parking bays / Garages	N/A	(d) Servicing Arrangements/Driveways	N/A	(a) Location	N/A	(b) Illumination	N/A
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### COMMENTS

2(a)	<p>In order to form the proposed footway crossover at the proposed vehicular access, an application must be made to ERC Roads Service.</p> <p>All costs associated with the works will be at the expense of the Applicant and to ERC Roads Service specifications.</p>
2(d)	<p>The visibility splay at the junction of Broomfield Avenue/Blackhouse Gardens has been checked. Although the proposed wall would interfere with the splay in this, the secondary direction, a splay of 2.5 x 50 metres is still achievable. This is in excess of the 2.5 x 43 metre splay normally required for a road of this standard.</p> <p>Notwithstanding the above, to ensure an adequate and safe intervisibility between vehicles exiting a driveway and pedestrians on an adjacent footway, visibility splays of 2m x 5m back from the edge of the driveways should be provided with no interference within the splay above a height of 1.05m.</p> <p>It should be noted that, although there may be instances where vegetation/walls prevent this splay being achieved at driveways close to the application site, in any new development, ERC Roads does not permit driver/pedestrian splays to be compromised.</p> <p>The proposed metal panels between the wall pillars would prevent these splays being achieved at both driveways associated with this application site.</p> <p>To enable these splays, the first panel to the left and right of each driveway will require to be removed.</p>



	Also, the proposed sliding gates will require to be either reduced in height to 1 metre or replaced with manually operated gates which open inwards. This is to prevent the gates blocking the view of the adjacent footway as a driver exits the application site.
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<b>CONDITIONS</b>	
	The proposed boundary wall panels adjacent to each driveway will require to be removed and the proposed sliding gates to be either reduced in height to 1 metre or else altered to manually operated gates to open inwards only to enable the required pedestrian driver intervisibility.

**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: 20/06/2023  
Principal Traffic Officer



## Roads Service OBSERVATIONS ON PLANNING APPLICATION

**Our Ref:** 2023/0257/TP(2)  
**D.C Ref:** Margaret McGleish  
**Contact:** David Little

**Planning Application No:** 2023/0257/TP(2)    **Dated:** 24.05.2023    **Received:** 24.05.2023  
**Applicant:** Ms Ayesha Ameen  
**Proposed Development:** Erection of perimeter wall with controlled access gates  
**Location:** 2 Blackhouse Gardens, Newton Mearns  
**Type of Consent:** Full Planning Permission

### RECOMMENDATION:

### REFUSAL

Proposals Acceptable Y/N or N/A

Proposals Acceptable Y/N or N/A

Proposals Acceptable Y/N or N/A

#### 1. General

(a) General principle of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N

#### 2. Existing Roads

(a) Type of Connection (junction / footway crossing)	Y
(b) Location(s) of Connection(s)	Y
(c) Pedestrian Provision	N/A
(d) Sightlines	N

#### 3. New Roads

(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

#### 4. Servicing & Car Parking

(a) Drainage	N/A
(b) Car Parking Provision	N/A
(c) Layout of parking bays / Garages	N/A
(d) Servicing Arrangements/Driveways	N/A

#### 5. Signing

(a) Location	N/A
(b) Illumination	N/A

### SUMMARY

Based on the layout presented within this application (drawing nos. 31034/2 & 31034/4a), this Service would recommend Refusal due to lack of pedestrian/ vehicle inter-visibility as described within Section 3.5.3 and figure 3.19 of our Good Practice Guide for Residential Development Roads ([Development Control - East Renfrewshire Council](#))

Notwithstanding, if the proposed boundary wall panels adjacent to each driveway were removed and the proposed sliding gates to be either reduced in height to 1 metre or else altered to manually operated gates to open inwards only to enable the required pedestrian driver inter-visibility, this Service may consider acceptance of such an amendment.

### COMMENTS

- |      |   |
|------|---|
| 2(a) | In order to form the proposed footway crossover at the proposed vehicular access, an application must be made to ERC Roads Service.<br><br>All costs associated with the works will be at the expense of the Applicant and to ERC Roads Service specifications.   |
| 2(d) | The visibility splay at the junction of Broomfield Avenue/Blackhouse Gardens has been checked. Although the proposed wall would interfere with the splay in this, the secondary direction, a splay of 2.5 x 50 metres is still achievable. This is in excess of the 2.5 x 43 metre splay normally required for a road of this standard. |



Notwithstanding the above, to ensure an adequate and safe intervisibility between vehicles exiting a driveway and pedestrians on an adjacent footway, visibility splays of 2m x 5m back from the edge of the driveways should be provided with no interference within the splay above a height of 1.05m.

It should be noted that, although there may be instances where vegetation/walls prevent this splay being achieved at driveways close to the application site, in any new development, ERC Roads does not permit driver/pedestrian splays to be compromised.

The proposed metal panels between the wall pillars would prevent these splays being achieved at both driveways associated with this application site.

To enable these splays, the first panel to the left and right of each driveway will require to be removed.

Also, the proposed sliding gates will require to be either reduced in height to 1 metre or replaced with manually operated gates which open inwards. This is to prevent the gates blocking the view of the adjacent footway as a driver exits the application site.

**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: 25/7/23  
Principal Traffic Officer



INVESTORS  
IN PEOPLE



Healthy  
Working  
Lives

**REPORT OF HANDLING**

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# REPORT OF HANDLING

Reference: 2023/0257/TP

Date Registered: 3rd May 2023

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 254851/:655729

Applicant/Agent:

Applicant:

Ms Ayesha Ameen

2 Blackhouse Gardens

Newton Mearns

Scotland

G77 5HS

Agent:

Don Bennett

Bennett Developments And

Consulting

10 Park Court

Glasgow

G46 7PB

Proposal: Erection of perimeter wall with controlled access gates.

Location: 2 Blackhouse Gardens

Newton Mearns

East Renfrewshire

G77 5HS

## CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service

Objections

Broom, Kirkhill And Mearnskirk Community  
Council

Objects to the proposal – (1) properties in area  
lack boundary walls. (2) serious risk to  
pedestrian (especially children) and driver  
safety.

**PUBLICITY:** None.

**SITE NOTICES:** None.

## SITE HISTORY:

1996/0167/TP

ALTERATIONS AND  
EXTENSION TO  
OUTHOUSE INCLUDING  
CONSERVATORY

Approved Subject  
to Conditions

30.07.1996

2022/0388/TP

Erection of perimeter wall  
and fence with controlled  
access gates.

Refused

22.03.2023

**REPRESENTATIONS:** 4 representations have been received objecting to the proposal.  
Comments are summarised as follows:

- Contrary to LDP2 Policy D1 & NPF4 Policy 16(g) (as detailed in reasons for refusal of previous application (2022/0388/TP) submission)
- Contrary to Policy D1.2 – does not provide safe vehicular access for proposed and neighbouring properties.
- Unsightly, out of character and will distort the appearance of the open plan gardens in the area
- Increased hazard and would be to the detriment of both pedestrians and vehicles at busy road junction restricting views into Broomfield Avenue
- Impact on wildlife
- Removing the fence along property boundaries
- Overshadowing and safety issue
- Access to property for construction and on-going maintenance.
- Adverse effect on the value of property

**DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:** See Appendix 1

**SUPPORTING REPORTS:**

- |                     |  |
|---------------------|--|
| Photographic survey | Photographs of nearby road junctions submitted by agent as evidence.                                     |
| Planning Statement  | A planning statement was submitted to describe how the proposal complies with policy and roads guidance. |

**ASSESSMENT:**

The application site comprises a detached 1.5 storey bungalow and its curtilage and lies within an established residential area characterised by a mixture of house types and sizes. It occupies a corner plot at the junction of Blackhouse Gardens and Broomfield Avenue. The dwelling is finished in roughcast grey render and grey roof tiles.

The property has an existing attached flat roofed garage that is accessed via a driveway from Blackhouse Gardens. The front and northmost part of the side boundary of the site are characterised by open lawned garden areas. The southmost side garden contains shrubs and is open to the rear lawned garden. There is existing fencing on the rear boundary where it meets the neighbouring property at 19 Broomfield Avenue, at pavement side it is approximately 1.6metres high reducing in height towards the neighbouring garage due to the upwards slope in the side garden it then continues at 1.6m high around the remainder of the garden boundary.

Planning permission is sought for the erection of a boundary wall with pillars and fencing around the majority of the site boundary with the introduction of controlled sliding access gates. The proposed wall will have a 0.7metre high base wall with coping stones, with 1.65metres high pillars approximately every 2.5metres. Between each pillar there will be 0.7metre high fence panels atop the base wall, taking the height of the fence to approximately 1.5metres. This wall, with intermittent pillars, fencing and gates extends from the front elevation of the host property's garage on Blackhouse Gardens around the two street frontages of the corner site up to the new access and controlled sliding gate on Broomfield Avenue, where a 2metre high solid wall continues until just beyond the front elevation of the neighbouring garage at no.19 Broomfield Avenue. There are no proposals included to alter the existing boundary fence around the remaining perimeter.

In terms of gates, controlled sliding access gates 3metres wide, are proposed at the existing driveway at Blackhouse Gardens, as well as at the new access being taken from Broomfield Avenue, approximately 15metres from its junction with Blackhouse Gardens. The materials for the

proposal incorporate white painted wet dash render for the walls with a stone cope finish, with black painted metal railing panels between the pillars and black painted metal gates.

It should be noted that this is a re-designed proposal, submitted following a recent refusal of planning permission for a previously similar application (2022/0388/TP), for the erection of a perimeter wall and fence and controlled access gates at the property. This assessment, of the current application (2023/0257/TP), is based on drawings that have been amended following a request from the planning officer to clarify the discrepancies found between the submitted drawings and the proposal description contained within the accompanying planning statement.

The proposal is required to be assessed against the Development Plan which consists of the National Planning Framework (NPF4) and Local Development Plan (LDP2). Due to the scale and nature of the proposal, Policy 16(g) of the NPF4, and Policy D1 of the LDP2 are the most relevant. Policy D1 states that the proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density 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. Furthermore, the proposal should not result in a significant loss of character or amenity to the surrounding area. Policy 16(g) of NPF4 states that householder developments will be supported where they 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 do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

The immediate area in which the proposal is located is characterised by properties with open front gardens, and where there are any, by predominantly low boundary walls/fences and/or natural boundary treatments such as privet hedging. It is accepted that there are a few properties within the wider vicinity of the site with hedging/trees above 1metre in height, however these are few in number and create a more natural, softer boundary than the proposed development whilst still allowing the free movement of wildlife. It should be noted that if the hedges at these properties become a safety issue with sight lines at junctions then this would be dealt with by the roads authority under separate legislation.

Where there are a few examples of fences above 1metre in height within the wider vicinity, it was explained to the applicant at the time of the previous submission, that these are either historic and/or in one particular instance, has been erected without the benefit of planning permission.

This revised proposal (2023/0257/TP), along Blackhouse Gardens and part of Broomfield Avenue is not too dissimilar to the previously refused application in that the fencing panels are the same height of 1.5metres although they are now open railings compared to solid fence panels. However, when approaching the property from either direction along Broomfield Avenue or Blackhouse Gardens, the panels due to their design, along with the pillars will still appear more like a solid structure. There is a greater difference between the previous and current planning applications along the south and westmost sections fronting Broomfield Avenue. The previous refused application proposed a lower wall, pillars and fencing that had a maximum overall height of 1.675m. The current application proposes a 2metre high solid wall stretching some 25metres in total.

Consequently, given the above, it is considered that the current proposal (2023/0257/TP), incorporating a wall of such a height and length, creates a solid barrier which would have a detrimental physical impact on the adjoining property and would present an incongruous addition to the open plan aesthetic of the streetscape, to the detriment of the visual amenity of the immediate surrounding area.

The Council's Roads Service raised concerns regarding pedestrian driver inter-visibility and resulting road safety issues. The applicant was requested to amend their proposal to take into account these concerns, however have failed to respond. It is acknowledged that the applicant wishes to create a safe private garden area that is not open to the street, but any proposed

development should also be safe for the wider community. As a result it is considered that the proposal, due to the position, height and design, raises safety concerns of pedestrian-driver intervisibility at the access gates, to the detriment of the safety of pedestrians and vehicle users in the area.

The Broom, Kirkhill and Mearns Kirk Community Council is a statutory consultee and submitted their response stating that all members of the community council objected to the proposal. They state that the proposed erection of a perimeter wall is contrary to the current format of properties in the same area where all properties lack boundary walls. They agreed it would provide a serious risk to pedestrian and driver safety at the junction between Broomfield Avenue and Blackhouse Gardens and that the loss of pedestrian visibility will be of especial risk to primary and secondary school children that walk to schools, in particular Kirkhill Primary.

In terms of the four representations received, the following assessment is made in respect of the points of objection not specifically addressed above:

- Contrary to Policy D1.2 – this particular policy applies specifically to residential sub-division and replacement therefore not relevant to this application.
- Overshadowing – it is accepted that there will be an element of overshadowing as a result of the proposed wall along the boundary with no.19 Broomfield Avenue, however due to its location, any overshadowing would be restricted to the driveway and is not considered to be to the detriment of the amenity of the proprietors.
- In terms of construction and on-going maintenance - this is a private legal matter and not a material planning consideration in assessing this application.
- Adverse effect on the value of property – this is not a material planning consideration.

In terms of the supporting information submitted by the applicant, the following response is offered:

The applicant claims that there are *'numerous examples of hedges/fences at corners'*. As mentioned in the report above, these are not characteristic of the immediate vicinity of the proposed site and are natural boundary treatments that have grown over some years and not directly comparable to the proposed development of a wall, fencing and gates. Any sightlines obscured at these particular locations are best controlled by other legislation.

The example of composite fencing over 1metre in height, along one side of a corner property at 27 Broomfield Avenue where there is a vehicular access, is historic. This access and boundary treatment in its current location would not comply with current roads guidance and as such cannot be considered to be an exemplar for future proposals in the wider surrounding area.

The planning statement also argues, inter alia, that the applicant has reconsidered his requirements for this application and is now *'proposing a lower wall, still with pillars but with open railing infill panels which will allow better sightlines at the junction'*. It is noted that the low wall proposed, and now illustrated in the amended drawings at the request of the case officer, has only been reduced in height by 10centimetres and the height of the pillars reduced only by 2.5centimetres. This reduction in height is not considered to have reduced the impact of the proposal. Although the new second access would allow for vehicles to enter and exit in forward gear, the proposed design has already been assessed in the body of the report above and is not considered to alleviate the previous road safety concerns of pedestrian-driver inter-visibility at the access gates.

The planning statement further mentions that the proposal to erect a 2metre high wall *'has been deployed at other similar locations in the local area'*. No evidence has been provided to substantiate this statement and the case officer, on visiting the proposal site, is unaware of any such 2metre

high walls in the vicinity of the proposed site. Further, in line with planning legislation, each application is assessed on its own merit. Precedent is not a material planning consideration.

In conclusion, the introduction of the proposed perimeter wall and fencing with two sets of controlled access gates at this prominent corner location would create an incongruous addition to the streetscape, at odds with the character of the area to the detriment of visual amenity. Further it would be to the detriment of pedestrian and driver safety due to lack of inter-visibility. As such, the proposal is contrary to the Development Plan and in particular Policy D1 of the adopted LDP2 and Policy 16(g) of the NPF4. There are no material considerations which would justify setting aside the Development Plan and approving the application. Therefore it is recommended that the application be refused.

**PLANNING OBLIGATIONS:** None.

**RECOMMENDATION:** Refuse

**REASON(S):**

1. The proposed development is contrary to Policy D1 of the adopted Local Development Plan 2 and Policy 16(g) of the National Planning Framework 4 as the proposed introduction of a perimeter wall and fencing with controlled access gates at this prominent corner location would create an incongruous addition to the street scape, at odds with the character of the area to the detriment of visual amenity.
2. The proposed development is contrary to Policy D1 of the adopted Local Development Plan 2 and Policy 16(g) of the National Planning Framework 4 as the proposed introduction of a perimeter wall and fencing with controlled access gates at this prominent corner location would be to the detriment of the safety of both pedestrians and vehicular traffic in the locale due to lack of cognisance, in its design, of the required pedestrian driver intervisibility.

