

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

Index of applications under the above acts to be considered by Planning Applications  
Committee on 4th June 2014.

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**Reference No:** 2013/0767/TP

**Ward:** 1

**Applicant:**

Greenlaw Park Ltd And McCarthy And Stone Ltd  
Elphinstone House  
295 Fenwick Road  
Giffnock  
East Renfrewshire  
G46 6UH

**Agent:**

The Planning Bureau Ltd  
Gower Street  
11000 Academy Park  
Glasgow  
G51 1PR

**Site:** Land beside Crookfur Road and Stewarton Road Greenlaw Village Newton Mearns East Renfrewshire G77

**Description:** Erection of retirement housing (68 apartments) in two blocks with formation of vehicular access off Stewarton Road and associated landscaping and parking

**Recommendation:** Disposed to grant subject to the satisfactory conclusion of legal agreements to secure a commuted sum for affordable housing and development contributions

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**Reference No:** 2014/0098/TP

**Ward:** 5

**Applicant:**

Mr. Drew Paterson  
Pilmuir Lodge  
Malletsheugh Road  
Newton Mearns  
East Renfrewshire  
G77 6WE

**Agent:**

Mr. James Sim  
17 Larchfield Avenue  
Newton Mearns  
East Renfrewshire  
G77 5PW

**Site:** Pilmuir Lodge Malletsheugh Road Newton Mearns East Renfrewshire G77 6WE

**Description:** Erection of single storey dwellinghouse

**Recommendation:** Refuse

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**Reference No:** 2014/0203/TP

**Ward:** 3

**Applicant:**

Mrs Banaz Ali  
2C Milverton Road  
Giffnock  
East Renfrewshire  
G46 7JN

**Agent:**

Mr. Stewart Robinson  
11 Hillend Road  
Clarkston  
East Renfrewshire  
G76 7TH

**Site:** 13 Bulloch Avenue Giffnock East Renfrewshire G46 6NF

**Description:** Installation of dormer window at rear

**Recommendation:** Grant

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# REPORT OF HANDLING

Reference: 2013/0767/TP

Date Registered: 11th December 2013

Application Type: Full Planning Permission

This application is a Major Development

Ward: 1 Neilston Newton Mearns North Uplawmoor

Co-ordinates: 252960/:656929

Applicant/Agent:

Applicant:  
Greenlaw Park Ltd And McCarthy And  
Stone Ltd  
Elphinstone House  
295 Fenwick Road  
Giffnock, G46 6UH

Agent:  
The Planning Bureau Ltd  
Gower Street  
11000 Academy Park  
Glasgow  
G51 1PR

Proposal: Erection of retirement housing (68 apartments) in two blocks with formation of vehicular access off Stewarton Road and associated landscaping and parking.

Location: Land beside Crookfur Road and Stewarton Road  
Greenlaw Village, Newton Mearns, G77



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**CONSULTATIONS/COMMENTS:**

East Renfrewshire Council Roads And Transportation Service:	No objections subject to conditions.
East Renfrewshire Council Affordable Housing Officer:	No objections subject to the satisfactory conclusion of a section 75 agreement.
East Renfrewshire Council Development Plans Manager:	No objections.
East Renfrewshire Council Development Contribution Officer:	No objection subject to the conclusion of a legal agreement to restricting the minimum age for occupation, secure provision towards community facilities and parks.
East Renfrewshire Council development Economic Development Manager:	Support for proposal.
East Renfrewshire Council Environmental Health Service:	No objections subject to conditions.
SEPA	No objection.
West Of Scotland Archaeology Service:	No objection.
Strathclyde Partnership for Transport	Comments on public transport and pedestrian improvements.
Newton Mearns Community Council	No response at time of writing

**PUBLICITY:**

10.01.2014      Glasgow and Southside Extra      Expiry date 24.01.2014

**SITE NOTICES:** None.

**SITE HISTORY:**

2002/0822/TP	Erection of mixed use development incorporating housing, business, site for a primary school, hotel, leisure, neighbourhood retail centre with associated roads and infrastructure improvements, landscaping, play area, open space and improvements to Patterton Station (in outline)	Approved Subject to Conditions	26/02/2007
2009/0483/TP	Erection of neighbourhood centre (comprising of 2 storey class 11 leisure units, a two storey licensed restaurant, a drive-thru restaurant, a petrol filling station) with associated parking and landscaping (Approval of Matters Specified in Condition 3,5,8,12,17,19,31 and 32 of the approval of the planning permission in principle for Greenlaw Urban Expansion Area 2002/0822/TP)	Approved Subject to Conditions	08.01.2010
2013/0032/TP	Erection of later living housing (66 apartments) and land for affordable retirement housing with	Withdrawn	21.05.2013

associated landscaping and parking

**REPRESENTATIONS:**

One representation has been received:

Mr Bryson McNeil Kismuil 20 Greenlaw Road Newton Mearns East Renfrewshire G77 6ND

**Representations can be summarised as follows:**

Support for development

Speed limit on Stewarton Road should be reduced

Pedestrian access should be provided

Speed limit should be reduced on Neighbourhood shopping access road

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

**SUPPORTING REPORTS:**

Financial Viability Assessment	States that the viability of the proposal has been assessed against the benchmark value of the site and that the assessment has been undertaken utilising the appropriate standard. It goes on to state that affordable housing policies require to be flexible and that the draft Scottish Planning Policy supports this approach.
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Design and Access Statement	This Statement explains the design context relating to the proposed development site and the relationship with its surroundings as well as the sustainability strategy underpinning the construction and use of the building.
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Drainage Statement	Assesses the requirements of the proposal and recommends that foul and surface water flows discharge from the development to the existing manholes. It is recommended that two levels of SUDS treatment be provided for all hardstanding areas and that one level of SUDS treatment be provided for roof areas. It concludes that, from a drainage perspective, there is no impediment to this development opportunity being granted planning permission.
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Traffic Generating Report	Examines other similar developments throughout the UK and assesses that the traffic generation of the proposed development is likely to be relatively low and so is very unlikely to have any adverse impact on the operation of the nearby highway network. It also concludes that the car parking provision is very generous for this form of housing, reflecting the nature of the development and its location.
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Supporting Planning Statement	Outlines the approach taken in the preparation of the revised proposal, and assesses it against the Development Plan Policies, material considerations and the comments made during pre-application discussions with East Renfrewshire Council. It concludes that the proposal is not allocated within the current Local Plan, however it accords with the overall aims of the Development Plan. It also identifies significant changes in the economy as key in making the original use of the site identified in the Greenlaw Urban Expansion Area Masterplan as no longer appropriate, viable or sustainable.
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Site Investigation Report	This report presents the information obtained from a desk study
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and ground investigation to identify potential constraints to redevelopment relating to the ground conditions and including a risk based environmental assessment and recommendations for remediation works, foundations, road pavement design and general construction advice in the context of the above development proposals.

## **ASSESSMENT:**

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

Although the proposal is for the erection of retirement housing on a site designated for new retail and complementary development, it is not considered that this proposal is a significant departure from the Development Plan. As a consequence the application does not have to be subject to a pre-determination hearing by the Planning Application Committee before being determined by the full Council.

The site is an area of ground some 0.9 hectares immediately to the north of Greenlaw Neighbourhood centre. The site is relatively flat, with a slight slope up towards Stewarton Road to the south and east. The Crookfur roundabout is to the immediate north east of the site.

