

**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
11th March 2015

Reference No: 2014/0285/TP

Ward: 5

Applicant:

BP Oil (UK) Ltd
C/o Agent

Agent:

Rapleys LLP
Pall Mall Court
61-67 King Street
Manchester
M2 4PD

Site: Sunningdale Filling Station Ayr Road Newton Mearns East Renfrewshire G77 6QU

Description: Redevelopment of filling station including erection of new sales building and retaining wall at rear, reduction in size of canopy and formation of parking bays

Reference No: 2014/0416/TP

Ward: 5

Applicant:

Care Concern Group
204 Field End Road
Eastcote
Pinner
Middlesex
HA5 1RD

Agent:

Yeoman McAllister Architects
Waterside Studios
64 Coltbridge Avenue
Edinburgh
EH12 6AH

Site: Blue Acres Nursery 416 Mearns Road Newton Mearns East Renfrewshire G77 5RY

Description: Erection of 76 bed care home with formation of access road and car parking and alterations to access from Mearns Road

REPORT OF HANDLING

Reference: 2014/0285/TP

Date Registered: 18th April 2014

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South

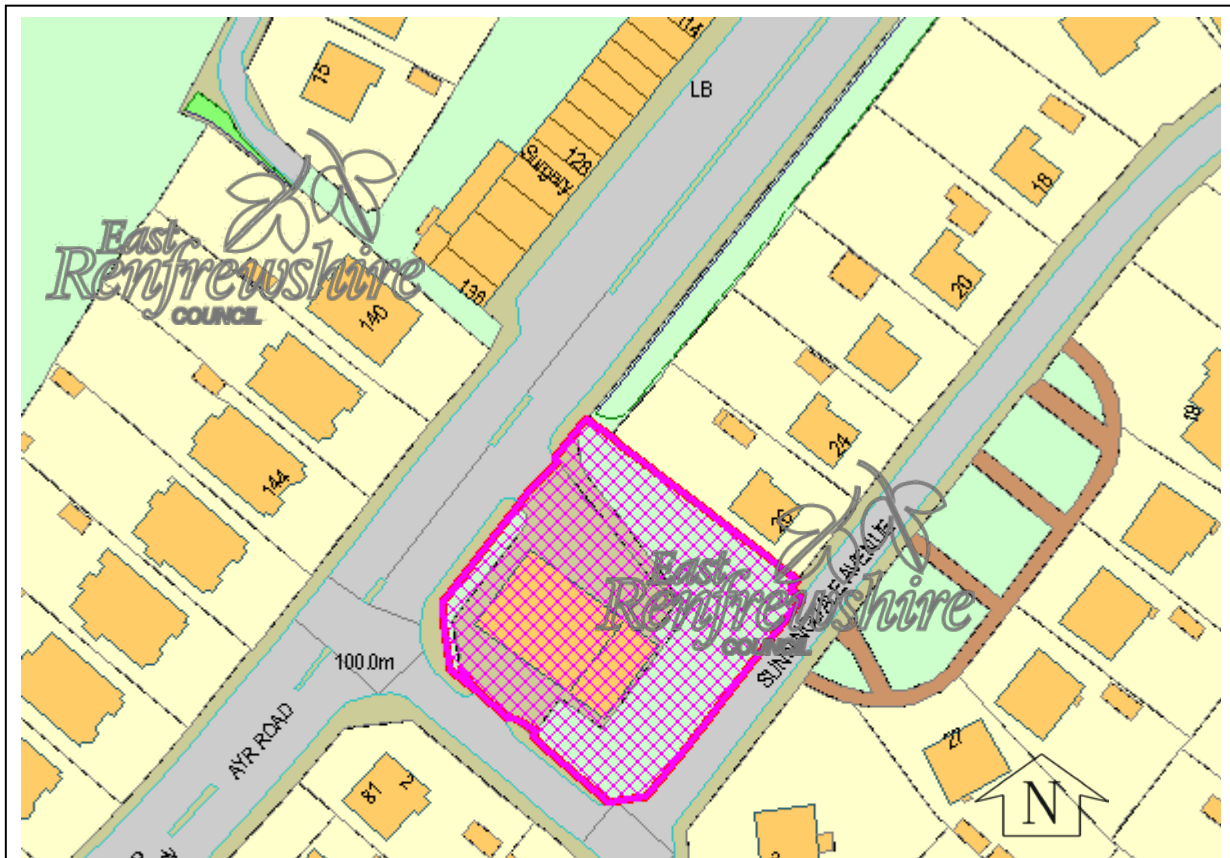
Co-ordinates: 254637/656452

Applicant/Agent: Applicant:
BP Oil (UK) Ltd
c/o Agent

Agent:
Rapleys LLP
Pall Mall Court
61-67 King Street
Manchester
M2 4PD

Proposal: Redevelopment of filling station including erection of new sales building and retaining wall at rear, reduction in size of canopy and formation of parking bays

Location: Sunningdale Filling Station
Ayr Road
Newton Mearns
G77 6QU



DO NOT SCALE

Reproduced by permission of Ordnance Survey on behalf of HMSO. (C) Crown Copyright and database right 2015. All Rights Reserved. Ordnance Survey License number 100023382 2015, East Renfrewshire Council

CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads And Transportation Service	Objects to the proposal due to lack of on-site car parking.
East Renfrewshire Council Environmental Health Service	No objections.
East Renfrewshire Council Consumer And Trading Standards	No objections.

