

Corporate and Community Services Department

Council Headquarters, Eastwood Park, Giffnock, East Renfrewshire, G46 6UG

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Date: 14 May 2021

When calling please ask for: Sharon McIntyre (Tel No. 0141 577 3011)

e-mail:- sharon.mcintyre@eastrenfrewshire.gov.uk

TO: Councillors A Ireland (Chair), B Cunningham (Vice Chair), A Convery, J Fletcher, J McLean, S Miller and J Swift.

PLANNING APPLICATIONS COMMITTEE

A meeting of the Planning Applications Committee will be held on **Wednesday, 19 May 2021 at 2.00pm.**

The agenda of business is as shown below.

Please note this is a virtual meeting.

Caroline Innes

C INNES

DEPUTY CHIEF EXECUTIVE

1. **Report apologies for absence.**
2. **Declarations of Interest.**
3. **Appeals - Report by Director of Environment (copy attached, pages 3 - 4).**
4. **Applications for planning permission for consideration by the committee - Report by Director of Environment (copy attached, pages 5 - 44).**

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EAST RENFREWSHIRE COUNCIL
PLANNING APPLICATIONS COMMITTEE

19 May 2021

Report by Director of Environment

APPEALS

1.0. **INTRODUCTION**

- 1.1. This report is to inform Members about the receipt of a new planning appeal and an appeal decision that has been issued by the Scottish Government's Planning and Environmental Appeals Division (DPEA).

2.0 **APPEAL RECEIVED**

- 2.1. **ERC reference 2020/0597/TP; DPEA reference PPA-220-2068.** The appeal relates to the Change of Use of land for outdoor pre and after school at the site Adjacent East of Williamwood High School, Eaglesham Road, Clarkston. The application was refused planning permission at the Planning Applications Committee on 10th March 2021.

- 2.2. Further details relating to the appeal can be found online at:
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121498>

2.3. **APPEAL DECISION**

- 2.4. **ERC reference 2020/0585/TP; DPEA reference PPA-220-2066.** This appeal relates to the decision of the Council to refuse planning permission for the formation of a driveway, realign front boundary and adjacent footway, including lowering of ground levels at 29 East Kilbride Road, Busby.

- 2.5. The Reporter dismissed the appeal and refused planning permission. He found that the principle of a new direct access would gain no support from the guidance within Designing Streets and that that the visibility splays required cannot be met. He found that the additional traffic measures proposed would likely complicate matters for drivers using this already challenging section of East Kilbride Road and would adversely affect road and pedestrian safety. He consider that the proposal would not be in accordance with policy D1 of the adopted local development plan.

- 2.6. Further details relating to the appeal can be found online at:
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121323>

2.7. **Recommendation**

- 2.8. Members are asked to note the above.

Director of Environment
May 2021

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

Draft index of applications under the above acts to be considered by the Planning Applications Committee on
19th May 2021.

Reference No: 2021/0076/TP

Ward: 3

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Applicant:

Trattoria 47 Limited C/o Blackadders LLP
6/1 Mercantile Chambers
53 Bothwell Street
Glasgow
Scotland
G2 6TS

Agent:

Natalie Righetti
Parkside
83 Skirving Street
Glasgow
Scotland
G41 3BF

Site: Men Zone 47 Eastwoodmains Road Giffnock East Renfrewshire G46 6PW

Description: Change of use from retail unit (class 1) to hot food takeaway (sui generis)

Please click [here](#) for further information on this application

Reference No: 2021/0110/TP

Ward: 3

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Applicant:

Mr Andrew Forrest
19 The Loaning
Giffnock
Scotland
G46 6SF

Agent:

William Ewing
226 West George Street
Glasgow
Scotland
G2 2PQ

Site: American Golf 6 Fenwick Road Giffnock East Renfrewshire G46 6AN

Description: Subdivision and change of use of retail unit (class 1) to create 3 units (1 x class 1 - shops/retail, 1 x sui generis - hot foot takeway 1 x class 3 - cafe/restaurant) and associated shopfront alterations

Please click [here](#) for further information on this application

Reference No: 2021/0183/TP

Ward: 2

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Applicant:

Mrs Gillian Morgan
4 Wigton Avenue
Newton Mearns
Scotland
G776JG

Agent:

Malcolm McCallie
14 Ballingall Drive
GLENROTHES
Scotland
KY6 3QD

Site: 4 Wigton Avenue Newton Mearns East Renfrewshire G77 6JG

Description: Erection of single storey flat roof extension to rear single storey front extension; installation of flue.

Please click [here](#) for further information on this application

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REPORT OF HANDLING

Reference: 2021/0076/TP

Date Registered: 2nd February 2021

Application Type: Full Planning Permission

This application is a Local Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 256561/:658138

Applicant/Agent:

Applicant:
Trattoria 47 Limited C/o
Blackadders LLP
6/1 Mercantile Chambers
53 Bothwell Street
Glasgow
Scotland
G2 6TS

