

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

Index of applications under the above acts to be considered by Planning Applications Committee on
09.08.2017

Reference No: 2016/0794/TP

Ward: 2

Applicant:

Retail Trust
Marshall Hall
Marshall Estate
Hammers Lane
London
NW7 4DQ

Agent:

Yeoman McAllister Architects
Waterside Studios
64 Coltbridge Avenue
Edinburgh
EH12 6AH

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Site: Crookfur Cottage Homes, Crookfur Road, Newton Mearns, East Renfrewshire, G77 6JY

Description: Erection of three blocks of retirement apartments following demolition of six existing blocks of flats with formation of access road; erection of 82 one bedroom apartments following part demolition of Crookfur House care home and existing blocks of flats; formation of parking spaces

Reference No: 2017/0347/TP

Ward: 3

Applicant:

Mr Peter Purewal
2 Station Road
Giffnock
East Renfrewshire
G46 6JF

Agent:

Stephen Boyd
535 Eglinton Street
Glasgow
G5 9RN

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Site: 1 Station Road, Giffnock, East Renfrewshire, G46 6JF

Description: Change of use to hot food takeaway with installation of extract flue, rooflight, doors and window

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REPORT OF HANDLING

Reference: 2016/0794/TP

Date Registered: 23rd January 2017

Application Type: Full Planning Permission

This application is a Major Development

Ward: 2 Newton Mearns North and Neilston

Co-ordinates: 254069/656241

Applicant/Agent:

Applicant:

Retail Trust

Marshall Hall

Marshall Estate

Hammers Lane

London

NW7 4DQ

Agent:

