

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

Index of applications under the above acts to be considered by Planning Applications Committee on
13 February 2019

Reference No: 2017/0213/TP**Ward:** 5

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Applicant:

Turnberry Investments Ltd
226 West George Street
Glasgow
G2 2PQ

Agent:

Mosaic Architecture and Design
226 West George Street
Glasgow
G2 2PQ

Site: Site Adjacent To Mearns Medical Centre, Maple Avenue, Newton Mearns, East Renfrewshire**Description:** Erection of 6 flats/apartments with undercroft car parking, formation of vehicular access off Maple Avenue and associated landscaping with amenity space**Reference No:** 2018/0643/TP**Ward:** 2

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Applicant:

Mr William Paton
84 Lister Street
Glasgow
United Kingdom
G4 0BY

Agent:

Ark Architecture & Design
14 Royal Terrace
Glasgow
United Kingdom
G3 7NY

Site: 18 Fruin Avenue, Newton Mearns, East Renfrewshire, G77 6HA**Description:** Erection of 5 detached houses, with associated roads, parking and landscaping following demolition of existing house.**Reference No:** 2018/0762/TP**Ward:** 1

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Applicant:

Mr Gordon Pollock
Mossneuk Farm
Gleniffer Braes
By Neilston
Scotland
G78 3AL

Agent:

Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
Scotland
EH12 5EH

Site: Site 180 metres north of Foretrees Farm House, Fereneze Road, Neilston, East Renfrewshire**Description:** Erection of agricultural worker's dwellinghouse

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REPORT OF HANDLING

Reference: 2017/0213/TP

Date Re-registered: 6th December 2018

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South

Co-ordinates: 253790/:655678

Applicant/Agent:

Applicant:

Turnberry Investments Ltd

226 West George Street

Glasgow

G2 2PQ

Agent:

Mosaic Architecture and Design

226 West George Street

Glasgow

G2 2PQ

Proposal:

Erection of 6 flats/apartments with undercroft car parking, formation of vehicular access off Maple Avenue and associated landscaping with amenity space

Location:

Site adjacent to Mearns Medical Centre

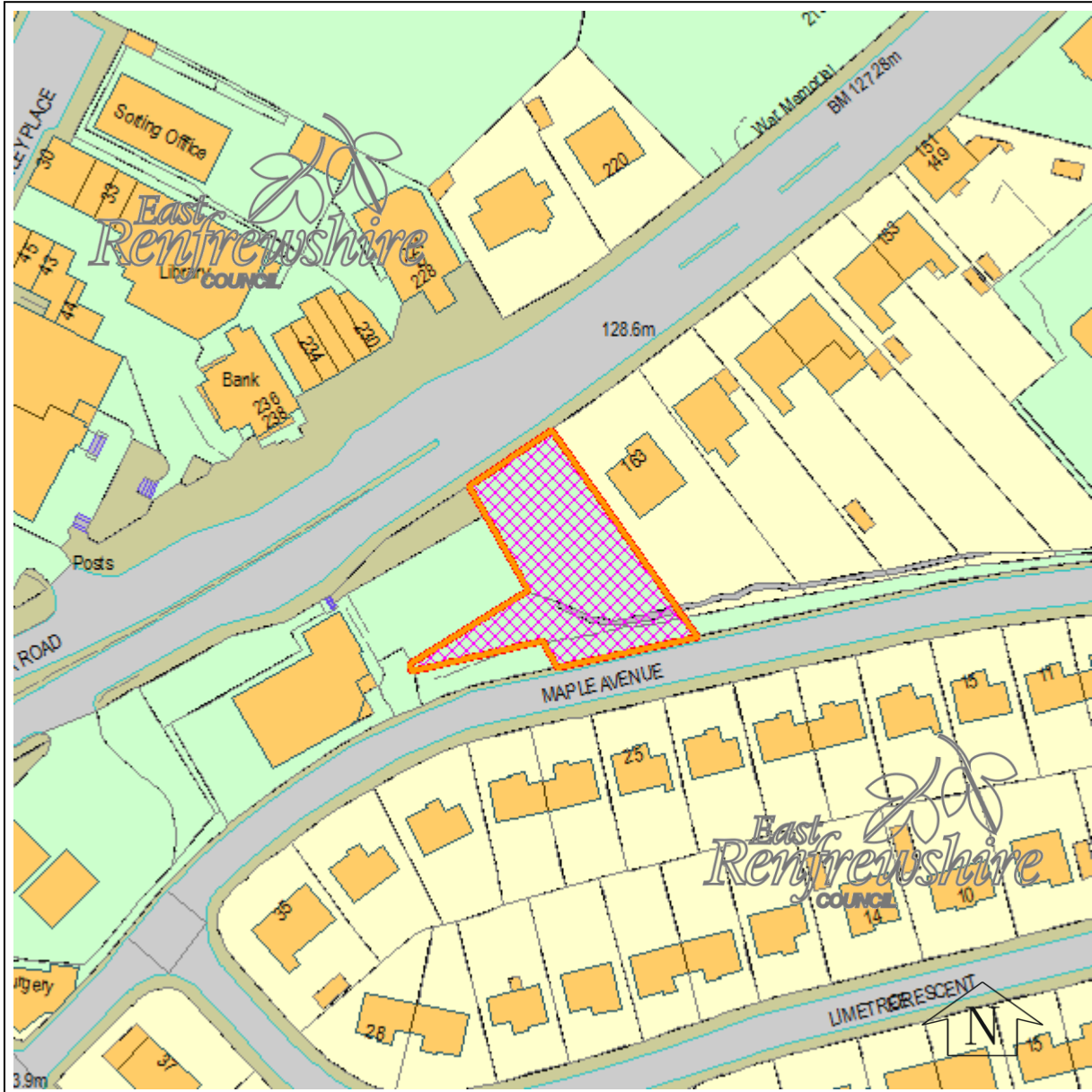
Maple Avenue

Newton Mearns

East Renfrewshire

G77 5TU

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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service	No objections subject to conditions.
East Renfrewshire Council Affordable Housing and Developer Contributions Officer	The applicant has agreed to the payment of developer contributions and to the principle of the payment of a commuted sum for the provision of off-site affordable housing.
Scottish Environment Protection Agency	No objection.
Glasgow Airport	No objection.
Prestwick Airport	No objection.
National Air Traffic Service	No objection.
Ministry Of Defence	No objection.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2001/0185/TP	Erection of 1800mm high timber boundary fence	Granted	04.04.2001
2001/0579/TP	Erection of building for Class 8 Residential Development	Approved subject to conditions	26.10.2001
2007/0893/TP	Erection of three flats and parking, formation of vehicular access off Maple Avenue and culverting of burn	Approved Subject to Conditions	22.04.2008
2010/0102/TP	Erection of three flats and parking, formation of vehicular access off Maple Avenue and culverting of burn	Approved Subject to Conditions	01.07.2010

REPRESENTATIONS: Twelve representations have been received and are summarised as follows:

Out of character with the surrounding development
 Overbearing impact on the adjacent properties
 Disruption to access during the construction phase
 Hours of operation during the construction phase
 Connection to utilities
 Overlooking
 Traffic congestion

Impact on public road safety and increase in parking on Maple Avenue.
 Flooding.
 The applicant does not own all the land to which the application relates.
 Loss of trees.
 Access rights.
 Lack of information.
 Does not comply with the Local Development Plan.
 Impact on wildlife.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Design and Access Statement – Provides an appraisal of the site and its context. States that the site should be considered as a “gateway” to the town centre and that the scale and massing of any development on the site should be informed by that of existing development on the opposite side of Ayr Road. Describes the development and how it relates to the adjacent land uses and built forms.

ASSESSMENT:

This is a Local Development under the Town and Country Planning Hierarchy of Developments (Scotland) Regulations 2009. However the application requires to be determined by the Planning Applications Committee as more than 10 objections have been received.

