

**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
8th August 2018

Reference No: 2018/0065/TP

Ward: 2

Applicant:

The Greenhags Energy Company Limited
1 Rutland Court
Edinburgh
Scotland
EH3 8EY

Agent:

Alan Couper
Stevenson Farmhouse
Stevenson Farm
Peebles
Scotland
EH45 8PX

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Site: Site 300M north east of Greenhags, Ayr Road, Newton Mearns, East Renfrewshire

Description: Installation of anaerobic digestion biogas plant with alterations to vehicular access off A77 and earthworks/excavation operations to change ground levels (amendment to condition 10 of planning permission 2016/0070/TP that does not allow the use of waste materials)

Reference No: 2018/0237/CAC

Ward: 5

Applicant:

Mr. & Mrs. G. Smith
Myers Lodge
Over Enoch Road
Eaglesham
East Renfrewshire
G76 0PW

Agent:

Jewitt & Wilkie Limited
38 New City Road
Glasgow
Scotland
G4 9JT

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Site: Cross Garage, 45 Gilmour Street, Eaglesham, East Renfrewshire, G76 0AA

Description: Complete demolition of garage building (conservation area consent)

Reference No: 2018/0238/TP

Ward: 5

Applicant:

Mr. & Mrs. G. Smith
Myres Lodge
Over Enoch Road
Eaglesham
East Renfrewshire
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Site: Cross Garage, 45 Gilmour Street, Eaglesham, East Renfrewshire, G76 0AA

Description: Erection of two storey restaurant following demolition of existing garage

Reference No: 2018/0340/TP

Ward: 5

Applicant:

Mr & Mrs McGraddie

Agent:

DTA Chartered Architects Ltd
9 Montgomery Street
The Village
East Kilbride
G74 4SS

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Site: 2 Newtonlea Avenue, Newton Mearns, East Renfrewshire, G77 5QA

Description: Erection of two storey detached dwellinghouse following demolition of existing dwellinghouse

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REPORT OF HANDLING

Reference: 2018/0065/TP

Date Registered: 7th February 2018

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 -Newton Mearns North And Neilston

Co-ordinates: 251640/:653190

Applicant/Agent:

Applicant:

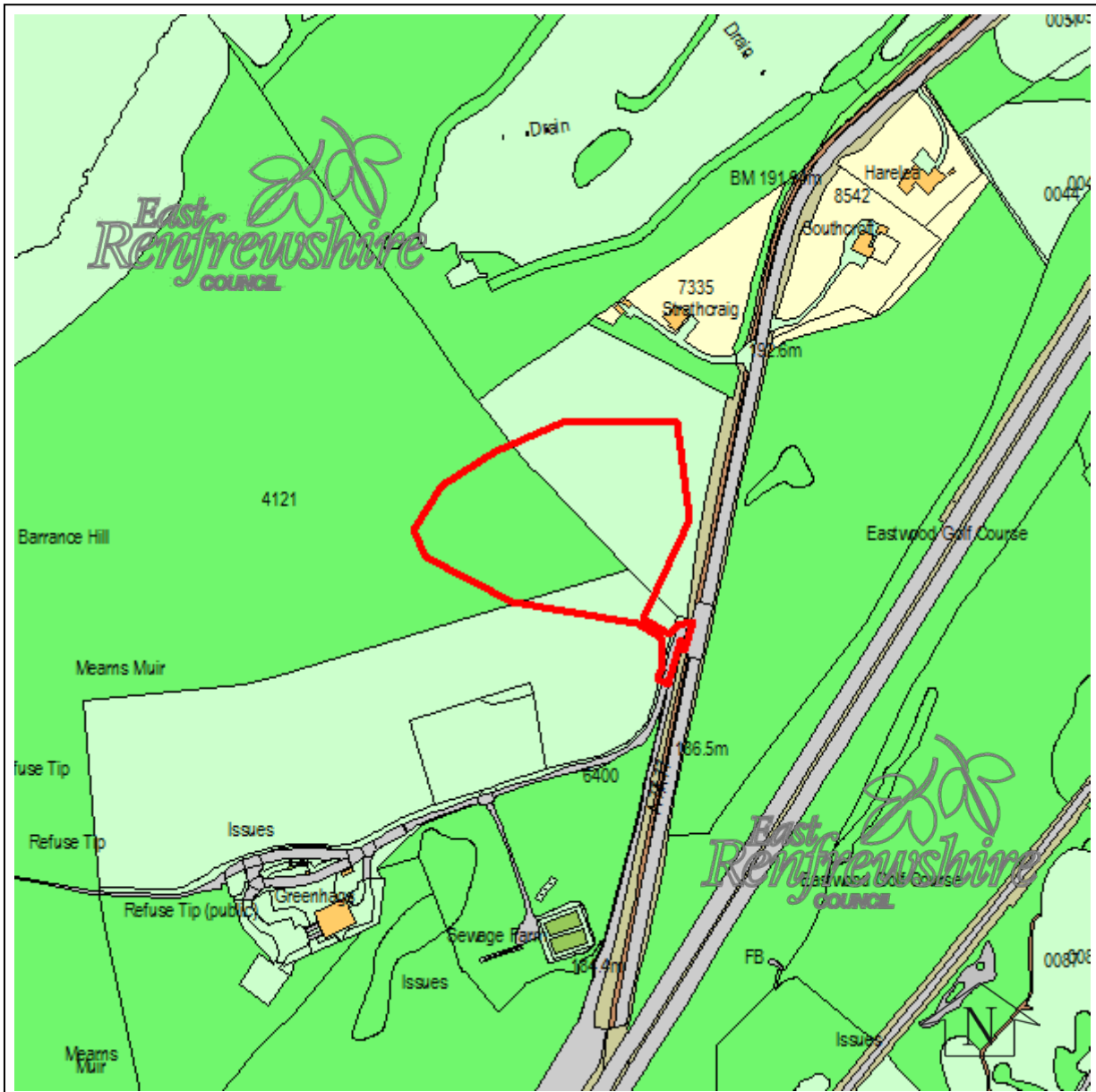
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Proposal: Installation of anaerobic digestion biogas plant with alterations to vehicular access off A77 and earthworks/excavation operations to change ground levels (amendment to condition 10 of planning permission 2016/0070/TP that does not allow the use of waste materials)

Location: Site 300m north east of Greenhags
Ayr Road
Newton Mearns
East Renfrewshire



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CONSULTATIONS/COMMENTS:

West of Scotland Archaeology Service	Recommends an archaeological works condition.
East Renfrewshire Council Environmental Health Service	Recommends conditions.
Scottish Environment Protection Agency	No objection.
East Renfrewshire Council Roads Service	No objection subject to conditions.
Transport Scotland Trunk Roads Network Management	Does not propose to advise against the granting of permission.
Crookfur, Greenlaw and Mearns Village Community Council	Objects to the application to allow the use of waste material and this application is a clear attempt to subvert the planning process in pursuit of financial gain.
Broom, Kirkhill and Mearnskirk Community Council	Objects to the application on the grounds of increased traffic; increased pollution; the movement of large volumes of cattle slurry which should be in sealed tankers and sealed pipework; and the generation of unpleasant fumes and vapours which will be blown over Newton Mearns.

PUBLICITY:

23.02.2018	Glasgow and Southside Extra	Expiry date 09.03.2018
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SITE NOTICES: None.

SITE HISTORY:

2016/0070/TP	Installation of anaerobic digestion biogas plant with alterations to vehicular access off A77 and earthworks/excavation operations to change ground levels	Approved Subject to Conditions	02.11.2016
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REPRESENTATIONS: A total of 37 representations have been received: Representations can be summarised as follows:

Use of waste materials/household waste/commercial waste/cattle slurry
 Pollution/health impacts/odours
 Impact on roads/increase in traffic/danger to cyclists
 Change in condition prompted by financial reasons/questions viability of the plant
 Noise
 Not a suitable development in a greenfield site/this location

Since the deletion of the use of cattle slurry from the process of generating the biogas additional comments have been received as follows:

Requirement for all tanks containing liquids whose spillage could be harmful to the environment to be bunded

Change in the condition allows carte blanche to use an indefinite range of feedstocks

No precise details of amount of digestate required or vehicle movements required to transport the digestate.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Statement (revised 8 June 2018) Considers the amended development against national and local planning policies as well as impacts associated with the development. The Statement explains the operation of the proposed development and consideration of other conditions attached to planning permission 2016/0070/TP. The Statement concludes that the amended application accords with planning policy.

Odour Management Plan (June 2018) (OMP) Sets out the measures used to control any odour associated with the operation of the biogas plant. Indicates the OMP will be used as a reference document for operational staff on a day-to-day basis. The OMP includes a summary of the potential sources of odour and the ability of the site to prevent and/or minimise odorous releases from the process and the subsequent actions to be taken to minimise the impact. The OMP also provides procedures for the containment of odour resulting from storage of feedstock in the holding clamps and storage tanks, the transport of feedstock between the holding clamps and the mixer feeders, and for the processing of feedstock materials and resultant outputs.

Transport Assessment (2018) Assesses the lorry traffic associated with the amended application and the impact on the roads network. Indicates the lorries would use the A726 or the M77/A77. The number of lorry movements is indicated as being less than 1% of the existing traffic on the A77 and approximately 0.1% of the traffic on the M77.

