

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY7 August 2019Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2019/05CHANGE OF USE OF AREA OF LANDSCAPE AMENITY AREA TO FORMEXTENDED RESIDENTIAL GARDEN GROUND TO THE REAR OF14 AND 16 THREAVE PLACE, NEWTON MEARNS**PURPOSE OF REPORT**

1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 in respect of the application detailed below.

**DETAILS OF APPLICATION**

2. Application type: Full Planning Permission (Ref No:- 2018/0537/TP).
- Applicant: Mrs Pauline Milligan.
- Proposal: Change the use of area of landscape amenity area to form extended residential garden ground to rear of 14 and 16 Threave Place, Newton Mearns.
- Location: Land to the rear of 14 and 16 Threave Place, Newton Mearns.
- Council Area/Ward: Newton Mearns South and Eaglesham (Ward 5).

**REASON FOR REQUESTING REVIEW**

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

**RECOMMENDATIONS**

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

- (b) In the event that further procedure is required to allow it to determine the review, consider:-
- (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
  - (ii) what procedure or combination of procedures are to be followed in determining the review.

## **BACKGROUND**

5. At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the “local development” category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an “appointed officer”. In the Council’s case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Strategic Services).

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

## **NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW**

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

9. The applicant is entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has indicated that her stated preference is a site inspection.

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

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

12. In accordance with the above decision, the Local Review Body will carry out an unaccompanied site inspection on Wednesday, 7 August 2019 immediately before the meeting of the Local Review Body which begins at 2.30pm.

## INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

**13.** Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The Local Review Body is advised that the focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.

**14.** The information detailed below is appended to this report to assist the Local Review Body in carrying out the review of the decision taken by the Appointed Officer:-

- (a) Application for planning permission – Appendix 1 (Pages 7 - 18);
- (b) Copies of Objections/Representations – Appendix 2 (Pages 19 - 72);
- (c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 73 - 82);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 83 - 88); and
- (d) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 5 (Pages 89 - 108).

**15.** The applicant has also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 6 (Pages 109 - 126).

- (a) Photograph of application site 2016 – 1;
- (b) Photograph of application site 2016 – 2;
- (c) Photograph of application site 2016 – 3;
- (d) Photograph of proposed fence style;
- (e) Photograph showing bank of trees behind 14 Threave Place in 2017;
- (f) Photograph showing bank of trees behind 14 Threave Place in 2017;
- (g) Photograph showing windblown trees behind 14 and 16 Threave Place;
- (h) Photograph showing rear outlook from 14 Threave Place on 6 May 2019;
- (i) Photograph showing rear outlook from 14 Threave Place on 6 May 2019;
- (j) Photograph showing retained 5 metre wide bank of trees to the rear of 14 Threave Place;
- (k) Photograph showing example of fencing to be used;
- (l) Plan showing location of proposed fencing;
- (m) Plan showing current and proposed tree cover at 16 Threave Place;
- (n) Refused - Plan showing proposed fence line and existing tree cover at 14 Threave Place; and
- (o) Refused – Location plan showing application site.

16. The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling.

17. All the documents referred to in this report can be viewed online on the Council's website at [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk) with the exception of any representations that have been made to the application.

## RECOMMENDATIONS

18. The Local Review Body is asked to:-

- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
  - (i) it proceeds to determine whether the decisions taken in respect of the application under review should be upheld, reversed or varied; and
  - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed.
- (b) In the event that further procedure is required to allow it to determine the review, consider:-
  - (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
  - (ii) what procedure or combination of procedures are to be followed in determining the review.

Report Author: Paul O'Neil

Director - Caroline Innes, Deputy Chief Executive

Paul O'Neil, Committee Services Officer  
e-mail: [paul.o'neil@eastrenfrewshire.gov.uk](mailto:paul.o'neil@eastrenfrewshire.gov.uk)  
Tel: 0141 577 3011

Date:- June 2019

**APPLICATION  
FOR  
PLANNING PERMISSION**

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

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

Thank you for completing this application form:

ONLINE REFERENCE          100122193-001

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

## Type of Application

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

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

## Description of Proposal

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

The applicant & her neighbour live adjacent to a large area of wooded urban green-space & have acquired from the previous owner two areas of green-space adjacent to their back gardens. The applicant is seeking to change the use of these areas from urban green-space to private garden ground & to erect a 1.8m fence separating the application sites from each other & the remaining green-space.

Is this a temporary permission? \*  Yes  No

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

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

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details


Company/Organisation:	John Jackson & Dick Limited		
Ref. Number:	MIL002AC JF	You must enter a Building Name or Number, or both: *	
First Name: *	Jonathan	Building Name:	
Last Name: *	Findlay	Building Number:	48
Telephone Number: *	01698 281747	Address 1 (Street): *	Cadzow Street
Extension Number:		Address 2:	
Mobile Number:	07798 631 380	Town/City: *	Hamilton
Fax Number:		Country: *	Scotland
		Postcode: *	ML3 6DT
Email Address: *	jfindlay@jacksondicklaw.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Pauline	Building Number:	14
Last Name: *	Milligan	Address 1 (Street): *	Threave Place
Company/Organisation		Address 2:	Newton Mearns
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G77 6YD
Fax Number:			
Email Address: *			



### Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

### Pre-Application Discussion

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

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Correspondence with Ian Walker, who confirmed that application sites were a wooded area designated as Protected Urban Greenspace in the LDP and that Policy D5 applied. Separate telephone conversations with planning officers recommended that any planning applications in respect of the two former amenity areas now owned by the proprietors of 14 and 16 Threave Place should be submitted together as one application.

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Ian"/>	Last Name:	<input type="text" value="Walker"/>
Correspondence Reference Number:	<input type="text" value="N/A"/>	Date (dd/mm/yyyy):	<input type="text" value="09/08/2017"/>

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Discussion between agent (Jonathan Findlay) and Ian Walker regarding the submission of one application for both sites. Mr Walker confirmed that one application would suffice with one owner submitting the application and the other being a duly notified of the application submission.

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Ian"/>	Last Name:	<input type="text" value="Walker"/>
Correspondence Reference Number:	<input type="text" value="N/A"/>	Date (dd/mm/yyyy):	<input type="text" value="09/08/2018"/>

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Telephone call between Jonathan Findlay of John Jackson & Dick and Ian Walker of South Lanarkshire Council, who confirmed that one application can be submitted for both areas of ground, given that proposed use and proposed works are the same.

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Ian"/>	Last Name:	<input type="text" value="Walker"/>
Correspondence Reference Number:	<input type="text" value="N/A"/>	Date (dd/mm/yyyy):	<input type="text" value="09/08/2018"/>

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

Use over last 20 years has been as wooded urban green-space. Application sites forms part of a much larger amenity woodland space, which has been wildly overgrown and not maintained for over a decade. Following a change of ownership in early 2017, the new owners have felled trees within the application sites. The application sites behind numbers 14 and 16 Threave Place extend to 354 and 538 square metres respectively.

## Access and Parking

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

Yes  No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

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

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

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

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

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \* (e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes  
 No, using a private water supply  
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

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

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

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

Application relates only to change of use to garden ground and erection of fencing.

## Residential Units Including Conversion

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

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

Are you able to identify and give appropriate notice to ALL the other owners? \*

Yes  No

## Certificate Required

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

Certificate B

## Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Mark Thomson

Address:

16, Threave Place, Newton Mearns, Glasgow, Scotland, G77 6YD

Date of Service of Notice: \*

09/08/2018

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Jonathan Findlay

On behalf of: Mrs Pauline Milligan

Date: 27/08/2018

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

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

No additional plans required. Proposals relate to the change of use and the erection of 1.8m fences. Application includes two location plans, together with plans showing locations of existing trees and proposed fences.

Provide copies of the following documents if applicable:

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

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Jonathan Findlay

Declaration Date: 27/08/2018

## Payment Details

Pay Direct

Created: 27/08/2018 17:28



**COPIES OF OBJECTIONS/REPRESENTATIONS**

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## Comments for Planning Application 2018/0537/TP

### Application Summary

Application Number: 2018/0537/TP

Address: Land To The Rear Of 14 And 16 Threave Place Newton Mearns

Proposal: Change the use of area of landscape amenity area to form extended residential garden ground to rear of No14 and 16 Threave Place, Newton Mearns

Case Officer: Mr Ian Walker

### Customer Details

Name: Mr john mclachlan

Address: 1 Rossie Grove, Newton Mearns, East Renfrewshire G77 6YQ

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sirs,

I am writing regarding the Application 2018/0537/TP

As the Council are already aware there is serious concern among the residents of Lauriston Grove and Rossie Grove surrounding the private acquirement of the previous Greenbelt zone. The above-mentioned application is to extend private garden into the previous Greenbelt area.

The previous Greenbelt zone was designed to provide privacy for the residents living on both sides. The trees within the previous Greenbelt zone help to preserve a natural green environment.

1. It compromises on the privacy originally designed to the benefit of the residents
2. It compromises the balanced appearance of the area, via the creation of large gardens neighbouring the original designed gardens
3. Render irregular partitions to the original well-designed tree layout.

I have lived in my home for 19.5 years with absolutely no issues such as this to have to deal with. One of the key reasons, we chose our current home was because of the neighbouring (green belt) environment which was created sensitively by the developer at the time, Wimpey.

It is frankly quite bizarre that the Greenbelt zone was subsequently acquired by a private owner. That he/she can then sell 'random' parcels of land without recourse to the Greenbelt or the Council is even more bizarre.

Presumably, without council intervention in applications such as this, we could end up with an

increasingly significant impact on the existing greenbelt? Given there has already been significant impact on the greenbelt in question, via the cutting down of long established trees, I feel strongly that there should be no further impact via this application, which could be the first of many.

I believe it is up to the council to take the appropriate action and decline this application.

Regards,

John & Gillian McLachlan

## Comments for Planning Application 2018/0537/TP

### Application Summary

Application Number: 2018/0537/TP

Address: Land To The Rear Of 14 And 16 Threave Place Newton Mearns

Proposal: Change the use of area of landscape amenity area to form extended residential garden ground to rear of No14 and 16 Threave Place, Newton Mearns

Case Officer: Mr Ian Walker

### Customer Details

Name: Mr Mohammed Asif

Address: 2 Rossie Grove, Newton Mearns, East Renfrewshire G77 6YQ

### Comment Details

Commenter Type: Rec'd Neighbour Notification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a fiasco that's turning into a disaster. Much prized greenbelt woodland being penetrated and consumed by greedy land grabbers. This was designated as greenbelt land and marketed as such by the original developer of this land, much like some of the other developments taking place in and around Newton Mearns. This land was sold illegally and the new private owners have set about decimating and destroying the woodland by chopping down established mature trees, clearing hedgerows and bushes. This has had a devastating and detrimental impact on the local biodiversity, windswept, wild bird and animal habitat and welfare, and a severe impact on local amenity.

Any attempt to extend gardens into this land is highly outrageous, cynical and objectionable. It will lead many other similar copycat planning applications and make a severe impact on local biodiversity, privacy, shelter and amenity.

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**From:**

**Sent:** 12 December 2018 22:44

**To:** Walker, Ian

**Subject:** Re: 2018/0537/TP -Change the use of landscape amenity area to extended residential garden to rear of No14 and 16 Threave Place,

Mr. Walker,

Many thanks for meeting with me earlier today.

Please find attached pictures attached relating to our discussion on the maintenance if the green areas.

Some of the other points raised with you were;

#1 Roaming rights and removal of timber and lumber used to barricade the access route between Rossie Grove and Westacres Road.

#2. Reinstate the provision of viewing Planning application comments online.

#3. Investigate and seek remedial work following recent adhoc, chaotic and unsafe pruning of shrubs and bushes along Westacres Road at the parallel locas of Rossie Grove.

#4. Suspend any consideration of Planning applications pending legal dispute over land ownership between Taylor Wimpey and Greenbelt Inc.

#6. Investigate boundary fencing and use of fenced in areas along this stretch of woodland.

I appreciate you are preoccupied with many Planning issues but I would be obliged for a response and reply to the points raised.

Kind Regards

Mohammad Asif

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## Comments for Planning Application 2018/0537/TP

### Application Summary

Application Number: 2018/0537/TP

Address: Land To The Rear Of 14 And 16 Threave Place Newton Mearns

Proposal: Change the use of area of landscape amenity area to form extended residential garden ground to rear of No14 and 16 Threave Place, Newton Mearns

Case Officer: Mr Ian Walker

### Customer Details

Name: Mrs Nadia Qayyum

Address: 3 Lauriston Grove, Newton Mearns, East Renfrewshire G77 6YP

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As a resident with similar land behind my property I strongly object to this change of use. This land was originally left by the developers to mark a boundary between the developments and serves as a green area. a home for wildlife, and provide privacy to the landowners in both sides. in the last year there had been progressive destruction of this area (nOT a simple tidying up) process and now this area is barren.

This has had an impact on wildlife that was previously resident there and also on the water drainage into the river adjacent to this area.

The plans to assimilate it into the gardens of the above two properties would give the neighbouring properties no privacy and would e out of keeping with the other properties in the area.

Infact this land was desecrated without any planning permission from the council and in fact I feel that this land should have trees replanted.

If the council doesn't make a stand now then every little bit of green land in the new developments will be destroyed since this makes it open season from other opportunists.

