

**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**

Application continued from Planning Applications Committee dated 14th February 2018 to be considered on
Planning Applications Committee dated 14th March 2018.

Reference No: 2017/0264/TP

Ward: 2

Applicant:

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East Renfrewshire
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Agent:

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Site: 8 The Laurels, Newton Mearns, East Renfrewshire, G77 6XR

Description: Sub-division of feu and erection of detached dwellinghouse at rear with formation of access from Capelrig Road (planning permission in principle)

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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Network
Manager

No objections subject to conditions relating to visibility splays; submission of a traffic management plan; access to the adjacent dwelling at Todhill; and measures to ensure the public road is kept free from mud and other deleterious material. The Senior Engineer (Structures) has advised that the proposal will not adversely impact the adjacent bridge wing wall.

Crookfur, Greenfarm and Mearns Village
Community Council

Objects to the proposal on the grounds of the sub-division of the plot; the suitability of the site for the development proposed; that the proposed access is a public Right of Way; and that the proposal could increase flood risk in the area.

PUBLICITY:

19.05.2017 Glasgow and Southside
Extra Expiry date 02.06.2017

SITE NOTICES: None.

SITE HISTORY:

2007/0708/TP	Sub division of feu and erection of two storey detached dwellinghouse (in outline)	Refused	24.12.2007
2008/0314/TP	Sub division of feu and erection of two storey detached dwellinghouse (in outline)	Refused	14.07.2008
2014/0475/TP	Sub division of feu and erection of one and a half storey detached dwellinghouse at rear with formation of driveway off Crookfur Road	Refused Local Review dismissed	22.09.2014 19.03.2015
2016/0258/TP	Sub-division of feu and erection of detached dwellinghouse at rear with formation of access from Capelrig Road	Withdrawn	23.06.2016

REPRESENTATIONS: 12 representations have been received and can be summarised as follows:

Development out of keeping with the character and amenity of the area
 Loss of trees within a TPO area
 Loss of wildlife habitat and Local Biodiversity Site
 Impact on public road safety including the stability of the adjacent road embankment
 Impact on the setting of a listed building
 Contrary to development plan policy
 Risk of flooding
 Disruption during the construction phase
 Previous applications on the site have been refused
 Impact on property values
 The applicant does not have ownership or access rights over the site of the proposed access road
 Contrary to title deeds
 The proposed dwelling would be out of character with the other dwellings in The Laurels in terms of its design

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Statement	The Statement outlines the background to the application and assesses it against Development Plan policies. It concludes that the current proposal complies with Local Development Plan Policies and that the previous reasons for refusal and the comments of Local Review Body have been addressed.
Tree Report	The Report describes the condition of the trees within the site and indicates the trees to be retained and felled. It details methods for the protection of trees and their roots during the construction of the proposed access road.
Transport and Structural Inputs Report	Considers the transport and structural impacts of the proposal including the formation of the access road and its impact on the adjacent road embankment. It concludes that the proposal would not adversely affect public road safety or the integrity of the adjacent road structure.

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 two storey detached dwellinghouse and its curtilage and an overgrown strip of land to the east measuring 44 metres by 4 metres that follows the original alignment of Capelrig Road. It lies within an established residential area and in the general urban area as defined in the adopted East Renfrewshire Local Development Plan (LDP). It also lies within the wider Crookfur Tree Preservation Order Area and adjacent to a Local Biodiversity Site.

It is bounded to the south and east by Crookfur Road and Capelrig Road respectively. At this point Capelrig Road is elevated above the eastern strip of land where it crosses Crookfur Road on an over bridge. Further residential development and woodland associated with the nearby dwelling, Todhill, lie to the north. Todhill is a category B listed building. The curtilage, excluding the strip of land, measures approximately 1150 sqm in area. The dwellinghouse is externally finished in brown/red facing brick and brown roofing tiles. The side and rear boundaries of the site are generally characterised by timber fencing and established planting. The dwellinghouse and its curtilage form part of a residential development known as The Laurels which contains eight detached dwellinghouses of varying designs with matching materials, arranged around and fronting a short cul-de-sac.

Planning permission in principle is sought for the sub-division of the curtilage at 8 The Laurels and for the formation of an access road linking the eastern part of the curtilage with the existing access road serving Todhill. The existing access joins Capelrig Road at a point approximately 20 metres north east of its junction with the Crookfur Road spur. Following the proposed sub-division the proposed plot would have an area of 500 sqm and the donor house would retain a plot area of 650 sqm. In order to form the proposed access road, it would be necessary to clear the section of the application site that once formed part of the original Capelrig Road of self-seeded trees and shrubs.

Indicative plans have been submitted in support of the application to illustrate how the applicant considers the sub-division can be achieved; how a one and a half storey dwelling can be accommodated on the proposed plot; and how the proposed plot will be accessed via a proposed extended access road to Capelrig Road.

The application requires to be assessed against Policies D1, D2, D8 and D15 of the adopted East Renfrewshire Local Development Plan and the adopted Supplementary Planning Guidance: Environmental Management and Green Network (SPG) as well as any other material planning considerations.

Policy D1 contains criteria for assessing all development proposals. It states that development should not result in a significant loss of character or amenity to the surrounding area; should be of a size, scale and density in keeping with the buildings in the locality; and that the Council will not accept backland development (ie development without a road frontage).

