

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY9 August 2017Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2017/16CHANGE OF USE OF PUBLIC AMENITY SPACE TO FORM EXTENDED PRIVATE GARDEN GROUND AND ERECTION OF FENCING (IN RETROSPECT) AT 15 MONTFORT PARK, BARRHEAD**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:- 2017/0067/TP).
- Applicant: Mr Brian Smith.
- Proposal: Change of use of public amenity space to form extended private garden ground and erection of fencing (in retrospect).
- Location: Plot No 3, 15 Montfort Park, Barrhead.
- Council Area/Ward: Barrhead, Liboside and Uplawmoor (Ward 1).

**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 (Major Programmes and Projects).

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 his stated preference is the assessment of the review documents only, with no further procedure.

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, an unaccompanied site inspection will be carried out immediately before the meeting of the Local Review Body on Wednesday, 9 August 2017 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 263 - 272);
- (b) Copies of objections/representations – Appendix 2 (Pages 273 - 282);
- (c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 283 - 296);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 297 - 300); and
- (e) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 5 (Pages 301 - 328).

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 are attached as Appendix 6 (Pages 329 - 342).

- (a) Photos of Fence;
- (b) Existing Photos;
- (c) Tree Survey;
- (d) ERLDP Proposal Map Designation;
- (e) Refused – Location Plan;
- (f) Refused – Site Tree Plan; and
- (g) Refused – Fence Elevations.

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  
Tel: 0141 577 3011

Date:- July 2017

**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      100038453-001

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)

Extension of private garden ground, erection of fencing and new landscaping

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

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

No  Yes – Started  Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

05/04/2016

Please explain why work has taken place in advance of making this application: \* (Max 500 characters)

The applicant did not consider that planning consent was required

## 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:	McInally Associates Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Thomas	Building Name:	<input type="text"/>
Last Name: *	McInally	Building Number:	16
Telephone Number: *	01413325181	Address 1 (Street): *	Robertson Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Glasgow
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	G2 8DS
Email Address: *	tommcinally@mcinally-associates.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Plot No.3
First Name: *	Brian	Building Number:	<input type="text"/>
Last Name: *	Smith	Address 1 (Street): *	Montfort Park
Company/Organisation	<input type="text"/>	Address 2:	Barrhead
Telephone Number: *	<input type="text"/>	Town/City: *	Glasgow
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	G78 1SJ
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		



## Site Address Details

Planning Authority:

East Renfrewshire Council

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

Plot 3, Montfort Park, Barrhead, Glasgow G78

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)

Telephone calls and e-mail correspondence with planning officials at East Renfrewshire Council

Title:

Other title:

First Name:

Last Name:

Correspondence Reference  
Number:

Date (dd/mm/yyyy):

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)

Landscape area

## 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)

Not applicable

## 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

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Thomas McInally

On behalf of: Mr Brian Smith

Date: 02/02/2017

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 principal 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)

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 Thomas McInally

Declaration Date: 02/02/2017

### Payment Details



Created: 02/02/2017 15:26

**COPIES OF REPRESENTATIONS  
AND  
COMMENTS BY CASE OFFICER  
AND  
REPRESENTATIVE  
ON NEW INFORMATION**

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Ack. 06/03/17 - AM, 275

The Keys,  
Montfort Park  
Barrhead,  
Glasgow,  
G78 1SJ

RECEIVED

2<sup>nd</sup> March 2017

02 MAR 2017

East Renfrewshire Council,  
Planning Department,  
2 Spiersbridge Way,  
Spiersbridge Business Park,  
Thornliebank,  
G46 9NG

For the attention of Ms Alison Mitchell

**OBJECTION TO PLANNING APPLICATION 2017/0067/TP – 15 MONTFORT PARK, BARRHEAD, G78 1SJ**

I write in relation to the above planning application and wish to register an objection to the proposed development on the strongest terms.

As a neighbouring resident, I have serious concerns about the potential impacts of the proposed development and believe that what has been proposed is unacceptable, in terms of amenity and in terms of creating an undesirable precedent. I am also concerned that the development has already taken place without seeking the necessary planning consent and is therefore unauthorised. In my view, this shows a blatant disregard for the Planning System. The fact that a retrospective application has now been submitted should not be reason to allow this development to proceed.

My main concern is the removal of existing mature trees and the fact that the applicant has extended his rear garden encroaching into a valuable area of green space which forms part of the Montfort Park development, an area which was originally designed in this way to add value to the landscape setting of the development. One of the reasons I chose to live here and enjoy living here, is the quality of the surrounding environment – but if the residents are allowed to extend their gardens into areas defined as open space/green space, then this will have an adverse effect on the amenity of the area. It is also clear that approving this application, in retrospect, would create a dangerous precedent and increase the potential for other residents to do the same - which would in turn have a major impact on the development setting and potentially the wider setting of the Listed Building ( Montfort House). The aerial view of the extended garden with its new perimeter fence highlights the high impact change of this area in relation to the other houses.

I would also draw your attention to the following:

- The erection of the extended garden fence around plot 3 and the infil of the ground has now caused considerable retention of rain water in my garden ground and both sides of my northern fence boundary as seen by the photographs enclosed with this letter. There is now no natural dispersion of rainwater available.

- The application makes reference to 14 new trees being planted to replace what has been removed – however, only 11 have been planted so far, and not in accordance with what is shown on the Propose Site Plan 417649 pdf.
- The supporting statement from McNally Associates dated 2<sup>nd</sup> February 2017 which accompanies the retrospective planning application contains a number of inaccuracies that I feel ought to be highlighted:-
  - I would dispute the assertion that *..” by 2014 the condition of the trees had significantly worsened...”* The tree belt adjoins my own garden and there has been no significant deterioration in the period suggested. It is mature woodland that contains a variety of wildlife and the complete clearance of a 638 square metre area of this woodland has significantly impacted upon the biodiversity of the area and the habitat of that wildlife.
  - If, as McNally Associates claim, the applicant was seeking to deal with decaying woodland, then surely they would have simply thinned out the tree belt rather than completely destroying it. It is absolutely clear that the applicant was seeking to increase the size of his garden rather than addressing an issue with the trees. Pictures of the healthy mature trees which were in existence before removal were presented to you by myself in July 2015 to your Mr R. Howden.
  - With regards to the inclement weather delaying the reinstatement of the trees, published Met Office data shows that March 2016 has had less rainfall than the 2 preceding years.
  - McNally Associates claim that the applicant has been subjected to anti-social behaviour in the area of woodland behind his garden. Having lived adjacent to his rear garden since 2013, neither I nor my other neighbours, have seen or heard any evidence of anti-social behaviour or any fly tipping. Plot 3 is more than 100 metres from the main Darnley Road only accessible through dense woodland. I suspect that the evidence provided by McNally Associates dates back to before the estate was developed.

I am aware that this retrospective application is the result of enforcement action which has been taken by the Council against the applicant. In this regard, I have read through the Report by the Director of Environment which was presented to the Planning Applications Committee on 30<sup>th</sup> November 2016. The report sets out the stance of the Council as Planning Authority and makes it very clear that this development should not receive support from the Council.

Paragraph 2.4 of the report states “ The Planning Service contends that a change of use has taken place without the necessary planning permission and that **the loss of part of the woodland strip has detrimental impact on the open landscaping of the Montfort Park development.** If left unchallenged **there is a concern that other sections of the open landscaping could be subject to progressive enclosure by neighbouring householders”**

Paragraph 2.5 states “The householder has been advised that he has the option of submitting a planning application in an attempt to seek retrospective approval for this change of use. **He was, however, also advised that the Planning Service would be unlikely to recommend approval “**

Further, Paragraph 2.1 states “ the trees had been shown on various approved plans as being retained and were considered of particular value to the general landscape setting of the development “

In light of these comments, I am encouraged to see that the Council's Planning Service has already set out its position on the matter. **These comments make it absolutely clear that the proposed development is unacceptable and I would urge the Council to make a decision which is consistent with this previous report and refuse permission, with the site reinstated to its original condition.**

In terms of policy, I am aware that planning applications need to be assessed against the provisions of the Local Development Plan ( LDP ) and in this case the applicant has submitted a Supporting Statement which attempts to justify the proposed development. Contrary to the assessment provided by the applicant, I would argue that the proposed development does not accord with the relevant policies within the LDP.

In terms of Policy D1 “ Detailed Guidance for all Development” the general pre-amble states that the development should be well designed and sympathetic to the local area, with:

- . Criteria (1) stating that development should not result in a significant loss of character or amenity to the surrounding area; and
- . Criteria (4) stating that 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.

Although the applicant is replacing some of the trees removed, for the reasons set out above, I do not consider that the proposed development is sympathetic to the local area and it is clear – based on the Council's own comments – that it will have an adverse impact on the character and amenity of the local area. This would be the case if a precedent was created and other residents were to extend their gardens and enclose green space which is playing an important role in enhancing the landscape setting of the wider development.

**As such, the proposed development is contrary to the LDP and its approval would create a dangerous precedent for other properties to undertake similar development which would also be contrary to the LDP.**

I am aware that the Council has taken a dim view of this type of application in the past and I would urge them to take a similar stance here and refuse permission.

I trust that this objection will be given full consideration by the Council prior to determination of the planning application and would welcome any opportunity to provide further dialogue in relation to this matter.