Permission is sought for the erection of retirement housing (68 apartments) in two blocks with formation of vehicular access off Stewarton Road and associated landscaping and parking. Block 1 which fronts Stewarton Road and Crookfur roundabout is predominantly three storey (approx. 10.5 metres) in height increasing to four storey (approx. 14 metres) at the corner with Crookfur roundabout. The footprint of Block 1 measures approx. 22 by 65 metres. Block 2 is 'L' shape in layout and located at the access from Crookfur Road into the neighbourhood centre. The building is predominantly four storey in height (13 metres) with the western part dropping down to three storey (9 metres).

The proposal is required to be assessed against the East Renfrewshire Local Plan policies Strat2, E1, S1, S3, H3 and DM1. Also relevant are both the supporting Supplementary Planning Guidance on Affordable Housing and Development Contributions. Policy Strat2 outlines a number of strategic considerations that will be applied to development proposals including: the proven need for the development; resulting community and economic benefits; impact on communities and existing land use; and impact on the built and natural environment. Policy Strat2 indicates that the Council will adopt a sequential approach in the assessment of all development proposals with preference given to urban locations. Policy E1 presumes against significant new development or change of use not compatible with the character and amenity of the locality and its surrounding land uses. Policy DM1 is also applicable and, amongst others, seeks to ensure that any proposal does not result in a significant loss of character or amenity on the surrounding area, are appropriately landscaped, and comply with roads standards.

Evidence from the Strategic Housing Need and Demand Assessment, and other local data, indicates that East Renfrewshire has a diverse population with significant changes expected in future years. In common with Scotland, East Renfrewshire is expected to experience significant growth in the 65+ age groups. The proportion of people over 65 is estimated to rise to 28% by 2031 (compared with 17% in 2006). It is considered that the proposal would assist in meeting some of the needs of this sector of the local population. Furthermore, the proposal involves providing care and communal facilities and it is anticipated that it will provide employment for 1 full time and 3 part time persons as well as various subcontractors for works such as ground maintenance. Consequently, given the proven need and the resulting community and economic benefits, it is considered that the proposal complies with Policy Strat2 of the East Renfrewshire Local Plan.

Both S1 and S3 seek to promote and protect Town and Neighbourhood Centres through supporting new retail and complementary developments to ensure that centres retain and enhance their vitality and viability. The neighbourhood centre including the retail units currently

under construction substantially exceeds the retail footprint anticipated within the Greenlaw Urban Expansion master plan.

The proposal for retirement flats is not in keeping with the policy requirements of S1 and S3, however given the relatively high density, the nature of the development as well as the proximity to the shops; it is considered that the proposal will help promote the vitality and viability of the neighbourhood centre through additional footfall. Therefore in this instance given the above a departure from policies S1 and S3 is justified.

The site has been vacant since the inception of the Greenlaw Urban Expansion area and the applicant has stated that there is no demand for the use of the site for retail/commercial purposes. This position has been reiterated by the Council's Economic Development Service, who have stated that since 2005 they have been involved in actively promoting the site in partnership with Scottish Enterprise Business Gateway and the owners of the site for a range of commercial and leisure uses. However none of the potential users pursued interest in the site due to the economic downturn coupled with various financial, viability and infrastructure constraints. The Economic Development Service has stated that they support the proposal to permit the development as the most socially and economically attractive alternative. The particular retirement housing type proposed should prove popular locally and will also bring valued business and employment opportunities to the local area.

The previous application (2013/0032/TP) for a four storey building fronting Stewarton Road with access taken from the neighbourhood centre access road was withdrawn after the Council expressed concerns regarding the height and access. The current application has been revised in attempt to take account of those concerns. It is now considered that, given the topography of the area including the embankment and elevated position of the neighbourhood centre and in particular the Waitrose store, that the proposal will not have an adverse impact on the visual amenity of the area. Furthermore, given the predominantly retail and commercial uses of the area, with residential across Stewarton Road, the development will not have a detrimental impact on the character or amenity of the area.

The Council's Roads Service in assessing the current planning application initially raised concerns regarding the proposed access and the ability of the developer to ensure that the visibility would not be compromised in the future as the area of land in question is outwith the application site. The applicants have now stated that they have control of this area and the Roads Service have revised their comments confirming no objections subject to conditions addressing several matters including ensuring Sustainable Urban Drainage Systems (SUDs) are provided and the visibility splay is protected.

The Affordable Housing Officer has stated no objection subject to the applicants agreeing to enter into a legal agreement to provide a commuted sum as the proposal is not within the Council's funding programme (therefore is not a priority project) and there are already a number of other priority projects in the vicinity. The applicants have agreed to enter into a legal agreement to provide this commuted sum.

The Development Contributions Officer has raised no objections subject to the applicant agreeing to enter into a legal agreement to provide a commuted sum towards provision of community facilities and parks and open space. They have also stated that the applicants will be exempt from other contributions if they agree to an occupancy restriction agreeing to a minimum age of those occupying the proposal. The applicants have agreed to entering into a legal agreement to provide the community sum and to restrict the age of the occupants.

The Strathclyde Partnership for Transport comments are noted, however the suggested improvements to pedestrian and public transport, including bus shelters within the area are considered not necessary to allow the development to take place and therefore not material in assessing the application. The request for raised kerbs is a detailed matter controlled through the Roads Construction Consent process.

The single representation in support of the proposal is acknowledged. The issue raised regarding reducing the speed limit on Stewarton Road is not considered material in assessing this

application. As stated above the Roads Service have assessed the proposal and indicated that the proposal has been designed taking into account the existing speed limit. The issues of a pedestrian access should be provided within the Neighbourhood centre, whilst desirable is not deemed necessary to allow the development to take place and therefore not material in assessing the application.

The relevant policies of the Local Development Plan (LDP) are similar to the policies of the adopted Local Plan. Consequently the proposal raises no significant issues for the LDP that have not already been considered above.

As stated above, whilst the proposal is not in keeping with the land use designation as set out in the Local Plan, it would develop a highly visible site in a prominent location which is currently unsightly, provide for an identified local need and promote the viability and vitality of the neighbourhood centre, in keeping with the general aims of Policy Strat2 of the adopted Local Plan. Therefore, on balance, given the above and taking into account the Development Plan, consultation responses and representation, it is recommended that this application is approved subject to conditions and the conclusion of legal agreement(s) relating to the delivery of a commuted sum for affordable housing, development contributions and a minimum age restriction on the occupation of the residential units.

**RECOMMENDATION:** Disposed to grant subject to the satisfactory conclusion of Legal Agreements to secure a commuted sum for affordable housing and development contributions.

**PLANNING OBLIGATIONS:** Legal agreement(s) relating to the delivery of a commuted sum for affordable housing, development contributions towards community facilities, parks and open space, and a minimum age restriction on the occupation of the residential units.

**CONDITION(S):**

1. Prior to commencement of work on site details of the phasing of the development shall be submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration). Following approval, the development shall be implemented in accordance with the approved phasing scheme.

Reason: In order to ensure a properly programmed development.

2. Development on site shall not commence until details of the access road off the Stewarton road (B769) are submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration). The details are required to demonstrate that the junction visibility splay of 2.5m x 120m x 1.05m can be provided at the junction of the development access road and the Stewarton Road (B769) and thereafter can be maintained free from any obstructions exceeding a height of 1.05m above the adjacent road. Following approval, the development shall be implemented in accordance with the approved details prior to the occupancy of the apartments.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

3. Prior to work commencing on site samples of materials to be used on all external surfaces of the building and hard surfaces shall be submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration).