Whilst the proposal represents the formation of a residential plot within a residential area, the proposal would result in a single plot that sits behind the existing properties. This would therefore be out of character with the established pattern of development in the area. The proposal would also result in a significant loss of the donor house's garden ground to the detriment of its setting and amenity. Notwithstanding the proposed access road, the proposed plot would not have a road frontage and would therefore be considered to be backland development. Given the foregoing, the development would have a detrimental impact on the established character and amenity of the area and as such, the proposal is contrary to Policy D1.

In terms of tree removal, the formation of the proposed access would result in the loss of some self-seeded trees and shrubs in a prominent location at a road junction. However the applicant has submitted a tree survey with the application that indicates that the majority of the trees adjacent to Capelrig Road will be retained. The survey also indicates that the trees within the site post-date the designation of the TPO area. It is therefore considered that the loss of trees would have a minimal impact on the amenity of the wider area.

Policy D2 supports development within the general urban area, as defined within the Local Development Plan where the development is compatible with the character and amenity of the locality and surrounding land uses and where it complies with other appropriate policies of the plan.

In very general terms the proposed sub-division would be compatible with the adjacent residential land uses. However as noted above the proposal would not respect the character of the established pattern of development in the area and would be backland development. As such, the proposal is contrary to Policy D2.

Policy D8 states that there will be a strong presumption against development where it would compromise the overall integrity of Local Biodiversity Sites. The Local Biodiversity site has been designated for its woodland, grassland and wetland habitats. Given the site lies adjacent to, but not within the LBS and involves the removal of self-seeded trees and shrubs, the proposal would not be considered to compromise the integrity of the LBS.

Policy D15 relates to the sub-division of the curtilage of a dwellinghouse. It states that the proposed plot should reflect the established pattern of development in the area and should be of a size and shape capable of accommodating a dwellinghouse. It also states that existing building lines should be respected.

In this instance, the proposed sub-division would result in an eccentric plot that does not respect the pattern of development in the area. As such the proposal is contrary to Policy D15.

The adopted Supplementary Planning Guidance: Environmental Management and Green Network (SPG) sets out open space standards for residential development including single plots. The applicant has submitted an indicative site plan in support of the application. This shows that, in isolation and in general terms, a dwelling could be accommodated within a plot of the size proposed which, with a few adjustments, could comply with the SPG.

However having considered the proposal in context it is contrary to Policies D1, D2 and D15 of the adopted East Renfrewshire Local Development Plan. The application should therefore be refused unless material considerations indicate otherwise. In this case the material considerations are the previous refusals on the site, the consultation responses, the applicant's supporting statements and the representations.

The three previously refused planning applications (2007/0708/TP, 2008/0314/TP and 2014/0475/TP) highlighted concerns about the sub-division of the plot in terms of its impact on character and amenity as well as public road safety. Whilst each application is assessed on its own merits, and the applicant has altered the proposed access arrangements in an attempt to address the road safety issues, the concerns relating to character and amenity still apply. In considering this and the previous applications, the Council's Planning Service has been consistent in assessing the potential for the site for this type of development.

In terms of the comments from the Community Council the area where it is proposed to form the access would not meet the definition of a Right of Way however rights of access would be a private legal matter and would not therefore be a material planning consideration. The proposal would not be considered to represent a significant flood risk and the Roads Service as the flooding authority has not objected to the application.

The points of representation relating to character and amenity, loss of trees, development plan policy, access rights and the previous refusals on the site have been considered above. The Council's Roads Service has not substantiated concerns about public road safety and the stability of the adjacent bridge wing wall and embankment. In terms of the other grounds of objection the following comments are made.

The site lies adjacent to, but not within the Local Biodiversity Site. The removal of the trees and shrubs would not be considered to have a detrimental impact on wildlife habitat. The category B listed building, Todhill, is set back from Capelrig Road within an established, wooded plot. The sub-division and formation of the access would not be considered to have a detrimental impact on the listed building.

If the application were to be approved, conditions could be attached to lessen any disruption during the construction phase. Impact on property values, title deeds restriction and ownership/access rights are not material planning considerations. This is an application for planning permission in principle. Although elevations have been submitted they are as an indicative example of how a dwelling could be located on the proposed plot. As such, the appearance of the dwelling has not been considered.

In conclusion the proposal is contrary to Policies D1, D2 and D15 of the adopted east Renfrewshire Local Development Plan and there are no material considerations that outweigh the Local Development Plan. It is therefore recommended that the application is refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None

REASON FOR REFUSAL:

1. The proposal is contrary to Policies D1, D2 and D15 of the adopted East Renfrewshire Local Development Plan as i) the proposed plot would not follow or respect the established pattern of development in the surrounding area; ii) the proposed sub-division would lead to a significant loss of the donor house's garden ground to the detriment of that property; and iii) the proposal would result in the formation of a plot without a road frontage. The proposed development will therefore have an adverse impact on 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.: 2017/0264/TP
(DESC)

DATE: 7th February 2018

DIRECTOR OF ENVIRONMENT

Reference: 2017/0264/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 solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D2

General Urban Areas

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

Policy D8

Natural Features

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

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

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

Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

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

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

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

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

Policy D15

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

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

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

Existing building lines should be respected.

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

GOVERNMENT GUIDANCE: None

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