Should you have any questions, or wish to discuss the matter, please do not hesitate to contact me directly via email or mobile, both of which are known to your Mr Ralph Howden

Yours sincerely,

  
Robert Mclean

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WATER RETENTION IN GARDEN OF PLOT 4



WATER RETENTION IN GARDEN PLOT 4

281



WATER RETENTION ON OTHER SIDE OF BOUNDARY  
FENCE PLOT H



WATER RETENTION ON OTHER SIDE OF BOUNDARY  
FENCE PLOT 4 AND EXTENDED GARDEN  
GROUND OF PLOT 3



## REPORT OF HANDLING

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# REPORT OF HANDLING

Reference: 2017/0067/TP

Date Registered: 14th February 2017

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 -Barrhead  
Co-ordinates: 251467/:659430  
Applicant/Agent: Applicant:

Mr Brian Smith  
Plot No.3  
Montfort Park  
Barrhead  
East Renfrewshire  
G78 1SJ

Agent:  
McInally Associates Ltd  
Thomas McInally  
16 Robertson Street  
Glasgow  
G2 8DS

Proposal: Change of use of public amenity space to form extended private garden ground and erection of fencing (in retrospect)

Location: 15 Montford Park  
Barrhead  
East Renfrewshire  
G78 1SJ

**CONSULTATIONS/COMMENTS:** None.

**PUBLICITY:**

24.02.2017 Barrhead News Expiry date 10.03.2017

**SITE NOTICES:** None.

**SITE HISTORY:**

2007/0242/TP Erection of 7 detached homes and conversion of property into 6 residential flats, formation of new vehicular access with associated garage, parking and landscaping Approved Subject to Conditions 17.09.2007

2008/0085/TP Amendment to previous consent 2007/0242/TP to increase number of dwellinghouses from 7 to 10; substitution of house types with alterations to roads layout and deletion of detached garages; Approved Subject to Conditions 22.07.2008

amendment to condition 2 regarding timescale for completion of new vehicular access and deletion of condition 15 regarding timescale for completion of detached garages

2015/0310/TP	Erection of two storey side extension and single storey rear extension	Granted	26.06.2015
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**REPRESENTATIONS:** One representation has been received. The representation can be summarised as follows:

Development taken place without permission  
 Undesirable precedent  
 Removal of mature trees /encroachment of garden into landscape setting  
 Adverse impact on amenity  
 Retention of rain water  
 No significant deterioration of trees/indiscriminate felling  
 Councils position clear as result of Enforcement Notice  
 Non-compliance with Development Plan

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

**SUPPORTING REPORTS:**

Supporting Statement	The site formed part of a retained landscape in respect of the development of the site and was common land. The applicant took ownership of the site from the developer to enable tree works to be carried out and enclosed the entire site. Prior to that, the trees were in poor condition and area subject to fly tipping and anti-social behaviour. Approached by Enforcement officer and advised to replant. Trees were protected by the new fencing. Other trees within the wider site have been removed. Current arrangement will protect them. Assesses the development against the Development Plan policies.
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**ASSESSMENT:**

This retrospective planning application involves an area of former wooded public amenity space beyond the rear garden of a relatively new detached villa located in a small planned estate off Darnley Road, Barrhead within grounds associated with Montford House, a Category C listed building.

In 2007, Montford house was in an area of the greenbelt between Darnley, on the south west of Glasgow, and Barrhead. It was vacant and in danger of falling into disrepair. Planning permission was approved to convert the house into flats, the delivery of which was made financially viable with the approval of a limited number of new houses, 10 in total, which were only considered acceptable against policy as enabling development for the works to Montford House. These

houses were sited in a broad crescent configuration to both respect and maintain a setting for the converted Montford House and to retain a suitable relationship with the greenbelt (between Barrhead and Darnley in Glasgow). The houses were bound at the rear by a robust frame of established woodland. Furthermore, these new houses were restricted by the removal of permitted development rights in the interest of safeguarding the character and amenity of the greenbelt and the setting of the listed building from further uncontrolled development.

Subsequent to these early applications, further planning applications for housing were considered favourably to further support the Montford House conversion works. These houses to be built south and west from the SUDS pond, will complete a circular enclosure round Montford House. To date with further applications the new build units as approved extend to sixteen units, comprising 10 large detached villas, two semi-detached villas and a two storey block containing four flats. These new approvals also include the provision of a landscaped framework behind the residential curtilages providing a similar backdrop to the other first phases of housing.

The application property is a large detached two storey house with an open plan front garden and large rear garden enclosed by timber fencing. To the front, it aspects across to Montford House. On its south side, there a gap in the crescent where access to open space and a pond/SUDS feature is provided. To the rear of the site, there is a mature tree belt which is outwith the estate boundaries and indeed outwith the East Renfrewshire Council area.

Planning permission is being sought, retrospectively, for the change of use of an area of the original framing woodland to permit the extension to garden ground and erection of fencing. The house does not sit square on the site and, as such, the length of the original rear garden from the back of the house varies from approximately 18 to 22 metres.

The proposal results in the depth of the original rear garden being extended by over 100sqm approximately 5m deep across the entire width of the rear garden, some 26m. The entire garden, as now extended, is under grass and the extension area has been the subject of (recent) tree planting. It is understood that the applicant arranged removal of several mature trees from this area some months prior to the erection of a fence to encompass it within his garden ground.

The mature trees are at one end of a band of trees which are situated to the rear of the application site and neighbouring houses and which separate (separated) the development from the trees sitting on the opposite side of the local authority boundary. This band of trees was shown on the approved planning consent for the houses and was interpreted in the planning assessment as forming a valuable buffer between the approved houses and the greenbelt area beyond. The new tree planting resulted from the Council's concern that part of the tree belt had been removed.

The new fencing matches the existing fencing and is 1.8m high with vertical hit and misses timber uprights. It is also intended to erect low fencing along the original/approved rear boundary of the houses garden.

The application requires to be assessed against the Development Plan and any material considerations. The relevant policies in the East Renfrewshire Local Development Plan 2015 are considered to be SG1, D1, D6, D8, D10 and D11 and their supporting Supplementary Planning Guidance (SPG).

The site is located within an allocated housing site which is still under construction and identified in policy SG1 Schedule 9 in the Development Plan.

Policy D1 is a general policy which refers to all types of development and sets out sixteen criteria against which require to be considered. The relevant criteria, in this case, are considered to be (1), (2) and (4) and are as follows:

1. The development should not result in a significant loss of character or amenity to the surrounding area. In this respect, the proposal has resulted in an extension of residential use significantly beyond what was considered supportable in this former area of the greenbelt. It also impacts significantly on the mitigation provided by the original treed areas within the contained Montford House estate, areas which were provided, and controlled, by conditions attached to the initial planning permissions.

In this instance, the applicant has ignored those conditions i.e. *"No existing trees or shrubs within the application site, other than those referred to in the tree survey, shall be felled, removed or disturbed in any way without the prior written approval of the Head of Roads Planning and Transportation Service."*

The reason for this condition was: *"To protect the existing trees and shrubs so that they continue to contribute to the environmental quality of the area and soften the impact of the development"*. The additional intrusion of garden ground has had an impact on the surrounding area as it extends the applicants garden up to, and directly on, the boundary between East Renfrewshire and the City of Glasgow. There is woodland on the Glasgow side but reliance on the retention of woodland areas outwith the East Renfrewshire Council area is not acceptable. It is considered that the proposal conflicts with this criterion.

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. The extension of an the already very generous authorised garden area associated with the subject house results in a site that is not in keeping with either the immediate locality or the design ethos of the housing within the grounds of Montford House. The random break-up of the controlled wooded strip further amplifies the lack of sympathy with the rear of the other houses which retain their approved rear boundary suitably contained and screened by the original fringe of trees. It is considered that the proposal conflicts with this criterion.

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. As outlined above, the extension of the garden ground has a detrimental impact on the landscape character of the immediate area and the landscape setting of Montford House. On this basis, the proposal is considered to conflict with this criterion.

Policy D6 seeks to safeguard areas of local urban greenspace which are not protected by policy D5. However, proposals which affect these areas should be assessed against the relevant criteria in policy D5 which refers to the Councils position for protecting urban greenspace. With the approval of the enabling development to assist in the works to Montford House, this site became a low density, high amenity, residential area. The amenity space and woodland framing the houses and gardens constitutes urban greenspace.

The policy confirms that proposals which will result in the loss of urban greenspace will be resisted in the interest of, for example, landscape character, public access and impact on nature conservation. For the reasons already explored above, it is considered that the proposal raises issues with these aspects particularly in respect of landscape character. In terms of the matter of nature conservation, it is considered that the loss of older established woodland, in a more natural undulating landform, with a flat, intensively maintained, grass lawn constitutes an obvious loss of such resources.

As outlined above, the proposal is considered to conflict with policy D6.

Policy D8 presumes against developments which would compromise long established woodland sites. For reasons discussed above, namely the substantial loss of the established framing woodland, it is considered that the proposal conflicts with policy D8.

Additionally, in respect of the above policies, the SPG Green Network and Environmental Management has been considered.

Policy D11 seeks to safeguard listed buildings and their settings. The original setting of Montford House has already been affected by the erection of the new houses and the removal of a large number of trees. However, this impact was considered, at the time, to be an acceptable balance that allowed Montford House to be retained within an acceptable level of enabling development which, in itself, had a robust backdrop of woodland framing. This backdrop to the rear of the larger group of houses numbers 9 to 15 Montford Park has, as outlined above, been retained as a landscape buffer and is in common ownership.