Yeoman McAllister Architects

Waterside Studios

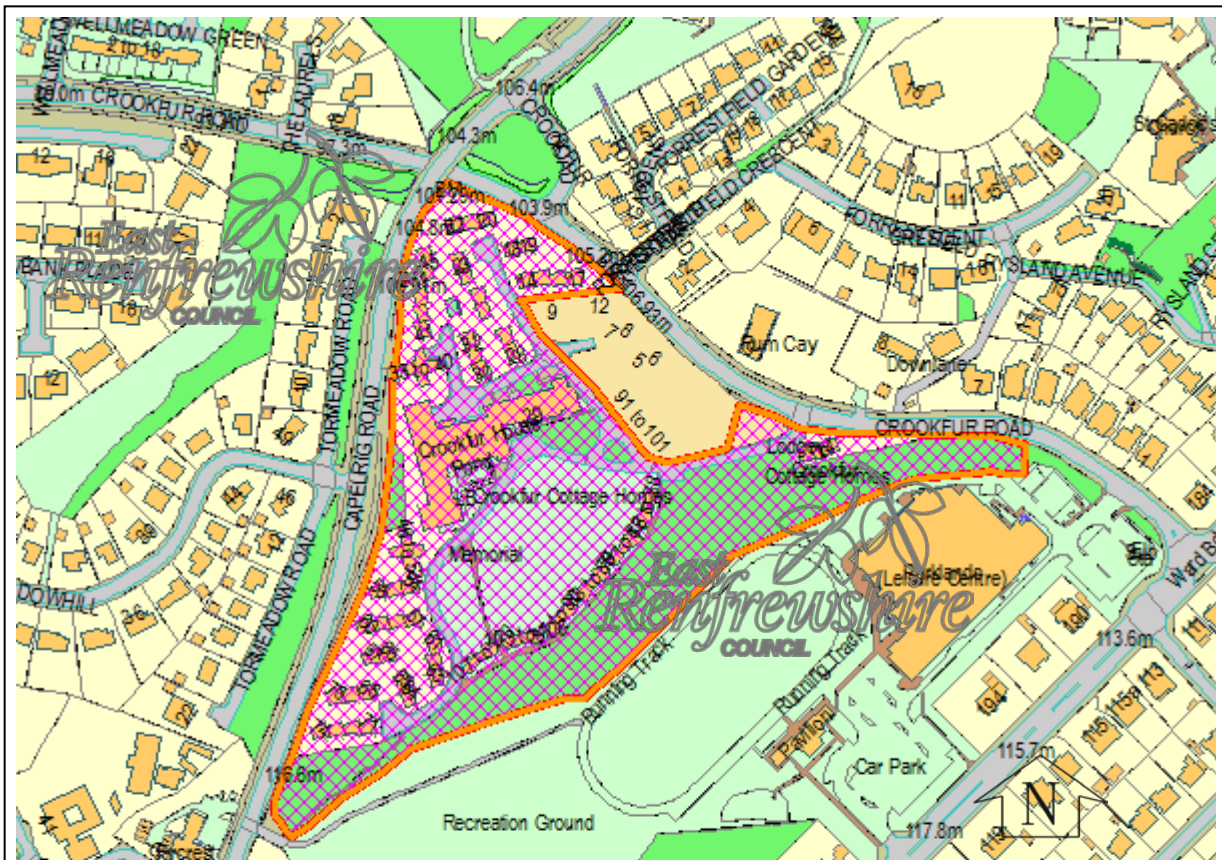
64 Coltbridge Avenue

Edinburgh

EH12 6AH

Proposal: Erection of three blocks of retirement apartments following demolition of six existing blocks of flats with formation of access road; erection of 82 one bedroom apartments following part demolition of Crookfur House care home and existing blocks of flats; formation of parking spaces

Location: Crookfur Cottage Homes
Crookfur Road
Newton Mearns
East Renfrewshire



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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Network Manager	No objections.
East Renfrewshire Council Environmental Health Service	Comments made on construction hours, noise, waste removal, dust prevention and site/ground investigation report.
East Renfrewshire Council Affordable Housing and Development Contributions Officer	The development is subject to affordable housing and development contributions which would require a legal agreement.
East Renfrewshire Council Waste Strategy Service	Satisfied with capacity of bin stores and locations and would advise against any reduction.
Scottish Water	No objection. There is currently sufficient capacity in the South Moorhouse Water Treatment Works and the Shieldhall Water Treatment Works to service the development.

PUBLICITY:

10.02.2017 Glasgow and Southside Extra Expiry date 24.02.2017

SITE NOTICES: None.

SITE HISTORY:

2012/0581/TP	Erection of residential and nursing care home including formation of vehicular access off Crookfur Road	Approved Subject to Conditions	01.05.2013
2012/0582/TP	Erection of 13 apartments following demolition of existing building	Approved Subject to Conditions	03.10.2014
2016/0317/TP	Erection of retirement apartments with associated parking and landscaping (site fronting Crookfur Road)	Approved Subject to Conditions	11.07.2017

REPRESENTATIONS: No representations have been received.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Design Statement	Details and discusses matters such as the background to the application, planning overview, site appraisal, the design, access, landscaping and ecological impact
Ecological Report	Details the habitat and protected species survey and the impact of the proposal. No evidence of badgers was found. Evidence of foraging bats but limited potential for roosting. Trees identified for removal or buildings do not exhibit roosting potential.
Planning Statement	Assesses the development against national, strategic and local development plan policies.
Tree Reports	Assesses all trees within the estate and makes recommendations.
Woodland Management Plan	Outlines the aims and objectives as well as short and long term management strategies.
Transport Assessment	Details and assesses the impact of the development and its integration with existing transport links/networks.

ASSESSMENT:

This is a Major Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the site area exceeds 2 hectares and more than 50 dwellings are proposed. As a consequence the application has to be presented to the Planning Applications Committee for determination.