The application site comprises a vacant, irregular shaped plot of land between Ayr Road and Maple Avenue, part of which has been cleared as preparatory works relating to an earlier planning permission. It lies within the Newton Mearns Town Centre as defined within the adopted East Renfrewshire Local Development Plan. To the west of the site lies the Mearns Medical Centre and its car park which is elevated above the site. To the east and south are residential properties. The adjacent house at 163 Ayr Road, which lies outwith the town centre, has a single storey frontage onto Ayr Road and becomes two storeys at the rear because of the change in ground levels. This change in ground levels also occurs at the site and results in the steepest slope adjacent to Ayr Road. The ground slopes away towards Maple Avenue and an existing stream, partially culverted, which flows from under the medical centre car park and parallel to Maple Avenue. The site is generally over-grown with several mature trees growing in the south and west part of the site, fronting Maple Avenue. Maple Avenue, which lies outwith the town centre, is characterised by two storey detached and semi-detached houses.

The wider area is characterised by a variety of commercial and residential properties, including detached and semi-detached houses, flatted properties, a health centre, petrol filling station and a shopping mall. Ayr Road, at this point, is approximately 21 metres wide, comprising carriageways, cycle lanes and footpaths.

Planning permission is sought for the erection of a building containing 6 flats with basement car-parking; formation of vehicular access off Maple Avenue; and for associated landscaping and amenity space. The proposal involves earthworks to reduce the ground level of the site and banked retention up to Ayr Road to create a level site. The earthworks will result in the level of the site being reduced to approximately 5.7 metres below the level of Ayr Road. The proposed building measures approximately 13.8 metres high, dropping to 10 metres to the rear, by 23.8 metres deep by 16.2 metres wide. It comprises 4 four storeys plus the basement. The building is proposed to have a flat roof, part of which is proposed to be laid out as a roof terrace at third floor level overlooking Maple Avenue. It is proposed to be externally finished in stone or mock stone and zinc titanium cladding with aluminium clad timber windows. The proposed building would lie 0.6 metres from the west boundary at its closest point and 1.4 metres from the west boundary at its closest point.

The proposed layout has a vehicular access from Maple Avenue with 12 car-parking spaces in the basement. The proposal includes amenity open space in the south and west of the site. One mature tree is proposed to be removed with the removal/retention of others subject to agreement.

It should be noted that an application for the erection of 5 flats and associated car-parking and landscaping following the demolition of the adjacent dwelling at 163 Ayr Road (2017/0850/TP) was refused on 14 December 2018.

The application requires to be assessed with regard to Strategic Policies 2 and 3 and Policies D1, D7, SG5 and SG7 of the adopted East Renfrewshire Local Development Plan as well as with regard to Appendix 1 of the adopted Supplementary Planning Guidance: Green Network and Environmental Management (Green Network SPG).

Strategic Policy 2 promotes a sequential approach to development giving priority to brownfield sites within the urban area. As the application site is within the urban area, it is considered to accord with Strategic Policy 2.

Strategic Policy 3 states that the Council will seek to secure community, infrastructure and environmental benefits to mitigate the impact of new developments. The applicant has agreed to the payment of development contributions.

Policy D1 requires that all development should not result in a significant loss of character or amenity to the surrounding area including visual impact, overlooking, overshadowing or loss of daylight. It also states that proposals should be of a size, scale and massing that is in keeping with the buildings in the locality and should respect local architecture, building form, design and materials and that the Council's access and parking requirements are met.

Policy D7 states that new development proposals should incorporate a range of green infrastructure including open space provision. This expanded upon in Appendix 1 of the Green Network SPG where it provides the minimum open space standards for flatted developments.

Policy SG5 states that for development of 4 or more dwellings or flats, the Council will require a minimum provision of 25% affording housing contribution.

Policy SG7 states that town and neighbourhood centres will be the focus for new retail, leisure, community, residential and other relevant, complementary uses where of an appropriate scale and design quality.

In terms of Policy D1 it is accepted that the wider area is characterised by a variety of built forms, massing and storey heights. It is also noted that the applicant's supporting Design and Access Statement gives weight to the fact that opposite the site, on the north-west side of Ayr Road lies The Avenue Shopping Centre and a three storey bank premises. Indeed, the Design and Access statement contends that the three storey bank building should be an indicator of appropriate scale for the development of the application site.

This wider context is nevertheless physically separated from the site and its immediate environs by Ayr Road, which, as noted above is in excess of 20 metres wide at this point. The immediate context on the south-east side of Ayr Road and Maple Avenue to the rear is therefore considered to be more relevant in indicating the scale and massing of any proposed development on the site and must be given significant weight. The immediate context to the north-east is informed by detached and semi-detached hip-roofed dwellings which present as single storey to Ayr Road, albeit two storeys to the rear given the fall in levels. There is a two storey, gable-ended dwelling fronting Ayr Road further to the north east, however this lies approximately 80 metres from the site. As such, it is less relevant to the context of the application site than the immediately adjacent dwellings. Immediately to the south-west lies a car park, beyond which, lies a medical centre comprising shallow-pitch hipped and semi-hipped roofs. The medical centre sits below the level of Ayr Road and behind a hedgerow such that only its roof planes and small sections of wall head are visible from Ayr Road. It is therefore considered that the context of the application site in relation to its frontage with Ayr Road is one of low density, low profile built form. This is in stark contrast to the proposed flat-roofed, five storey (including the undercroft) flatted block which would stand approximately 4.3 metres higher than the ridge of the adjacent bungalow. Notwithstanding the fact that only the upper three storeys would be readily visible from Ayr Road, given its height, depth and width, the proposed development would have a massing significantly

greater than that of the surrounding development on the south-east side of Ayr Road. The impact of the development's massing on the streetscape is exacerbated by the fact the building projects approximately 3 metres forward of the front corner of the adjacent dwelling at 163 Ayr Road. Further, its flat-roofed, box-like form, whilst in another setting may have been acceptable, is also in stark contrast to the low profile, hip roofed forms on the south east side of Ayr Road. The proposed development is therefore considered to be a dominant and incongruous feature on the Ayr Road streetscape given its design and massing, to the detriment of the character and amenity of the area.

The proposed flatted block would also visually dominate and overwhelm the setting of the adjacent dwelling at 163 Ayr Road given its size and proximity to the site boundary.

The context and character of Maple Avenue must also be considered. As noted above, Maple Avenue is characterised by two storey detached and semi-detached dwellings on the south side of the street. The north site of the street is undeveloped with the exception of the medical centre and is characterised by mature, established planting which forms part of the application site and the rear gardens of the properties on Ayr Road. This planting and absence of development contributes significantly towards the open and spacious character of Maple Avenue. It is accepted that the loss of mature trees and planting could be controlled and limited to that which is required to accommodate the developed area including the vehicular access from Maple Avenue. Nevertheless, the proposed flatted block would encroach approximately 6.5 metres towards Maple Avenue relative to the rear of the dwellings on Ayr Road. It is accepted that the fourth storey would not be readily visible from Maple Avenue given the design of the block. Nevertheless, four storeys including the basement storey would lie 10 metres from Maple Avenue. This, in conjunction with the massing of the flatted block would be a dominant and incongruous feature on Maple Avenue, to the detriment of the setting of the dwellings opposite.

The proposed roof terrace would give rise to significant additional overlooking towards the adjacent property at 163 Ayr Road to the detriment of the privacy and residential amenity of the occupiers of that dwelling. There would be no significant additional overlooking towards the properties on Maple Avenue as the window to window separation distance and the separation distance between the balconies and the roof terrace and the dwellings opposite are in excess of 30 metres. It is noted that there are side-facing windows that look towards 163 Ayr Road at ground, first and second floor levels. Whilst those windows have the potential to overlook 163 Ayr Road, this is mitigated by the fact that high level windows are proposed. Windows serving the stair well also face towards 163 Ayr Road. Those however do not serve habitable rooms and would not therefore give rise to a significant additional overlooking issue.