This land was given to the Greenbelt company by Taylor wimpy with lots of caveats to maintain the existing fauna and this should be restored.

i would be pleased to attend a planning meeting to voice my protests in person.

Best wishes

Dr. Nadia Qayyum

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4/10/18

Hi there,

We live at 8 Rossie Grove, Newton Mearns G77 6YQ

I am writing regarding the Application 2018/0537/TP

As the Council may have already been aware there has been concerns among the neighbourhood at Lauriston and Rossie Groves surrounding the private acquirement of the previous Greenbelt zone. The above-mentioned application is to extend private garden into the previous Greenbelt area.

The previous Greenbelt zone was designed to provide privacy for the residents living on both sides. The trees within the previous Greenbelt zone help to decelerate the strong gales in the winter and enable a natural green environment

We wish to voice our strong objection to Application 2018/0537/TP for multiple reasons

1. Compromise on the privacy originally designed to the benefit of the residents
2. Make imbalanced large gardens neighbouring the original designed gardens
3. Render irregular and checkered partitions to the original well-designed buffer zone

We chose our current home six years ago for the high-quality living environment as the result of well-planning by the developer and approved by the council. It is saddening to see firstly the Greenbelt zone was acquired by private owner followed by decimating the trees in large number and now outrageous applications for converting into private gardens

The damage has been so bad and only the Council can prevent it becoming worse

Kind regards

Dongke Sun (Dr)

Le Chen (Dr)

8 Rossie Grove

Newton Mearns

Glasgow

G77 6YQ

Landed phone: [REDACTED]

Mobile: [REDACTED]

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Paul & Sarah O'Hara  
10 Rossie Grove  
Newton Mearns  
East Renfrewshire  
G776YQ

**Subject of correspondence:** Comment / objection to proposed planning application 2018/0537/TP

**Application Location:** Land to rear of 14 and 16 Threave Place Newton Mearns

**Application proposal:** Change of use of area of landscaped amenity area to form extended residential garden ground to rear of No. 14 and 16 Threave Place, Newton Mearns

FAO Head of Environment, East Renfrewshire Council,

We write to you to share our concerns and objections to the proposed planning application **2018/0537/TP**, dated 19<sup>th</sup> September 2018.

While the proposed planning application does not directly affect our property the plot of land adjacent to our home is also under the ownership of another individual. We feel if this planning application is granted, it would set a precedent where the land adjacent to our property which has already had the trees decimated and left in an atrocious mess could be subject to a similar planning application in the future.

**Our points for objection to this planning application are listed below**

**Loss of privacy**

We already feel that there is a loss of privacy to our home due to the felling/destruction of the trees on this land. Due to the trees in this location being cut down there is nothing to block out the extremely bright security lights fitted on the back of homes in Cluny Drive, which now shine directly into our home through various windows. We have had to spend money to replace blinds to block out this light. If more trees are felled and gardens extended we feel this would again increase the invasion of privacy to our home.

**Noise**

We also object to the proposed plans on the basis of noise. More specifically, increased noise as a result of these areas of land being turned into garden space. The urban greenspace buffer which has been destroyed in the last 2 years since we purchased our property we have already noticed an increase in noise from traffic and wind.

**Loss of trees, wildlife entering homes & negative visual impact of the overall community**

The negative visual impact the proposed development will have on the overall landscape character of the area. This adverse impact has already been realised in part due to the actions of the various owners of these plots of land. Where mature and established trees and woodland have been felled and left where they fell creating an eyesore.

We have also had issues with wildlife namely squirrels entering our home causing damage. This can be directly attributed to loss of woodland where they would naturally live and are now looking for alternatives due to the felling of these woodlands.

As you will be aware, there is a long and ongoing dispute regarding the parcels of land in question, their intended use as part of the original Westacres development by Taylor Wimpey upon which original planning permission was granted (area in question designated as a protected urban greenspace buffer zone and Local Biodiversity Area of significance) and the subsequent change of use being proposed by the planning submission referenced above.

To summarise, the area of land in question is an important amenity to the local community, provides local biodiversity, crucial habitat for wildlife, provides crucial screening, privacy and noise attenuation to both Rossie Grove and neighbouring Lauriston Grove. Any attempt to extend gardens into this socially important landscape as outlined within the above referenced planning application is questionable at best and in no way adheres to the policies as set out within East Renfrewshire's Local Development Plan. I trust that East Renfrewshire Council will therefore give this issue their full and considered opinion for the sake of the community as a whole.

Kind Regards,

Paul O'Hara  
Sarah O'Hara

**From:**Carol Gildea  
**Sent:**9 Oct 2018 13:39:21 +0100  
**To:**EN Planning  
**Subject:**Comments in relation to Planning Application 2018/0537/TP

Dear Sirs,

I write to offer my comments in relation to the planning application submitted for the following:-

2018/0537/TP – Change of use of area of landscape amenity to form extended residential garden ground to the rear of No. 14 and 16 Threave Place, Newton Mearns.

I would like to make an objection to this application as the proposed use of this land goes against the policies in the Local Development Plan designed to protect this area, namely Policy D4 - Green Network, D5 - Protection of Urban Greenspace and D8.4 - Local Biodiversity Site.

It is my understanding that these policies are designed to protect the area and therefore I cannot see any justification as to why this area of land would be sold off to individuals to destroy, purely for the purpose of increasing garden area. Policies attached.

This area is home to many different species of wildlife but also provides privacy to the residents that reside in the area. Unfortunately, there has already been a significant loss of trees in this area and no consideration has been given to the neighbouring properties that have been affected, or for the wildlife and species that live there. This issue has caused a significant amount of upset with many of the owners that reside in Lauriston Grove/Rossie Grove and would ask that you take this into considering when making a decision on this application.

Yours sincerely

Mrs Carol Gildea

18 Lauriston Grove, Newton Mearns, G77 6YP



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**Application Ref Number:** 2018/0537/TP

**Application Location:** Land to rear of 14 and 16 Threave Place Newton Mearns

**Application proposal:** Change of use of area of landscaped amenity area to form extended residential garden ground to rear of No. 14 and 16 Threave Place, Newton Mearns

**Subject of correspondence:** Comment / objection to proposed planning application 2018/0537/TP

FAO Head of Environment, East Renfrewshire Council,

We write to you to share our concerns and objections to the proposed planning application **2018/0537/TP**, dated 19<sup>th</sup> September 2018.

Our grounds for objection are wide ranging and can be summarised into several categories, namely;

- 1) Scottish government policy / Local authority guidance
- 2) Negative effects on amenity (overlooking and loss of privacy)
- 3) Noise
- 4) Loss of trees
- 5) Negative / adverse visual impact of the development on the overall landscape for the area
- 6) Detrimental effect of the proposed development on the character of the area
- 7) Impact on landscape
- 8) Risk of flooding (Water course)

As you will be aware, there is a long and ongoing dispute regarding the parcels of land in question, their intended use as part of the original Westacres development by Taylor Wimpey upon which original planning permission was granted (area in question designated as a protected urban greenspace buffer zone and Local Biodiversity Area of significance) and the subsequent change of use being proposed by the planning submission referenced above.

You will also be aware of the illegal change of use to an adjoining parcel of land which has already been undertaken by the owners of 12 Threave Place without any appropriate planning permissions being sought (**Note that although the issue associated with 12 Threave Place does not form part of our objection directly associated with the above planning application, it should be recognised that this issue is inherently linked, i.e. – all three owners bought parcels of land collectively with the sole intention of felling trees and using the land to extend their existing garden space into**).

**NOTE - Further info/background relating to this area of land and its importance as a Local Biodiversity area is summarised within Appendix 1 below.**

Ongoing disputes aside, we wish to voice our strong objection to **Application 2018/0537/TP** on the following grounds, (summarised by category);

1) **Scottish government policy /Local authority guidance**

- **East Renfrewshire's Local Development plan**

East Renfrewshire's Local Development Plan states that;

*“well planned and well designed green networks are a fundamental component of successful placemaking” (section 3.7, 3.7.1)*

It also states that they can provide a wide range of benefits,... *“including ...Biodiversity”*.

It cannot be argued that the chopping down of a vast number of established, mature trees within a protected urban greenspace buffer zone and local Biodiversity area of significance is either a well planned activity nor a result of something that has been appropriately assessed, well designed or undertaken with the interests of the greater community in mind. The very reason the buffer zone was put there in the first place was to provide a degree of privacy between neighbouring housing estates and to encourage biodiversity. The application in question therefore does not comply with the sentiments / ethos of the Local Development Plan and serves only to better a select number of selfish individuals with their own agenda. Furthermore, the loss of this amenity fails to satisfy the requirements of the surrounding community as a whole.

- **Policy D1 (Detailed guidance for all Development)**

Policy D1 states that developments should be well designed, sympathetic to the local area and that;

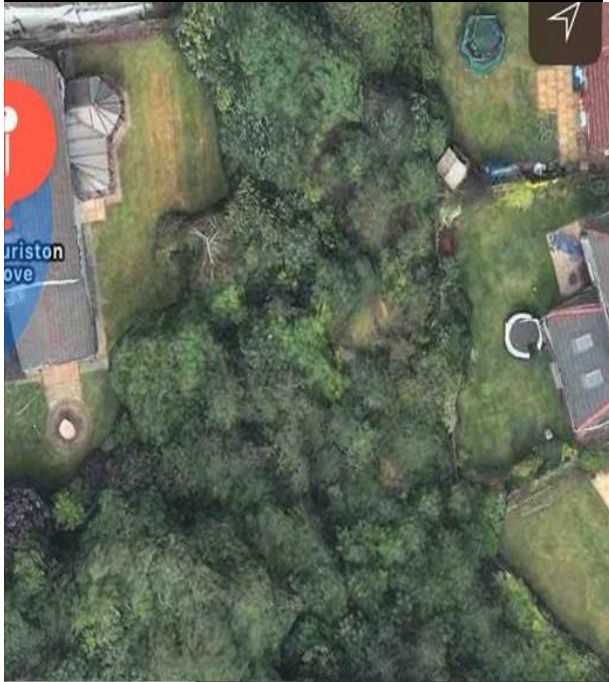
- *“The development should not result in a significant loss of character or amenity to the surrounding area”*
- *“The proposal should be of a size, scale, massing and density that is in keeping with the buildings and locality and should respect local architecture, building form, design and material”*
- *“The proposal 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”*

Taking each of these in turn;

- The original character of the parcels of land in question has been changed beyond recognition from a heavily wooded, biodiverse area which provided a thriving habitat for wildlife and vegetation to an area which has little/no tree coverage with the intent that this will be replaced by garden space not in keeping with the surrounding area. It is worth noting that the owners of No's (12)/14/16 Threave Place have already taken it upon themselves to fell the majority of the established trees (work undertaken in 2017 which was eventually stopped following intervention by East Renfrewshire Planning enforcement officers). **This is contrary to the inference contained within planning submission 2018/0537/TP which indicates that this work has yet to commence!**
- The proposal looks to extend the existing garden space of properties 14 and 16 Threave Place. The size of the parcels of land in question mean that this would leave these properties with disproportionately large gardens, which not only would look odd, but would not be in keeping with the guidelines of Policy D1 which states that *“proposals should be of a size and scale that is in keeping with the buildings and locality”*! In some cases this area of land looks to be almost double the size of their existing plot of land upon which their houses were originally built.
- As mentioned previously, the landscape character has been changed dramatically from a heavily wooded area to one which is now sparse and has very little biodiversity at all. The loss of trees should not be underestimated either. It can be argued that the proposed development will impact adversely (has already) on the landscape character of the land, and the green network as a whole. In addition, there has been a significant loss of trees and important biodiversity features which promote wildlife and vegetation.

Please refer to before / after photographs which detail the extent of the destruction which has already been undertaken and the subsequent change to the character of the land as a direct result.

**Area of land before felling of Trees (Circa 2016)**



**Area of Land after felling of trees (2017)**



- **General Urban areas (Local development plan section 5.3/5.3.1)**

This policy states that it *“applies to the predominantly residential built up area. It seeks to resist proposals, both large and small, which would be out of keeping with and detrimental to the surrounding area.”*

The area in question is a quiet local biodiversity area which provides an urban greenspace buffer, noise attenuation and privacy between two neighbouring, distinct and separate housing estates. The urban buffer in question was a requirement of the original planning submission for the Lauriston Grove / Rossie Grove estate. The proposals would therefore undermine the very foundation and purpose of the original space. This was never designed nor intended to be anything other than an urban greenspace buffer. As such, the proposal is not in keeping with its surrounding area, environment or intended purpose of the area as set out within the original plans.

- **Policy D4; Green Network**

This policy states that:

*“proposals for development that are likely to destroy or impact adversely on the character or function of the green network will be discouraged”*

It can be argued that the proposals not only destroy the character of what was a beautiful, wooded, biodiverse site, but that the function has been impacted adversely (ie – changed from a Local Biodiversity Site to a proposed oversized, out of character garden space with no biodiversity features).