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

4. Prior to work commencing on site details and location of all walls (including retaining walls) and fences to be erected on the site shall be submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration).

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

5. Prior to works commencing on site a scheme of hard and soft landscaping works shall be submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration). Details of the scheme shall include (as appropriate):-
- i) Details of any earth mounding, hard landscaping, grass seeding and turfing
  - ii) A scheme of tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted
  - iii) Existing and proposed services such as cables, pipelines, substations
  - iv) Other artefacts and structures such as street furniture
  - v) Details of the phasing of these works
  - vi) Proposed levels
  - vii) Schedule of maintenance.

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

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

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

7. Prior to works commencing on site, details shall be submitted of a management scheme to ensure that the landscaped areas and other areas of common ownership are maintained to an agreed standard. The management scheme requires to be approved in writing by the Head of Environment (Planning, Property and Regeneration) and shall thereafter be in place prior to the occupation of any dwelling unit on the site.

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

8. The principles of Sustainable Urban Drainage Systems (SUDS) for the surface water regime shall be incorporated into the development. Details of the surface water management and SUDS proposals shall be submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration) prior to the commencement of work on site and thereafter implemented as approved.

Reason: In the interests of sustainable development.

9. The parking spaces shown on the submitted layout plan shall be constructed, surfaced and delineated on the site in all respects before the building hereby permitted is brought into use.

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

10. Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine



the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, and a scheme for dealing with any contaminants found shall then be submitted to and approved in writing by the Head of Environment (Planning, Property and Regeneration). Thereafter, the approved scheme shall be implemented prior to occupation of any dwelling.

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

11. Prior to the commencement of work on site, plans and elevations of the proposed bin stores shall be submitted and approved in writing of the Head of Environment (Planning, Property and Regeneration). Thereafter the bin stores shall be implemented as approved and retained in perpetuity.

Reason: To ensure that the bin stores are of a size able to accommodate East Renfrewshire's recycling facilities and are acceptable in appearance.

12. Details of all external lighting (including details of the lighting units, the angle and intensity of illumination and hours of operation) shall be submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration) prior to the commencement of work on site.

Reason: In order to ensure that the lighting is acceptable at this location and to protect the amenity of the surrounding area.

13. No activities in connection with construction/demolition (including deliveries and offloading) which are liable to cause disturbance to occupiers of nearby existing properties shall be carried out:

Prior to 08.00 hours or after 19.00 hours Monday - Friday

Prior to 08.00 hours or after 13.00 hours Saturday, with no such activities carried out on Sundays. Unless otherwise agreed in writing by the Head of Environment (Planning, Property and Regeneration).

Reason: To protect adjacent dwellinghouses from noise/disturbance.

14. Noise from the proposed development and any associated plant/equipment shall not exceed residential Noise Rating Curve 25, (described in BS 8233 1999), as measured from any neighbouring property.

Reason: To protect adjacent dwellinghouses from noise/disturbance.

15. Wheel washing facilities shall be on site at all times during the construction of the development hereby approved.

Reason: To avoid the deposition of mud and other deleterious material on the public roads and in the interest of road safety.

#### **ADDITIONAL NOTES:**

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

The applicant is requested to comply with the requirements of Scottish Environment Protection Agency (SEPA).

This development may affect a public right of way and this planning permission does not carry with it any right to close or divert a public right of way. Where a public right of way exists on or

adjacent to your development site you should contact East Renfrewshire Council's Access Officer no less than four months prior to working in and around a public right of way.

East Renfrewshire Council Roads Service should be consulted regarding a Road Opening Permit for service connections and footway crossover.

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

**ADDED VALUE:**

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

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

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

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

**BACKGROUND PAPERS:**

Any background papers referred to in this report can be viewed at [www.ercplanning.eastrenfrewshire.gov.uk/eplanning](http://www.ercplanning.eastrenfrewshire.gov.uk/eplanning), where you can enter the Reference Number listed below. Any further information can be obtained from Mr John Drugan on 0141 577 3034.

Ref. No.: 2013/0767/TP  
(JODR)

DATE: 28<sup>th</sup> May2014

**DIRECTOR OF ENVIRONMENT**

**DEVELOPMENT PLAN:**

**Strategic Development Plan**

None

**East Renfrewshire Local Plan (Adopted 14<sup>th</sup> February 2011)**

Policy Strat2-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 the criteria below:

1. A proven need for the development.
2. The consideration of alternative locations, forms and layout of development.
3. Resulting community and economic benefits.
4. The impact on communities, individual properties and existing land uses.
5. The impact on existing and planned infrastructure.
6. The transport impact of the development, taking into account the need for a Transport Assessment and the scope for Green Transport Plans.
7. The impact on the built and natural environment, including local greenspace, the wider greenspace network, and the Green Belt, taking into account the need for Environmental Impact Assessment.
8. The impact on air, soil and water quality.
9. The potential for remedial or compensatory environmental measures.
10. The contribution to energy reduction and sustainable development.
11. The impact on health and well being.
12. The cumulative impact of the development.
13. The impact of proposals on other proposals set out in the Local Plan.
14. The suitability of proposals when assessed against any approved Supplementary Planning guidance.

Other strategic considerations to be taken into account are as follows:

**Sequential Approach**

The Council will adopt a sequential approach in the assessment of all development proposals with preference being given to urban locations and in particular brownfield sites. Preference will also be given to sustainable locations (town and neighbourhood centres and other sites within the urban area well-served by public transport, walking and cycling). Where this is not possible, the Council will entertain other sites within the urban area. In all cases, the proposal should not prejudice other Local Plan policies and proposals. Locations within the Green Belt will only be considered where it has been clearly demonstrated that a suitable site does not exist within the urban area. The onus will be on the prospective developer to prove to the Council that the first or second preferences cannot be met.

**Precautionary Principle**

The Council will apply the precautionary principle, which states a general presumption against development that is judged to pose a significant risk of serious or irreversible environmental damage or adverse impact on public safety. However, if measures can be taken by the developer to minimise this potential threat to levels acceptable to the Council, then planning permission may be granted, subject to appropriate conditions.

**Developer Contributions**

The Council wishes to secure community, infrastructure and environmental benefits arising from new development to offset their environmental or social costs. Where a proposed development would create new or exacerbate existing deficiencies in local physical or community infrastructure, facilities or the environment, the Council will seek contributions from developers to assist in making good the deficiencies. The Council will also encourage 'percent for art' contributions from developers to fund public artwork in appropriate developments. Developers will be expected to assist in developing local work skills and employability in line with the Scottish Governments initiatives in relation to securing 'Community Benefits in Procurement' and 'Linking Opportunity

and Need'. It is the Council's intention to produce Supplementary Planning Guidance on the matter of Developer Contributions.

#### Affordable Housing

The Council will give favourable consideration to proposals for affordable housing on greenfield sites or in the green belt provided that:

- \* the development is small scale and respects the setting, form and character of any adjacent urban area and the surrounding landscape;
- \* the proposal is for 100% affordable housing and would meet a local need as identified through the Local Housing Strategy;
- \* it would comply with the terms of the Council's SPPG on Affordable Housing and Policy H3 Affordable Housing;
- \* in the case of green belt sites it is located adjacent to the urban area; and
- \* it is of a scale and nature appropriate to its location and to the objective of achieving a mixed and balanced community.

Other housing proposals (for less than 100% affordable housing) to meet an identified deficiency in the land supply fall to be assessed against this policy and proposed supplementary planning policy guidance (as set out under proposal H1).