PUBLICITY:

23.05.2014 Glasgow and Southside Extra Expiry date 06.06.2014

SITE NOTICES: None.

SITE HISTORY:

2007/0070/TP	Redevelopment of service station including erection of sales building, canopy, new pump islands, storage tanks and parking area and alterations to vehicle accesses	Withdrawn	13.06.2007
2007/0676/TP	Demolition of petrol filling station, shop, and canopy; erection of new petrol filling station, shop, canopy, pump islands and tanks	Refused	12.03.2008
2008/0673/TP	Demolition of existing filling station, shop canopy; erection of new filling station shop canopy, pump islands and tanks	Refused Subsequent appeal dismissed by the Scottish Ministers 15.04.2009	03.12.2008

REPRESENTATIONS:

A total of 58 representations have been received:

Representations can be summarised as follows:

Proposal is an overdevelopment of the site
Existing Road safety problems will be exacerbated.
Traffic impact assessment required.
On pavement parking problems
Litter
Noise impacts form on site activity
Loss of existing landscaping
Current unauthorised operations (opening at 6.00am or earlier/HGVs using the PFS.)
No need for additional retail capacity.
Similar scheme already refused

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Statement	A supporting letter has been submitted outlining the applicants view on how the proposal accords the various relevant policy considerations.
Tree Survey	A survey of the trees on site has been submitted. This identifies the extent and nature of the existing trees on site and the implication for those trees if the development was to proceed.
Habitat Survey	A survey concentrating on bats was submitted. It assessed the potential for the site to support bats, roosting and foraging. This report found limited evidence of bat activity in and around the site. No bats roosts were recorded in the building.
Design and Access Statement	This brief document presented the applicants assessment of the proposal across design principles and access considerations.

ASSESSMENT:

The application site is the existing Sunningdale Petrol Filling Station on the corner of Ayr Road and Kinfauns Drive, Newton Mearns. The existing filling station comprises a station/shop, canopy and pumps and associated circulation/parking areas.

The station shop is a single storey flat roofed building set back from and facing towards Ayr Road across the forecourt area. The existing station shop extends to approx 163 sqm. At present the opening hours are restricted to between 07.00 and 23.00 hours. These hours are a condition attached to planning permission TP/94/0101.

At present vehicles access the filling station from Ayr Road and exit onto Kinfauns Avenue close to the junction with Ayr Road.

The landscaping framing the shop and forecourt area varies in depth and quality but offers screening of the filling station from the adjacent residential properties on Kinfauns and Sunningdale Avenue. The trees are protected by a condition attached to an earlier planning permission as they are considered to mitigate the impact any disruption generated by the uses of the filling station could have on the adjacent residential properties. The house to the north of the site sits at a level substantially lower than the station forecourt.

The application proposes to re-develop the site on the basis of the following:

- The existing station/shop approx 163 sqm will be demolished and replaced by a new larger but similarly designed unit extending to approx 224 sqm. (An increase of 37%)
- An external yard area 4m wide and approx 10.5m deep is proposed at the north end of the building. This will be enclosed by a 1.8m high timber fence.
- It is proposed that the filling station will open one hour earlier at 6.00am.
- An enclosed service yard will be formed on the north side of the station shop.
- The forecourt will be extended 5m towards the north, to permit the formation of six parking bays. This will entail the extension of the forecourt, (supported by a new retaining wall) towards the side boundary of 26 Sunningdale Avenue. At its closest point this new retaining wall will be approximately 4m from that boundary
- This retaining wall is depicted as being topped by a 1.8m high timber fence
- A further three parking bays are detailed on the west and south side of the forecourt and a disabled parking bay is proposed adjacent to the shop.
- The tank and pump arrangements will not be altered but upgraded.
- The existing canopy is indicated as being 'delinked' (ie reduced in size) such that it will not overlap the roof of the new building
- The existing footway on Kinfauns Avenue will be extended to the rear and round the corner along a section of Sunningdale Avenue.

- A new 1200mm timber fence is detailed along this boundary.
- The existing access to Ayr Road will be altered and the plans indicate that this will be for ingress only and egress will be via Kinfauns Avenue.

The submitted tree survey confirms that 26 trees have been assessed on site. The tree loss directly related to the proposed development is confirmed at 5 trees on the north-east boundary of the existing forecourt area. A further 3 trees are proposed to be removed due to their very poor condition. One has actually collapsed and the other two are at the rear of the existing filling station. Five replacement trees are to be planted, three at the rear and two between the new yard area on the extended forecourt and the mutual boundary with 23 Sunningdale Avenue.

Site History

There have been previous planning applications at this site, which are material considerations in determining this application. Most recently in 2007 and 2008 applications for the redevelopment of the site were refused. In particular application 2008/0673/TP was broadly comparable with the scale of the extension proposed in this application, with the exception of parking spaces on the Kinfauns Avenue side of the extended building. The scale of the proposed filling station in that application was 266sqm. The application was refused for the following reason:

'That the proposal is contrary to the terms of Policies E1 and DC1 of the East Renfrewshire Local Plan in that it constitutes an over development of the site with a detrimental impact on the amenity of the area and surrounding properties'.

This refusal was appealed to the Scottish Ministers and the appeal dismissed. The appointed Reporter noted the successful screening of the filling station by the existing landscaping and acknowledged its value. He considered the reduction of this landscaping would result in an unacceptable degradation of the street scenes of both Sunningdale Avenue and Kinfauns Avenue. The loss of this would have a significant impact on the amenity of the immediate residential area to its detriment. Consequently he found conflict with Policy E1 of the Local Plan.