The original trees to the rear of the application site have been completely removed without the Council's permission and the ground regraded to form a consistent level across the original garden into the unauthorised extended area. The proposal impacts on this woodland setting and, as referred to above the woodland outside the Council area is not a suitable replacement. Any future incremental encroachments of garden ground by properties at 9 to 15 Montford Park into the affected landscape buffer would have an adverse impact on the overall amenity and landscape quality of the estate and the setting of the Listed Building. The new ground form and replacement planting does not mitigate the removal of mature trees.

The application site, and the wider estate, is identified in the Development Plan as associated with the Dams to Darnley Country Park. There is no formal public access to the former woodland area now enclosed by fencing at 15 Montford Park or the remaining tree belt. It is considered that the proposal does not conflict with policy D10.

Drawing all the above matters together, it is considered that the proposal conflicts with the Development Plan on a number of policy considerations and, on that basis, should be refused unless there are material considerations which would justify setting aside the Development Plan. Matters material to the consideration of this application are: the planning history/background, the applicant's supporting statement and the representation.

The history of the site is outlined above and discussed in response to several policy considerations. Additionally, it should be noted that the application site has been the subject of enforcement action by the Council.

In June 2015, it was brought to the Council's attention that trees were being removed to the rear of 15 Montford Park. Further developments were carried out and discussions between the applicant and the Planning Service ensued until November 2016 when the Planning Applications Committee authorised the service of an enforcement notice as the enclosing of the public open space required planning permission and, if left unchallenged, could lead to other landscaped sections being progressively enclosed. It should be noted that, when seeking authorisation to proceed with enforcement action, it was stated in the report that on submission of an application, the Planning Service would be "unlikely to recommend approval". This is based on a consistent position to resist domestic garden intrusions into adjacent amenity green spaces. The planning application was subsequently lodged in February 2017 without the service of the Enforcement Notice.

In support of the application, the applicant has advised, *inter alia*, given his concerns about regarding the condition of the trees to the rear of the plot, he purchased it from the developer and enclosed it with fencing. The area had been subject to anti-social behaviour and fly tipping. The trees were removed following consultation with an arboriculture consultant with the intention to

plant replacement trees in 2015/2016. Replanting was delayed until 2017. Trees at the entrance to the estate have been unofficially removed and the enclosure of the new area of planting at the application site protects and secures the replacement planting.

In response to these points, it is considered that the proposal is an excessive and disproportionate response to the concerns listed. Anti-social behaviour can be a transient temporary issue. With regards to the removal of the existing trees, the replanting is noted. However, this is not an acceptable response as it is of a different type and form from that deliberately removed and is set in a landscaped managed garden. The older established woodland that was removed was contiguous with the retained woodland framing the houses. It has always been accepted that the original woodland would require management, indeed it still does, but as stated the response from the applicant, in this instance, is unacceptable.

The concerns of the representee are noted and have, in part, been addressed in the report. The representee refutes the applicants submission with regard to, for example, the issues of anti-social behaviour and the condition of the trees. Additionally there has been no corroborating evidence from other residents in the adjacent houses on the same issue. For matters not addressed in the report, the following comments are made.

Issues relating to rain water retention to the rear of the neighbouring property, and any damage to property as a result thereof, would require to be resolved between the relevant parties.

Precedent is not a planning matter as all applications are treated on their own merits and rarely are two sites and/or situations exactly the same. However, it is acknowledged there are concerns that, if approved, similar applications could follow for extensions of garden ground into established landscape areas which cumulatively could have an even greater impact on the landscape setting of the wider estate and the amenity of residents.

Taking the above into account, it is considered that the impact of the development is marked as the location of the plot is exposed on its south side and more vulnerable on its east side. Any future applications would be judged on their own merits and the particular and individual characteristics of the site. In principle, and with regard to the relevant Development Plan policies, the loss of landscape features and encroachment of garden ground into these areas would not be encouraged. As discussed in the report and with a full and robust assessment against the Development Plan and the material considerations, it is considered that, in this case, the development is unacceptable.

Accordingly, it is recommended that retrospective planning permission be refused.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None.

**REASON(S):**

1. The proposal is contrary to policies D1 (1), D1 (2), D1 (4), D6 and D8 in the East Renfrewshire Local Development Plan as it constitutes the loss of an area of established woodland which functions as an important environmental resource and, as a result, diminishes the character and amenity for the adjacent residents and the wider setting of the residential development.



2. It is considered that the grant of planning permission would encourage similar applications which, if replicated, would significantly diminish the character and environmental quality of the area.

**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](http://www.gov.uk/government/organisations/the-coal-authority)

**ADDED VALUE:**

The application has been submitted following an investigation/complaint.

**BACKGROUND PAPERS:**

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

Ref. No.: 2017/0067/TP  
(ALMI)

DATE: 19th May 2017

**DIRECTOR OF ENVIRONMENT**

**Reference: 2017/0067/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 SG1

Housing Supply

The Council has identified sufficient land for a minimum of 4100 homes and associated infrastructure to be delivered in East Renfrewshire between 2009 and 2025 to comply with the Strategic Development Plan requirements. Sites listed under Schedules 8 to 11 (including past completions 2008/09-2012) will contribute towards meeting these targets.

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 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 Sportscotland, 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 D6 Protection of Local Urban Greenspace

Areas of local urban greenspace, not identified on the Proposals Map will be safeguarded. The criteria used within Policy D5 will be utilised to assess the impact of development proposals on these areas.

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.

#### Policy D10

##### Environmental Projects

The Council will continue to support Dams to Darnley Country Park (D10.1) and Whitelee Access Project (D10.2), as shown on the Proposals Map and Schedule 1, and the implementation of agreed priorities set out in the relevant management/ access plans for each project.

The Council will also support and promote plans and projects at Rouken Glen Park (D10.3) as shown on the Proposals Map and Schedule 1, as part of the Heritage Lottery Fund.

The Council will seek improvements to Dams to Darnley Country Park through Policies M2 and Policy M2.1 and M2.2. Future Supplementary Planning Guidance will be prepared for the Country Park to reflect the aspirations of Policies M2, M2.1 and 2.2.

#### Policy D11

##### Management and Protection of the Built Heritage

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

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

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

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 19/05/2017.IM.

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**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.           **2017/0067/TP**

**Applicant**

Mr Brian Smith  
Plot No.3  
Montfort Park  
Barrhead  
East Renfrewshire  
G78 1SJ

**Agent:**

McInally Associates Ltd  
Thomas McInally  
16 Robertson Street  
Glasgow  
G2 8DS

With reference to your application which was registered on 14th February 2017 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Change of use of public amenity space to form extended private garden ground and erection of fencing (in retrospect)**

**at: 15 Montford Park Barrhead East Renfrewshire G78 1SJ**

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 proposal is contrary to Policies D1 (1), D1 (2), D1 (4), D6 and D8 in the East Renfrewshire Local Development Plan as it constitutes the loss of an area of established woodland which functions as an important environmental resource and, as a result diminishes the character and amenity for the adjacent residents and the wider setting of the residential development.
2. It is considered that the grant of planning permission would encourage similar applications which, if replicated, would significantly diminish the character and environmental quality of the area.

Dated           19th May 2017



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	1:1250		
Tree planting plan	1:1250		
Fencing	1:100		

**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). Alternatively, you can download a Notice of Review form (along with notes for guidance) from [www.eastrenfrewshire.gov.uk/planning-appeals-reviews](http://www.eastrenfrewshire.gov.uk/planning-appeals-reviews) which should be returned to The Planning Service, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NA. You may also call the Council on 0141 577 3001 to request the Notice of Review Form. 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)**

**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 100038453-003

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="McInally Associates Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Thomas"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="McInally"/>	Building Number:	<input type="text" value="16"/>
Telephone Number: *	<input type="text" value="01413325181"/>	Address 1 (Street): *	<input type="text" value="Robertson Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="G2 8DS"/>
Email Address: *	<input type="text" value="tommcinally@mcinally-associates.co.uk"/>		

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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Plot No. 3"/>
First Name: *	<input type="text" value="Brian"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Smith"/>	Address 1 (Street): *	<input type="text" value="Montfort Park"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Barrhead"/>
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="G78 1SJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:

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

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Plot 3, Montfort Park, Barrhead, Glasgow G78"/>
---

Northing	<input type="text"/>	Easting	<input type="text"/>
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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)

Change of use of public amenity space to form extended private garden ground and erection of fencing (in retrospect)

## 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 attached statement

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)

Additional issues raised are made only to add evidence of anti-social behaviour dismissed in the report of handling.

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)

Production 1 - Full assessment of proposal submitted with application; Production 2 - Decision Notice; Production 3 - Report of Handling (Application No.2017/0109/TP); Production 4 - E-mail correspondence re trees, list of trees and tree plan

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

2017/0067/TP

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

02/02/2017

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

19/05/2017

## 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

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)

Land is enclosed, access would need to be arranged with owner



## 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 Thomas McNally

Declaration Date: 03/07/2017

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Our Ref : TMCI/JL/1082

02 February 2017

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

Dear Sir,

**PLANNING APPLICATION : PLOT 3, MONTFORT PARK, BARRHEAD  
EXTENSION OF GARDEN GROUND AND ASSOCIATED LANDSCAPING**

Further to the e-mail from Mr Ralph Howden on the 30<sup>th</sup> November 2016 intimating the intention of East Renfrewshire Council to initiate Enforcement Action against the extension of garden ground at the above address, I attached for your attention a planning application which addresses the alleged breach.