- **Policy D5: Protection of urban Greenspace**

The purpose of East Renfrewshire Councils Policy D5: Protection of Urban Greenspace is to protect, enhance and promote green infrastructure within urban developments. The policy quite clearly states that:

*“Urban greenspace, including outdoor sports facilities, identified on the Proposals Map, will be safeguarded.”*

The Policy also states that:

*“ Proposals which would result in the loss of urban greenspace will be resisted unless it can be demonstrated that;*

- *There is no significant adverse impact on the landscape character and amenity of the site and surrounding area;*
- *There will be no loss of public access;*
- *There will be no or limited impact on nature conservation and any loss would be mitigated through enhanced provision elsewhere in the vicinity;*
- *The proposed loss would result in a community use, the benefit of which would outweigh the loss of urban greenspace”*

The proposals as set out within planning application 2018/0537/TP both undermine and contradict everything that Policy D5 sets out to achieve, i.e.;

- There will be a detrimental and adverse impact on the existing landscape character if the parcels of land are allowed to be used to extend existing garden space. As previously mentioned, this is an area which was specifically designated as an urban greenspace buffer zone within the original planning submission for the Westacres Taylor Wimpey Estate, and is of such significant importance that, without it, the original planning submission would not have been approved. In fact, the very principles of providing buffer zones, introducing areas of biodiversity and privacy are fundamental and underpin the basis of housing expansion plans within East Renfrewshire’s very own current Local Development Plans and supplementary planning guidance (taking Maidenhill



Master Plan-June 2015 as an example). The inclusion of this urban greenspace buffer was therefore fundamental and significant to the landscape character for the proposed Westacres development **and still is**. These urban greenspace buffer zones are also fundamental to future development considerations currently being developed and progressed by East Renfrewshire Council.

- Nature conservation will be (has already been) impacted as a result of the proposed plans. Evidence of this has been the significant impact on nature conservation as a result of the tree felling which was undertaken by the residents of Threave place in 2017. It is only now (2018) that the full extent of this is becoming realised.

Due to the extent of the number of trees that have been cut down, a substantial number of birds and squirrels which previously lived in the urban buffer zone have been left without shelter. This has led to a noticeable increase in the numbers of birds now frequenting the rooftops of houses within Lauriston Grove / Rossie Grove and has led to significant mess being left on roofs/driveways of properties (including cars) from their fouling. The same can be said for the number of grey squirrels, as they seek to find alternative shelter. The numbers of squirrels causing nuisance and damage to properties has grown exponentially within the past year to the point where residents now class them as they would any other vermin. A complete pest!. They are causing damage to roof flashings, gutters, and the general fabric of the homes of Lauriston Grove /Rossie Grove as they attempt to gain access for shelter. This is becoming a real issue for all of the residents of Lauriston and Rossie Grove. We have personally had our own issues with squirrels eating their way into our loft looking for shelter. This is an issue that can only be addressed by the replanting of trees within the buffer zone to return it to the biodiverse site it once was.

It is also our belief and understanding that there were previously a number of bats located within the local biodiversity area which has now been destructed. We know this to be the case as we witnessed a number of bats flying through our garden from the area in question during the summer months of 2017 which would suggest that their habitat was located within the area in question. We wrote to East Renfrewshire Councils Mr Ian Walker on this issue specifically at the time following the felling of the trees. It should be noted that since the destruction of these trees in 2017, we have not witnessed any further evidence of bats in the area. Again, there are many questions requiring answers on this issue around legality of the action taken by the residents of Threave Place, the subsequent consequences of the actions taken and the protocol regarding protected species etc. All of these unanswered questions are of grave concern to us personally.

## 2) **Negative effects on amenity (overlooking and loss of privacy)**

We strongly object to the compromise the proposed planning submission will have to our existing privacy. This privacy has already been undermined following the felling / destruction of trees in 2017 which has resulted in our property being overlooked by the parcels of land to the rear of Threave Place. This will be further compromised should the proposed extension to garden space go ahead! The proposed plans create a situation where we will effectively be overlooked by the proposed new gardens. Clearing of the urban buffer zone now also means that our home (and others within our street) are in clear view of Threave place for the majority of the year, meaning that the intended privacy afforded by the urban greenspace buffer as it was intended and designed has been lost.

## 3) **Noise**

We strongly object to the proposed plans on the basis of noise. More specifically, increased noise as a result of these areas of land being turned into garden space. The urban greenspace buffer which was destroyed in 2017 by the residents of (12)/14/16 Threave place served to provide noise attenuation from the neighbouring housing estate (Threave Place / Cluny drive). Since its destruction in 2017, there has been a marked increase in the level of noise carry from the surrounding area and its residents, particularly during the summer months. In addition, the urban buffer aided deceleration of high winds during blustery, winter conditions. The removal of this tree

buffer zone has had a marked increase in wind noise and associated severity of the wind impacting our home during stormy conditions.

**4) Loss of Trees**

We strongly object to the proposed plans on the basis of the extent of the tree loss and loss of a biodiversity area of significance. The extent of the tree loss (which would have been worse had it not been for the intervention of the Council planning enforcement team) has been summarised in detail above already. These trees are a local landscape feature with a biodiversity score of 12 and corresponding social importance score of 7. They are fundamental to the geography and landscape of the local area.

**5) Negative / adverse visual impact of the development on the overall landscape for the area**

Again, we strongly object to the negative visual impact the proposed development will have on the overall landscape character of the area. This adverse impact has already been realised in part due to the actions of the owners of No.12 Threave place and the erection of a fenceline which now butts directly on to our garden (noted that this issue is separate to this objection). This will be further impacted by the plans set out within the referenced proposal/application which look to implement similar changes / same fencelines etc, which will further the adverse visual impact to the area as a whole, replacing mature trees and biodiversity features with cheap garden fence lines /grass/residential garden features etc.

There is a clear intention here for the owners of both 14 and 16 Threave Place to replicate what has been done already by their neighbour at number 12. This would be detrimental to the area in question and to the community as a whole.

**6) Impact on landscape**

We strongly object to the impact the proposals will have (and are already having) on the existing landscape. As mentioned previously, the shelter provided by the greenspace urban buffer zone against the effects of high winds etc has now been lost. Mature, beautiful trees have been chopped down and replaced by a barren area of land. The aesthetically pleasing outlook the community once had over Capelrig Burn has now also been lost and replaced by a 'no-man's-land,' an area which looks like it has been forgotten and which quite frankly now looks rather sad. The addition of garden fencelines will be detrimental to what was once a beautiful, biodiverse area.

**7) Risk of Flooding (Water course)**

Following the tree felling which took place in 2017, a water course which passed through No's (12) and 14 Threave place and headed towards Capelrig burn was re-diverted towards our garden. This has left a large boggy area directly beneath our fence line at the perimeter of our property.

**Redirected Water Course**

The redirection of this water course has not only left areas of our garden water logged, but has provided an additional water supply to a large tree within our garden. This has caused it to grow significantly in the past year. Tree roots are now protruding from the ground and making their way towards our home (which they weren't before the water course was re-directed toward our garden / tree). Our fear is that the foundations of our home could at some point become undermined!

**Protruding tree roots within close proximity of house**

In summary, the area of land in question is an important amenity to the local community, provides local biodiversity, crucial habitat for wildlife, provides crucial screening, privacy and noise attenuation to both Lauriston Grove and neighbouring Rossie Grove. Any attempt to extend gardens into this socially important landscape as outlined within the above referenced planning application is questionable at best and in no way adheres to the policies as set out within East Renfrewshire's Local Development Plan. I trust that East Renfrewshire Council will therefore give this issue their full and considered opinion for the sake of the community as a whole.

King Regards

Graeme Watson  
Monique Watson

20 Lauriston Grove  
Newton Mearns  
G77 6YP



## Appendix 1

The area in question is designated as a Local Biodiversity area within the East Renfrewshire Local Development plan. There is scoring criteria which defines whether the area is of significant importance. The site in question is marked as a local Biodiversity site (LBS) with a biodiversity scoring of 12 (meets the required criteria) and a social importance scoring of 7 (more than meets the required criteria) . My understanding is that these scorings make this a site of interest.

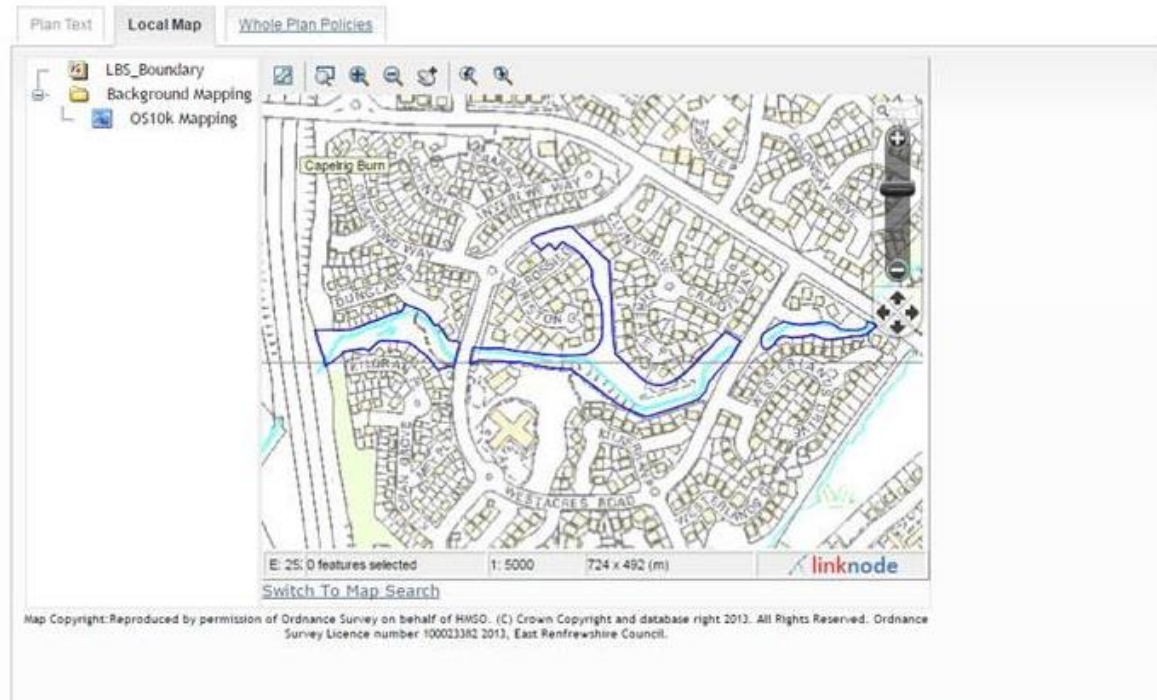
### Local Biodiversity Sites LBS 2012 (Change Plan)

#### Related items for: 3 SITE STATEMENTS / ASSESSMENTS - 3.20 Capelrig Burn (020)

[Back to Contents Viewer](#)

Below are the parts of the local plan that are relevant to the above section.

- The **Plan Text** tab contains related textual items;
- The **Local Map** shows areas on the map that are affected;
- The **Whole Plan Policies** tab shows sections within the written statement that are relevant to all sections of the plan.



- **3 SITE STATEMENTS / ASSESSMENTS**
- **3.20 Capelrig Burn (020)**

- [Related Items](#)

- **3.20.1**
- **Status** - Local Biodiversity Site
- **Area** - 1.7 hectares
- **Grid reference** - NS526559
- **Associated East Renfrewshire sites** - Lambie Crescent LBS
- **Contiguous sites out with East Renfrewshire** - None
- **Site Description** - Narrow strip of native and planted woodland, neutral grassland and the fringing vegetation, of Reed Canary-grass, Ash and willows, along the Capel Burn; on the eastern edge of Newton Mearns.
- **Reason for designation** - Originally (1991) chosen as a strip of marshy grassland in open countryside which has now become a densely built-up area of Newton Mearns with the M77

forming its western boundary. Now a modest mix of woodland, grassland and wetland habitats along the burn.

- **Main habitats -**

- · Woodland
- · neutral grassland
- · tall herb vegetation
- · marginal wetland vegetation
- · running water

- **Notable habitats -**

- Wetland
- neutral grassland

**Notable species** - None

**Site management** - Most of site is un-managed since it was landscaped and remains as the burn and its banks beyond the adjacent gardens and roads. Burn culverted beneath the motorway to the west and three other roads to the east.

**Social Importance** - The site is in a very urban area and surrounded by housing and has easy access at several points from a road, a school is nearby. Much of the site is inaccessible and therefore not directly used **it is a local landscape feature.**

**Recommendations** – None

**Social importance = 7**

**Biodiversity score = 12**

## Comments for Planning Application 2018/0537/TP

### Application Summary

Application Number: 2018/0537/TP

Address: Land To The Rear Of 14 And 16 Threave Place Newton Mearns

Proposal: Change the use of area of landscape amenity area to form extended residential garden ground to rear of No14 and 16 Threave Place, Newton Mearns

Case Officer: Mr Ian Walker

### Customer Details

Name: Mrs Anne Dodds

Address: 12 Threave Place, Newton Mearns, East Renfrewshire G77 6YD

### Comment Details

Commenter Type: Rec'd NeighbourNotification from Council

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:For over 20 years this area of wasteland has been neglected by the previous owners. It became a dumping ground for litter and various garden rubbish. The area proposed to be enclosed by these houses can only be improved and I believe it leaves enough green space behind the proposed fence line both for the large trees to provide screening from other estates and habitat of local wildlife. I have no objection to the proposed planning application .

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3 Lauriston Grove,  
Glasgow  
G77 6YP  
2<sup>nd</sup> June 2019

Paul O'Neil  
Committee services Officer  
East Renfrewshire council

Dear Paul  
Re- REVIEW/2029/05  
14 Threave Place , Newton Mearns, Glasgow.