The appointed Reporter also noted the access arrangements for the facility and considered them to have serious shortcomings for the amenity of the area and residents again. He found an established and undesirable pattern of on street parking on both Sunningdale Avenue and Kinfauns Avenue generated by the existing constrained access options to the filling station that would be likely to increase as a result of the improved and enlarged retail element of the station in spite of genuine attempts by the applicants at that time to provide additional parking on site.

The Reporter found that the impact of this would be intolerable for immediate residents. Consequently he also found conflict with Policies E1 and DC1 of the then adopted Local Plan and did not find any compelling support for the principal element of the proposal in reference to Scottish Planning Policy.

The Reporter also concluded that the proposal represented the serious overdevelopment of the site with significant detrimental impacts on the amenity of the local residents due to the loss of the mitigating landscaping and the overspill parking.

It should be noted that pre-application discussions took place between the Council's Planning Service and the developer prior to the submission of the current application. The developer was specifically directed to the abovementioned appeal decision and advised that this would be a material consideration in determining any new application.

Adopted East Renfrewshire Local Plan

This new application has to be assessed against the relevant policies of the adopted East Renfrewshire Local Plan as well as any material planning considerations. The re-development of this filling station is in general terms acceptable in principle subject to the re-development being of an appropriate scale and not resulting in adverse impacts occurring to the surrounding area. The application has to be assessed against Policies DM1 and E1 of the adopted Local Plan. It should be noted that Policies E1 and DM1 of the adopted Local Plan maintain a similar policy position to

those that were relevant at the time of the determination of the previous application 2008/0673/TP and subsequent appeal.

Policy E1 indicates there will be a presumption against significant new development or change of use not compatible with the character and amenity of the locality and surrounding land uses. Policy DM1 indicates specific criteria that should be applied in the assessment of planning applications. These criteria include impact on the character or amenity of the area, size and scale of the development relative to the locality and the requirement to meet the standards of the Council's parking and access standards.

The new building will still be set in similar position to that of the existing but enlarged closer to the northern boundary with 26 Sunningdale Avenue. The physical relationship to Kinfauns Drive will largely remain unaltered with the existing landscaping being retained.

The extension of the building with the associated service yard and new parallel forecourt parking to the north results in the loss of some of the established and protected trees that currently screens 26 Sunningdale Avenue. The difference in ground levels is such that in combination the new retaining wall and boundary fence will result in a more intrusive relationship with the private rear garden area of that house.

It is considered that the amenity of this dwellinghouse will be affected in a detrimental way because of the proximity, orientation and different level of these elements and the associated activities generated by the parking spaces. At present there is a more generous separation distance augmented by existing landscaping to the existing forecourt.

In addition the proposed timber fencing along the boundary of the site to the side and rear will be an alien and incongruous feature in the area and only serve to push the existing customer activity further along the adjacent streets. Taking the above into account, and in particular the enlarged forecourt, this demonstrates the difficulty of managing the demands of the petrol sale/servicing side and the enlarged retail provision. It is considered that the proposal in attempting to reconcile these issues internally on the site inevitably increases the intensity of use to a level that would impact further on the amenity of adjacent properties. Noting the context of the site and the increased retail floor space it is considered that proposal will generate additional journeys to the site that will result in increased parking and pedestrian activity outwith the site. This activity will have an increased detrimental impact on the established residential character of the immediate locality.

This new application is considered to represent an overdevelopment of the site with a consequential diminution of the amenity safeguards currently in place. This is due primarily to the scale of the enlarged station shop and the enlarged forecourt

Accordingly given the combination of the above it is considered that the proposed building and forecourt alteration fails significantly to meet the terms of both Policies E1 and DM1. The proposed earlier opening time is also considered to impact adversely on the amenity of the immediate area in terms of additional activity and vehicle movements. This is also considered to conflict with these Policies. The application should therefore be refused unless material considerations indicate otherwise.

The material considerations in this case are any relevant Scottish Planning Policy, the proposed Local Development Plan, planning applications history, supporting information, consultation responses, and representations.

As the application site is currently a filling station it is not considered that the proposal requires to be assessed against Scottish Planning Policy on town centres and retailing. Any economic growth associated with this development will be limited.

The proposed Local Development Plan maintains a similar policy position in Policies D1 and D2 to Policies E1 and DM1 of the adopted Local Plan.

The applicant has referred to Policy STRAT2 in support of the application but it is not considered that the proposal requires to be assessed against this policy. As indicated elsewhere in this Report the principle of re-developing the filling station is generally acceptable and it is the extent of the changes that are critical in determining this application.

It is considered that the proposal does not comply with the terms of Policies E1 and DM1 in particular respect of the impact on the amenity of the area and adjacent residential properties. Any potential benefits of the proposal are not considered to outweigh the assessment against the relevant development plan policies.

The Council's Roads Service has objected to the application. They have expressly referred to the issue of a lack of on-site parking and recommended refusal of the application. The Roads Service has confirmed a requirement for thirteen spaces including a provision of one space for staff use. The proposal details the provision of ten spaces including a disabled parking provision in the altered forecourt area.

It should be noted that during the processing of this application the applicant submitted further supporting information. This information refers to several matters including those that were explored during the previous appeal and the following are comments on these matters.