Given the height of the flatted block and its proximity to the site boundary, it would also give rise to significant additional overshadowing and loss of natural daylight relative to the adjacent dwelling at 163 Ayr Road.

For the reasons given above relating to character, amenity and the setting of the adjacent dwellings, the proposal is considered to be contrary to the terms of Policy D1 of the adopted East Renfrewshire Local Development Plan.

Appendix 1 of the adopted Supplementary Planning Guidance: Green Network and Environmental Management, which forms part of Policy D7, requires that for 6 flatted properties the minimum amenity open space requirement is 180 square metres. In this case, over 350 square metres of amenity open space is proposed. The proposal therefore meets the requirements of the SPG and Policy D7.

In terms of Policy SG5, the applicant has agreed in principle to the payment of a commuted sum for the provision of affordable housing off-site.

Whilst Policy SG7 supports residential development within the town centre areas, this is subject to proposals being of an appropriate scale and design. As noted above, this part of the town centre is visually separate from the larger buildings on the opposite side of Ayr Road and the lower massing of the nearby medical centre represents a transition between the larger commercial buildings and the nearby dwellings. Therefore, given its height and massing, the proposed

development is not considered to be of an appropriate scale and design for this part of the town centre. As noted above, the proposal is contrary to Policy D1 given its impact on character and amenity as a result of its scale and massing. It therefore does not fully meet the terms of Policy SG7.

The following comments are made with regard to the points of objection not specifically addressed above. The Council's Roads Service has not objected to the proposal subject to conditions relating to the formation of the access, visibility splays, details of the culvert, parking provision and bin storage. It is noted that the car-parking provision is short by 2 spaces. If the application is otherwise acceptable, an amended site plan can be submitted showing the provision of two additional spaces. Further, if the application is otherwise acceptable a traffic management plan, including details of contractors' parking, can be submitted to ensure minimum disruption to residents during the construction phase. If the application is approved, a condition can be included to control the hours of working on the site. The applicant will require the separate consent of the utilities providers to connect to the existing infrastructure. SEPA has not objected to the proposal. Land ownership and access rights are not material planning considerations. The trees on the site are not protected by a tree preservation order. The site is not covered by a nature designation. The Council has sufficient information with which to determine the application.

It is accepted that planning permission 2010/0102/TP for a flatted development was granted on part of the site in July 2010. However, this was a significantly smaller development of three flats over three storeys. The flatted block approved in 2010 measured 10 metres high by 13 metres deep by 16 metres wide and comprised a shallow-pitch hipped roof. This previously approved development therefore was lower on height and had a much reduced mass relative to the current proposal. The shallow-pitch hipped roof was also more in keeping with the character and design of the adjacent hipped roof forms. The applicant's agent has been advised that the previous permission represented a more appropriate solution to the development of the site.

In conclusion, the proposal is contrary to the terms of Policies D1 and SG7 of the adopted East Renfrewshire Local Development Plan. There are no material considerations that outweigh the terms of the development plan. It is therefore recommended that the application is refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASONS FOR REFUSAL:

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as the proposed flatted block: i) would be a dominant and incongruous feature on the streetscapes of Ayr Road and Maple Avenue by virtue of its size and massing relative to the adjacent development; ii) would visually dominate and overwhelm the setting of the adjacent dwellings on Ayr Road and Maple Avenue by virtue of its size and proximity to the site boundaries; and iii) would give rise to significant additional overlooking towards the adjacent property at 163 Ayr Road from the proposed roof terrace; and iv) would give rise to a significant amount of additional overshadowing and loss of daylight towards the adjacent property at 163 Ayr Road, all to the detriment of the character and visual amenity of the area and to the residential amenity of the adjacent dwelling.
2. The proposal is contrary to Policy SG7 of the adopted East Renfrewshire Local Development Plan as the proposed flatted block is of a scale and design that detract from the character amenity of this part of the town centre.

ADDITIONAL NOTES: None

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3034.

Ref. No.: 2017/0213/TP
(DESC)

DATE: 6th February 2019

DIRECTOR OF ENVIRONMENT

Reference: 2017/0213/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

This proposal raises no strategic issues in terms of the Glasgow and the Clyde Valley Strategic Development Plan and therefore the East Renfrewshire Local Plan is the relevant policy document

Adopted East Renfrewshire Local Development Plan

Strategic Policy 2

Assessment of Development Proposals

Proposals for new development, other than smaller scale proposals (such as applications for single houses, householder or shop frontage alterations), will be assessed against relevant criteria below as well as Policy D1:

1. Application of a sequential approach which gives priority to the use of Brownfield sites within the urban area then to Greenfield land within the urban area and finally to land adjacent to the urban area. 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;
2. Provision of a mix of house types, sizes and tenures to meet housing needs and accord with the Council's Local Housing Strategy and the Glasgow and Clyde Valley Strategic Housing Need and Demand Assessment;
3. Resulting positive community and economic benefits;
4. The impact on the landscape character as informed by the Glasgow and Clyde Valley and the East Renfrewshire Landscape Character Assessments, the character and amenity of communities, individual properties and existing land uses;
5. The impact on existing and planned infrastructure;
6. The impact upon existing community, leisure and educational facilities;
7. The transport impact of the development on both the trunk and local road network and the rail network, taking into account the need for a transport assessment and the scope for green transport and travel plans;
8. The impact on the built and natural environment, including the green belt and green network taking into account the need for an Environmental Impact Assessment and the requirement for proposals to provide a defensible green belt boundary and links to the green network;
9. The impact on air, soil, including peat and water quality and avoiding areas where development could be at significant risk from flooding and/or could increase flood risk elsewhere;
10. The potential for remedial or compensatory environmental measures including temporary greening;
11. The contribution to energy reduction and sustainable development.
12. The impact on health and well being;
13. The cumulative impact of the development;
14. The impact of proposals on other proposals or designations (including the Town and Neighbourhood Centres in Schedule 14) set out in the Local Development Plan;
15. The suitability of proposals when assessed against any relevant Adopted Supplementary Planning Guidance.

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties 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 Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local

development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.

16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy SG7

Town and Neighbourhood Centre Uses

The town and neighbourhood centres, as shown on the Proposals Map and listed in Schedule 14, will be the focus for new retail (Class 1 use), leisure, community, residential, and other relevant, complementary uses in accordance with the sequential approach to site selection. Proposals will be supported where of an appropriate scale and design quality, in order to contribute to the quality of the environment and the role and function of the centre.

Proposals for change of use away from retail within these centres require to comply with Policy SG9.

Proposals for new retail (Class 1 use) and leisure development outwith the town and neighbourhood centres will be assessed against Strategic Policy 2 and the following criteria:

A sequential approach to site selection has been followed. Proposals must demonstrate why more sequentially preferable sites have been discounted as unsuitable or unavailable;

There will be no significant individual or cumulative adverse impact on the vitality and viability of any town and neighbourhood centre;

The proposal will help to meet identifiable qualitative and quantitative deficiencies in existing provision; and

The proposal is of scale which is commensurate with the size of the local community

Policy SG5

Affordable Housing

Throughout East Renfrewshire, where planning permission is sought for residential developments of 4 or more dwellings, including conversions, the Council will require provision to be made for 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 should be well integrated into the overall development. For all proposals viability will be a key consideration when determining the suitable level of contributions. 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 Planning Guidance.

Strategic Policy 3

Development Contributions

The Council wishes to secure community infrastructure and environmental benefits arising from new developments to mitigate their impacts.

New developments that individually or cumulatively generate a requirement for new or enhanced infrastructure or services will be expected to deliver, or contribute towards the provision of, supporting services and facilities. Developer contributions will be agreed in accordance with the five tests of Circular 3/2012 - Planning Obligations and Good Neighbour Agreements. Planning

permission will only be granted for new development where the identified level and range of supporting infrastructure or services to meet the needs of the new development is already available or will be available in accordance with an agreed timescale.