Please find attached my representation to the appeal regarding the above change of use. I would like to back up my previous protest at this change of space.

This land is part of the green space that had been left by the developers Taylor Wimpey to protect the biodiversity of the area as part of the East Renfrewshire council plans. I am aware that Taylor Wimpey is in the process of getting this land back .

This land is important for wildlife in the area and also the impact on drainage and potential risk to flooding if trees disappear.

These gardens would be out of keeping with their neighbours and would impact on the privacy on their neighbours in Lauriston Grove.

It is important that this wildlife space is protected to stop people encroaching and potentially building on this area.

If you need any further information I am happy to be contacted.

Yours faithfully

Dr. Nadia Qayyum

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02/06/19

**Ref No:** REVIEW/2019/05**East Renfrewshire Councils Ref:** REVIEW/2019/05 PON/FM**Location:** 14 Threave Place, Newton Mearns, East Renfrewshire**Proposal:** Change of use of area of landscaped amenity area to form extended residential garden ground to rear of No. 14 and 16 Threave Place, Newton Mearns**Original Planning Application Ref Number:** 2018/0537/TP**Subject of correspondence:** Further comment / objection to proposed planning application 2018/0537/TP, subject of review ref: REVIEW/2019/05

FAO;

**East Renfrewshire Councils Local Review Body,  
Mr Paul O'Neil  
Head of Environment, East Renfrewshire Council,**

We write to you to share our concerns and further objections to the request by Mrs P Milligan (Ref No: REVIEW/2019/05) that a Local Review Body review the decision made by East Renfrewshire Council to refuse planning permission relating to the change of use of area of landscaped amenity to form extended residential garden ground to the rear of No. 14 and No. 16 Threave Place, Newton Mearns (Planning application ref: **2018/0537/TP**).

Ref decision dated 8<sup>th</sup> February 2019, the council were quite clear in their reasons for objecting to the proposed changes, namely;

- 1) The proposed development contravenes Policy D4 of the adopted East Renfrewshire Local Development plan meaning that the proposed changes would impact adversely on the character and function of the green network at this location with a consequential detrimental impact on the amenity of the area and that of local residents.
- 2) The proposed development contravenes Policy D5 of the adopted East Renfrewshire Local Development Plan as it will impact adversely on the landscape character of the site and that of the residential amenity of the immediate area by reducing the separation distance between residential properties. The development does not result in a community benefit that outweighs the loss of the greenspace.
- 3) The proposed development is contrary to Local development plan policy D8 Natural Features as it will impact adversely on the integrity of the Local Biodiversity Site.
- 4) The proposed development is contrary to policy D1 of the adopted East Renfrewshire Local Development plan as it will result in gardens that are out of a scale and that are out of keeping with the pattern of development in the locality to its detriment and the residential amenity of adjacent residents.

In what has been a very long and drawn out situation, dating back now to early 2017, this is the first positive step by East Renfrewshire council in what has been a long and stressful situation for us, our family and a number of our neighbours within the Westacres development.

The above reasons/rationale stated by the council in rejecting the proposals closely mirror our own thoughts on the matter (please refer to our previous objection letter, a copy of which is within your care). The wider Westacres development ultimately have the same grave concerns for the area and what could, in theory, be allowed to happen to the area if some firm and appropriate action is not taken now by the council to retain the land in question as it was originally intended. To this end, I can speak confidently on behalf of ourselves and our neighbours within Lauriston and Rossie Grove who

also share the same views and as such, greatly welcomed East Renfrewshire's decision in refusing this planning application. This was the only reasonable decision that could be made in our opinion, not just for this area of land but for that of the wider community greenspaces within Westacres which ultimately could share the same feat!

Given the considerable stress, time and effort we (and many of our neighbours) have personally devoted to address a situation which, quite frankly, should never have been allowed to happen in the first place, we strongly value the considerations taken by the Council in reaching your decision on 8<sup>th</sup> Feb 2019. Collectively, this work underpins the whole reason why the decision reached by the council on this matter back in February is such an important one.

Further to our previous objection submission, we have some further points we would like to raise regarding the specifics of the contraventions in question;

**Policy D4 Contravention** – *“the proposed changes would impact adversely on the character and function of the green network at this location with a consequential detrimental impact on the amenity of the area and that of local residents”*

- Already, the gravitas of the loss of trees to this area has been realised. What was once a green, mature urban buffer zone which provided noise attenuation and local biodiversity, is sadly no longer. There is no amenity left, nothing to look at that could be considered pleasant, agreeable, pleasurable or enjoyable whatsoever. Nothing other than barren ground. Privacy afforded by what was once there has now also been lost as a result.

**Policy D5 Contravention** - *“proposed changes will impact adversely on the landscape character of the site and that of the residential amenity of the immediate area by reducing the separation distance between residential properties. The development does not result in a community benefit that outweighs the loss of the greenspace”*

- Again, the landscape character of the area has now completely changed. What was once an intended, mature greenspace, is now barren, desolate and quite frankly an eye sore. Proposals to extend this area into over-sized garden space with no or little separation between neighbouring gardens and neighbouring housing estates goes against everything the Westacres site set out to achieve when it was built in the late 90's. This will not only look odd, out of keeping with its surroundings, but will provide no benefit to the wider community. This issue has already been further realised with neighbouring property 12 Threave Place, who have taken it upon themselves to extend their garden space up to our existing garden boundary without any appropriate planning permissions or authorisation whatsoever. This creates a number of issues, namely 1) No separation between our gardens and our housing estates, 2) flooding in our garden as a result of an existing water course having been re-directed towards our garden (it previously ran into 14 Threave Place area of land in question). 3) extensive noise carry over by those using this 'new garden space' frequently to the point where quite frankly it is now becoming a nuisance, 3) noise carry over from dogs using the new area to 'do their business'.  
The situation at present is already unacceptable. Adding an additional 2 off gardens to the mix will become unbearable with no benefit to anyone within the greater community other than those seeking to extend gardens to a disproportionate scale.

**Policy D8 Contravention** – *“proposed changes will impact Natural Features as it will impact adversely on the integrity of the Local Biodiversity Site”*

- As you will be aware, this area is designated as a local biodiversity site. Following the felling of the trees back in 2017, a number of biodiversity features have been lost. Long, established, mature trees are no longer. Wildlife such as squirrels and foxes are now without shelter. I can only assume that this also includes Bats (we had issue with bats flying into our kitchen around 2 years ago, so we know that they were located around this area previously). Squirrels have become a problem for us and our neighbours over the past two years, as they seek to find alternative shelter. There have been several instances where they have managed to gain access to a number of properties within Lauriston and Rossie Grove causing substantial damage to properties as a result. Foxes have also now become a problem, ripping through

bins on an almost daily basis. Again, this is a problem that didn't exist before the trees were brought to the ground!

**Policy D1 contravention** – proposed plans will result in gardens that are out of a scale and that are out of keeping with the pattern of development in the locality to its detriment and the residential amenity of adjacent residents.

- The proposed additional garden space is excessively large, out of scale (areas of land in question are almost as large as the original house/garden footprint assigned to the properties in question), it provides no or little separation between neighbouring housing estates and neighbouring properties and sets a detrimental precedent for all of the Westacres development if allowed to become a reality.

In closing, I would like to re-iterate the importance of the decision the council has made in relation to the above reference planning application. We support the council's decision in rejecting this planning application, as do many of my neighbours and others within the Westacres community. The decision made, is in our opinion, the only decision that can be reasonably concluded from the supporting arguments given the numerous contraventions to local policy which has been blatantly disregarded without any consideration or regard for others within the community.

The area of land in question is an important amenity to the local community, provides local biodiversity, crucial habitat for wildlife, provides crucial screening, privacy and noise attenuation to both Lauriston Grove and neighbouring Rossie Grove. Failure to act now and prevent what could potentially be a huge issue for the Westacres community and its residents as a whole would be a great shame.

King Regards

Graeme Watson  
Monique Watson

20 Lauriston Grove  
Newton Mearns  
G77 6YP



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02/06/19

**Ref No:** REVIEW/2019/05**East Renfrewshire Councils Ref:** REVIEW/2019/05 PON/FM**Location:** 14 Threave Place, Newton Mearns, East Renfrewshire**Proposal:** Change of use of area of landscaped amenity area to form extended residential garden ground to rear of No. 14 and 16 Threave Place, Newton Mearns**Original Planning Application Ref Number:** 2018/0537/TP**Subject of correspondence:** Further comment / objection to proposed planning application 2018/0537/TP, subject of review ref: REVIEW/2019/05

FAO;

**East Renfrewshire Councils Local Review Body,  
Mr Paul O'Neil  
Head of Environment, East Renfrewshire Council,**

We write to you to share our concerns and further objections to the request by Mrs P Milligan (Ref No: REVIEW/2019/05) that a Local Review Body review the decision made by East Renfrewshire Council to refuse planning permission relating to the change of use of area of landscaped amenity to form extended residential garden ground to the rear of No. 14 and No. 16 Threave Place, Newton Mearns (Planning application ref: **2018/0537/TP**).

Ref decision dated 8<sup>th</sup> February 2019, the council were quite clear in their reasons for objecting to the proposed changes, namely;

- 1) The proposed development contravenes Policy D4 of the adopted East Renfrewshire Local Development plan meaning that the proposed changes would impact adversely on the character and function of the green network at this location with a consequential detrimental impact on the amenity of the area and that of local residents.
- 2) The proposed development contravenes Policy D5 of the adopted East Renfrewshire Local Development Plan as it will impact adversely on the landscape character of the site and that of the residential amenity of the immediate area by reducing the separation distance between residential properties. The development does not result in a community benefit that outweighs the loss of the greenspace.
- 3) The proposed development is contrary to Local development plan policy D8 Natural Features as it will impact adversely on the integrity of the Local Biodiversity Site.
- 4) The proposed development is contrary to policy D1 of the adopted East Renfrewshire Local Development plan as it will result in gardens that are out of a scale and that are out of keeping with the pattern of development in the locality to its detriment and the residential amenity of adjacent residents.

In what has been a very long and drawn out situation, dating back now to early 2017, this is the first positive step by East Renfrewshire council in what has been a long and stressful situation for us, our family and a number of our neighbours within the Westacres development.

The above reasons/rationale stated by the council in rejecting the proposals closely mirror our own thoughts on the matter (please refer to our previous objection letter, a copy of which is within your care). The wider Westacres development ultimately have the same grave concerns for the area and what could, in theory, be allowed to happen to the area if some firm and appropriate action is not taken now by the council to retain the land in question as it was originally intended. To this end, I can speak confidently on behalf of ourselves and our neighbours within Lauriston and Rossie Grove who also share the same views and as such, greatly welcomed East Renfrewshire's decision in refusing

this planning application. This was the only reasonable decision that could be made in our opinion, not just for this area of land but for that of the wider community greenspaces within Westacres which ultimately could share the same feat!

Given the considerable stress, time and effort we (and many of our neighbours) have personally devoted to address a situation which, quite frankly, should never have been allowed to happen in the first place, we strongly value the considerations taken by the Council in reaching your decision on 8<sup>th</sup> Feb 2019. Collectively, this work underpins the whole reason why the decision reached by the council on this matter back in February is such an important one.

Further to our previous objection submission, we have some further points we would like to raise regarding the specifics of the contraventions in question;

**Policy D4 Contravention** – *“the proposed changes would impact adversely on the character and function of the green network at this location with a consequential detrimental impact on the amenity of the area and that of local residents”*

- Already, the gravitas of the loss of trees to this area has been realised. What was once a green, mature urban buffer zone which provided noise attenuation and local biodiversity, is sadly no longer. There is no amenity left, nothing to look at that could be considered pleasant, agreeable, pleasurable or enjoyable whatsoever. Nothing other than barren ground. Privacy afforded by what was once there has now also been lost as a result.

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- Again, the landscape character of the area has now completely changed. What was once an intended, mature greenspace, is now barren, desolate and quite frankly an eye sore. Proposals to extend this area into over-sized garden space with no or little separation between neighbouring gardens and neighbouring housing estates goes against everything the Westacres site set out to achieve when it was built in the late 90's. This will not only look odd, out of keeping with its surroundings, but will provide no benefit to the wider community. This issue has already been further realised with neighbouring property 12 Threave Place, who have taken it upon themselves to extend their garden space up to our existing garden boundary without any appropriate planning permissions or authorisation whatsoever. This creates a number of issues, namely 1) No separation between our gardens and our housing estates, 2) flooding in our garden as a result of an existing water course having been re-directed towards our garden (it previously ran into 14 Threave Place area of land in question). 3) extensive noise carry over by those using this 'new garden space' frequently to the point where quite frankly it is now becoming a nuisance, 3) noise carry over from dogs using the new area to 'do their business'.  
The situation at present is already unacceptable. Adding an additional 2 off gardens to the mix will become unbearable with no benefit to anyone within the greater community other than those seeking to extend gardens to a disproportionate scale.

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bins on an almost daily basis. Again, this is a problem that didn't exist before the trees were brought to the ground!

**Policy D1 contravention** – proposed plans will result in gardens that are out of a scale and that are out of keeping with the pattern of development in the locality to its detriment and the residential amenity of adjacent residents.

- The proposed additional garden space is excessively large, out of scale (areas of land in question are almost as large as the original house/garden footprint assigned to the properties in question), it provides no or little separation between neighbouring housing estates and neighbouring properties and sets a detrimental precedent for all of the Westacres development if allowed to become a reality.