Crookfur Estate is located in the existing urban area between, and bounded by, Crookfur Road and Capelrig Road to the north-east and west respectively. Parklands Country Club is located to the east beyond a belt of trees/woodland. The estate was originally constructed in the 1960's for the Linen and Woollen Drapers Association based on designs commissioned from Sir Basil Spence and comprised 50 cottages and a central two storey block with residential accommodation and community facilities (known as Crookfur House) within a landscaped setting. Additions and further buildings have subsequently been constructed over the years e.g. Balfour House, an extension to Crookfur House, Anderson House, Buchanan House and Fraser Court. To date, eight of the cottages and Balfour House have been demolished with an extant consent for the demolition of Buchanan House. Part of the site fronting onto Crookfur Road has been cleared and planning permission was approved under 2016/0317/TP for retirement flats to another developer. Many of the buildings within the estate are unoccupied with approximately 90 residents remaining.

The Retail Trust is a registered charity and Crookfur Estate is their only retirement housing in Scotland, although they operate other sites in England. The Trust offers accommodation for those retired from the retail sector with supported living arrangements enabling people to live independently in their own homes. The main accommodation at the site comprises sheltered housing (in the cottages), extra care apartments (Anderson House, Buchanan House and Fraser Court) and a care home which is now closed (Crookfur House) and this has various communal facilities which remain available to estate residents.

Planning permission is sought to erect three blocks of retirement flats and the erection of 82 one bedroom apartments following the demolition of six blocks of flats (known as Fraser Court), Anderson House, Buchanan House and part of Crookfur House. There would be a new estate road, upgrading of roads and pavements together with new car parking areas.

The new Fraser Court development will comprise three flatted blocks that are each two and a half storeys (containing a total of 54 new apartments) with associated parking courts and bin shelters between the blocks. The blocks are to be located adjacent to the belt of trees/woodland. Access to the flats would be provided by a new one way loop road. The front of the flats will respect the current alignment of Fraser Court but will extend further back into the established woodland area to the rear.

There will be partial demolition of Crookfur House with the retention and upgrading of the central amenity core and full demolition of Buchanan House. There will be two new accommodation wings, over two and three storeys, providing 82 new apartments which include 13 dedicated wheelchair user apartments and an assisted living support wing.

The application requires to be assessed against the Development Plan and any material considerations. The relevant policies of the adopted East Renfrewshire Local Development Plan are considered to be D1, D2, D8, D12, SG5 and SP3.

Policy D1 sets out 16 determining criteria against which all developments are assessed. The relevant criteria, in this case, are considered to be: 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; 4) the development should not impact adversely on landscape character or the green network, involve significant loss of trees or other important landscape, greenspace or biodiversity features; and 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.

Notwithstanding that eight cottages were removed under planning consent 2012/0581/TP, the unique character of the estate is still predominately derived by the single storey cottages set within a mature garden landscape. The buildings which are now proposed to be demolished are later additions to the estate and post-date the original development constructed in the 1960's. It is considered that the proposed development would not have a significant adverse impact on the character of the estate and does not conflict with Policy D1(1).

The proposed development respects both the footprint of the buildings to be removed and the design elements of the wider estate. Roof profiles and heights vary to take account of the topography which has resulted in two, two and a half and three storey elevations. Finishes include white render and slate which used throughout the estate with, for example, timber feature panels adding interest to the built form. It is considered that the proposal does not conflict with Policy D1(2).

Trees within the site, and the wider area, are protected by the Crookfur Tree Preservation Order (TPO). The designation of a TPO does not, however, preclude development. In the vicinity of Crookfur House, four trees are identified for removal (2 lime, a holly and a cherry), none of which are of high amenity value. The new link road would require the removal of three trees (lime, apple, gean) while to the rear of the new Fraser Court, eight trees are identified for removal. Within the remainder of the estate and unrelated to the development proposal, a further nine trees are recommended for removal. All trees identified in the tree survey for removal are in a variety of conditions. There are in excess of 150 trees within the estate and the applicant intends to implement a Woodland Management Plan and replacement tree planting.

The new link road and the new car parking spaces will result in minor encroachments into the central area of amenity of open space. However, this has to be offset against the wider benefits of additional

car parking within the estate and a vehicular access to Fraser Court. The large prominent high amenity copper beech tree on the lawn is not affected by the proposed development.