**ADDITIONAL NOTES:** None.

**ADDED VALUE:** None.

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Ms Margaret McGleish on 0141 577 3001.

Ref. No.: 2023/0257/TP  
(MAMC)

DATE: 4<sup>th</sup> August 2023

**DIRECTOR OF ENVIRONMENT**

**Finalised 4<sup>th</sup> August 2023 – GMcC(1)**

**Reference: 2023/0257/TP - Appendix 1**

**DEVELOPMENT PLAN:**

## **Adopted East Renfrewshire Local Development Plan 2**

### 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.

#### **National Planning Framework 4**

##### 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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2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, G46 8NG  
Phone: 0141 577 3001 Fax: 0141 577 3781 DX: 501601 GIFFNOCK



Our Ref: 2023/0257/TP  
Your Ref:  
Date: 7th August 2023  
When calling Please ask for: Ms Margaret McGleish [margaret.mcgleish@eastrenfrewshire.gov.uk](mailto:margaret.mcgleish@eastrenfrewshire.gov.uk)  
Telephone No: 0141 577 3001

Don Bennett  
Bennett Developments And Consulting  
10 Park Court  
Glasgow  
G46 7PB

Dear Sir/Madam,

**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 2008**  
**NOTIFICATION OF DECISION - REFUSAL OF PLANNING PERMISSION**

Ref No: 2023/0257/TP  
Location: 2 Blackhouse Gardens Newton Mearns East Renfrewshire G77 5HS  
Proposal: Erection of perimeter wall with controlled access gates.

The Council has decided to refuse your application for the reasons explained on the enclosed decision notice. The stamped refused drawings are available to view and download from the Council's website [www.ercplanning.eastrenfrewshire.gov.uk](http://www.ercplanning.eastrenfrewshire.gov.uk) by searching under the application reference number.

If you are aggrieved by the decision, you may appeal or seek a review of the decision. Please see the notes attached to your decision notice for the procedures you should follow and the timescales involved.

Yours faithfully

Gillian McCarney  
Head of Environment (Chief Planner)

Encl.



Gillian McCarney, Head of Environment (Chief Planner), 2 Spiersbridge Way, Thornliebank, East Renfrewshire, G46 8NG

When you contact us we want you to trust that your personal information is in safe hands, and that starts with helping you understand why we ask for data and how we manage it. Read our Privacy notice at [Privacy Notice](#) for more information, alternatively if you would like this in a different format, please contact [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.gov.uk)

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

**REFUSAL OF PLANNING PERMISSION**

Ref. No.        **2023/0257/TP**

**Applicant:**

Ms Ayesha Ameen  
2 Blackhouse Gardens  
Newton Mearns  
Scotland  
G77 5HS

**Agent:**

Don Bennett  
Bennett Developments And Consulting  
10 Park Court  
Glasgow  
G46 7PB

With reference to your application which was registered on 3rd May 2023 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Erection of perimeter wall with controlled access gates.**

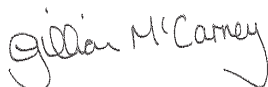
**at: 2 Blackhouse Gardens Newton Mearns East Renfrewshire G77 5HS**

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 proposed development is contrary to Policy D1 of the adopted Local Development Plan 2 and Policy 16(g) of the National Planning Framework 4 as the proposed introduction of a perimeter wall and fencing with controlled access gates at this prominent corner location would create an incongruous addition to the street scape, at odds with the character of the area to the detriment of visual amenity.
  
2.        The proposed development is contrary to Policy D1 of the adopted Local Development Plan 2 and Policy 16(g) of the National Planning Framework 4 as the proposed introduction of a perimeter wall and fencing with controlled access gates at this prominent corner location would be to the detriment of the safety of both pedestrians and vehicular traffic in the locale due to lack of cognisance, in its design, of the required pedestrian driver intervisibility.

Dated            4<sup>th</sup> August 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	Location Plan		
Site Location Plan	2		
Elevations Proposed	4a		
Elevations Proposed	5a		

## **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](http://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](mailto:planning@eastrenfrewshire.gov.uk)**

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## NOTICE OF REVIEW

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: [planning@eastrenfrewshire.gov.uk](mailto: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 100644543-001

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.

## 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:	bennett developments and consulting		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Don	Building Name:	
Last Name: *	Bennett	Building Number:	10
Telephone Number: *	+447989417307	Address 1 (Street): *	PARK COURT
Extension Number:		Address 2:	
Mobile Number:	+447989417307	Town/City: *	Giffnock, Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G46 7PB
Email Address: *	don@bennettgroup.co.uk		

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="Ms"/>	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="Ayesha"/>	Building Number:	<input type="text" value="2"/>
Last Name: *	<input type="text" value="Ameen"/>	Address 1 (Street): *	<input type="text" value="Blackhouse Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Newton Mearns"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G46 7PB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="don@bennettgroup.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="2 BLACKHOUSE GARDENS"/>
Address 2:	<input type="text" value="NEWTON MEARNNS"/>
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="G77 5HS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="655729"/>	Easting	<input type="text" value="254851"/>
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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)

Erection of perimeter wall with controlled access gates

## 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.

Failure of local authority to properly assess the application

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)

Statement of Appeal Planning Statement Decision Notice Report of handling Application form Photographs Drawings

## Application Details

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

2023/0257/TP

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

03/05/2023

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

07/08/2023

## 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 Don Bennett

Declaration Date: 21/09/2023

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## **bennett** *Developments and Consulting*

10 Park Court,  
Glasgow, G46 7PB  
[don@bennettgroup.co.uk](mailto:don@bennettgroup.co.uk)

### **STATEMENT OF APPEAL**

20.9.2023

**APPEAL TO EAST RENFREWSHIRE COUNCIL LOCAL REVIEW BODY AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF PERIMETER WALL WITH CONTROLLED ACCESS GATES AT 2 BLACKHOUSE GARDENS, NEWTON MEARNS, G76 5HS  
APP REF: 2023/0257/TP**

#### **01** Background

The property at 2 Blackhouse Gardens is located at the corner of Blackhouse Gardens and Broomfield Avenue in the established residential area of Newton Mearns.

Due to the corner location the property does not have the benefit of a secure and private back garden which has proven problematic as the owners/appellant has young children whose security is understandably paramount.

In order to rectify this situation, in 2022( App Ref: 2022/0388/TP) the appellant lodged a planning application for the erection of a boundary wall around the perimeter of the garden with controlled access gates on Blackhouse Gardens and Broomfield Road.

#### **02** Reasons for Refusal

This was subsequently refused on the grounds that the proposed boundary wall was of a scale that was out of context with the character of the area and would impact on pedestrian and vehicular safety.

While not agreeing that the proposal did contravene the policy guidance, the appellant submitted a fresh application ( APP REF: 2023/0257/TP) which was felt addressed the previous issues, namely the height, scale and materials of the previous submission.

On 7<sup>th</sup> August 2023, this application was also refused, on similar grounds to the previous application, despite the application addressing the previous reasons for the refusal.

The appellant was understandably disappointed at the decision to refuse the application.

### 03 Response to Reason for Refusal

When determining an application the local authority are required to assess it in the context of the latest approved and adopted local development and any other relevant material such as National Planning Guidelines, in this case **NPF4**. In the case of the Local Development Plan (LDP) **Policy D1** and in the case of NPF4, **Policy 16(g)**.

Accordingly the application has to be considered in the context of both these policies.

If we consider the LDP, In assessing the application the planning officer sought the views of the roads department in respect of the submitted design. It is noted that the roads department did not object to the proposed development, though if approved they would wish to see certain amendments to the design. The salient point is that despite one of the reasons for refusal being pedestrian/vehicular safety, the authority in these matters did not object. Since the council's own inhouse experts in road safety did not object we must assume that the opinions of the unqualified planning officer were allowed to prevail. This is not tenable as while opinions may carry some persuasion, facts carry authority, and the fact remains that the roads experts did not object. Accordingly the unqualified opinions expressed by the planning officer cannot be founded upon as reason to refuse the application.

Further in respect of **Policy D1, Placemaking and Design** the planning officer argues that the proposed boundary treatment was out of character and incongruous due to its scale and design. **Policy D1 (7)** states that "*boundary treatment and landscaping should create a distinctive edge and gateway to the development...*" which is exactly what this proposal will deliver, so it is difficult to understand why the proposal cannot be supported.

The planning officer also claims that the character of the area is one of open front gardens, yet there are many examples of high boundary treatments in the area including walls, fences and overgrown hedges, and also seems to suggest or imply that this area is the subject of a particular set of design principles which would preclude a boundary wall. An examination of the LDP will demonstrate that no area specific design policies exists within the 'Plan, so this site can legitimately be considered in the context of the wider area where there is an abundance of high level boundary treatments on corner sites.

Interestingly, in the Report of Handling the planning officer argued that some of the examples cited were not relevant as some were plant based while one particular example was explained away as being unauthorised. though we are not aware of any pending enforcement action.

The Report of Handling also considers the design of the proposed boundary wall to be inappropriate and not in keeping with the local architecture. Given that they area is one of a wide range of house types, different materials and orientation it is difficult to find any merit in this assertion. The design of the wall having a series of vertical pillars with a decorative railing detail is entirely appropriate and as the railings make it permeable, contributes to pedestrian and vehicular safety.

With respect to **NPF4**, the Report of Handling cites **Policy 16(g)**, which states that development proposals will be supported when they:

- (i) Do not have a detrimental impact on the character or environmental quality of the home and surrounding area in terms of size, design and materials.
- (ii) Do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

Having regard to these requirements, it has been established that there is no area specific guidance which would prohibit the proposed boundary wall and that in terms of design, scale and materials it will complement existing structures in the area.

As the proposal relates solely to the construction of a boundary wall less than 2metres in height, on a corner site, issues such as overlooking or overshadowing will not arise.

Accordingly while it is argued in the Report of Handling that the proposal contravenes the terms of **NPF4**, it is clear that this is not the case.

## 04 Conclusion :

The proposed development, of a boundary wall which will provide privacy and security for the appellant and his young family is a modest and entirely justifiable development. It can be accommodated within the area without impacting on the character of the area or impuning pedestrian/vehicular safety.

It has been demonstrated that the proposed development complies with the terms of the relevant legislation and as such, the decision to refuse the application was flawed and without foundation.

**In the circumstances we would ask that as the decision to refuse was flawed, it should be overturned and permission granted.**

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**PLANS/DRAWINGS**

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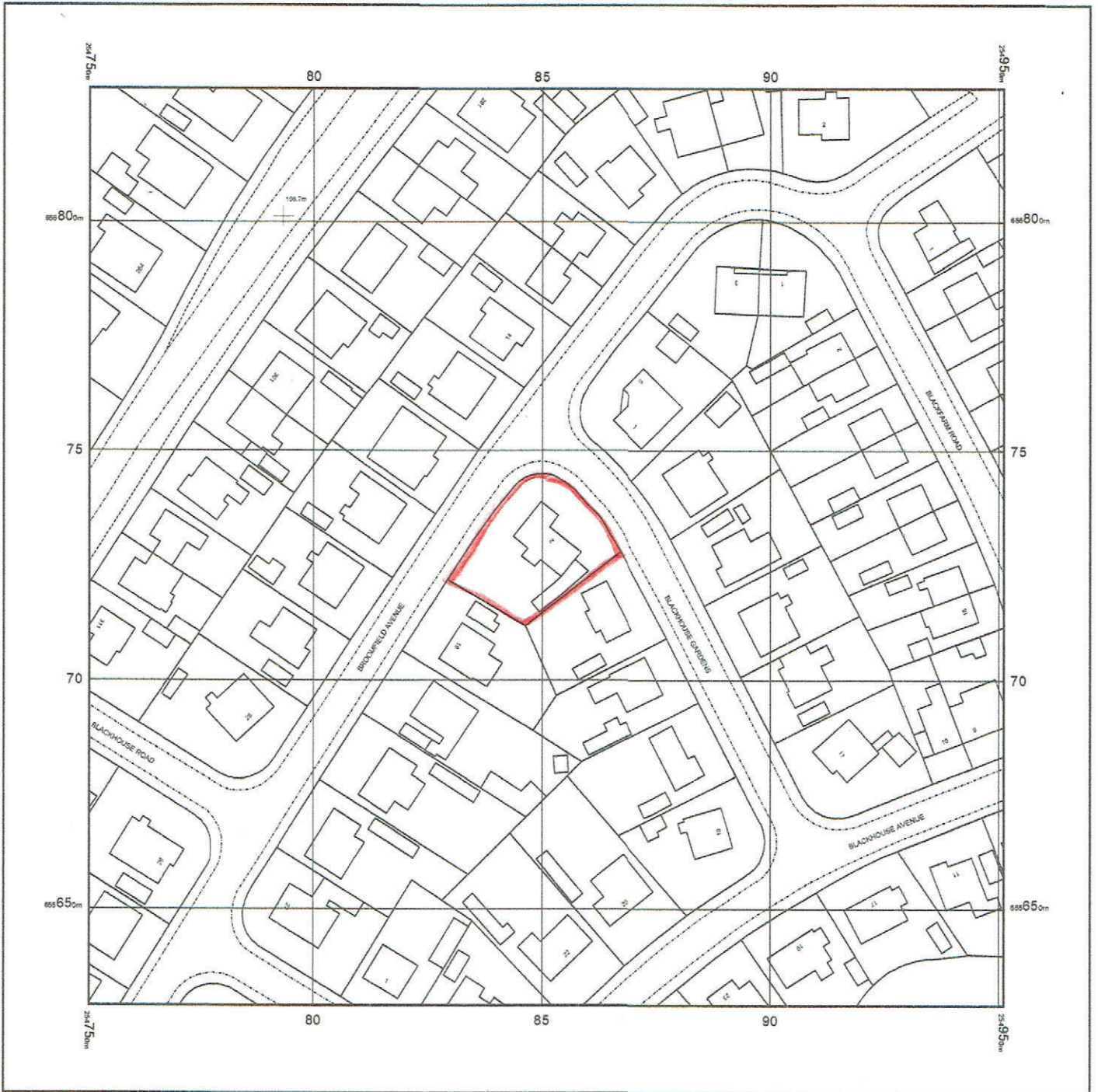
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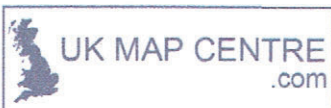
31034: 2 BLACKHOUSE GARDENS, NEWTON MEARNS, G77 5HS

Supplied by: [www.ukmapcentre.com](http://www.ukmapcentre.com)  
Serial No: 263083  
Centre Coordinates: 254851,656729  
Production Date: 01/05/2023 11:37:25



© Crown copyright and database rights 2023 Ordnance Survey 100048957. The representation of road, track or path is no evidence of a boundary or right of way. The representation of features as lines is no evidence of a property boundary.