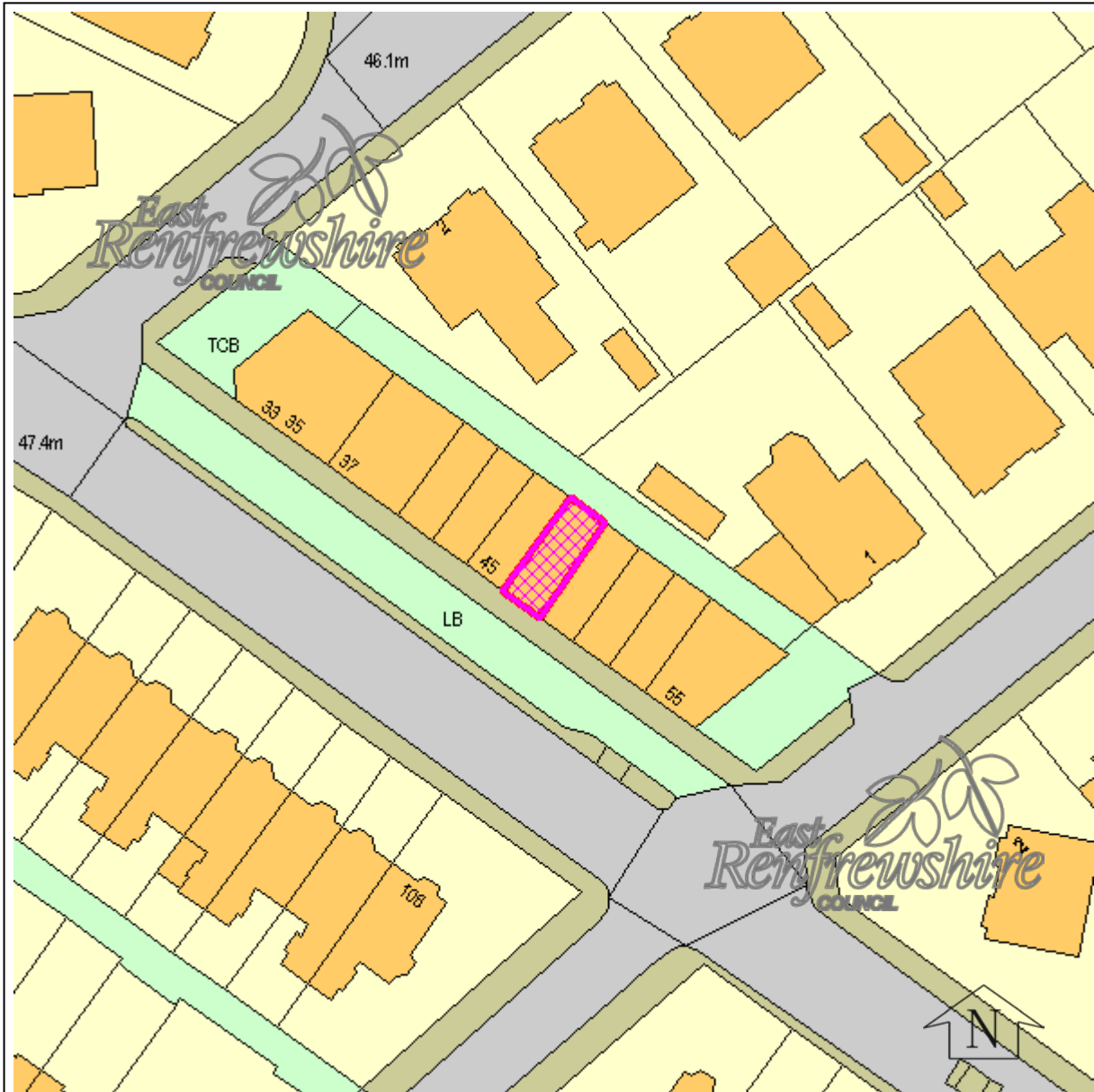
Agent:
Natalie Righetti
Parkside
83 Skirving Street
Glasgow
Scotland
G41 3BF

Proposal: Change of use from retail unit (class 1) to hot food takeaway (sui generis)

Location:

Men Zone
47 Eastwoodmains Road
Giffnock
East Renfrewshire
G46 6PW

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CONSULTATIONS/COMMENTS:

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

East Renfrewshire Council Roads Service No objection.

PUBLICITY:

19.02.2021 Evening Times Expiry date 12.03.2021

SITE NOTICES: None.

SITE HISTORY: None relevant.

REPRESENTATIONS: Thirty seven representations have been received; one in support and thirty six indicating objection to the proposal. Representations can be summarised as follows:

Support

Premises will be a benefit to the community.

Objection

Litter

Vermin

Anti-social behaviour

A precedent could be set for other similar changes of use

Noise disturbance

Over-provision

Odours

Limited car-parking

Public road safety/pedestrian safety

Contrary to the Local Development Plan

A class 1 use could still be found for the premises

An appeal against a similar proposal elsewhere in the parade of shops was refused by the then Secretary of State for Scotland

Health impact of fast food

Wider neighbour notification should have been carried out.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Design and Access Statement – the statement describes the premises, the site context and the proposed change of use. It makes an assessment against the terms of the adopted Local Development Plan and concludes that proposal complies with the terms of the LDP.

ASSESSMENT:

This application is a Local Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. In accordance with East Renfrewshire

Council's Planning Scheme of Delegated Functions, it is being reported to the Planning Applications Committee because more than 10 objections have been received.

The application site comprises a vacant single storey commercial unit within a row of 10 similar units and lies within the Eastwoodmains Road neighbourhood centre as defined in the adopted East Renfrewshire Local Development Plan. It forms part of a single storey parade of shops on the north side of Eastwoodmains Road and was last in use as a gent's barber/hairdressing salon. This former use falls within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

The shopping parade is well established and comprises from west to east: a convenience store (class 1); a pharmacy (class 1); a clothes shop (class 1); a shop retailing sweet snacks for consumption off the premises (class 1); a hairdressing salon (class 1); the application site; a dry cleaner's (class 1); a vacant unit (class 1); a florist (class 1); and a restaurant (class 3). It is noted that the convenience store advertises its opening hours as 0700 to 2200 Monday to Friday and 0800 to 2200 on weekends.

The neighbourhood centre is surrounded on all sides by established residential areas with dwellings opposite on Eastwoodmains Road, to the west and north on Sutherland Drive and to the east and north on Etive Drive. The closest residential properties are the two properties to the rear on Sutherland Drive and on Etive Drive where the rear gardens lie adjacent to the neighbourhood centre. They are separated from the application site by a communal access lane serving the rear of the commercial units. Eastwoodmains Road is a busy A class road (A727). A separate service road running parallel with the A727 serves the front of the units and provides on-street car-parking parallel to the carriageway. There is also scope for car-parking at each end of the parade at right angles to Sutherland Drive and Etive Drive.

Planning permission is sought for a change of use of the unit to allow its use as a hot food takeaway. Other than signage, which is the subject of a separate application for advertisement consent, no external changes are proposed to the property. The applicant's agent has suggested opening hours of 0800-2300 Monday to Sunday.

The application requires to be assessed against Policies D1 and SG9 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that all development should not result in a significant loss of character or amenity to the surrounding area and that the Council's access and parking requirements are met. Policy SG9 seeks to protect the retail function of the neighbourhood centre and provides a list of criteria against which planning applications for a change of use should be assessed. Those criteria can be summarised as:

- Marketing through a professionally qualified agent for a period of at least 6 months with no reasonable prospect of a class 1 use being resumed;
- In any continuous retail frontage not more than 2 non-class 1 units adjacent to each other; or the number of non-class 1 units should not exceed 40% of the total number of units;
- Avoid a concentration of similar units whose cumulative impact would adversely impact on the retail function, environmental quality, amenity of nearby residents or result in bad neighbour development; and that
- There is no "dead frontage".