ASSESSMENT:

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

Planning history

Planning permission was approved subject to conditions on 2nd November 2016 under 2016/0070/TP for the installation of an anaerobic digestion biogas plant with alterations to vehicular access off the A77 and earthworks/excavation operations to change ground levels at a site 300M north east of Greenhags, Ayr Road, Newton Mearns.

This planning permission expires on 2nd November 2019 unless a material start is made on the development before this date. It should be noted that at this stage the developer has submitted information to comply with various conditions and the information for conditions 3 (earth mounding around the site), 8 (white lining on the road and signs) and 11 (odour management plan) have been approved.

Section 42 application

The current application is to specifically amend condition 10 of planning permission 2016/0070/TP which states:

For the avoidance of doubt the biogas plant hereby approved shall only be supplied by agricultural feedstocks and no waste materials, including household or commercial waste, shall be used.

Reason: In the interests of residential amenity.

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission for a development but with different conditions from those attached to the previous permission for that development. The effect of granting permission for a section 42 application is such that a new and separate permission exists for the development with different (or no) conditions attached. The previous permission remains unaltered by, and is not varied by, the decision on the Section 42 application.

The advice from the Scottish Government (contained in Annex I of Circular 3/2013) is that in determining Section 42 applications, planning authorities may only consider the issue of the conditions to be attached to any resulting permission. However, in some cases this does not preclude the consideration of the overall effect of granting a new planning permission, primarily where the previous permission has lapsed or is incapable of being implemented. The advice goes on to indicate that where it is considered that permission should be granted subject to different conditions or no conditions, a new permission should be granted and all conditions attached. If it is considered that planning permission should be granted subject to the same conditions as the previous permission, the advice indicates that the Section 42 application should be refused. The making, granting, or refusal of a Section 42 application does not alter or effect the previous permission or its conditions. If a Section 42 application is approved the advice is that planning authorities should attach to the new permission all of those conditions from the previous permission where it is intended these should apply.

It is therefore considered that the principle of the development at this location does not have to be re-examined as there is an extant planning permission. What is being considered in this application is the additional use of wheat straw and digestate in the production of the biogas/biomethane.

In this case condition 10 is proposed to be amended to specifically to allow agricultural wastes and/or residues in the process rather than only feedstocks (which had originally comprised grass silage and beets). In addition digestate is to be used at the start of the process as an inoculation material or occasionally during the process to boost microbial activity.

It has been indicated by the applicant that digestate could be supplied from an existing biogas plant in Newton St Boswells.

In support of this application the applicant has indicated that on 1 May 2017 Ofgem introduced sustainability criteria requirements and feedstock restrictions in respect of anaerobic digestions installations producing biomethane, an eligible technology for Ofgem's Non-Domestic Renewable Heat Incentive (RHI). To ensure compliance with the sustainability criteria, the applicant has indicated it is necessary to source additional feedstocks. The proposed feedstocks mix will comprise grass silage and beet with the addition of wheat straw. In order to allow for the commencement of the anaerobic process an initial amount of digestate will be required to ensure successful biological treatment of the proposed feedstocks. Originally it was proposed to be cattle slurry. However this has been changed by the developer during the processing of this application to use digestate. The applicant/developer has stated that no household or commercial waste will be used.

An initial amount of digestate will be transported to the site in sealed tankers and pumped directly through sealed pipework with control valves into the two primary digesters. This injection of digestate, which is to start the biological treatment of the proposed feedstocks, will take place when the primary digesters are 50% full of water and before pumping in the proposed feedstocks.

The volume required to start the digestion process could range from 1,000 up to 2,500 tonnes in total.

The applicant has indicated the intention of the development is to provide a source of green energy over a 25 year period.

The applicant has suggested the following wording to amend condition 10:

Other than by prior agreement with the planning authority, no feedstock other than the following shall be processed in the biogas plant:

- *Agricultural co-products;*
- *Agricultural wastes;*
- *Agricultural crops/residues/by products; and*
- *Horticultural wastes.*

Reason: Other waste materials, such as house waste and commercial waste raise issues of residential amenity.

The applicant however has not specified what is intended by “co-products” or “wastes”.

Site description

The site is located in a field to the north of the existing Greenhags Waste Transfer Station that is to the south-west of Newton Mearns and to the immediate west of the A77. The site is approximately 240m from the waste transfer station and will share the access. The site is approximately 25m south of the boundary of the property known as Strathcraig and approximately 30m from the boundary with the East Renfrewshire Golf Club which is located to the north-west. The ground levels generally rise up from south-east to north-west from the access road to the waste transfer station to the boundary with the golf course and Strathcraig. Barrance Hill and Mearns Law are located to the west of the site.

The area of the site is indicated as 1.98 hectares. The site is located within and towards the north-west of a Plateau Moorland Landscape Character Type (LCT). The key characteristics, features and qualities of this LCT are: distinctive upland character created by the combination of elevation, exposure, smooth plateau landform, moorland vegetation and the predominant lack of modern development; and these areas share a sense of apparent naturalness and remoteness which contrasts with the farmed and settled lowlands. Locally the landscape west of the M77 shows a more irregular character in comparison to the smoother moorland of Whitelee Moor.

Proposed development

Anaerobic Digestion is the natural production of biogas by the controlled fermentation of feedstocks such as grass silage, maize and sugar beet. The delivered feedstock is finely chopped on site and fed into the first tank of a three stage continuous fermentation process. There it is mixed with bacteria and heated, and over the course of 24 to 28 days produces at very low pressure, biogas, which is a mixture of Carbon Dioxide and Methane. The gas goes through a cleaning process where it is dried and the Carbon Dioxide removed and vented into the atmosphere. The biomethane gas may have propane added to it to improve its calorific value before directly being injected into the National Gas Grid. The biomethane gas is to be fed into the National Gas Grid approximately 900m south of the site or stored on site until needed.

The other products in the process are water which is recycled and digestate which is in the form of a sterile slurry. The digestate is rich in nitrates and phosphates which can either be recycled and spread as fertiliser or compressed to remove water and dried to form a dry nitrogen rich fertiliser that can be bagged.

It is indicated that the process does not use household or commercial waste, only fresh, grown to order crops as well as wheat straw. The digestate is sterile thus there is little in the way of process odour.

It has also been indicated that, as a result of the changes sought in this application, a plant of the proposed size will now require circa 40,000 tonnes of feedstocks per annum (comprising 15,000 tonnes of grass silage, 12,500 tonnes of sugar beet and 12,500 tonnes of wheat straw) which would be delivered by articulated lorry. This is marginally less than planning permission 2016/0070/TP which required a total of 45,000 tonnes of feedstocks per annum.

There would be 32,000 tonnes of digestate per annum going out of the site to the farmer's growing the grass silage. In order to operate the plant, between 7 and 9 lorries per working day would deliver grass silage, beet and wheat straw from contracted farms (leaving empty) and some 6 to 7 tankers a working day arriving empty and leaving with digestate slurry.

The entire plant process is to be powered by electric motors. It is intended that the plant only be manned during normal working hours, five and half days a week, and the site will not be illuminated during non-working hours.

The principal structures of the plant are five round tanks which are located towards the west part of the site. These comprise two round primary digester tanks 24m diameter by 13.9m high with domed roofs and a round secondary digester tank 28m diameter by 15.1m high with a domed roof. There are also two round digestate storage tanks 32.0m diameter by 16.8m high with conical roofs. Three concrete silage clamps, which are storage areas formed by concrete walls, measuring 40m by 30m by 6m are to be located towards the east side of the site.

The silage, beet and wheat grass is macerated in twin moving floor feeders 31m by 10m by 5m and then pumped into the primary digesters. There will in addition be a boiler house to heat the water for the digesters. At the other end of the process a Biogas upgrade unit will clean the gas before injection into the National Gas Grid and a solid digestate conversion unit will dry and pelletise digestate. There will be an office/control room with mess facilities and other plant rooms/stores. The digester and digestate tanks will be constructed of either concrete or clad with dark green coloured steel sheeting with dark green or grey roof coverings and the silage clamp will be concrete with removable heavy duty polythene covers.

The site will primarily be hardstanding and the surface water runoff from roofs and roads will go to a two stage Sustainable Urban Drainage System which will discharge into an existing water course. The silage clamps and unloading area including the feeders will have a separate drainage system with the "dirty" water going into the digesters and any storm water into the digestate storage tanks. The site will be secured by a security fence.

Planning permission 2016/0070/TP approves access to the site taken direct off the A77 with alterations to the existing junction that currently leads to the Waste Transfer Station. In addition there will be alterations to ground levels with some parts of the site excavated and other parts raised. These aspects of the development are to remain unaltered.

The feedstocks are to be delivered from farms by lorries and approximately 32,000 tonnes of digestate would be tankered back to the farms. It has been indicated that the supply farms are located between 4 miles to 30 miles from the site. In order to operate the facility, between 7 and 9 lorries a working day would deliver the grass silage/beet/wheat straw from contracted farms (and leave empty) and 6 to 7 tankers a day would arrive empty and leave with digestate to be returned to the contracted farms each working day. No deliveries should be made on Saturdays or Sundays. It is indicated all of the lorry traffic associated with the development would access the A77 via the A726 Glasgow Southern Orbital (Maidenhill – East Kilbride) or via the M77, leaving/joining at Junction 5. The applicant has also indicated that no lorry traffic is to pass through nearby residential areas.

There would therefore be a total of 26 to 30 lorry movements each working day that equates to an average of 3 lorry movements per hour over the ten hour working day, or one vehicle movement every 20 minutes.

