

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

Index of applications under the above acts to be considered by Planning Applications Committee on  
10.08.2016

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**Reference No:** 2016/0368/TP

**Ward:** 1

**Applicant:**

Ms Pauline Bradley  
8 Neilston Road  
Uplawmoor  
East Renfrewshire  
G78 4AB

**Agent:**

James Mullen Architect  
41 Langhaul Road  
Crookston  
Glasgow  
G53 7SE

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**Site:** Site 20 metres south of 5 Braefoot Lane, Uplawmoor, East Renfrewshire

**Description:** Erection of single storey detached dwellinghouse (renewal of previous planning permission 2013/0198/TP)

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# REPORT OF HANDLING

Reference: 2016/0368/TP

Date Registered: 6th June 2016

Application Type: Full Planning Permission

This application is a Local Development

Ward: 1 Neilston Newton Mearns North Uplawmoor

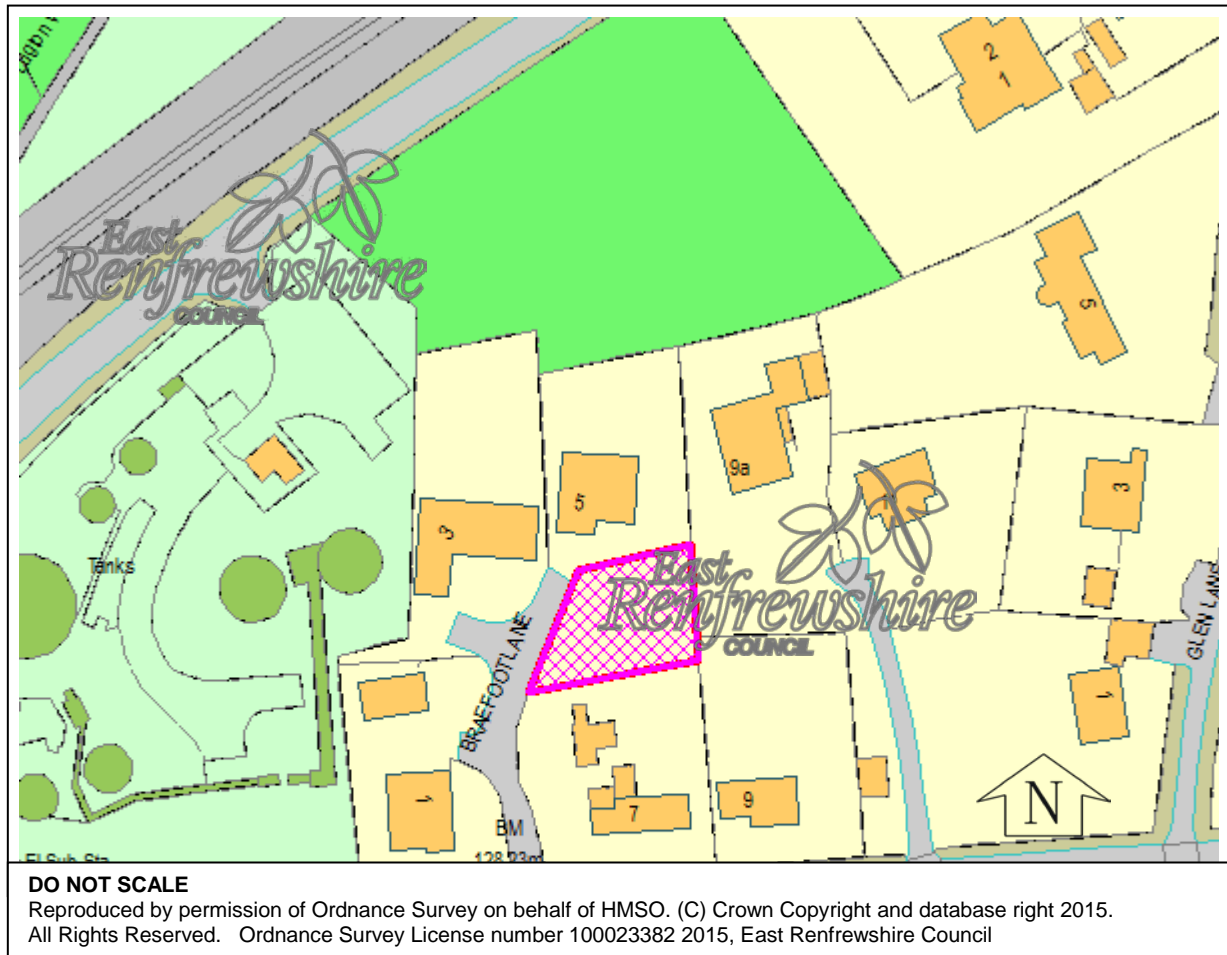
Co-ordinates: 243170/:655213

Applicant/Agent: Applicant:  
Ms Pauline Bradley  
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G78 4AB