In terms of Policy SG9, the applicant has submitted marketing information to indicate that the premises have been marketed for a class 1 use for a period of 6 months and the proposed plans indicate there would be no "dead frontage". The proposed change of use would not result in any non-retail units side by side and the percentage of non-retail units in the row of shops would be 20%. This percentage would not be considered to adversely impact on the retail function of the centre and a single hot food takeaway could not be considered to be a proliferation or a

concentration of such units. Given the foregoing, it is considered that the proposal complies with the terms of Policy SG9 of the adopted East Renfrewshire Local Development Plan.

The impact of the proposed change of use on the character and amenity of the area and on public road safety must nevertheless be considered in terms of Policy D1.

The proposed use as a hot food takeaway is considered in principle to be an acceptable use in a neighbourhood centre. The proposal is therefore considered to be in keeping with the commercial character of the neighbourhood centre.

The proximity of the application site to nearby residences is noted. The closest residential properties lie immediately adjacent to the neighbourhood centre on Sutherland Drive and on Etive Drive with the rear gardens of two properties forming the boundary with the neighbourhood centre in close proximity to the application site. Other residential properties lie opposite on the other side of Eastwoodmains Road which is in total approximately 18.5 metres wide at this point.

The properties opposite are located on a busy distributor road and enjoy a lesser level of amenity than had they been located within a wholly residential area. They have an existing outlook onto a busy established shopping parade where activity routinely continues late into the evening with the convenience store opening until 10 pm. 7 days per week. Daytime operation of the proposed use would have little impact on the amenity of the properties opposite given its location within the busy parade and the volume of traffic on the intervening A class road. With the exception of the convenience store, it is noted that the other units in the parade close around 6pm. However, given the late evening operation of the convenience store and the level of passing traffic that will continue into the evenings as Eastwoodmains Road is a busy distributor road, the addition of a single unit in the centre of the parade operating into the evenings would not be considered to significantly add to the commercial activity and disturbance in respect of the properties opposite to an extent that would justify a refusal of the application.

The properties to the rear, whilst some are located closer to the neighbourhood centre, are positioned on residential streets and might therefore expect a higher level of amenity than those opposite the site. It is noted that the Environmental Health Service has no objection to the proposal and the amenity of the properties to the rear can be protected by conditions requiring the use of suitable extraction methods and waste storage should the application be approved. The suitable storage of waste should address concerns raised by residents that the proposal would attract vermin. It is therefore considered, that subject to appropriate conditions, the proposed use would not significantly impact on the amenity of the adjacent residential properties to an extent that would justify a refusal of the application.

Whilst the applicant's agent has suggested opening hours of 08:00 to 23:00 Monday to Sunday, it is considered that this should be restricted further given the proximity of residential properties. It is therefore considered that if the application is approved, a condition can be attached that restricts the opening hours to 08:00 to 22:00 Sunday to Thursday and to 08:00 to 23:00 on Fridays and Saturdays.

It is noted that several objectors have cited the inadequacy of street bins in the vicinity. Should the application be approved, a condition can be included on the planning permission requiring the applicant to provide a suitable litter receptacle.

The Roads Service has no objection to the proposal in terms of public road safety or pedestrian safety. It is therefore considered that the proposal raises no significant issues in terms of road safety or car-parking.

Given the scale of the internal works, it is not considered necessary to control the hours of the fitting out of the premises.

Subject to appropriate conditions, the proposal is therefore considered to comply with the terms of Policies D1 and SG9 of the adopted East Renfrewshire Local Plan.

The Proposed Local Development Plan 2 is a material consideration and with regard to this planning application, the relevant policies are considered to be D1 and SG10. The aforementioned policies largely reflect the adopted Local Development Plan policies. Consequently, for reasons stated above, it is considered that the proposed works accord with the relevant policies in the Proposed Local Development Plan.

Several of the objectors raise an historic appeal decision where a reporter dismissed an appeal following the refusal of planning permission for a similar change of use elsewhere in the parade of shops. The Council has a record of an appeal being decided in 1989 at 33 Eastwoodmains Road (now occupied by the convenience store). Whilst appeal decisions are generally material considerations, this decision is considered to have less relevance to the current proposal given its historic nature. Over time, people's perceptions and tolerances of a particular land use may change and in any event, each planning application must be assessed on its own merits. The historic appeal decision does not therefore bind the Council in the consideration of the current application.

The following comments are made in respect of the points of objection not specifically addressed above: Anti-social behaviour is a matter for the Police to address and is not therefore a material planning consideration. Precedent is not a material planning consideration as each application must be assessed on its own merits. Over-provision, in terms of how this would affect the viability of the business, is not a material planning consideration. In terms of health impact, the consumption of a particular type of food is a matter of personal choice. It is not the role of the Planning Authority to restrict personal choice. The neighbour notification process has been carried out in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and the application has been advertised in the local press. The Council has no scope to vary the Regulations.

Conclusion

In conclusion, the proposal complies with the terms of the adopted East Renfrewshire Local Development Plan. There are no material considerations that indicate the application should not be approved. It is therefore recommended that the application is approved subject to the conditions set out below.

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None.

CONDITIONS:

1. The use hereby approved shall only be open to the public between the hours of 08:00 and 22:00 Sunday to Thursday and between the hours of 08:00 and 23:00 on Fridays and Saturdays unless otherwise minor and temporary amendments are otherwise agreed in advance in writing by the Planning Authority. The premises shall be vacated within one hour of closure to the public.

Reason: To protect adjacent dwellinghouses from noise/disturbance.

2. Development shall not commence until exact details and specification of all ventilation and extraction systems to serve the hot foods premises, together with the proposed

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

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

3. Details of the arrangements for the safe storage and disposal of waste material arising from the operation of the business hereby approved shall be submitted to and approved in writing by the Planning Authority prior to the use of the premises commencing.

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

4. Details of a litter receptacle, and its position, to be installed outside the premises, shall be submitted and approved in writing by the Planning Authority. The approved litter receptacle shall be installed in the agreed position prior to the first opening of the premises hereby approved and shall be retained in position at all times thereafter.

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

ADDITIONAL NOTES:

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

ADDED VALUE:

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

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3861.

