

**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 Planning Applications Committee on  
4th August 2021.

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**Reference No:** 2020/0287/TP

**Ward:**

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**Applicant:**

Northcare (Scotland) Ltd  
Lindsayfield Lodge  
Rosaburn Avenue  
East Kilbride  
G75 9DE

**Agent:**

Paul O'Neill  
77 St Vincent Street  
1st Floor Rear  
Glasgow  
G2 5TF

**Site:** Land At Drumby Crescent (former Isobel Mair School Playing Fields East Of Eastwood Health And Care Centre) Clarkston East Renfrewshire

**Description:** Erection of 68 bedroom care home including spa facilities, cafe, cocktail bar and cinema room and 23 assisted living apartments with associated car parking and landscaping including community garden (major)

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

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**Reference No:** 2021/0512/TP

**Ward:** 2

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**Applicant:**

Mrs Gillian Morgan  
4 Wigton Avenue  
Newton Mearns  
Scotland  
G77 6JG

**Agent:**

Malcolm McCallie  
14 Ballingall Drive  
GLENROTHES  
Scotland  
KY6 3QD

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

**Description:** Proposed single storey Flat Roof extension to Rear and Pitched roof extension to Front of Dwelling House. Installation of Log Burner and Flue

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

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# REPORT OF HANDLING

Reference: 2020/0287/TP

Date Registered: 3rd June 2020

Application Type: Full Planning Permission

This application is a Major Development

Ward:

Co-ordinates: 256854/:658116

Applicant/Agent:

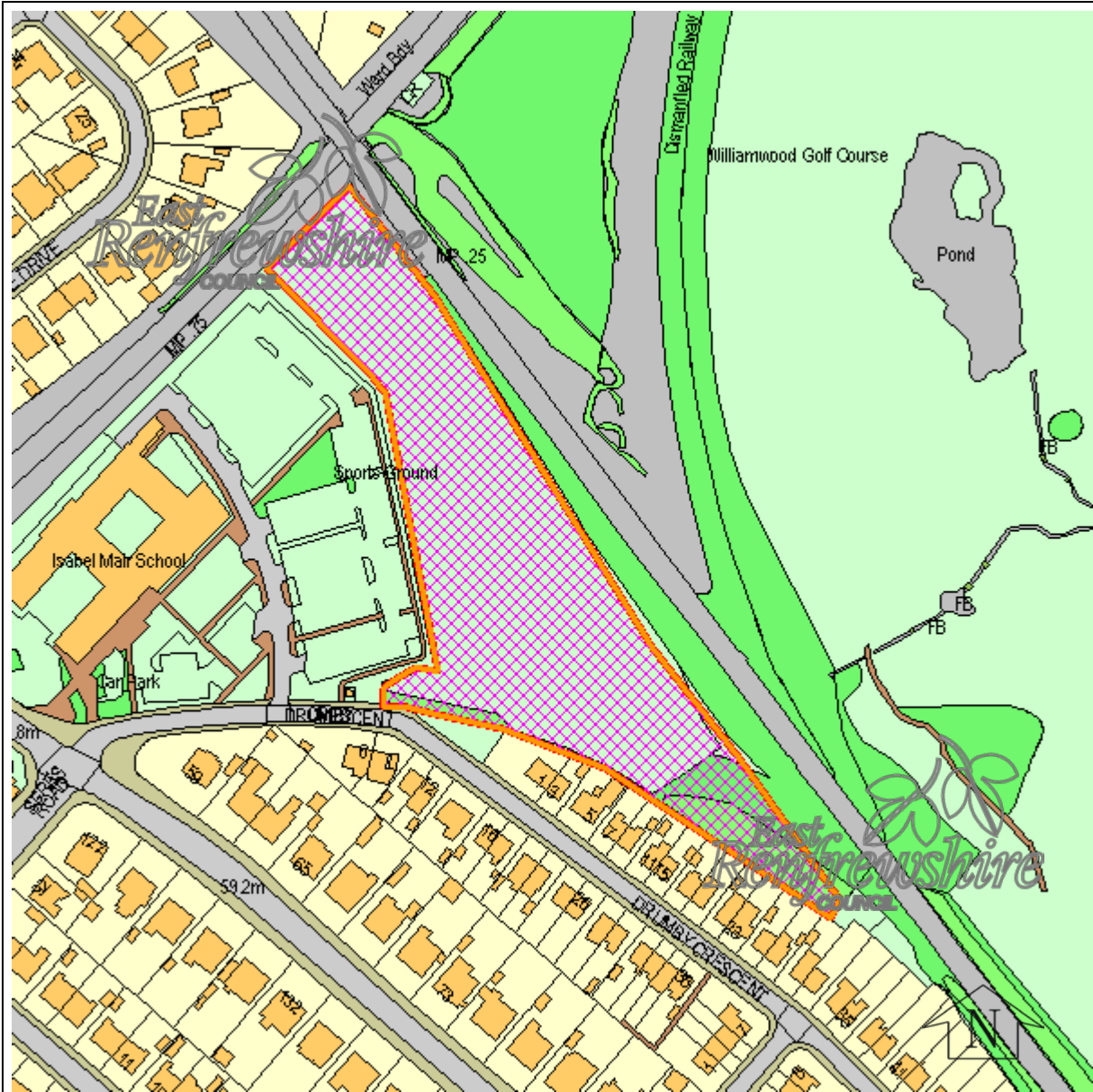
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Proposal: Erection of 68 bedroom care home including spa facilities, cafe, cocktail bar and cinema room and 23 assisted living apartments with associated car parking and landscaping including community garden (major)

Location: Land At Drumby Crescent (former Isobel Mair School Playing Fields East Of Eastwood Health And Care Centre)  
Clarkston  
East Renfrewshire

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**CONSULTATIONS/COMMENTS:**

East Renfrewshire Council Affordable Housing and Development Contribution Officer	No objection subject to the successful conclusion of a Section 75 Legal Agreement.
Clarkston Community Council	No response received at the time of this report.
East Renfrewshire Council Roads Service	No objections subject to conditions.
East Renfrewshire Council Environmental Health Service	Objection due to noise as a result of the proximity of the development to the adjacent railway line.
Scottish Water	No objection.
East Renfrewshire Council Health and Social Care Partnership	Objection due to impact on existing facilities, infrastructure and services.
Network Rail	No objection subject to conditions.
Scottish Environment Protection Agency (SEPA)	No objection.

**PUBLICITY:**

12.06.2020                      Evening Times                      Expiry date 26.06.2020

**SITE NOTICES:**              None.

**SITE HISTORY:**

2020/0051/PAN	Erection of care home and assisted living accommodation with associated car parking and landscaping, including open public park. (major)	27.05.2020
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**REPRESENTATIONS:** 3 representations have been received:

The objections can be summarised as follows:

Contrary to Local Development Plan  
 Out of keeping with residential area  
 Loss of residential amenity  
 Size and height will dominate area  
 Increase in traffic and congestion  
 Exacerbate existing parking problems  
 Road safety  
 Reduce air quality due to increase vehicles  
 Loss of public space  
 Safety and management of community garden  
 Anti-social behaviour  
 Drainage impact on adjacent gardens  
 Lack of public consultation/notification  
 Lack of information/drawings

The points of support can be summarised as follows:

- Promotes economic development
- Investment in local area
- Employment opportunities
- Meets demands of growing elderly population
- Frees up housing market

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

**SUPPORTING REPORTS:**

- Pre-application  
Consultation (PAC)  
Report  
  
Planning Statement
  - Demographic and  
Needs Analysis Report
  - Ecological Report
- The report sets out the public consultation exercise to inform and consult the public in accordance with planning legislation. It identifies that the main concerns raised were regarding traffic, access, parking, and impact during construction. It outlines that the matters have been addressed in the Design and Access Statement; The Traffic Assessment Green Travel Plan; The Landscape and Visual Impact and the Drainage Impact Assessment.
- The statement analyses the site against the context and outlines the design and development principles. It also assesses the proposal against the Development Plan and other material considerations, and explores the reasoning behind the proposal, stating that it is unique comprising of an institutional care home with ancillary care apartments for rent, responding to demographic trends and an established need for care extra care and dementia services in the area, following the closure of other care facilities in recent months. The report cross references a needs and demand assessment undertaken by Savills (Demographic and Needs Analysis Report) at the applicant’s request and state that the proposal is aligned with the East Renfrewshire Health and Social Care Strategy and operational arrangements of the local GP surgery. It concludes that the care needs analysis indicates there is a current and increasing need for a modern, purpose designed nursing and dementia care home in the catchment area, and that the proposal complies with the Development Plan and with Scottish Government policies and that it also embodies the principles contained in the Health and Social Care Partnership: Strategy Plan 2018-2021.
- The report is based on a 3 mile catchment area and reviews the need for enhanced sheltered and extra care housing within East Renfrewshire Council. It considers existing and future long term care provision within the catchment area, and the demographic profile. It acknowledges that there was currently an oversupply and that no formal enquiries to the appropriate authorities were undertaken. However the report concludes that there is a current and increasing need for a modern, purpose designed dementia led care home in the catchment area which would complement the proposed senior living offering and enable residents moving into the development to stay should their needs increase. Further analysis by Savills was submitted following comments by Health and Social Care Partnership. It states that there is limited number good quality future proof care homes being developed in the area, and refers to draft publication for new Care Homes for Adults by the Care Inspectorate. It concludes the long term care places will increase resulting in a potential net need for an additional 80 bedrooms.
- The ecological report identifies that a stage 1 habitat survey extended to include badgers and bats, over the site and concluded there was no



suitable habitat for water voles, otters and breeding great crested newts. There was found to be negligible potential adverse effect on designated sites as a consequence of development of the land. There was negligible potential for badgers and no potential was found for bat roosting on the site, some potential was found for bat foraging around the Site.