0m 1cm = 12.5m 62.5m  
Scale 1:1250



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**BROOMFIELD AVENUE**

**BLACKHOUSE GARDENS**

drop kerb to be installed to Broomfield Avenue

0.7m high wall with raised pillars with black metal railings between Wall & pillars finished with cope stones

vehicular access formed with electric sliding gate

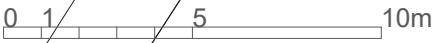
hardstanding formed for vehicles linking vehicle accesses

existing access to have electric sliding gate fitted

2m high wall to private rear garden area

private rear garden area

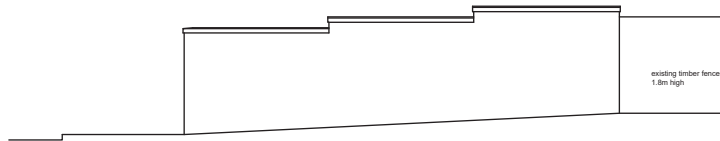
existing garage



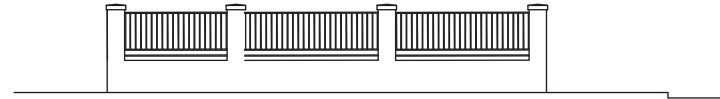
Proposals at  
2 Blackhouse Gardens  
Newton Mearns  
G77 5HS

scale 1:100 (A2)  
dwg no. 31034/2

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elevation to 19 Broomfield Avenue as proposed



elevation to 4 Blackhouse Gardens as proposed

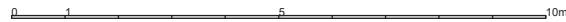


elevation to Broomfield Avenue as proposed

Garden perimeter wall to be finished with wet dash render painted white to match house with stone cope finish.  
Metal railings between pillars painted black.  
Metal sliding electric gates painted black.  
New vehicular access to Broomfield Avenue with drop kerb fitted to Roads Department's specification.



elevation to Blackhouse Gardens as proposed

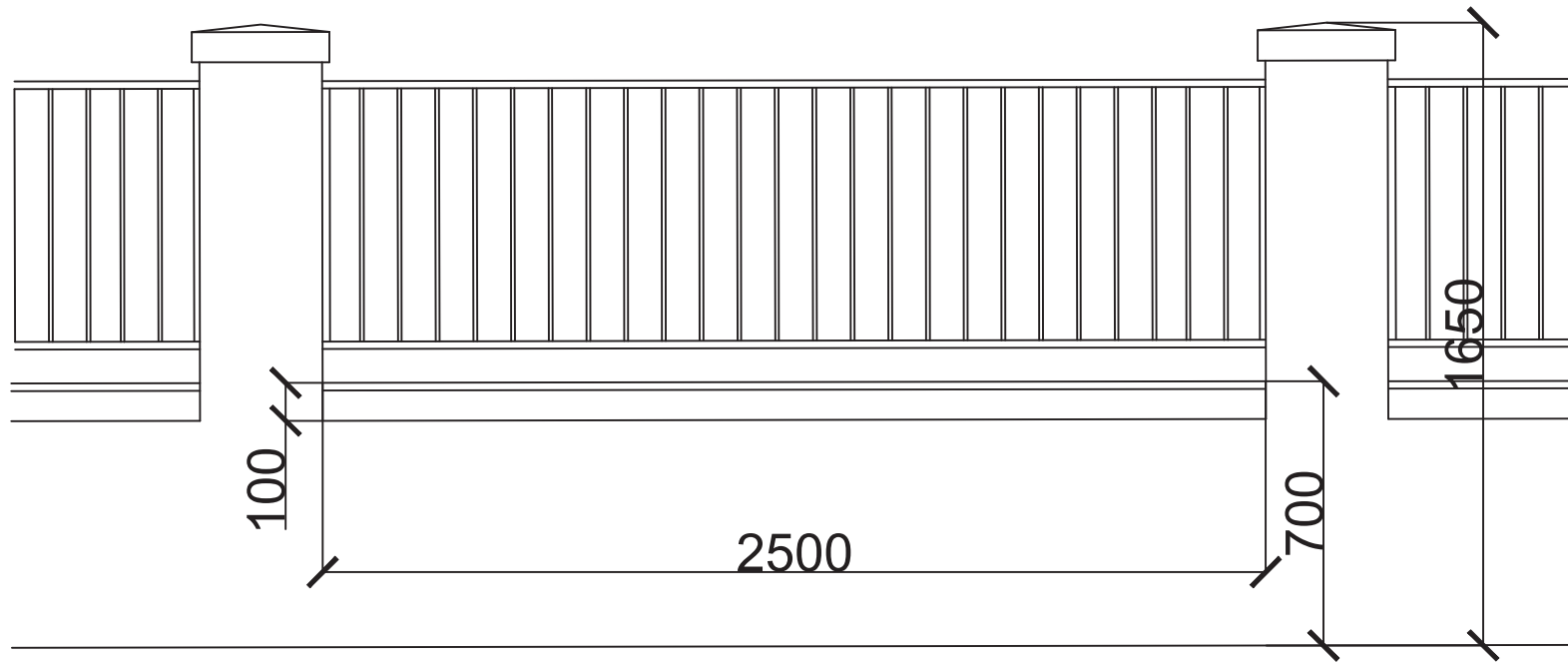


Proposals at  
2 Blackhouse Gardens  
Newton Mearns  
G77 5HS

scale 1:100 (A3)  
dwg no. 31034/4b

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Garden perimeter wall to be finished with wet dash render painted white to match house with stone cope finish.  
Metal railings between pillars painted black.

## Perimeter wall/fencing detail



Proposals at  
2 Blackhouse Gardens  
Newton Mearns  
G77 5HS

scale 1:20 (A4)  
dwg no. 31034/5a

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EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY

14 February 2024

Report by Director of Business Operations and PartnershipsREVIEW OF CASE - REVIEW/2023/11INSTALLATION OF SIDE DORMER AND ROOF EXTENSION TO SIDE TO FORM GABLE**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:- 2023/0318/TP).
- Applicant: Ms F O'Donnell
- Proposal: Installation of side dormer and roof extension to side to form gable
- Location: 15 Nethercliffe Avenue, Netherlee, G44 3UW
- 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 4.

9. The applicant is entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has 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 83 - 90);
- (b) Reports of Handling by the planning officer under the Scheme of Delegation - Appendix 2 (Pages 91 – 102);
- (c) Decision notice and reasons for refusal - Appendix 3 (Pages 103 - 106); and
- (d) A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement - Appendix 4 (Pages 107 - 120).

**15.** The applicant has also submitted the drawings listed below and these are attached as Appendix 5 (Pages 121 - ).

- (a) Plans, Sections and Elevations as existing;
- (b) Location Plan; and
- (c) Plans, Sections and Elevations as proposed.

**16.** All the documents referred to in this report can be viewed online on the Council's website at [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk).

## RECOMMENDATIONS

**17.** 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 decisions taken in respect of the application under review should be upheld, reversed or varied; and
  - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed; 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.

Director – Louise Pringle, Director of Business Operations and Partnerships

John Burke, Committee Services Officer  
e-mail: [john.burke@eastrenfrewshire.gov.uk](mailto: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](mailto: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      100629773-001

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.

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

Dormer Extension to Gable to form Shower Room. Roof Alterations to form Gable to increase floor area of Bedroom.

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:	Hiltech Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Richard	Building Name:	Corespace
Last Name: *	Hill	Building Number:	
Telephone Number: *	07970 896127	Address 1 (Street): *	62
Extension Number:		Address 2:	Viewfield Road
Mobile Number:		Town/City: *	Ayr
Fax Number:		Country: *	Scotland
		Postcode: *	KA8 8HH
Email Address: *	info@hiltech-design.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Fiona	Building Number:	15
Last Name: *	O'Donnell	Address 1 (Street): *	Nethercliffe Avenue
Company/Organisation		Address 2:	Netherlee
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	Scotland
Mobile Number:	07921000383	Postcode: *	G44 3UW
Fax Number:			
Email Address: *	fionaodonnell456@googlemail.com		

## Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

15 NETHERCLIFFE AVENUE

Address 2:

NETHERLEE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G44 3UW

Please identify/describe the location of the site or sites

Northing

658569

Easting

257740

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## 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.

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

Yes  No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

## 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: Richard Hill

On behalf of: Mrs Fiona O'Donnell

Date: 24/05/2023

Please tick here to certify this Certificate. \*



## Checklist – Application for Householder Application

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) Have you provided a written description of the development to which it relates? \*  Yes  No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \*  Yes  No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? \*  Yes  No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale.  Yes  No
- e) Have you provided a certificate of ownership? \*  Yes  No
- f) Have you provided the fee payable under the Fees Regulations? \*  Yes  No
- g) Have you provided any other plans as necessary? \*  Yes  No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding.  Yes  No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \*  Yes  No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Richard Hill

Declaration Date: 24/05/2023

**Payment Details**

Pay Direct

Created: 24/05/2023 13:39

**REPORT OF HANDLING**

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# REPORT OF HANDLING

Reference: 2023/0318/TP

Date Registered: 14th June 2023

Application Type: Full Planning Permission

This application is a Local Development

Ward: 4 -Clarkston, Netherlee And Williamwood

Co-ordinates: 257740/:658569

Applicant/Agent:

Applicant:  
Mrs Fiona O`Donnell  
15 Nethercliffe Avenue  
Netherlee  
Glasgow  
Scotland  
G44 3UW

Agent:  
Richard Hill  
Corespace  
62 Viewfield Road  
Ayr  
Scotland  
KA8 8HH

Proposal: Installation of side dormer and roof extension to side to former gable end.

Location: 15 Nethercliffe Avenue  
Netherlee  
East Renfrewshire  
G44 3UW

**CONSULTATIONS/COMMENTS:** None.

**PUBLICITY:** None.

**SITE NOTICES:** None.

**SITE HISTORY:**

2016/0641/TP	Erection of single storey rear extension	Granted	30.11.2016
2020/0784/TP	Formation of continuous dormer window extension to side and rear.	Refused	02.02.2021
2021/0999/TP	Alterations to existing side dormer to increase its size and erection of dormer to rear of dwelling.	Refused	17.05.2022

**REPRESENTATIONS:** No representations have been received.

**DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:** See Appendix 1.

**SUPPORTING REPORTS:** A design statement was submitted with this application. The design statement provides a description of the existing dwelling, the recent planning history of the site, a description of the current proposal, background information about the reasoning for the current proposal, examples of developments within the area and concludes that the proposal would enhance the area.

**ASSESSMENT:**

The application site comprises a single storey detached bungalow and its curtilage. The dwelling is finished with a white wet-dash render and brick, with a hipped, slate covered roof. The original bungalow has previously been extended to the rear (single storey ground floor extension). The site itself is located in a prominent location on a corner plot at the northeast corner of the junction of Leebank Drive and Nethercliffe Avenue in Netherlee.

Planning permission is sought to form a hip to gable extension on the western elevation of the dwelling. The roof extension would extend the existing ridgeline westwards to form a gable over the existing western elevation and would include a Juliet balcony at 1<sup>st</sup> floor level. Furthermore, the new roof slope includes a new rooflight on the northern elevation. The proposal also includes a new dormer on the eastern roof slope.

The proposal requires to be assessed against Policies D1, D1.1 and D2 of the adopted East Renfrewshire Local Development Plan 2. These policies generally require that development should not result in a significant loss of character or amenity to the surrounding area. Development should be appropriate to the location and respect local architecture, building form and design. Development must also be of a size, scale, height, massing, density and material that is in keeping with the buildings in the locality and must not adversely impact or dominate the existing building. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy.

In terms of the NPF4, the relevant policy is Policy 16. Policy 16 (Quality homes) (g) generally states that the proposal should not have a detrimental impact on the character or environmental quality of the home and the surrounding area. Proposals should not have a detrimental effect on neighbouring residential amenity.

The prevailing residential character of Nethercliffe Avenue and the surrounding area is one of hipped roof detached bungalows. It is noted that there are examples of gable extensions within the area, this is also identified in the accompanying design statement however, it is also noted that those examples are located at the rear of their respective dwellings. Furthermore, rear gables are generally provided with screening from the public road by neighbouring buildings and vegetation.

The proposal would remove an existing dormer and extend the roof to form a gable at the proposed western side elevation. Assessment of the drawings has identified a discrepancy in the proposed elevation drawings. The height of the proposed gable is shown as 7.7m on the Proposed West Elevation and 7.3m on the Proposed North and South Elevations. The position of the flue on the roof is also inconsistent. Regardless of the discrepancies, extending the roof to one side as proposed would significantly increase the massing of the roof at the western side of the dwelling. While it is noted that the western elevation has an existing dormer, the proposed increase in massing would significantly unbalance the appearance of the principal elevation. The proposed hip to gable configuration would therefore be of a heavy and aesthetically unbalanced design. It is considered that the proposed hip to gable (and the associated roof alterations) would have a significant detrimental impact upon the character of the building.

The proposed gable extension would front onto Leebank Drive. The proposed gable extension would be located in a prominent location near the road junction and would be a prominent feature within

the streetscene, particularly when approaching from the west on Nethercliffe Avenue. Given the established character of the immediate locality (which does not have side gables), and noting the highly prominent position of the proposed side gable, the proposal would be an incongruous feature within the streetscene and would not be in keeping with other buildings within the locality. It is considered that the proposed side, hip to gable configuration is not in keeping with other buildings within the locality and would have a significant detrimental impact upon the character of the surrounding area.

In isolation, the proposed dormer on the eastern elevation is generally acceptable in size, scale design and massing. In isolation, the proposed eastern dormer itself would not have a significant detrimental impact upon the character of the building or the surrounding area.

It is noted that the proposed eastern dormer would use opaque glazing. The proposal as a whole raises no significant concerns regarding overlooking, overshadowing, loss of daylight or physical impact.

No representations were received regarding this application.

In summary, the proposed side gable would significantly increase the size, scale and massing of the building to the detriment of its character. Furthermore, due to the prominent nature of the corner plot within the streetscene and the position of the proposed side gable, the proposal is not in keeping with other buildings within the locality and would have a significant detrimental impact upon the character of the surrounding area. The proposed dormer on the eastern elevation is considered to be acceptable in size, scale, massing and in terms of amenity however, in assessing the proposal as a whole, that does not outweigh the other significant conflicts with policy set out above.

Regarding the above, the proposal is contrary to Policies D1, D1.1 and D2 of the adopted East Renfrewshire Local Development Plan 2 and Policy 16 of the National Planning Framework 4. There are no material considerations that indicate the application should not be refused.

**PLANNING OBLIGATIONS:** None.

**RECOMMENDATION:** Refuse

**REASON:**

1. The proposal would significantly increase the size, scale and massing of the property, unbalancing the appearance of the principal elevation to the detriment of the building's original character. Furthermore, the proposal is not in keeping with other buildings within the locality and would have a significant detrimental impact upon the character of the surrounding area. The proposal is therefore contrary to Policies D1, D1.1 and D2 of the Local Development Plan 2 and Policy 16 of the National Planning Framework 4.

**ADDITIONAL NOTES:**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection

measures within the foundations), is submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

**ADDED VALUE:** None.

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Byron Sharp at [byron.sharp@eastrenfrewshire.gov.uk](mailto:byron.sharp@eastrenfrewshire.gov.uk).

Ref. No.: 2023/0318/TP  
(BYSH)

DATE: 11<sup>th</sup> August 2023

**DIRECTOR OF ENVIRONMENT**

**Finalised 29<sup>th</sup> August 2023 – GMcC(1)**

**Reference: 2023/0318/TP - Appendix 1**

**DEVELOPMENT PLAN:**

**National Planning Framework 4**

**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.

## **East Renfrewshire Local Development Plan 2**

### **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 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, 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. There will be a general presumption against all proposals that involve 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 D1.1: Extensions and Alterations to Existing Buildings for Residential Purposes**

Proposals will be assessed against the following criteria:

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. Should complement the scale and character of the existing building, neighbouring properties and their setting, particularly in terms of style, form and materials;
3. The size, scale and height of any development must be appropriate to and not adversely impact or dominate the existing building;
4. Should not create an unbroken or terraced appearance;
5. Where additional bedrooms are proposed or a garage/driveway is being converted to another use other than for the parking of a vehicle, proposals will be required to provide parking in accordance with the Council's Roads Development Guide; and
6. Should avoid over-development of the site by major loss of existing front and rear garden space. No more than 50% of the rear garden should be occupied by the development.

Further detailed information and guidance will be set out in the Householder Design Guide 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.

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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 PERMISSION**Ref. No.        **2023/0318/TP****Applicant:**

Mrs Fiona O'Donnell  
15 Nethercliffe Avenue  
Netherlee  
Glasgow  
Scotland  
G44 3UW

**Agent:**

Richard Hill  
Corespace  
62 Viewfield Road  
Ayr  
Scotland  
KA8 8HH

With reference to your application which was registered on 14th June 2023 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Installation of side dormer and roof extension to side to former gable end.**

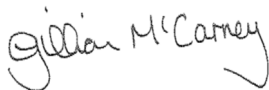
**at: 15 Nethercliffe Avenue Netherlee East Renfrewshire G44 3UW**

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 proposal would significantly increase the size, scale and massing of the property, unbalancing the appearance of the principal elevation to the detriment of the building's original character. Furthermore, the proposal is not in keeping with other buildings within the locality and would have a significant detrimental impact upon the character of the surrounding area. The proposal is therefore contrary to Policies D1, D1.1 and D2 of the Local Development Plan 2 and Policy 16 of the National Planning Framework 4.