The reduced degree of tree loss proposed and the retention of the group of trees on the Kinfauns Avenue side of the site: This is noted however as discussed above the loss of trees on the north side, due to the proposed extension of forecourt to facilitate parking, is similar to the previous proposal and is again considered unacceptable.

The difficulties with existing access arrangements: The applicant refers to the proposed additional parking on the altered forecourt as mitigation to the on-street parking in the adjacent residential streets. The adequacy and likely usage of any additional on-site parking was explored previously. It was found that prospective customers from the east side of Ayr Road would be extremely unlikely to cross Ayr Road and attempt to access the site from the north to utilise on forecourt parking spaces if available.

Attention is drawn to the reduced scale of this proposal relative the previous scheme and the current limited retail provision on site: The applicant refers to a filling station in the north of Glasgow (Canniesburn) where a similar extension was carried out and submitted sales info in an effort to demonstrate the anticipated proportion and type of sales from that filling station as means of calculating the change in character of the custom that could be anticipated at Sunningdale. This table has been examined and although it includes some inaccuracies the information clearly shows a 90% increase in the proportion of 'shop' receipts not 47.45% as detailed in the table. As such it is not considered that it supports the applicant's contention.

The applicant has further qualified the figures in that a proportion of fuel sales customers utilise a card that is restricted to fuel only with any related food/store purchase will be recorded separately: The full impact of this type of custom is unlikely to have a major impact given the significance of increase in shop sales receipts, which as stated above is approximately 90%.

The applicant reiterates that they consider the scale and nature of the retail element to ancillary to the use of the building as a filling station: It is not considered that the evidence of the sales figures for the north Glasgow site supports this assertion.

Representations

In terms of the objections that have been received the majority of them have been addressed in the assessment above.

The matter of HGV vehicles filling up at the premises and other activity outwith the approved opening times has been raised and indicates a potential breach of planning controls. This will require further investigation through the Council's planning enforcement function. The issue of litter is not a material planning consideration.

Conclusion

As there has been a filling station at this location it is accepted that residents living in houses immediately adjacent to it cannot expect the same level of amenity as is experienced in quiet residential streets. However when considering the existing scale of the filling station it is on the whole considered to strike a reasonable balance in terms of impact.

Although the current application is smaller than was previously refused there are certain aspects that are similar particularly the proposed extension to the forecourt to form car parking on its north side. However the increase in scale that is now being proposed, albeit smaller than before, is still considered to be unacceptable. In addition the proposed development would increase the scale of the facility to a level that would impact on the amenity of the surrounding area to an unacceptable level.

Taking all of the above into account it is recommended that the application be refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None

REASONS FOR REFUSAL:

1. The proposal is contrary to Policies E1 and DM1 of the Adopted East Renfrewshire Local Plan as the increase in scale of the filling station results in over development of the site and combined with the proposed earlier opening times will have a detrimental impact on the amenity of the area and surrounding residential properties.
2. The proposal is contrary to Policies D1 and D2 of the Proposed Local Development Plan as the increase in scale of the filling station results in over development of the site and combined with the proposed earlier opening times will have a detrimental impact on the amenity of the area and surrounding residential properties.
3. The proposed development does not comply with East Renfrewshire Council's Roads Service parking requirements and therefore constitutes overdevelopment of the site with a consequent increase in off-site parking to the detriment of the amenity of 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, where you can enter the Reference Number listed below. Any further information can be obtained from Mr Ian Walker on 0141 577 3042.

Ref. No.: 2014/0285/TP
(IAWA)

DATE: 4th March 2015

DIRECTOR OF ENVIRONMENT

2014/0285/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.

East Renfrewshire Local Plan (Adopted 14th February 2011)

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.

Proposed Local Development Plan

The Proposed Local Development Plan (LDP) outlines the Council's most up to date statement of planning policy. The LDP has been examined by the Scottish Government and the Examination Report has been published.