Design and Access Statement

The report examines the site and context appraisal and the detailed design as well as Inclusive design and sustainable design factors. It also outlines the pre-application discussion held with the Planning Service. The report concludes that the proposal was designed to be domestic in appearance and not to be overbearing the neighbouring dwellings and provide a landscaped outlook from the rear of the properties, through the creation of the community gardens. An addendum was also submitted which explained the revisions to the design of the buildings and lowering of ground levels to minimise the visual impact and the introduction of the acoustic fence.

Landscape Management Plan

Outlines that a key principle of development of the site is that the landscape forms an integral component of the development strategy and creates a series of gardens and external courtyards, along with the community garden. The Plan details the long term management required to maintain and enhance all new and existing landscape features for a minimum of 20 years.

Report on Railway Noise

The sound levels from the railway have been assessed as prescribed in The Scottish Government publication Technical Advice Note 2011: Assessment of Noise<sup>2</sup> (TAN 2011). It concluded that the daytime and night-time internal sound levels were found to be within the limits with the windows closed, and with them open. Although it states that the maximum sound levels in a bedroom at night were found to be within the Council's limit with the window closed. With the window open the maximum level was found to exceed the limit, however the sound could be reduced to within the limit by provision of an acoustical barrier.

Drainage Report (SUDs)

The report states that control of surface water and limiting the impact on the sewerage network can be achieved through permeable surfaces to the driveways / parking courts and roof surface water run-off and the treatment associated with the impermeable treatment trench to the access road surface water runoff provides an appropriate SUDS chain for the development proposed. It can accommodate attenuation of storm events up to and including 200 years + 30% for Climate Change is also accommodated within the drainage network and SUDS chain with no flooding, ensuring no detrimental impact on the existing network.

Transport Statement

The report examines the existing site and surrounding travel opportunities, while also taking cognisance of Transport Scotland's "Transport Assessment Guidance". Consideration has also been given to the requirements of local and national government planning policies, including the Scottish Government document 'Scottish Planning Policy' (SPP); however, as development has already been approved on the site, the policy requirements for a development of reduced scale and impact on the transport network are also considered to be met.

Site Investigation

The investigation included intrusive surveys to identify ground related risks and recognise a possible risk to human health due to the contaminants in the soil and recommends that an environmental capping layer be placed in any gardens and soft landscaping. Chemical analysis indicates that they do not pose a risk to the wider water environment. The ground gas risk

assessment detected carbon dioxide and methane at levels above their limiting values. Gas preclusion measures are required. Radon gas preclusion measures are not deemed necessary.

## **ASSESSMENT:**

This is a Major development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, and as a consequence has to be presented to the Planning Applications Committee for determination.

### Site Description

The site is an area of vacant ground immediately to the north of the Eastwood Health and Care Centre, bounded by Drumby Crescent to the east; the Glasgow to Neilston railway line to the west and the Glasgow to East Kilbride railway line to the north. Further to the east is the residential area fronting onto Drumby Crescent, which is characterised in the main by two storey semi-detached houses, with single storey houses fronting Eastwoodmains Road.

The site, measures approximately 1.4hectares and sits elevated above Drumby Crescent by approximately 2-3metres and rises by another 2 metres towards the north west corner where it meets the crossing of the aforementioned railway lines. The site is elevated above the car parking area associated with the Eastwood Health and Care Centre by approximately 3metres. Historically the site formed part of Williamwood High School Playing Fields.

The site is designated as a housing site in the Local Development Plan (2015) and forms part of the larger Drumby Crescent Master Plan area which includes the adjacent health care centre. This is discussed later in this report.

### Proposed Development

The application is for Erection of 68 bedroom care home including spa facilities, cafe, cocktail bar and cinema room and 23 assisted living apartments with associated car parking and landscaping including community garden. A carer's flat is also proposed in the assisted living apartments. The applicant has stated that the proposal falls under Class 8 – Residential Institutions of the Use Classes Order. They have also indicated that the care home will provide extra care and dementia services.

The care home is a two/three storey building, measuring approximately 72metres in length, and ranging from 9.7metres to 13.3metres in height. Its footprint is an 'F' shape layout, with the outshots facing the East Kilbride railway line. The assisted living block of flats is a three storey building, measuring approximately 47metres in length and 10.3metres in height. The footprint is a rectangular linear shape, orientated parallel to the East Kilbride railway line.

Following discussions with the Planning Service, the applicant has revised the design of the proposed buildings to reduce the overall scale and height, particularly the care home given its relationship to the residential units located along Drumby Crescent and the proposed assisted living accommodation in relation to the elevated position above the health care car parking area. To that end they have reduced the height of the care home by approximately 2metres and the assisted living by approximately by 1metre. In addition, the revised drawings indicate that the ground level is to be lowered by approximately 1.2metres within the vicinity of the assisted living and the adjacent East Kilbride railway line. Furthermore, in order to address concerns raised by the Planning Service about noise impact, the applicant has also included the erection of a 4.3metre high acoustic fence adjacent to the East Kilbride railway line.

The information submitted also shows some minor earthworks are proposed at the proposed junction onto Drumby Crescent.

The proposal also includes the creation of a community garden area, located to the rear of Nos 1-27 Drumby Crescent. This involves a mixture of open grass areas, shrub and tree planting, and creation of paths and a hardstanding area.

Assessment

The application has to be determined in accordance with the Development Plan and any material planning considerations. The Development Plan consists of the Strategic Development Plan (approved July 2017) and the East Renfrewshire Local Development Plan (adopted June 2015).

The proposed Local Development Plan 2 represents the Council's settled policy position and is a material consideration in assessing the proposal and this is discussed elsewhere in this report.

Scottish Planning Policy

Scottish Planning Policy (SPP) introduces a presumption in favour of development that contributes to sustainable development. It also indicates that the planning system should support economically, environmentally and socially sustainable places. SPP on Delivery of New Homes indicates proposals should provide for all tenures and have a sharp focus on the delivery of allocated sites embedded in action programmes. It also states that Local Authorities are required to consider the need for supported accommodation including care homes and prepare policies as appropriate. Additionally, the SPP supports the re-use of vacant and derelict land and buildings as part of the Government's objective to ensure that proposals are resource efficient.

As indicated previously the site is identified as part of the housing land supply for East Renfrewshire and is discussed elsewhere in this report. The matter regarding supported accommodation policy and provision is also discussed later.

In general terms the proposed re-use of the site, which is regarded as a sustainable location given its proximity to local facilities and access to public transport, complies with the general aims and objectives of Scottish Planning Policy.

Strategic Development Plan (approved July 2017)

The Strategic Development Plan (SDP) sets out a vision for the long term development of the city regions and deals with cross boundary issues such as housing, strategic infrastructure including transport, water supply and waste water and strategic green networks including green belts and sets clear parameters for subsequent Local Development Plans.

The proposed development is considered to be a strategic scale development under Schedule 14 of the SDP as the development has a floor area greater than 5000 square metres. However, as the proposed development utilises an existing vacant area of land in an urban location and in general terms is considered to support the Vision and Spatial Development Strategy of the SDP of a compact city region, then the adopted East Renfrewshire Local Development Plan is the most relevant policy document in determining the proposal.

East Renfrewshire Local Development Plan

The relevant policies of the adopted East Renfrewshire Local Development Plan are considered to be Strategic Policies 1, 2 and 3, Policies M5, D1, D2, D4, D7, D8, D11, SG1, SG4, SG5, SG6, SG10 and E5.

Strategic Policy 1 states that the Council supports proposals that promote sustainable development, contribute to the reduction of carbon emissions and are served by a choice of transport modes including public transport. Proposals will be supported where they provide positive economic, environmental and social benefits to the area and meet the needs of the community.

Strategic Policy 2 sets out a range of environmental, community and infrastructure criteria that are required to be taken into account in assessing planning applications. This policy seeks to promote the re-use of brownfield sites (i.e. previously developed) within the urban area and ensure that there is no adverse impact on existing community facilities or adverse impact on the built and natural environment. The relevant criteria are discussed in more detail elsewhere in the report.

Strategic Policy 3 indicates the Council wishes to secure community infrastructure and environmental benefits arising from new development to mitigate their impacts. New developments that individually or cumulatively generate a requirement for new or enhanced infrastructure or services will be expected to deliver, or contribute towards the provision of,

supporting services and facilities. This policy along with Affordable Housing and Development Contributions are discussed elsewhere in the report.