Scottish Planning Policy

Scottish Planning Policy (SPP) introduces a presumption in favour of development that contributes to sustainable development and indicates that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place but not to allow development at any cost.

Scottish Planning Policy advises that development plans should support a diverse range of renewable energy projects and ensure that an area's potential to accommodate them is realised and optimised. Development Plans should set out the factors to be taken into account in considering proposals for energy developments.

The SPP indicates that decisions should be guided by a number of principles. The most relevant to this application are considered to be: the scale of contribution to renewable energy targets; effect on greenhouse gas emissions; impacts on communities and individual dwellings, including visual impact, residential amenity and noise; landscape and visual impacts; and impacts on road traffic and trunk roads.

The Scottish Government Policy on Renewable Energy is contained in Scottish Planning Policy (SPP) and the current target is for 30% of Scotland's overall energy demand to be generated from renewable sources by 2020; 11% of heat demand from renewable sources by 2020; with the equivalent of 100% of electricity demand from renewable sources by 2020. It is considered that in general terms the proposed development will contribute to the Scottish Government's aim for 30% of overall energy demand generated by renewable sources.

East Renfrewshire Local Development Plan (2015)

One of the key objectives of the adopted Local Development Plan (LDP) is to promote sustainable development and reduce carbon emissions. The policies of the LDP therefore support the key objectives. An assessment of the proposed development under 2016/0070/TP was made against the relevant policies (Strategic Policy 1, Strategic Policy 2, Policies D3, D1, D9 and E1) and the biogas plant was considered to accord with these policies and to be an acceptable development at this location. The LDP policy context has not changed since the approval of 2016/0070/TP and there is an extant planning permission. It is therefore considered that the principle of the development does not have to be re-examined and what is being considered in this application is the additional use of wheat straw and digestate in the production of the biogas/biomethane.

Consultation responses

In terms of the change in the feedstocks and the use of digestate in the process the Council's Environmental Health Service and SEPA have been consulted. The Council's Environmental Health Service has reviewed the application and supporting Odour Management Plan Rev2 (OMP) that sets out the measures required to control any odour associated with the operation of the planned biogas plant.

Environmental Health understand that the OMP will be published as a working document to detail practices for managing odour issues on-site and will be used as a reference document for operational staff on a day-to-day basis. If the feedstock mix and starter inoculation has to change in the future Environmental Health recommends that a new OMP be required to be submitted and approved. The abatement methods detailed in the OMP for control of odours are well described and accepted. However concern has been raised about two areas that do have potential for odour production and release:

1. Release of headspace gas to the atmosphere during filling of tanks and tankers
2. Release of odours during the maceration of wheat grass

Environmental Health indicates that it is difficult to assess the extent and strength of potential odours from these two stages within the process. However the methodology detailed within the OMP and, in particular, focus on odour monitoring/complaint investigation should ensure that

nearby properties are not adversely affected by odours arising from operations associated with this development.

SEPA has indicated that they have no objection and no issue regarding the use of digestate, instead of cattle slurry, to initiate the process on site. SEPA has however highlighted that information submitted for condition 17 (site drainage) of planning permission 2016/0070/TP has not been agreed. If this application is approved a condition can be attached in relation to the proposed site drainage.

In addition the Council's Roads Service has indicated that as there is to be less feedstocks per annum compared to the previous proposal with 12% fewer traffic movements. The Roads Service has no objections to the amendment to condition 10 as there are to be no negative impacts on the roads network.

Representations

In terms of the representations received the following comments are made.

Use of waste materials/household waste/commercial waste/cattle slurry: no household or commercial waste is to be used in the process and although cattle slurry was initially proposed to be used in this application this has been changed with digestate to be used instead.

Pollution/health impacts/odours: the Council's Environmental Health Service has been consulted on this application, considered the supporting information and has not objected to the application.

Impact on roads/increase in traffic/danger to cyclists: the Council's Roads Service and Transport Scotland have been consulted on this application and have not objected to the application.

Change in condition prompted by financial reasons/questions viability of the plant: these are not material planning considerations in determining this application.

Noise: the Council's Environmental Health Service has been consulted on the application and has not raised any issues regarding noise generation.

Not a suitable development in a greenfield site/this location: the principle of the development has already been established in the determination of the previous planning application 2016/0070/TP. This principle is not being re-considered in this application.

Requirement for all tanks containing liquids whose spillage could be harmful to the environment to be bunded: the drainage for the development can be addressed by a planning condition.

Change in the condition allows carte blanche to use an indefinite range of feedstocks: condition 10 of planning permission 2016/0070/TP allowed the use of feedstocks but not waste materials. The change sought by the developer to generate the biogas/biomethane can still be addressed by a planning condition with similar wording to condition 10 of the previous planning permission.

No precise details of amount of digestate required or vehicle movements required to transport the digestate: the applicant has indicated the volume range of digestate that may be required. The applicant has acknowledged that it is difficult to predict the precise volume required to start the process because it is dependent on the type and concentration of the appropriate microbes contained within it. This explanation is noted and accepted. In addition the Council's Roads Service and Transport Scotland have been consulted on this application and have not objected to the application.

Overall conclusion

The principle of the biogas plant at this location has been established in the previous planning permission 2016/0070/TP. Having considered all of the above the additional use of wheat straw and digestate in the production of the biogas/biomethane this is considered to be acceptable and is not considered to have an adverse impact on the surrounding area.

As this is a new planning decision, conditions are necessary to be attached as they relate to this proposal with a number of conditions repeated from the previous planning permission 2016/0070/TP as well as other conditions relating to similar matters covered by conditions of 2016/0070/TP. This is irrespective of whether details for some of the conditions of 2016/0070/TP have been approved.

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None

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. Development shall not commence until a scheme of landscaping works in the area outwith the boundaries of the application site 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;
 - 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;
 - v) Proposed levels; and
 - vi) 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.

4. Development shall not commence until details of all external lighting (including details of the lighting units, the angle and intensity of illumination and hours of operation) have been submitted to and approved in writing by the planning authority. Thereafter the lighting shall be implemented as approved.

Reason: In order to ensure that the lighting is acceptable at this location and to protect the amenity of the surrounding area.

5. Development shall not commence until details of the route of the pipe connecting the development to the gas network to the south of the site have been submitted to and approved by the planning authority. The details shall include the depth and width of excavation across the selected route. Thereafter the approved details shall be fully implemented prior to the operation of the biogas plant.

Reason: To ensure that the route of the pipe is acceptable at this location

6. 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.

7. Development shall not commence until details of the alterations to the access onto the A77 have been submitted to and approved in writing by the planning authority. Thereafter the approved alterations shall be fully implemented on site prior to the first operation of the biogas plant hereby approved.

Reason: In the interests of roads safety.

8. For the avoidance of doubt a footway shall be provided from the site office to the shared use path on the A77 Ayr Road. Development shall not commence until details of this footpath have been submitted to and approved in writing by the planning authority. Thereafter the approved footpath shall be fully implemented prior to the first operation of the biogas plant.

Reason: In the interests of roads and pedestrian safety.

9. Development shall not commence until a lining and signing drawing is submitted to and approved in writing by the planning authority. The recommendations from the Road Safety Audit are to be incorporated within the lining and signing layout. Thereafter the approved lining and signing shall be fully implemented prior to the first operation of the biogas plant.

Reason: In the interests of roads safety.

10. Development shall not commence until details of the type of digestate to be used to start the biological treatment of the feedstocks have been submitted to and approved in writing by the planning authority. For the avoidance of doubt the approved digestate shall only be used to start the biological treatment and for periodic injection in the process thereafter. During the operation of the biogas plant any change to the type of digestate to be used shall be notified in advance by the developer/operator to be approved by the planning authority.

Reason: In the interests of residential amenity.

11. For the avoidance of doubt the biogas plant hereby approved shall only be supplied by agricultural feedstocks/crops, agricultural residues and agricultural by-products (including wheat straw), horticultural residues and horticultural by-products. No waste materials, including cattle slurry or animal slurry, household waste or commercial waste, shall be used.

Reason: In the interests of residential amenity.

12. The Odour Monitoring arrangements and Complaints Investigation procedure specified in Sections 6 and 7 of the Odour Management Plan (June 2018) shall be implemented fully during the operation/lifetime of the biogas plant.

Reason: In the interests of residential amenity.

13. Noise from the operation of the biogas plant shall not exceed residential Noise Rating Curve 35 (daytime) and NR25 (night-time) as (described in BS 8233: 2014), as measured from any neighbouring property.

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

14. Development shall not commence until a site investigation of the nature and extent of any ground contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the planning authority. The results of the site investigation shall be submitted to the planning authority before any development begins. 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 permitted 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.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the planning authority. The remediation of the site shall incorporate the approved additional measures.

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

15. No development shall take place 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 recovery of archaeological resources within the development site is undertaken unless otherwise agreed in writing by the planning authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to identify and protect any archaeological remains and to allow the planning authority to consider this matter in detail.

16. 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.

Reason: To prevent noise nuisance to the surrounding area.

17. Development shall not commence until details of vehicle wheel cleaning facilities and a road cleaning strategy have been submitted to and approved in writing by the planning authority. Thereafter the approved vehicle wheel cleaning facilities and road cleaning strategy shall be implemented as approved. All construction vehicles exiting the site shall have all tyres and wheels cleaned before entering the road.