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 relevant

REPORT OF HANDLING

Reference: 2014/0416/TP

Date Registered: 21st January 2015

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South

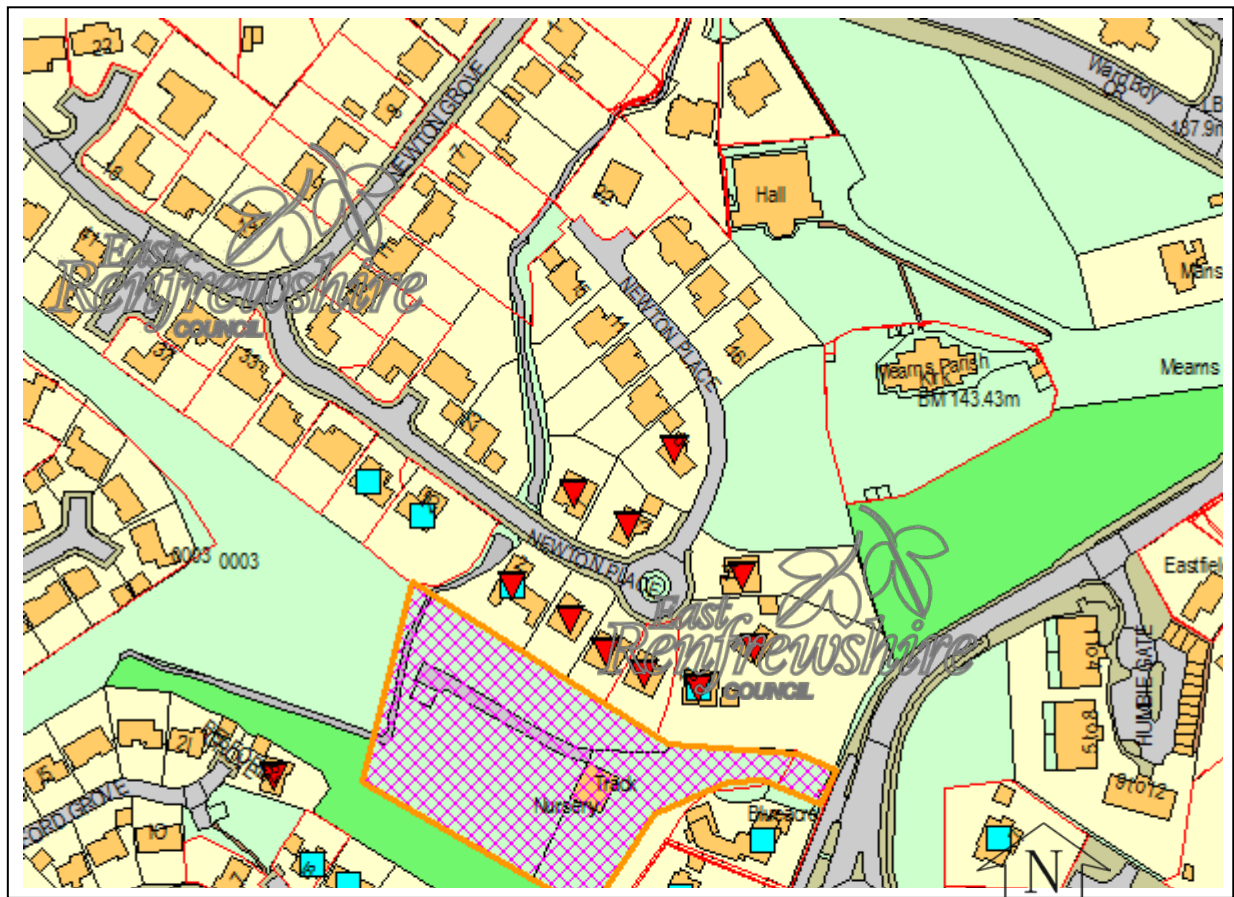
Co-ordinates: 254126/:654918

Applicant/Agent: Applicant:
Care Concern Group
204 Field End Road
Eastcote
Pinner
Middlesex
HA5 1RD

Agent:
Yeoman McAllister Architects
Waterside Studios
64 Coltbridge Avenue
Edinburgh
EH12 6AH

Proposal: Erection of 76 bed care home with formation of access road and car parking and alterations to access from Mearns Road (amended description)

Location: Blue Acres Nursery
416 Mearns Road
Newton Mearns
G77 5RY



DO NOT SCALE

Reproduced by permission of Ordnance Survey on behalf of HMSO. (C) Crown Copyright and database right 2015. All Rights Reserved. Ordnance Survey License number 100023382 2015, East Renfrewshire Council

CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads And Transportation Service	No objections subject to conditions. Revised access arrangements acceptable. New road to care home will not be adopted. Stopping Up Order required for section of footpath at applicants expense.
Scottish Environment Protection Agency	No objections.
Scottish Water	No response at time of writing.
East Renfrewshire Council Waste Strategy Section	As care home is private commercial business it is under no obligation to use Councils collection. Guidance provided on storage areas and waste bins for information only.
Glasgow Airport	No objections.
East Renfrewshire Council Environmental Health Service	No objections subject to conditions on construction hours, removal of waste and contamination survey.
East Renfrewshire Council Development Contributions Officer	The proposed residential care home is applied for under Use Class 8 'Residential Institutions'. It is considered that this development would not create new or exacerbate existing deficiencies in local infrastructure, facilities or environment to an extent that would require mitigation through the provision of a development contribution.
National Air Traffic Service	No objections

PUBLICITY:

04.07.2014 Glasgow and Southside Extra Expiry date 18.07.2014

SITE NOTICES: None

SITE HISTORY: No relevant applications within the last 10 years

REPRESENTATIONS:

A total of 15 representations have been received:

Representations can be generally summarised as follows:

- Overlooking/impact on privacy
- Noise/disturbance during construction
- Insufficient parking/overspill onto nearby streets
- Narrow /steep access
- Poor public transport links
- Overdevelopment
- Size, scale and height
- No need/other facilities in area/no benefit to local residents
- Loss of trees/impact on wildlife
- Exacerbate existing drainage issues

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Design Statement	Discusses the proposal against the Local Plan, the site constraints, site appraisal and design principles.
Ground Investigation Report	Site assessed with regard to, for example, geology, mining, hydrogeology, hydrology, waste, ground and surface water. Concludes that site unlikely to be impacted by extensive or severe contamination. Insignificant or low risks for statutory receptors. Recommends further survey before work commences.
Habitat Survey	Site comprises mire, scrub, and matures broadleaf and conifer trees. Moderate species variety and habitats not considered as exceptional value. Likely to be otters in the burn and the potential for roosting bats. Recommend bat and otter surveys and nesting survey
Bat Survey	No evidence of, or potential for, bats. The trees can be felled at any time. Recommend that site resurveyed if works start after 10 th July 2015.
Otter Survey	No sign of otters within the area of the burn or the site but may be used as transit site. Recommends 10m stand-off from burn.
Road Safety Audit	In respect of new access junction. Discusses impact of landscaping, accommodating traffic entering/leaving care home, prevention of conflict between pedestrians and turning vehicles.
Transport Assessment	Examines issues such as existing and proposed road network, accessibility, accidents, pedestrian and cycle facilities, public transport, car movements, travel plan.
Tree Report	Approximately 20 trees surveyed and identifies: 10 category B trees, 6 category C trees and 2 category U trees (of no value). Many self seeded trees in and around the hardstanding area. Recommends removal of two trees and protection for those retained during construction work.