The applicant has indicated that the proposal would result in 80 jobs in total. They have also stated that the proposal will create 70 jobs during the operational stage. However it is noted no further details have been submitted regarding whether or not this is full time equivalent or otherwise. Notwithstanding the aforesaid, it is acknowledged that the employment opportunities the proposal would bring would be supported by the Local Development Plan policies.

It is considered that the site is a sustainable location, within close proximity of various public transport modes and local facilities. The proposal given its nature, is unlikely to result in significant private vehicle use. As stated above the proposal will re-use an urban brownfield site and will bring positive economic, environmental and social benefits to the area. Therefore in these regards, the proposal can be seen as supported by some aspects of the Local Development Plan Strategic Policies 1 & 2. However, given the nature the proposal, principally the care home element, as required by Strategic Policies 1 & 2 consideration must be had to its impact on existing community facilities, infrastructure and services within East Renfrewshire.

Consultation response from Health and Social Care Partnership (HSCP) has indicated that there is an oversupply of care home facilities in the East Renfrewshire market and as of March 2021 there was a vacancy of approximately 23% of the beds within the area. They state that existing care homes are vulnerable to oversupply and can become unsustainable and may result in closure. The consequence of the closures mean elderly and vulnerable residents can lose their long-term home and are forced to relocate causing significant disruption and distress. In addition, they have also drawn attention to the current HSCP Strategic Plan (2018-21) and associated commissioning plan, which supports a move away from the current reliance on care home placements through the focus on a range of services to people within their own homes. This is supported nationally through the findings for the recent Independent Review of Adult Social Care in Scotland.

HSCP have also raised concerns about increased cost pressures resulting from the development and in-migration of residents, which will also result in additional pressures on existing health and care infrastructure (eg GP, district nursing, physio, dental, social work etc.). HSCP data indicates that a significant proportion of places in care homes, 31% as of January 2021 were filled by people from outwith East Renfrewshire and/or potentially those who may be privately funded and therefore not currently known to the Council.

In reaching their response, HSCP assessed the information submitted by the applicant and concluded that they had not successfully evidenced need for the care home element of the proposal. In particular they noted that the research report was desk based, that the demand analysis looked only at population estimate vs registered specialist dementia beds, with the report recognising that “the calculation does not take into account the actual number of beds being used to accommodate people with dementia at each care home”. They also noted that the applicant’s analysis was based on a catchment area of 3-miles which would include several areas outwith East Renfrewshire but would exclude Barrhead/Neilston and some of Newton Mearns, which meant there was no direct comparison with local demographic estimates or consideration of inward migration to the area as a result of the development. They also note that the report highlights the continuing oversupply of residential beds (256 in 2019; 177 in 2024) only estimating demand being at 33 beds in 2034.

The applicant has submitted information disputing HSCPs comments on proven need and state that the comments are flawed and completely disregards the economic benefits to residents of East Renfrewshire Council. The applicant has also questioned HSCP’s role as a consultee and have also pointed out that it is not the planning system’s remit to intervene in the market.

In response to the concerns raised by the applicant, HSCP are a legitimate consultee and expert witness who undertake a key function on behalf of the Council and the people of East Renfrewshire. The Planning Service has the right to undertake consultations with key service providers in order to carefully consider the application before it. As stated elsewhere in this report, it is acknowledged that the proposal could bring economic benefits to the area, and whilst

commercial competition is not normally a planning consideration, the detrimental impact on existing providers and the resulting impact on existing infrastructure and community facilities is a material planning consideration and required to be assessed as part of Strategic Policies 1 and 2 as outlined previously.

It is noted that the applicant has raised a point regarding future demand in relation to the lifecycle of the proposal and the quality of the existing stock in terms of the Care Inspectorate standards. However, the Planning Service cannot take into account speculation regarding other facilities and as noted by HSCP, the applicant's report is based on the assumption that certain homes are closing which has not happened. No verifiable information has been submitted by the applicant demonstrating that the Care Inspectorate intends to close any facility in the near future. In addition, it should be noted that if an existing care home in the locale were to close due to the Inspectorate (or any other reason), it would not follow that the use would be abandoned. It would be entirely possible for it to re-open having undergone any improvements to meet the Care Inspectorate standards.

Consequently, on balance of the aforementioned, it is considered that the proposal is contrary to Strategic Policies 1 and 2 of the adopted Local Development Plan as the applicant has not demonstrated that the proposal will not have an adverse impact on existing community facilities and infrastructure.

HSCP also raised concerns regarding possible car parking overspill into the health and care facility car park area. The parking requirements of the proposal and impact on road network are discussed elsewhere in this report.

Policies SG1 and SG4 sets out that the Council will support housing development on the established housing sites as identified in the Local Development Plan (LDP). It requires that proposals should include a mix of house types, sizes and tenures to accord with the Council's Local Housing Strategy and the Strategic Housing Need and Demand Assessment.

The site is specifically identified as a housing site under Policy SG1.14 of the Local Development Plan (LDP). The associated Development Brief (2016) for the site identifies that it can accommodate up to 20 residential units. The site is part of a larger site also referenced under Master Plan Policy M5 'Drumby Crescent' of the LDP which supports proposals for a mixed use development comprising a new health centre and housing alongside the retention of the existing park and ride facility.

Whilst the proposal is contrary to the Local Development Plan and Development Brief in terms of loss of housing land as outlined above, it is considered that given the number of potential residential units involved, this is not considered significant in terms of housing land supply requirements, and therefore the loss of the site for housing purposes, raises no significant issues in terms of Policies SG1, SG4 and M5.

In addition, Strategic Policy 3 - Development Contributions and Policy SG5 on Affordable Housing are applicable as is the adopted Supplementary Planning Guidance (SPG) on Affordable Housing and the SPG on Development Contributions.

The Council's Affordable Housing and Development Contributions Officer has stated that Residential care or nursing homes, applied under Use Class 8 'Residential institutions', are exempt from affordable housing (Policy SG5). The Council's SPG on development contributions also states that Class 8 Residential Institutions are exempt from education development contributions. The Council's Affordable Housing and Development Contributions Officer have also stated that it is unusual for assisted living apartments to be applied for under Class 8.

However, the applicant has confirmed that the apartments will be retained by them, that they will not be sold on the open market, that care/support will be provided as part of the rental agreements and that the apartments will be for persons over 55 years of age only, therefore differentiating it from main stream residential use. Consequently, the assisted living apartments can also be exempt from affordable housing and development contributions including community facilities and education.

Therefore, the Council's Affordable Housing and Development Contributions Officer have raised no objection subject to the satisfactory conclusion of a s75 legal agreement to ensure that the proposed assisted living apartments are restricted to Use Class 8 'provision of residential accommodation and care to people in need of care' in perpetuity and remain occupied only by persons over age 55.

Policy SG6 states that the Council will support sustainable economic growth and seek to direct employment opportunities to safeguarded business and employment areas. As stated above the applicant has indicated that the proposal will bring 80 jobs to the area. Whilst this is to be welcomed, it should be noted that the site is not within a location identified for employment use. However, noting the location, adjacent to Council's health care centre which is a substantial employer, the proposal in terms of bringing employment opportunities into the area would not raise any significant issues in terms of the policy.

In terms of assessing the detail of the proposal Policies D1, D2, D4, D7, D8 and D11 are the most relevant and set out a number of criteria for assessing development to ensure that it is well designed and compatible with the character and amenity of the locality and surrounding land uses and are of a size, scale and density in keeping with the locality and respect local building form, design, and materials. They also state that proposals should not adversely impact on the natural environment, landscape character, involve the loss of trees or other important landscape, greenspace or biodiversity features and protected species. They also require that proposals incorporate wildlife habitat and green infrastructure, and comply with roads standards and provide appropriate drainage and not result in flooding. The Supplementary Planning Guidance on Green Network and Environmental Management (SPG) is also relevant and forms part of the LDP and sets out the open space requirements for new developments.

As stated previously, the proposal is for a care home and a block of flats providing assisted living accommodation. Architecturally, with the exception of the three storey elements and length of the care home, both buildings have been designed to reflect a domestic scale and form incorporating pitched roofs as opposed to the more contemporary modern form of the adjacent health care building. Whilst the care home at its nearest point with the houses on Drumby Crescent will not be out of keeping, it is considered that its overall length and massing, given its proximity will be incongruous to the adjacent residential area. It is acknowledged that the Council's health care partnership building is large, some 77 metres in length, and not of a domestic scale, however there is sufficient intervening distance between it and the adjacent housing to minimise its impact on the character of the area. In addition, the proposed care home and assisted living buildings are in an elevated position and therefore will be more visually intrusive and dominant as a result. This will be even more pronounced due to the lack of set back of the assisted living building from the adjacent health care car parking area (the proposed set back is approximately 3.4 metres).

The applicant has revised both buildings to try to minimise the visual impact by reducing the heights and introducing more articulation to the elevation of the care home, as well as lowering the ground levels adjacent to the assisted living apartments. However, due to the elevated position of the site, layout, size and massing of the buildings, as stated above, it is considered that the overall proposal will still be visually intrusive and dominant in the area.