Where acceptable in principle, development proposals also require to meet the general planning principles set out in Policies DM1, DM2, DM3 and DM4.

#### Policy E1-General Urban Areas

Within the general urban area, as shown on the Proposals Map, there will be a presumption against significant new development or change of use not compatible with the character and amenity of the locality and its surrounding land uses.

#### Policy DM1-Detailed Guidance for all Development

Where the principle of development is deemed to be acceptable in terms of the other Policies contained within this Local Plan, proposals for development will require to conform to the appropriate criteria below:

1. Not result in a significant loss of character or amenity to the surrounding area.
2. Be of a size, scale and density in keeping with the buildings in the locality and respect local architecture, building form, design, and materials.
3. Not constitute backland development without a road frontage.
4. Not impact adversely on the landscape character, involve a significant loss of trees or other Important landscape, greenspace or biodiversity features (see Policies E3 - "Protection of Natural Features", E6 - "Biodiversity" L1 - "Protection of Important Urban Greenspace", and L2- "Safeguarding the Local Greenspace Resource").
5. Ensure that landscaping is an integral element in layout design, taking account of existing physical features (e.g. trees, hedgerows, walls, etc.). Where appropriate, tree planting should augment the amenity and appearance of the site.
6. Ensure that the standards for 'Open Space' are satisfied see Policy L4 - "Open Space Provision in New Developments" and Appendix 1).
7. Meet the parking and access requirements of the Council and provide Appropriate mitigation to minimise the impact of new development (see Policies T3 - "New Transport Infrastructure" and T5 - "Other Traffic Management and Calming Measures).
8. Not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy.
9. Seek to create safe and secure environments and reduce the scope for anti-social behaviour and fear of crime.
10. Be designed to meet disability needs and include provision for disabled access within public areas.
11. Minimise the extent of light pollution caused by street and communal lighting and any flood lighting forming part of, or associated with, development.
12. Be designed to include provision for the recycling, storage, Collection and composting of waste materials.

13. Be designed to retain on-site, for use as part of the development, as much as possible of all waste material arising from construction of the development.
14. Be designed where applicable to take into account the legacy of former mining activity.

#### Proposal S3-New Shopping Development - Town and Neighbourhood Centres

The Council will support new retail and complementary development at the locations listed and described below and shown on the Proposals Map. All proposals require to comply with Policies Strat2 - "Assessment of Development Proposals" and Policy DM1 - "Detailed Guidance for all Development".

#### Schedule S3

Ref	Location	Description
	Barrhead	
S3.1	Cross Arthurlie Street	Retail Development
S3.2	Main Street	Supermarket including Multi deck car park
S3.3	Main Street	Retail Units
S3.4	Oakbank Drive	Retail Development
	Clarkston	
S3.5	Former Station Yard, Clarkston Road	Town Centre Expansion
	Giffnock	
S3.6	Fenwick Road	Town Centre Expansion
	Newton Mearns	
S3.7	Mearns Cross	Town Centre Expansion
S3.8	Greenlaw	New Neighbourhood Centre

#### Policy H3-Affordable Housing

Throughout East Renfrewshire, where Planning Permission is sought for residential developments of 4 or more dwellings, the Council will require provision to be made for a minimum 25% Affordable Housing contribution. The requirements of this policy will apply to proposals for conversion of buildings to residential use.

This policy does not apply to sites with extant detailed Planning Permission for residential development granted before the approval of the Council's 2006 Supplementary Planning Policy Guidance (SPPG) on Affordable Housing. Furthermore, this policy will not apply in situations where an extant Planning Permission for residential development is renewed or revised, provided that the renewal or revision is not for an increased number of units. Where an increase in numbers is proposed this policy will apply to the difference in number of units applied for. The requirements of this policy will apply in full in circumstances where a Planning Permission granted prior to 19th January 2006, has lapsed.

The Council favours on-site provision whereby serviced and accessible land within a housing development, capable of accommodating a minimum of 25% affordable dwellings, is transferred or sold to a the Council or a RSL for development, or where the developer provides a minimum 25% affordable dwellings on-site. Off-site provision, whereby suitable land capable of accommodating a minimum 25% affordable dwellings in the same Housing Market Area is transferred to the Council or a RSL or where the developer provides a minimum 25% affordable dwellings on that site, will only be acceptable in exceptional circumstances. The onus will be on the developer to justify the omission of on-site provision and to guarantee the delivery of off-site provision within a timescale agreed with the Council. The payment of a commuted sum in lieu of site provision will only be acceptable in very exceptional circumstances where it can be justified to the Council's satisfaction that neither on-site nor off-site provision can be delivered. All Affordable Housing Contributions will be valued in accordance with PAN 2/2010 "Affordable Housing and Housing land Audits".

The Council considers that affordable housing should remain affordable as long as there is an identified housing need.

The following types of affordable housing are supported by the council:

1. Social rented housing
2. Shared equity/shared ownership housing
3. Discounted low cost housing
4. Housing without subsidy
5. Private below market rent housing

Whilst these are listed in order of the council's priority preference, provision should be tailored to local circumstances as informed by the local housing strategy.

A reduced contribution or alternative to on site provision will only be considered favourably where the policy requirement is demonstrated to threaten the viability of the development due to:

- (i) the small scale of the proposal (where less than 20 houses) or
- (ii) exceptional development costs resulting from unusual site constraints such as decontamination, reclamation requirements or access difficulties.

Exemptions to the requirement for a minimum 25% Affordable Housing may be acceptable where higher components of owner occupied housing may be required to:

- \* improve tenure choice; or
- \* facilitate the regeneration of Barrhead.

All proposals will require to comply with Policy DM1 - "Detailed Guidance for all Development" Policy Strat2 - "Assessment of Development Proposals", and the open space standards for residential development referred to in Policy L4 - "Open Space Provision in New Developments", expanded upon in Appendix 1.

More detailed information and guidance is provided in the Council's Supplementary Planning Policy Guidance (SPPG) on Affordable Housing (March 2006) and any replacement Supplementary Planning Guidance.

### **Proposed Local Development Plan**

The Proposed Local Development Plan (LDP) is to be sent shortly for Examination to the Scottish Government. The LDP outlines the Council's most up to date statement of planning policy.

#### **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 Landscape Character Assessment, 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, 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 Environmental Impact Assessment and the requirement for proposals to provide a defensible green belt boundary and links to green network;
9. The impact on air, soil, including peat and water quality;
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.

#### 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 Proposed Plan.

#### Policy SG8-New Development and Business Improvement Districts

The Council will support new retail and complementary development at the locations shown on the Proposals Map and as listed in Schedule 15.

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

#### 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, water management, 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 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. As much as 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, particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, 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.

#### Policy SG5-Affordable Housing

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

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

#### **GOVERNMENT GUIDANCE:**

##### Economic Development

Scottish Planning Policy on Economic Development indicates that planning authorities should ensure that there is a range and choice of marketable sites and locations for businesses allocated in development plans, including opportunities for mixed use development, to meet anticipated requirements and a variety of size and quality requirements. Planning authorities should ensure that new development safeguards and enhances an area's environmental quality and, where relevant, should promote and support opportunities for environmental enhancement and regeneration.