Ref. No.: 2021/0076/TP
(DESC)

DATE: 29th April 2021

DIRECTOR OF ENVIRONMENT

Reference: 2021/0076/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

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

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

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

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solms 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 SG9

Protecting the Retail Function of the Town and Neighbourhood Centres

The Council seeks to protect the predominantly retail function (i.e. Class 1 use) of the town and neighbourhood centres. Proposals for change of use away from retail (Class 1 use) to non-retail at ground floor level within these centres will only be acceptable if it can be demonstrated that they comply with all of the criteria listed below:

It can be documented through appropriate marketing from a professionally qualified agent that the premises have lain vacant or been marketed for not less than 6 months and that there is no reasonable prospect of Class 1 use being resumed.

In any single continuous retail frontage the proposed use should not result in: more than two non Class 1 use units adjacent to each other; or the proportion of non Class 1 uses exceeding 40% of the total number of units.

Avoiding the concentration of similar uses, whose cumulative impact would adversely alter the overall retail function, environmental quality, affect the amenity of local residents, or result in bad neighbour development.

That a suitable ground floor window display is provided to avoid the creation of a 'dead frontage'.

Proposed Local Development Plan 2

Policy D1

Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;

6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;
14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces 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 Guidance;
16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic

conditions;

19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy SG10

Town and Neighbourhood Centre Uses

1. The network of town and neighbourhood centres, shown on the Proposals Map and listed in Schedule 19 are the preferred locations for significant footfall generating uses, including retail, leisure, entertainment, office, residential and community and cultural facilities.
2. A sequential 'town centre first' approach will be applied to proposals that would attract significant footfall. Proposals will be assessed against the following criteria:
 - a. Demonstrate a sequential approach has been undertaken to site selection in the following order of preference, as set out in SPP, and why more sequentially preferable options have been discounted as unsuitable or unavailable:
 - i. Town centres (including neighbourhood centres);
 - ii. Edge of town centre;
 - iii. Commercial centres;
 - iv. Out of centre locations that are, or can be, made easily accessible by a choice of transport modes.
 - b. Demonstrate that the proposal is of an appropriate scale and does not significantly impact upon the role and function of the centre, adjacent uses or the character and amenity of the surrounding area;
 - c. Demonstrate that the proposal will help to meet proven qualitative and quantitative deficiencies;
 - d. Demonstrate that there will be no unacceptable individual or cumulative impact on the vitality and viability of any town or neighbourhood centre; and
 - e. Demonstrate that the proposal is accessible by a choice of sustainable transport modes.
3. Proposals over 2,500m² (gross) floorspace out-with a town centre will require a retail impact assessment to be carried out. This should include a quantitative assessment of retail impact and capacity, and the qualitative impacts of the proposal. The cumulative effect of recently implemented or consented retail developments in nearby locations should also be taken into account.
4. Residential developments on the upper floors of existing buildings within the town and neighbourhood will be supported subject to compliance with other relevant policies of the Proposed Plan.
5. Proposals for changes of use at street level away from Class 1 retail use within the town and neighbourhood centres will be required to:

- a. Demonstrate that there is no current or likely future demand for Class 1 retail use. Proposals will be required to demonstrate that the unit has been actively marketed for solely Class 1 retail use for a minimum of 6 months; and
- b. Should not have an adverse impact on the mix and diversity of uses in the centre.
6. Proposals for hot food takeaways within the town and neighbourhood centres will be required to meet the following criteria:
 - a. Meet the requirements of criteria 5 where the proposal is for change of use away from Class 1 retail;
 - b. Avoid the concentration, including cumulatively, with other existing hot food takeaways in the area; and
 - c. Not result in a detrimental impact on the overall character and amenity of the centre, including the amenity of residential properties situated adjacent to or above existing premises, by virtue of noise, disturbance or odour.
7. There will be a strong presumption against hot food takeaways out-with the town and neighbourhood centres. Proposals out-with the town and neighbourhood centres should not result in a detrimental impact on the overall character and amenity of the area and will be assessed against the criteria of Policy D1.

GOVERNMENT GUIDANCE: None

REPORT OF HANDLING

Reference: 2021/0110/TP

Date Registered: 11th February 2021

Application Type: Full Planning Permission

This application is a Local Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 256403/:659994

Applicant/Agent:

Applicant:
Mr Andrew Forrest
19 The Loaning
Giffnock
Scotland
G46 6SF

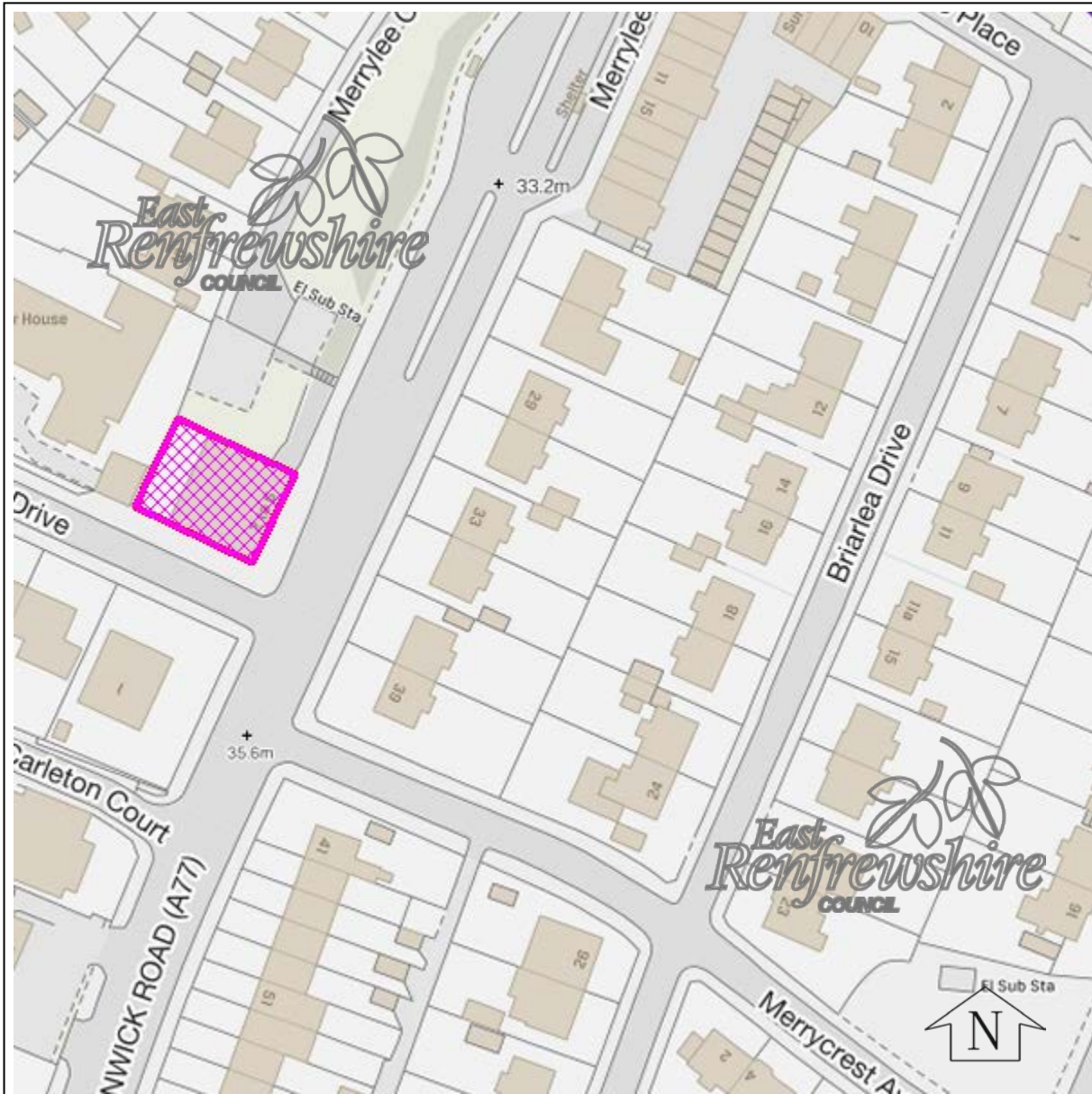
Agent:
William Ewing
226 West George Street
Glasgow
Scotland
G2 2PQ