The enclosed application seeks the necessary consent to allow the applicant to erect a fence around land which he known owns attached to Plot 3 at Montfort Park, Barrhead, with the associated planting of 14 trees to replace trees which previously had to be removed for safety reasons.

The area of land subject of the application was previously part of the landscaped garden grounds of Montfort Mansion House (previously known as Tower Rais), which had been built as a private Victorian Mansion, latterly used as a missionary retreat by the Montfort Fathers. As such the site subject of the application was a private property over which there was no public access.

Over a period of years, under this ownership, the Mansion House and grounds had fallen into significant disrepair while the garden grounds were significantly neglected and overgrown. In 2005 the Montfort Fathers put the property on the market and after some delay entered an agreement with Woodneuk Developments who subsequently achieved a planning consent in September 2007 for refurbishment and conversion of the Mansion House to flats with the construction of new private houses within the grounds (Application No. 2007/0242/PP).

P L A N N I N G & D E V E L O P M E N T C O N S U L T A N T S

16 ROBERTSON STREET, GLASGOW G2 8DS Tel: 0141-332 5181

Website: [www.mcinally-associates.co.uk](http://www.mcinally-associates.co.uk)

VAT Reg. No. 556 5290 23 Company Registration No. 141718

02 February 2017

East Renfrewshire Council

At that time the area subject of the enclosed application was to be retained as landscape grounds with conditions which sought the retention of existing landscape features. Following approval of consent and the discharge of relevant conditions Woodneuk Developments Ltd initiated construction work on the Montfort Mansion House which had to be completed prior to completion of the detached houses. Soon after construction started on site the housing industry in Scotland entered a deep and long lasting recession with serious impacts on funding for house buyers and developers alike.

The applicant purchased his house on Plot 3 at Montfort Park in 2014 and on taking entry to the property became concerned over the condition of the trees behind his new house.

Whilst these trees had been subject of a Tree Survey in 2007 with treatments agreed with the planning officers at that time, by 2014 the condition of the trees had significantly worsened. The applicant approached Woodneuk Developments asking for these trees to be dealt with an removed as necessary. At that time, and as a result of financial circumstances, Woodneuk Developments could not assist since the banks had withdrawn support forcing Woodneuk to consider liquidation or sale of the site.

In such circumstances the applicant took ownership of the area of land now subject of this application to allow him to remove the trees, all as recommended by his Arboricultural consultant, and to replace them.

Having acquired the land this area of land was in common ownership with the house on Plot 3 and the applicant undertook to fence all of the land within the curtilage of his home.

Beyond the problem of dead and decaying trees the area of land was also the source of anti-social behaviour with groups of young people and the evidence of this can be seen on the attached photographs with empty alcohol bottles and syringes. The site was also subject to extensive fly-tipping.

Having removed the trees the applicant was approached by the enforcement officer at East Renfrewshire Council intimating that the trees should be replaced. At that point plans were prepared illustrating the intent of the application to plant 14 trees with a fence (1.8 metres high) around the area of land in the ownership of the applicant with a small fence (0.9 metres high) along the edge of the existing garden. In this way the garden was segregated from the landscaped grounds and the new trees protected by fencing around the perimeter curtilage of the dwellinghouse.

Unfortunately the trees could not be planted during the winter of 2015/16 owing to the amount of rain and the inability of the applicant to increase soil levels of the ground in question.

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East Renfrewshire Council

This situation has now been addressed, soil levels have been established with the new trees to be planted during the second week in February. Once planted the area will be safeguarded from the main part of the garden by a 0.9 metre fence.

In this context it is of importance that trees planted at the entrance to the wider site by Woodneuk Developments Ltd have been removed by unknown parties and as such the fences as now built are essential in securing the sustainable growth of the new trees and securing the enhanced landscaping of the site. These fences will also reduce anti-social behaviour and increase the security of residents on the site.

Within the terms of the adopted East Renfrewshire Local Plan the site is identified as a housing site within Policy SG1.8 with a solid blue line cross hatching intimating that the entire site should be considered in relation to the Dams to Darnley Country Park. In this context the entire site is a private housing development site with no public access and as such the proposal has no impact on the Dams to Darnley Country Park.

In these circumstances the relevant policies of the Local Development Plan are Policy D1 'Detailed Guidance for All Development', which states :

**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

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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.

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East Renfrewshire Council

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.

Against each of the above it is maintained that :

1. The proposed development will result in the planting of new trees within a protected area of ground within the extended garden of Plot 3 at Montfort Park which will allow the trees to grow to maturity without damage by 3<sup>rd</sup> parties. In addition, conditions can be placed on the land at Plot 3 to maintain and manage the growth of these trees in a sustainable way. As such the landscaping proposal will not result in a significant loss of character or amenity to the surrounding area.
2. The proposed fencing is of a size and scale entirely compatible with fencing to adjacent properties. In addition it is important that the species of tree, location and sizes of each tree has been agreed with planning officers at East Renfrewshire Council.
3. The proposed development will have no adverse impact on adjoining properties with the new trees having a beneficial impact in the longer term.
4. The site is not shown as part of the Green Network on the Proposals Map, however, the replanting and safeguarding of the new trees will enhance the landscape character of the Green Network.
5. The proposal incorporates new landscape features to replace trees which have been removed. There are no imperious surfaces within the application site. An addition public access is inappropriate insofar as such access reduces security of the houses and encourages anti-social behaviour as illustrated in the enclosed photographs.
6. The proposal secures a safe and secure environment and will reduce the opportunity for anti-social behaviour.

The remaining criteria of Policy D1 are not relevant to the extension of garden ground.

As stated above, the site is included within the Montfort Park housing development which is designated within the Policy SG1 'Housing Supply' where, of relevance to this application, it states :

"The Council will support housing development on the established housing sites as shown on the Proposals Map and listed under Schedule 8. All proposals will require to comply with the terms of Policy SG5 Affordable Housing and Strategic Policy 3."

In this regard the application is supplementary to the planning consents which have been approved in accordance with the terms of Policy SG5 and Strategic Policy 3.

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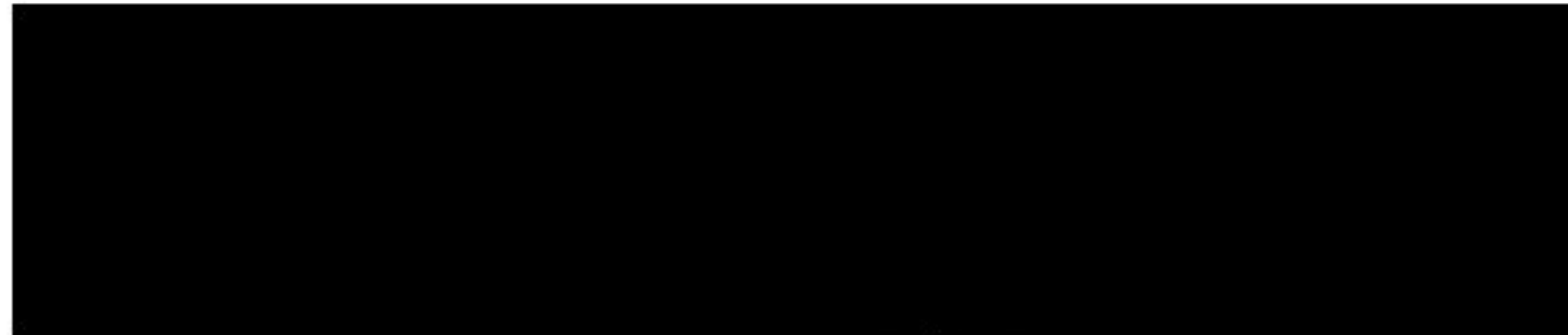
02 February 2017

East Renfrewshire Council

In such circumstances the application complies with the policies of the adopted Local Development Plan.

I trust that the above and the attached information is of assistance, however, should you require any further detail or clarification please contact the writer.

Yours faithfully,



**TOM MCINALLY Dip; MRTPI; Hon FRIAS**  
**MCINALLY ASSOCIATES LTD**  
tommcinally@mcinally-associates.co.uk



**PLANNING APPLICATION 2017/0067/TP  
NOTICE OF REVIEW**

This Notice of Review seeks a review of the decision by the officers of the Council to refuse planning consent for the extension of garden ground at plot 3 of Montfort Park, Darnley Road, Barrhead. The application to which the review relates sought the necessary consent to allow the applicant to erect a fence around land which he known owns attached to Plot 3 of the houses at Montfort Park, Barrhead, with the associated planting of 14 trees to replace trees which previously had to be removed for safety reasons.

The area of land subject of the application was previously part of the landscaped garden grounds of Montfort Mansion House (previously known as Tower Rais), which had been built as a private Victorian Mansion, latterly used as a missionary retreat by the Montfort Fathers. As such the site subject of the application was a private property over which there was no public access.

Over a period of years, under this ownership, the Mansion House and grounds had fallen into significant disrepair while the garden grounds were significantly neglected and overgrown. In 2005 the Montfort Fathers put the property on the market and after some delay entered an agreement with Woodneuk Developments who subsequently achieved a planning consent in September 2007 for refurbishment and conversion of the Mansion House to flats with the construction of new private houses within the grounds (Application No. 2007/0242/PP).