In closing, I would like to re-iterate the importance of the decision the council has made in relation to the above reference planning application. We support the council's decision in rejecting this planning application, as do many of my neighbours and others within the Westacres community. The decision made, is in our opinion, the only decision that can be reasonably concluded from the supporting arguments given the numerous contraventions to local policy which has been blatantly disregarded without any consideration or regard for others within the community.

The area of land in question is an important amenity to the local community, provides local biodiversity, crucial habitat for wildlife, provides crucial screening, privacy and noise attenuation both Rossie Grove and neighbouring Lauriston Grove. Failure to act now and prevent what could potentially be a huge issue for the Westacres community and its residents as a whole would be a great regret.

King Regards

Mohammed Asif  
Zareen Asif

2 Rossie Grove  
Newton Mearns  
G77 6YQ



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**O'Neil, Paul [CE]**

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**From:** Dongke Sun <[REDACTED]>  
**Sent:** 02 June 2019 23:02  
**To:** O'Neil, Paul [CE]  
**Cc:** EN Planning  
**Subject:** Review 2019/05 - Objection to 2018/0537/TP | Change the use of area of landscape amenity area to form extended residential garden ground to rear of 14 and 16 Threave Place, Newton Mearns | Land To The Rear Of 14 And 16 Threave Place Newton Mearns

Reference	2018/0537/TP
Alternative Reference	100122193-001
Application Received	Tue 28 Aug 2018
Application Validated	Fri 14 Sep 2018
Address	Land To The Rear Of 14 And 16 Threave Place New
Proposal	Change the use of area of landscape amenity area to residential garden ground to rear of 14 and 16 Threave Mearns
Status	Appeal lodged

Dear Mr O'Neil

We write to reiterate our objection to the appeal by Mrs P Milligan (Ref No: Review/2019/05) that a Local Review Body re-evaluate the decision made by ERC to refuse planning permission relating to the change of use of area of amenity lands to become extended gardens of Nos. 14 and 16 Threave Place, Newton Mearns (Planning application ref: 2018/0537/TP)

The proposed development adversely affects the environmental quality and became source of concern to a number of homeowners at Rossie Grove and Lauriston Groves, Newton Mearns ever since Greenbelt sold the lands to private owners

The proposed development causes loss of privacy by converting the original amenity lands into private residential gardens

We welcome the East Renfrewshire Council's decision on 8<sup>th</sup> of February 2019 to refuse granting permission to convert amenity lands into private gardens; and wish the ERC would uphold the same decision

Dongke Sun  
 Le Chen  
 8 Rossie Grove  
 Newton Means  
 G77 6YQ

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14 Threave Place,  
Newton Mearns,  
Glasgow G77 6YD

14<sup>th</sup> June 2019

East Renfrewshire Council  
Corporate & Community Services  
Council Headquarters,  
Eastwood Park,  
Rouken Glen Road,  
Giffnock,  
G46 6UG

Ref: REVIEW/2019/05

**For the attention of Paul O'Neil**

Dear Mr O'Neil

**Reference Number: Review 2019/05**

**Location: 14/16 Threave Place, Newton Mearns, East Renfrewshire G77 6YD**

**Proposal: Change of use of area of landscape amenity land to form extended residential garden ground to rear of 14 and 16 Threave Place, Newton Mearns**

I acknowledge receipt of your letters of 4<sup>th</sup> and 10<sup>th</sup> June 2019 with further representations made by four residents of Rossie Grove/Lauriston Grove, Newton Mearns, in respect of planning review 2019/05.

The first thing I would like to mention is that we (myself and my husband, Alan, along with my neighbours at No.12 and No.16 Threave Place) bought the land to the rear of our properties with the best of intentions. We are long term residents of Threave Place and we were compelled to purchase the land to the rear of our respective properties to stop it falling into the hands of an unscrupulous third party developer or someone who did not live in the development and who did not have an interest in maintaining the site properly. In buying the land, we have in effect preserved it as green space for the wider community by ensuring it was not bought by a developer or someone who did not have any real interest in the wider development.

Once the land was purchased, we were then told by ERC Planning that, in order to fence the land to comply with our title conditions, we would have to apply for a change of use with the only appropriate category being to form extended residential garden ground to enable us to fence off and maintain the land. We have each incurred a lot of expenditure in not only buying the land, but in relation to the associated legal and planning costs, never mind the expenditure still to be incurred in connection with looking after and maintaining the land. We all went to this expense to protect the land and to keep it as green space and to continue to enjoy its benefits. In doing so, the wider community has been assured it has not been bought by disinterested third party. In terms of our proposals, the land will remain greenspace but will be more manageable, with the only difference being that it will be fenced to comply with title conditions and to make the land safe.

I note with interest that the four parties who have made further representations do not overlook the application site. In fact, nobody overlooks the application site other than the residents at Nos.12, 14 and 16 Threave Place. Copies of Google Earth maps are attached showing the location of the four objecting proprietors in relation to the application site to highlight this point; the site visit by the Local Review Body will confirm this. The objectors have no immediate interest in the site itself and the proposal will have no immediate impact on their properties.

I will comment, in turn, on each of the points raised in the near identical and standard form correspondence received from Mr & Mrs Asif and Mr & Mrs Watson.

#### Policy 4

As has been confirmed in the Report of Handling, the removal of trees is not a planning issue. None of the trees that have been removed were protected. Prior to the purchase of the site, the area was vastly overgrown and required extensive maintenance - maintenance that was never carried out by the previous owner, Greenbelt Energy Limited.

There remains a green mature urban buffer zone between the application site and properties to the south and west. As stated, no one in Rossie Grove or Lauriston Grove overlooks the application site, with the nearest proprietor's fence line lying over 20m south west of the application site. There remains a substantial bank of trees and privacy has been maintained - which we also wish to maintain. The attached photograph taken in early June 2019 clearly shows the bank of trees that remain.

#### Policy 5

I also attach a photograph, again taken in early June 2019, from the upper floor of my property to demonstrate the buffer of trees which remain at the site to the rear of No.12 who have fenced their land (which ERC have allowed without the proprietor having to apply for planning permission). An observer will struggle to see the property at 20 Lauriston Grove through the trees. The only way to view the application site from that particular property is to either physically walk round to see it or to look out a rear upper floor window on the top floor of their property - and even then you will be hard-pushed to see it whilst the trees are full leaf.

Two parties make reference to the property at number 12 Threave Place which has nothing to do with the application under review and I do not, therefore, intend to say too much in that regard other than the reference to flooding from our property is completely inaccurate and no evidence has been exhibited to support that representation. The application site, as well as our own property, lies lower than the properties on Rossie Grove and Lauriston Grove. No watercourse has been re-directed on the application site. That statement is also without foundation and is wrong. The nearest watercourse is a small burn that lies over 10 metres away from the boundary of the application site. I would also confirm that my neighbour at No.16 and I have lived in Threave Place for 20 and 11 years respectively and have never experienced any issue with flooding. Neither of us owns a dog. Again, neither I nor my neighbours have noticed any increase in noise or dogs using the application site.

#### Policy 8

There has been no notable decline in the local wildlife such as birds, squirrels and foxes, which continue to inhabit the area; they are frequently seen in and around the application site and in neighbouring gardens. I have never personally seen any bats in the area and, having spoken to my neighbours who have lived in their properties since the development was built in 1996, they are unable to offer any evidence as to bats living here.

I wholeheartedly welcome the site visit by the Local Review Body. As stated previously, any works upon the site stopped over two years ago on the direction of ERC planners. Whilst there was no legal basis to this direction, we complied and, as a result, have not had the opportunity to plant out and maintain the site properly. Should consent be granted and once landscaping and planting works commence, I am sure local residents will be satisfied that the land has been purchased and the use changed in order to preserve the land and keep it as managed greenspace.

I hope this answers fully the points raised in the further representations received. This letter should be read along with the statements set out in our original application and notice of appeal lodged with ERC on 7 May 2019.

Yours sincerely



Mrs Pauline C Milligan

CC Mark & Mary Thomson  
16 Threave Place  
Newton Mearns  
G77 6YD

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Google Maps

20 Lauriston Grove

67  
2 ROSSIE GROVE

8 ROSSIE GROVE

14 & 16 THREAVE PLACE

~~3 ROSSIE GROVE~~



Google

Imagery ©2019 Google, Map data ©2019 10 m

APPLICATION SITE

20 LAURISTON GROVE

3 LAURISTON GROVE

Google Maps

20 Lauriston Grove  
Milligan

1466 THREEVE PLACE  
TREES THAT  
REMAIN

20 Lauriston Grove



Imagery ©2019 Google, Map data ©2019 10 m

ROSSIE GROVE

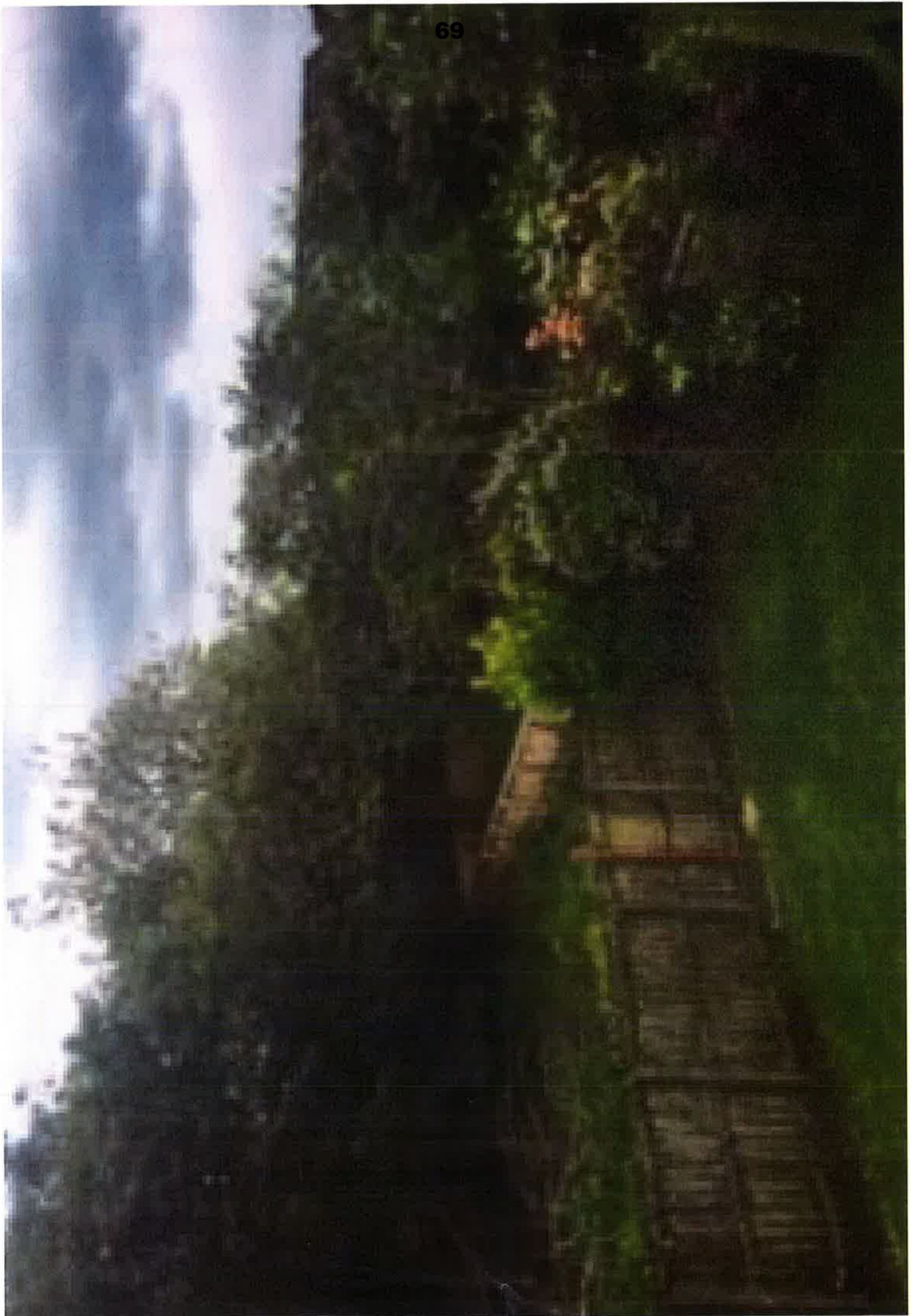


Photo from upper floor bedroom with trees retained on ~~property~~  
site at rear of No 12 Threave Place - taken June 2019  
Review 2019/05



Photo from upper forest of 14 Maresme Place to Application site  
and trees retained/buffer zone - June 2019  
Revan 2019/05

## REPORT OF HANDLING

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# REPORT OF HANDLING

Reference: 2018/0537/TP

Date Registered: 14th September 2018

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 252663/:655988

Applicant/Agent:

Applicant:  
Mrs Pauline Milligan  
14 Threave Place  
Newton Mearns  
Glasgow  
Scotland  
G77 6YD

Agent:

John Jackson & Dick Limited  
48 Cadzow Street  
Hamilton  
Scotland  
ML3 6DT

Proposal: Change the use of area of landscape amenity area to form extended residential garden ground to rear of 14 and 16 Threave Place, Newton Mearns

Location: Land to the rear of 14 and 16 Threave Place  
Newton Mearns

**CONSULTATIONS/COMMENTS:** None.

## PUBLICITY:

28.09.2018 Glasgow and Southside Expiry date 12.10.2018  
Extra

**SITE NOTICES:** None.

**SITE HISTORY:** None

**REPRESENTATIONS:** Eight representations have been received of which seven are objecting and one is in support: Representations can be summarised as follows:

- Proposal is contrary to the Councils Local Development Plan.
- Loss of Greenbelt amenity space
- Habitat impact/environmental damage.
- Loss of trees.
- Impact on local amenity.
- Loss of landscaped green networks.
- Proposal will result in incongruously gardens.
- Loss and dispersal of habitat
- Residential amenity impact.
- Risk of flooding.