The master plans for the areas for change are required to identify the infrastructure requirements and development contributions required to support development. The master plans should identify how the infrastructure or services will be delivered to support the proposed development.

For all proposals viability will be a key consideration when determining the suitable level of development contributions.

Further detailed information and guidance is provided in the Development Contributions Supplementary Planning Guidance.

Policy D7

Green Infrastructure and Open Space Provision within New Development

New development proposals should incorporate a range of green infrastructure including open space provision, multi use access, sustainable urban drainage, wildlife habitat and landscaping. This infrastructure should not only form an integral part of the proposed scheme but should complement its surrounding environment.

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

GOVERNMENT GUIDANCE:

Scottish Planning Policy on the Delivery of New Homes indicates the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times; enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

Scottish Planning Policy on Promoting Town Centre indicates that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should: apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities; encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening; ensure development plans, decision-making and monitoring support successful town centres; and consider opportunities for promoting residential use within town centres where this fits with local need and demand.

Scottish Planning Policy on Managing Flood Risk and Drainage indicates the planning system should promote a precautionary approach to flood risk from all sources; flood avoidance by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas; flood reduction by assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible; and avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems and minimising the area of impermeable surface. To achieve this the planning system

should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

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REPORT OF HANDLING

Reference: 2018/0643/TP

Date Registered: 22nd October 2018

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 - Newton Mearns North And Neilston

Co-ordinates: 254129/:656418

Applicant/Agent:

Applicant:

Mr William Paton

84 Lister Street

Glasgow

G4 0BY

Agent:

Ark Architecture & Design

14 Royal Terrace

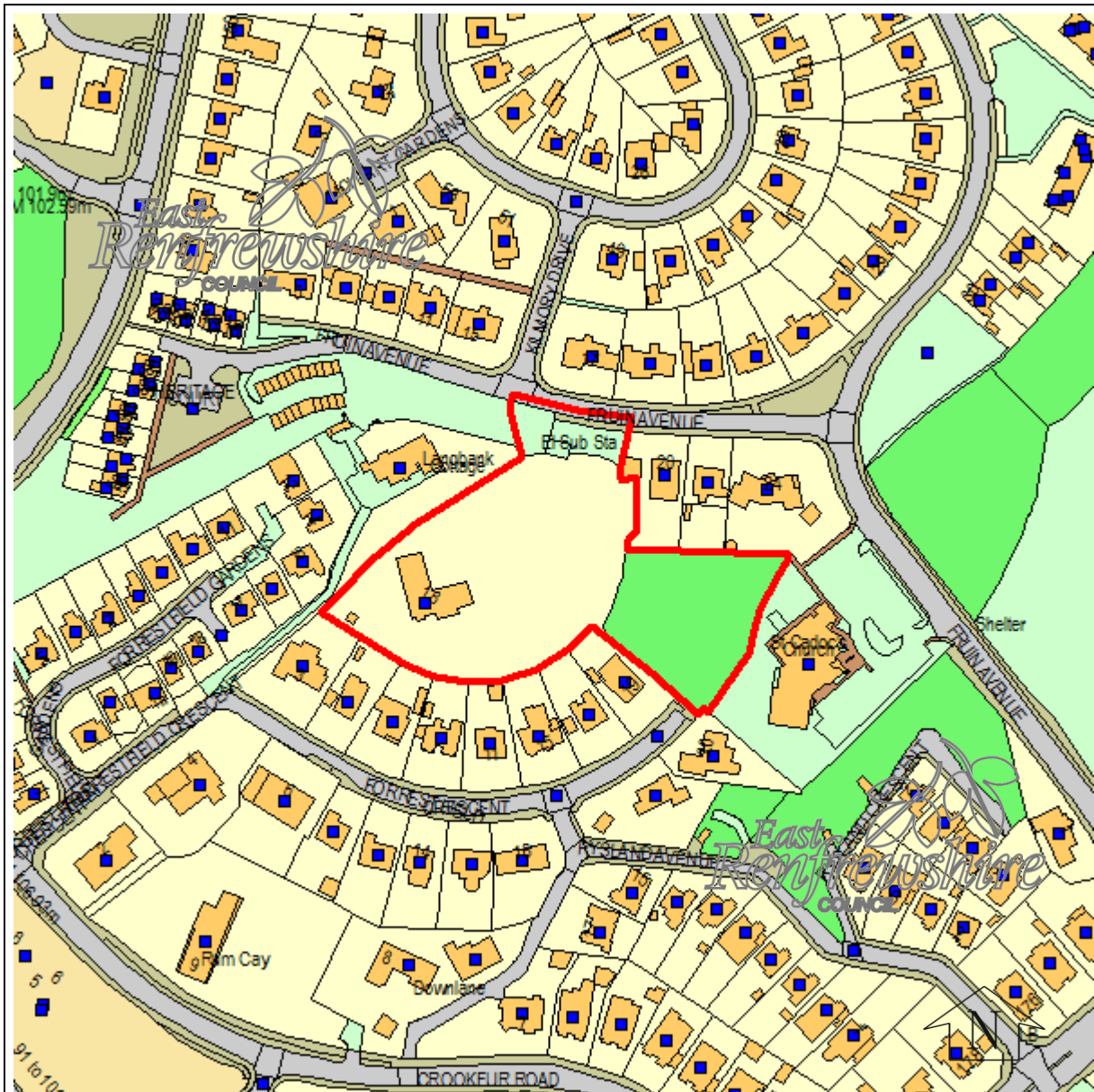
Glasgow

G3 7NY

Proposal: Erection of five detached houses with associated roads, parking and landscaping following demolition of existing house.

Location: 18 Fruin Avenue
Newton Mearns
East Renfrewshire
G77 6HA

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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Environmental Health Service	No objection subject to conditions.
East Renfrewshire Council Contributions Officer	The applicant has agreed in principle to affordable housing and development contributions.
East Renfrewshire Council Roads Network Manager	No objection subject to conditions.
Scottish Power	No objection.
Crookfur, Greenfarm and Mearns Village Community Council	Objects to feu splitting and pressure on existing schools and infrastructure.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

1998/0582/TP	Alterations and extension to dwellinghouse to incorporate second storey and basement accommodation	Approved Subject to Conditions	12.02.1999
2017/0704/TP	Erection of 6 detached dwellinghouses following demolition of existing dwellinghouse	Withdrawn	27.04.2018

REPRESENTATIONS: Twelve representations have been received and can be summarised as follows:

Feu splitting should be unacceptable in principle
 Pressure on existing infrastructure
 Over-development
 Two storey dwellings are out of character with the area
 Loss of daylight
 Overlooking
 Overshadowing
 Loss of trees
 Increase in traffic/impact on public road safety
 Increase in traffic noise and fumes
 Increase in light pollution from houses and vehicle headlights
 Disruption during the construction phase
 Impact on biodiversity and protected species
 Proposal is for private gain
 Contaminated land
 Loss of greenspace
 Impact on property values

SUPPORTING REPORTS:

Design Statement – The statement describes the site and its context and provides a summary of the proposals.

Arboricultural Report – The report identifies 134 trees within the site and details their species and condition following a detailed survey. It provides information on tree protection and identifies 102 trees to be removed. It illustrates that the majority of the trees to be removed will be on the footprint of the proposed houses, the rear gardens immediately to the rear of the proposed dwellings and on the site of the proposed access road.

ASSESSMENT:

This is a Local Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However as more than 10 objections have been received it is required to be determined by the Planning Applications Committee.

The application site comprises a detached bungalow and its large curtilage and lies within an established residential area. It is accessed via a single width driveway from Fruin Avenue. The site measures approximately 100 metres by 150 metres across its greatest dimensions. The majority of the site is laid out as domestic garden ground with the exception of a wedge-shaped area of land to the east that is heavily treed. The site generally slopes up from Fruin Avenue towards its southern boundary, with a steeper slope leading up to Forrestfield Crescent. The land to the south, east and west sits at a higher level than the application site. The surrounding area is characterised by a variety of house types of single, one and a half storeys and two storeys. Established planting, including mature trees, grow within the application site including on the west, south, north and east boundaries of the site.