# REPORT OF HANDLING

Reference: 2014/0098/TP

Date Registered: 13th February 2014

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South

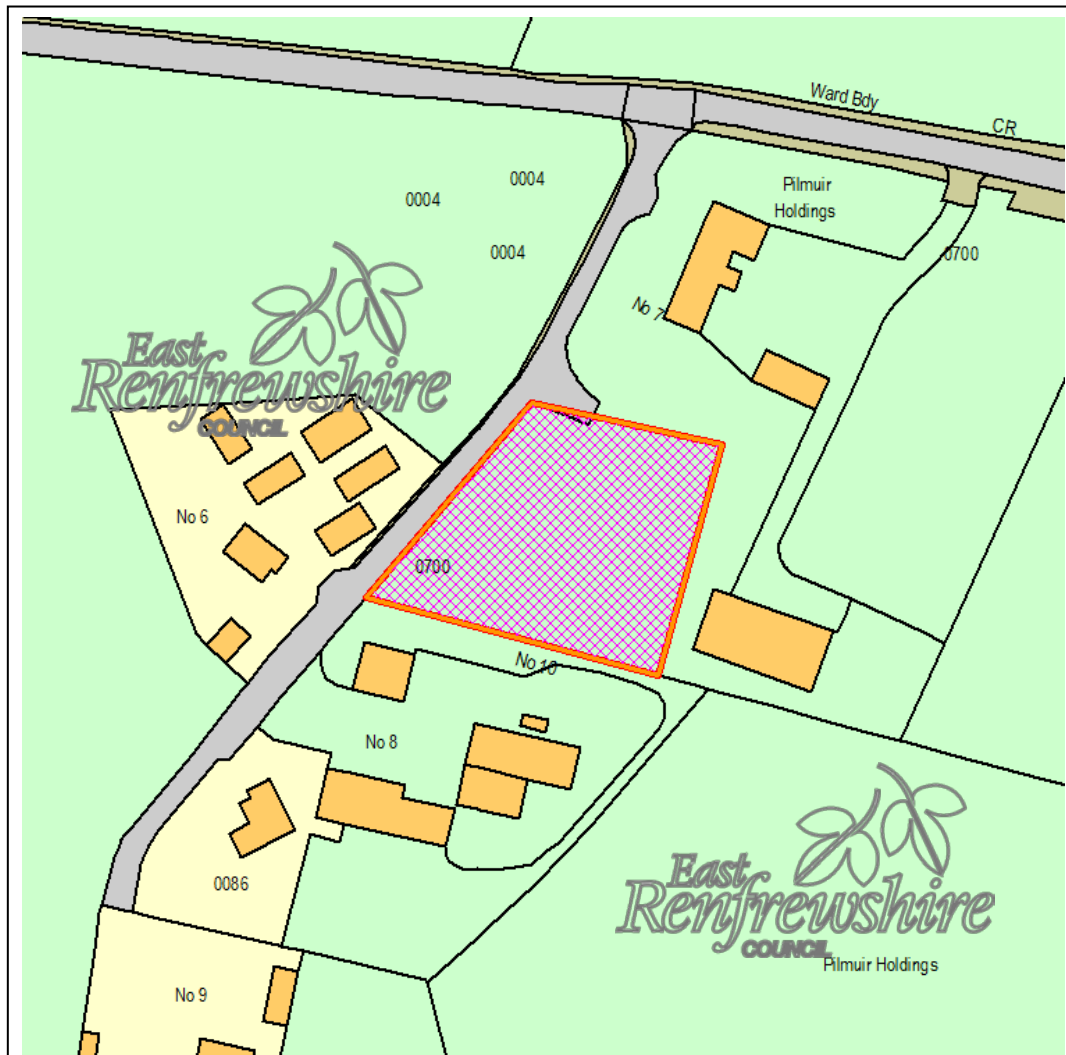
Co-ordinates: 252044/:654993

Applicant/Agent: Applicant:  
Mr. Drew Paterson  
Pilmuir Lodge  
Malletsheugh Road  
Newton Mearns, G77 6WE

Agent:  
Mr. James Sim  
17 Larchfield Avenue  
Newton Mearns  
G77 5PW

Proposal: Erection of single storey dwellinghouse

Location: Pilmuir Lodge  
Malletsheugh Road,  
Newton Mearns, G77 6WE



DO NOT SCALE



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## CONSULTATIONS/COMMENTS:

East Renfrewshire Council Contribution Officer: No objection

Roads And Transportation Service: Refuse

## PUBLICITY:

28.02.2014 Glasgow and Southside Extra Expiry date 14.03.2014

**SITE NOTICES:** None.

## SITE HISTORY:

2004/1021/TP	Demolition of existing dwellinghouse and erection of replacement dwellinghouse and detached garage	ASTC	11.04.2005
2004/0002/AG	Erection of agricultural building	GRA	05.01.2005
2007/0001/PN	Erection of a portal steel framed agricultural shed	GRA	10.05.2007
2012/0031/TP	Change of use from agricultural shed to commercial garage/MOT station with erection of extensions	ASTC	04.04.2012

## REPRESENTATIONS:

15 representations have been received:

Mr. Andrew Hastings 6 Pilmuir Holdings Malletsheugh Road Newton Mearns East Renfrewshire  
Mr. Fraser H Hydes 46 Woodlands Drive Drumpellier Coatbridge ML5 1LB  
Mrs Helen McQueenie 78 Beech Avenue Newton Mearns East Renfrewshire G77 5QP  
Robert Walton 9 Pilmuir Holdings Newton Mearns G77  
Mr And Mrs Davidson Glenbrae Barrs Brae Kilmacolm PA13 4DE  
June Anne Walton 9 Pilmuir Holdings Newton Mearns G77  
Ms. Geraldine Hastings 16 Cheviot Drive Newton Mearns East Renfrewshire G77 5AS  
Mr. Stuart Hastings 3 Clover Place Newton Mearns East Renfrewshire G77 6JX  
Ian Henderson 238A Ayr Road Newton Mearns Glasgow G77 6AA  
Iain Steel 58 Larkfield Road Lenzie Glasgow G66 3AU  
Mr. Stuart Gibson 16 Clover Place Newton Mearns East Renfrewshire G77 6JX  
Marion McKinna Gouknest Farm Stewarton Kilmarnock  
Mr James Alexander Farm Cottage Stewarton Road Newton Mearns East Renfrewshire  
Ms Sheena Fosbury 16 Glen Creran Crescent Neilston East Renfrewshire G78 3QN  
Ms. Caroline Doyle E-mail

**Representations can be summarised as follows:**

Greenbelt  
Over-development  
Out of character of area  
Contrary to policy  
Not capable of supporting any viable farming business  
No specific locational need

Sub-standard access/road  
Increase traffic  
Previous development out of scale and character  
Precedent

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

**SUPPORTING REPORTS:**

The applicant has submitted a report from the Scottish Agricultural College which sets out the existing and proposed farming operations and concludes that the farm justifies 1.16 labour units.

**ASSESSMENT:**

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

The site is located within the Green Belt to the south west of the Newton Mearns urban area and to the west of the M77 and is situated in an area characterised by former Ministry of Agriculture smallholdings. The application site is roughly rectangular in shape and at the time of submission was associated with No.7 Pilmuir Holdings sited on the south side of Malletsheugh Road and measures approx. (0.19 hectares). Also within No.7 Pilmuir Holdings, immediately adjacent to the east is a large free standing MOT garage. The applicant's former house and associated garage (sold May 2014) No.7 Pilmuir Holdings is to the north, with Pilmuir Holdings Nos. 6 & 10 to the immediate west and south respectively. Pilmuir Holdings Nos. 8 & 9 are further to the south. The application site and the above mentioned holdings are all served by the side access road off Malletsheugh Road.