In addition, the proposal, as revised, includes an acoustic fence along the shared boundary with the East Kilbride railway line. The fence is set off a distance of between 2.5 and 3.4metres from the Care Home and is approximately 4.3metres in height at this location. The nearest windows are perpendicular to the fence. In terms of the assisted living accommodation, which has habitable room windows and balconies directly facing the fence, it is set off by a distance of between 5.5 and 9.6metres. The fence is approximately 3metres in height at this point however sits on top an embankment of approximately 1.4metres, thus the top of the fence will be approximately 4.4metres above the ground level of the adjacent assisted living accommodation, which equates to the eye level of someone standing on the first floor balcony.

Consequently, it is considered, given the height and proximity of the acoustic fence that it will be visually intrusive and incongruous and therefore significantly impact on the visual and residential

amenity of the wider area in general and on the residential amenity of future residents of the development.

Whilst Network Rail have not raised any objection regarding the proposal including the acoustic fence, they do require to see details before the proposal goes ahead should it be approved. The planning service has concerns that the finalised fence could, due to the engineering requirements of Network Rail in order to secure a structurally safe fence, result in a structure that has even greater visual impact due to its design and finishing materials, which would exacerbate the impact on the amenity of future residents as well as the ability of the development to provide a high quality landscape design.

Consequently, it is considered that the proposal, both the buildings and the acoustic fence, is contrary to Policy D1 of the Local Development Plan as it will be visually intrusive, incongruous and dominant in the locality.

Local Development Plan Policies D1, D4, D6, D7 and D8 require the impact on the natural features, green network and biodiversity to be assessed as well as requiring proposals to include open space provision. The site is not covered by a Tree Preservation Order and as identified in the Ecology report submitted by the applicant, it is considered that there is limited merit in terms of ecological, natural habitat or green network infrastructure value.

It is acknowledged that the proposal and in particular the additional planting and community garden could provide a positive contribution to the natural environment as well as provide community benefit through the community garden. Given the location of the proposed community garden, there is concern that there is very limited natural overlooking of the space which could result in some antisocial issues, however, this should be minimised due to proposed formal management of the area by the applicant. Nevertheless, given the proximity of the community garden to the rear of the residential properties along Drumby Crescent, there is some concern that there could be a loss of privacy. Should the Council be of a mind to approve the application, a condition could be imposed requiring the creation of a landscape buffer area to minimise any loss of privacy and the submission of the proposed management scheme for the community garden.

Information submitted by the applicant indicates that 2 trees would be lost to accommodate the proposed access road. It also indicates that all the existing trees along the railway embankments are to be retained as are the trees to the immediately to the west of the houses on Drumby Crescent. However, it is noted that no information has been submitted that shows how the proposed acoustic fence would relate to the existing trees, nor has a full survey been submitted outlining the condition of the trees. Again, should the Council be of a mind to approve the proposal, then, this information and a revised landscape plan could be conditioned. Although it should be noted that to accommodate the acoustic fence, the applicant may not be able to deliver an extensive landscaping plan and several of the trees along the railway lines may be lost.

In terms of ecological, natural habitat and green network infrastructure, it is considered that the proposal does not raise any significant issues with regard to the Local Development Plan that would justify refusal on these grounds.

Planning Advice Note 1/2011: Planning and Noise (PAN), promotes the principles of good acoustic design and a sensitive approach to the location of new development and a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected.

The proposed care home is approximately 14metres distance from the East Kilbride railway tracks, with the assisted care accommodation some 12metres distance. Given the proximity of the railway line, the Council's Environmental Health Service raised concerns regarding noise impact on the amenity of future residents.

The applicant's noise report indicates that internal noise levels with windows open would exceed the limit, however it could be reduced to within the limit by provision of an acoustic barrier. Environmental Health Service have confirmed that without the installation of a 4.3m acoustic barrier as now proposed along the north Eastern boundary then the predicted maximum noise

levels within properties would result in internal maximum noise levels exceeding World Health Organisation Guidelines for Community Noise and BS8233:2014 night-time guidance on Regular individual noise events (for example, passing trains) which can cause sleep disturbance within the bedrooms.

It needs to be stressed that without the proposed acoustic fence, the proposal would also be unacceptable in terms of noise impacts, and therefore contrary to Policy Strategic 2 and PAN 1/2011.

Environmental Health have stated that an Air Quality Impact report is required to be submitted. They have also stated that due to the site's previous land use and resultant potential for contamination, that further information is required regarding the condition of the ground and the site's suitability for its proposed use. It is considered that the air quality impact and contamination reports can be dealt with adequately by planning conditions should the Council be of a mind to approve the application.

### Roads

The Roads Service have raised no objection to the proposal subject to conditions regarding visibility splay and a continuous pedestrian link being provided. It is considered should the Council be of a mind to approve this application, these matters can be dealt with through conditions. It is also noted that the Roads Service state that there is a shortfall in parking, 60 spaces being required for the scale of development, however only 56 is provided. They state that this is acceptable given the proximity of the site to public transport facilities and local amenities.

Policy E5 requires a Sustainable Urban Drainage System (SUDS) to be incorporated into all new developments to moderate surface water drainage from the site and mitigate impacts on water quality. The applicant has submitted a SUDS and drainage impact assessment which states that source control of surface water and limiting the impact on the sewerage network have been achieved with the drainage proposals for this development. The treatment associated with the permeable surfaces to the driveways / parking courts and roof surface water run-off and the treatment associated with the impermeable treatment trench to the access road surface water runoff provides an appropriate SUDS chain for the development proposed. It also concludes that attenuation of storm events up to and including 200 years + 30% for Climate Change is accommodated within the drainage network and SUDS chain with no flooding, ensuring no detrimental impact on the existing network.

SEPA has raised no objections. Scottish Water has raised no objection however state in their response that they are unable to reserve capacity at their water and/or waste water treatment works for the proposed development. The Council's Roads Service have offered no comments on the drainage as the proposal utilises the existing surface water sewer which is Scottish Water infrastructure and therefore outwith their remit.

It should be noted that should the Council approve the application, and subsequently, Scottish Water refuse permission to connect to their infrastructure, then the applicant would need to submit an alternative proposal for drainage for the Council to consider further.

Given the above, it is considered that the proposal raises no significant issues in terms of Policy E5.

### Proposed Local Development Plan2

The Proposed Local Development Plan 2 is a material consideration and with regard to this planning application, the relevant policies are considered to be Strategic Policies 1 & 2, D1, D2, D4, D6, D7, D8, D9, D10, D11, D12, SG1, SG2, SG3, SG4, SG5, SG6, E1, E3, E5, E8, E9, E10 and E11. The aforementioned policies largely reflect the adopted Local Development Plan policies, however place more emphasis on place making, Designing Street and low/zero carbon development in order to achieve a more sustainable development. In addition Policies E5 – Noise, requires the impact of noise to be taken into account when assessing relevant development proposals, particularly those that are close to or could become a source of noise.

However, it should be noted that the impact of care homes is a significant emerging matter for the Council and Strategic Policies 1 and 2 and Policy SG3 of the Local Development Plan2 (LDP2)



has been drafted in order to provide guidance, and is the Council's most up-to-date policy position on the matter. The LDP2 is going through examination by the Scottish Government's Reporters unit and the Council awaits the final report and thereafter adoption (Autumn 2021). However, no representations were received with regards to care homes provision (Policy SG3) and therefore it is not required to be examined by the Reporter. As the LDP2 is the most up-to-date Council Policy position, significant weight can be attributed to the requirements of Strategic Policies 1 and 2 and policy SG3 in this matter in determining this application.

Strategic Policy 1 requires proposals to make efficient use of existing infrastructure and ensure the coordinated delivery of new infrastructure and investment, including amongst other things health and care facilities. Strategic Policy 2 states that planning permission will only be granted where the identified level and range of supporting infrastructure and services are available. It also requires future analysis to be carried out with our community planning partners to consider the capacity required to support future demand for healthcare infrastructure.

Policy SG3 states that there has to be a proven need for specialist accommodation which can be evidenced and is supported by the Health and Social Care Partnership (HSCP). As indicated previously, HSCP has stated that they do not support the proposal and in particular care home element as there is no proven need for the facilities. Consequently, for reasons stated above, it is considered that the proposal fails to comply with a significant policy consideration in the Proposed Local Development Plan.

### Representations

In terms of the issues raised by representations regarding being contrary to the Local Development Plan, impact on residential amenity, size and height, traffic and congestion, parking, road safety, drainage and air quality, these have been assessed above in the report. The matters raised in support of the application, notably economic development, employment opportunities and meets demands are noted and have also been addressed in the report.

In response to the issues raised which are not already addressed in the report regarding loss public space and management of community garden, the site is not designated as an open space in the Local Development Plan and, as shown on the layout, the proposal retains an area of open space as a community garden, the management of which can be controlled by condition should the Council wish to approve the application.

The issue regarding anti-social behaviour is more appropriately controlled by other legislation. In terms of the lack of public consultation/notification and lack of information/drawings, the Planning Service are satisfied that the notification and consultation was carried out as prescribed by legislation and that there is adequate information/drawings to allow the application to be assessed.