Planning permission is sought for the erection of five, two storey detached houses with an associated access road, car-parking and landscaping. The existing dwellinghouse is to be demolished to accommodate the development. The access to the site is proposed to be widened to 6 metres and to be moved approximately 15 metres to the east of the existing access.

The five dwellinghouses are proposed to be positioned to the south-west and south east of the proposed access, backing onto the higher ground to the rear at Forrestfield Crescent. The existing woodland area within the wedge-shaped area of land is proposed to be retained. It is proposed to be open to be available for access for informal recreational use and provide an amenity area. The slope leading up to Forrestfield Crescent is proposed to be retained behind retaining walls to minimise the need for re-profiling ground levels. This will facilitate the retention of the maximum number of trees. Replacement tree planting is also proposed on this boundary. The rear gardens backing onto to Forrestfield Crescent are at least 15 metres deep with the window to window separation distance relative to the properties on Forrestfield Crescent in excess of 30 metres.

The proposed dwellinghouses consist of two different house types, each with integral double garages and are proposed to be externally finished in grey concrete roofing tiles, white render and grey facing brick. A turning area and two visitor car-parking spaces are proposed. Each dwelling is proposed to have three in-curtilage car-parking spaces, including one of the double garage spaces.

The application has to be assessed against the relevant policies of the adopted East Renfrewshire Local Development Plan as well as any material planning considerations. The relevant Local Development Plan Policies are Strategic Policy 3 and Policies D1, D2, D7, D8, D15 and SG5.

Strategic Policy 3 states that the Council will secure community and environmental benefits arising from new developments to mitigate their impacts.

Policy D1 states that all development should not result in a significant loss of character or amenity to the surrounding area and that proposals should be of a size, scale and massing that is in keeping with the buildings in the locality. It also requires that the Council's access and parking requirements should be met and that there should not be any adverse impact on landscape character or a significant loss of trees.

Policy D2 states that development will be acceptable within the general urban area where it complies with other relevant policies of the Local Development Plan.

Policy D7 states that the open space requirements set out in Appendix 1 of the adopted Supplementary Planning Guidance: Green Network and Environmental Management should be met.

Policy D8 states there will be a strong presumption against development where it would compromise the overall integrity of the Tree Preservation Order.

Policy D15 relates to the sub-division of plots for the erection of new dwellings and states:

- The proposed plot should reflect the established pattern of development in the area and should be of a size and scale capable of accommodating the dwellings
- Any new houses must reflect the scale and character of the surrounding residences and the established pattern of development in the area.
- Existing building lines should be respected.
- Development must provide safe vehicular access and parking in accordance with the Council's roads and parking standards.

Policy SG5 states that where planning permission is sought for residential developments of 4 or more dwellings, the Council will require provision to be made for a minimum 25% affordable housing contribution. This may be made on site; or by means of a commuted sum; or off site.

In terms of Strategic Policy 3, the Council's Contributions Officer has advised that the applicant has agreed to the policy requirements for the provision of development contributions. If the development is otherwise acceptable a Section 75 Agreement will be required to secure contributions relating to education (pre-five, primary and secondary); community facilities (community halls & libraries and sports); parks and open space; and green network and access.

The proposal is considered to be in keeping with the character of the surrounding residential area. The area is characterised by mixed house types, including two storey dwellinghouses on Forrestfield Gardens and Forrestfield Crescent immediately to the south and south-west. Two storey dwellinghouses are therefore considered to be acceptable at this location. Whilst there are also one and a half and single storey dwellinghouses to the south on Forrestfield Crescent, those are elevated above the site. As noted above, the proposed rear gardens are to be 15 metres deep and a separation distance of over 30 metres between the proposed dwellinghouses and the dwellings on Forrestfield Crescent. The proposal would not therefore significantly impact on the amenity of the adjacent dwellinghouses in terms of overlooking, loss of daylight or overshadowing. Furthermore, the site is considered to be of a sufficient size as to readily accommodate the proposed dwellinghouses without detriment to amenity. Subject to conditions, the proposal can meet the Council's parking and access requirements and is considered to be acceptable in appearance.

The Arboricultural Report identifies 134 trees within the area proposed for development. This does not include the trees within the woodland area east of the area for development which is to be unaffected. The Arboricultural Report identifies 102 trees for removal. Whilst it is accepted that this is a significant proportion of the existing trees, it nevertheless includes small, self-seeded specimens and trees in a poor condition. Furthermore, the applicant has demonstrated in the Arboricultural Report that the tree removal is limited to that which is absolutely necessary to accommodate the proposed development and a maximum number of trees are proposed to be retained along the south and south-east boundary of the site. The majority of the trees to be removed are located on the proposed access road, on the footprints of the proposed dwellinghouses and in the gardens immediately to their rear. Most of those trees are less visible

from outwith the site and their loss would therefore have limited impact on the character of the wider area. The trees to be retained are generally at the entrance to the site from Fruin Avenue and on the south and south east boundary. Their retention will help maintain the character of the site when viewed from the north, south and east.

Given the above, the proposal is considered to comply with Policies D1, D2 and D8 of the adopted East Renfrewshire Local Development Plan.

The proposed development generally meets the open space standards set out in Appendix 1 of the adopted Supplementary Planning Guidance, Green Network and Environmental Management (the SPG). Whilst the SPG requires that two storey dwellinghouses are set a minimum of two metres from each side boundary, it is noted that the dwellings on plots 4 and 5 lie only 0.5 metres from their north east and south west plot boundaries respectively. However, in this instance, those dwellings are further separated by a 3.5 metre wide maintenance access to the tree area to the rear. Therefore, notwithstanding the distances from the plot boundaries, the separation distance between the dwellinghouses is adequate. The application could therefore be approved as an exception to the specific terms of the SPG and Policy D7 if it otherwise complies with the local planning policy.

The proposal is considered to comply with Policy D15 as the development is in keeping with the surrounding character and density, would not impact on established building lines and the Council's access and parking requirements are met.

In terms of Policy SG5, the Council's Contributions Officer has advised that the applicant has agreed to the policy requirements for the provision of a commuted sum. If the development is otherwise acceptable a Section 75 Agreement will be required to secure a suitable affordable housing contribution.

The following comments are made in respect of the points of objection not specifically addressed above. Any planning application, including those that involve feu splitting, must be assessed on their own merits against the relevant policies of the development plan and any material planning considerations. It is not considered that the erection of five dwellinghouses would place such a burden on the existing infrastructure and community facilities that would justify a refusal of the application. It should also be noted that the applicant has agreed to the payment of a developer contribution to mitigate any impact.

It is not considered that the erection of five dwellinghouses in an existing suburban area, would give rise to a significant increase in traffic noise and fumes that would justify a refusal of the application. Again, as the site is located within an existing suburban area, the erection of the additional dwellinghouses would not be considered to give rise to a significant increase in light pollution that would justify a refusal of the application. It is accepted that there will be a degree of disruption by way of noise, dust and vibrations during the construction phase. This can nevertheless be lessened by limiting the hours of operation on site and can be addressed by a condition if the application is approved. It is the responsibility of contractors to ensure they park and operate vehicles in a safe manner. The stability of the land following re-grading is not a material planning consideration. The site does not lie within or form part of a local biodiversity site. The motivation of the applicant is not a material planning consideration.

The Council's Environmental Health Service accepts the recommendations of the Geo-Environmental Desk Study Report and recommends that a ground investigation report be submitted and any findings acted upon prior to the commencement of any work on site. This can be secured by a condition. The site is not identified as urban greenspace in the adopted East Renfrewshire Local Development Plan. Impact on property values is not a material planning consideration.