Reason: To ensure mud and deleterious materials are not transferred to the road.

18. Development shall not commence until specific details of the site drainage arrangements are submitted to and approved in writing by the planning authority in consultation with SEPA. The submitted details shall include the size of the bund as well as details of the materials it is to be constructed out of, being impermeable and resistant to corrosion. Thereafter the agreed drainage arrangements shall be fully implemented on site before and during operation of the biogas plant.

Reason: To ensure the drainage is acceptable at this location and to avoid pollution to the water environment.

19. Within 6 months of the commissioning or operation of the biogas plant a site decommissioning and restoration scheme shall be submitted to and approved in writing by the planning authority. The submitted scheme shall include specific details of the

removal of all aspects of the development and how the site is to be restored and the timescale for carrying out these works. The agreed site decommissioning and restoration scheme shall be fully implemented when the biogas plant is decommissioned.

Reason: To ensure the decommissioning and restoration scheme is acceptable at this location.

ADDITIONAL NOTES:

The developer is reminded that a separate Road Opening Permit under Section 56 of the Roads (Scotland) Act 1984 is required.

The developer may be required to enter into a Section 96 agreement in order to protect the Council from incurring extraordinary maintenance costs due to the activities associated with the construction/operation of the biogas facility.

The developer is advised that a separate Hazardous Substances Consent may be required under the Planning (Hazardous Substances) Act 1990. The site will require hazardous substances consent if 15 tonnes or more of natural gas, or 25 tonnes or more of LPG is present on site. If no individual hazardous substance is present at or above those quantities, the aggregation rule must be applied to determine whether or not hazardous substances consent is required - see Note 5 to the Notes on Parts 1 and 2 to Schedule 1 of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015.

The developer is reminded that adequate precautions must be taken to prevent nuisance from dust from the construction activities. Further advice on this can be obtained from East Renfrewshire Council Environmental Health Service.

The operator of the pipeline connecting the plant to the National Grid Gas network will have to comply with the requirements of the Pipelines Safety Regulations 1996. If the pipeline falls within the category of a major accident hazard pipeline as defined in those Regulations, then HSE will have to be notified at least six months before construction begins, and HSE will set land use planning consultation zones around the pipeline. Further information on pipeline can be found at <http://www.hse.gov.uk/pipelines/index.htm>

During its construction, and when operational, the biogas plant will be subject to the requirements of the Health and Safety at Work etc Act 1974 and associated legislation. This includes the requirement on the operator of the site to ensure so far as is reasonably practicable, that people in the vicinity are not exposed to risks to their health or safety by activities carried on at the site. Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Other environmental licences may be required for any installations or processes.

Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of SEPA's website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

SEPA ASB
Angus Smith Building
6 Parklands Avenue
Maxim Business Park
Eurocentral
Holytown
North Lanarkshire
ML1 4WQ

With regards to the construction phase of the project it is important to utilise construction SUDS to protect the water environment and also to ensure that any concrete used in the construction works meets the required standard.

The applicant/developer is reminded of the need for further discussions with SEPA on the "consentability" of the development in respect of the discharge of surface water arising at the site. The applicant/developer is reminded that in terms of the storage of solid digestate that work is undertaken in full compliance with the requirements of the Silage, Slurry and Agricultural Fuel Oil Standards. No structure should be sited within 10 metres of the surface water drainage system and/or the water environment.

Street lighting proposals with regards to both the remodelled junction and the A77 must be discussed with East Renfrewshire Council's Project Co-ordinator Traffic & Lighting.

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 Sean McDaid on 0141 577 3339.

Ref. No.: 2018/0065/TP
(SEMC)

DATE: 1st August 2018

DIRECTOR OF ENVIRONMENT

Reference: 2018/0065/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

The Strategic Development Plan indicates that delivering a low, carbon future, in support of the Scottish Government's ambition to achieve at least an 80% reduction in greenhouse gases by 2050, is central to the Vision and Development Strategy of the Plan.

Policy 10 on Delivering Heat and Electricity indicates that in support of the transition to a low carbon economy and realisation of the Vision and Spatial Development Strategy should be given, where appropriate, to alternative renewable technologies and associated infrastructure.

Adopted East Renfrewshire Local Development Plan

Policy Strat1

Local Plan Strategy

Planning Permission for development will only be granted where the Council is satisfied that the proposal is consistent with the "Principles of Sustainable Development" and where there is conformity with the key objectives of this Local Plan.

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.

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 E1

Renewable Energy

The council will support renewable energy infrastructure developments, including micro-renewable energy technologies on individual properties, wind turbine developments, hydro electric, biomass and energy from waste technologies in appropriate locations. The assessment of applications for such developments will be based on the principles set out in Scottish Planning Policy (2014), in particular, the considerations set out at paragraph 169 and additionally, for onshore wind developments, the terms of Table 1: Spatial Frameworks. Where appropriate, the applicant will be

required to submit satisfactory mitigation measures to alleviate any adverse environmental impacts.

The council will prepare statutory supplementary guidance which accords with the Scottish Planning Policy (2014), and which contains the full spatial framework for onshore wind energy, sets policy considerations against which all proposals for renewable energy infrastructure developments will be assessed, and provides further detailed information and guidance on renewable energy technologies

GOVERNMENT GUIDANCE:

Scottish Planning Policy (2014) states that development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.

The planning system should:

support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:

- 30% of overall energy demand from renewable sources by 2020;
- 11% of heat demand from renewable sources by 2020; and
- the equivalent of 100% of electricity demand from renewable sources by 2020;

support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity - and the development of heat networks;

guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;

help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:

- Energy efficiency;
- Heat recovery;
- Efficient energy supply and storage;
- Electricity and heat from renewable sources; and
- Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

Local Development Plans should support new build developments, infrastructure or retrofit projects which deliver energy efficiency and the recovery of energy that would otherwise be wasted both in the specific development and surrounding area. They should set out the factors to be taken into account in considering proposals for energy developments. These will depend on the scale of the proposal and its relationship to the surrounding area and are likely to include the considerations set out at paragraph 169 of SPP (2014).

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REPORT OF HANDLING

Reference: 2018/0237/CAC

Date Registered: 17th April 2018

Application Type: Conservation Area Consent

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 257435/:651917

Applicant/Agent:

Applicant:

Mr & Mrs G. Smith

Myers Lodge

Over Enoch Road

Eaglesham

East Renfrewshire

G76 0PW

Agent:

Jewitt & Wilkie Limited

38 New City Road

Glasgow

Scotland

G4 9JT

Proposal: Complete demolition of garage building (conservation area consent)

Location:

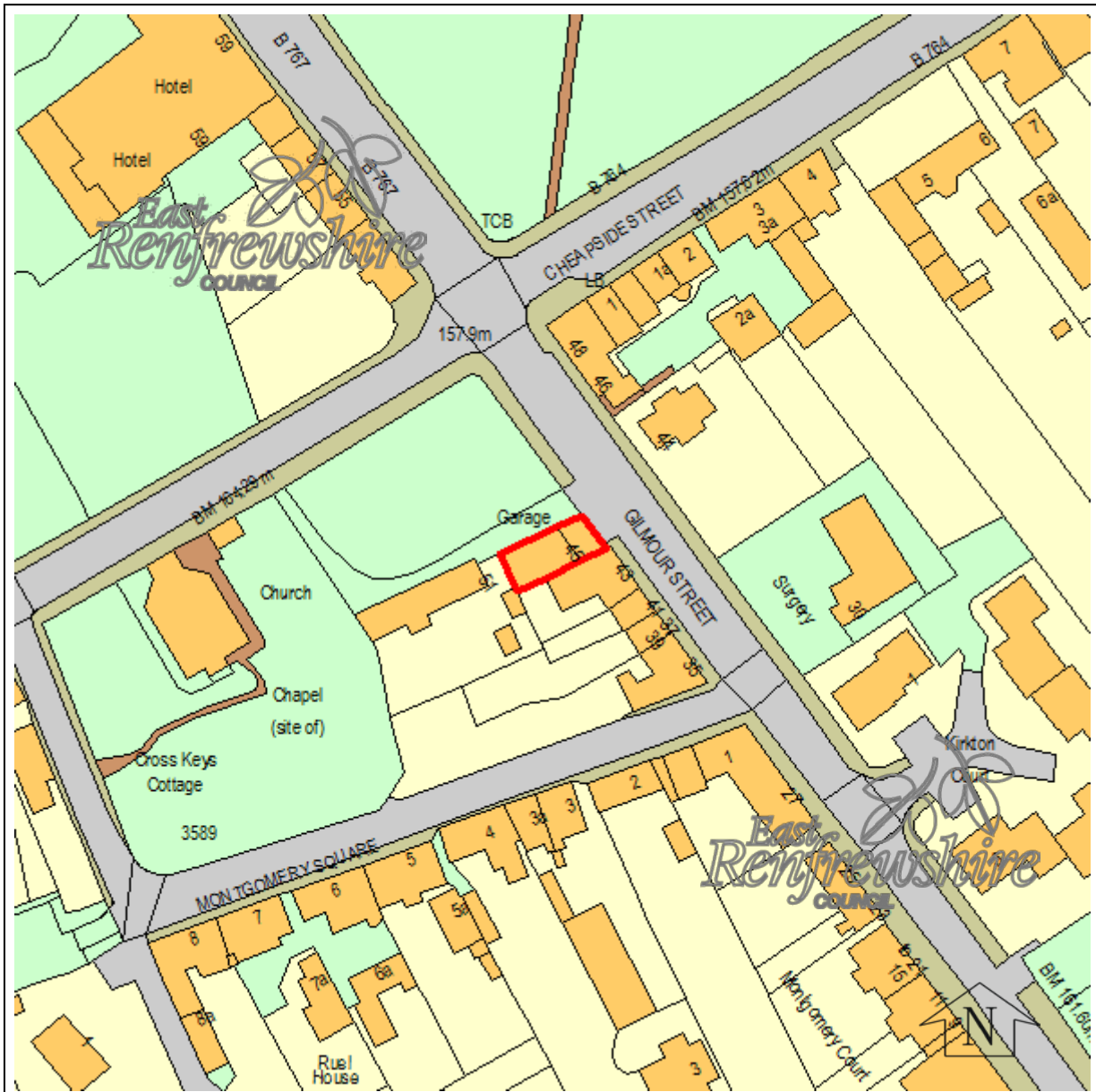
Cross Garage

45 Gilmour Street

Eaglesham

East Renfrewshire

G76 0AA



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CONSULTATIONS/COMMENTS:

Historic Environment Scotland	No objection
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PUBLICITY:

18.05.2018	Glasgow and Southside Extra	Expiry date 08.06.2018
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SITE NOTICES:

Conservation Area Consent	Date posted 18.05.2018	Expiry date 08.06.2018
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SITE HISTORY:

2018/0238/TP	Erection of two storey restaurant following demolition of existing garage	Pending consideration
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REPRESENTATIONS: 8 representations have been received: Representations can be summarised as follows:

Design of restaurant building and impact on conservation area
 Layout of building and impact on neighbours
 No parking for customers and deliveries
 Increase in traffic/traffic safety
 Increase in noise/smell
 Demolition will involve hazards to neighbourhood and remove access in the surrounding area
 No access for demolition or construction
 Concerns at removal of asbestos roof
 Possible structural damage to attached buildings
 No fire exits in proposed building
 Overshadowing
 Overlooking
 Contrary to policy
 The garage currently operates as a garage and the owner is not to retire

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS: None

ASSESSMENT:

This application has to be determined by the Planning Applications Committee as it is associated with planning application 2018/0238/TP which is also has to be determined by the Committee.

Conservation Area Consent is required for the complete or substantial demolition of unlisted buildings in conservation areas. The garage building is to be demolished in association with the erection of a restaurant in its place and which has been applied for under 2018/0238/TP.

The existing garage building is located on the south side of Gilmour Street, within the Eaglesham Conservation area, to the south of the signalised road junction. The garage building abuts the gable of a row of two storey properties that front Gilmour Street. There is an area of walled off open space/garden ground to the north between the garage building and Montgomery Street. Eaglesham Parish Church is located to the west. The garage building itself has white painted

walls and a cement fibre hipped roof. The roof projects beyond the front wall of the garage building forming a canopy. To the immediate north of the building a lane/driveway serves an existing single storey dwellinghouse (known as Kirkstyle which is a C(s) listed building) that fronts the abovementioned open space/garden.

Scottish Planning Policy (SPP) on Valuing the Historic Environment indicates that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. SPP goes on to indicate that where demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

This approach is repeated in the advice published by Historic Environment Scotland. This advice goes on to indicate that demolition should not begin until evidence is given of contracts either for the new development or for appropriate long-term treatment as open space where that outcome conforms to the character of the area.

Policies D1(1) and D11 of the adopted East Renfrewshire Local Development Plan are relevant to the determination of this application. Policy D1(1) states that development should not result in a significant loss of character or amenity to the surrounding area and Policy D11 states that the Council will safeguard the special character of the Conservation Area. Development likely to adversely affect conservation areas will be resisted. The adopted Management and Protection of the Built Environment Supplementary Planning Guidance (June 2015) (SPG) is also relevant. The SPG indicates that development and demolition within a conservation area shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan. The SPG goes on to indicate that no building should be demolished in a conservation area unless it can be demonstrated that:

- the building is of little townscape value and does not contribute to the character of the conservation area;
- or the repair of the building is not economically viable;
- or the form or location of the building make its re-use extremely difficult;
- and the replacement scheme will preserve and enhance the special character of the conservation area.

In the Eaglesham Conservation Area Appraisal (July 2017) the garage building is not listed as a "key building" although the neighbouring Kirkstyle is. The garage building is readily visible at this part of the conservation area primarily because of its location as well as being close to a road junction and adjacent to the open space/garden. The white painted walls and dark colour roof reflect the character of the surrounding buildings however the building is unremarkable and not one of architectural merit and is not considered to be a landmark building. The contribution of the garage building to the character and appearance of the conservation area is therefore considered to be limited.

Historic Environment Scotland has been consulted on the application and has indicated the building appears to include fabric of an earlier building and its footprint follows the historic rig pattern. Historic Environment Scotland considers the building has some historic value however its contribution to the character of the conservation area is modest. Historic Environment Scotland therefore has not objected as the application does not raise historic environment issues.

It should be noted that a number of representations to this particular application refer to the proposed restaurant building in its place. Any comments regarding the design, appearance and impact of the proposed restaurant building are more appropriately considered in the assessment of planning application 2018/0238/TP. This application for Conservation Area Consent can only consider whether the actual demolition of this unlisted building is appropriate at this location. In terms of the representations that relate specifically to the demolition of the existing building the manner in which the building is to be demolished is not a material consideration in this application.

Any access through another property/land to carry out the demolition will have to be agreed separately between the parties involved. Should there be any asbestos present this will have to be removed in full compliance with the Control of Asbestos Regulations by a licensed contractor and disposed of in accordance with Special Waste Regulations. Any licenses required and the regulation of these matters is controlled separately by the Health and Safety Executive. Should there be any structural damage to attached buildings as a result of the demolition this is again a matter that needs to be resolved between the parties involved.

Overall conclusion

Having taken all of the matters above into account it is considered that it is acceptable to demolish this garage building. The existing building is considered to have a limited contribution to the character and appearance of the conservation area and its removal will have a limited visual impact on the conservation area. It is however considered necessary to attach a condition relating to how the site is to be treated after demolition should any new building not be erected.

Whether the proposed restaurant building in its place is an acceptable development will be assessed in the separate planning application 2018/0238/TP.

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None

CONDITIONS:

1. There shall be no demolition work or offloading/uploading of demolition materials at the 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.

Reason: To prevent noise nuisance to the surrounding area.

2. Upon completion of the demolition all demolition materials shall be completely removed from site with the site levelled and well compacted.

Reason: In the interests of amenity to the surrounding area.

3. Dust suppression measures shall be fully employed on site during the demolition operations.

Reason: To protect nearby dwellinghouses from disturbance.

4. There shall be no burning on site during demolition operations unless agreed in advance in writing by the planning authority.

Reason: To protect nearby dwellinghouses from disturbance.

5. Within two months of the completion of the demolition hereby approved details of how the site is to be finished/landscaped shall be submitted to and approved in writing by the planning authority. The submitted details shall include the timescales for carrying out the works including how the exposed gable wall of the adjacent building is to be finished. Thereafter the approved details shall be fully implemented on site.

Reason: To ensure the site is finished/landscaped after demolition.

ADDITIONAL NOTES:

All waste arising from the demolition activities must be removed by a licensed waste carrier.

The applicant/developer is reminded that any asbestos materials have to be removed in full compliance with the Control of Asbestos Regulations by a licensed contractor and disposed of in accordance with Special Waste Regulations. Any licenses required and the regulation of these matters is controlled by the Health and Safety Executive.

The applicant/developer is reminded there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow Historic Environment Scotland the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encouraged to complete and return the Consent Application Referral Form found at www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme.

Should any petroleum or diesel tanks be discovered below ground level the applicant/developer is advised to contact East Renfrewshire Council Trading Standards for further advice.

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 Sean McDaid on 0141 577 3339.

Ref. No.: 2018/0237/CAC
(SEMC)

DATE: 1st August 2018

DIRECTOR OF ENVIRONMENT

Reference: 2018/0237/CAC - 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 D11

Management and Protection of the Built Heritage

The Council will safeguard the special character of conservation areas and the Netherlee Article 4 Direction Area; sites included on the Inventory of Gardens and Designed Landscapes; scheduled monuments and archaeological sites; and listed buildings and their settings. Development likely to adversely affect these assets will be resisted.

Further detailed information and guidance is provided in the Management and Protection of the Built Heritage Supplementary Planning Guidance.