### Overall Conclusion

Whilst it is recognised that the proposal could bring economic benefits and employment opportunities to the area as well as redevelop an area of vacant brownfield land, the applicant has not satisfactorily demonstrated that the proposal will not adversely impact on existing community facilities and infrastructure as required by the Local Development Plan. Furthermore, consultation response from HSCP, which is a material consideration in assessing this proposal, indicates that there is an over-provision of care home beds in the area and that the applicant has not provided verifiable evidence demonstrating a proven need. In addition, there are serious concerns which have not been resolved regarding the visual impact of the development (including the 4.3 metre high acoustic fence, which is required to mitigate the noise from the railway line) on the surrounding area. Consequently, the application is recommended for refusal.

### **RECOMMENDATION: Refuse**

**PLANNING OBLIGATIONS:** Should the application be approved a legal agreement restricting the proposed assisted living apartments to Use Class 8 'provision of residential accommodation and care to people in need of care' in perpetuity and remain occupied only by persons over age 55.

REASONS FOR REFUSAL:

1. The proposal is contrary to Strategic Policies 1 and 2 of the East Renfrewshire Local Development Plan as it has not been satisfactorily demonstrated that the proposal will not have an adverse impact on existing community facilities, infrastructure and services.
2. The proposal is contrary to Policy D1 of the Local Development Plan as it will be visually intrusive, incongruous and dominant in the locality, to the detriment of the amenity of future residents, the adjacent residential area and wider area in general.
3. The proposal is contrary to Strategic Policies 1 and 2 and Policy SG3 of the Proposed Local Development Plan, as the applicant has not adequately demonstrated that there is a proven need for the proposed care home that is supported by the Health and Social Care Partnership (HSCP) and that the proposal will not have a detrimental impact on existing health and care facilities.

**ADDITIONAL NOTES:**

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

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

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr John Drugan on 0141 577 3861.

Ref. No.: 2020/0287/TP  
(JODR)

DATE: 21<sup>st</sup> July 2021

**DIRECTOR OF ENVIRONMENT**

**Reference: 2020/0287/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**

Strategic Policy 1  
Development Strategy

The Council supports proposals that promote sustainable development, contribute to the reduction of carbon emissions and are served by a choice of transport modes including public transport. Proposals will be supported where they provide positive economic, environmental and social

benefits to the area and meet the needs of the community up to 2025 and beyond. All proposals are required to comply with the key aim and objectives of the Plan.

The Council supports a complementary two strand approach to development as follows:

1. Regeneration and consolidation of urban areas with an emphasis on developing Brownfield and vacant sites alongside the continued protection and enhancement of the green belt and countryside around towns and the green network;
2. Controlled Growth to be master planned and directed to the following locations:
  - a. Urban Expansion:
    - i. Malletsheugh/Maidenhill Newton Mearns Strategic Development Opportunity (Policy M2.1);
    - ii. Barrhead South - Springhill, Springfield, Lyoncross Strategic Development Opportunity (Policy M2.2); and
  - b. A major regeneration proposal Strategic Development Opportunity at Glasgow Road/Shanks Park, Barrhead (Policy M3).

## Strategic Policy 2

### Assessment of Development Proposals

Proposals for new development, other than smaller scale proposals (such as applications for single houses, householder or shop frontage alterations), will be assessed against relevant criteria below as well as Policy D1:

1. Application of a sequential approach which gives priority to the use of Brownfield sites within the urban area then to Greenfield land within the urban area and finally to land adjacent to the urban area. Sites within the green belt will only be considered where it has been demonstrated that a suitable site does not exist within the urban area;
2. Provision of a mix of house types, sizes and tenures to meet housing needs and accord with the Council's Local Housing Strategy and the Glasgow and Clyde Valley Strategic Housing Need and Demand Assessment;
3. Resulting positive community and economic benefits;
4. The impact on the landscape character as informed by the Glasgow and Clyde Valley and the East Renfrewshire Landscape Character Assessments, the character and amenity of communities, individual properties and existing land uses;
5. The impact on existing and planned infrastructure;
6. The impact upon existing community, leisure and educational facilities;
7. The transport impact of the development on both the trunk and local road network and the rail network, taking into account the need for a transport assessment and the scope for green transport and travel plans;
8. The impact on the built and natural environment, including the green belt and green network taking into account the need for an Environmental Impact Assessment and the requirement for proposals to provide a defensible green belt boundary and links to the green network;
9. The impact on air, soil, including peat and water quality and avoiding areas where development could be at significant risk from flooding and/or could increase flood risk elsewhere;
10. The potential for remedial or compensatory environmental measures including temporary greening;
11. The contribution to energy reduction and sustainable development.
12. The impact on health and well being;
13. The cumulative impact of the development;
14. The impact of proposals on other proposals or designations (including the Town and Neighbourhood Centres in Schedule 14) set out in the Local Development Plan;

15. The suitability of proposals when assessed against any relevant Adopted Supplementary Planning Guidance.

### Strategic Policy 3

#### Development Contributions

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

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

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

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

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

### Policy M5

#### Drumby Crescent

The Council will support proposals for the development of a mixed use healthcare centre and housing development of the site, alongside the retention of the existing park and ride facility as shown on the Proposals Map. Appropriate development will be supported in accordance with Policy M1, to be defined further through the preparation of a comprehensive development brief. The Development brief will be adopted as Supplementary Planning Guidance.

### 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 railway solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

## Policy D2

### General Urban Areas

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

## Policy D7

### Green Infrastructure and Open Space Provision within New Development

New development proposals should incorporate a range of green infrastructure including open space provision, multi use access, sustainable urban drainage, wildlife habitat and landscaping. This infrastructure should not only form an integral part of the proposed scheme but should complement its surrounding environment.

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

#### Policy D8

##### Natural Features

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

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

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

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

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

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

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

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

#### Policy D13

##### Community, Leisure and Educational Facilities

The Council will safeguard and, where appropriate, undertake improvements to existing facilities. New facilities should be located where they are accessible by a range of transport modes. The provision of community, leisure and educational facilities will be a core component of any master plan.

Proposals which would result in the loss of existing community/ leisure/educational facilities will only be supported where it can be clearly shown that:

Appropriate alternative local provision of at least equivalent suitability and accessibility will be provided; or

That the existing use is no longer required/viable; or

There is no demand and the facility is incapable of being made viable or adapted for other community, leisure or educational uses.

The Council will support the implementation of the projects listed in Schedule 7.

#### Policy SG4

##### Housing Mix in New Developments

All new housing proposals should include in their design a mix of house types, sizes and tenures to accord with the Council's Local Housing Strategy and the Strategic Housing Need and Demand

Assessment. The design should include smaller house types and an element of accessible and adaptable properties to meet the needs of our ageing population and households with particular needs. This mix is in addition to affordable housing contributions.

#### Policy E5

##### Surface Water Drainage and Water Quality

Sustainable urban drainage systems will require to be incorporated into all new development, with the exception of smaller scale proposals (such as applications for single houses, householder or shop frontage alterations). It should also form a major part of all master planning exercises. This will moderate surface water run-off from the site and mitigate any impacts on water quality.

There will be a general presumption against the culverting of watercourses as part of new development. Culverts may be acceptable as part of a grant aided flood prevention scheme or where they are necessary to carry water under a road or railway. Advice on culverts can be accessed on the Scottish Environment Protection Agency website [www.sepa.org.uk](http://www.sepa.org.uk)

The Council will encourage the adoption of an ecological approach to surface water management through habitat creation or enhancement by, for example, forming wetlands or ponds and opening up culverted watercourses. Invasive non-native species should not be introduced and their removal is encouraged. New planting must be with native species. The physical area of any development covered by impermeable surfaces, should be kept to a minimum to assist with flood risk management.

### **Proposed Local Development Plan 2**

#### Strategic Policy 1

##### Development Strategy

Proposals will be required to meet the objectives of the Proposed Plan and contribute to the delivery of the Development Strategy in order to create sustainable, well designed, connected, healthy, safe and mixed communities and places. Proposals should be designed to promote the health and wellbeing benefits of the development for people of all ages, abilities and backgrounds and demonstrate economic, social and environmental benefits. Proposals should not result in a significant adverse loss of character or amenity to the surrounding area.

The Council's approach to development is as follows:

1. Regeneration, consolidation and environmental enhancement of the urban areas through the provision of an efficient and sustainable use of land, buildings and infrastructure that encourages the re-use of brownfield and vacant sites, in keeping with a sequential approach and in accordance with other relevant policies of the Proposed Plan;
2. Master planned approach to development at the following Strategic Development Opportunity locations:
  - a. Maidenhill/Malletsheugh, Newton Mearns (Policy M2.1);
  - b. Barrhead South - Springhill, Springfield, Lyoncross (Policy M2.2);
  - c. Barrhead North - Shanks/Glasgow Road, Barrhead (Policy M3);
3. Infill development within the rural settlements compatible with the character, amenity and settlement pattern;
4. Phased release of sites to make efficient use of existing infrastructure and ensure the coordinated delivery of new infrastructure and investment, including schools; green infrastructure; transport infrastructure; community and leisure facilities; and health and care facilities all in accordance with Strategic Policy 2. Proposals for windfall sites will be required to provide the required infrastructure resulting from development in accordance with Strategic Policy 2 and not prejudice the delivery of allocated sites.