The applicant has submitted ecological reports. It is considered that, subject to appropriate conditions, the proposal would not have an adverse impact on birds or bats. There is no evidence of badgers.

Drawing all the above matters together, it is considered that the proposed development does not conflict with Policy D1(4).

During the processing of the application, the applicant has submitted revised drawings which now meet the requirements of the Council's Roads Service. Consequently the proposal does not conflict with Policy D1(9).

Policy D8 presumes against developments which would have an adverse impact on Tree Preservation Orders and long established woodland sites. For reasons discussed above, it is considered that the proposal does not conflict with Policy D8.

Policy D12 proposes the designation of the whole estate as a new Conservation Area. Although the application involves the removal of buildings, it is considered, for reasons discussed above, that the overall character of the estate would not be significantly prejudiced. A Conservation Area Appraisal is being prepared and is expected to be available for public consultation later this year. The proposed development would neither prejudice nor compromise the future designation of the estate as a Conservation Area.

Policy D2 supports developments within the general urban area which are compatible with the character and amenity of the locality and surrounding land uses and complies with other appropriate policies in the Local Plan. For reasons discussed above, it is considered that the proposal accords with Policies D1, D8 and D12 and, as such, can also be supported by Policy D2.

Strategic Policy 3 and Policy SG5 relate to development contributions and affordable housing contributions respectively. The Council's Affordable Housing and Development Contributions Officer has been consulted on the application and has advised that the development would be required to deliver 25% affordable housing on site as it is not exempt from the policy. However given the special nature of this development, the benefits it brings to the area and that the development by the Retail Trust is unique in the benefits that it brings to the area the requirement for affordable housing could be set aside provided the applicant agrees to occupation restrictions being placed on the proposed units by means of a Section 75 legal agreement. However if at any point in the future the Retail Trust wished to discharge the agreed qualified occupation criteria within the registered legal agreement then an affordable housing commuted sum, based on 25% of the total number of units proposed, would require to be paid to the Council.

The Affordable Housing and Development Contributions Officer has also advised that the proposal will result in a net increase of 41 units and, as such, the development contributions policy will apply. The development contributions required from this site will include payments for community facilities (community halls & libraries) and parks and open space.

It has been confirmed that the applicant has agreed to these heads of terms.

To conclude it is considered that the proposal accords with the Development Plan and there are no material planning considerations which would justify setting aside the Development Plan. It is therefore recommended that, subject to conditions, the application be approved following the conclusion of a legal agreement.

RECOMMENDATION: Disposed to grant subject to conditions following the conclusion of an agreement under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 relating to the occupancy restrictions and the payment of development contributions.

PLANNING OBLIGATIONS:

A legal agreement restricting occupancy of the development and the payment of development contributions for community facilities (community halls & libraries) and parks and open space.

CONDITIONS:

1. There shall be no construction work or offloading of delivered materials at the development site outwith the hours of 0800 to 1900 Monday to Friday and 0800 to 1300 on Saturday with no working on Sunday or local or national public holidays unless minor and temporary amendments have been otherwise agreed in advance in writing by the Planning Authority.

Reason: To prevent noise nuisance to the surrounding area.

2. Prior to commencement of work on site, details of the phasing of the development shall be submitted and approved in writing by the Planning Authority. Following approval, the development shall be implemented in accordance with the approved phasing scheme unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure a properly programmed development

3. Following demolition of the buildings on site an intrusive ground investigation report shall be submitted to and approved in writing by the Planning Authority. The report should include soil sampling, groundwater and ground gas monitoring wells and, if necessary, testing along the proposed route of the water supply pipe to UKWIR standards.

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

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

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

5. The parking spaces shown on the approved layout plan shall be constructed, surfaced and delineated on the site in all respects before the buildings hereby approved are occupied. The layout shall not be altered without the prior written consent of the Planning Authority

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

6. No trees other than those identified for removal on the drawings hereby approved shall not be felled, removed or disturbed in any way without the prior written approval of the Planning Authority.