The Council will seek to secure the implementation of the environmental protection projects shown on the Proposals Map and listed in Schedule 5

GOVERNMENT GUIDANCE:

Scottish Planning Policy on Conservation Areas indicates that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

REPORT OF HANDLING

Reference: 2018/0238/TP

Date Re-registered: 24th May 2018

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 257435/:651917

Applicant/Agent:

Applicant:

Mr & Mrs G. Smith

Myres Lodge

Over Enoch Road

Eglesham

East Renfrewshire

G76 0PW

Agent:

Jewitt & Wilkie Limited

38 New City Road

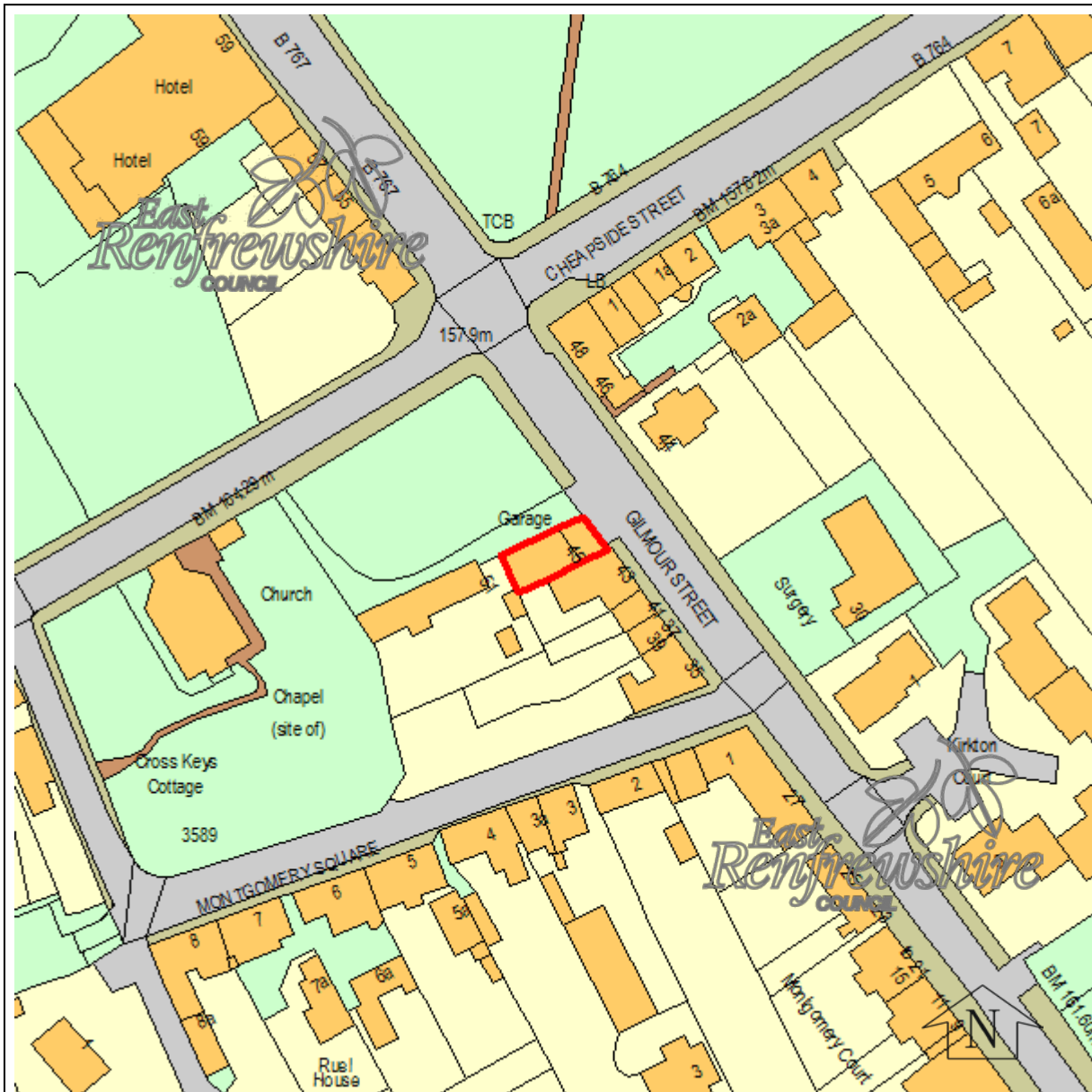
Glasgow

Scotland

G4 9JT

Proposal: Erection of two storey restaurant following demolition of existing garage

Location: Cross Garage
45 Gilmour Street
Eglesham
East Renfrewshire
G76 0AA

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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service	No objection.
East Renfrewshire Council Environmental Health Service	No objection subject to conditions.

PUBLICITY:

08.06.2018	Glasgow and Southside Extra	Expiry date 29.06.2018
25.05.2018	Glasgow and Southside Extra	Expiry date 15.06.2018

SITE NOTICES:

Development within a Conservation Area	Date posted 08.06.2018	Expiry date 29.06.2018
Development within a Conservation Area	Date posted 25.05.2018	Expiry date 15.06.2018

SITE HISTORY:

2018/0237/CAC	Complete demolition of garage building (conservation area consent)	Pending consideration
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REPRESENTATIONS: 26 representations have been received: Representations can be summarised as follows:

Design of restaurant building and impact on conservation area/views of church
 Layout of building and impact on neighbours
 No parking for customers and deliveries
 Increase in traffic/traffic safety
 Light pollution
 Impact on air quality
 Increase in noise/smells
 Demolition will involve hazards to neighbourhood and remove access in the surrounding area
 No access for demolition or construction
 Concerns at removal of asbestos roof
 Possible structural damage to attached buildings
 No fire exits shown/lack of toilets
 Overshadowing/loss of light
 Overlooking
 Contrary to policy
 Set a precedent
 Questions need for proposed restaurant
 The garage currently operates as a garage and the owner is not to retire
 May put additional pressure on infrastructure (water, sewage, electricity and gas usage)

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Design Statement: This Statement describes the rationale for the design of the proposed restaurant taking into consideration its location and context.

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 existing garage building is located on the south side of Gilmour Street, within the Eaglesham Conservation area, to the south of the signalised road junction. The garage building abuts the gable of a row of two storey properties that front Gilmour Street. There is an area of walled off open space/garden ground to the north between the garage building and Montgomery Street. Eaglesham Parish Church is located to the west. The garage building itself has white painted walls and a cement fibre hipped roof which is 6.3m high. The roof projects beyond the front wall of the garage building forming a canopy adjacent to the footpath along Gilmour Street. To the immediate north of the building a lane/driveway serves an existing single storey dwellinghouse (known as Kirkstyle which is a C(s) listed building) that fronts the abovementioned open space/garden.

Permission is sought to erect a restaurant building, incorporating seating/tables at both ground and upper floor levels, following demolition of the existing garage building. The proposed restaurant is to be erected in the same position as the existing garage and is to be generally rectangular in shape although the front elevation is tapered to follow the footpath running along Gilmour Street. At ground floor level the front elevation of the proposed building abuts the footpath running along Gilmour Street. At upper floor level the front elevation is set back creating a flat roof section.

Along its south side the restaurant is to be approximately 15m long and along its north side approximately 13.9m long. The restaurant is to be approximately 8m wide with a pitched roof 7.5m high to ridge level. Although the ridge line of the proposed restaurant building is higher than the existing garage building it is below the ridge line of the adjacent properties. At the rear of the proposed building there is to be a chimney approximately 9.25m at its highest point above ground level. Along the north facing roof slope there are to be six rooflights.

The external materials are indicated as white render on the walls with slates on the roof. There are to be areas of timber cladding on the front elevation at ground and upper floor level as well as along part of the north facing elevation at ground floor level where a large window is proposed. There is no off-street parking associated with the proposed development.

It has been indicated that the intended opening hours are to be 12.00hrs to 00.00hrs Mondays to Saturdays and 12.30hrs to 00.00hrs on Sundays. The applicant has however indicated in the Design Statement that the hours of operation stipulated by the Council will be strictly adhered to.

Scottish Planning Policy (SPP) on Valuing the Historic Environment indicates that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

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 site is located in the general urban area of Eaglesham covered by Policy D2. Policy D2 indicates that development will be supported within the general urban area 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 D1(1) states that development should not result in a significant loss of character or amenity to the surrounding area and Policy D11 states that the Council will safeguard the special character of the Conservation Area. Development likely to adversely affect conservation areas will be resisted. The adopted Management and Protection of the Built Environment Supplementary Planning Guidance (June 2015) (SPG) is also relevant. The SPG indicates that development and demolition within a conservation area shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan. The SPG goes on to indicate that no building should be demolished in a conservation area unless it can be demonstrated that:

- the building is of little townscape value and does not contribute to the character of the conservation area;
- or the repair of the building is not economically viable;
- or the form or location of the building make its re-use extremely difficult;
- and the replacement scheme will preserve and enhance the special character of the conservation area.
-

In the Eaglesham Conservation Area Appraisal (July 2017) the existing garage building is not listed as a "key building" although the neighbouring Kirkstyle is. The garage building is readily visible at this part of the conservation area primarily because of its location as well as being close to a road junction and adjacent to the open space/garden. The white painted walls and dark colour roof reflect the character of the surrounding buildings however the building is unremarkable and not one of architectural merit and is not considered to be a landmark building. The contribution of the garage building to the character and appearance of the conservation area is therefore considered to be limited.

In terms of the visual impact it is acknowledged that the proposed restaurant building is different in appearance from the existing garage building primarily as a result in the change in roof design and the increase in the ridge. However the proposed building is lower in height than the attached properties. The proposed building picks up on the character of the surrounding area through the use of the slate roof and white render on the walls. The use of the timber cladding is limited and is not considered to be an intrusive feature given its limited use on parts of the building. The visual impact of the proposed building is considered to be localised, will not adversely affect the views available to nearby listed buildings and does not have a significant impact on the conservation area or the wider area.

The use of the restaurant has the potential to result in disturbance to nearby residential properties primarily as a result of opening hours later into the evening. Although the applicant has indicated intended opening hours until midnight each day it is considered that this is too late particularly when this is a new use and later opening hours are proposed than the existing garage. The Council's Environmental Health Service has been consulted on the application and has not objected on the grounds of possible noise nuisance. Environmental Health has recommended a condition regarding noise levels from plant/equipment used in the premises and has indicated that operating times of the business should be restricted to reduce the likelihood of noise nuisance to nearby residents.