Agent:  
James Mullen Architect  
41 Langhau Road  
Crookston  
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Proposal: Erection of single storey detached dwellinghouse (renewal of previous planning permission 2013/0198/TP)

Location: Site 20 metres south of 5 Braefoot Lane  
Uplawmoor  
East Renfrewshire



**CONSULTATIONS/COMMENTS:**

Roads Network Manager No objections

**PUBLICITY:** None.

**SITE NOTICES:** None.

**SITE HISTORY:**

2012/0085/TP	Erection of dwellinghouse (planning permission in principle)	Refused	12.04.2012
2013/0198/TP	Erection of single storey detached dwellinghouse	Approved subject to conditions	07.08.2013

**REPRESENTATIONS:**

A total of 12 representations have been received:  
**Representations can be summarised as follows:**

Out of character  
 Out of size and scale with area  
 Height of house will impact neighbouring properties  
 Overdevelopment  
 Contrary to Local Development Plan  
 Contrary to open space requirements  
 Adverse impact on neighbours  
 Loss of amenity  
 Proposal will be overlooked  
 Impact on privacy/overlooking  
 Road unsuitable for further development  
 Substandard road and junction  
 Impact on safety of pedestrians  
 Parking/access issues  
 Previous history of refused planning applications  
 Site could be further developed through Permitted Development rights  
 Inaccurate plans  
 Site levels inaccurate  
 Setting a precedent for the area  
 A Non-Material Variation has been approved

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

**SUPPORTING REPORTS:**

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

**ASSESSMENT:**

This is a Local development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However the application has to be presented to the Planning Applications Committee for determination because more than 10 objections have been received.

The application site is located within the village of Uplawmoor, to the east of the sewage works, and to the north of Neilston Road. The site is currently an area of unused ground within the small residential cul-de-sac of Braefoot Lane accessed from Neilston Road. There are four houses in total within the cul-de-sac of various design and plot sizes.

This application seeks to renew a previous planning permission (2013/0198/TP) which expired on 7th August 2016. The previous planning permission was approved at the meeting of the Planning Applications Committee on 7th August 2016 following a site visit.

Permission is sought for the erection of a single storey 2 bedroom dwellinghouse with a footprint of approximately 107 square metres. The proposed house is L shape and measures approximately 12 metres in depth with a maximum width of 10.5 metres and approximately 5.1 metres in height. The proposal involves lowering the ground level of the plot and constructing a retaining wall by a maximum of one metre at the (south) boundary with 7 Neilston Road. Thereafter the levels taper to meet the existing levels at the northern boundary of the site. The house sits at an angle to Braefoot Lane with the front garden varying in length from approximately 8 to 3 metres. The rear garden varies in length from approximately 9 to 7.7 metres. The proposal maintains in excess of 2 metres to the side boundaries.

A Non-Material Variation was approved under delegated powers on 7th April 2016 to the previous permission (2013/0198/TP). The approval of the Non-Material Variation only varies the planning permission and is not a new planning permission. The Variation involved extending the site and re-positioning of the house by approximately 1 metre to the north. It was considered that these changes were not significant in terms of the planning permission. It should be noted that the current application reflects the proposal as approved under the Non-Material Variation.

Since the granting of permission in 2013, the then East Renfrewshire Local Plan has been replaced by the adopted East Renfrewshire Local Development Plan (2015). The policy position remains substantially the same. The application has now to be assessed against the adopted Local Development Plan and in particular Policies D1 and D2, which seek to ensure that proposals do not result in a significant loss of character or amenity; that the design, materials, scale and siting are appropriate to the locality; the plot should be of a size, shape and disposition capable of accommodating a dwellinghouse; and that proposals comply with the open space provisions for new development.

Braefoot Lane is characterised by houses of different sizes and types, varying from single storey to one and half storey in height, set within plots of different shape and sizes. The proposed house would be smaller in terms of footprint and garden size of its immediate surrounding neighbours, and consequently not strictly in keeping with neighbouring properties. However as the area is not homogeneous, it is considered that the proposal will not have an adverse impact on the residential amenity and character of the area.

The original planning permission did not fully meet the open space requirements of the then Local Plan, however was accepted as a minor deviation from policy at that time. Subsequently the site boundary had been clarified and the applicant submitted a Non-Material Variation which showed a slightly greater area of land available for development. As a consequence the proposal now exceeds the minimum standards for private amenity space as required by the adopted Local Development Plan and maintains adequate distances between the proposed house and the site boundaries.

The nearest adjacent house is 5 Braefoot Lane to the north of the site, which has a main front window approximately 11 metres from the proposed house. There is an outbuilding/annex in the rear garden of 7 Braefoot Lane immediately to the south, approximately 4 metres from the mutual boundary with 5 Braefoot Lane.