Proposal: Subdivision and change of use of retail unit (class 1) to create 3 units (1 x class 1 - shops/retail, 1 x sui generis - hot foot takeaway 1 x class 3 - cafe/restaurant) and associated shopfront alterations.

Location:

American Golf
6 Fenwick Road
Giffnock
East Renfrewshire
G46 6AN

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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Environmental
Health Service

No objections subject to conditions.

East Renfrewshire Council Roads Service

Refuse on the grounds of inadequate parking
and subsequent impact on road safety.

PUBLICITY:

26.02.2021 Evening Times Expiry date 12.03.2021

SITE NOTICES: None.

SITE HISTORY:

2000/0144/TP	Demolition of existing retail unit and erection of replacement single storey retail unit	Approved Subject to Conditions	13.06.2000
2001/0008/AD	Installation of fascia sign	Approved Subject to Conditions	24.05.2001
1994/0202/TP	Installation of new shopfront & external alterations to rear	Granted	21.06.1994
2005/0005/AD	Installation of two externally illuminated fascia signboard and one non-illuminated wall mounted sign	Approved Subject to Conditions	29.03.2005
2005/0007/AD	Erection of fascia sign and wall mounted sign	Approved Subject to Conditions	09.06.2005

REPRESENTATIONS: Eighteen objections have been received and can be summarised as follows:

No car-parking
Impact on public safety
Litter
Impact on residential amenity
Competition for existing businesses
Other uses should be considered
Cooking odours
Out with town or neighbourhood centre
Inadequate information on plans
Is outdoor seating proposed?
Wider neighbour notification should be carried out
Impact on property values.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Design Statement – Describes the site and its context. Provides a description of the proposed development.

ASSESSMENT:

This application is a Local Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. In accordance with East Renfrewshire Council's Planning Scheme of Delegated Functions, it is being reported to the Planning Applications Committee because more than 10 objections have been received.

The application site comprises a vacant stand-alone single storey retail unit and its rear service yard and lies within the general urban area. It lies on the west side of Fenwick Road approximately 70 metres south of the Fenwick Road-Merrylee neighbourhood centre where there are a mix of commercial uses including retail and hot food takeaways; and immediately adjacent to the junction of Fenwick Road and Ravenstone Drive. It was previously occupied by a single retailer and has an internal floor area of approximately 300sqm. Its frontage opens onto Fenwick Road and the service yard is accessed from Ravenstone Drive. A rough-surfaced area of ground also within the control of the applicant lies immediately to the north of the application site. This ground sits at a lower level than Fenwick Road at the bottom of a steep embankment. Vehicular access to this piece of ground is only possible via a turning head at the end of Merrylee Crescent to the north.

Fenwick Road is a busy arterial route linking the suburban areas of East Renfrewshire with the City of Glasgow. It is approximately 20 metres wide in front of the application site, including the footpaths and two cycle ways, one on either carriageway. Also in front of the site and for some distance to the north, there is a soft island and other painted road markings that demark right turn lanes into residential streets opposite.

As noted, the Fenwick Road-Merrylee neighbourhood centre lies approximately 70 metres to the north of the site with an associated car-park further to the north, beyond Merryvale Place. Other than the neighbourhood centre, the adjacent streets have an established residential character. The closest residential dwellings consist of semi-detached bungalows on Fenwick Road opposite; semi-detached two storey houses to the north on Merrylee Crescent; and bungalows and a three storey sheltered housing complex to the side and rear on Ravenstone Drive.

Planning permission is sought for the sub-division of the unit and for a part change of use to form 1 retail unit (class 1); 1 hot food takeaway (sui generis); and 1 restaurant (class 3). The retail unit is proposed to measure 106 square metres, the hot food takeaway 79 square metres and the restaurant 106 square metres. External alterations include the installation of new shop frontages; the formation of a window on the north elevation; external cladding; and the formation of steps on the rear elevation to allow access to the rear service yard from each of the proposed units.

The application requires to be assessed against Policies D1 and D2 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that all development should not result in a significant loss of character or amenity to the surrounding area and that the Council's roads, access and parking requirements are met. Policy D2 states that development will be supported within the general urban area where it is compatible with the character and amenity of the locality and surrounding land uses and where it complies with other appropriate policies of the plan.

Whilst the surrounding streets are overwhelmingly residential in character, the application site was previously in use as a relatively large retail outlet. As noted, the Fenwick Road-Merrylee neighbourhood centre lies approximately 70 metres to the north and a car rental outlet and motor

repair garage lie a similar distance to the south, also on Fenwick Road. The character of Fenwick Road at this point is therefore that of a busy arterial route with both commercial and residential land uses fronting onto it. The proposed sub-division and introduction of a hot food takeaway and a restaurant are therefore considered to be in keeping with this mixed commercial/residential character. The external changes to the building are considered to be acceptable in appearance. This aspect of the proposal therefore raises no conflict with Policy D1.