In order to strike a balance between the operational requirements of the restaurant business and to reduce the likelihood of noise nuisance to nearby residential properties it is considered that the operating hours should be restricted to 10pm each day. This can be addressed by a planning condition should this application be approved. In addition a condition regarding noise levels from plant/equipment used in the premises can also be attached should planning permission be approved. It is considered that the use of these conditions will lessen the potential impact of the use of the premises on the surrounding area.

Should the applicant/operator wish to open later once the business has become established a further application to amend the condition can be submitted for consideration with appropriate supporting information.

The proposed development does not include dedicated parking or a service yard/area as a result of the site characteristics. The Council's Roads Service has been consulted on the application and has not objected to the proposed development. Roads Service has indicated there are formal no

waiting (parking) restrictions, between the hours of 8am to 10pm, currently in force on both sides of Gilmour Street extending from the other side of the small access adjacent to the garage to the nearby traffic signal controlled junction. The Council's Roads Service acknowledges there is no off-street car parking to be provided as part of the proposed development however there is the potential for vehicles to park on adjacent or nearby streets without causing an obstruction or impeding the flow of traffic.

Representations

With regard to the representations received that have not already been addressed in the assessment above the following comments are made.

Light pollution: as the proposed building is located in an existing urban area in the same position as the existing garage it is not considered that it will result in significant light pollution.

Impact on air quality/smells: the Council's Environmental Health Service has been consulted on the application and has indicated a ventilation and extract system is required which does not cause nuisance to nearby properties arising from cooking odours. If planning permission is approved this can be addressed by a planning condition.

Demolition will involve hazards to neighbourhood and remove access in the surrounding area: any access through another property/land to carry out the demolition will have to be agreed separately between the parties involved.

No access for demolition or construction: this is not a material consideration in determining this application. This will have to be agreed separately between the parties involved.

Concerns at removal of asbestos roof: should there be any asbestos present this will have to be removed in full compliance with the Control of Asbestos Regulations by a licensed contractor and disposed of in accordance with Special Waste Regulations. Any licenses required and the regulation of these matters is controlled separately by the Health and Safety Executive.

Possible structural damage to attached buildings: should there be any structural damage to attached buildings as a result of the demolition/construction this is again a matter that needs to be resolved between the parties involved.

No fire exits shown/lack of toilets: the internal layout and facilities to be provided will be assessed under any separate application for a building warrant.

Overshadowing/loss of light: given the location and orientation of the proposed building it is not considered that there will be significant overshadowing or loss of light.

Overlooking: it is not considered that the proposed development will result in overlooking of neighbouring properties.

Set a precedent: this is not a material consideration in determining this application. Should a similar application be received it will be assessed against the relevant development plan policies and any material planning considerations at that time.

Questions need for proposed restaurant: this is not a material consideration in determining this application. The applicant has made a commercial decision in applying for this development and whether it becomes established in due course will depend on patronage and other factors outwith the consideration of this application.

The garage currently operates as a garage and the owner is not to retire: this is not a material consideration in determining this application.

May put additional pressure on infrastructure (water, sewage, electricity and gas usage): this is not a material consideration in determining this application. The developer/operator will have to apply separately to the infrastructure providers to connect the restaurant to these services. It is

the responsibility of the infrastructure provider in question to approve/agree any connections to their infrastructure.

Overall conclusion

Having taken all of the matters above into account it is considered that it is an acceptable development at this location.

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None

CONDITION(S):

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. There shall be no demolition/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.

Reason: To prevent noise nuisance to the surrounding area.

3. Upon completion of the demolition all demolition materials shall be completely removed from site with the site levelled and well compacted.

Reason: In the interests of amenity to the surrounding area.

4. Development shall not commence until exact details and specification of all ventilation and extraction systems to serve the premises, together with the proposed odour mitigation measures, have been submitted to and approved in writing by the planning authority. For the avoidance of doubt any noise from ventilation equipment or any other equipment associated with the premises must not exceed NR35 (as described in BS8233: 2014) as measured at any residential property during the hours of 0700 - 2300, or exceed NR25 between the hours of 2300 and 0700. Thereafter the approved details shall be fully implemented prior to the premises first opening and retained according to the approved details in perpetuity.

Reason: To protect local residents from nuisance resulting from cooking odours.

5. The use hereby approved shall not be open to the public after 10pm each day unless otherwise minor and temporary amendments are otherwise agreed in advance in writing by the planning authority. The premises shall be vacated within one hour of closure to the public.

Reason: To protect adjacent dwellinghouses from noise/disturbance.

6. Development shall not take place until a site investigation of the nature and extent of any contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the planning authority. The results of the site investigation shall be made available to the planning authority before any development begins. 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 permitted 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. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: In the interests of public health.

ADDITIONAL NOTES:

The applicant/operator is reminded to contact East Renfrewshire Council Environmental Health Service prior to commencing any work on the property to ensure that the premises will comply with relevant food hygiene and health and safety requirements. The business requires to register 28 days prior to commencing business.

The applicant/developer is reminded there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow Historic Environment Scotland the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encouraged to complete and return the Consent Application Referral Form found at www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme.

Should any petroleum or diesel tanks be discovered below ground level the applicant/developer is advised to contact East Renfrewshire Council Trading Standards for further advice.

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 Sean McDaid on 0141 577 3339.

Ref. No.: 2018/0238/TP
(SEMC)

DATE: 1st August 2018

DIRECTOR OF ENVIRONMENT

Reference: 2018/0238/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 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 D11

Management and Protection of the Built Heritage

The Council will safeguard the special character of conservation areas and the Netherlee Article 4 Direction Area; sites included on the Inventory of Gardens and Designed Landscapes; scheduled monuments and archaeological sites; and listed buildings and their settings. Development likely to adversely affect these assets will be resisted.

Further detailed information and guidance is provided in the Management and Protection of the Built Heritage Supplementary Planning Guidance.

The Council will seek to secure the implementation of the environmental protection projects shown on the Proposals Map and listed in Schedule 5

GOVERNMENT GUIDANCE:

Scottish Planning Policy on Conservation Areas indicates that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

REPORT OF HANDLING

Reference: 2018/0340/TP

Date Registered: 30th May 2018

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 254766/:656059

Applicant/Agent:

Applicant:

Mr & Mrs McGraddie

C/o DTA Chartered Architects Ltd

Agent:

DTA Chartered Architects Ltd

9 Montgomery Street

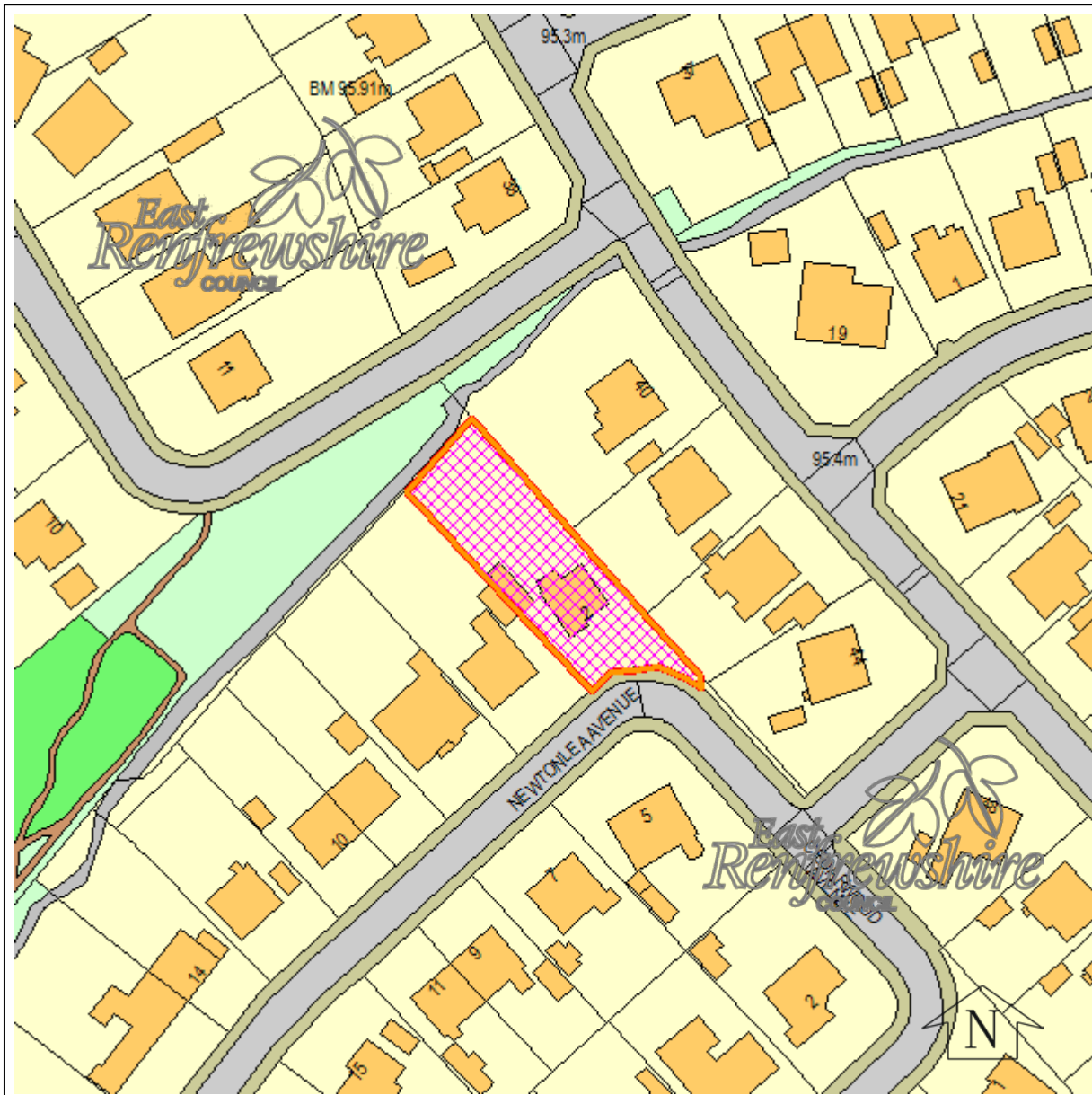
The Village

East Kilbride

G74 4SS

Proposal: Erection of two storey detached dwellinghouse following demolition of existing dwellinghouse