At that time the area subject of the enclosed application was to be retained as landscape grounds with conditions which sought the retention of existing landscape features. Following approval of consent and the discharge of relevant conditions Woodneuk Developments Ltd initiated construction work on the Montfort Mansion House which had to be completed prior to completion of the detached houses. Soon after construction started on site the housing industry in Scotland entered a deep and long lasting recession with serious impacts on funding for house buyers and developers alike.

The applicant purchased his house on Plot 3 at Montfort Park in 2014 and on taking entry to the property became concerned over the condition of the trees behind his new house.

Whilst these trees had been subject of a Tree Survey in 2007 with treatments agreed with the planning officers at that time, by 2014 the condition of the trees had significantly worsened. The applicant approached Woodneuk Developments asking for these trees to be dealt with and removed as necessary.

At that time, and as a result of financial circumstances, Woodneuk Developments could not assist since the banks had withdrawn support forcing Woodneuk to consider liquidation or sale of the entire site.

In such circumstances the applicant agreed to take ownership of the area of land now subject of this application to allow him to remove the trees, all as recommended by his Arboricultural consultant, and to replace them.

Having acquired the land this area of land was in the same ownership with the house on Plot 3 and the applicant undertook to fence all of the land within the curtilage of his home.

Beyond the problem of dead and decaying trees the area of land was also the source of anti-social behaviour with groups of young people and the evidence of this can be seen on the attached photographs with empty alcohol bottles and syringes. The site was also subject to extensive fly-tipping.

Having removed the trees the applicant was approached by the enforcement officer at East Renfrewshire Council intimating that the trees should be replaced. At that point plans were prepared illustrating the intent of the application to plant 14 trees with a fence (1.8 metres high) around the area of land in the ownership of the applicant with a small fence (0.9 metres high) along the edge of the existing garden. In this way the garden would continue to be segregated from the landscaped grounds and replacement trees.

A full assessment of the proposal against the relevant policies of the local plan was submitted to the Council with the application to illustrate how the proposal complied with Council policy and could have been approved (Production 1 refers). The application was subsequently refused on the 2<sup>nd</sup> June 2017 (Production No.2 Decision Notice refers) for the reasons that :

1. The proposal is contrary to Policies D1(1); D1(2), D1(4); D6 and D8 in the East Renfrewshire Local Development Plan as it constitutes an area of established woodland which functions as an important environmental resource and as a result diminishes the character and amenity for the adjacent residents and the wider setting of the residential development.
2. It is considered that the grant of planning permission would encourage similar applications which is replicated would significantly change the character and quality of the area.

Before turning to reason for refusal 1 and the various issues raised re policies of the Local Development Plan, the applicant seeking Accordingly it is maintained that the proposal does not conflict with the Local Development Plan.

This review is concerned with regard to the lack of consistency in the consideration of this application given that a similar proposal to extend the garden ground at No.3 Montfort Park was approved by the same planning officer on 19<sup>th</sup> June 2017 (Production No.3 refers). In this instance (Planning Application No. 2017/0109/TP) the planning officer considered that the proposal for *“Enlargement of garden to rear with erection of fencing and outbuildings (in retrospect)”* did not conflict with the Development Plan.

Given that both applications resulted in the removal of trees from long established woodland the lack of consistency is clear. In the circumstances of this request for a Review, it is considered important that all trees removed have been replaced with similar species as accepted in writing by the planning officer of the Council. Indeed it is considered relevant that the application above which was approved has not resulted in the replacement of any trees.

**Reason for Refusal 1**

Reason for refusal 1 must be considered against the individual elements of the 5 individual policy issues identified, namely – Policies D1(1); D1(2); D1(4); D6 and D8.

**D1(1)**

The development should not result in a significant loss of character or amenity to the surrounding area

The proposed development seeks to fence an area of ground owned by the applicant and to replace trees which have been removed. In this context the trees were removed as a result of concerns over their health and the security of the property adjacent. All trees removed were examined by an appropriately qualified consultant. Whilst the applicant accepts that the trees were removed without any prior approval the trees were not subject of any TPO or other protection. Having removed the trees the applicant had also undertaken to replace the trees with agreed species. The applicant was unaware of the condition which was attached to the original Montfort planning consent and for this apologises, however, all trees removed on the advice of trees experts have been replaced.

**D1(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.

This aspect of Local Development Plan Policy would normally apply to the architecture, building design and materials as opposed to an extension of garden ground, however, it is of some importance that the applicant has secured ownership of the former woodland to secure not only his garden but has also replaced trees which had to be removed on the advice of quality tree surgeons. The fact of the matter is that all trees which the applicant removed have been replaced with species selected to complement the woodland for those that had been removed. The trees selected and subsequently planted to replace those removed were carefully considered, subject of recommendations by and approved by the planning officers by e-mail dated 29<sup>th</sup> July 2015 (Production No.4).

As can be seen from the plan submitted with the application the proposal is to retain definition of an area of woodland by fencing between the garden and the woodland area of the garden. This fencing would be lower than the perimeter fencing to allow increased visual amenity supervision and security of the replanted woodland trees. As such this reason for refusal is inappropriate.

The Report of Handling continues to refer to the original trees being completely removed and the reasons for this have been provided. Further comments are made that the new ground form and replacement planting does not mitigate the removal of mature trees. In the first instance the ground through this area of the Montfort site was generally level, gradually reducing in height towards the location of the attenuation pond. This has not changed. Given that the trees removed have been replaced with a selection of trees, approved in size and species by the planning officer, it is difficult to establish what other mitigation can be offered. In this context it is maintained that the proposal offers effective mitigation for the long term benefit of the woodland in this area of Barrhead. Indeed given that the proposal is subject of an

application and a review the Council can apply a condition requiring a tree management plan for the protection of this new area of woodland.

In the circumstances outlined above, with the replacement of all trees to definition of woodland area of the extended garden and the need for consistency in the planning system, it is respectfully requested that this review be upheld and planning consent granted with the appropriate conditions.

#### **D1(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.

As stated previously all trees removed have been replaced with a range of species and size of trees approved by the planning officers at East Renfrewshire Council (Production 4 refers). Whilst trees were removed which were unhealthy or dangerous the replacement of such trees will sustain the woodland over the longer term as the new trees grow and mature. Insofar as more trees have been planted than removed there is no actual loss of trees or any other important landscape feature.

Comments have been made that the proposal has a detrimental impact on the landscape setting of Montfort House but this is refuted since Montfort House is detached and segregated from the application site by modern attractive housing.

#### **Policy D6: Protection of Local Urban Greenspace**

Areas of local urban greenspace, not identified on the Proposals Map will be safeguarded. The criteria used within Policy D5 will be utilised to assess the impact of development proposals on these areas.

Unfortunately the Local Development Plan does not define urban greenspace and whilst Policy D5 focusses on public access, loss of community use, outdoor sports facilities there is reference to no significant adverse impact on landscape character and amenity and no or limited impact on nature conservation with any loss being mitigated elsewhere in the vicinity. It is however of importance that the report of handling has however confirmed that there was no public access to the land to the rear of the houses.

As explained previously trees have been removed from the site but these trees have been replaced by trees of species and size approved by the planners as appropriate mitigation. In the report of handling the planning officers have accepted that there is no formal access to the woodland area now enclosed by fencing or the remaining tree belt adjoining the application site. The report of handling also accepts that the newly planted trees in the former woodland area will also be fenced off from the formal garden ground if consent is granted. Insofar as new trees have been planted to secure a longer term woodland in this area any short term loss of mature woodland is balanced by longer term benefits to the surrounding landscape.

In this request for a review it is accepted that trees have been removed, however, it also has to be accepted that they have been replaced by what has been considered by the planners to be

an appropriate range of species and size of trees. This is considered to be entirely appropriate mitigation for the loss of unhealthy and diseased trees removed on the recommendation of a tree consultant.

As such it is maintained that the proposal secures the long term integrity of the woodland and does not conflict with Policy D6 of Policy D5.

#### **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.....

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.

With regard to this reason for refusal the application site is not shown on the Proposals Map as a Site of Special Scientific Interest nor a Local Biodiversity Site nor a Tree Preservation Order. The application site is designated on the Proposals Map as a housing site estimated to provide 16 houses by 2020 in Schedule 8.

In the report of handling reference is made to the loss of long established woodland, however, as explained all of the trees removed have been replaced as would normally be accepted as sound planning practice. As stated previously, all trees planted as replacement have been selected to complement the remaining woodland with species and sizes agreed with the planning officers.

The report of handling attempts to refute claims that the area of land subject to the appeal was a source of anti-social behaviour despite the photographs submitted showing injection needles and empty alcohol bottles on the basis of alleged comments made by a neighbour. It is however of relevance that the application and his neighbour have lost property from their cars in the driveways and that such incidents are lodged with the local police station. It is also of relevance that the resident at No.17 Montfort Park currently has evidenced anti-social behaviour to the rear of his house and that building materials have repeatedly been stolen from the site, some of which has been found scattered amongst the woodland areas. As such the fencing which has been erected will protect the area of newly planted trees and allow them to grow into a sustainable area of woodland for the longer term.