Overall conclusion

The proposal is considered to generally comply with the adopted East Renfrewshire Local Development Plan. Where it does not, there are material considerations that indicate the application can be approved as an exception to the specific terms of the SPG in relation to the

distance of two of the dwellings from their side plot boundaries. There are no material considerations that indicate the application should not be approved.

RECOMMENDATION: Approve Subject to Conditions following the conclusion of a legal agreement relating to: i) the payment of a commuted sum to secure the affordable housing provision; and ii) the payment of a development contribution relating to education (pre-five, primary and secondary); community facilities (community halls & libraries and sports); parks and open space; and green network and access.

PLANNING OBLIGATIONS: Legal agreement relating to: i) the payment of a commuted sum to secure the affordable housing provision; and ii) the payment of a development contribution relating to education (pre-five, primary and secondary); community facilities (community halls & libraries and sports); parks and open space; and green network and access.

CONDITIONS:

1. Development shall not commence until samples of materials to be used on all external surfaces of the building and hard surfaces have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

2. Development shall not commence until details and location of all walls (including retaining walls) and fences to be erected on the site have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

3. There shall be no construction work or offloading of delivered materials at the development site outwith the hours of 0800 to 1900 Monday to Friday and 0800 to 1300 on Saturday with no working on Sunday or local or national public holidays unless minor and temporary amendments have been otherwise agreed in advance in writing by the planning authority. The starting up/warming up and shutting down of any construction machinery outwith these hours shall not be audible from the boundary of any noise sensitive property.

Reason: To prevent noise nuisance to the surrounding area.

4. Development shall not commence until a ground investigation report has been submitted to and approved in writing by the planning authority. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby approved shall be submitted to and approved in writing by the planning authority. The site shall be remediated in accordance with the approved measures prior to commencement of construction of the development and a verification report shall be submitted.

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

5. The visitor parking spaces shown on the approved layout plan shall be constructed, surfaced and delineated on the site in all respects before the occupation of the first dwellinghouse.

Reason: To ensure the provision of adequate parking facilities to reduce the incidence of roadside parking.

6. The principles of Sustainable Urban Drainage Systems (SUDS) for the surface water regime shall be incorporated into the development. Development shall not commence

until details of the surface water management and SUDS proposals have been submitted to and approved in writing by the planning authority. Thereafter the surface water management details shall fully be implemented as approved.

Reason: In the interests of sustainable development.

7. Visibility splays of 2.5 metres by 90 metres shall be provided in both directions at the junction of the new access with the existing road prior to the occupancy of any house and thereafter maintained free from any obstructions exceeding a height of 1.05m above the adjacent road.

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

8. The driveways shall be formed and surfaced such that no surface water discharges or loose material is carried out onto the access road.

Reason: In the interest of public road safety.

9. Prior to the commencement of any work on site, a swept path analysis demonstrating that a refuse collection vehicle can access and egress the site in a forward gear and manoeuvre around the development without over-run of footways, verges and gardens, shall be submitted and approved in writing by the Planning Authority.

Reason: In the interest of public road safety.

10. Prior to the commencement of any work on site, details of a two metre wide footway shall be submitted and approved in writing by the Planning Authority. Thereafter, the two metre wide footway shall be constructed along the entire frontage of the application site where it adjoins Fruin Avenue, in accordance with the approved details, prior to the occupation of the first dwelling.

Reason: In the interest of public road safety.

11. Development shall not commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-

- i) Details of any earth mounding, hard landscaping, grass seeding and turfing;
- ii) A scheme of tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted;
- iii) Details of the phasing of the landscaping works;
- iv) Proposed levels; and
- v) Schedule of maintenance.

Thereafter the landscaping works shall be fully implemented as approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping to improve the environment quality of the development.

12. Development shall not commence until detailed levels, diagrams and sections, showing the existing and proposed levels throughout the site and finished floor levels in relation to a fixed datum point have been submitted to and approved in writing by the planning authority. Thereafter the development shall be constructed in accordance with the approved levels, diagrams and sections.

Reason: To ensure that the levels are acceptable at this location.

13. Development shall not commence until the trees marked for retention on approved plan reference AL(0)104 Rev A have been protected by suitable fencing. Fencing shall be

erected on at least the fullest extent of the canopy on broadleaf trees and half the height of conifer trees as set out in BS3998/2010 and BS5837/2012. Development shall not commence until details of the location and type of fencing have been submitted to and approved in writing by the planning authority. Thereafter the approved tree protection measures shall be fully implemented on site and remain in position throughout the construction of the development.

Reason: To protect the existing trees so that they continue to contribute to the environmental quality of the area and soften the impact of the development.

ADDITIONAL NOTES:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

The Developer is required to consult with East Renfrewshire Council's Development Plans Section on 0141 577 8542 on proposed street naming and numbering at an early stage in the development.

The applicant is advised to contact Scottish Water, Developer Services, Clyde House, 419 Balmore Road, Glasgow, G22 6NU, prior to commencing any works on site.

Waste materials arising from the demolition on site shall be disposed of to a licensed waste management facility or to a landfill site in accordance with the Waste Management Regulations 1994 (as amended) and the Special Waste Regulations 1996.

East Renfrewshire Council Roads Service should be consulted regarding a Road Opening Permit for service connections and footway crossover.

ADDED VALUE:

Conditions have been added that are necessary to control or enhance the development and to ensure the proposal complies with the Council's Local Development Plan policies.

A legal agreement is required to secure essential aspects of the development and to ensure the proposal complies with the Council's Local Plan policies.

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3034.

Ref. No.: 2018/0643/TP
(DESC)

DATE: 6th February 2019

DIRECTOR OF ENVIRONMENT

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Reference: 2018/0643/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

This proposal raises no strategic issues in terms of the Glasgow and the Clyde Valley Strategic Development Plan and therefore the East Renfrewshire Local Plan is the relevant policy document

Adopted East Renfrewshire Local Development Plan

Strategic Policy 3

Development Contributions

The Council wishes to secure community infrastructure and environmental benefits arising from new developments to mitigate their impacts.

New developments that individually or cumulatively generate a requirement for new or enhanced infrastructure or services will be expected to deliver, or contribute towards the provision of, supporting services and facilities. Developer contributions will be agreed in accordance with the five tests of Circular 3/2012 - Planning Obligations and Good Neighbour Agreements. Planning permission will only be granted for new development where the identified level and range of supporting infrastructure or services to meet the needs of the new development is already available or will be available in accordance with an agreed timescale.

The master plans for the areas for change are required to identify the infrastructure requirements and development contributions required to support development. The master plans should identify how the infrastructure or services will be delivered to support the proposed development.

For all proposals viability will be a key consideration when determining the suitable level of development contributions.

Further detailed information and guidance is provided in the Development Contributions Supplementary Planning Guidance.

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties 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 Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;

5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railway solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D2

General Urban Areas

Development will be supported within the general urban areas, as defined on the Proposals Map, where compatible with the character and amenity of the locality and surrounding land uses and where it complies with other appropriate policies of the Plan.

Policy D7

Green Infrastructure and Open Space Provision within New Development

New development proposals should incorporate a range of green infrastructure including open space provision, multi use access, sustainable urban drainage, wildlife habitat and landscaping. This infrastructure should not only form an integral part of the proposed scheme but should complement its surrounding environment.

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

Policy D8

Natural Features

There will be a strong presumption against development where it would compromise the overall integrity of Local Biodiversity Sites, Tree Preservation Orders and ancient and long established woodland sites.

Development that affects a site of special scientific interest will only be permitted where:

The objectives of designation and the overall integrity of the area will not be compromised; or

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.

The location of Sites of Special Scientific Interest, Local Biodiversity Sites and Tree Preservation Orders are identified on the Proposals Map and referred to under Schedule 1.

Planning permission will not be granted for development that is likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation.