Where infrastructure constraints cannot be overcome, including any impacts of additional residential development upon education infrastructure, proposals will not be supported;

5. Implementation of City Deal strategic infrastructure projects set out in Strategic Policy 3 and Schedule 1 and other major infrastructure programmes;
6. Protection and enhancement of the green belt and landscape character and setting and the distinct identity of towns and villages in accordance with Policies D2 and D3;
7. Protection, creation and enhancement of an integrated multi-functional green network and connected green spaces within and around the urban areas which actively contribute to local amenity, recreation, active travel and biodiversity objectives in accordance with Policies D4 and D6;
8. Protection and enhancement of the built, historic and natural environment in accordance with Policies D7 and D14 to D20;
9. Provision of homes to meet the all tenure housing requirements of Clydeplan (Table 1) in accordance with Policies SG1, SG2 and SG4. The sites listed in Schedules 15 and 16 will provide a range and choice of housing sizes, types and tenures across the Council area to meet these requirements in accordance with the Strategic Housing Need and Demand Assessment and the Council's Local Housing Strategy;
10. Sustainable and inclusive economic growth and community benefits, including the creation of new employment opportunities through the provision of a range of sites and areas to provide a strong and diverse economy in both the urban and rural areas, in accordance with Policies SG5, SG6 and SG7;
11. Maintaining and enhancing the vitality and viability of the town and neighbourhood centres by adopting a town centre first approach that directs development and investment to town and neighbourhood centre locations in accordance with Policies SG10 and SG11; and
12. The contribution to energy reduction and sustainable development in accordance with Policies E1 and E2.

## Strategic Policy 2

### Development Contributions

New development must be accompanied by the appropriate infrastructure and services required to support new or expanded communities.

Where new developments individually or cumulatively generate a future need for new or enhanced infrastructure provision, services or facilities, the Council will require the development to meet or proportionately contribute to the cost of providing or improving such infrastructure. Development contributions will fairly and reasonably relate in scale to the proposed development and will be required in order to make the proposed development acceptable in planning terms, all in accordance with the policy tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Planning permission will only be granted where the identified level and range of supporting infrastructure and services required to meet the needs of the new development, are already available or will be available in accordance with agreed timescales.

Where appropriate, contributions may be sought in relation to Education (including Early Years, Primary, Secondary and Additional Support Needs); Community Facilities (including Community Halls and Libraries and Sports); Parks and Open Space; Roads and Transportation; Active travel; and Green Infrastructure.



Future analysis will be carried out with our community planning partners to consider the capacity required to support future demand for healthcare infrastructure.

Further detailed information and guidance is provided in the Development Contributions Supplementary Guidance. The guidance contains details of how impacts will be assessed and how contributions will be calculated. This policy should be read in conjunction with Policy SG4: Affordable Housing.

#### 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.

#### Policy D4

##### Green Networks and Infrastructure

The Council will protect, promote and enhance a multifunctional and accessible green network across the Council area, as shown on the Proposals Map, which contributes to healthy lifestyles and wellbeing and links to the wider green network across the Clydeplan region.

Proposals will be required to protect and enhance the green and blue network, its value and multiple functions including wildlife, biodiversity, recreational, landscape and access. Proposals should also meet the requirement of Policy D7.

The provision of a green network will be required to form a core component of any master plan or development brief.

Where a proposal impacts adversely on the character or function of the green network, proposals may be required to contribute to enhancing any remaining, or create new green infrastructure and green network, in accordance with Strategic Policy 2 and D6.

The Council will support the implementation of the proposals listed in Schedule 3.

Further detailed guidance and information will be set out in the Green Network Supplementary.

#### Policy D6

##### Open Space Requirements

Proposals will be required to incorporate multi-functional, integrated and accessible on-site green networks and green infrastructure, including open space provision, wildlife habitats and landscaping.

Proposals will be required to meet the following criteria:

1. Demonstrate that the provision and distribution of open space and green infrastructure has been integrated into the design approach from the outset and has been informed by the context and characteristics of the site using key natural and physical features. Proposals should be designed to accommodate users of all age groups, and levels of agility and mobility;
2. Provide a network and hierarchy of open space to create a structured and legible framework for development, which clearly distinguishes public space, semi-public space and private space using appropriate boundary treatments. Design and layout of proposals should encourage species dispersal through improving connectivity and the availability of habitats. New planting must promote and enhance the biodiversity of the area;
3. Complement, extend and connect existing open spaces and provide links to the wider green network;
4. Make provision for the long-term management and maintenance of open space. Details of maintenance requirements and arrangements must be set out, including who is responsible for these requirements;
5. Integrate Sustainable Urban Drainage Systems (SUDs) features with open space and active travel networks as part of a multifunctional approach to landscape design. SUDs may form part of open spaces subject to their design, provided they are accessible and contribute to the amenity value of the wider open space; and
6. Meet the minimum open space requirements set out in Schedule 4.

#### Policy D7

##### Natural Environment Features

The Council will protect and enhance the natural environment features set out in Schedule 5, and shown on the Proposals Map, and seek to increase the quantity and quality of the areas biodiversity.

1. There will be a strong presumption against development on or adjacent to Natural Features where it would compromise their overall integrity, including Local Biodiversity Sites, Local Nature Reserves, Tree Preservation Orders and ancient and long established woodland sites. Adverse effects on species and habitats should be avoided with mitigation measures provided.

2. Development that affects a Site of Special Scientific Interest (SSSIs) will only be permitted where:
  - a. The objectives of designation and the overall integrity of the area will not be compromised; and
  - b. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, community or economic benefits of national importance to the satisfaction of Scottish Ministers and measures are provided to mitigate harmful impacts.
3. Development affecting trees, groups of trees or areas of woodland will only be permitted where:
  - a. Any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity and character of the area has been incorporated into the development through design and layout; or
  - b. In the case of woodland:
    - i. its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits, in line with the Scottish Government's Policy on Control of Woodland Removal; or
    - ii. in the case of individual trees or groups of trees, their loss is essential to facilitate development and is clearly outweighed by social, environmental, community or economic benefits.

Where woodland is removed in association with development, developers will be required to provide compensatory planting which enhances the biodiversity of the area and demonstrates a net gain.

The loss of Ancient Woodland will not be supported.
4. Where there is likely to be an adverse impact on natural features or biodiversity an ecological appraisal will be required.

Further detailed guidance and information is set out in the Green Network Supplementary Guidance.

#### Policy D8

##### Sustainable Transport Networks

The Council will support the development of a sustainable and integrated transport network which strengthens East Renfrewshire's connectivity to the wider Clydeplan Region and beyond; delivers a modal shift to active travel and public transport; and reduces carbon emissions. Development should be directed to sustainable locations where the need to travel is reduced and active travel and public transport infrastructure already exists.

Proposals will be required to align with relevant National, Regional and Local Transport Strategies including the development of local strategic active travel network plans.

Proposals will be required to prioritise active travel and to demonstrate a clear sustainable movement hierarchy favouring walking, then cycling, public transport then the private car in accordance with Designing Streets. Proposals will be required to be accessible and permeable by foot and cycle and connect to existing walking, cycling and green networks, as well as to public transport networks.

Proposals will be required to prioritise improvements to public transport networks and infrastructure, including the need for enhancements to bus and rail infrastructure and services to maintain or increase patronage within the area. Where public transport services are not currently available the Council will encourage applicants to work with transport providers to provide subsidised bus services until a sustainable service is achievable.

The Council will support the implementation of the proposals listed in Schedules 6 and 7.

The Council will support investment in the strategic transport network and delivery of the City Deal strategic transport infrastructure proposals set out in Schedule 1.

## Policy D10

### Transport Impact

Proposals will be required to comply with the principles of Designing Streets and demonstrate that they will have no significant adverse impact on the following, as evidenced through the submission of a Transport Assessment:

#### Road safety;

The convenience, safety and attractiveness of walking and cycling in the surrounding area;

Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;

The capacity of the surrounding road network; and

Residential amenity as a consequence of any resulting increase in motorised traffic.

Proposals should ensure that the required upgrades to infrastructure resulting from development are provided in accordance with Strategic Policy 2. Where appropriate, mitigation, through the provision or upgrades of walking and cycling infrastructure, public transport or road improvements, will be required to address any adverse transport impacts resulting from the proposal.

## Policy D11

### Electric Charging Infrastructure

Major residential proposals will be required to incorporate electric vehicle charging points within every dwelling with a garage or driveway and make provision within visitor or communal parking spaces. Where residential dwellings do not have parking within their curtilage, provision should be made for charging points on-street or within communal parking spaces.

All other non-residential major developments, including employment, community or retail proposals should incorporate electric vehicle charging points within parking areas.

Proposals below this threshold will be encouraged to incorporate charging points and infrastructure as a core component of their proposal.

All new car parks should be designed to incorporate electric charging points.