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, the application has to be presented to the Planning Applications Committee for determination.

The site is located on the west side of Mearns Road at the roundabout junction with Humble Road and is situated within the urban area. The irregular shaped site, which extends to approximately 0.68 hectares, was formally a nursery business and is in poor condition with the remnants of derelict polytunnels, ancillary buildings and hardstandings. There is a watercourse to the south west of the site. Accessed off Mearns Road by means of a steep access track, the site is situated below road level and is bounded by residential properties in Newton Grove to the east; established tree belts associated with a housing estate within the grounds of the former Mearns Kirk Hospital to the north and west; and two detached residential properties to the south. The latter are situated elevated above the site with a large retaining wall, comprising concrete blocks in mesh cages in partial timber cladding.

Planning permission is being sought for the erection of a two and three storey building that is to accommodate a 76 bed care home with associated access road and car parking. The existing access is to be upgraded and extended to serve the new development. The building effectively comprises two wings orientated from west to east linked by a shorter section aligned north to south of varying height between two and three storeys. Overall, the lower ground floor would

comprise ancillary uses such as kitchens and laundry, recreational uses and eight ensuite bedrooms. On the first floor (which is the entrance level) there are to be 34 ensuite bedrooms and two day rooms/dining room/lounges and an external roof terrace on the south wing. The second floor would largely replicate the ground floor but would have a larger roof terrace. The building takes account of the constraints of the site in terms of levels and the design encompasses varying ridge heights, different elevational treatments and external materials. External materials would include slate, render, stone and timber.

The current access into the site would be upgraded and retained. The junction arrangement with Mearns Road would be realigned to provide safer arrangement for accessing the two properties fronting Mearns Road i.e. Blueacre and Chavey Down and would require a Stopping-Up Order for a section of footpath. Twenty car parking spaces would be provided within the site plus four disabled spaces, an ambulance bay and four overspill car parking spaces. A new footpath would link the development to the existing footway onto Mearns Road.

Garden space for use by the home would be provided around the building with both communal and individual accesses in addition to two outdoor roof terraces on the southern wing.

The application is to be assessed against the Development Plan and any material considerations. The Development Plan comprises the Glasgow and the Clyde Valley Strategic Development Plan (adopted 2012) and the East Renfrewshire Local Plan (adopted 2011). As the proposal does not raise any issues on a strategic level, the proposal will be assessed against the adopted East Renfrewshire Local Plan. Material considerations are considered to be consultation responses, representations and the proposed Local Development Plan.

Adopted East Renfrewshire Local Plan

Proposals for new developments are assessed against the 14 criteria set out in Policy Strat2. In this case, the relevant criteria are considered to be: 1) a proven need for the development; 2) The consideration of alternative locations, forms and layout of the development; 3) resulting community and economic benefits: 4) the impact on communities, individual properties and existing land uses: 6) the transport impact of the development and 7) the impact on the built and natural environment.

The applicant's Design and Access Statement discusses the need for the development on the grounds that there is a national and local need for further specialist accommodation for the elderly. The proposal is considered to be in compliance with criterion 1.

With regard to criterion 2, the proposed development accords with the preference for urban locations and brownfield sites to be developed before greenfield sites and this site complies with the requirements of criterion 2.

There will be some benefits associated with the development through jobs creation during both the construction phase and when the home is open. The applicant has indicated that there could be approximately 33 staff at some periods during the day and 8 over night staff.

Although the proposal, in terms of land use, is appropriate for the site, it will inevitably have a resultant visual impact on the area. However within the wider area the proposal is considered to have a limited visual impact on amenity and character. The proposal is considered to comply with criterion 4.

The Council's Roads Service has been consulted on the application and has raised no issues with the proposal, subject to conditions. The proposal is not considered to conflict with criterion 6.

An Environmental Impact Assessment Screening Opinion has been adopted that concludes that the development does not require an Environmental Impact Assessment in terms of Town and Country Planning (Environmental impact Assessment) (Scotland) Regulations 2011. The applicant's Habitat Survey does not raise any issues with regard to the impact on natural heritage and wildlife habitats. The proposal does not conflict with criterion 7.

On balance, it is considered that while the proposal does not significantly conflict with some the key tests for new developments. It should be noted that as the proposal relates to a Class 8 use in terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997, there is no requirement for either developer or affordable housing contributions.

The proposed site is covered by Policy E1 of the adopted Local Plan which presumes against significant developments in the general urban area which are not compatible with the character and amenity of the locality and its surrounding uses. Given that the site is located within an established residential area, it is considered that the general principle of the development is acceptable. The details of the development however have to be assessed against Policy DM1.

Policy DM1 sets out 14 determining criteria for the assessment of all developments. The relevant criteria are considered to be: 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 and materials; 4) not impact on the landscape, greenspace or biodiversity features; 5) ensure that landscaping is an integral element within the layout design; 7) meet parking and access requirements and; 8) not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy.