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

**SUPPORTING REPORTS:** No formal reports have been submitted in support of this application. A statement relating to Policy 5 of the Local Development Plan has been provided.

**ASSESSMENT:**

Planning permission is sought for the change of use of a portion of an amenity open space/landscaping network in the Westacres area of Newton Mearns. The area involved is to the rear of two houses (14 and 16 Threave Place) and it is proposed to form larger private gardens for both properties.

Threave Place is part of the Westacres suburban housing development carried out over twenty years ago. The area was built out by several house builders in a number of distinct phases. These residential pockets were both framed and separated by irregular shaped landscaped buffer areas/networks. These areas vary in nature but in the main were planted out with fast growing tree species intended to provide an improved level of visual separation between the different housing areas and introduce woodland pockets to provide general amenity areas. This landscaping network was sold to the Greenbelt Company on the understanding that they would manage it for the benefit of the residents. However there is no specific information on the requirements for the Greenbelt Company to keep these management arrangements in perpetuity and it is not a condition of the planning permissions. There were no explicit controls or other protection measures put in place.

Within the last few years there have been incidences of the Greenbelt Company selling off sections of the areas/network. There has been tree removal works in what is understood to be the first area sold. As a consequence of there being no protection measures in place the tree works were not unauthorised.

To date the Council's Development Management Service is aware of an area of landscaping between Threave Place/Cluny Drive on its north/east side and Rossie Grove and Lauriston Grove on its south west that has been sold to four different parties.

In terms of this planning application tree felling works were brought to the Council's attention last year behind the two properties. The works had been instructed by the current applicant who confirmed the area had been purchased from the Greenbelt Company. It has been confirmed it was the intention to extend rear gardens across it. The area now has the appearance of cleared rough grassland. No further work was undertaken at that time or since. This application is to regularise the applicant's intentions to change the use of the land to private residential garden ground.

The landscaped area is relatively level, extending for approximately 27m to a minor watercourse. Beyond the watercourse, the land rises in southerly direction over a distance of approximately 15m. Planning permission is sought to change the use of a section of land that is approximately 15m deep and retaining approximately 10m of land, that is still wooded, to the watercourse. In terms of length the site is over 110m long. The submitted details clearly show the change is to apportion the site to form extended garden ground for the two properties.

This application is required to be assessed against the relevant policies of the adopted East Renfrewshire Local Development Plan (LDP) and any material planning considerations. The relevant policies of the LDP are considered to be D1, D2, D4, D5 and D8.

Policy D1 contains criteria for assessing all forms of development and in this instance the most relevant relate to the impact on the character and amenity of the surrounding area.

In this respect the extension of garden ground into the area will have an impact on the immediate area. The complete tree loss referred to above extends across the entire site. This impact is

marked and already has the effect of creating an area of land that is incongruous in the immediate context.

The proposed change of use also creates unusually large residential plots that are not in keeping with the area. The layout of the proposed extended plots is also insensitive in terms of layout particularly at its south section where a particularly wide and disproportionate garden would be formed that constrains access to the landscaped network at that point.

In combination the scale, depth and context of the proposal results in large gardens out of keeping with the character of the area.

The proposal also impacts on the green network by reducing the extent of the landscaped framework in the immediate locale and this is considered to impair its function in terms of residential amenity.

Policy D2 indicates that development will be supported within the general urban areas 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. In this regard the assessment against Policy D1 is similar.

The remaining policies D4, D6 and D8 refer respectively to: the Green Network; Protection of Urban Greenspace (UGS); and Natural Features including Local Biodiversity Sites (LBS).

The Green Network is a system of greenspaces which the Council considers has a wildlife, recreational, landscape and access value to the adjacent communities.

Policy D4 in particular confirms that proposals for development that is likely to destroy or impact adversely on the character of function of the green network will be discouraged.

The proposal under consideration here, facilitated by the complete clearance of trees from the site, impacts significantly on the character of the Green Network. The loss of formal garden ground will increase this impact.

This amenity space/landscaped area is also identified as a Local Biodiversity Site (LBS).. Any loss will be carefully considered in respect of any potential community benefit related to the proposal.

In terms of Policy D5 these areas vary in terms of their scale and character across the council area. In this instance it is considered that the design and context of the Westacres the landscaped network provides a visual buffer between residential pockets thus increasing the amenity and privacy for the adjacent houses and it offers a habitat resource for local flora and fauna. However, the level of control and management in place over this area is weak.

Direct public access is not encouraged or facilitated in or across the area that is the subject of this application. However casual responsible access opportunities will be lost.

The nature conservation aspects are difficult to quantify but no mitigation has been identified as compensating for the impact. Again this is contrary to the terms of this policy.

Loss of urban greenspaces may be acceptable if there is a community benefit. That is not the case in this instance, again in direct conflict with this policy. The proposal is solely for the benefit of the applicant.

In terms of Policy D8 the considerations are similar to those outlined above. Policy D8 presumes against development where it would compromise then overall integrity of Local Biodiversity Sites

and promotes and enhances their wildlife, recreational value and/or access value This proposal partly facilitated by the tree removal already carried out has already and will continue to impact on the integrity of the LBS.

Noting the above policy matters it is considered that the proposal conflicts with the terms of the LDP. The removal of the trees itself is not the determining factor but the extent of the area involved and the reduction/loss of the landscaping results in a loss of a community resource. The creation of incongruously large gardens is markedly out of character with the prevailing character of the area as a whole. On that basis it is considered the proposal cannot be supported and planning permission should be refused unless material considerations indicate otherwise.

The applicant's submission extends mainly to a Statement in respect of Policy D5 of the LDP. In the first instance they refer to the maintenance regime that was in place over the landscaped network. The problems that arose with the Greenbelt Company particularly a perceived lack of maintenance and problems that resulted from that, for example antisocial incidents. Ultimately these resulted in the company involved selling sections of the landscaping to other parties. As mentioned above the Council is aware of four areas that have been sold.

It is indicated:

- it is not intended to erect permanent structures in the extended garden areas
- the landscaped network was not properly managed
- the amenity value is in their view limited
- a significant external buffer beyond the proposed extend garden is retained
- there is no loss of public access. It was so unkempt and overgrown that with exception of anti-social incidences responsible public access was not possible
- there is no or limited impact on nature conservation

It is considered that these matters/opinions have already been addressed above.

The applicants have principally referred to the reducing role of the Greenbelt Company however in the Council's view the felling across this area is excessive and disproportionate and impacts on the character and function of the landscaped area and the residential amenity of residents in the area.

In terms of the grounds of objection it is considered that the majority of these are addressed in the preceding paragraphs above. A comment has been made in respect of flooding impact however this has not been evidenced on site but it is understood that a drainage has been laid towards the watercourse by the owner of 12 Threave Place.

In terms of the letter of supporting this is from a nearby property who has also purchased an area of land from the Greenbelt Company and fenced it off from the wider area. This matter has been investigated. The residents have indicated that they do not intend to use this area as extended garden ground. Based on evidence on site the area is separate from the owner's gardens. The character of the landscaping has not altered substantially and a number of original trees are retained thus maintaining the integrity of the landscaped network and level of residential amenity similar to the original setting of the housing development. The habitat value has not been disrupted to the degree evidenced to the rear of 14 and 16 Threave Place. It is considered that a change of use to private residential garden ground had not yet taken place in this instance.

Overall conclusion

Taking the above matters into account it is considered that the proposal does not accord with the terms of the Councils Local Development Plan. The material considerations that have been assessed are not considered sufficient to outweigh the Local Development Plan.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None.

**REASONS FOR REFUSAL:**

1. The proposed development is contrary to Policy D4 of the adopted East Renfrewshire Local Development Plan as it will impact adversely on the character and function of the green network at this location with a consequent detrimental impact on the amenity of the area and that of local residents.
2. The proposed development is contrary to Policy D5 of the adopted East Renfrewshire Local Development Plan as it will impact adversely on the landscape character of the site and that of the residential amenity of the immediate area by reducing the separation distance between residential properties. The development does not result in a community benefit that outweighs the loss of the greenspace.
3. The proposed development is contrary to D8 of the adopted East Renfrewshire Local Development Plan as it will impact adversely on the integrity of the Local Biodiversity Site.
4. The proposed development is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it will result in gardens that are of a scale that are out of keeping with the pattern of development in the locality to its detriment and the residential amenity of adjacent residents.

**ADDITIONAL NOTES:** None

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Ian Walker on 0141 577 3042.

Ref. No.: 2018/0537/TP  
(IAWA)

DATE: 8th February 2019

**DIRECTOR OF ENVIRONMENT**

Reference: 2018/0537/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 D4

##### Green Network

The Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the green networks shown on the Proposals Map.

Proposals for development that are likely to destroy or impact adversely on the character or function of the green network will be discouraged.

Where proposals are likely to adversely impact upon the green network, appropriate mitigation will be required.

The provision of the green network will be a core component of any master plan.

Further detailed information and guidance, which all proposals require to reflect, is set out in the Green Network and Environmental Management Supplementary Guidance.

#### Policy D5

##### Protection of Urban Greenspace

Urban greenspace, including outdoor sports facilities, identified on the Proposals Map, will be safeguarded. Proposals which would result in the loss of urban greenspace will be resisted unless it can be demonstrated that:

There is no significant adverse impact on the landscape character and amenity of the site and surrounding area;

There will be no loss of public access;

There will be no or limited impact on nature conservation and any loss would be mitigated through enhanced provision elsewhere in the vicinity;

The proposed loss would result in a community use, the benefit of which would outweigh the loss of urban greenspace.

Additionally, for outdoor sports facilities, the following will have to be demonstrated:

The proposal is ancillary to the principal use of the site as an outdoor sports facility;

The proposal involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;

The outdoor sports facility would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or

The relevant strategy, prepared in consultation with SportsScotland, shows that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

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

#### Policy D8

##### Natural Features

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

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

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

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

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

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

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

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

**GOVERNMENT GUIDANCE:** None

**Finalised 08/02/19 AC(3)**



**DECISION NOTICE  
AND  
REASONS FOR REFUSAL**

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

**REFUSAL OF PLANNING PERMISSION**

Ref. No.           **2018/0537/TP**

**Applicant:**

Mrs Pauline Milligan  
14 Threave Place  
Newton Mearns  
Glasgow  
Scotland  
G77 6YD

**Agent:**

John Jackson & Dick Limited  
48 Cadzow Street  
Hamilton  
Scotland  
ML3 6DT

With reference to your application which was registered on 14th September 2018 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Change the use of area of landscape amenity area to form extended residential garden ground to rear of 14 and 16 Threave Place, Newton Mearns**

**at: Land to the rear of 14 and 16 Threave Place, Newton Mearns**

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

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

1. The proposed development is contrary to Policy D4 of the adopted East Renfrewshire Local Development Plan as it will impact adversely on the character and function of the green network at this location with a consequent detrimental impact on the amenity of the area and that of local residents.
2. The proposed development is contrary to Policy D5 of the adopted East Renfrewshire Local Development Plan as it will impact adversely on the landscape character of the site and that of the residential amenity of the immediate area by reducing the separation distance between residential properties. The development does not result in a community benefit that outweighs the loss of the greenspace.
3. The proposed development is contrary to Local Development Plan Policy D8 Natural Features as it will impact adversely on the integrity of the Local Biodiversity Site
4. The proposed development is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it will result in gardens that are of a scale that are out of keeping with the pattern of development in the locality to its detriment and the residential amenity of adjacent residents.

Dated           8th February 2019

Director of Environment



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

The following drawings/plans have been refused

<b>Plan Description</b>	<b>Drawing Number</b>	<b>Drawing Version</b>	<b>Date on Plan</b>
Location Plan			
Fencing and Gates			

## **GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS**

### **REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY**

1. If the applicant is aggrieved by a decision to refuse permission (or by an approval subject to conditions), the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review can be submitted online at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk). Please note that beyond the content of the appeal or review forms, **you cannot normally raise new matters** in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

### CONTACT DETAILS

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

**General Inquiry lines 0141 577 3895 or 0141 577 3878  
Email [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.gov.uk)**

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**NOTICE OF REVIEW  
AND  
STATEMENT OF REASONS**

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100122193-008

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

### Applicant or Agent Details

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

Applicant  Agent

### Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="John Jackson &amp; Dick Limited"/>		
Ref. Number:	<input type="text" value="MIL002AC JF"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Jonathan"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Findlay"/>	Building Number:	<input type="text" value="48"/>
Telephone Number: *	<input type="text" value="01698 281747"/>	Address 1 (Street): *	<input type="text" value="Cadzow Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Hamilton"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="ML3 6DT"/>
Email Address: *	<input type="text" value="jfindlay@jacksondicklaw.com"/>		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Pauline"/>	Building Number:	<input type="text" value="14"/>
Last Name: *	<input type="text" value="Milligan"/>	Address 1 (Street): *	<input type="text" value="Threave Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Newton Mearns"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G77 6YD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing	<input type="text" value="656000"/>	Easting	<input type="text" value="252660"/>
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## Description of Proposal

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

The applicant and her neighbour live adjacent to a large area of wooded urban greenspace and have acquired from the previous owner two areas of greenspace adjacent to their back gardens. The applicant is seeking to change the use of these areas from urban greenspace to private garden ground & to erect a 1.8m high fence separating the application sites from each other & the remaining greenspace.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see Notice of Review Submission attached.