## Policy D12

### Community and Education Facilities and Infrastructure

The Council will support the protection and enhancement of existing community, leisure, health, sports and education facilities.

Proposals for the development of new or enhancements to existing facilities will be supported where:

1. The site is appropriate in terms of its location, scale and is compatible with adjoining and neighbouring uses; and
2. The site is accessible by public transport, walking or cycling routes.

Proposals for new schools must also provide a school travel plan and incorporate safe drop off and pick up provision. Proposals should link to existing footpath and cycle networks or create new

links to create safe and healthy routes to schools, to encourage walking and cycling and provide appropriate cycle parking and facilities.

Proposals which would result in the loss of existing facilities will only be supported where it can be clearly shown that in consultation with the relevant organisation including Health Boards, HSCP, the Council's Education Service or the Culture and Leisure Trust, where appropriate, that:

1. Appropriate alternative local provision of at least equivalent quality, suitability and accessibility will be provided; or
2. That the existing use is no longer required/viable; or
3. There is no demand and the facility is incapable of being made viable or adapted for other community, leisure or educational uses.

Proposals involving the loss of outdoor sports facilities will be assessed against Policy D13.

The Council will encourage multi-use community facilities and the shared use of facilities to maximise the extended or multiple use of buildings or facilities for community, leisure and recreational use where appropriate.

The Council will support the implementation of the proposals listed in Schedules 8 and 9.

#### Policy SG1

##### Housing Supply, Delivery and Phasing

To deliver housing needs across all tenures up-to 2029 the Proposed Plan provides a range and choice of housing sites and supports the delivery of sustainable mixed communities. Provision is made for a minimum of 4350 homes and associated infrastructure to be delivered between 2012 - 2029 to comply with the Clydeplan Housing Land Requirements and in accordance with Strategic Policy 1.

The land supply will be monitored annually through the Housing Land Audit, Housing Trajectory and the Action Programme. Sites will be subject to phased release to ensure that a minimum of a 5 year continuous effective land supply is maintained at all times and to manage impact upon infrastructure and services.

Proposals for housing development on both allocated housing sites listed in Schedule 15 and shown on the Proposals Map, and on windfall sites not identified for housing development will require to comply with Strategic Policy 1, Strategic Policy 2, Policy D1 and any other relevant policies of the Proposed Plan.

Sites listed in Schedule 16 and shown on the Proposals Map, are allocated exclusively for affordable housing, including housing for particular needs. Proposals for private/ market housing on these sites will not be supported.

If the Housing Land Audit identifies a shortfall in the 5 year effective housing land supply, and this cannot be addressed through the early release of sites within the established housing land supply, the Council will then only consider housing proposals which:

1. Are consistent with Strategic Policy 1, Policy D1 and Policy 8 and Diagram 10 of Clydeplan with preference for brownfield sites within the urban areas. Sites within the green belt will only be considered where it has been demonstrated that a suitable site does not exist within the urban area and where all other criteria can be met. Proposals will be required to provide a defensible green belt boundary;
2. Are appropriate to the scale and character of the specific settlement and local area;
3. Demonstrate positive social, economic and environmental benefits;

4. Would not prejudice delivery of allocated housing sites listed in Schedule 15;
5. Are effective and capable of delivering completions in the next 5 years as demonstrated through supporting evidence in accordance with PAN 2/2010. Details of the phasing of development is required to be submitted with any application; and
6. Can provide the required infrastructure resulting from development in accordance with Strategic Policy 2. Where infrastructure constraints cannot be overcome, including impacts upon education infrastructure, proposals will not be supported.

#### Policy SG2

##### Housing Mix

The Council will require residential proposals to provide a mix and choice of dwelling types, sizes and tenures to meet housing needs, including for people with a disability, older people, families and individuals, to widen housing choice and contribute towards the creation of sustainable mixed communities. The different types of housing are required to be well integrated throughout the development.

Proposals must provide a minimum 10% of all dwellings designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users to align with the target in the Council's Local Housing Strategy (LHS). These properties should be built to Lifetime and Housing for Varying Needs standards to support independent living, be accessible to as wide a range of people as possible, and allow the potential for future adaptation. This requirement is in addition to the requirements of Policy SG4.

Proposals should be informed by the most up-to-date SHNDA and the Council's LHS and demonstrate how proposals will meet standards for accessibility and adaptability and meet the needs of older and people with a disability.

Further detailed information and guidance will be set out in the Housing Mix Supplementary Guidance.

#### Policy SG3

##### Specialist Residential and Supported Accommodation

Proposals for new specialist residential and supported accommodation will be permitted where the following criteria are met:

1. There is a proven need for such specialist accommodation which can be evidenced by an appropriate business plan or statement and supported by the Health and Social Care Partnership;
2. The proposal is located within the urban area and is accessible to active travel and public transport networks and other services and facilities;
3. The proposal would not be detrimental to the character or amenity of the surrounding area or result in the over concentration of similar specialist housing uses;
4. The design should focus on ease of access for those with mobility, physical or sensory disabilities and provide appropriate landscaping and amenity space; and
5. Can provide the required infrastructure resulting from development in accordance with Strategic Policy 2.

Applications that result in the loss of specialist residential and supported accommodation will only be supported where it is clearly demonstrated that there is no longer an established need for this type of accommodation or adequate replacement accommodation will be provided.

#### Policy SG4

## Affordable Housing

The Council will require residential proposals of 4 or more dwellings, including conversions, to provide a minimum 25% affordable housing contribution. This contribution may be made on site; or by means of a commuted sum payment; or off site. The affordable housing must be well integrated into the overall development. All proposals will require to comply with Strategic Policy 2 and Policy D1.

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

The Council will support the implementation of the affordable housing sites listed in Schedule 16.

## Policy SG5

### Economic Development

The Council will support the development of a strong and competitive local economy and the creation of a skilled workforce. Proposals will be required to demonstrate the net economic benefits for the area.

This will be achieved by:

1. Safeguarding and enhancing the quality of business and employment areas, shown on the Proposals Map and listed in Schedule 17, in order to maintain the supply of employment land to meet the current and future needs of existing and new businesses. The Council will monitor changes to this land supply through the annual Business and Employment Land Audit;
2. Supporting employment generating uses at the locations listed in Schedules 17 and 18;
3. Supporting the relocation of industrial and business uses to the safeguarded business and employment areas listed in Schedule 17;
4. Supporting the implementation of major infrastructure programmes and City Deal projects in accordance with Strategic Policy 3;
5. Supporting new retail, office, commercial and leisure proposals in the town centres to support their continued vitality and viability in accordance with Policy SG10;
6. Promoting the established Business Improvement Districts (BIDs) and supporting initiatives to establish BIDs for the other town centres as shown in Schedule 21;
7. Supporting the appropriate development of tourism facilities in accordance with Policy SG10;
8. Supporting the diversification of the rural economy in accordance with Policy D3;
9. Supporting waste management proposals where they accord with the Scottish Government's current Zero Waste Plan as well as demonstrating that it will not have an adverse impact upon amenity or operation of other uses; and
10. Supporting the provision of digital infrastructure, where appropriate, to new homes, businesses and public sector properties as an integral part of development in accordance with Policy SG8.

Proposals for non-employment generating development including housing on the safeguarded business and employment areas will not be supported, except where:

1. It can be proven that there is no current or likely future demand for employment uses on the land; and
2. It can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes and continued use of the site or premises has been shown to be unviable, having been actively marketed for a minimum period of 24 months; and
3. Where development would bring wider economic, environmental, community or



amenity benefits.

#### Policy E1

##### Sustainable Design

To contribute to the aims of sustainable design and reducing greenhouse gas emissions, proposals will be required to demonstrate that the following criteria have been considered, and, where appropriate, met:

1. Make efficient and sustainable use of existing land, buildings and infrastructure within the urban areas, including the conversion and reuse of existing buildings and retro-fitting appropriate adaptations to the current building stock and infrastructure;
2. Incorporate sustainable and energy efficient design and construction methods (through low and zero carbon generating technology in the development's construction and end use), as an integral part of the design process from the outset. Proposals should demonstrate compliance with Section 6 (energy) of the current Building Standards. All new buildings must be built to meet a minimum of silver sustainability standards and aim to achieve higher;
3. Seek to use locally sourced and energy efficient building materials; and
4. Prioritise active travel and demonstrate a clear sustainable movement hierarchy favouring walking, then cycling, public transport then the private car, in accordance with Designing Streets.

Major development will be required to provide an energy and carbon footprint assessment to demonstrate their contribution towards achieving sustainable development, reducing energy use and how the proposal will offset the overall carbon footprint of their development, during and post construction.

Further detailed guidance and information will be set out in the Supplementary Guidance on Low and Zero Carbon Delivery.

#### Policy E5

##### Noise

The impact of noise will be taken into account when assessing relevant development proposals, particularly those that are close to or could become a source of noise. A noise impact assessment may be required where the proposed development may cause or exacerbate existing noise levels or be sensitive to levels of existing noise in the area.

Where it is not possible to separate noise generating uses and noise sensitive land uses, developers will be required to incorporate good acoustic design.