The proposal will result in the development of the site which has a history of non-conforming uses/business uses in a residential area. The proposal will result in, for example, improved access arrangements; limited impact on significant trees and the removal of a number of redundant and unsightly structures. Although the proposed building is much larger in terms size and scale relative to the current buildings and the immediate neighbouring houses, the siting and setting lessens the visual impact on the locality. The proposal therefore complies generally with Policy DM1 (1).

The height of the building varies taking account of the topography of the site which has resulted in two to three storey elevations. The predominant height is two and a half storeys with a mansard roof that assists in minimising the scale of the development. The maximum ground floor to ridge height is approximately 11.5m on the south elevation which is separated from the properties in Cresswell Place by established woodland. The roof profile varies across the building and is considered to add interest to the design. The footprint of the building has been designed so that the longest elevation is on the south side of the site. The elevation facing the rear of the properties in Newton Place is the shorter wing and is angled away from the houses with a separation distance ranging from approximately 9m to 21m. The elevation facing Newton Place is two and a half storeys with a small three storey section on the far northwest corner. The hipped roof detail, the use of slate and render respect the character of the area. It is considered that on balance, the proposal accords with Policy DM1(2).

Trees within the site are protected by a Tree Preservation Order and are part of a wider coverage which includes the former Mearnskirk Hospital site and the established residential area to the south of Mearns Road. The submitted drawings indicate that one tree would be removed. The applicant has submitted a Tree Survey Report which advises that 18 trees were surveyed 10 category B (trees of moderate quality or value), 6 category C (trees of low quality) and 2 category U (trees deemed to be of no value). No category A trees were found (Trees of high quality and value). The report identifies two trees for felling and recommends the removal of self seeded trees. It should be noted that only those trees which were in place when the TPO was designated which in this case was December 1989 , are protected by the provisions of the legislation. The submitted drawings indicate new tree planting along the north boundary and in the vicinity of the car park. It is considered that the site and the wider TPO area will not be significantly prejudiced by the proposal. Consequently, the proposal does not conflict with Policy E3 and DM1(4).

The applicant has submitted ecological reports which indicate that the site supports moderate species diversity and that the habitats are not considered to be of exceptional value. There is no evidence of protected species although it is likely that there are otters in the burn. No bat roosts were found in the site and the development would not impact on forging in the vicinity. Subject to appropriate conditions, the proposal does not conflict with Policy DM1(4).

With regard to Policy DM1(5), as many trees as possible will be retained on the site and apart from the car park, hardstanding will be kept to a minimum. Appropriate condition(s) can ensure that a detailed landscaping scheme is submitted should permission be granted. The proposal does not conflict with Policy DM1(5).

As previously stated, the proposal involves the formation of improved access arrangements from Mearns Road together with the provision of over 20 car parking spaces. The applicant has submitted a Road Safety Audit and Transportation Statement. During the processing of the application, the access arrangements have been revised and improved. The current private access is a "historic entrance" that was in existence prior to the construction of the roundabout junction of Mearns Road with Humbie Road and the associated re-alignment of these routes. Both the access to Blueacre and the neighbouring property "Chavey Down" are served across the old re-alignment of Mearns Road which has been dis-adopted and is no longer part of the public road network. The Roads Service has assessed the submission and supporting documentation and, subject to conditions, has no issues with the proposal. Consequently, the proposal accords with Policy DM1(7).

The position of the proposed building on the site and the separation distances between the nearest existing residential properties, are such that there will be no significant overlooking or overshadowing issues. The proposal is considered to accord with Policy DM1(8).

On balance and in view of the foregoing, it is considered that the proposal will not have a significant impact on the amenity and character of the area and as such accords with Policy E1.

Proposed Local Development Plan

In terms of the Proposed Local Development Plan, this represents the Council's current policy position in respect of the consideration of development proposals. This document has similar policies as the adopted Local Plan relating to, for example, the strategic assessment of applications, general urban areas, detailed development guidance and the protection of natural features. Strategic Policy 2 set out 15 criteria against which all developments are assessed and the relevant criteria are considered to be 1, 2, 3, and 4 and, with the exception of criterion 1, generally equate with those in the adopted Local Plan. With regard to Strategic Policy 1(1), it should be noted the reference to the "consideration of alternative locations" in the corresponding adopted Local Plan policy Strat 2 (2) has been removed. Similarly, the relevant criteria in Policy D1 are 1,2,3,4 and 9. It should be noted that the site now lies within a defined Local Biodiversity Site covering the wider area of Mearns Kirk Woods. It is considered that, for the same reasons as stated earlier in the report, the proposal accords with the Proposed Local Development Plan.

Representations

The comments of the representees are noted and have generally been addressed in the report. For matters not discussed in the assessment, the following comments are made.

It is considered that the care home would not on a day-to-day basis generate unacceptable levels of noise. It is accepted that there will inevitably be noise and disturbance to the nearest properties during the construction of the development which could be minimised by restrictions on constructing hours. In the event that there were complaints about noise, these would be investigated by the Community Wardens and the Council's Environmental Health Service.

It is acknowledged that elements of the building are three storeys and will inevitably be higher than the adjacent buildings. However, given, for example, the separation distances and orientation of the existing and proposed buildings, it is considered for reasons previously discussed that residential amenity will not be significantly prejudiced.

With regard to comments about poor transport links, the Council's Roads Service has not raised any issues with the applicant's Travel Plan contained within the Transport Statement.

Although Scottish Water have not responded, it is the responsibility of the developer to ensure that all appropriate drainage arrangements are carried and consents are in place. Neither SEPA

nor the Council's Roads Service has raised any issues with the information submitted in relation to proposed drainage of the site.