Planning permission is sought for the erection of a single dwelling house. The house has a footprint of approx. 11.2 by 9.6 metres, and approx. 6 metres in height.

The proposal is required to be assessed against the East Renfrewshire Local Plan and in particular Policies E2, DM1 and DM3.

Policy E2 presumes against development in the Green Belt except in certain circumstances as detailed in Policy DM3. DM1 is also relevant in considering the detail issues relating to the proposal. Policy DM3 states that new houses in the Greenbelt must be for a person employed full time in agriculture (or other appropriate rural use) and that there is a site specific locational need for a dwelling. It also requires a viable business has been established for a period of three years which can support a full time worker and the need for a new dwellinghouse.

The applicant has stated that they have owned Pilmuir Holdings No.7 and associated land since 2004. He has also stated that they have operated the land as a farm from that period. A report undertaken by the Scottish Agricultural College (SAC) on behalf of the applicant has calculated that there is a total labour requirement for 1.16 labour units and therefore a dwelling is required. However it is important to note that this calculation is based on projected agricultural activity (proposed cropping and stocking operations). No detailed information has been provided regarding the current operations.

Consequently on policy terms it has not been demonstrated that there is sufficient agricultural demand on site to support the application for a new house. A sufficient need has to be demonstrated and shown to be viable for a minimum of three years and capable of supporting someone in full time agricultural employment.

Furthermore, it is noted from the information submitted, that the applicant substantially relies on land which is leased on an ad-hoc seasonal basis and as and when required which it is considered indicates that the applicant has no long term control or right over the land. The applicant was requested to submit information on the existing agricultural use and clarification of the land leased and to submit evidence of any relevant agreements. However, their response only

identified the areas of rented land, but no evidence has been submitted regarding any agreements nor have they clarified the existing farm operations.

The SAC report states that the applicant's holdings at No7 Pilmuir Holdings is approx. 1.83ha with an additional 10.98ha seasonally rented (the report also states 10.5ha are rented). The planning application identifies approx. 0.96 hectares belong to the holding; however this also includes the land used for the MOT garage business. The applicant was requested to clarify all land referred to by the SAC report. The response identifies 11.63ha are rented. Notwithstanding the dubiety regarding the exact extent of the land referred to in the SAC report, it is considered that the difference is not significant and does not affect the consideration of the principle of a new house in the Greenbelt.

It should also be noted that subsequent to submitting the current planning application, the applicant marketed his existing house No7 Pilmuir Holding and an area of adjacent land measuring some 0.46ha. (ownership to be transferred on 23<sup>rd</sup> May 2014) original house. They still retain the area of land and building associated with the MOT garage business.

No information has been submitted as to why the house was sold.

Consequently, it is considered that the selling of the land further reduces the land available for agricultural purposes that the applicant has control over.

Accordingly, given the above, it is considered that there is no justification in terms of Policy DM3 of the Local Plan for the proposed dwellinghouse.

It is acknowledged that the site, although within the Greenbelt, is semi-rural in nature given the various buildings associated with the small holdings within the area. Nevertheless, it is considered that an additional dwellinghouse will result in incremental development, and will exacerbate the suburbanisation of the area to the detriment of the amenity and character of the Greenbelt, contrary to the aims of the East Renfrewshire Local Plan policies DM1 and DM3.

East Renfrewshire Council Road Service have recommend refusal as the existing road serves 4 dwellings and is not to a standard that would support an additional dwellinghouse. Consequently, the proposal is contrary to the Council's access requirements as required by the East Renfrewshire Local Plan policy DM1.

The proposal will not directly impact on neighbouring properties in terms of loss of privacy or overshadowing. It is also considered that the proposal, given the size of the site, will not constitute over-development.

The matters raised by representations are summarised above under Representations and their considerations are explored in the preceding paragraphs above. The issues raised regarding the scale and character of the previous development and precedent are not planning considerations and therefore not material in assessing this proposal.

The proposed Local Development Plan (LDP) has similar policy requirements as the adopted Local Plan. Consequently, it is considered that the proposal raises no significant issues in relation to the LDP that has not already been discussed above.

Therefore taking into account the Development Plan and other material considerations, including representations and consultations, it is recommended that the application be refused.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None.

**REASON(S) FOR REFUSAL:**

1. The proposal is contrary to the East Renfrewshire Local Plan (2011) Policies E2, DM1 and DM3 as it has not be demonstrated that the dwellinghouse is needed for someone employed in full time

agricultural (or other appropriate rural use) nor has it been demonstrated that the business has been viable for the last three years, and consequently it would result in incremental and inappropriate development within the Greenbelt, to the detriment of the character of the area.

2. The proposed development is contrary to Policy DM1 of the East Renfrewshire Local Plan as it would result in an increase of users on a substandard road to the detriment of the safety of pedestrian and vehicular road users within the area.

**ADDITIONAL NOTES:** None.

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

Any background papers referred to in this report can be viewed at [www.ercplanning.eastrenfrewshire.gov.uk/eplanning](http://www.ercplanning.eastrenfrewshire.gov.uk/eplanning), where you can enter the Reference Number listed below. Any further information can be obtained from Mr John Drugan on 0141 577 3034.

Ref. No.: 2014/0098/TP  
(JODR)

DATE: 28th May 2014

**DIRECTOR OF ENVIRONMENT**

**DEVELOPMENT PLAN:**

**Strategic Development Plan:** None

**East Renfrewshire Local Plan (Adopted 14<sup>th</sup> February 2011)**

Policy E2-Green Belt and Countryside Around Towns (CAT)

There will be a strong presumption against inappropriate development including changes of use, in the Green Belt and Countryside Around Towns (CAT), as identified on the Proposals Map. Development proposals will be assessed against Policies Strat2, "Assessment of Development Proposals" and DM3, "Green Belt and Countryside (CAT)"

Policy DM1-Detailed Guidance for all Development

Where the principle of development is deemed to be acceptable in terms of the other Policies contained within this Local Plan, proposals for development will require to conform to the appropriate criteria below:

1. Not result in a significant loss of character or amenity to the surrounding area.
2. Be of a size, scale and density in keeping with the buildings in the locality and respect local architecture, building form, design, and materials.
3. Not constitute backland development without a road frontage.
4. Not impact adversely on the landscape character, involve a significant loss of trees or other Important landscape, greenspace or biodiversity features (see Policies E3 - "Protection of Natural Features", E6 - "Biodiversity" L1 - "Protection of Important Urban Greenspace", and L2- "Safeguarding the Local Greenspace Resource".
5. Ensure that landscaping is an integral element in layout design, taking account of existing physical features (e.g. trees, hedgerows, walls, etc.). Where appropriate, tree planting should augment the amenity and appearance of the site.
6. Ensure that the standards for 'Open Space' are satisfied see Policy L4 - "Open Space Provision in New Developments" and Appendix 1).
7. Meet the parking and access requirements of the Council and provide Appropriate mitigation to minimise the impact of new development (see Policies T3 - "New Transport Infrastructure" and T5 - "Other Traffic Management and Calming Measures).
8. Not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy.
9. Seek to create safe and secure environments and reduce the scope for anti-social behaviour and fear of crime.
10. Be designed to meet disability needs and include provision for disabled access within public areas.
11. Minimise the extent of light pollution caused by street and communal lighting and any flood lighting forming part of, or associated with, development.
12. Be designed to include provision for the recycling, storage, Collection and composting of waste materials.
13. Be designed to retain on-site, for use as part of the development, as much as possible of all waste material arising from construction of the development.
14. Be designed where applicable to take into account the legacy of former mining activity.