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

Yes  No

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

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

Notice of Review Submission Photograph 1 Photograph 2 Photograph 3 Photograph 4 Photograph 5 Photograph 6 Location Plan Fencing Plan Proposed Fence Style Supplemental Plan 1 Supplemental Plan 2

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

2018/0537/TP

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

27/08/2018

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

14/02/2019

## Review Procedure

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

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

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site visit would assist members of the LRB to view in context the application site and to understand the minimal impact the proposal will have on residential amenity and on the adjacent green space. A hearing would also give the Applicant the opportunity of explaining the reasons for the proposal and allow her to answer members' questions in relation to the application.

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

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

Yes  No

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

Yes  No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The site is overgrown and rough underfoot. Access can be taken by way of a nearby footpath to the south of the application site, but the safest vantage point to view the site would be from the Applicant's rear garden.

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## Declare – Notice of Review

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

Declaration Name: Mr Jonathan Findlay

Declaration Date: 07/05/2019

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**Notice of Review**

**East Renfrewshire Council**

**Review of decision to refuse planning permission under Section 43A of the Town and Country  
Planning (Scotland) Act 1997**

**Reference 2018/0537/TP**

**Land to the rear of 14 And 16 Threave Place Newton Mearns**

BACKGROUND

The Applicant, Mrs Pauline Milligan, lives at 14 Threave Place, Newton Mearns, immediately adjacent to wooded urban greenspace that lies to the south-west of the rear gardens of Numbers 12 to 16 Threave Place.

The ownership of the greenspace (including the application site) was originally transferred by Wimpey Homes Holdings Limited to The Scottish Greenbelt Company Limited (“Greenbelt”) in 1999 as part of the development of the wider Westacres Estate. Despite there being title conditions and planning policy requiring the upkeep and maintenance of the site, Greenbelt carried out little, if any, initial maintenance and, certainly in the last two decades, has carried out no maintenance whatsoever. This has resulted in the greenspace becoming overgrown with fast-growing trees, gorse and shrubs, many of which were inappropriate for the location, being immediately adjacent to residential back gardens. Since being planted around 23 years ago, many trees have become extremely high and, at times, dangerous and a nuisance to the neighbouring residential properties (see attached photographs 1 and 2 showing the height and density of the trees in 2017). The greenspace was (and still is) overgrown with weeds, brambles and gorse bush making the vast majority of the space inaccessible. Many of the trees form a dense wall of growth immediately adjacent to local residents’ back fences casting huge shadows over back gardens and posing an insurance risk should any trees be blown over in a storm. There are currently several windblown trees throughout the wooded area (see photograph 3 attached). Despite many residents calling upon Greenbelt on numerous occasions to maintain the wooded areas by lopping, trimming or crown-lifting the trees, they failed to do so.

Several years ago, Greenbelt marketed various greenspace sites throughout the wider Westacres development for sale in lots and invited bids for parcels of land. Following the sale by Greenbelt of a large area of land in the immediate vicinity of the Applicant’s property, as long term and concerned residents, the Applicant and her two immediately adjacent neighbours contacted Greenbelt, who offered to sell the land immediately at the rear of each of their properties in March 2017. This land was purchased in order to take control of the land for maintenance purposes and to prevent the land being sold to a property speculator or absentee landowner. This, in turn, protected the land from being potentially exploited for development at some point in the future. Since the Applicant’s purchase, a further area of land in Westacres has been sold by Greenbelt to an investment company based in Aberdeen.

The Applicant purchased the land in good faith in order to protect it and to keep it well-maintained as landscaped garden ground. This was seen as being of benefit to the wider community who would receive comfort from the fact that the land was locally owned and would be properly maintained going forward.

The decision to buy the land was not one that was taken lightly but one the Applicant and her neighbours felt compelled to do in order to prevent the land falling into the hands of an absentee landowner or property developer. The Applicant has already incurred considerable expense buying the land as well as meeting the associated legal costs and outlays, together with the additional costs of maintaining the land going forward.

Following the purchase of their respective plots, the owners of numbers 14 and 16 Threave Place ("No.14" and "No.16") commenced work to remove many of the overgrown trees, gorse and shrubs within these plots (see photographs 4 and 5 attached), whilst leaving a 5 metre buffer of trees within each plot adjacent to the remaining woodland (see photograph 6 attached). However, the Planning Department of East Renfrewshire Council ("ERC Planning") received a complaint from a resident in a neighbouring development. An official from ERC Planning visited the site and instructed that all work on the removal of the trees be halted, despite the fact that there was no basis in law for such an instruction.

Greenbelt had already imposed a title condition that the plots be fenced off from Greenbelt's remaining land. Specifically, the title condition states that "[the Applicant] shall within twelve months immediately following [28 March 2017], erect a good and substantial fence in keeping with the existing fencing, separating the [application site] from the [remaining land owned by Greenbelt], which fence shall be erected exclusively upon the [application site], and shall have been approved of by the Planning Authority."

Although the fence to be erected is in keeping with the current guidelines on rear garden fencing (being only 1.8 metres in height), planning permission is required as ERC Planning have advised that the act of enclosing the land constitutes a change of use (this is in contrast with the approach taken in relation to the new fence erected on the land owned by, and to the rear of, No.12 Threave Place (see below)).

In order to conform with the title condition and on the advice of the Planning Department at East Renfrewshire Council ("ERC Planning"), the Applicant submitted the application to fence the application site, which is the subject of this review, in early September 2018.

The Applicant's Planning Application was validated on 14 September 2018. The Applicant accepts that any consent granted may be subject to planning conditions, including the approval by ERC Planning of a maintenance schedule for the plots.

The owners of No. 14 and No. 16 will be liable for the ongoing costs of upkeep and maintenance of the application site. The land will, therefore, be looked after by local residents at no cost to the wider community and will not be owned by a disinterested third party who may wish to seek to develop the land at a later date, thereby benefitting the wider community. It is worth noting, however, that there is already a title condition prohibiting any building on the application site and requiring that it is kept as a green space. The Applicant's title states that "The [application site] shall



be used for ornamental or garden ground and for no other purpose whatever and shall be maintained as such in a neat and tidy condition and free from all rubbish and refuse and weeds and when necessary renewed at the sole expense of the {Applicant] in all time coming. The [Applicant is] expressly prohibited from erecting on the [Application site], or any part or parts thereof, any buildings, walls, or structures of any kind including extensions to dwelling-houses, garages or conservatories and no vehicles of any kind shall be left or parked thereon.”

REPORT OF HANDLING

In the assessment within the Report of Handling, ERC Planning highlights the following general matters - see bullet points below, with the Applicant's responses following in *italics*:

- The amenity open space (of which the application site formed part) was planted out with fast growing tree species intended to provide an improved level of visual separation between the different housing areas.

*The tree species planted included ash, birch, rowan, pine, poplar, sycamore and willow - many of which, unless regularly maintained, grow to significant heights and can become an insurance risk when immediately adjacent to residential buildings. There are no houses immediately to the rear of the land at No 14 and No 16. Although the trees closest to the rear gardens of No.14 and No.16 have been removed, the depth of the woodland remains at over 30 metres (5 metres of which remains within the application site). There is, therefore, still a dense swathe of woodland between the two estates and there has been no change in the visual separation between the developments (see photographs 4 and 5 attached). Except in the dead of winter, no houses are visible through the trees. This has always been the case. There is no loss of privacy for any local resident. Ariel photographs will confirm the position, as will a review of the photographic evidence lodged with the original application.*

- The landscaping network was sold to the Greenbelt Company on the understanding that they would manage it for the benefit of the residents.

*Despite a management regime being required in terms of the title, the original planning permission and ERC policy, Greenbelt provided little or no maintenance in their twenty years of ownership of the green spaces throughout the wider Westacres Development, despite residents frequently calling on them to do so.*

*This left residents with hugely overgrown woodland right next to their rear gardens. In many cases, the overbearing woodland was encroaching upon the gardens themselves. Residents often tried to cut back the trees to the boundary themselves. The owners of No.14 and No.16 were offered the opportunity to take ownership and control of areas next to their rear gardens which would (1) enable them to control and maintain the trees and shrubs growing there and (2) prevent the sites falling into the hands of absentee landowners or potential developers.*

RESPONSE TO REASONS FOR REFUSAL**Reason for Refusal 1**

“The proposed development is contrary to Policy D4 of the adopted East Renfrewshire Local Development Plan as it will impact adversely on the character and function of the green network at this location with a consequent detrimental impact on the amenity of the area and that of local residents.”

Policy D4 states that ERC will promote, protect and enhance the wildlife, recreational, landscape and access value of green networks. Proposals for development that are likely to destroy or impact **adversely** on the character or function of the green network will be discouraged. Where proposals are likely to **adversely** impact upon the green network, appropriate mitigation will be required.

Applicant's Comments

*The proposals contained in the application to fence off and change the use of the application site from open amenity ground to private garden ground will have minimal impact on the character and function of the green network.*

*Wildlife- Given that most of the trees within the application site (which have no planning protection) have already been removed, the proposals to fence off the site and change the use to garden ground will have no significant impact on wildlife habitat in the area. The green network and the local wildlife corridor are preserved in that a broad swathe of woodland will remain should planning permission be granted.*

*Recreation – The area is not active amenity space. There was no recreational opportunity prior to the removal of the trees due to the density of the woodland and inaccessibility due to extensive and unkempt undergrowth.*

*Accessibility – Lack of maintenance for two decades meant that no one could easily access the land. The greenspace was (and still is) wild and unkempt and offers no accessibility to the general public.*

*The application site will continue to be maintained as green space with the only differentiating factor being that the area will be fenced and maintained by the owners of No.14 and No.16 (at their own cost).*

*The trees that are (and were) on the application site are not protected and their removal cannot be used to justify or support the refusal of planning permission.*

*Whilst unfenced, the application site is currently a potential health and safety risk to anyone, including children, attempting to access the cleared site. Fencing the site will remove that risk and any public liability issue - allowing the owners to secure and maintain the site.*

## Reason for Refusal 2

“The proposed development is contrary to Policy D5 of the adopted East Renfrewshire Local Development Plan as it will impact adversely on the landscape character of the site and that of the residential amenity of the immediate area by reducing the separation distance between residential properties. The development does not result in a community benefit that outweighs the loss of the greenspace.”

Policy D5 states that any proposals resulting in the loss of urban green space are to be resisted unless it can be demonstrated that:

- There is no significant adverse impact on the landscape and amenity of the site and the surrounding area
- There is no loss of public access
- There is no or limited impact on nature conservation.

### Applicant's Comments

- *The Applicant agrees that well-managed green spaces (regardless of ownership) contribute to residential amenity. The application site was not properly managed by previous owners as described above (see photographs 1 and 2 attached). There should be no loss of amenity, given that the poor state of the previously existing trees and shrubs constituted blight on the local area and a dis-amenity to neighbouring proprietors. There will remain a significant 30 metre buffer zone of mature trees between the application site and the public footpath leading to Westacres Road, retaining the privacy to local residents currently afforded by these trees. The 30 metre buffer zone referred to above will include a 5 metre wide row of trees that has been retained along and within the south-western boundary of the application site. Any potential impact on amenity is neither significant nor adverse.*
- *The application site was previously unkempt and overgrown; safe public access was difficult, if not impossible. Consequently, there will be no loss of any existing public access as a result of the application site being fenced.*
- *The application site will be maintained as garden ground and laid to, for example, wildflower meadow, vegetable plots or managed woodland/shrubbery. It does not encroach at all on the remaining trees on the banks of the watercourse to the south-west – thus preserving the existing green network and wildlife corridor.*

**Reason for Refusal 3**

“The proposed development is contrary to Local Development Plan Policy D8 Natural Features as it will impact adversely on the integrity of the Local Biodiversity Site.”

Policy D8 states that there is a strong presumption against development where it would compromise the overall integrity of local biodiversity sites.

Applicant’s Comments

*Given that trees (which have no planning protection) have already been removed (see photographs 4 and 5 attached), the proposals to fence off the site and change the use to properly maintained and managed) garden ground will, in fact, have a beneficial impact on wildlife habitats in the area. The green network and the local wildlife corridor are also preserved in that a broad swathe of woodland will remain should planning permission be granted.*

*In the two years since the trees were removed there is no evidence to indicate any impact on the existing wildlife and/or biodiversity of the sites with local wildlife continuing to inhabit the local area. There remains a large swathe of trees and an intact green network throughout the Westacres development and immediately adjacent to the application site.*

**Reason for Refusal 4**

“The proposed development is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it will result in gardens that are of a scale that are out of keeping with the pattern of development in the locality to its detriment and the residential amenity of adjacent residents.”