The proposal's impact on residential amenity must also be considered in terms of Policy D1. The properties opposite the site and the dwelling to the south at the junction with Ravenstone Drive front directly onto Fenwick Road and as such can expect a lower level of residential amenity than had they been located in a wholly residential area. Those properties would also presently experience activity into the evenings associated with the neighbourhood centre to the north to varying degrees. Similarly, the amenity of the properties adjacent to the north on Merrylee Crescent would also be impacted by traffic noise and activity associated with the neighbourhood centre, albeit they are set back some distance from Fenwick Road. Ravenstone Drive to the rear is more residential in character with the exception of the previous retail use on the application site.

It is accepted that the proposed hot food takeaway and restaurant could have a greater potential impact on residential amenity than the previous single retail use in respect of the properties to the rear. Specifically, those properties, including the sheltered housing complex, would likely have a higher sensitivity to increased disturbance into the evenings given the residential nature of the street and could be more impacted by cooking odours given their location immediately to the rear of the premises. It is noted however that the Environmental Health Service has no objection to the proposal and has suggested conditions that will ensure suitable ventilation and extraction systems to deal with cooking odours that will operate at an appropriate noise level.

If the application is otherwise acceptable, conditions can be attached to any planning permission granted limiting the hours of operation of the various proposed units. The existing commercial premises in the Fenwick Road-Merrylee neighbourhood centre are considered to be sufficiently distant from the application site such that the proposed development would not have a significant cumulative effect on residential amenity. It is therefore considered that any impact on residential amenity would either not be significantly greater than the existing factors impacting on amenity for those properties fronting onto Fenwick Road; or can be controlled by conditions attached to any planning permission granted.

Policy D1 also requires consideration of access and car-parking. As noted above, the Council's Roads Service has recommended that the application is refused as there are no plans to provide any car-parking in association with the proposal. Specifically, in accordance with the SCOTS National Roads Development Guide, the proposed uses would require the provision of 40 car-parking spaces: 3 for the retail unit; 16 for the hot food takeaway; and 21 for the restaurant. The Roads Service has indicated that it is therefore likely that staff and customers would park on the public roads surrounding the application site, including on Fenwick Road and in the adjacent residential streets. It is likely that this would lead to the flow of traffic being impeded; footways/cycleways being obstructed; and visibility splays being obstructed, all to the detriment of public road safety and pedestrian safety. An increased volume of traffic in the surrounding residential streets would also likely lead to an erosion of residential amenity. Therefore, although the Class 1 use existed (and could operate again) in the building, without dedicated off-street parking, it is considered that the current proposal amounts to a significant intensification of use with considerable additional customer numbers and resultant impact on amenity and road safety in the locality.

It is noted that the applicant has control over the area of land to the side of the unit. However, the only access to this area of ground is via Merrylee Crescent which is a residential street that has a significant set-back from Fenwick Road. The introduction of a 40-space car-park accessed via this residential street well into the evenings would be considered to result in a significant detriment to

residential amenity. Given the change in levels, it would not be possible to access this area from Fenwick Road directly. In any event, the configuration of Fenwick Road at this point, in particular the presence of the soft island, would not be conducive to the formation of a new access at this location. The existing car-park on Merryvale Place is approximately 150 metres away on the other side of Fenwick Road. It is considered unlikely that potential customers would consider this a convenient place to park.

As car-parking is not provided, nor could reasonably be provided, it is considered that the proposed sub-division and change of use would give rise to instances of inconsiderate parking that would be detrimental to public road safety and pedestrian safety. This aspect of the proposal is therefore contrary to the terms of Policy D1 of the adopted East Renfrewshire Local Development Plan.

Given the proposal fails to comply with Policy D1 it would not therefore meet the requirements of Policy D2.

The Proposed Local Development Plan 2 is a material consideration and with regard to this planning application, the relevant policies are considered to be D1 and D2. The aforementioned policies largely reflect the adopted Local Development Plan policies. Consequently, for reasons stated above, it is considered that the proposed development is contrary to the relevant policies in the Proposed Local Development Plan.

The following comments are made on the points of objection not specifically addressed above:

Should the application be approved, appropriate conditions can be attached requiring details of the storage of waste and the provision of a litter receptacle for the use of patrons. The commercial impact of the provision of the proposed uses on similar existing businesses is not a material planning consideration. The Planning Authority must consider the application before it and cannot suggest alternative land uses. Sufficient detail and information has been submitted with the application to allow the Planning Authority to consider the application. No outdoor seating is proposed. If the application is approved a further planning application would be required if this is proposed in the future. The neighbour notification has been carried out in accordance with the terms of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and the application has been advertised in the local press. The Council has no scope to vary the Regulations. Impact on property values is not a material planning consideration.

The information contained within the Design and Access Statement is noted and is not considered to outweigh the above policy considerations.

Conclusion

In conclusion, the proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it does not include car-parking provision in accordance with the Council's requirements. This would lead to inconsiderate parking on Fenwick Road and in the surrounding residential streets to the detriment of public road safety, pedestrian safety and residential amenity. There are no material considerations that indicate the application should not be refused. It is therefore recommended that the application is refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASON FOR REFUSAL:

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it does not include car-parking provision in accordance with the Council's requirements. This would lead to inconsiderate parking on Fenwick Road and in the surrounding residential streets to the detriment of public road safety, pedestrian safety and residential amenity.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3861.

Ref. No.: 2021/0110/TP
(DESC)

DATE: 3rd May 2021

DIRECTOR OF ENVIRONMENT

Reference: 2021/0110/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

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

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

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

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape,

- greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
 6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
 7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
 8. The Council will not accept 'backland' development, that is, development without a road frontage;
 9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
 10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
 11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
 12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
 13. Where applicable, new development should take into account the legacy of former mining activity;
 14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
 15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
 16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D2

General Urban Areas

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

Proposed Local Development Plan 2

Policy D1

Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;

14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces 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 Guidance;
16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy D2:

General Urban Areas

Development will be supported within the general urban areas, shown on the Proposals Map.

Proposals will be required to demonstrate that the proposed development is appropriate in terms of its location and scale and will not result in a significant loss of character or amenity to the surrounding area. Proposals must also comply with appropriate policies of the Proposed Plan.