Having assessed the reasons for refusal it can be concluded that whilst trees have been removed the approval of the planning application will secure replacement with an appropriate range and size of tree. In these circumstances it is maintained that the proposal:

- does not conflict with Policy D1(1)
- does not conflict with Policy D1(2)
- does not conflict with Policy D1(4)
- does not conflict with Policy D6
- does not conflict with Policy D8

Accordingly it is maintained that the proposal does not conflict with the Local Development Plan and it is therefore respectfully requested that this review be upheld and planning permission granted.

FW Montfort Plot 3 Woodland  
From: Howden, Ralph [Ralph.Howden@eastrenfrewshire.gov.uk]  
Sent: 29 July 2015 09:00  
To: tom mcinally  
Subject: FW: Montfort Plot 3 woodland

Attachments: Tree Plan (2).pdf; Montfort Plot 3 Woodland Tree Selection.doc; image002.jpg

Tom,

I have managed to chat with Derek Scott on the tree planting schedule.

We see little relevance to planting Laburnum in this woodland.

Tree 6 does not appear to be identified.

The introduction of Beech trees would add to the mix.

All trees should be at least Standards.

Thanks

Ralph Howden  
Planning Officer  
East Renfrewshire Council  
Tel: 0141 577 3694

East Renfrewshire: Your Council, Your Future  
[www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk) <<http://www.eastrenfrewshire.gov.uk>>

From: tom mcinally [mailto:tommcinally@mcinally-associates.co.uk]  
Sent: 17 July 2015 09:49  
To: Howden, Ralph  
Subject: Montfort Plot 3 woodland

Ralph,

FW Montfort Plot 3 Woodland

I have now fully discussed the woodland proposals with Mr Smith and he has agreed to provide the trees as proposed and outlined on the attached plan which provide a variety of trees found in the woodland previously and which will ensure an attractive display of colour throughout the year. I have replaced the cotoneasters with Rowan trees to further enhance the range of colours and particularly increase in bio diversity which arises from this addition.

I have also added the tree survey which Mr Smith received from D B Trees.

Any further comment would be appreciated.

Kind Regards

Tom

Tom McInally Dip TP; MRTPI; Hon FRIAS

McInally Associates Ltd

16 Robertson Street, Glasgow G2 8DS

T: 0141 332 5181 | E-mail: [tommcinally@mcinally-associates.co.uk](mailto:tommcinally@mcinally-associates.co.uk)

Web: [www.mcinallyassociates.co.uk](http://www.mcinallyassociates.co.uk) <<http://www.mcinallyassociates.co.uk/>>

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FW Montfort Plot 3 Woodland  
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\*\*\*\*\*  
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\*\*\*\*\*

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### Montfort Plot 3 Woodland Tree Selection

#### Tree No 1 *Acer Platanoides* Crimson King

"Norway Maple" a fast growing large tree of 9m+ with a large round head, attractive yellow flowers in April, leaves five lobed, rich autumn colour, ideal for exposed sites, good on all soils except those prone to water logging.

#### Tree No 2 *Alnus Glutinosa*

"Common Alder" small to medium bushy tree of 9m+, particularly suited to wet boggy sites, pear shaped shinny green leaves retained till late autumn, smooth dark grey bark.

#### Tree No 3 *Acer Platanoides* Crimson King

"Norway Maple" a fast growing large tree of 9m+ with a large round head, attractive yellow flowers in April, leaves five lobed, rich autumn colour, ideal for exposed sites, good on all soils except those prone to water logging.

#### Tree No 4 *Carpinus Betulus*

"Common Hornbeam" a medium to large size tree of 8m+ with characteristic grey fluted trunk, ovate serrate ribbed leaves turning yellow in autumn, tolerates heavy soils better than beech, can be used as a specimen for individual planting or as hedging.

#### Tree No 5 *Betula Alba*(pendula)

"Common Silver Birch" tall dome crown and graceful pendulous branchlets which develop with age 10m+, leaves are diamond shaped and usually yellow in autumn, white peeling bark.

#### Tree No 7 *Castanea Sativa*

"Sweet Chestnut" large and fast growing tree of 12m+, flowers and fruits well in warm summers, distinctive bark on mature trees', rich brown edible nuts encased in prickly shells.

#### Tree No 8 *Fraxinus Excelsior*

"Common Ash" very hardy fast growing large native tree 10m+, tolerates the widest range of soil and climate conditions, pinnate green leaves, green all summer with keys hanging in branches throughout the summer and autumn, winter buds are jet black. Tolerant to windswept sites coastal locations and smoke polluted areas.

#### Tree No 9 *Acer Campestre*

"Field Maple" medium size tree 6m+ and hedgerow plant, foliage turns yellow flushed red in autumn, dense five lobed leaves tolerates wide range of soils. Britain's only native Maple.

#### Tree No 10 *Laburnum Watereri Vossii*

The Laburnum is a popular tree, dark glossy foliage with long racemes of yellow scented flowers in early June, followed by long seed pods. Caution plants in this genus are toxic.

#### Tree No 11 *Sorbus Acuparia*

The Rowan Tree is an upright deciduous tree with pinnate leaves turning yellow in autumn, and flat clusters of white flowers in late spring, followed by orange-red berries in early autumn

**Tree No 12 Laburnum Watereri Vossii**

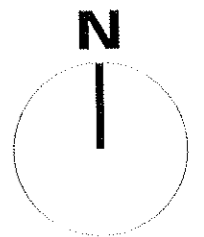
The Laburnum is a popular tree, dark glossy foliage with long racemes of yellow scented flowers in early June, followed by long seed pods. Caution plants in this genus are toxic.

**Tree No 13**

The Rowan Tree is an upright deciduous tree with pinnate leaves turning yellow in autumn, and flat clusters of white flowers in late spring, followed by orange-red berries in early autumn

**Tree No 14 Laburnum Watereri Vossii**

The Laburnum is a popular tree, dark glossy foliage with long racemes of yellow scented flowers in early June, followed by long seed pods. Caution plants in this genus are toxic.



The coordinates are based on the British National Grid and are subject to change as technology improves.  
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STATUS - Warrant

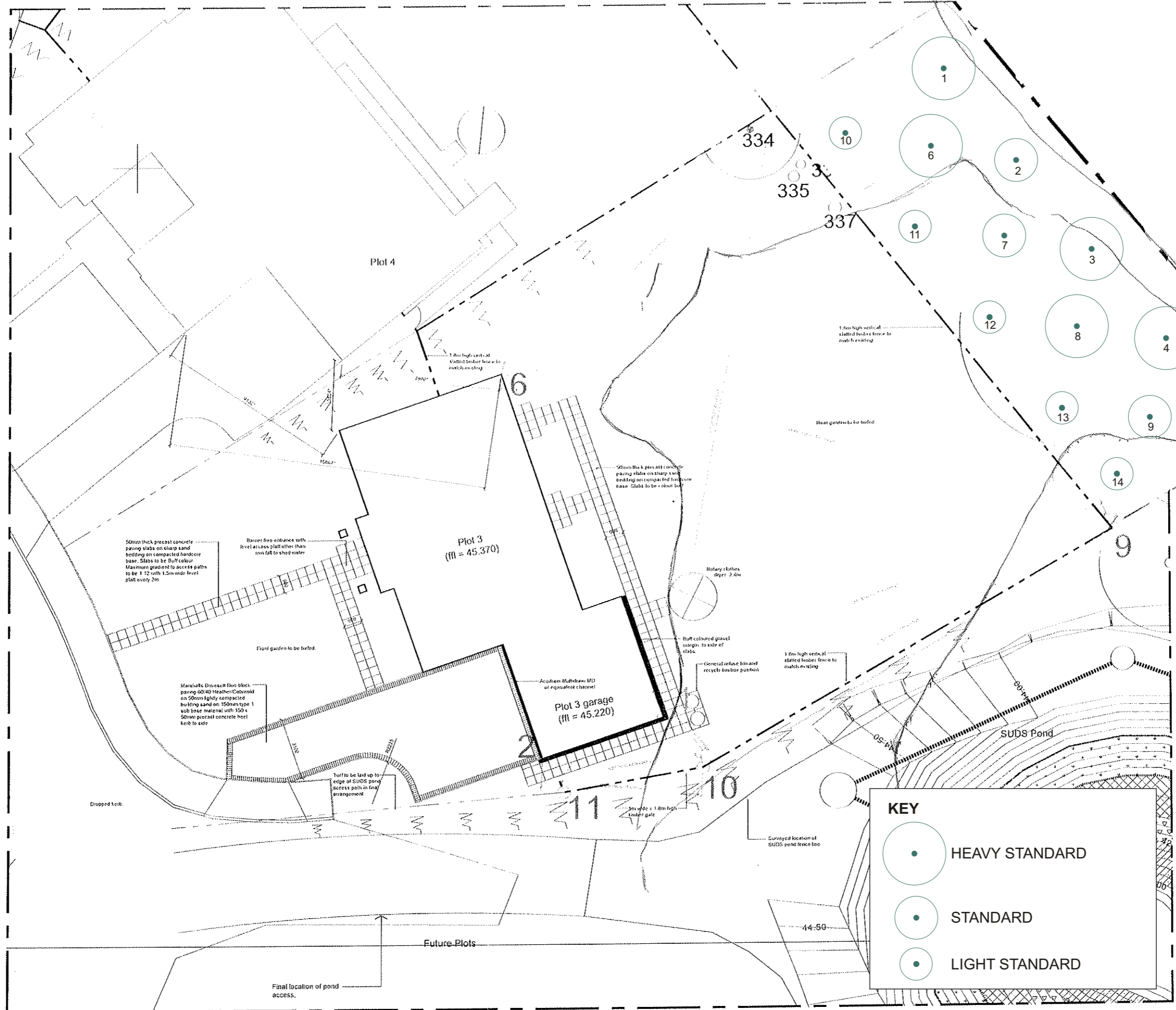
\*Note

Selling out dimensions noted are check sizes only. The house must be set out by reference to the coordinate system shown on drawing 2498/200.