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

7. Prior to the commencement of any works on site, groups and individual trees marked for retention on the drawings hereby approved shall be protected by suitable fencing. Fencing should be erected on at least the fullest extent of the canopy on broadleaf trees and half the height of conifer trees as set out in BS3998/2010 and BS5837/2012. Details of the location and type of fencing shall be submitted and approved in writing by the Planning Authority prior to the commencement of works.

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

8. Any vegetation clearance and tree works must be carried out outwith the bird breeding season March to July inclusive unless otherwise agreed in writing by the Planning Authority. Where this is not operationally possible, all such works should be immediately preceded by a survey of breeding birds with steps taken to avoid disturbance to any nest sites identified.

Reason: To avoid disturbance to breeding birds

9. Prior to works commencing on site, a scheme of hard and soft landscaping works shall be submitted and approved in writing by the Planning Authority. Details of the scheme shall include:-

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

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

10. The development shall be landscaped in accordance with the approved scheme as follows:-
- a) Completion of the scheme during the first planting season following the completion of the buildings or in compliance with the phasing programme agreed to comply with Condition 9 above.
 - b) Maintenance of the landscaped area for a period of five years. Any trees, shrubs or areas of grass which die, are removed, damaged or diseased within 5 years of the completion of the landscaping shall be replaced in the next planting season with others of a similar size and species.

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

11. Prior to work commencing on site, detailed levels, diagrams and sections, showing the existing and proposed levels throughout the site and finished floor levels in relation to a fixed datum point shall be submitted and approved in writing by the Planning Authority. Thereafter the development shall be constructed in accordance with the approved level drawings.

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

12. Samples/details of materials to be used on all external surfaces of the building and hard surfaces shall be submitted and approved in writing by the Planning Authority.
- Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.
13. Details and location of any walls (including retaining walls) and fences to be erected on the site shall be submitted and approved in writing by the Planning Authority.
- Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.
14. Development shall not commence until details of vehicle wheel cleaning facilities and a road cleaning strategy have been submitted to and approved in writing by the Planning Authority. Thereafter the approved vehicle wheel cleaning facilities and road cleaning strategy shall be implemented as approved. All construction vehicles exiting the site shall have all tyres and wheels cleaned before entering the road.
- Reason: To ensure mud and deleterious materials are not transferred to the roads.
15. Development shall not commence until plans and elevations of the proposed bin stores have been submitted to and approved in writing by the Planning Authority. Thereafter the bin stores shall be implemented as approved prior to the development hereby approved being occupied.
- Reason: To ensure that the bin stores are of a size able to accommodate East Renfrewshire's recycling facilities and are acceptable in appearance.
16. Should the development commence after 31 January 2018, the site shall be resurveyed for protected species and an updated ecological study submitted for the written approval of the Planning Authority.
- Reason: In order to protect European Protected Species.
17. Other than during the period of construction, noise from any plant/equipment associated with the development must not exceed Noise Rating Curve 35 (as described in BS8233:2014) during the hours of 0700 – 2300 hrs and Noise Rating Curve 25 during the night-time hours of 2300 – 0700, as measured at any neighbouring residential property.
- Reason: To prevent noise nuisance to the surrounding area.

ADDITIONAL NOTES:

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

The applicant is required to comply with the European Council's Directive 92/43/EEC on the Conservation of Natural Habitats, the Wildlife and Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004 which provide full protection for certain plant and animal special and European Protected Species. It is illegal to capture, kill, disturb any such animal, damage or destroy breeding or nesting sites or eggs or deliberately or recklessly pick, collect, cut, uproot or destroy European Protected Species of wild plant. In addition, where it is proposed to carry out works which will affect European Protected Species or their shelter/breeding places, a licence is required from the Scottish Executive. Further information on these matters can be sought at Scottish Executive Species

Licensing Team, Countryside and Heritage Unit, Victoria Quay, Edinburgh or from Scottish Natural Heritage.

The applicant is required to apply to SEPA for a Waste Carriers Licence.