The proposal incorporates a hipped roof to the elevation (north) facing onto 5 Braefoot Lane and restricts the overall height of the proposal. It is therefore considered given the above, that the proposal will not have a significant adverse impact on the neighbouring properties to the extent that would justify refusal of the application. Furthermore, it should be borne in mind that the principle of erecting a house on the site and the detailed design of this house has already been established through the previous planning permission.

Whilst it is acknowledged that the open aspect currently enjoyed by 5 Braefoot Lane will be affected, it is considered that it will not be severe enough in itself to justify refusing the proposal.

In addition, it should be noted that there is no right to a view in planning terms. The proposal maintains adequate distance between properties and in particular windows of habitable rooms, and therefore, due to the location and orientation, will not result in overshadowing or overlooking of adjacent properties.

To ensure that the privacy of adjacent neighbours is protected it is considered appropriate to remove permitted development rights which could allow alterations, including forming windows to the proposed dwelling. Furthermore, given the constraints and orientation of the site, it is appropriate to remove permitted development rights which could allow for extensions and/or garages/outbuildings to be erected without the need for planning permission. It is considered these matters can be dealt with through conditions should the application be approved. As a result, of the above, it is considered that the proposal will not have a significant impact on the amenity of the neighbouring properties.

In terms of the site being overlooked it is considered that this will be limited due to the topography of the area and can be further negated with appropriate boundary treatment, which can be controlled by condition should the development be approved.

The Council's Roads Service has been consulted and has raised no objections subject to conditions relating to the drainage. However, they point out that the road within the cul-de-sac has not been built to adoptable standards and unlikely to be adopted in the future. They have raised no safety concerns regarding the proposal.

The various letters of objection cover a number of points. The issues such as character, scale, size, impact on neighbouring properties, and road safety issues have been considered above. The other issues raised are addressed below.

The issues raised regarding the processing and acceptance of the Non-Material Variation are not material considerations in assessing this planning application. Furthermore, these matters were dealt with prior to the submission of the current planning application and Section 64 of the Town and Country Planning (Scotland) Act 1997 allows for the variation of a planning permission at the discretion of the Planning Authority.

The applicant has confirmed that the site boundary corresponds with the title deeds. Should it transpire that the boundary at a future date is different the applicant would be required to either apply to vary the consent or make a new application depending on the extent of the change. The plans and information submitted are considered accurate and adequate enough to determine the current proposal.

The planning history for the site is noted. However in keeping with planning legislation each application has to be determined against the relevant development plan policies and material considerations and therefore precedent is not a material consideration in assessing the proposal. Furthermore, an earlier application (2012/0085/TP) was for the principle of the development and did not include site level information. The current application is in detail and includes information on site levels and elevations/ridge heights, which allows the Council to make a more detailed assessment.

### Conclusion

In conclusion, with the exception of the minor alterations approved under the Non-Material Variation as described above, the current proposal is the same as previously approved (2013/0198/TP) by the Planning Applications Committee. Furthermore, the aims and objectives of the adopted Local Development Plan are substantially the same as the former Local Plan under which the previous application was approved. It is considered that the proposal will not adversely impact on the character of the area or significantly impact on the amenity of adjacent neighbours. Therefore taking all of the above into account, it is considered that the proposal complies with the relevant provisions of the East Renfrewshire Local Development Plan, in particular Policies D1 and D2, and that there are no material considerations that would outweigh the provisions of the Development Plan.

It is therefore recommended that this application for Planning Permission is granted subject to conditions.

**RECOMMENDATION:** Approve Subject to Conditions

**PLANNING OBLIGATIONS:** None

**CONDITION(S):**

1. Notwithstanding the provisions of Classes 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, no development shall take place within the curtilage of the application site without planning permission.

Reason: To ensure the Council retains control over future developments on the site.

2. Development shall not commence until samples of materials to be used on all external surfaces of the building and hard surfaces have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

3. Development shall not commence until details and location of all walls (including retaining walls) and fences to be erected on the site have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

4. The principles of Sustainable Urban Drainage Systems (SUDS) for the surface water regime shall be incorporated into the development. Development shall not commence until details of the surface water management and SUDS proposals have been submitted to and approved in writing by the planning authority. Thereafter the surface water management details shall fully be implemented as approved.

Reason: In the interests of sustainable development.

**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. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

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)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

**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 Plan policies.

**BACKGROUND PAPERS:**

Any background papers referred to in this report can be viewed at [www.ercplanning.eastrenfrewshire.gov.uk/eplanning](http://www.ercplanning.eastrenfrewshire.gov.uk/eplanning), where you can enter the Reference Number listed below. Any further information can be obtained from Mr John Drugan on 0141 577 3175.

Ref. No.: 2016/0368/TP  
(JODR)

DATE: 3rd August 2016

**DIRECTOR OF ENVIRONMENT**



## 2016/0368/TP - APPENDIX 1

## DEVELOPMENT PLAN:

**Strategic Development Plan** None relevant

**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.

**GOVERNMENT GUIDANCE:** None relevant