Dated            29th August 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

<b>Plan Description</b>	<b>Drawing Number</b>	<b>Drawing Version</b>	<b>Date on Plan</b>
Location Plan	002		
Elevations Proposed	004	Rev:A	

## **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](http://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](mailto: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](mailto: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 100629773-004

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:	Hiltech Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Richard	Building Name:	Corespace
Last Name: *	Hill	Building Number:	
Telephone Number: *	07970 896127	Address 1 (Street): *	62
Extension Number:		Address 2:	Viewfield Road
Mobile Number:		Town/City: *	Ayr
Fax Number:		Country: *	Scotland
		Postcode: *	KA8 8HH
Email Address: *	info@hiltech-design.co.uk		

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="Mrs"/>	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="Fiona"/>	Building Number:	<input type="text" value="15"/>
Last Name: *	<input type="text" value="O'Donnell"/>	Address 1 (Street): *	<input type="text" value="Nethercliffe Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Netherlee"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="07921000383"/>	Postcode: *	<input type="text" value="G44 3UW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="fionaodonnell456@gmail.com"/>		

## 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="15 NETHERCLIFFE AVENUE"/>
Address 2:	<input type="text" value="NETHERLEE"/>
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="G44 3UW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="658569"/>	Easting	<input type="text" value="257740"/>
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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)

Installation of side dormer and roof extension to side to form gable.

## 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.

We feel that due to the varying mix of house designs and rooflines within the local area, that this design alteration to the property is justified, both in terms of design and enhancement, not only to the dwelling itself, but also to the local area. The Family are simply trying to alter the dwelling sympathetically, to accommodate their family, as they love the area and their children attend local schools. They do not wish to have to relocate their family.

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)

HDA-155-001 Existing Plans Sections and Elevations HDA-155-002 Location Plan HDA-155-004 Proposed plans Sections and Elevations HDA-155 PL Design Statement

## Application Details

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

2023/0318/TP

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

14/06/2023

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

29/08/2023

## 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 Richard Hill

Declaration Date: 12/10/2023

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**HILTECHDESIGN**  
ARCHITECTURAL SERVICES  
Setting standards for others to follow

- Project:** Proposed Dormer Extension and Roofline Extension to Dwelling.  
**Address:** 15 Nethercliffe Avenue, Netherlee, Glasgow, G44 3UW.
- Client:** Mrs and Mrs O`Donnell, 15 Nethercliffe Avenue, Netherlee, G44 3UW.
- Agent:** Hiltech Design Architectural Services, Corespace, 62 Viewfield Road Ayr KA8 8HH.
- Brief:** To obtaining Planning approval for the alterations to the property, following previously refused Planning Applications and LRB.
- Date:** May 2023.
- Site:** The existing Dwelling sits on the corner of Nethercliffe Avenue and Leebank Drive, Newton Mearns, with a South Facing Principal Elevation aspect. (See Location Plan within design package).

**Image 01:** Principal Elevation (Existing) taken from Nethercliffe Avenue.



**Image 02:** Side Elevation (West) taken from Leebank Drive.



**Image 03:** Side Elevation (East) taken from Nethercliffe Avenue.



### **Existing Dwelling:**

As you can see from the above photographs, the existing Dwelling currently has front and side facing Dormers, to allow Bedrooms/Access, within the current Attic Rooms. Side Dormer to Leebank Drive is of “Box” Design, to maximise headroom within the current hip-end roof Bedroom. Unfortunately, this headroom and layout of the Attic rooms, results in a pinch point at the current bedroom access, making the room difficult to furnish/use as a Bedroom.

*Please read in conjunction with Design Layouts HDA-155-01, 02 and 04.*

### **Previous Planning History:**

A previous Planning Application was submitted (registered on the 08<sup>th</sup> December 2020), for extensive proposals to alter and extend the current roofline, to accommodate further facilities, within the Attic Rooms, which was subsequently refused, due to the Design resulting in the Local Authority feeling that, “the Design and Massing would be dominant and an incongruous addition, to the detriment to both design and integrity of the original dwelling

and the visual amenity and character of the local area". Planning Application Reference – 2020/0784/TP.

This Application was refused on the 2<sup>nd</sup> February 2021.

A revised Design Layout was submitted, reducing the Proposals to the Attic Floor, which was also subsequently refused.

Reference – 2021/0999/TP.

### **Local Review Body (LRB):**

As a result of the above Planning Application refusals, my Client's subsequently requested the LRB, review the Planning Department's refusals. Reference – REVIEW/2022/08.

Once submitted the LRB attended the site on the 09<sup>th</sup> November 2022.

The LRB upheld the refusal, dated 17 May 2022, for reasons that the proposal constitutes over development of the roof scape, with detrimental impact to both the existing Dwelling and Neighbourhood, due to the corner location of the Property.

The LRB upheld the Planning Department's Refusal and issued their decision notice of same on the 30<sup>th</sup> November 2022.

### **Current Design Proposals:**

The new Design proposals, include a Dormer Extension to the East Elevation, with Opaque Glazing, to allow the formation of an Attic Shower Room, to facilitate the existing two Bedrooms, which currently exist in the Attic Design. This Dormer will be similar in mass and proportion to the existing Dormer currently located on the Principal Elevation, with finishes to match.

As part of the new Design Proposals, we would like to alter the West Elevation (current hip-end roof design) to a traditional gable, with feature window and Juliet Balcony. This change in roof line will allow the removal of the existing unsightly box dormer also, with the existing house and roofline being re-roofed, with new fascias, soffits and rainwater goods.

Internally this will remove the headroom issues, which currently exist within the Bedroom and allow for a much more usable floor area.

Externally, this will greatly improve the look of the dwelling and create a much improved visual enhancement, to both the dwelling and streetscape, especially on approach from the Western side of Nethercliffe Avenue.

With the new roofline, replacement roof finish and external upgrades of the property, we feel that this will only enhance the local area.

### **Current Owners:**

The current Owners, Mr and Mrs O'Donnell, have, since purchasing the Property, carried out many home improvements, to their home, investing heavily in the Property, both internally and externally, to provide a comfortable home for their Family.

The new Proposals, would be the final alteration to the property, which would finish their improvements to the dwelling and allow them to complete their works internally and externally, completing their family home, for years to come.

Their children currently attend School in the Local Area and as a family have enjoyed living within the Local Area, for many years. This last development, would allow their family to stay within the Local Area, attend School and Clubs accordingly.

Should this Application be refused also, my Client's would have no choice, but to look to relocate out with the Local Area, resulting in possibly their children having to move Schools, which isn't ideal, for anyone involved.

We would ask ERC Planning Authority, to consider these Proposals favourably, as the works would not only enhance and complete a lovely family home, but would also enhance the Local Area.

It should also be noted that, having spoken to the immediate Neighbouring Owner/Occupiers, that all are in favour of the Design proposals.

**Existing Examples:**

As the Agent, I took time to look around the local area, for works to existing dwellings, past and present, in order that I could obtain a wider view of the local area and design of the local dwellings.

Within a 1 mile radius of my Client`s Property, there currently exist a wide and varied design of dwellings, most of which have been altered/extended, to provide family homes.

As you can see from the photographs below, my client`s design proposals are much more sympathetic in Design, Character and Massing, compared to some of the alterations/extensions carried out, in the local area.

I have included a few examples of these dwellings in photographic format below, for you to consider.

It should be noted that some of these dwellings within the local area have had alterations carried out, that were similar in design and massing, to my Client`s original Design, which was refused:



**Examples:**

As you can see from the above photographs, there are a varied range of Box Dormers, Dormer Roof Extensions, Gable formations and extensive Extensions, within the close proximity of my Client`s property.

**Programme:**

It is proposed, that should Planning Approval be obtained, a Building Warrant Approval will be sought, with thereafter, with works commencing on site in the Spring of 2024, if not before, depending on Contractor availability, following a Tender Process with suitably chosen Local Contractors and an appointment of the same.

**Conclusion:**

Given the above statement and information provided, in support of the Planning Application to the Local Authority, we feel that these alterations to the existing Dwelling, will be a positive addition, not only for the property itself, but the Local area also. We feel that the Design of the alterations proposed, is sympathetic to the surroundings and minimises impact on the Local Area, whilst delivering the needs of the Client.

The Proposals can only enhance the Local Area and increase property values accordingly.

We look forward to and hope for a positive response from the Local Authority.

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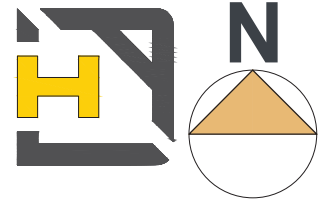


**PLANS/DRAWINGS**

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**01** Location Plan  
Scale 1:1250 @ A4

SCALE 1:1250 in metres



Rev:	Description:	Date:



**HILTECHDESIGN**  
ARCHITECTURAL SERVICES  
Setting standards for others to follow

Project Status:  
**DESIGN/PL/BW**

Project Description:  
ATTIC ALTERATIONS TO HOUSE

Client:  
MR AND MRS O'DONNELL

Site Address:  
15 NETHERCLIFFE AVENUE  
NEWTON MEARNS G44 3UW

Dwg. Title:  
LOCATION PLAN

Dwg. No.:  
**HDA-155-002**

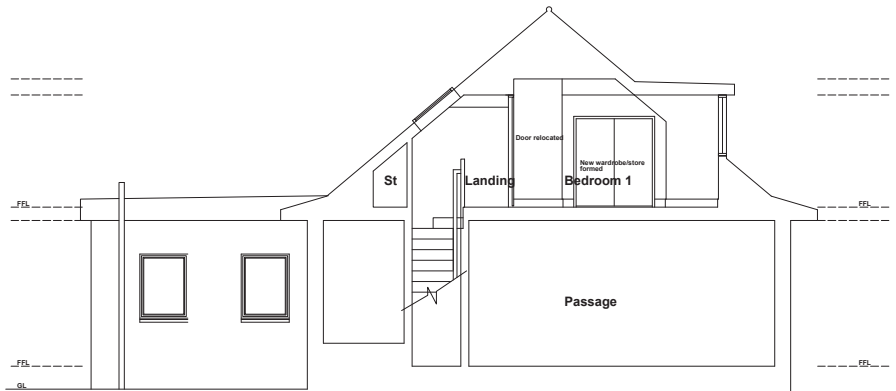
Scale:	Drawn by:	Date:	Revision:
SHOWN	R Hill	APR 23	

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GENERAL NOTES
The contractor is responsible for checking dimensions and any discrepancies must be reported to the designer before proceeding with work on site.
All suppliers, sub-contractors, door/windows/frame manufacturers to check and agree dimensions on site with main contractor before manufacture or installation.
Any discrepancies/changes to be agreed in writing with the Architect before work commences.
The specified installation must be carried out in accordance with the current BS requirements and the relevant British Standards.
A diagram of the electrical layout is to be provided as part of the main specification.
All materials or structural (items, concrete and structural steel) to be measured before and after work, to be checked, in accordance with relevant British Standards.
All materials shall be used in accordance with the manufacturer's written instructions relating to the design, installation, erection, maintenance, repair and replacement and any structural element.
All goods are to be used in accordance with the manufacturer's written instructions relating to the design, installation, erection, maintenance, repair and replacement and any structural element.
All goods are to be used in accordance with the manufacturer's written instructions relating to the design, installation, erection, maintenance, repair and replacement and any structural element.
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05 Section
Scale 1:50 @ A1

WINDING & DOORS
Windows and doors to be designed and fabricated to meet section 2 of Schedule 1 of the Building Regulations 2006.
Information to be provided for the building owner and/or occupier on the operation and maintenance of the building and its water systems to encourage optimum energy efficiency.

ACCESS TO MANUAL CONTROLS AND ELECTRICAL FEATURES
All electrical installations to be carried out in accordance with BS 7671:2018 (IET Wiring Regulations) and the current standards shall be installed in accordance with the relevant British Standards.
Information to be provided for the building owner and/or occupier on the operation and maintenance of the building and its water systems to encourage optimum energy efficiency.

SAFETY
ME's to be fitted to hot water outlets having temperature of water to be 48°C.

ELECTRICAL WORK
All electrical installations to be carried out in accordance with BS 7671:2018 (IET Wiring Regulations) and the current standards shall be installed in accordance with the relevant British Standards.

STRUCTURAL STEELWORK
All steelwork to be designed and fabricated to meet section 2 of Schedule 1 of the Building Regulations 2006.

FIRE PREVENTION
Means and methods with battery back-up to BS 5839 Part 6:2019 for fire detection systems not more than 7m from the door to a kitchen or living room and not more than 2m from any bedroom and not more than 2m from any escape route.

STAIRWAYS
Staircases to be designed and fabricated to meet section 2 of Schedule 1 of the Building Regulations 2006.

WALLS AND CEILING
Walls and ceilings to be installed in accordance with the relevant British Standards.

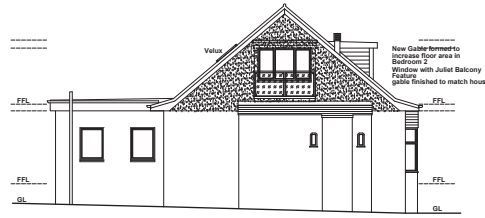
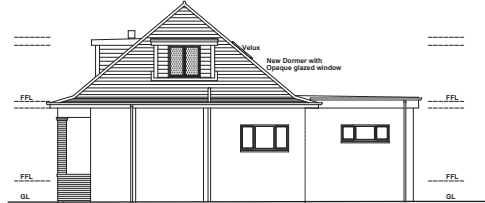
GLAZING
Glazing to be installed in accordance with the relevant British Standards.

Table with 3 columns: Symbol, Description, and Notes. Lists various electrical and structural symbols like floor ceiling pendant light, wall socket, door handle, etc.

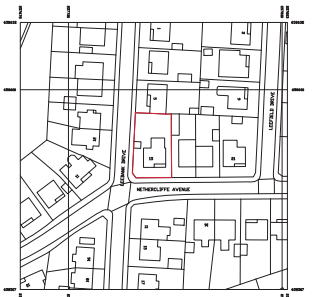
FIRE DETECTION
Means and methods with battery back-up to BS 5839 Part 6:2019 for fire detection systems not more than 7m from the door to a kitchen or living room and not more than 2m from any bedroom and not more than 2m from any escape route.

Table listing fire detection and alarm systems with columns for Code, Description, and Notes. Includes items like CO2, Heat Alarm, Smoke Alarm, etc.

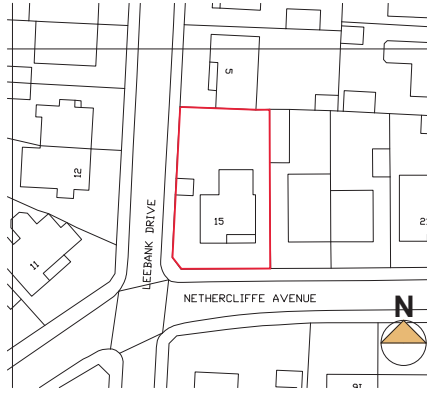
03 Attic plan
Scale 1:50 @ A1



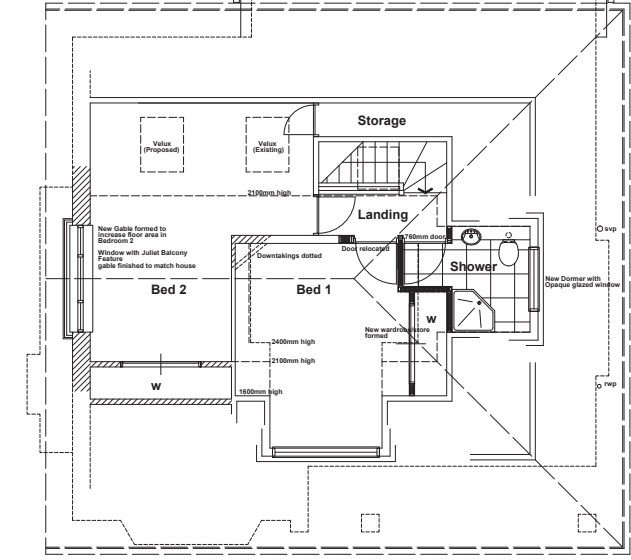
04 Elevations
Scale 1:100 @ A1



01 Location Plan
Scale 1:1250 @ A1



02 Block Plan
Scale 1:500 @ A1



06 Floor Plan
Scale 1:50 @ A1

Revision table with columns: Rev, Description, Date. Shows revision A: North Elevation added for ERC PL Jun 23.