Adequate precautions must be taken to prevent nuisance from dust from the demolition or construction activities.

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

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

There must be no burning on site, other than that permitted by Scottish Environmental Protection Agency by prior agreement; any such burning must not cause nuisance.

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

ADDED VALUE:

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

Improvements to the proposal were achieved at the pre-application stage.

Road, footway or parking improvements have been achieved during the processing of the application to ensure that the proposal does not have a detrimental impact on road users.

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

BACKGROUND PAPERS:

Further information on background papers can be obtained from Ms Alison Mitchell on 0141 577 3117.

Ref. No.: 2016/0794/TP
(ALMI)

DATE: 2nd August 2017

DIRECTOR OF ENVIRONMENT

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Reference: 2016/0794/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

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

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

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

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

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

Policy D2

General Urban Areas

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

Policy D8

Natural Features

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

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

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

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

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

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

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

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

Policy D12

New Conservation Areas

The Council will promote the designation of the following new conservation areas as shown on the Proposals map and Schedule 6:

Netherlee Conservation Area - D12.1

Crookfur Cottage Homes Conservation Area - D12.2

Further guidance and control will be set out in a conservation area appraisal which will be prepared for each area.

Policy SG5

Affordable Housing

Throughout East Renfrewshire, where planning permission is sought for residential developments of 4 or more dwellings, including conversions, the Council will require provision to be made for a minimum 25% affordable housing contribution. This contribution may be made on site; or by means of a commuted sum payment; or off site. The affordable housing should be well integrated into the overall development. For all proposals viability will be a key consideration when determining the suitable level of contributions. All proposals will require to comply with Strategic Policy 2 and Policy D1.

Further detailed information and guidance is provided in the Affordable Housing Supplementary Planning Guidance.

Strategic Policy 3

Development Contributions

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

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

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

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

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

GOVERNMENT GUIDANCE: None

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REPORT OF HANDLING

Reference: 2017/0347/TP

Date Registered: 30th May 2017

Application Type: Full Planning Permission

This application is a Local Development

Ward: 3 -Giffnock and Thornliebank

Co-ordinates: 256368/659127

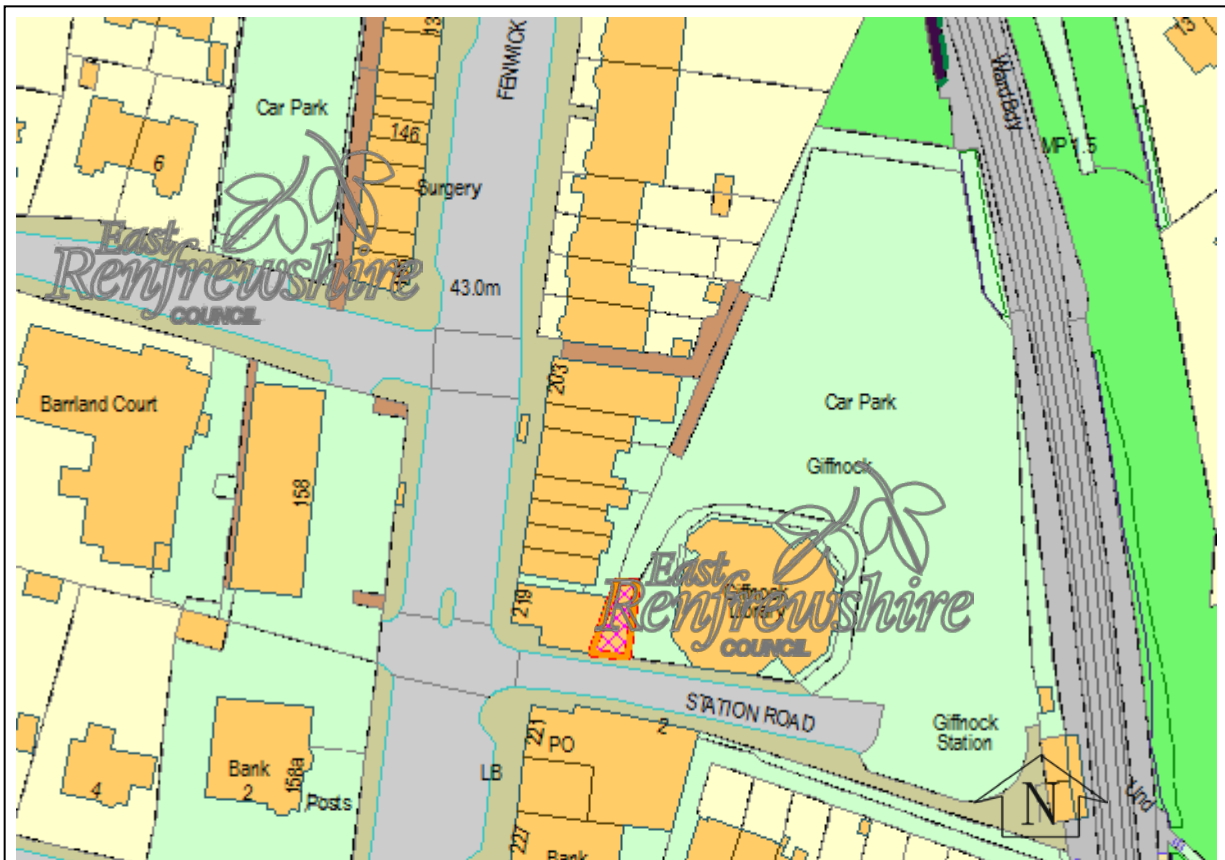
Applicant/Agent:

Applicant:
Mr Peter Purewal
2 Station Road
Giffnock
East Renfrewshire
G46 6JF

Agent:
Stephen Boyd
535 Eglinton Street
Glasgow
G5 9RN

Proposal: Change of use to hot food takeaway with installation of extract flue, rooflight, doors and window

Location: 1 Station Road
Giffnock
East Renfrewshire
G46 6JF



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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Network Manager	No objections.
East Renfrewshire Council Environmental Health Service	No objections.
Giffnock Library	Objects on the grounds of increased litter, possible location of waste bins, impact of smells, and antisocial behaviour.
Giffnock Community Council	Objects on the grounds that the proposal is contrary to Local Development Plan policies, and also raise issues regarding air and noise pollution, food waste disposal, impact of delivery vehicles, road safety, lack of parking, and that there is no local need for development.

PUBLICITY:

09.06.2017	Glasgow and Southside Extra	Expiry date 23.06.2017
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SITE NOTICES: None.**SITE HISTORY:**

2013/0558/TP	Erection of single storey side extension	Granted	25.10.2013
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REPRESENTATIONS: A total of 106 representations have been received: Representations can be summarised as follows:

Contrary to local development plan policies
 Air and noise pollution
 Food waste disposal
 Impact of delivery vehicles
 Road safety
 Lack of parking
 No local need for development.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1**SUPPORTING REPORTS:** No reports have been submitted for consideration as part of this application

ASSESSMENT:

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

The site is an existing single storey attached building to the rear of an existing restaurant on the east side of Fenwick Road and located within Giffnock Town Centre. The immediate area is characterised by various commercial and retail uses including restaurants and food takeaway premises. Residential properties are located further to the north and south of the site.

The proposal is for a change of use of part of the unit from a store room to a hot food takeaway and includes the installation of an extract flue approximately 1.5m in height above the roof plane; installation of a rooflight measuring approximately 800mm by 900mm on the side elevation facing Giffnock Library; and alterations to the front and side elevations to install doors and a window.

The unit is currently a store room associated with the adjacent restaurant (Turban Tandoori) and has a footprint of approximately 56sqm. The proposal develops approximately 42sqm as a takeaway, retaining some 14sqm as a store room.