Further detailed information and guidance is set out in the Green Network and Environmental Management Supplementary Guidance, including criteria against which development proposals within or in close proximity to the natural features outlined above will be assessed.

Through Dams to Darnley Country Park the Council will promote the designation of a Local Nature Reserve at Waulkmill Glen as shown on the Proposals Map. This will be undertaken in partnership with Glasgow City Council and in conjunction with Scottish Natural Heritage.

Policy D15

Sub-division of the Curtilage of a Dwellinghouse for a New Dwellinghouse and Replacement of an Existing House with a New House

The proposed plot should reflect the established pattern of development and should be of a size and shape capable of accommodating a dwellinghouse. There should also be sufficient land to provide garden ground that is of a scale and character compatible with the locality.

Any new house must reflect the scale and character of the surrounding residences and the established pattern of development in the area. It should be designed to contribute to the visual character of the area.

Existing building lines should be respected.

Development should provide safe vehicular access and parking in accordance with the Council's roads and parking standards.

Policy SG5

Affordable Housing

Throughout East Renfrewshire, where planning permission is sought for residential developments of 4 or more dwellings, including conversions, the Council will require provision to be made for 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 should be well integrated into the overall development. For all proposals viability will be a key consideration when determining the suitable level of contributions. 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 Planning Guidance.

GOVERNMENT GUIDANCE:

Scottish Planning Policy on the Delivery of New Homes indicates the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times; enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

REPORT OF HANDLING

Reference: 2018/0762/TP

Date Registered: 7th December 2018

Application Type: Full Planning Permission

This application is a Local Development

Ward: 1 - Barrhead, Liboside and Uplawmoor

Co-ordinates: 246264/:658595

Applicant/Agent:

Applicant:

Mr Gordon Pollock

Mossneuk Farm

Neilston

G78 3AL

Agent:

Derek Scott Planning

21 Lansdowne Crescent

Edinburgh

EH12 5EH

Proposal: Erection of agricultural worker's dwellinghouse

Location: Site 180 metres north of Foretrees Farm House

Fereneze Road

Neilston

East Renfrewshire

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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service No objection.

PUBLICITY:

11.01.2019 Barrhead News Expiry date 25.01.2019

SITE NOTICES: None.

SITE HISTORY:

2015/0416/TP	Erection of two storey detached dwellinghouse (amendment to previous planning permission 2012/0750/TP in relation to position of dwellinghouse and driveway) (in retrospect) (approximately 160m south of current application site)	Approved subject to conditions	07.08.2015
2017/0435/TP	Erection of dwellinghouse (same site as current application site)	Refused	13.10.2017
2018/0252/TP	Erection of agricultural worker's dwellinghouse	Refused	05.12.2018
2018/0253/PN	Erection of agricultural shed (prior approval) (approximately 150m north of current application site)	Granted	01.08.2018

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

No site-specific justification/contrary to the terms of the Local Development Plan
Increase in traffic/detrimental to road safety and to the users of the livery business at Capellie Farm

The existing farm worker's dwelling is not occupied by agricultural workers

Inaccuracies in the Supporting Statement

A furniture business is proposed to be run from the proposed dwelling

Other sites should be considered

The access road will require additional maintenance

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Supporting Planning Statement – The Statement describes the site and its location. It describes the current agricultural operations at Mossneuk Farm and makes reference to the intention to increase the cattle herd and to introduce pedigree sheep at a future date. The development is also described and assessed with regard to the relevant policies in the Local Development Plan. The Statement concludes that the development complies with the adopted East Renfrewshire Local Development Plan.

Labour Requirement Report – The Report has been prepared by the Scottish Agricultural College and details the current agricultural operations at Mossneuk Farm (beef cattle and land management) and calculates the current labour requirement as 5.56 units (5 full time workers). It outlines animal welfare issues specific to the business and states in section 4.3 that given the existing livestock numbers and operational requirements, there is a justification for three full-time workers to be resident on the farm. The report goes on to outline business expansion plans and notes that the current farmer is approaching retirement age.

ASSESSMENT:

This is a Local Development under the Town and Country Planning Hierarchy of Developments (Scotland) Regulations 2009. However the application requires to be determined by the Planning Applications Committee as more 10 objections have been received.

It should be noted that this is an identical application to 2018/0252/TP which was refused by the Planning Applications Committee on 5 December 2018 contrary to the recommendation to approve subject to conditions. The Town and Country Planning (Scotland) Act 1997 (as amended) indicates that the planning authority may decline to determine a similar planning application to a previous application if the application is submitted within a period of two years from the previous decision provided: an appeal to the Scottish Ministers has been dismissed; or there has been more than one previous refusal without an appeal being made to the Scottish Ministers or a Local Review sought.

The application site comprises part of an agricultural field associated with Mossneuk Farm, Neilston. The site occupies a south-west facing slope adjacent to a tree shelter belt. It is accessed from the A736 via minor and unsurfaced private roads and lies to the north west of Neilston within the greenbelt. The private road accessing the site passes by the former steading associated with the former Capellie Farm, now known as West Capellie. West Capellie operates an equestrian business. The site is generally triangular in shape and measures approximately 110 metres by 45 metres across its greatest dimensions. It lies approximately 180 metres north of the closest dwelling known as Foretrees Farmhouse.

The main farm steading at Mossneuk Farm is located 1.2km to the west of the application site and is remote from its associated farm land. This is because the steading was a former piggery and the associated land was purchased from surrounding farms as the beef farming enterprise at Mossneuk expanded. The recently completed Foretrees Farmhouse is also associated with Mossneuk Farm and was granted planning permission on 7 August 2015 under 2015/0416/TP. This dwelling is subject to an agricultural occupancy condition limiting the occupancy of the dwelling to persons solely or mainly employed or last employed locally in agriculture. This earlier application was accompanied by a Labour Requirement Report that justified a dwelling for a full time worker to be resident in a more central location the farm to allow improved supervision of livestock.

Planning permission is sought for the erection of a single storey dwellinghouse on the application site. The labour requirement report and the supporting statement submitted with the application state that it is for an agricultural worker associated with Mossneuk Farm. The proposed dwelling measures 22 metres wide by 12 metres deep by 5.5 metres high. The dwelling is characterised by a pitched roof, gable ends and horizontal emphasis. It is proposed to be externally finished in render, with a tiled or slate roof. It generally has small window openings.

The application requires to be assessed against Policies D1 and D3 of the adopted East Renfrewshire Local Development Plan and the adopted Supplementary Planning Guidance: Rural Development (SPG). Policy D1 requires that any development should, inter-alia, not result in a significant loss of character or amenity to the surrounding area.

Policy D3 states that development in the greenbelt will be strictly controlled and limited to that which is required and appropriate to a rural location.

The SPG expands upon this and states that new dwellings will only be permitted in the greenbelt where it can be clearly demonstrated that:

- There is a specific and properly evidenced need for the dwelling to be sited at that location in the countryside and there is no other suitable property available;
- It is demonstrated that account has been taken of the possibility of conversion or rehabilitation of an existing building in the countryside, or locating a new building on a brownfield site;
- It is required for a person engaged locally in full-time employment in agriculture or other appropriate rural use and this is controlled through an occupancy restriction that may be subject to a section 75 agreement;
- It can be demonstrated that a viable business has been established at that location for a period of three years which can support a worker and the need for a new dwelling-house on that site. Applicants should demonstrate why it would be required in that location and not within the urban area;
- If a new dwelling is situated adjacent to any existing farmstead or other building grouping, it should not be larger than the original building and should be seen as subservient to it in design terms;
- New dwellings should be designed in a manner that is sympathetic in scale and design to their rural location and that fit into the landscape;
- It should be in accordance with the design guidance set out in section 3 of this Guidance.