All dimensions in red are provided as check dimensions for assistance only. Boundary setting out as defined on this drawing has been based on the coordinates noted above.

Table of Setting Out Coordinates as Defined on GD Lodge Drawing 2498/200 and Based Upon Topographic Survey Information

NUMBER	Easting	Northing
01	251476.129	659420.129
02	251472.593	659420.299
06	251470.519	659419.571
09	251468.501	659411.530
10	251474.130	659419.798
11	251471.767	659412.991




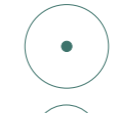
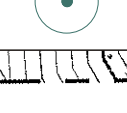
50mm thick precast concrete paving slabs on sharp sand bedding on compacted hardcore base. Slabs to be full colour Macromer gradient to access paths to be 1:12 with 1.5m wide level path every 2m.

Barrier free entrance with level access platform than 100mm fall to shed water.

Marbleite Directset Duo block paving 60/40 Heather Cotswold on 50mm lightly compacted bedding sand on 100mm type 1 sub base material with 150 x 50mm precast concrete kerb to side.

Acoustic Matsham M1 or equivalent (noise)

**KEY**

-  HEAVY STANDARD
-  STANDARD
-  LIGHT STANDARD

- C Setting out coordinates and additional boundary dimensions added. Tree tags shown. 07.05.11
- B Driveway shown on as built turning head location. 09.12.11
- A Location of house on plot 3 altered. As built location of access road & turning head shown. 04.12.11

**gd lodge architects**

empire house 131 west nile street glasgow G1 2F  
 tel 0141 332 6804 fax 0141 333 08  
 projects@gdlodge.co  
 www.gdlodge.co

CLIENT  
 Woodneuk Developments

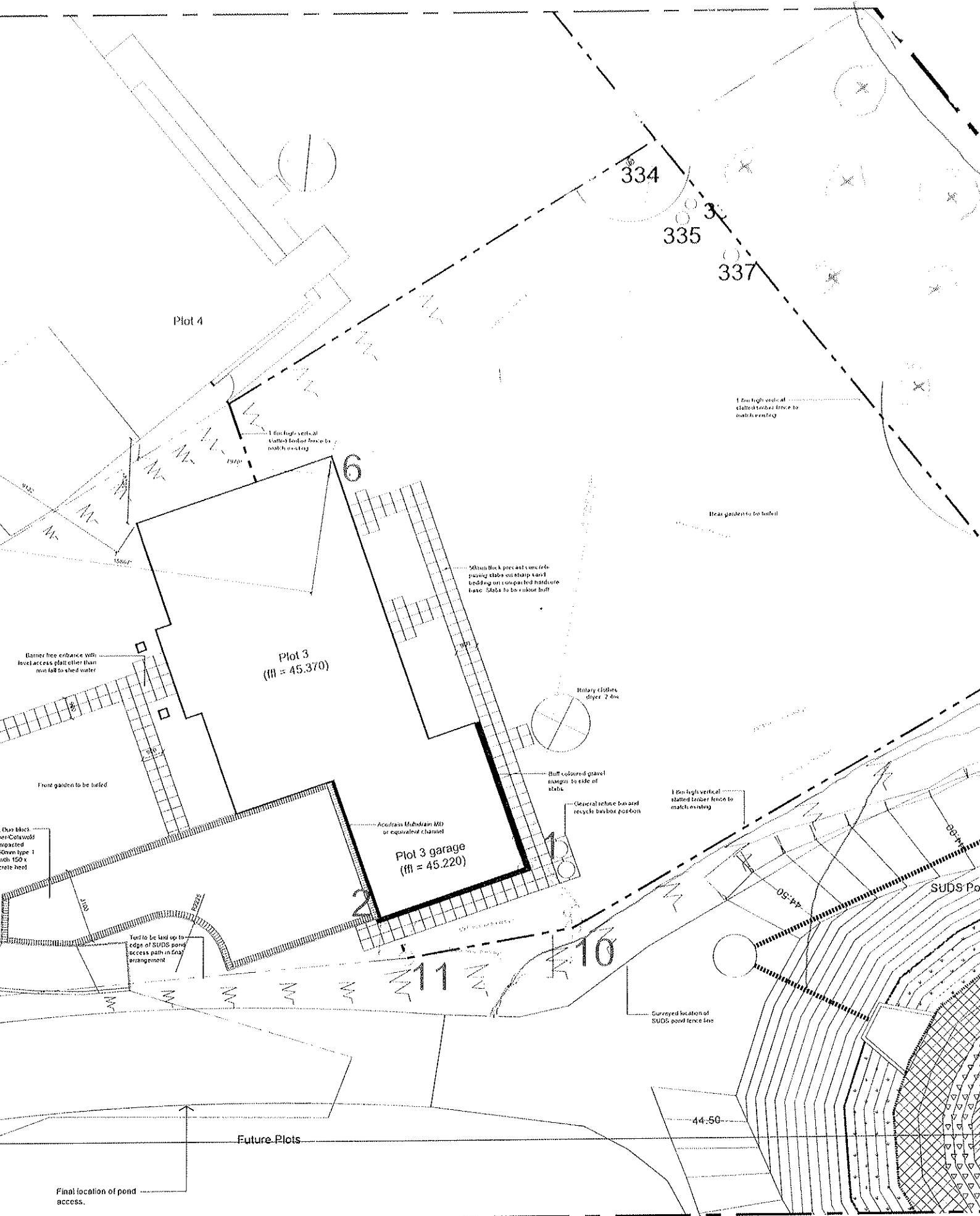
PROJECT  
 Montford House  
 Barrhead  
 Proposed Housing

DRAWING  
 Plot 3 External works

DATE November 2013 DRAWN BY F.B.

SCALE 1:100 @ A1 CHECKED C.D.A.

JOB NO. 2498 DRAWING NO. 201 REVISION C



**PLANS/PHOTOGRAPHS/DRAWINGS**

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Mr Brian Smith  
Montfort Park  
Barrhead  
G78 1SJ