Policy DM3-Green Belt and Countryside Around Towns (CAT)

The Council will give sympathetic consideration to development proposals related to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the rural area providing the functions of the Green Belt can be maintained and the viability of important agricultural land and units is not prejudiced.

The following criteria will be strictly adhered to for development proposals within the Green Belt and CAT.

### New Dwellinghouses

A new dwellinghouse will only be permitted in the Green Belt and CAT where it can be clearly demonstrated that:

1. There is a specific need for the dwelling to be sited at that location in the countryside and no other suitable property or site is available, including opportunities to convert or rehabilitate redundant rural buildings.
2. It is required for a person engaged locally in full-time employment in agriculture or other appropriate rural use and this is controlled through an occupancy restriction that may be subject to a Section 75 Agreement.
3. A viable business has been established at that location for a period of 3 years which can support a worker and the need for a new dwellinghouse..
4. The new dwelling is situated adjacent to any existing farmstead or other building grouping.
5. The new dwelling is sympathetic in scale and design to its rural location and fits into the landscape.

### Conversion of Existing Buildings

Proposals to convert or rehabilitate existing redundant rural buildings for residential use will be considered favourably where it is clearly demonstrated that:

1. The building is surplus to requirements for agriculture or other rural uses.
2. The building is traditional and in a vernacular style.
3. The building is structurally sound, with the exterior walls intact, and is capable of modern use without substantial rebuilding or extension.
4. The alterations maintain the character of the building and any extension does not dominate the original building.

### Outdoor Leisure Facilities

Proposals for new or extended outdoor leisure facilities will be considered favourably where it is clearly demonstrated that:

1. The emphasis is on outdoor pursuits and there are no suitable sites within the urban area.
2. Any ancillary buildings or other works, such as access and lighting, are absolutely required to serve the outdoor pursuit and do not significantly prejudice rural character and the environment.
3. Satisfactory environmental mitigation measures, including landscaping, are incorporated into the proposal.

### New or Replacement Buildings

Where appropriate, other development proposals not mentioned above and including change of use, alterations and extensions to existing buildings, demolition, new or replacement buildings and proposals that support rural diversification or maintain or enhance the rural economy will be considered favourably where it is clearly demonstrated that:

1. The existing building is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report.
2. There would be a resultant economic, environmental or community benefit from the proposal.
3. No suitable alternative site within the urban area exists.
4. The design, siting and scale of any buildings and associated works, including access, are sympathetic to rural amenity.
5. The level of traffic and any other disturbances resulting from the development, such as noise and light, do not prejudice rural character and the environment.
6. Satisfactory environmental mitigation measures, including landscaping, are incorporated into the proposal.
7. The new building or development is sympathetic in scale and design to its rural location and fits into the landscape.

## All Developments

Where acceptable in principle, development proposals also require to meet the general local Planning principles set out in Policies DM1 - "Detailed Guidance for all Development" and DM2 - "Alterations to and Redevelopment of Existing Dwellings". Other proposals may be acceptable where in accordance with policy Strat2.

## **Proposed Local Development Plan**

The Proposed Local Development Plan (LDP) has been sent for Examination to the Scottish Government. The LDP outlines the Council's most up to date statement of planning policy.

### Policy D3-Green Belt and Countryside Around Towns

Development in the green belt and countryside around towns as defined in the Proposals Map, will be strictly controlled and limited to that which is required and is appropriate for a rural location and which respects the character of the area.

Where planning permission is sought for development proposals, within the green belt or countryside around towns and these are related to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the rural area, the Council will consider them sympathetically subject to compliance with other relevant policies of the Proposed Plan. Any decision will, however, take into consideration the impact the proposals will have on the function of the green belt and countryside around towns and the viability of important agricultural land. Development must be sympathetic in scale and design to the rural location and landscape.

Further detailed information and guidance is provided in the Rural Development Guidance 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, water management, 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 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. As much as 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, particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, 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.

**GOVERNMENT GUIDANCE:** None



**CONSULTATIONS/COMMENTS:** None.

**PUBLICITY:** None.

**SITE NOTICES:** None.

**SITE HISTORY:**

2014/0128/TP	Erection of single storey rear extension; installation of dormer window at rear	Withdrawn	20.03.2014
2014/0301/CLU	Certificate of lawfulness in respect of proposed erection of single storey rear extension and installation of dormer window at rear	Granted	09.05.2014

**REPRESENTATIONS:**

10 representations have been received from:

Malcolm And Patricia Doran 2 Bulloch Avenue Giffnock East Renfrewshire G46 6NF  
Mrs Agnes Bruce 7 Huntly Avenue Giffnock East Renfrewshire G46 6LP  
Mr And Mrs William And Elizabeth Yuill 38 Church Road Giffnock East Renfrewshire G46 6LN  
Moira And Peter Findlay 19 Bulloch Avenue Giffnock East Renfrewshire G46 6NF  
Jim And Aileen Blair 15 Bulloch Avenue Giffnock East Renfrewshire G46 6NF  
Mr. James Cameron 14 Bulloch Avenue Giffnock East Renfrewshire G46 6NF  
Colin And Jean McCallum 12 Bulloch Avenue Giffnock East Renfrewshire G46 6NF  
Paul And Ann Verrico 11 Bulloch Avenue Giffnock East Renfrewshire G46 6NF  
Neil And Anne Munro 10 Bulloch Avenue Giffnock East Renfrewshire G46 6NF  
Ross MacArthur 8 Bulloch Avenue Giffnock East Renfrewshire G46 6NF

**Representations can be summarised as follows:**

That the proposal is out of character with both the house type and area, overlooking, overshadowing, size, scale and massing, access and damage, references to proximity to Giffnock Conservation area, and contrary to Local Plan, Local Development Plan and Householder Design Guide.

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

**SUPPORTING REPORTS:**

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

**ASSESSMENT:**

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

The application site consists of a semi-detached house and curtilage on the east side of Bulloch Avenue within an established residential area of Giffnock. Properties on Bulloch Avenue are of a similar design although there are bungalows to the side and rear in neighbouring streets. The property has a red sandstone front elevation with white painted render finish to the sides and rear. The roof is clad in slates.

The proposal is for a dormer window to the rear. An earlier application for a rear extension and dormer window was withdrawn (2014/0128/TP refers). A Certificate of Lawfulness for a rear extension and a dormer window of slightly smaller dimensions to that now proposed in this application has recently been issued (2014/0301/CLU refers).

It should be noted that while the rear extension constructed under permitted development rights (2014/0301/CLU refers) is shown on the submitted plans it does not form part of this application. This extension is indeed largely complete.

The dormer is to have a flat roof clad in roofing felt. The dormer sides are to be finished in slates to match the existing roof finish.

The dormer will be 2200 mm wide by 1.8m high and 3.2m deep. It is to sit below the existing ridge and within the roof plane. The side of the dormer closest to the adjoining property will be 150mm off the mutual boundary (the associated rainwater goods will be 50mm off the boundary). The proposed dormer window was amended during its assessment by a reduction of 200mm in its width and a 50mm increase in the distance from the mutual boundary.

The new dormer window will allow the formation of a bedroom in the loft. A new rooflight to the front elevation will also serve this room. This dormer presents internal advantages to the applicant over the solution indicated in the Certificate of Lawfulness application.

The proposed dormer will be 18m from the rear boundary of the property and 36m from the rear elevation of the property beyond.