Policy D1 states that the development should not result in a significant loss or character or amenity to the surrounding area and 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.

Applicant’s Comments

*There will be no detriment to the residential amenity of local residents caused by the creation of larger garden plots. The application site is bounded to the south and west by the remaining woodland and the site is only visible from the rear of the adjacent properties (belonging to the Applicant and her immediate neighbours). The use of the application site can be conditioned to avoid or reduce any perceived detriment.*

*The land will remain a green space with the only differentiating factors being that it will be fenced and properly maintained by the proprietors of No.14 and No.16.*

**Conclusion**

EDC Planning state that the proposals conflict with the terms of the LDP and cannot be supported. It is admitted by ERC Planning that the removal of trees is not a determining factor but, conversely, it is alleged that the extent of the area involved and the reduction/loss of landscaping would result in a loss of a community resource. As outlined above, any impact caused by the granting of permission in this instance would be minimal and may, in fact, enhance the residential amenity of the local area, given the incentive on local owners of the application site to maintain it as part of their own garden ground and in line with any conditions imposed by the Local Review Body.

**Taking into account the minimal impact on residential amenity that is likely to be caused by the proposed fencing and change of use and, given the particular and unique circumstances of this application, the Applicant respectfully requests that the Local Review Body grant the application.**

ADDITIONAL COMMENTS

**Determination delay beyond 3 month statutory limit**

A period of almost 5 months elapsed between the validation of the application **2018/0537/TP/100122193-001** (“the application”) and the date of the decision by ERC Planning. This was despite several written reminders and calls to ERC Planning by the Applicant’s representatives. The Applicant agreed with ERC Planning not to submit a review on the grounds of non-determination in order to give ERC Planning a further period beyond the statutory three months to issue the decision notice. In the end, a decision notice was signed on 8 February 2019 refusing the application (“the refusal”).

Although the decision notice is dated 8 February 2019, giving the Applicant three months (until 8 May) to submit a notice of review, the letter sending out the notice was not issued to the Applicant until 14 February 2019. The Applicant has, therefore, had six days (over one working week) less to consider and submit the notice of review than should have been the case.

**Inconsistent application of planning rules**

The owner of number 12 Threave Place, Newton Mearns (“No.12”) also bought a plot of land from Greenbelt at the same time as the Applicant. No 12 built a fence around their plot without seeking planning permission (see photograph 5 attached) and it is noted in the Report of Handling that No.12 has received confirmation from ERC Planning that no enforcement action is being considered; nor are the owners at No.12 being compelled to submit an application for planning permission in relation to the fenced land and/or the change of use. The land has been enclosed by a fence, yet this has not been viewed as a change of use.

A fundamentally different approach has been adopted by ERC Planning in respect of No.12, which is wholly inconsistent with the reasons given for refusing the application by the Applicant.

**Removal of trees**

As detailed above, following the purchase of their respective plots, the owners of No.14 and No.16 commenced work to remove many of the overgrown trees and shrubs within these plots - leaving a buffer of trees in each plot adjacent to the remaining woodland (see photographs 4, 5 and 6). Following a complaint from a resident in a neighbouring development, an official from ERC Planning visited the site and instructed that all work on the removal of the trees be halted. This instruction had no basis in law as the trees are not protected and there is no planning condition or obligation (statutory or otherwise) requiring the trees to be preserved. In theory, all trees at this location could be removed by the various owners (including Greenbelt) as none of the trees are currently protected. The Applicant is certainly not advocating this, but there is a real inconsistency in how planning rules are being applied in this instance. Upon receiving the instruction to halt the removal of trees, the proprietors of No.14 and No.16 promptly ceased carrying out any further works -

although they were not legally obliged to do so. That was two years ago and, since then, no further works have been carried out pending the application for planning permission. This has left the majority of the application site in a rough and unkempt condition. It also has denied the owners the ability to secure and maintain the area to the detriment of the wider community.

Should planning permission be granted and the site fenced off, the Applicant will properly manage and maintain the site as private garden ground in compliance with any conditions imposed by the Local Review Body.



Application Site – Land to rear of 14 & 16 Threave Place, Newton Mearns

Change of Use

Proposed Policy D5: Protection of Urban Greenspace

East Renfrewshire Council policy is to protect, enhance and promote green infrastructure within urban developments.

Policy guidance also requires that such infrastructure should be subject to a single, robust, long-term maintenance regime with high standards of maintenance to be applied.

- Until very recently, the urban greenspace of which the application sites form part has been in the single ownership of greenspace or woodland amenity companies for over 20 years – that is, ever since the adjacent housing estate was constructed. Presumably a maintenance regime would have been agreed between the developers of the estate and the planners at the time planning permission for the estate was granted, but there has been little, if any, maintenance of the greenspace in the last decade. Indeed, there has been no incentive for, or legal obligation on, the owner of the greenspace to carry out any maintenance at all. The result has been overgrown trees and shrubbery that encroach upon or overhang neighbouring properties. The overgrown and unkempt trees and plants diminish local amenity, have been a magnet for anti-social behaviour and block sunlight into neighbouring properties. In particular, the numerous very large trees (some being 50 – 60 feet high) immediately adjacent to the back fences of the applicants' gardens had previously formed a dense, dark and over-bearing wall of trees. The applicant and her neighbour have, upon purchasing the application sites, cleared away many of the overgrown shrubs and trees in order to create a clear buffer between the remaining woodland and their existing useable garden ground. A row of trees has been retained along and within the south-western boundaries of the application sites.
- The applicant and her neighbour seek to take control of the acquired greenspace by fencing it off for safety reasons and thereafter incorporating it into their adjacent gardens. No permanent structures would be erected on the sites, which would be properly maintained as private garden ground – potentially with wildflower meadow, vegetable plots and trees/shrubs of a manageable height.

It is noted that Policy D5 states that any proposals resulting in the loss of urban green space are to be resisted unless it can be demonstrated that:

- There is no significant adverse impact on the landscape and amenity of the site and the surrounding area
  - The application sites were not properly managed by previous owners as described above. There should be no loss of amenity, given that the poor state of the previously existing trees and shrubs constituted a blight on the local area and a dis-amenity to neighbouring proprietors. There will remain a significant buffer zone of mature trees between the application site and the public footpath leading to Westacres Road, retaining the privacy to local residents currently afforded by these trees. A row of trees

has been retained along and within the south-western boundaries of the application sites. Any potential impact on amenity is neither significant nor adverse.

- There is no loss of public access
  - The application site was previously unkempt and overgrown; safe public access was difficult, if not impossible. Consequently, there will be no loss of any existing public access as a result of the application sites being fenced off.
  
- There is no or limited impact on nature conservation
  - The application site will be maintained as garden ground and laid to, for example, wildflower meadow, vegetable plots or managed woodland/shrubbery. It does not encroach on the remaining trees on the banks of the watercourse to the south-west – thus preserving the existing green network and wildlife corridor.

**PLANS/PHOTOGRAPHS/DRAWINGS**

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115 FENCING PLAN  
- LAND AT 14/16 THREAVE PLACE,

NEWTON  
MEARNS

Millar Bryce

Land to the rear of 14 Threave Place,  
Newton Mearns



Reference: PZ176435b/RW

Co-ordinates at Centre:

Scale:

Version: 1.0

Easting: 252,653

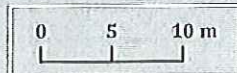
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Date: February 2017


Northing: 655,998

Paper Size:

A4



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PROPOSED 1.8m HIGH FENCE - 







**119**



**120**



**121**

A photograph of a dense forest of tall, thin trees with green foliage. The number '121' is overlaid in the upper center. The trees are mostly deciduous with vibrant green leaves, and their thin, light-colored trunks are visible against the darker canopy. The ground in the foreground is covered with low-lying vegetation and some fallen branches.

**122**

A photograph of a forest scene. In the foreground, there is a dense thicket of green grass and weeds. Several fallen, light-colored tree branches are scattered across the ground. In the background, a stand of birch trees with characteristic white bark and dark lenticels is visible. The lighting is natural, suggesting an overcast day. The number '122' is printed in bold black font in the upper center of the image.



# PROPOSED 1.8m FENCE -

Millar Bryce

Land to the rear of 16 Threave Place,  
Newton Mearns



Reference: PZ176435c/RW

Co-ordinates at Centre:

Scale:

Version: 1.0

Easting: 252,672

1:500

Date: February 2017

Northing: 655,980

Paper Size:

A4

0 5 10 m



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✳ TREES IN ADJACENT GREENSPACE  
AND ALONG REAR BOUNDARY

124

# LOCATION PLAN

- LAND AT 14/16 THREAVE PLACE,

NEWTON  
MEARNS

## Millar Bryce

### Land to the rear of 16 Threave Place, Newton Mearns



Reference: PZ176435c/RW

Co-ordinates at Centre:

Scale:

Version: 1.0

Easting: 252,672

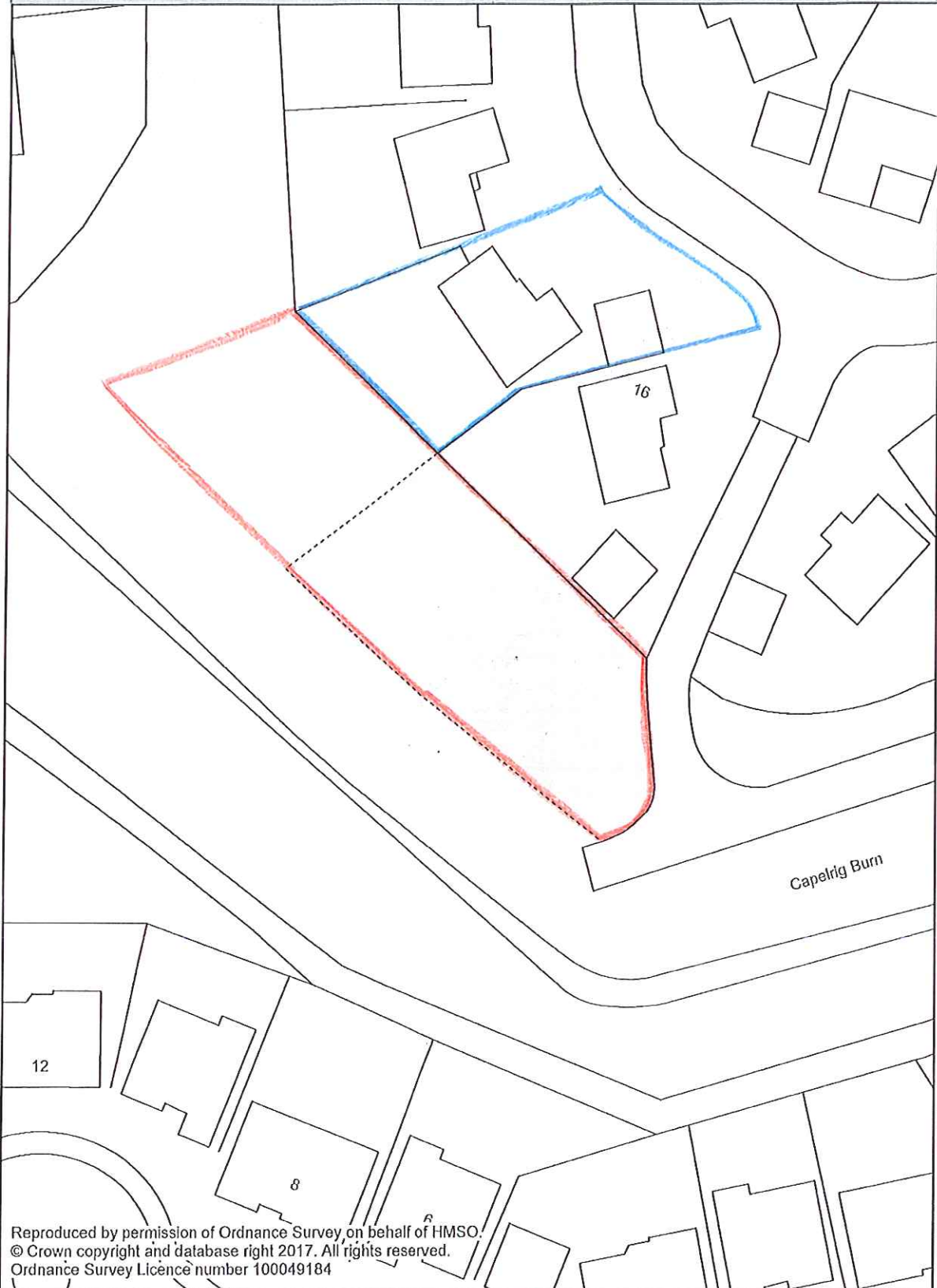
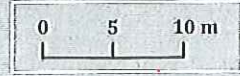
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Date: February 2017



Northing: 655,980

Paper Size:

A4



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APPLICATION SITE -   
LAND OWNED BY APPLICANT - 

# PROPOSED 125 1.8 m FENCE -

Millar Bryce

Land to the rear of 14 Threave Place,  
Newton Mearns



Reference: PZ176435b/RW

Co-ordinates at Centre:

Scale:

Version: 1.0

Easting: 252,653

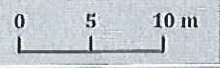
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Date: February 2017

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Paper Size:

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\* TREES IN ADJACENT GREENSPACE  
AND ALONG REAR BOUNDARY

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