Date 04/06/15

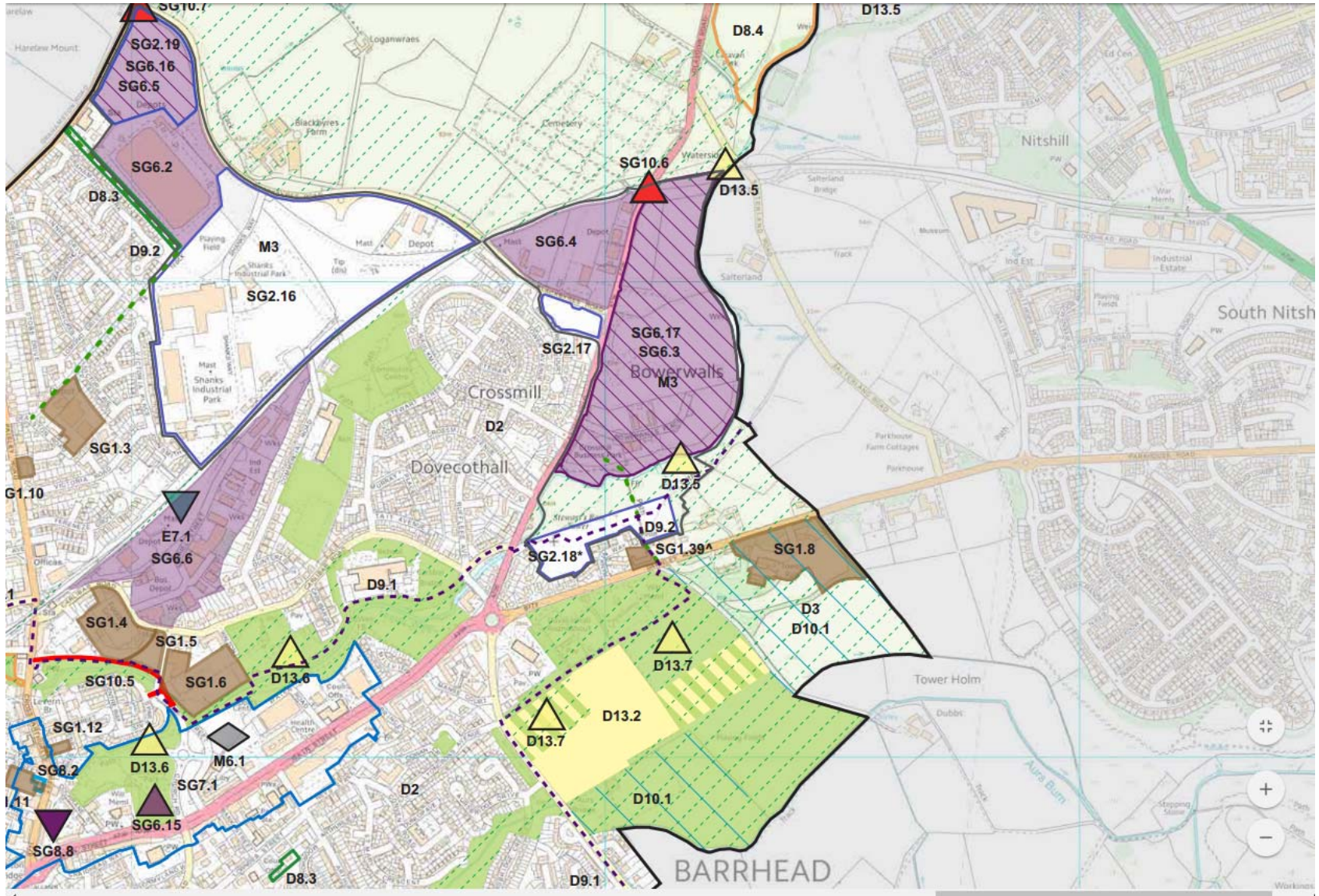


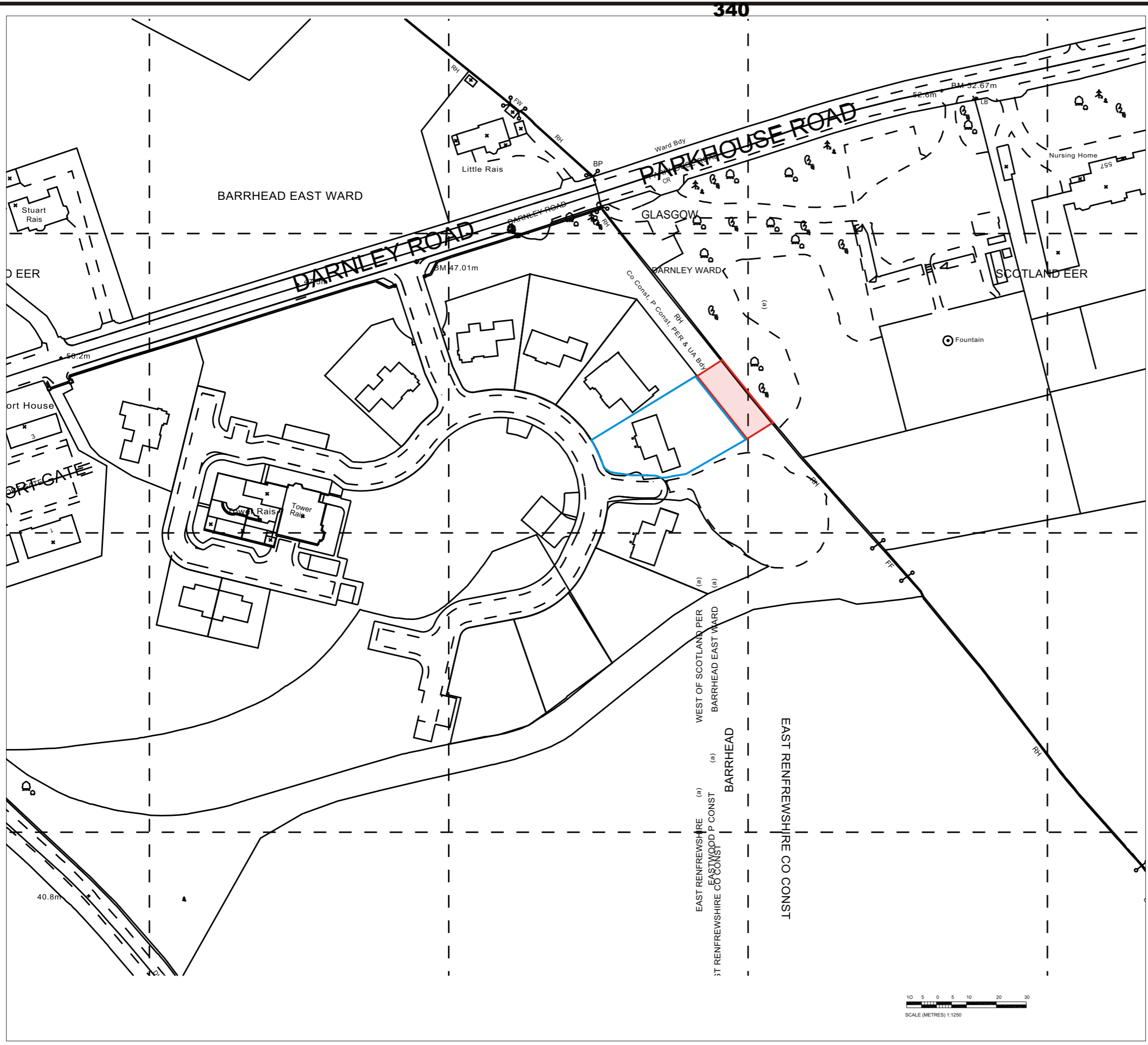
D B Tree Ltd  
Peter Blackstock  
Biglies Farm  
West Kilbride  
North Ayrshire  
KA23 9QP  
Tel 01475 568597  
Mob 07919263483

Tree No	Species	Height Approx	Spread Approx	Girth (@1.5m)	Comments/Observations	Recommended Action	Urgency
334	Norway Maple (Double Stem)	10.5m	5m	17cm / 9cm	Root plate lifted, dangerous - leaning into neighbouring garden	Remove	urgent
336	Scots Pine	18m	11m	52.5cm	Root plate lifted, leaning, dangerous	Remove	urgent
337	Scots Pine (Multi Stem)	12m	9m	32cm/20cm/22cm	Main stem died some years ago, Leaning and Dangerous	Remove	urgent
339	Turkey Oak	22m	9m	49cm	Dying - severe crown decay	Remove	not urgent
343	Ash	17m	12m	24.5cm	Root plate lifted, leaning, dangerous	Remove	urgent
340	Lime (Double Stem)	15m	9m	44cm / 12cm	Dead, lying on its side	Remove	not urgent
114	Sycamore	19m	4.5m	84cm	Dead, lying on its side - covering boundary (root inside boundary)	Remove root	not urgent

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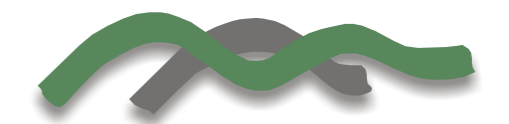
**Plot 3, Montfort Park Barrhead**

Location Plan

Scale 1:1250

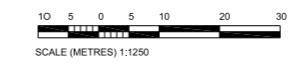
February 2017

- Application site boundary
- Other land owned by applicant



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 E-mail : advice@mcinally-associates.co.uk



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**Plot 3, Montfort Park  
Barrhead**

Tree Plan

Scale 1:250

February 2017

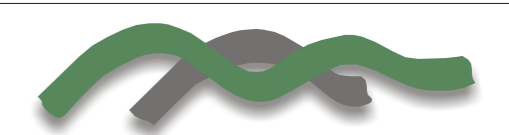
**KEY**

-  HEAVY STANDARD
-  STANDARD
-  LIGHT STANDARD

10 5 0 5 10 20 30



SCALE (METRES) 1:250



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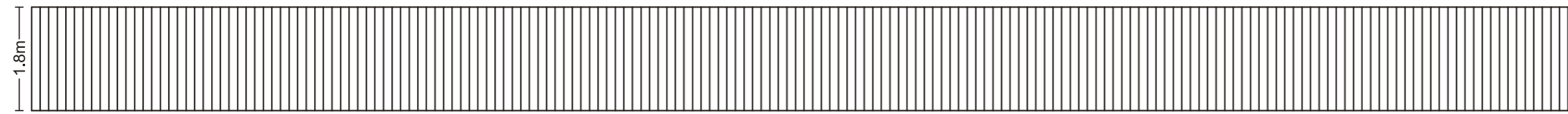
6 Newton Place, Glasgow G3 7PR  
Tel : 0141 332 5181 Fax : 0141 332 5160  
E-mail : advice@mcinally-associates.co.uk

**Plot 3, Montfort Park  
Barrhead**

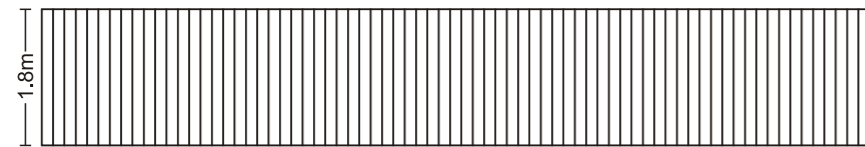
Fence Elevations

Scale 1:100

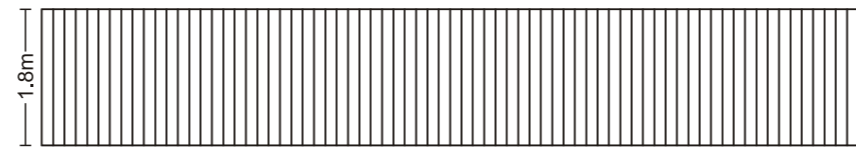
February 2017



East Elevation



North Elevation

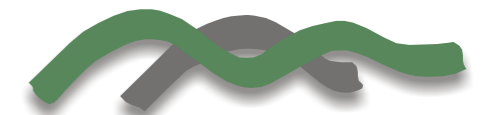


South Elevation



West Elevation - Garden Side

Gate



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