GOVERNMENT GUIDANCE:

None

REPORT OF HANDLING

Reference: 2021/0183/TP

Date Registered: 25th March 2021

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 -Newton Mearns North And Neilston

Co-ordinates: 253224/:657010

Applicant/Agent:

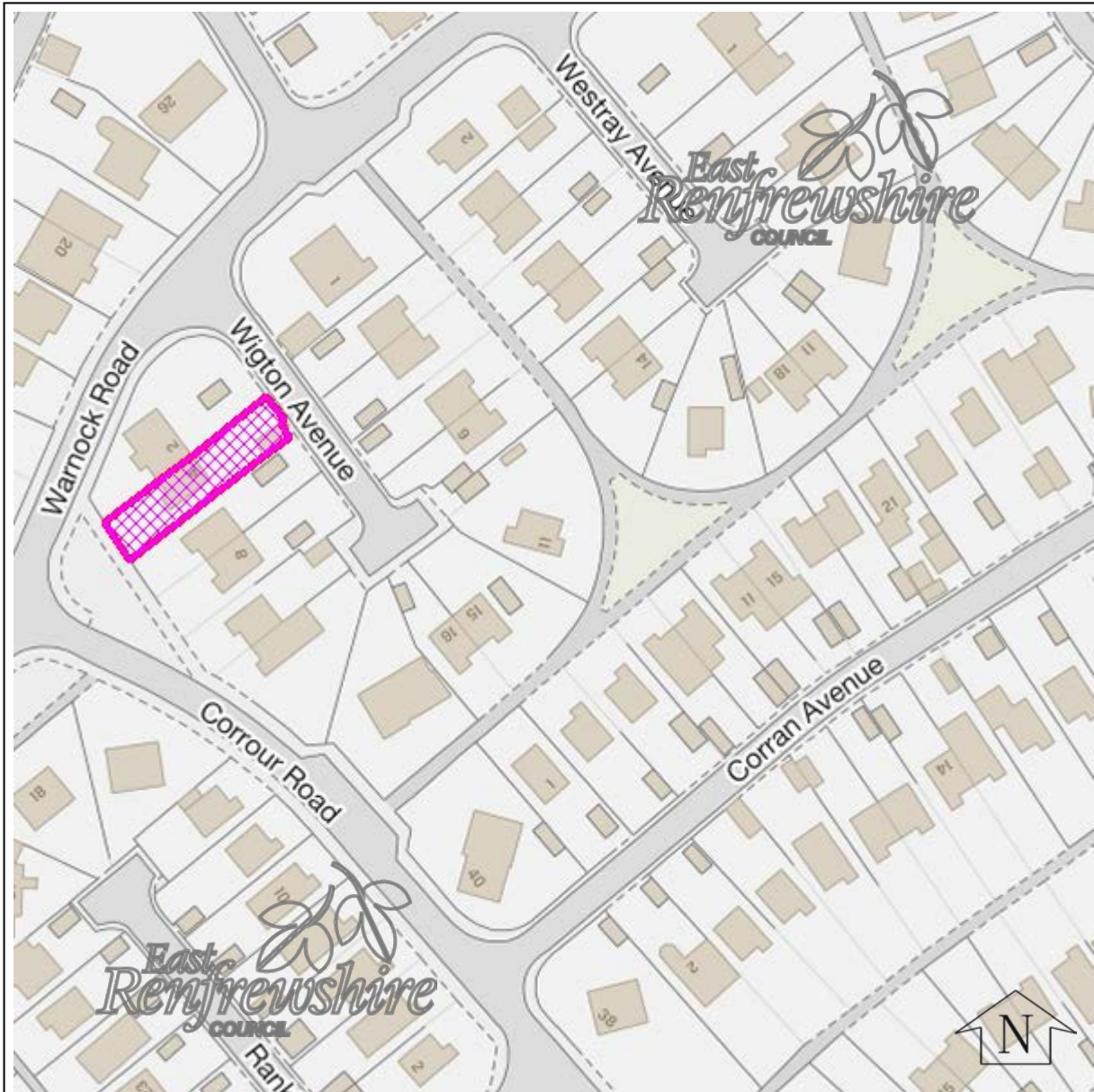
Applicant:
Mrs Gillian Morgan
4 Wigton Avenue
Newton Mearns
Scotland
G776JG

Agent:
Malcolm McCallie
14 Ballingall Drive
GLENROTHES
Scotland
KY6 3QD

Proposal: Erection of single storey flat roof extension to rear single storey front extension; installation of flue.

Location: 4 Wigton Avenue
Newton Mearns
East Renfrewshire
G77 6JG

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CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2009/0051/TP	Erection of two storey side extension and raised decking at rear	Approved Subject to Conditions	11.03.2009
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REPRESENTATIONS: One objection has been received and can be summarised as follows:

Overshadowing
Loss of daylight
Overlooking/height of screen on deck insufficient
Flat roof on rear extension is inappropriate
Reduction of security
Size and scale of rear extension
Rear extension lies within 1 metre of the boundary.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS: No reports have been submitted for consideration as part of this application.

ASSESSMENT:

This application is a Local Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. In accordance with East Renfrewshire Council's Planning Scheme of Delegated Functions, it is being reported to the Planning Applications Committee because the applicant is an employee in the Planning and Building Standards Service.

The application site comprises a two storey semi-detached dwelling and its curtilage and lies within an established residential area. The side and rear boundaries are characterised by established hedges and timber fencing. The dwelling is externally finished in render with concrete roofing tiles. The dwelling is one half of a semi-detached block that sits at the end of a row of three similar semi-detached blocks. Each block is staggered such that the adjacent blocks sit forward of the applicant's house. Each of the dwellings have modest front porches.

Planning permission is sought for the erection of a single storey rear extension and a single storey front extension and for the installation of a flue. The proposed rear extension comprises a flat roof and measures 3.95 metres deep along the common rear boundary by 7.5 metres wide by 3.5 metres high. It comprises a section of roof overhang that increases the overall depth to 4.85 metres. The rear extension is proposed to be externally finished in buff smooth render on the side elevations and Siberian larch cladding on the rear elevation. A rear access deck is proposed to allow access to patio doors. This measures 60cm high by 1.3 metres deep by 6.8 metres wide. The existing boundary hedge between the applicant's house and the adjacent attached property is to be removed.