06 External Finishes

Read in conjunction with layouts:
Roof - Strippled and re-laid.
Roofline - Strippled and re-laid in upvc (colour to be selected).
Walls - Rendered to match existing.
Windows - White upvc to match existing.
Dormer Roof - EPDM Flat Roofing system.

Project information table including Project Status (Design/PL/BW), Project Description (ATTC ALTERATIONS TO HOUSE), Client (MR & MRS O'DONNELL), Site Address (15 NETHERCLIFFE AVENUE NETHERLEE G44 3UU), and Drawing Title (AS PROPOSED DESIGN LAYOUT (OPTION 2)).

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EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY14 February 2024Report by Director of Business Operations and PartnershipsREVIEW OF CASE - REVIEW/2023/12ERECTION OF 2 DWELLINGS, TOGETHER WITH ACCESS, LANDSCAPING AND ASSOCIATED WORKS**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:- 2023/0200/TP).
- Applicant: Ms Mackay and Mr Sauvin
- Proposal: Erection of 2 dwellings, together with access, landscaping and associated works
- Location: Site bounded by Salterland Road, Glasgow Road and railway track to the south, Barrhead
- Council Area/Ward: Barrhead, Liboside and Uplawmoor (Ward 1).

**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 133 - 142);
- (b) Objections and Consultations – Appendix 2 (Pages 143 – 162);
- (c) Reports of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 163 - 178);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 179 - 184); and
- (d) A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement - Appendix 5 (Pages 185 - 194).

**15.** All the documents referred to in this report can be viewed online on the Council's website at [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk).

## RECOMMENDATIONS

**16.** The Local Review Body is asked to:-

- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
  - (i) it proceeds to determine whether the decisions taken in respect of the application under review should be upheld, reversed or varied; and
  - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed; 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](mailto:john.burke@eastrenfrewshire.gov.uk)  
Tel: 0141 577 3026

Date:- 14 February 2024

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**APPLICATION FOR PLANNING PERMISSION**

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: [planning@eastrenfrewshire.gov.uk](mailto: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 100616512-001

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 proposed development is for 2 new single storey dwellings on the site with vehicular access from Salterland Road. This proposal lies on vacant brownfield land, previously occupied by one dwelling along with a large glasshouse with adjacent boiler house, chimney and other sundry buildings scattered about the site, used as a Nursery.. The land has been vacant for many years and is designated as greenbelt in the East Renfrewshire Development Plan2 , adopted in March 2022.

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*  Yes  No

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:

Ref. Number:

You must enter a Building Name or Number, or both: \*

First Name: \*

PETER

Building Name:

Last Name: \*

FENTON

Building Number:

71

Telephone Number: \*

01419544378

Address 1  
(Street): \*

Munro Road

Extension Number:

Address 2:

Jordanhill

Mobile Number:

Town/City: \*

Glasgow

Fax Number:

Country: \*

UNITED KINGDOM

Postcode: \*

G13 1SL

Email Address: \*

peter.fenton21@hotmail.com

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

Individual

Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:

Other

You must enter a Building Name or Number, or both: \*

Other Title:

Mr. & Ms.

Building Name:

First Name: \*

Lorna & Stephen

Building Number:

55

Last Name: \*

Mackay & Saurin

Address 1  
(Street): \*

Hawthorn Avenue

Company/Organisation

Lorna Mackay Stephen Saurin

Address 2:

Bearsden

Telephone Number: \*

Town/City: \*

Glasgow

Extension Number:

Country: \*

United Kingdom

Mobile Number:

+447887848588

Postcode: \*

G61 3NF

Fax Number:

Email Address: \*

lorna@pawsitivesolutions.com



## Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Triangular shaped Ground bounded by Glasgow road to the west, Salterland Road to the East and the Railway Line and Calder River to the south.

Northing

660282

Easting

251196

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

0.75

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)

Vacant Land

## 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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span></p> <p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * <span style="float: right; border: 1px solid black; padding: 2px 10px;">8</span></p> <p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>
<h3 style="margin: 0;">Water Supply and Drainage Arrangements</h3> <p>Will your proposal require new or altered water supply or drainage arrangements? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>(e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h3 style="margin: 0;">Assessment of Flood Risk</h3> <p>Is the site within an area of known risk of flooding? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know</span></p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</span></p>
<h3 style="margin: 0;">Trees</h3> <p>Are there any trees on or adjacent to the application site? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>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.</p>
<h3 style="margin: 0;">Waste Storage and Collection</h3> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>

If Yes or No, please provide further details: \* (Max 500 characters)

Wheelie Bin storage housing for each house to accommodate 4 bins; one for food & garden waste; one for general waste; one for plastic, cans, glass; one for paper & cardboard all in purpose built shelters in locations shown on plans.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

2

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## 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: PETER FENTON

On behalf of: Lorna Mackay Stephen Saurin

Date: 03/04/2023

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. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

SEPARATE SUPPORTING DOCUMENT SUPPLIED

### 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 PETER FENTON  
 Declaration Date: 28/03/2023

### Payment Details

Online payment: ZZ0100003269  
 Payment date: 03/04/2023 14:15:00

Created: 03/04/2023 14:15

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**OBJECTIONS/REPRESENTATIONS**

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## **Comments for Planning Application 2023/0200/TP**

### **Application Summary**

Application Number: 2023/0200/TP

Address: West South 260FT Of Waterside Cottage Salterland Road Barrhead East Renfrewshire

Proposal: Erection of two dwellings, together with access, landscaping and associated works.

Case Officer: Mr Byron Sharp

### **Customer Details**

Name: Mr james creighton

Address: Waterside Cottage, Salterland Road, Barrhead, East Renfrewshire G53 7TQ

### **Comment Details**

Commenter Type: Rec'd NeighbourNotification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Has a resident and business owner of Salterland road. I strongly object to any building on the road. The road is very narrow unable to accommodate construction vehicles. My business is Transport with HGV. any vehicle park on Salterland Road would prevent my Lorries access in and out of our yard. Which is the access gate direct facing, The proposed access road to this development.

Also the site you are planning to to disturb, has been covered in the Japanese Knotweed for years. Has I also live on Salterland Road I am very concerned about the disturb of this weed. Which my then spread on to my grounds.

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## Comments for Planning Application 2023/0200/TP

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Proposal: Erection of two dwellings, together with access, landscaping and associated works.

Case Officer: Mr Byron Sharp

### Customer Details

Name: Mr James Creighton

Address: Waterside Cottage, Salterland Road, Barrhead, East Renfrewshire G53 7TQ

### Comment Details

Commenter Type: Rec'd Neighbour Notification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

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Tuesday, 09 May 2023



Local Planner  
 Planning Team  
 East Renfrewshire Council  
 Thornliebank  
 G46 8NG

Development Operations  
 The Bridge  
 Buchanan Gate Business Park  
 Cumbernauld Road  
 Stepps  
 Glasgow  
 G33 6FB

Development Operations  
 Freephone Number - 0800 3890379  
 E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**260FT Of Waterside Cottage, Salterland Road, Barrhead, G53 7TQ**  
**Planning Ref: 2023/0200/TP**  
**Our Ref: DSCAS-0086240-B3P**  
**Proposal: Erection of two dwellings, together with access, landscaping and associated works**

**Please quote our reference in all future correspondence**

### **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

### **Water Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Milngavie Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### **Waste Water Capacity Assessment**

- ▶ There is currently sufficient capacity for a foul only connection in the Shieldhall Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

---

## Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

- ▶ 1050mm combined sewer within the site boundary

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

## General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - ▶ Site Investigation Services (UK) Ltd
    - ▶ Tel: 0333 123 1223
    - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
    - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
  - ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
  - ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
  - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
  - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## Next Steps:

### ▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### ▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider

to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

## ▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Angela Allison**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)



**Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

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**From:** EN Planning <Planning@eastrenfrewshire.gov.uk>

**Sent:** 15 May 2023 02:48:48

**155**

**To:** planningdms@eastrenfrewshire.gov.uk

**Cc:**

**Subject:** Fw: Planning Application 2023/0200/TP (OFFICIAL)

**Attachments:**

---

**From:** O'Hare, Martin (NRS) <Martin.OHare@glasgow.gov.uk>

**Sent:** 15 May 2023 13:28

**To:** EN Planning <Planning@eastrenfrewshire.gov.uk>

**Subject:** Planning Application 2023/0200/TP (OFFICIAL)

## OFFICIAL

Dear Sir or Madam,

I refer to the above application for the erection of two houses with associated access and landscaping on land south-west of Waterside Cottage, Salterland Road, Barrhead, which appeared on a recent weekly list of applications registered with the Council. I have downloaded details of the proposal from the Council's online planning system, and having compared these against information contained in the Historic Environment Record and with available cartographic sources, I would like to make the following comments.

Two issues can be identified in terms of the potential impact of the proposed development on the historic environment, both of which derive from features that can be identified on historic map coverages. The first of these relates to a building forming part of a settlement named 'Waterside', which was shown as occupying the northern corner of the plot on the 1st edition Ordnance Survey map of 1864 (<https://maps.nls.uk/geo/explore/#zoom=16.7&lat=55.81307&lon=-4.37617&layers=5&b=1>). Although depicted as being roofed and therefore presumably occupied and in use on the 1st edition, the date at which this building was first constructed is not known; however, a settlement named 'Waterside' was shown on the western bank of the Levern Water on Roy's Military Survey of Scotland (<https://maps.nls.uk/geo/explore/#zoom=15.3&lat=55.81132&lon=-4.37893&layers=4&b=1>), conducted in the period 1747-55, suggesting that occupation was already present on the site by the mid 18th century. The building shown on the 1st edition in the angle of the intersection between Glasgow Road and Salterland Road did not appear on the 2nd edition OS map of 1897 (<https://maps.nls.uk/geo/explore/#zoom=17.1&lat=55.81263&lon=-4.37601&layers=168&b=1>), indicating that it had been removed by the end of the 19th century. However, it is possible that physical material relating to this structure may survive on the site, either as upstanding remains hidden by vegetation, or in the form of sub-surface features or deposits.

The second potential issue associated with the proposal also relates to a feature shown on the 1st and 2nd edition OS maps, this being the line of a mill lade shown cutting across the south-eastern corner of the plot, immediately adjacent to the Salterland Viaduct and the category C-listed 18th century bridge that carries Salterland Road over the Levern Water. This lade, which was described in a report by Dr Stuart Nisbet of the Renfrewshire Local History Forum, formed part of the water management system associated with a series of industrial operations present on the western bank of the Levern Water in the 19th century; these included the Crossmill Print Works, to the south, and the Chemical and Alum Works at Hurler, to the north. The line of the lade as it cuts through the plot of ground that is proposed for development under the current application no longer appears on current OS maps of the area, but it is possible that evidence for its existence may still survive as an infilled channel.

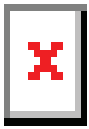
Comparison with later OS editions indicates that much of the central area of the plot is likely to have been disturbed by development during the 20th century – on the 1:2,500 map of 1952, for example, much of the site was shown as being occupied by a nursery and a house named 'Gramsdale'. Although the construction of these buildings and the operation of the nursery are likely to have had some impact on the potential for sub-surface material relating to earlier phases of occupation to have survived, it is unlikely to have removed this potential entirely, particularly as none of the structures shown on later maps appear to have directly overlain either the building or the lade that were shown on the 1st edition. Any material relating to these structures that does survive could be at risk of damage or removal as a result of ground disturbance associated with the proposed development. To address this, I would advise that the following condition should be attached to any consent that the Council may be minded to issue:

*"No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and*

To implement this condition, the developer would need to appoint a suitably-qualified professional archaeological contractor to prepare a Written Scheme of Investigation (WSI). This is basically a project design document that sets out the scope of work that will take place on the site. In this instance, two potential approaches would be possible; either the archaeological contractor could be present on site to monitor ground disturbance in the northern and south-eastern corners of the plot, to ensure that surviving elements of the building and lade shown on the 1st edition could be identified, excavated and recorded, or they could undertake a programme of trial trenching in these sections of the site in advance of the main construction phase, to investigate the survival of these features and to determine whether further fieldwork would be necessary.

Regards,

Martin O’Hare



Martin O'Hare

Historic Environment Records Officer  
West of Scotland Archaeology Service  
231 George Street, Glasgow, G1 1RX  
Tel: 0141 287 8333  
email: [Martin.O'Hare@wosas.glasgow.gov.uk](mailto:Martin.O'Hare@wosas.glasgow.gov.uk)

**OFFICIAL**

Proud host of [2023 UCI Cycling World Championships](#) 3-13 August 2023

Please print responsibly and, if you do, recycle appropriately.

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### Protective Marking

We are using protective marking software to mark all our electronic and paper information based on its content, and the level of security it needs when being shared, handled and stored. You should be aware of what these marks mean for you when information is shared with you:

- 1.OFFICIAL SENSITIVE (plus one of four sub categories: Personal Data, Commercial, Operational, Senior Management) - this is information regarding the business of the council or of an individual which is considered to be sensitive. In some instances an email of this category may be marked as PRIVATE
- 2.OFFICIAL - this is information relating to the business of the council and is considered not to be particularly sensitive
- 3.NOT OFFICIAL – this is not information about the business of the council.

For more information about the Glasgow City Council Protective Marking Policy please visit <https://glasgow.gov.uk/protectivemarking> For further information and to view the council's Privacy Statement(s), please click on link below:[www.glasgow.gov.uk/privacy](http://www.glasgow.gov.uk/privacy)

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# Internal Memo

**Our Ref:** BS/RM  
**Your Ref:** 2023/0200/TP  
**Date:** 16<sup>th</sup> May 2023  
**From:** Richard Mowat, Environmental Health  
**To:** Development Management

## **PROPOSAL: ERECTION OF TWO DWELLINGS AND ASSOCIATED WORKS**

### **LOCATION: WEST SOUTH OF WATERSIDE COTTAGE, SALTERLAND ROAD, BARRHEAD**

I have reviewed the plans for the above development and would comment as follows:

1. No activities in connection with construction/demolition (including deliveries and offloading) which are liable to cause disturbance to occupiers of nearby existing properties shall be carried out:

Prior to 08.00 hours or after 19.00 hours Monday - Friday  
Prior to 08.00 hours or after 13.00 hours Saturday,  
with no such activities carried out on Sundays.

2. All waste arising from demolition, construction or groundwork activities must be removed by a licensed waste carrier. There must be no burning on site, other than that permitted by Scottish Environmental Protection Agency by prior agreement; any such burning must not cause nuisance. Adequate precautions must be taken to prevent nuisance from dust from the activity.

3. Due to the close location of the railway embankment, a site investigation should be completed to identify current and potential ground conditions (including potential contamination) and consider whether any remediation is necessary. This should be conducted in accordance with BS 10175:2011+A2:2017 'Code of Practice for the investigation of potentially contaminated sites'.

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

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

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

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

4. Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

5. I would advise that as the site may be affected by railway and road noise, a noise impact assessment is required to determine the suitability of the site for residential development, in accordance with the principles of Planning Advice Note 1/2011: Planning and Noise.