The proposal requires to be assessed in the first instance against the policies of the East Renfrewshire Local Plan. In addition to the Adopted Local Plan the relevant policies of the proposed Local Development Plan the Supplementary Planning Guidance, "Householder Design Guide", are considered material considerations.

Policies DM1 and DM2.1 of the adopted Local Plan make various references to character and scale of the development. The dormer window is to the rear of the property and thus will have a more limited impact on the character of the building. There are few incidences of dormer windows in this type of property. There is one other second storey dormer window in the street. This is a historic addition and of much smaller scale to that now proposed although there are others in the wider area.

Therefore, the proposal could be considered out of character with other two storey properties in the street. However as referred to above the current legislation provides scope for a dormer window that could be added to the roof without the need for planning permission and as the dormer window proposed is to the rear elevation will not be open to public view, it is considered that the dormer window will have limited impact on the character of the wider area.

The proposed dormer window is the same width as that indicated in the Certificate of Lawfulness submission and thus will occupy the same width of the roof plane on which it sits. At 50% of the roof plane this accords with that suggested as necessary by the Householder Design Guide.

Additionally there are bungalows to the rear and sides with rear dormer windows. These dormer windows are of similar flat roof design. Some sit at a higher ground level than the application site and already offer opportunity for overlooking of neighbouring gardens. Overlooking from upper floor windows in an urban area is common.

Noting the above considerations it is considered that this application can be supported against the terms of the Local Plan, and should be approved unless material considerations indicate otherwise.

The material considerations in this instance extend to the Proposed Local Development Plan, the Supplementary Planning Guidance and submitted objections.

The Proposed Local Development Plan through Policies D1 and D14 maintains a similar position to the adopted Local Plan. Additionally the Supplementary Planning Guidance, "Householder Design Guide" indicates that dormer windows should not extend right up to the boundary on a semi-detached property. The proposed dormer window will sit close to mutual boundary but not on it. It will however have a very similar presence on the roof plane to that possible under permitted development rights. It should also offer ample opportunity for the development of a dormer window on the roof of the adjoining property should the present or a future owner decide to develop one.

The representations are summarised above. They refer to the local plan policies claiming the dormer window is out of character in the street. This aspect is discussed above and since a change in the planning legislation introduced in 2012, it has been possible through Householder Permitted Development rights (subject to certain restrictions), to construct rear dormer windows on properties without planning permission.

These permitted development rights are pertinent in the consideration of this application in that the applicant has already been issued with a Certificate of Lawfulness which included a rear dormer window. The dormer window shown on the Certificate of Lawfulness application has been assessed as not requiring planning permission.

The sole difference between that dormer and the one under consideration is that it would sit 300mm off the adjoining boundary (instead of 150mm). It would be the same width, height and depth to that now proposed. Overlooking from the application dormer would be little changed from the dormer window proposed under permitted development rights as would any overshadowing. There would indeed be little if any overshadowing from either dormer especially given the east facing orientation.

References in some of the representations to the dormer being overlarge for the site are noted however it is no larger than that possible under permitted development rights.

References to the proximity to Giffnock Conservation area are of little significance. The conservation area is some 180m from the application site and separated from it by a rail line. Formation of a rear dormer window on the application property will have no impact on the context of the conservation area.

Issues with regard to potential damage and access to the neighbouring roof during the construction period are a private legal matter.

In summary, therefore, the proposed dormer does not fully accord with policies DM1 and DM2.1 of the Local Plan and Policies D1 and D14 of the Local Development Plan in that there is only one other dormer on a two-storey property in the street and as such it could not be considered as fully in keeping with the character of the area. However, the proposed dormer does comply with the specific criteria in DM 2.1(6) and D14 of the respective plans.

In addition, noting the householder permitted development rights currently being implemented on site, it is considered that the dormer window proposed would have little additional impact on amenity, including appearance and overlooking.

Accordingly it is considered that the proposed dormer window can be supported.

**RECOMMENDATION:** Grant

**PLANNING OBLIGATIONS:** None

**ADDITIONAL NOTES:**

It is the applicant's responsibility to obtain approval of neighbouring landowners should any part of the development encroach over the boundary or if entry is required during construction.

**ADDED VALUE:**

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

**BACKGROUND PAPERS:** Any background papers referred to in this report can be viewed at [www.ercplanning.eastrenfrewshire.gov.uk/eplanning](http://www.ercplanning.eastrenfrewshire.gov.uk/eplanning), where you can enter the Reference Number listed below. Any further information can be obtained from Mr Ralph Howden on 0141 577 3694.

Ref. No.: 2014/0203/TP  
(RAHO)

DATE: 28 May 2014

**DIRECTOR OF ENVIRONMENT**

**Reference: 2014/0203/TP - Appendix 1**  
**DEVELOPMENT PLAN:**

**Strategic Development Plan**

Given the size and scale of the development it is not considered that government guidance is a relevant material consideration.

**East Renfrewshire Local Plan (Adopted 14<sup>th</sup> February 2011)**

Policy DM1

Detailed Guidance for all Development

Where the principle of development is deemed to be acceptable in terms of the other Policies contained within this

Local Plan, proposals for development will require to conform to the appropriate criteria below:

1. Not result in a significant loss of character or amenity to the surrounding area.
2. Be of a size, scale and density in keeping with the buildings in the locality and respect local architecture, building form, design, and materials.
3. Not constitute backland development without a road frontage.
4. Not impact adversely on the landscape character, involve a significant loss of trees or other Important landscape, greenspace or biodiversity features (see Policies E3 - "Protection of Natural Features", E6 - "Biodiversity" L1 - "Protection of Important Urban Greenspace", and L2- "Safeguarding the Local Greenspace Resource".
5. Ensure that landscaping is an integral element in layout design, taking account of existing physical features (e.g. trees, hedgerows, walls, etc.). Where appropriate, tree planting should augment the amenity and appearance of the site.
6. Ensure that the standards for 'Open Space' are satisfied see Policy L4 - "Open Space Provision in New Developments" and Appendix 1).
7. Meet the parking and access requirements of the Council and provide Appropriate mitigation to minimise the impact of new development (see Policies T3 - "New Transport Infrastructure" and T5 - "Other Traffic Management and Calming Measures).
8. Not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy.
9. Seek to create safe and secure environments and reduce the scope for anti-social behaviour and fear of crime.
10. Be designed to meet disability needs and include provision for disabled access within public areas.
11. Minimise the extent of light pollution caused by street and communal lighting and any flood lighting forming part of, or associated with, development.
12. Be designed to include provision for the recycling, storage, Collection and composting of waste materials.
13. Be designed to retain on-site, for use as part of the development, as much as possible of all waste material arising from construction of the development.
14. Be designed where applicable to take into account the legacy of former mining activity.

Policy DM2.1

Extensions

1. Must complement the existing character of the building, particularly in terms of scale, style, form and materials.
2. Must complement the existing building in terms of size, scale or height.
3. Incorporate a pitched roof where exposed to public view, with roof tiles or slates to match existing.
4. Side extensions should not create an unbroken or terraced appearance along the street frontage.
5. Avoid major loss of existing garden space.

6. Dormer windows should not in general dominate the existing roof profile, 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 Council will prepare and approve a design guide for householders on alterations to existing dwellinghouses.

### **Proposed Local Development Plan**

The Proposed Local Development Plan (LDP) has been sent for examination to the Scottish Government. The LDP outlines the Council's most up to date statement of planning policy.

#### 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, water management, 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 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. As much as 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, particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, 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.

#### 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.

**GOVERNMENT GUIDANCE:** None relevant