The proposed front extension projects 1.45 metres forward of the dwelling and measures approx. 5.2 metres wide. It wraps around the side of the dwelling, projecting approx. 1.6 metres to the side. It is proposed to be externally finished in render to match the existing dwelling. The existing front porch is to be removed. It should be noted that the applicant has reduced the size of the front extension during the processing of the application to those dimensions given above.

The flue is attached to the side (south-east) elevation and projects marginally over 1 metre above the roof plane.

The application requires to be assessed against Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that all development should not result in a significant loss of character or amenity to the surrounding area and Policy D14 requires that extensions should complement the character of the existing building in terms of its style, form and materials. It also states that in most cases, extensions should have pitched roofs. The adopted Supplementary Planning Guidance: Householder Design Guide (SPG), which supports and forms part of Policy D14, is also relevant. The SPG states that single storey rear extensions should not project more than 4 metres along a common rear boundary. It also states that no extension, other than a porch, should project forward of the front of the dwelling and that porches should not exceed 2 metres in width.

The proposed front extension is considered to complement the character and design of the existing dwelling given its general form and materials. It is accepted however that it exceeds the maximum dimensions prescribed for a porch in the SPG and that as such, it is contrary to the terms of the SPG. It is nevertheless noted that it would not project forward of the adjacent houses to the south-east due to the staggered building line and that each of the existing dwellings have front porches, which albeit smaller, break up and add articulation to the fronts of the dwellings. It is therefore considered that the proposed front extension would not detract from the character or design of the dwelling, nor would it be a dominant or incongruous addition to the streetscape. Given its design and orientation in relation to the adjacent dwellings, it would not give rise to significant additional overlooking, overshadowing or loss of daylight. It is therefore considered that the proposed front extension complies with Policy D1, generally complies with Policy D14 and could be granted as an exception to the specific terms of the SPG.

The proposed rear extension is of a contrasting design with a flat roof with the use of timber cladding on the rear elevation and as such, is contrary to the strict interpretation of Policy D14. Its modest dimensions nevertheless ensure that it does not dominate or detract from the character of the dwelling and as such, would not detract from the character or visual amenity of the wider area. Given its design and orientation in relation to adjacent dwellings it would not give rise to significant additional overlooking, overshadowing or loss of daylight. It should be stated that had the proposed rear extension incorporated a pitched roof, the height would have likely increased, thereby exacerbating any impact on the adjacent attached property. It is noted that the roof overhang on the rear elevation takes the overall depth to 4.85 metres which is contrary to the strict interpretation of the SPG. The additional impact this overhang would have on visual amenity, massing, overshadowing and daylight in respect of the adjacent attached property is considered to be negligible. It is therefore considered that the proposed rear extension complies with Policy D1, generally complies with Policy D14 and could be granted as an exception to the specific terms of the SPG.

The proposed rear deck acts as an access platform to patio doors on the rear extension. Given its limited width, it would not function as a formal sitting out area. As such, it would not be considered to give rise to significant additional overlooking to an extent that would justify a refusal of the application. It is considered to comply with Policy D1.

The proposed flue is considered to be acceptable in appearance and would not give rise to any amenity issues. It is therefore considered to comply with Policy D1.

The Proposed Local Development Plan 2 is a material consideration and with regard to this planning application, the relevant policies are considered to be D1 and D1.1. The aforementioned policies largely reflect the adopted Local Development Plan policies. Consequently, for reasons stated above, it is considered that the proposed works generally accord with the relevant policies in the Proposed Local Development Plan.

The following comments are made on the points of objection not specifically addressed above: The proposed extensions would not be considered to have a significant impact on the security of the adjacent dwelling. The fact that the proposed rear extension lies contiguous with the common rear boundary is noted; however its impact has been assessed and is considered to be acceptable.

Overall conclusion

The proposed extensions, rear deck and flue are considered to generally comply with the terms of the adopted East Renfrewshire Local Development Plan. Where the proposals do not fully comply, there are material considerations that justify granting planning permission as an exception to the specific terms of Policy D14 and the SPG. It is therefore recommended that the application is approved.

RECOMMENDATION: Grant

PLANNING OBLIGATIONS: None.

ADDITIONAL NOTES:

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

ADDED VALUE:

Design, layout and/or external material improvements have been achieved during the processing of the application to ensure the proposal complies with the Council's Local Plan policies.

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3861.

Ref. No.: 2021/0183/TP
(DESC)

DATE: 16th April 2021

DIRECTOR OF ENVIRONMENT

Reference: 2021/0183/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

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

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

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

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the

- Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
 5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
 6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
 7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
 8. The Council will not accept 'backland' development, that is, development without a road frontage;
 9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
 10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
 11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
 12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
 13. Where applicable, new development should take into account the legacy of former mining activity;
 14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
 15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
 16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D14

Extensions to Existing Buildings and Erection of Outbuildings and Garages

Any extensions must complement the existing character of the property, particularly in terms of style, form and materials.

The size, scale and height of any development must be appropriate to the existing building.

In most circumstances, pitched roofs utilising slates or tiles to match the existing house will be the appropriate roof type. Alternatives, such as flat roofs or green roofs, will be considered on a site specific basis.

Side extensions should not create an unbroken or terraced appearance.

The development should avoid over-development of the site by major loss of existing garden space.

Dormer windows should not in general dominate the existing roof, nor rise above or break the existing ridgeline or hip of the roof, and should be finished in materials to match existing roof finishes.

The above are broad requirements and these are further defined in the Householder Design Guide Supplementary Planning Guidance.

Proposed Local Development Plan 2

Policy D1

Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;

10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;
14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces 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 Guidance;
16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy D1.1

Extensions and Alterations to Existing Buildings for Residential Purposes

Proposals will be assessed against the following criteria:

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. Should complement the scale and character of the existing building, neighbouring properties and their setting, particularly in terms of style, form and materials;
3. The size, scale and height of any development must be appropriate to and not adversely impact or dominate the existing building;
4. Should not create an unbroken or terraced appearance;
5. Where additional bedrooms are proposed or a garage/driveway is being converted to another use other than for the parking of a vehicle, proposals will be required to provide parking in accordance with the Council's Roads Development Guide; and
6. Should avoid over-development of the site by major loss of existing front and rear garden space. No more than 50% of the rear garden should be occupied by the development.

Further detailed information and guidance will be set out in the Householder Design Guide Supplementary Guidance.

GOVERNMENT GUIDANCE:

None