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**



# 161

## Roads Service OBSERVATIONS ON PLANNING APPLICATION

**Our Ref:** 2023/0200/TP  
**D.C Ref** Byron Sharp  
**Contact:** Allan Telfer

**Planning Application No:** 2023/0200/TP      **Dated:** 10-05-23      **Received:** 10-05-23  
**Applicant:** Mr. & Ms. Lorna & Stephen Mackay & Saurin  
**Proposed Development:** Erection of two dwellings together with access, landscaping and associated works  
**Location:** West south 260ft of Waterside Cottage, Salterland Road, Barrhead  
**Type of Consent:** Full Planning Permission

### 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

#### 1. General

(a) General principle of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N

#### 2. Existing Roads

(a) Type of Connection (footway/verge crossover)	N
(b) Location(s) of Connection(s)	Y
(c) Pedestrian Provision	N/A
(d) Sightlines (.....)	N

#### 3. New Roads

(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

#### 4. Servicing & Car Parking

(a) Drainage	N
(b) Car Parking Provision	Y
(c) Layout of parking bays / garages	N/A
(d) Driveways	Y

#### 5. Signing

(a) Location	N/A
(b) Illumination	N/A

Ref.	COMMENTS
2(a)	<p><u>Type of Connection – (footway/verge crossover)</u></p> <p>Applicant to be advised that in terms of Section 56 of the Roads (Scotland) Act 1984, an application must be made to the Roads Service for the creation of the shared driveway access.</p> <p>Vehicular crossing alterations must be carried out in accordance with the Roads Services' specification and will be carried out at the applicant's expense.</p> <p>Gates, if provided, must open inwards.</p>
2(d)	<p><u>Sightlines</u></p> <p>At the proposed shared driveway, the required visibility is 2m x 43m x 1.05m as a minimum. i.e. At a point 2m back from the edge of the carriageway there should be an unrestricted view of the carriageway, above a minimum height of 1.05m, for a distance of 43m to both the left and the right.</p>
4(a)	<p><u>Drainage</u></p> <p>Surface water run-off from the shared driveway must be contained within the site by sloping the shared driveway away from the heel of the road or by means of a positive drainage system.</p>
4(b)	<p><u>Car Parking Provision</u></p> <p>The proposed dwellings are to contain three bedrooms, which results in a requirement for two curtilage spaces. Due to the remote nature on the location, it is recommended that additional space is provided for visitor parking. As per drawing 002A, there would be at least four spaces for each dwelling which is acceptable.</p>
4(d)	<p>As per drawing 002A, there is space within both plots to allow vehicles to turn which will allow vehicles to enter and exit in a forward gear.</p> <p>It should be noted that ERC Neighbourhood Services will not enter private property to uplift bins. An area to present bins for collection will be required adjacent to the public road.</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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Ref.	CONDITIONS
2(d)	The required visibility splay at the proposed driveway is 2m x 43m x 1.05m in both the primary and secondary directions.
4(a)	Surface water run-off from the proposed driveway must be contained and not permitted to issue onto the public road.

**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

Signed: John Marley  
Principle Traffic Officer

Date: 02/06/2023

**REPORT OF HANDLING**

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# **REPORT OF HANDLING**

Reference: 2023/0200/TP

Date Registered: 26th April 2023

Application Type: Full Planning Permission

This application is a Local Development

Ward: 1 -Barrhead, Liboside And Uplawmoor

Co-ordinates: 251200/:660289

Applicant/Agent:

Applicant:

Mr. & Ms. Lorna & Stephen Mackay &  
Saurin  
55 Hawthorn Avenue  
Bearsden  
Glasgow  
G61 3NF

Agent:

Peter Fenton  
71 Munro Road  
Jordanhill  
Glasgow  
G13 1SL

Proposal: Erection of two dwellings, together with access, landscaping and associated works.

Location: West South 260FT Of Waterside Cottage  
Salterland Road  
Barrhead  
East Renfrewshire

## **CONSULTATIONS/COMMENTS:**

Scottish Water:

No objections raised against the proposal however it is stated that the consultee response does not confirm that the proposal could be serviced by water infrastructure.

East Renfrewshire Council Environmental Health Service:

No objections raised against the proposal. A number of actions have been requested. These include a site investigation and a noise impact assessment.

East Renfrewshire Council Roads Service:

No objections subject to conditions to protect a visibility splay and to prevent surface water runoff leaving the site.

West Of Scotland Archaeology Service:

WOSAS have responded to recommend that a planning condition be added to require a programme of archaeological works.

## **PUBLICITY:**

19.05.2023

Evening Times

Expiry date 02.06.2023

**SITE NOTICES:** None.

**SITE HISTORY:** No recent site history.

**REPRESENTATIONS:** One objection has been received: The objection can be summarised as follows:

- Road too narrow for construction vehicles.
- Vehicles parking on Salterland Road could obstruct access to a neighbouring HGV transportation business.
- Japanese Knotweed.

**DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:** See Appendix 1

**SUPPORTING REPORTS:** Supporting information was submitted with this application. The information contains a site description, a description of the locality, a site history and a description of the proposal. Makes a statement regarding land use designation.

## **ASSESSMENT:**

This application seeks permission for the erection of two new dwellinghouses within the greenbelt, with associated access, landscaping and works. The proposal would share its southern boundary with the Glasgow to Barrhead railway line and is bounded by Salterland Road and Glasgow Road. The application site has a caravan site and storage yards located to the north a cemetery to the west. The site is characterised as a naturalised brownfield site that is now greenspace and located within a green belt designation within the East Renfrewshire Local Development Plan 2, to the north of the settlement boundary for Barrhead. The site also lies within the Green Network.

The proposed houses are of an identical design. Each proposed house would have a "T" shaped footprint. The proposed houses would be single storey with each house measuring 28m in length by 23.5m in width. The proposed houses would have a pitched roof design and would measure 4.4m high. Each house would have an integrated double garage and would have a parking space provided. Surface water soakaway are proposed for each house.

The proposal is required to be assessed against the Development Plan which consists of the National Planning Framework (NPF4) and Local Development Plan (LDP2). Due to the scale and nature of the proposal, Policies 1, 3, 4, 6, 8 and 16 of the NPF4 and Policies D3, D3.3, D4, D6 and D7 of the LDP2 are the most relevant.

### NPF4 Policies

Policy 1 (Tackling the climate and nature crises) states that when considering all development proposals significant weight will be given to the global climate and nature crises. This policy is intended to promote nature positive places.

Policy 3 (Biodiversity) generally states that 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. Policy 3 (d) states that 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.

Policy 4 (Natural places) generally states that 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.

Policy 6 (Forestry, woodland and trees) generally states that development proposals that enhance, expand and improve woodland and tree cover will be supported. Furthermore, proposals will not be supported where they will result in: (ii) adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

Policy 8 (Green belts) strictly controls residential development within the green belt and generally states that residential accommodation must be required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available or must be one-for-one replacements of existing permanent homes. Furthermore, reasons must be provided as to why a green belt location is essential and why housing cannot be located on an alternative site outwith the green belt. The purpose of the green belt at that location must not be undermined.

Policy 16 (Quality homes) generally states that proposals for new homes on land not allocated for housing in the LDP will only be supported where the proposal is otherwise consistent with the plan spatial strategy and other relevant policies.

#### LDP2 Policies

Policy D3 (Green Belt and Countryside around Towns) generally states that changes of use will be supported in principle where it is for agriculture; forestry; equestrian; countryside recreation and active travel; outdoor leisure and tourism, including holiday accommodation; economic and farm diversification; subject to compliance with other relevant policies of the Proposed Plan. Where it is demonstrated that this is not achievable and where a new dwelling is proposed it should be commensurate with the functional requirement of the business. Any proposal that involves a business which requires a new building will also have to demonstrate that it is established and/or viable for a minimum period of 3 years at that location.

Policy D3.3 (New Build Housing): Proposals for new build housing within the countryside around towns will only be permitted where it can be demonstrated that there is no available existing house or no existing traditional building suitable for conversion to a house in accordance with Policy D3.1; and; for uses as supported under Policy D3, it has been demonstrated that there is a direct operational requirement for 24 hour on-site supervision and that this requires to be in the form of a new build dwelling. The need for a dwelling should be supported by additional supporting information where appropriate, such as a business case or an agricultural report, prepared by an appropriately qualified person. The new dwelling should be commensurate with the functional requirement of the business.

Policy D4 (Green Network and Infrastructure) states that proposals will be required to protect and enhance the green and blue network, its value and multiple functions including wildlife, biodiversity, recreational, landscape and access. Where a proposal impacts adversely on the character or function of the green network, proposals will be required to contribute to enhancing any remaining, or create new green infrastructure and green network, in accordance with Strategic Policy 2 and D6.

Policy D6 (Open Space Requirements in New Development) establishes open space requirements for new residential development. The Green Network Supplementary Guidance provides further detailed information regarding residential open space requirements for Policy D6 and is a material consideration.

Policy D7 (Natural Environment Features) (4) states that 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.

## Detailed Consideration

The site is designated as greenbelt in the East Renfrewshire Council Local Development Plan 2. Policy D3 (Green Belt and Countryside around Towns) requires that development in the green belt be strictly controlled and limited to that which is required and is appropriate for a rural location. Furthermore, it outlines the Council's position in terms of development that may be supported in principle. These are generally rural uses, agriculture, forestry, outdoor recreation, tourism etc. This proposal is for new housing which is not associated an existing rural business. The proposal therefore does not align with any of the uses that are "supportable in principle" in the green belt. The proposal is contrary to Policy D3 of the LDP2. Furthermore, NPF4 Policy 8 (Green Belt) generally aligns with LDP2 Policy D3. The proposal is therefore also contrary to NPF4 Policy 8. It is considered that the proposal is not acceptable in principle and would undermine the function of the green belt.

Residential proposals in the green belt are explicitly addressed across three sub policies - D3.1 (Conversion of Rural Buildings), D3.2 (Replacement Dwellings) and D3.3. (New Build Housing). The proposal is for two new houses and therefore Policy D3.3 is relevant. Policy D3.3 confirms such proposals will only be permitted where it can be demonstrated that there is no available existing house or no existing traditional building suitable for conversion to a house and (for workers engaged in existing rural businesses and uses as supported under Policy D3), it has been demonstrated that there is a direct operational requirement for 24 hour on-site supervision and that this requires to be in the form of a new build dwelling. The proposal is not associated with an existing rural business and is not defined as acceptable in principle (as defined in Policy D3). The proposal is therefore contrary to Policy D3.3 of the LDP2.

In terms of design, the proposed single storey dwellings would each measure 27.8m in length by 23.5m in width. The proposed houses would have a pitched roof design and would measure 4.4m high. Each house would have an integrated double garage and would have a parking space and a disabled parking space provided. While the proposed dwellings would be no higher than a typical rural bungalow, they are significantly larger in footprint, length and width. The proposed dwellings are considered to be excessive in size. It is considered that the proposed dwellings are not appropriate to the green belt location, and are of a size, scale and massing that is not in keeping with other residential buildings in the locality. The proposal is therefore contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan 2.

The Development Plan generally requires consideration to be given to a proposal's impact on species, trees, habitats and biodiversity. Given the site's location and character, it is considered that an ecological survey and a tree survey is required. Given the conflict with the Development Plan policies set out above, an ecological survey and tree survey was not requested on this occasion. The proposal is contrary to Policy D4 and D7 of the LDP2 and Policies 1, 3, 4 and 6 of the NPF4.

The proposal is not located on land allocated for housing within the LDP2 and conflicts with relevant LDP2 policies. The proposal is therefore contrary to Policy 16 of the NPF4.



The proposal would provide sufficient private open space and garden provision, and generally complies with Policy D6 of the LDP2. Furthermore, it is considered that the proposed dwellings would not give rise to significant additional overlooking, overshadowing or loss of daylight.

The supporting statement from the applicant is noted. It is apparent that attempts have been made through the LDP process to have the green belt designation of the site by expanding the urban area of Barrhead. The statement makes a point that the Directorate for Planning & Environmental Appeals (DPEA) acknowledge the site as brownfield and stated that *“the current condition and appearance of the site does not make a positive contribution to the green belt”*.

This is noted in the Reporter’s comments within the Report of Examination for the East Renfrewshire Local Development Plan 2. It is also however noted that the Reporter then goes on to confirm that this in itself would not justify residential development on the land and recommends other potential uses more compatible with LDP2 Policy D3 for redevelopment of the land. Furthermore, the Reporter states that development on the site would have an adverse impact upon the green belt as it would result in an extension of the urban area into the green belt corridor. The Reporter then concluded that the site is not suitable for housing purposes and found no reason to remove the site from the green belt designation within what was the proposed LDP2 at that time.

East Renfrewshire Council’s Roads Service was consulted on this planning application and raised no objections subject to planning conditions controlling visibility splays and preventing surface water runoff from leaving the site. The Environmental Health Team were consulted on this application and have also raised no objections however, a number of actions have been requested. These include a site investigation and a noise impact assessment. West Of Scotland Archaeology Service have responded to recommend that a planning condition be added to require a programme of archaeological works. Scottish Water were also consulted and have raised no objections raised against the proposal however, it is stated that the consultee response does not confirm that the proposal could be serviced by water infrastructure.

One objection was received for this application. The objector raises concerns that Salterland Road is not suitable for construction vehicles and that parked vehicles would obstruct HGV access to the neighbouring transport yard. East Renfrewshire Roads Service are the statutory consultee for matters regarding public roads, as set out above, the Roads Service was consulted on this application and raised no objections subject to conditions. Concerns have also been raised regarding Japanese Knotweed on-site. The control and disposal of Japanese Knotweed is a separate legal matter.

In summary of the above, the proposal is considered to be contrary to LDP2 Policies D3, D3.3, D4, D7 and NPF4 Policies 1, 3, 4, 6, 8 and 16. There are no material considerations that justify approval.

## **RECOMMENDATION: Refuse**

### **REASONS FOR REFUSAL:**

1. The proposal is contrary to Policies D3 and D3.3 of the adopted East Renfrewshire Local Development Plan 2 and Policy 8 of the NPF4. The proposal is not acceptable in principle and would undermine the function of the green belt.
2. The proposal is contrary to Policy D1 of the LDP2 the adopted East Renfrewshire Local Development Plan 2 as the proposed dwellings are not appropriate to the green belt location, and are of a size, scale and massing that is not in keeping with other residential buildings within the locality.
3. The proposal is contrary to Policies D4 and D7 of the adopted East Renfrewshire Local Development Plan 2 and Policies 1, 3, 4 and 6 of the National Planning Framework 4. As no

ecological survey was undertaken for the site, the impact upon local biodiversity and habitat has not been demonstrated. Furthermore, it has not been demonstrated that protected species would not be impacted by the proposal nor has the impact upon trees been demonstrated.

4. The proposal is contrary to Policy 16 of the NPF4 as the proposal is not located on land allocated for housing within the LDP2 and does not align with other policies within the LDP2.

**PLANNING OBLIGATIONS:** None.

**ADDITIONAL NOTES:** None.

**ADDED VALUE:** None.

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Byron Sharp at [byron.sharp@eastrenfrewshire.gov.uk](mailto:byron.sharp@eastrenfrewshire.gov.uk).

Ref. No.: 2023/0200/TP  
(BYSH)

DATE: 10<sup>th</sup> August 2023

**DIRECTOR OF ENVIRONMENT**

**Reference: 2023/0200/TP - Appendix 1**

**DEVELOPMENT PLAN:**

**National Planning Framework 4**

**Policy 1: Sustainable Places**

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

**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. ii. wherever feasible, nature-based solutions have been integrated and made best use of;
  - iii. iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
  - iv. 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 longterm 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 6: Forestry, Woodland and Trees**

- a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.
- b) Development proposals will not be supported where they will result in:
  - i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
  - ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
  - iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
  - iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.
- c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.
- d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

#### **Policy 8: Green Belts**

- a) Development proposals within a green belt designated within the LDP will only be supported if:

i) they are for:

- development associated with agriculture, woodland creation, forestry and existing woodland (including community woodlands);
- residential accommodation required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available;
- horticulture, including market gardening and directly connected retailing, as well as community growing;
- outdoor recreation, play and sport or leisure and tourism uses; and developments that provide opportunities for access to the open countryside (including routes for active travel and core paths);
- flood risk management (such as development of blue and green infrastructure within a “drainage catchment” to manage/mitigate flood risk and/or drainage issues);
- essential infrastructure or new cemetery provision;
- minerals operations and renewable energy developments;
- intensification of established uses, including extensions to an existing building where that is ancillary to the main use;
- the reuse, rehabilitation and conversion of historic environment assets; or
- one-for-one replacements of existing permanent homes and;

ii) the following requirements are met:

- reasons are provided as to why a green belt location is essential and why it cannot be located on an alternative site outwith the green belt;
- the purpose of the green belt at that location is not undermined;
- the proposal is compatible with the surrounding established countryside and landscape character;
- the proposal has been designed to ensure it is of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible; and
- there will be no significant long-term impacts on the environmental quality of the green belt.