In terms of Policy D3, it is noted that the Labour Requirement Report submitted with the application states that the current requirement labour requirement is for 5 full-time workers, three of which should be resident on the farm for animal welfare reasons. At present there are two dwellings associated with the farm, Mossneuk Farmhouse and Foretrees Farmhouse. The report states that at present the current farmer lives in Mossneuk Farmhouse and that one further full-time employee lives in the recently completed dwelling known as Foretrees Farmhouse. Correspondence from the applicant's former agent in 2018 indicates that whilst this third resident employee works 35 hours per week as a teacher over 39 weeks of the year, he nevertheless also works 35 to 50 hours per week on the farm. At present, the current overall labour requirement is met by another part time employee living at Foretrees Farmhouse and hired contractors.

The current requirement for three resident full-time workers is therefore not met. According to the Labour Requirement Report, the third full-time resident worker is required for reasons relating to animal welfare and security. The report states that the cows at Mossneuk calf year round and that calving is labour intensive. Calving cattle require intensive supervision and often require obstetric assistance. The report adds that post-partum, calves often require help to suckle and health issues can be critical at this point.

In terms of safety and security, it is noted that Mossneuk Farm is located on the urban fringe. The Labour Requirement Report states that this has led to a number of security issues such as the theft of livestock, diesel and other items. Other issues include animal welfare and security issues arising from public access to the area. These issues are exacerbated by the fact the main farm steading and Mossneuk Farmhouse are remote from the main land holding areas and that Foretrees Farmhouse provides only partial supervision over the wider landholdings. The Labour Requirement Report states that the proposed dwelling will help mitigate those security risks.

In terms of siting and design, further assessment is required against the SPG. As noted above, the proposed dwelling would occupy a prominent elevated position, 180 metres from the closest dwelling. However, the proposed dwelling would have a relatively low ridge height and would not

break the skyline. Furthermore, screening in the form of tree planting is proposed on the northern and eastern boundaries of the site. Further in-fill planting is also proposed between the site and the tree belt to the south. Notwithstanding its remote location, the tree planting and design details would ensure that the proposed dwelling would fit within the landscape and would not detract from the character or visual amenity of the area. Furthermore, given the scale of the development, the proposal would not compromise the function or integrity of the green belt. If the application is otherwise acceptable, full details of the screen planting can be secured by a condition.

It is accepted that the existing farming enterprise at Mossneuk Farm is an established and viable business and this is confirmed in the Labour Requirement Report.

The proposal is therefore considered to comply with the terms of Policies D1 and D3 of the adopted East Renfrewshire Local Development Plan and the adopted Supplementary Planning Guidance: Rural Development as the need for a third resident full-time worker has been established in terms of labour requirement, animal welfare and security.

The future plans for the expansion of the business and the farmer's future retirement plans, both as set out in the Labour Requirement Report, are noted. However, the additional dwelling has been justified in terms of the current livestock numbers and management practices and the future plans/intentions have not been considered in this assessment.

The Council's Roads Service has not objected to the application as it does not impact on the public road network. Nevertheless, the Roads Service recommends that the driveway and the junction of the driveway with the private unsurfaced access road are formed such that they do not compromise road safety. Given the location of the site and the anticipated use of the access and the use of the private road, it is not considered necessary or reasonable to impose conditions relating to the formation of the access on any planning permission granted.

The following comments are made in respect of the points of objection not specifically addressed above. The Council's Roads Service has been consulted and has no objection to the proposal. It is not considered that the erection of the dwelling would give rise to a significant increase in road traffic to the detriment of public road safety or to users of the nearby equestrian business. It would be the responsibility of riders or those assisting them to ensure their safety. The dwelling at Foretrees is occupied by two persons engaged in agricultural work. The agent has confirmed the hours those persons work at Mossneuk Farm. Whilst they have other employment elsewhere, given the hours worked at Mossneuk, this Service is satisfied that the terms of condition 1 of 2015/0416/TP have not been breached. The agent has corrected an error in the Supporting Statement in the interest of consistency. This does not have a bearing on the consideration of the application. Any future business operations from the dwelling, other than those associated directly with Mossneuk Farm, are not material to the consideration of this application. They will be investigated should they arise and the Council's Development Management will consider what action is appropriate at that stage. The Council must consider the application before it and cannot consider or suggest alternative sites.

Overall conclusion

The proposal complies with Policies D1 and D3 of the adopted East Renfrewshire Local Development Plan and with the terms of the adopted Supplementary Planning Guidance: Rural Development as it has been demonstrated that the current operations at Mossneuk Farm justify a further full-time resident worker. The proposed dwellinghouse has been designed such that it is appropriate to the rural area and its location would not compromise the function or character of the green belt. There are no material considerations that outweigh the above considerations. It is therefore recommended that the application is approved subject to the attached conditions.

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None.

CONDITIONS:

1. Occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality of Mossneuk Farm; in agriculture as defined in Section 277(1) of the Town & Country Planning (Scotland) Act 1997; or to a widow or widower, spouse, ascendants, descendants and those living in family with such persons.

Reason: The site is located in an area identified in the development plan as being inappropriate for new residential development unless related to the essential needs of agriculture.

2. Development shall not commence until samples of materials to be used on all external surfaces of the building and hard surfaces have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

3. Development shall not commence until details and location of all walls (including retaining walls) and fences to be erected on the site have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

4. Development shall not commence until detailed levels, diagrams and sections, showing the existing and proposed levels throughout the site and finished floor levels in relation to a fixed datum point have been submitted to and approved in writing by the planning authority. Thereafter the development shall be constructed in accordance with the approved levels, diagrams and sections.

Reason: To ensure that the levels are acceptable at this location.

5. The principles of Sustainable Urban Drainage Systems (SUDS) for the surface water regime shall be incorporated into the development. Development shall not commence until details of the surface water management and SUDS proposals have been submitted to and approved in writing by the planning authority. Thereafter the surface water management details shall fully be implemented as approved.

Reason: In the interests of sustainable development.

6. Prior to the commencement of any work on site: i) details of the proposed screen planting and the infill planting in the southern part of the site, as indicated on the approved block plan reference BLOCK.01 C; and ii) a scheme for its on-going maintenance that shall include the replacement of any trees that die or are damaged with 5 years of planting, shall be submitted and approved in writing by the planning authority. Thereafter, the approved screen and infill planting shall be implemented prior to the occupation of the dwelling hereby approved.

Reason: To safeguard the amenity and character of the area.

ADDITIONAL NOTES: None.

ADDED VALUE:

Conditions have been added that are necessary to control or enhance the development and to ensure the proposal complies with the Council's Local Development Plan policies.

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3034.

Ref. No.: 2018/0762/TP
(DESC)

DATE: 6th February 2019

DIRECTOR OF ENVIRONMENT

Reference: 2018/0762/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

This proposal raises no strategic issues in terms of the Glasgow and the Clyde Valley Strategic Development Plan and therefore the East Renfrewshire Local Plan is the relevant policy document

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties 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 Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;

13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways soliums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D3

Green Belt and Countryside Around Towns

Development in the green belt and countryside around towns as defined in the Proposals Map, will be strictly controlled and limited to that which is required and is appropriate for a rural location and which respects the character of the area.

Where planning permission is sought for development proposals, within the green belt or countryside around towns and these are related to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the rural area, the Council will consider them sympathetically subject to compliance with other relevant policies of the Plan. Any decision will, however, take into consideration the impact the proposals will have on the function of the green belt and countryside around towns and the viability of important agricultural land. Development must be sympathetic in scale and design to the rural location and landscape.

Further detailed information and guidance is provided in the Rural Development Guidance Supplementary Planning Guidance.

GOVERNMENT GUIDANCE:

Scottish Planning Policy indicates that where a planning authority considers it appropriate, such as in the most pressured areas, the development plan may designate a green belt around a town to support the spatial strategy by: directing development to the most appropriate locations and supporting regeneration; protecting and enhancing the character, landscape setting and identity of the settlement; and protecting and providing access to open space. Local development plans should show the detailed boundary of any green belt and describe the types and scales of development which would be appropriate within a green belt.