Where areas already have an unacceptable noise level it may not be possible to mitigate the adverse effects of noise. In such circumstances noise sensitive development, such as new residential development, may not be appropriate.

Development proposals that would either result in or be subject to unacceptable levels of noise will not be supported unless appropriate measures can be put in place that reduce, control and mitigate the noise impact.

#### Policy E8

##### Water Management

Development proposals, with the exception of smaller scale proposals (such as applications for single houses, householder or shop frontage alterations), are required to integrate well-designed

and naturalised Sustainable Urban Drainage Systems (SUDs) features, to manage drainage and water quality, and in line with the current Sewers for Scotland. This will moderate surface water run-off from the site and mitigate any impacts on water quality.

Applicants should demonstrate how the design and layout of SUDs reflects and responds to the site circumstance and local landscape character. Proposed arrangements for SUDs should be adequate for the development and appropriate long-term maintenance arrangements should be put in place.

Applicants are expected to integrate SUDs proposals with green infrastructure and active travel proposals, as part of a multi-functional approach, which should be delivered and integrated as part of a green network in accordance with Policy D4. Where integration is not proposed, applicants must provide evidence as to why it is not possible.

Where SUDs are part of open space provision, they should be safe and accessible and enhance local character and amenity. Further detailed guidance and information will be set out in the Green Network Supplementary Guidance.

There will be a general presumption against the culverting of watercourses as part of new development. Culverts may be acceptable as part of a grant aided flood prevention scheme or where they are necessary to carry water under a road or railway. Culverts should be designed to maintain existing flow conditions and aquatic life, with long term maintenance arrangements in place. Further advice can be obtained from SEPA.

The Council will encourage the adoption of an ecological approach to surface water management through habitat creation or enhancement by, for example, forming wetlands or ponds and opening up culverted watercourses. New planting must be with native species. Invasive non-native species should not be introduced and their removal is encouraged.

Any proposed discharge of surface water to the water environment requires to be in accordance with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) and treated in accordance with the principles of the SUDs Manual (C753).

#### Policy E10

##### Vacant, Derelict and Contaminated Land

Proposals will be required to optimise the remediation and redevelopment of vacant, derelict and contaminated land and buildings where appropriate.

Where contamination of a development site is identified, applicants will be required to submit a contaminated land survey alongside their application. Where there is known or potential contaminated land, gases or ground instability on a site, any development should take account of this in both its design and the type of use proposed. Should the development be approved, conditions may require to be attached to the consent to ensure that the necessary remediation action will be undertaken to prevent unacceptable risks to human health or the environment before the development proceeds.

Any proposals to redevelop brownfield and vacant sites must be accompanied by protected species surveys. The design of the development should be informed by the results of these surveys in order to try to maximise the opportunity for these sites to retain their biodiversity assets.

Temporary greening of sites will be encouraged. Consideration will be given to whether the greening of a site could bring about positive environmental benefits and improvements to the overall amenity of the area, for example by assisting with the regeneration of the area; site decontamination; or improving existing green infrastructure and green network provision. The biodiversity value of these sites will be required to be assessed through protected species surveys. Proposals should not prejudice the long term development potential of the site.

Opportunities for redevelopment and take up of vacant and derelict land will be monitored through the annual Vacant and Derelict Land Audit.

### **GOVERNMENT GUIDANCE:**

Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. It states that the Principal Policies on Sustainability and Placemaking are overarching and should be applied to all development, while creating a more successful country, with opportunities for all, through increasing sustainable economic growth. It goes on to state that planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.

#### **Specialist Housing Provision and Other Specific Needs (SPP)**

Local authorities are required to consider the need for specialist provision that covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing. Where a need is identified, planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites.

Planning Advice Note 1 - Planning and Noise - advises on the role of the planning system in preventing and limiting the adverse effects of noise without prejudicing investment in enterprise, development and transport.

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# REPORT OF HANDLING

Reference: 2021/0512/TP

Date Registered: 10th June 2021

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 -Newton Mearns North And Neilston

Co-ordinates: 253224/:657010

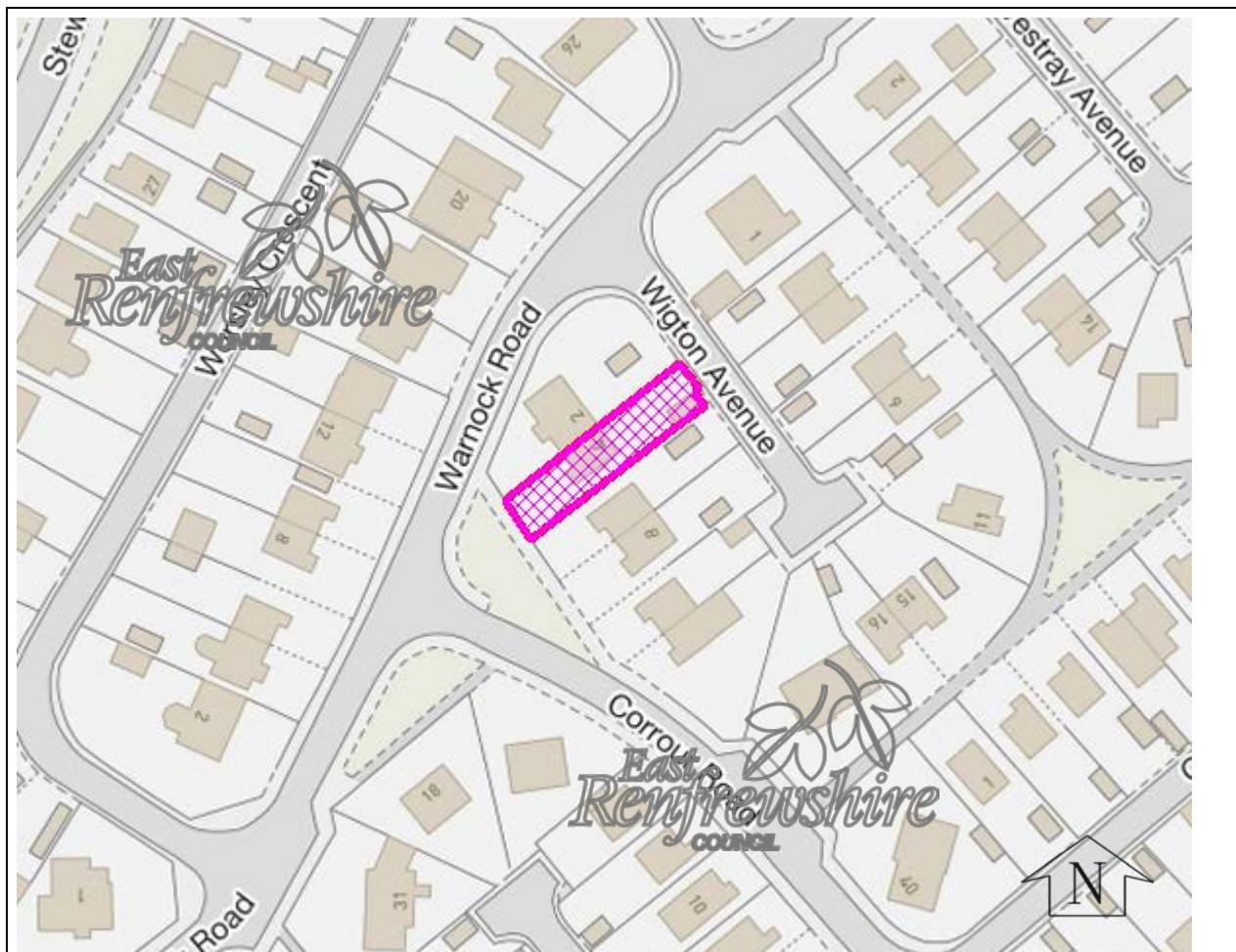
Applicant/Agent:

Applicant:  
Mrs Gillian Morgan  
4 Wigton Avenue  
Newton Mearns  
Scotland  
G77 6JG

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

Proposal: Proposed single storey Flat Roof extension to Rear and Pitched roof extension to Front of Dwelling House. Installation of Log Burner and 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
2021/0183/TP	Erection of single storey flat roof extension to rear single storey front extension; installation of flue.	Refused	27.05.2021

**REPRESENTATIONS:** No representations have been received.

**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 applicant has indicated this hedge is within their ownership.

The proposed front extension projects 1.45 metres forward of the dwelling and measures approx. 4.9 metres wide. It wraps around the side of the dwelling, projecting approx. 1.5 metres to the side and lies

1 metre from the common side boundary. It is proposed to be externally finished in render to match the existing dwelling. The existing front porch is to be removed.

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 Planning Applications Committee refused a near identical application (2021/0183/TP) on the site at their meeting on 19 May 2021 because the side extension lay within 1 metre of the side boundary. This proposal seeks to address the reason for refusal of the earlier application by ensuring the side extension lies 1 metre from the side boundary.



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

**ADDED VALUE:**

None

**BACKGROUND PAPERS:**

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

Ref. No.: 2021/0512/TP  
(DESC)

DATE: 13th July 2021

**DIRECTOR OF ENVIRONMENT**

**Reference: 2021/0512/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

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