### **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.

## **East Renfrewshire Local Development Plan 2**

### **Policy D3: Green Belt and Countryside around Towns (CAT)**

Development in the green belt and Countryside around Towns (CAT), shown on the Proposals Map, will be strictly controlled and limited to that which is required and is appropriate for a rural location. Proposals will require to demonstrate that they are appropriate in terms of scale, size, design, layout and materials, to their rural location and compatible with adjoining and neighbouring uses.

Proposals should be designed to complement the surrounding landscape ensuring that there are no adverse landscape or visual impacts, seek to ensure that the integrity of the landscape character and setting is maintained or enhanced as informed by the Council's Green Belt Landscape Character Assessment (LCA). Proposals should not be suburban in character or scale and should have no adverse impacts upon the amenity of the surrounding rural area.

Development within the green belt or countryside around towns, including changes of use or conversions of existing buildings, will be supported in principle where it is for agriculture; forestry; equestrian; countryside recreation and active travel; outdoor leisure and tourism, including holiday accommodation; economic and farm diversification; and renewable energy and infrastructure such as minerals, digital communications infrastructure and electricity grid connections that have a site specific and operational need for a rural location, subject to compliance with other relevant policies of the Proposed Plan.

Proposals should make use of existing or replacement buildings whenever possible. Where it is demonstrated that this is not achievable and where a new building, structure or dwelling is proposed it should be commensurate with the functional requirement of the business, should be sited adjacent to other existing buildings and within the boundary of the established use. Any proposal that involves a business which requires a new building will also have to demonstrate that it is established and/or viable for a minimum period of 3 years at that location.

Further detailed guidance and information will be set out in the Rural Development and the Placemaking and Design Supplementary Guidance.

### **Policy D3.3: New Build Housing**

Proposals for new build housing within the green belt or countryside around towns will only be permitted where it can be demonstrated that the development is justified against the following criteria:

- There is no available existing house or no existing traditional building suitable for conversion to a house in accordance with Policy D3.1; and;
- For workers engaged in existing rural businesses and uses as supported under Policy D3, it has been demonstrated that there is a direct operational requirement for 24 hour on-site supervision and that this requires to be in the form of a new build dwelling. The need for a dwelling should be supported by additional supporting information where appropriate, such as a business case or an agricultural report, prepared by an appropriately qualified person.

The new dwelling should be commensurate with the functional requirement of the business, should be sited adjacent to other existing buildings and within the boundary of the established use.

## **Policy D4: Green Networks and Infrastructure**

The Council will protect, promote and enhance a multifunctional and accessible green network across the Council area, as shown on the Proposals Map, which contributes to healthy lifestyles and wellbeing and links to the wider green network across the Clydeplan region.

Proposals will be required to protect and enhance the green and blue network, its value and multiple functions including wildlife, biodiversity, recreational, landscape and access. Proposals should also meet the requirement of Policy D7.

The provision of a green network will be required to form a core component of any master plan or development brief.

Where a proposal impacts adversely on the character or function of the green network, proposals will be required to contribute to enhancing any remaining, or create new green infrastructure and green network, in accordance with Strategic Policy 2 and D6.

The Council will support the implementation of the proposals listed in Schedule 3.

Further detailed guidance and information will be set out in the Green Network Supplementary.

## **Policy D6: Open Space Requirements in New Development**

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;



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.
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; and
  - 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 Woodland will not be supported.

4. Where there is likely to be an adverse impact on natural features or biodiversity an ecological appraisal will be required.

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

Finalised 10/08/2023 GMcC

## 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 PERMISSION**

Ref. No.           **2023/0200/TP**

**Applicant:**

Mr. & Ms. Lorna & Stephen Mackay & Saurin  
55 Hawthorn Avenue  
Bearsden  
Glasgow  
G61 3NF

**Agent:**

Peter Fenton  
71 Munro Road  
Jordanhill  
Glasgow  
G13 1SL

With reference to your application which was registered on 26th April 2023 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Erection of two dwellings, together with access, landscaping and associated works.**

**at: West South 260FT Of Waterside Cottage Salterland Road Barrhead East Renfrewshire**

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 proposal is contrary to Policies D3 and D3.3 of the adopted East Renfrewshire Local Development Plan 2 and Policy 8 of the NPF4. The proposal is not acceptable in principle and would undermine the function of the green belt.
2. The proposal is contrary to Policy D1 of the LDP2 the adopted East Renfrewshire Local Development Plan 2 as the proposed dwellings are not appropriate to the green belt location, and are of a size, scale and massing that is not in keeping with other residential buildings within the locality.
3. The proposal is contrary to Policies D4 and D7 of the adopted East Renfrewshire Local Development Plan 2 and Policies 1, 3, 4 and 6 of the National Planning Framework 4. As no ecological survey was undertaken for the site, the impact upon local biodiversity and habitat has not been demonstrated. Furthermore, it has not been demonstrated that protected species would not be impacted by the proposal nor has the impact upon trees been demonstrated.
4. The proposal is contrary to Policy 16 of the NPF4 as the proposal is not located on land allocated for housing within the LDP2 and does not align with other policies within the LDP2.

Dated           10th August 2023

Head of Environment  
(Chief Planner)

East Renfrewshire Council  
 2 Spiersbridge Way,  
 Spiersbridge Business Park,  
 Thornliebank,  
 G46 8NG  
 Tel. No. 0141 577 3001

*Gillian McCamey*

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	001		
Block Plan Proposed	002B		
Roof Plan Proposed	004		
Block Plan Proposed	002A		
Proposed floor plans	003		
Elevations Proposed	006		
Elevations Proposed	007		

### **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](http://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**



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**NOTICE OF REVIEW**

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: [planning@eastrenfrewshire.gov.uk](mailto: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 100644300-001

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.

## 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:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="PETER"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="FENTON"/>	Building Number:	<input type="text" value="71"/>
Telephone Number: *	<input type="text" value="01419544378"/>	Address 1 (Street): *	<input type="text" value="Munro Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Jordanhill"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UNITED KINGDOM"/>
		Postcode: *	<input type="text" value="G13 1SL"/>
Email Address: *	<input type="text" value="peter.fenton21@hotmail.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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="ms. L. Mackay &amp; Mr. S. Saurin"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Lorna Steve"/>	Building Number:	<input type="text" value="55"/>
Last Name: *	<input type="text" value="Mackay Saurin"/>	Address 1 (Street): *	<input type="text" value="Hawthorn Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Milngavie"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="uk"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G61 3NF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="lornamackay55@gmail.com"/>		

## Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing  Easting

## 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)

THE ERECTION OF TWO DWELLINGS, TOGETHER WITH ACCESS, LANDSCAPING AND ASSOCIATED WORKS.

## 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.

A separate document has been prepared and this describes in full why a review is being requested. This document is incorporated in "The Supporting Documents" section of the portal.

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)

1) Request for Review of Decision to Refuse and justification for review. Written Report. Ref. 2023/0200/TP

## Application Details

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

2023/0200/TP

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

03/04/2023

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

11/08/2023

## 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 PETER FENTON

Declaration Date: 10/10/2023

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## REQUEST FOR A REVIEW OF DECISION TO REFUSE AND JUSTIFICATION FOR REVIEW. WRITTEN REPORT

REF. NO. 2023/0200/TP

DATE 26/09/23

Notice of refusal of planning permission for the erection of 2 dwellings together with access, landscaping and associated works at west south 260FT of Waterside Cottage, Salterland Road, Barrhead, East Renfrewshire.

### REVIEW OF DECISION TO REFUSE

Under section 43A of the Town and Country Planning (Scotland) Act 1997, the applicants, Ms. Lorna Mackay and Mr. Steve Saurin seek a review of the decision of the 11/08/23 on the grounds that the refusal is unreasonable and unrealistic given the location and characteristics of this brownfield site. The general tenor of the "Report on Handling" gives the impression that the locale is of high landscape/ecological value worthy of inclusion in green belt. The reality of the situation is quite different. It has also been acknowledged elsewhere that the site does not make a positive contribution to the green belt. Conversely, others have also stated that development of the site would have an adverse impact upon the green belt and that the site is unsuitable for housing purposes. However the impact of a large area of caravan parking and hard standing on the neighbouring plot is visible for anyone to see. The applicants' site is big enough to contain two dwellings quite comfortably with plenty of judicious planting and landscaping to give a semi - rural appeal.

This ground was previously occupied by a single house and various outbuildings, glasshouses, hardstanding and a nursery. For a period of time the site was subject to fly tipping before a protective fence was erected along Salterland Road. There is an overall impression of a rather run down locale. The land on the other side of Salterland Road is occupied by a single dwelling, extensive hard standing for heavy goods vehicles and otherwise now full of showmans' caravans. The Council allowed an intensification of use of this caravan park back in 2005 from 16 to 25 units. This ground is rather barren and almost devoid of trees and landscaping and certainly cannot be described as being *RURAL* or in the *COUNTRYSIDE*.

It is, therefore, the view of the applicants that their site should not be in the greenbelt and that therefore the cited policies should not apply.

Policy D1 "Place Making & Design appears to apply design rules which are meant to cover both urban and rural situations. The applicants do not accept that the proposed dwellings are not appropriate to the location and are a size, scale and massing that is not in keeping with other residential buildings in the locality. The proposed dwellings are single storey incorporating all the latest ecological features to minimize their environmental impact, on very large plots of just under an acre each which are more than ample to accommodate the size of footprint shown with lots of scope for landscape work and boundary hedging to screen the houses from their surroundings. The only building that can be described as out of scale within the local area is the large warehouse building which has been squeezed in behind Waterside Cottage. The building must be about 20x12x 5m high, so bulky that no amount of landscaping could screen it. However, should the Council still be

offended by the scale of each of the proposed dwellings, perhaps a compromise can be reached between the parties.

The applicants do not accept that the impact on existing trees has not been demonstrated. The layout as proposed avoids the disturbance of the few important trees on the site and these are shown on the layout. Over time, however, numerous other shrubs and saplings including bramble, hawthorn, willow, rowan and multi stemmed sycamore have flourished throughout, with a ground cover of various grasses under which is plenty of evidence of the past fly tipping. This has become a hazard to anyone walking through the brush. It will be necessary to remove all evidence of this tipping prior to *any* development taking place. Such ground work is likely to affect some of the existing growth on the site.

The applicants expect that a condition of approval will require submission of a detailed landscape plan. It is also accepted that an ecological survey will be a requirement of any approval as is now normal in such situations. There has also been an acceptance of the strategic goal of forming a green network and in this connection the applicants have already ceded a little ground beside the White Cart to the Council to facilitate the route along its banks as a “quid pro quo” for the benefits of having a fence around the site that the Council provided. The development does not jeopardise the green network proposals.

Scottish Water was consulted regarding development on the site back in June 2016 and it confirmed that there was sufficient capacity in the Milngavie Water Treatment Works and the Shieldhall Waste Water Treatments works to service the demands of a larger development although the present proposal is to handle waste on site by providing “Klargester” or similar waste treatment plants which would require additional approvals from Scottish Water.

It is noted that none of the Statutory Consultees has any objections to the development but that one objector raised concerns that Salterland Road is not suitable for construction vehicles and that parked vehicles would obstruct HGV access to the neighbouring transport yard. The proposed layout demonstrates that all parking is on site and there is no intention to encourage parking on the road.

The “Report of Handling” also makes brief reference to the presence of Japanese Knotweed on the site. This was covered in the application. The Applicants undertook a rigorous treatment programme on the site and the work is still under warranty. There is evidence of the presence of the plant on other land in the area and all responsible owners should be treating their land in similar fashion.

The proposal may well be contrary to Policy 16 of the National Planning Framework but it does represent an opportunity to develop a derelict brownfield site already occupied by one dwelling in the past and would help transform and enhance a run-down area of Barrhead without upending the Council’s housing statistics. There always appears to be a constant demand for housing sites generally throughout the Country.

The applicants look forward to a positive outcome of the review of the case by the Council.

Peter W. Fenton ARIAS

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](http://www.eastrenfrewshire.gov.uk).

## RECOMMENDATIONS

**17.** 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 decisions taken in respect of the application under review should be upheld, reversed or varied; and
  - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed; 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](mailto: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](mailto: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?  
(Answer 'No' if there is no change of use.) \*  Yes  No

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:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing  Easting

**Pre-Application Discussion**

Have you discussed your proposal with the planning authority? \*  Yes  No

**Site Area**

Please state the site area:

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**

### **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 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****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 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.

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 onstreet parking available for current residents and with the shops nearby and it will exacerbate existing issues with unlawful parking on corners and pavements.

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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: 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

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 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**

### **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: 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**

### **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 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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## **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 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
<b>1. General</b>	<b>3. New Roads</b>	<b>4. Servicing &amp; Car Parking</b>
(a) General principle of development <b>Y</b>	(a) Widths <b>N/A</b>	(a) Drainage/Flooding <b>N</b>
(b) Safety Audit Required <b>N</b>	(b) Pedestrian Provision <b>N/A</b>	(b) Car Parking Provision <b>N</b>
(c) Traffic Impact Analysis Required <b>N</b>	(c) Layout (horizontal/vertical alignment) <b>N/A</b>	(c) Layout of parking bays <b>N</b>
<b>2. Existing Roads</b>	(d) Turning Facilities (Circles / hammerhead) <b>N/A</b>	(d) Driveways <b>N</b>
(a) Type of Connection (junction / footway crossing) <b>Y</b>	(e) Junction Details (locations / radii / sightlines) <b>N/A</b>	<b>5. Signing</b>
(b) Location(s) of Connection(s) <b>Y</b>	(f) Provision for P.U. services <b>N/A</b>	(a) Location <b>N/A</b>
(c) Pedestrian Provision <b>Y</b>		(b) Illumination <b>N/A</b>
(d) Sightlines <b>N</b>		

### COMMENTS

	<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>
2(a)	<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



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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

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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

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#### 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

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### 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

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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

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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](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](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 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

**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 21<sup>st</sup> 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 PERMISSION**Ref. 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**

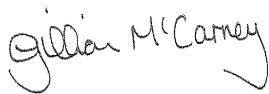
the Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

**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            21<sup>st</sup> 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](http://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](mailto: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](mailto: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:

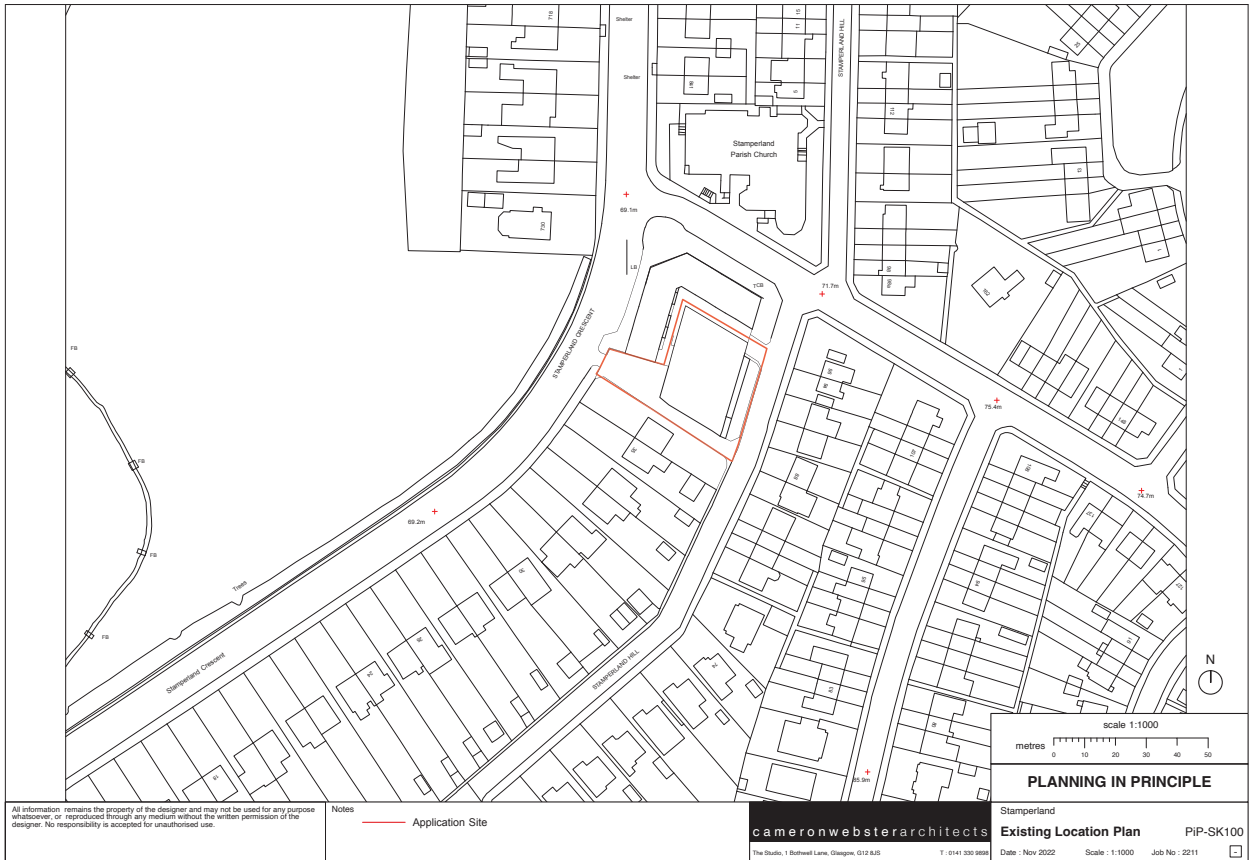
*As this application is made for planning permission in principle, further detailed assessment will be made against Policies D1 and D6 upon the submission of the Approval of Matters Specified in Conditions application(s).*

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 &amp; Building Standards




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 Planning Obligations – Summary of Policy Requirements
 

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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.