The proposal is required to be assessed against the adopted East Renfrewshire Local Development Plan (LDP), in particular Policies D1, SG7 and SG8, which seek to ensure that proposals do not detract from the character or the amenity of the area and that they protect the role and function of town centres respectively.

The nearest residential properties are approximately 25m to the south and 40m to the north of the site, with several restaurants and takeaways immediately surrounding the site. Given the variety of uses in the wider town centre, it is considered that the use is appropriate and compatible to the adjacent uses and will not have an adverse impact on the retail and commercial character of the town centre. Furthermore, it is considered that given the distance to residential properties and the surrounding commercial uses the proposal will not have an adverse impact on the amenity of the nearby residential properties.

The Council's Roads Service has stated that as the site lies within Giffnock Town Centre, the parking requirement for the proposed hot food takeaway can be assumed to be part of the Town Centre supply, and therefore does not object to the proposal.

It is also noted that Station Road outside the proposed site has controlled on-street parking and there is a local public parking area nearby. Consequently, it is considered that the proposal, which is relatively small in scale, will not significantly exacerbate parking and traffic issues within the area. Concerns regarding potential unlawful parking are best addressed through different legislation.

The Council's Environmental Health Service has recommended that the operating times of the business be controlled to be in keeping with neighbouring businesses to reduce the likelihood of noise nuisance to adjacent residents. However, this is not considered necessary as there are no controls on opening times for the surrounding restaurants and takeaways.

The Environmental Health Service has also stated that a suitable ventilation system, with adequate noise control, will require to be installed to minimise the impact on nearby residential properties. It is considered that this can be addressed by a planning condition.

Policies SG7 and SG8 aim to protect the role and function of town centres. The site is not an existing retail unit and therefore the proposal does not involve the loss of any retail function. The proposal involves a type of use that would be expected to be located in town centre locations.

In terms of the objections from Giffnock Library and Giffnock Community Council that have not been addressed above the following comments are made. The issue of food waste is controlled under Environmental Health legislation. Anti-social behaviour is controlled by other legislation. The issue raised regarding no local need for development is not a material planning consideration.

It is considered that the proposal will not have a detrimental impact on the character or amenity of the area or the function of the town centre. The proposal complies with Policies D1, SG7 and SG8 of the Local Development Plan and that there are no significant material considerations that outweigh the provisions of the Development Plan. It is therefore recommended that planning permission is approved.

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None

CONDITION:

1. Development shall not commence until exact details and specification of all ventilation and extraction systems, together with details of their maintenance, to serve the hot food premises have been submitted to and approved in writing by the planning authority. Thereafter the approved details shall be fully implemented prior to the hot food premises first opening and retained and maintained according to the approved details in perpetuity.

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

ADDITIONAL NOTES:

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

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

The applicant is required to consult with East Renfrewshire Council Protective Services regarding compliance with the Workplace (Health, Safety & Welfare) Regulations 1992.

The applicant is required to consult East Renfrewshire Council Protective Services regarding compliance with the provisions of the Health & Safety at Work Etc Act 1974 and the Food Safety Act 1990.

The display of advertisements (eg fascia signs, box signs) may require to be the subject of a separate application for advertisement consent.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr John Drugan on 0141 577 3175.

Ref. No.: 2017/0347/TP
(JODR)

DATE: 2nd August 2017

DIRECTOR OF ENVIRONMENT

Reference: 2017/0347/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan None

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 SG7-Town and Neighbourhood Centre Uses

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

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

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

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

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

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

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

Policy SG8-New Development and Business Improvement Districts

The Council will support new retail and complementary development at the locations shown on the Proposals Map and as listed in Schedule 15. Proposals will be supported where of an appropriate scale and design quality, in order to contribute to the quality of the environment and the role and function of the centre.

The Council will also continue to support the Business Improvement Districts at Clarkston and Giffnock and support the establishment of Business Improvement Districts for the other town centres as shown on the Proposals Map and Schedule 16. The Council will also support the establishment of a Rural Business Improvement District and a Tourism Business Improvement District.

GOVERNMENT GUIDANCE:

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