Location: 2 Newtonlea Avenue
Newton Mearns
East Renfrewshire
G77 5QA



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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service No objection subject to conditions.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2018/0041/TP	Erection of two storey detached dwellinghouse following demolition of existing dwellinghouse	Withdrawn	05.04.2018
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REPRESENTATIONS: 16 representations have been received: Representations can be summarised as follows:

Size, scale and design out of character with the area
 Overshadowing
 Overlooking
 Loss of daylight
 Overdevelopment
 Loss of trees
 Public road safety issues during the construction phase
 Precedent
 Sloping nature of site may not support a two storey house
 Detrimental to amenity if development is started and then abandoned
 Ownership of strip of land adjacent to Knowes Avenue

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

A supporting statement has been submitted with the application which describes the site and the proposed development. It explains the design rationale and how it is considered to be in keeping with the character of the wider area. It provides examples of other two storey dwellings elsewhere in Newtonlea Avenue.

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 curtilage and lies within an established residential area. The dwelling is externally finished with brown render and a slate roof. It has a footprint of approximately 100sqm, measuring approximately 10 metres wide by 10 metres deep. The side and rear boundaries are generally characterised by garden planting. The rear garden slopes steeply downwards towards Knowes Avenue. The dwelling sits slightly below the level of the street such that only parts of it are visible from Newtonlea Avenue when viewed from the south east. The dwelling sits adjacent to a bend in Newtonlea Avenue at the north easternmost end before it turns 90 degrees for a short run to the south east. The land to the north east slopes steeply downwards and the adjacent dwellings on Broomvale Drive is at a much lower level.

Newtonlea Avenue runs generally in a south west to north east direction. The houses in the south west portion of Newtonlea Avenue are a mix of 1930s bungalows and villas. A few of the 1930s bungalows in the south west portion of the street have been altered to two storey dwellings. The north eastern part of the street, where the application site is located, is characterised by a variety of bungalows and one and a half storey dwellings dating from the 1950s. Whilst of differing styles, the dwellings in this section of Newtonlea Avenue are characterised by their horizontal emphasis and steeply pitched roofs. They generally have large roof planes relative to their wall areas with low eaves heights.

Planning permission is sought for the erection of a two storey dwelling following demolition of the existing bungalow. The proposed house has the character of a double-fronted villa with a shallow hipped roof and high eaves level. It has a vertical emphasis when viewed from the street. This is informed by upper floor windows aligned vertically above ground floor openings set within projecting bays either side of the central entrance door. It has a footprint of approximately 181 square metres and measures approximately 14 metres wide by 18 metres deep across its greatest dimensions. The ridge height is proposed to be approximately 1.8 metres higher than the existing bungalow. The house is proposed to be externally finished in smooth white render, stone effect details and grey concrete tiles on the roof.

It should be noted that this application has been made following withdrawal of an earlier application 2018/0041/TP. That application was withdrawn by the applicant's agent on 28 March 2018 following advice from the Council's Planning Service that the scale, design and massing of the proposal was unacceptable. In this current application, an upper floor bay window has been removed in an attempt to reduce the massing.

The proposal requires to be assessed with against Policies D1, D2 and D7 of the adopted East Renfrewshire Local Development Plan (LDP) and any material planning considerations.

Policy D1 requires that all development should not result in a significant loss of character or amenity to the surrounding area; the proposal should be of a size, scale and massing in keeping with the buildings in the locality and should respect local architecture, building form, design and materials; the amenity of neighbouring properties should not be adversely affected; and the Council's access and parking requirements should be met.

Policy D2 supports development within the general urban area where compatible with the character and amenity of the area and where it complies with other appropriate local plan policies.

Policy D7 states that new development should incorporate open space provision as set out within the adopted Supplementary Planning guidance: Green Network and Environmental Management (Green Network SPG). The Green Network SPG sets out the minimum standards for private garden sizes. Among other things, the SPG states that there should be a minimum of 2 metres between any new two storey dwelling and the side plot boundaries.

As indicated above, this section of Newtonlea Avenue is characterised by a variety of detached and semi-detached one and a half storey houses. The introduction of a two storey dwelling at this location would not be in keeping with that established character. It is noted that the proposed dwelling has been designed to ensure its ridge height exceeds the height of the adjacent dwelling by only 0.37m. However this has been achieved by the use of a shallow hipped roof. This in contrast to the general form of the adjacent houses which are characterised by their horizontal emphasis, steeply sloping roof planes and low eaves. Whilst the height increase is not considered to be significant, the two storeys with the higher eaves, in conjunction with the increased width of the frontage from approximately 10 metres to 14 metres, gives the proposed dwelling a massing that is considerably greater and which contrast significantly to that of the adjacent houses. The proposed house is therefore considered to be out of character with the surrounding area as a result of its general form and design and by its increased massing. This would result in a visually dominant and incongruous addition to the streetscape. Whilst there are two storey houses in the south west portion of Newtonlea Avenue, those are sufficiently far from the application site as would not lessen the impact of the proposal on the character of the immediate area.

Given the increased massing of the proposed house and that it lies only 1 to 1.2 metres from the north-east boundary, the proposal would cast significant additional shadows over the nearest properties on Broomvale Drive.

Given this impact on character and amenity, the proposal is considered contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan.

It is accepted that the proposed dwelling has full height windows at both ground and first floor levels. Whilst it would be possible to have oblique views over the adjacent gardens from those windows, they nevertheless directly overlook only the applicant's proposed rear garden. The side facing windows serve bathrooms and WCs and will be opaque glazed. The proposal would not be considered to give rise to a significant degree of additional overlooking that would justify a refusal of the application on those grounds.

Policy D7 requires compliance with the open space standards set out in the Green Network SPG. The SPG states that there should be a minimum of two metres from any new dwelling to the side plot boundary. In this instance the dwelling lies between 1m and 1.8m from the side boundaries. The proposal is therefore contrary to Policy D7 of the adopted East Renfrewshire Local Development Plan. Had the proposal been otherwise acceptable in terms of its design and massing, minor changes could have been made to ensure compliance with the SPG.

Whilst Policy D2 supports development within the general urban area, this is subject to proposals complying with all other relevant policies of the Local Development Plan. As noted above, the proposal is contrary to Policy D1 and D7. It therefore does not meet the terms of Policy D2.

In terms of the objections that have been received and have not been addressed above the following comments are made.

The proposal would not be considered to give rise to a significant loss of light to adjacent properties. Had the development been acceptable in terms of its design and massing, changes could have been made to the footprint to comply with the Council's open space standards. The proposal is not considered to represent the over-development of the site. The site is not covered by a Tree Preservation Order. The proposal would not result in a loss of trees as would justify refusal of the application on those grounds. The Council's Roads Service has not objected to the proposal in terms of public road safety. Precedent and ownership are not material planning considerations. The suitability of the ground conditions will be considered at the building warrant stage and is not a material planning consideration. In the event work commenced then was abandoned, the Council could take appropriate action if this became an amenity issue.

In conclusion, the proposal is contrary to Policies D1, D2 and D7 of the adopted East Renfrewshire Local Development Plan. There are no material considerations that are considered to outweigh these policies.

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 i) the proposed two storey dwelling would be a dominant and incongruous addition to the streetscape by virtue of its massing and design, to the detriment of the character and amenity of the area; and ii) the proposed dwelling would give rise to significant additional overshadowing to the detriment of the amenity of the occupiers of the adjacent properties.
2. The proposal is contrary to Policy D2 of the adopted East Renfrewshire Local Development Plan as the proposed dwelling would be a dominant and incongruous addition to the streetscape by virtue of its increased massing and contrasting design, to the detriment of the character and amenity of the area.

3. The proposal is contrary to Policy D7 of the adopted East Renfrewshire Local Development Plan and to the terms of the adopted Supplementary Planning Guidance: Green Network and Environmental Management as the proposed dwelling would lie within 2 metres of each side plot boundary and combined with the increase in massing results in a dominant and incongruous addition to the streetscape which is detrimental to the character and amenity of the area.

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.: 2018/0340/TP
(DESC)

DATE: 1st August 2018

DIRECTOR OF ENVIRONMENT

Reference: 2018/0340/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 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.

GOVERNMENT GUIDANCE: None