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**Affordable Housing**


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**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



### Planning & Building Standards

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

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#### 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
<b>Total</b>	<b>£6,753.26 Indexed per residential unit*</b>

\* 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.

## Planning & Building Standards



### *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.



### Planning & Building Standards

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

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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](mailto: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 21<sup>st</sup> 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 PERMISSION**Ref. 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           21<sup>st</sup> 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](http://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**

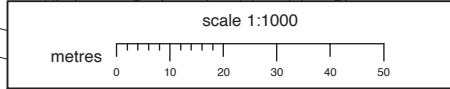
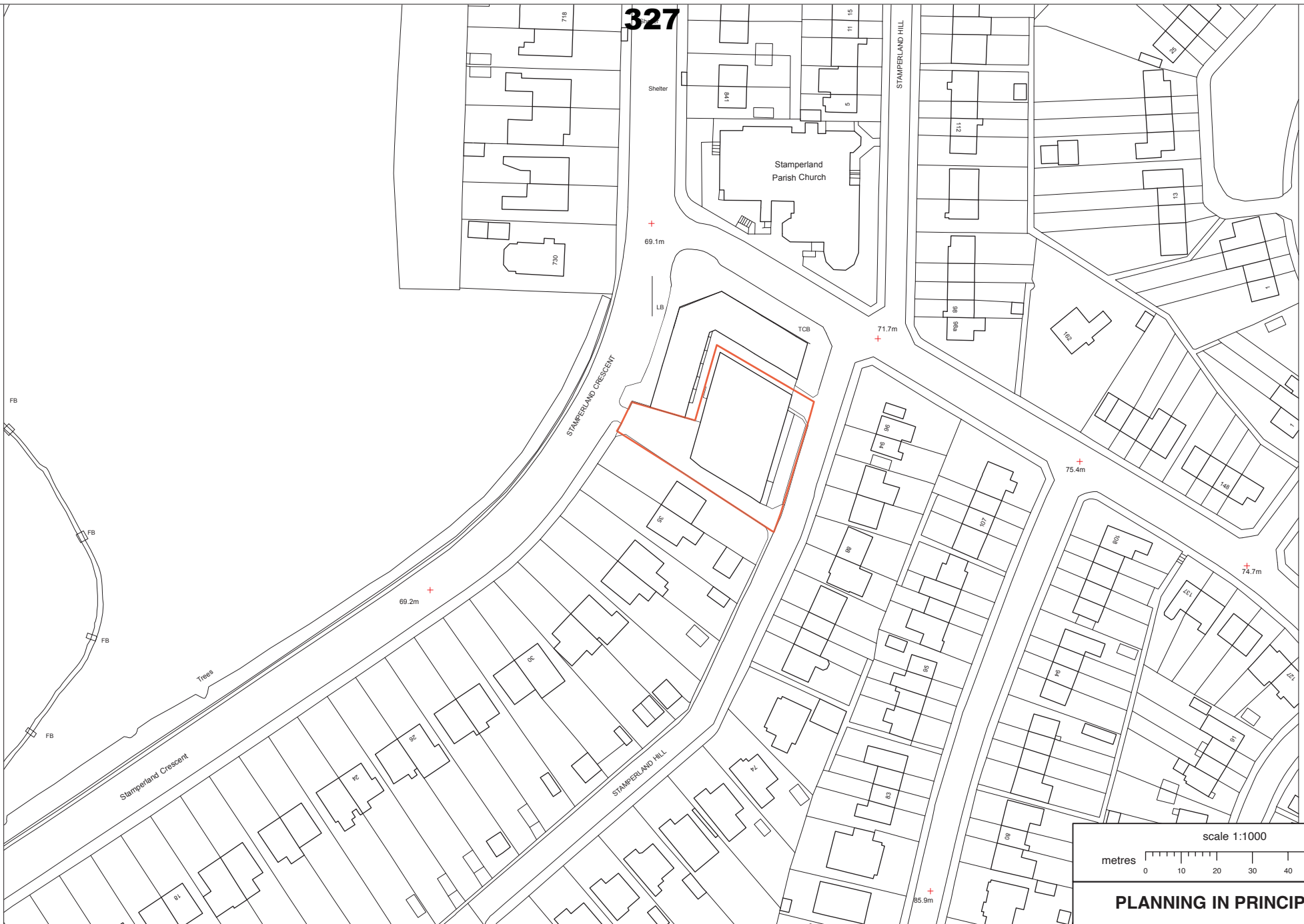
**East Renfrewshire Council  
Development Management Service  
2 Spiersbridge Way,  
Spiersbridge Business Park,  
Thornliebank,  
G46 8NG**

**General Inquiry lines 0141 577 3001  
Email [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.gov.uk)**

**PLANS/DRAWINGS**

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**PLANNING IN PRINCIPLE**

All information remains the property of the designer and may not be used for any purpose whatsoever, or reproduced through any medium without the written permission of the designer. No responsibility is accepted for unauthorised use.

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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EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY14 February 2024Report by Director of EnvironmentLocal Review Body Meeting Schedule**INTRODUCTION**

1. The purpose of this report is to update the Local review Body on the impact of a reduced frequency of Review Body meetings held during 2023 and to consider arrangements for 2024.

**RECOMMENDATION**

2. It is recommended that the Local Review Body agrees to continue to hold Local Review Body meetings bi-monthly (every second month) during 2024 and to review the effectiveness of this arrangement in June 2024.

**BACKGROUND**

3. The Local Review Body considers Appeals of decisions relating to local planning applications as set out in the East Renfrewshire Council Planning Scheme of Delegation, which is included in Appendix A.

4. Prior to 2023, the Local Review Body met monthly however following agreement of a report by the Chief Planning Officer to the Committee in December 2022, it was agreed that the schedule would be reduced to every second month. This agreement was subject to a report being brought back to the Committee in December 2023 to report on the effectiveness of this arrangement.

5. The Local Review Body is supported by officers from Democratic, Planning and Legal Services.

**REPORT**

6. In 2023, the Local Review Body met on six occasions and determined thirteen cases compared to fourteen in 2022 (reviewed over 7 of 11 scheduled meetings). A breakdown of this year's activity is provided in Appendix B.

7. It is considered that, given the continued low number of cases reviewed, there is merit in continuing with bi-monthly meetings and to review the effectiveness of this in June 2024.

8. The reduced frequency of meetings remains a support to officers in their ability to undertake other duties. If however it appears that the meeting schedule is likely to adversely affect appellants, the option would still exist to call additional meetings of the Local Review Body if circumstances required.

**FINANCE AND EFFICIENCY**

9. This will result in a reduction in the need for officer support and will release officers to undertake other duties.

**CONSULTATION**

10. This matter has been discussed with Democratic and Legal Services and with the Local Review Body Chair and Vice Chair.

**PARTNERSHIP WORKING**

11. This report has no partnership working implications.

**IMPLICATIONS OF THE PROPOSALS**

12. The proposed arrangement will result in a reduction in the need for officer support and will release officers to undertake other duties.

**CONCLUSIONS**

13. It is considered that, in view of the number of Reviews presented to the Local Review Body meetings, it is appropriate to continue to hold meetings every second month in February, April, June, August, October and November/ December. The option will remain to hold additional meetings if workload dictates.

**RECOMMENDATIONS**

14. It is recommended that the Local Review Body agrees to continue to hold Local Review Body meetings bi-monthly (every second month) during 2024 and to review the effectiveness of this arrangement in June 2024.

Director of Environment

Report Author: Julie Nicol, Planning and Building Standards Manager  
07918 499678 e.mail: Julie.nicol@eastrenfrewshire.gov.uk

February 2024

## APPENDIX A

**East Renfrewshire Council Planning Scheme of Delegation**

Approved by East Renfrewshire Council on 25<sup>th</sup> February 2021  
and the Scottish Ministers on 15<sup>th</sup> March 2021

**Made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997  
[as amended by Section 17 of the Planning etc. (Scotland) Act 2006]  
and The Town and Country Planning (Schemes of Delegation and Local Review  
Procedure)(Scotland) Regulations 2013**

The Director of Environment, *the Head of Environment (Chief Planning Officer), the Planning and Building Standards Manager or Principal Planner* is authorised in relation to development management to determine all 'local development' applications for planning permission (*including planning permission in principal and applications for consent, agreement or approval required by a condition imposed on a grant of planning permission*). 'Local development' is defined by the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and summarised below. The above authorisation applies unless the planning application involves any of the circumstances specified in (i) to (viii) below, in which case the application will be referred to the Planning Applications Committee for determination:-

- (i) the planning application is made by an *Elected Member of East Renfrewshire Council or their spouse or their partner,*
- (ii) the planning application is made by an employee of the Council's Planning and Building Standards Services *or their spouse or their partner,*
- (iii) an employee of the Council's Planning and Building Standards Services, *or their spouse or their partner,* has an interest in a planning application, for example, as an objector,
- (iv) there are 10 *or more* objection letters or *electronic communications* from 10 *or more individuals, who state their objections (including giving their reasons) in relation to the proposed development or use under consideration.*
- (v) where it is proposed to approve a proposal that is significantly contrary to the development plan
- (vi) the proposal has been subject to an Environmental Impact Assessment,
- (vii) where there are associated applications being considered by the Committee *e.g. where a planning application is accompanied by an associated Conservation Area Consent or Listed Building Consent,* or
- (viii) the application is made by the planning authority and 4 elected Members have individually requested a referral of the application to the Planning Applications Committee within 21 days of the validation of the application.

Additionally, Elected Members will be able to refer an application to the Planning Applications Committee where all of the following criteria are met:-

- (viii) at least two elected Members individually request the referral; and
- (ix) that the referral is received within 21 days of the validation of the application, and
- (x) where there are 6 *or more* objection letters or e-mails from 6 *or more individuals, who make their objections (including giving their reasons) in relation to the proposed development or use under consideration.*

For the avoidance of doubt for the purposes of the above referrals:

- a) Petitions shall be treated as a single objection,
- b) One letter or *electronic communication* signed by three people will count as one,
- c) The same person sending in three different letters, or *electronic communications* will only count as one,

- d) Three separate letters or *electronic communications* (albeit with the same text) from three different people will count as three.

### **Local Developments**

#### **(1) Residential**

- (a) Applications for alterations or extensions to existing dwelling houses and other householder planning applications eg driveways, garages and other outbuildings
- (b) All planning applications for up to and including 49 dwellings.
- (c) All applications for residential development for sites less than 2 hectares in area.

#### **(2) Business and General Industry, Storage and Distribution**

- (a) Alterations to existing buildings.
- (b) Construction of buildings, structures or other erections for use as an office, for research and development for products or processes, for any industrial process or for the use of storage or as a distribution centre up to a gross floor space of the building, structure or other erection of less than 10,000 square metres.
- (c) Construction of buildings, structures or other erections for use as an office, for research and development of products or processes, for any industrial process or for the use of storage or as a distribution centre, the site area of which is less than 2 hectares.

#### **(3) Electricity Generation**

- (a) Construction of an electricity generating station providing the capacity of the generation station is less than 20 megawatt.

#### **(4) Waste Management Facilities**

- (a) Construction of facilities for use for the purpose of waste management or disposal provided the capacity of the facility is under 25,000 tonnes per annum.
- (b) In relation to facilities for use for the purpose of sludge treatment, the capacity to treat residual sludge is no more than 50 tonnes (wet weight) per day.

#### **(5) Transport and Infrastructure Projects**

- (a) Construction of new or replacement roads, railways, tramways, waterways, aqueducts or pipelines providing the length of road, railway, tramway, waterway, aqueduct or pipeline does not exceed 8 kilometres.

#### **(6) Fish Farming**

- (a) The placing or assembly of equipment for the purpose of fish farming (the breeding, rearing or keeping fish or shellfish) providing the surface area of water covered is less than 2 hectares.

#### **(7) Minerals**

- (a) The extraction of minerals providing the area of the site is under 2 hectares.

#### **(8) Other Developments (Including planning applications for retail developments, education, institutional leisure, assembly, temporary buildings and uses, telecommunications developments, licensed premises and mixed use developments.)**

- (a) Any development not falling within the above classes of development providing the gross floor area of any building, structure or erection constructed is less than 5,000 sq. metres.
- (b) Any development not falling within the above classes of development providing the area of the site is less than 2 hectares.
- (c) Any development comprising a combination of the above classes providing the gross floor area of any building, structure or erection constructed is under 5,000 sq. metres or the area of the site is less than 2 hectares.

### **NOTE**

Please note that this Scheme of Delegation relates to applications for planning consent in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997. Delegation of decision-making for other consents such as advertisement consent, conservation area consent, tree works etc. are covered under the Council-wide [Scheme of Delegated Functions](#) approved separately by the Council.

## APPENDIX B

<u>Date</u>	<u>Number of Applications</u>	<u>Notes</u>
15 February 2023 Continued to  5 April 2023	1	External alterations and change of use of former social club to commercial units comprising a retail unit (Class 1) 2 hot food takeaway units (sui generis) and a Class 2 unit. Alterations to car parking layout and access.
7 June 2023	3	Erection of dwellinghouse and associated car parking.
		Alterations and increase of height of roof to form gable end; installation of side dormer windows, formation of pitched roof over existing front dormer.
		Change of use from Class 3 to Class 3 Sui Generis for shop.
9 August 2023	3	Erection of new pitched roof over existing flat roofed extension. Formation of gable to the rear elevation and new dormer windows added to the gable elevations.
		New dormer proposed to southeast elevation of existing dwelling.
		Erection of dwellinghouse.
4 October 2023	2	Garage and conservatory conversion with new stand-alone garage.
		Proposed dormers and internal alterations to existing detached dwelling.

# 334

29 November 2023	4	Erection of 2 dwelling houses.
		Erection of perimeter fence.
		Demolition of building and erection of residential development (Planning Permission).
		Installation of side dormer.