Material Considerations

Matters material to the consideration of the application are deemed to be the requirement and need for specialist housing for the elderly and the status of the LDP. Scottish Government publications acknowledge that there is an ageing population and a need for appropriate housing provision. The Council's Local Housing Strategy document confirms, at a local level, the need to provide housing for elderly people across East Renfrewshire and census information illustrates that numbers of people over 65 years and 80 years is increasing and will continue to do so. The proposal will provide care for 76 residents. The Council's Local Housing Strategy also advises that the Council is under pressure to meet the current and future housing needs of older people. While there is no way of controlling that the future occupants of the care home will be from East Renfrewshire, the development would have local and a wider community benefit and provide specialist care for elderly persons which is supported by national and local strategies.

Conclusion

Drawing all the above matters together, it is considered that this is an acceptable development at this location. It is therefore recommended that the application be approved.

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None

CONDITION(S):

1. There shall be no construction work or offloading of delivered materials at the development site outwith the hours of 0800 to 1900 Monday to Friday and 0800 to 1300 on Saturday with no working on Sunday or local or national public holidays unless otherwise agreed in advance in writing by the Head of Environment (Property, Planning and Regeneration).

Reason: To prevent noise nuisance to the surrounding area.

2. Development shall not commence until details of the phasing of the development have been submitted to and approved in writing by the Head of Environment (Planning, Property and Regeneration). Thereafter the development shall be implemented in accordance with the approved phasing scheme.

Reason: In order to ensure a properly programmed development.

3. Development shall not commence until a site investigation of the nature and extent of any ground contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Head of Environment (Planning, Property and Regeneration). The results of the site investigation, including measures to be taken to remediate the site to render it suitable for the development hereby approved, shall be submitted to and approved in writing by the Head of Environment (Planning, Property and Regeneration) prior to work commencing on site. The site shall be remediated in accordance with the approved measures prior to commencement of construction.

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

4. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted and approved in writing by the Head of

Environment (Planning, Property and Regeneration). The remediation of the site shall incorporate the approved additional measures.

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

5. Development shall not commence until details of all external lighting (including details of the lighting units, the angle and intensity of illumination and hours of operation) have been submitted to and approved in writing by the Head of Environment (Planning, Property and Regeneration). Thereafter the lighting shall be implemented as approved.

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

6. Development shall not commence until the alterations to the access shown on drawing PL-02(00) REV A hereby approved have been fully implemented and visibility splays of 2.4 metres by 90 metres by 1.05m provided in both directions at the junction of the new access with Mearns Road unless otherwise agreed in advance in writing by the Head of Environment (Planning, Property and Regeneration).

Reason: In the interests of pedestrian and vehicular safety.

7. The parking spaces shown on the approved layout plan shall be constructed, surfaced and delineated on the site in all respects before the building hereby permitted is brought into use. The layout shall not be altered without the prior written consent of the Head of Environment (Planning, Property and Regeneration)

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

8. No trees other than the tree identified for removal on the drawing PL-02(00) REV A hereby approved shall not be felled, removed or disturbed in any way without the prior written approval of the Head of Environment (Planning, Property and Regeneration).

Reason: To protect the existing trees so that they continue to contribute to the environmental quality of the area and soften the impact of the development

9. Development shall not commence until the trees marked for retention on the drawing PL-02(00) REV A hereby approved have been protected by suitable fencing. Fencing should be erected on at least the fullest extent of the canopy on broadleaf trees and half the height of conifer trees as set out in BS3998/1989 and BS5837/2005. Details of the location and type of fencing shall be submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration) prior to the commencement of works

Reason: To protect the existing trees so that they continue to contribute to the environmental quality of the area and soften the impact of the development.

10. Should the development hereby approved commence after 10 July 2015, the site shall be resurveyed for protected species and an updated ecological survey submitted for the written approval of the Head of Environment (Planning, Property and Regeneration).

Reason: In order to protect European Protected Species.

11. Development shall not commence until a scheme of hard and soft landscaping works has been submitted to 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) Other structures such as street furniture and play equipment;
- iv) Details of the phasing of the landscaping works;
- v) Proposed levels; and
- vi) Schedule of maintenance.

Thereafter the landscaping works shall be implemented as approved.

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

12. 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 11 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 environment quality of the development.

13. Development shall not commence until detailed levels, diagrams and sections, showing the existing and proposed levels throughout the site and finished floor levels in relation to a fixed datum point have been submitted to and approved in writing by the Head of Environment (Planning, Property and Regeneration). Thereafter the development shall be constructed in accordance with the approved levels.

Reason: To ensure that the levels are acceptable at this location.

14. Development shall not commence until samples of materials to be used on all external surfaces of the building and hard surfaces have been submitted to and approved in writing by the Head of Environment (Planning, Property and Regeneration). Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

15. Development shall not commence until details and location of all walls (including retaining walls) and fences to be erected on the site have been submitted to and approved in writing by the Head of Environment (Planning, Property and Regeneration). Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

16. Development shall not commence until details and location of an otter proof fence to be erected along burn has been submitted and approved in writing by the Head of Environment (Planning, Property and Regeneration) and thereafter implemented in accordance with the approved details. The approved fencing shall remain in place for the duration of the building works and shall not be altered or removed prior to completion of the building works without the prior written approval of the Head of Environment (Planning, Property and Regeneration)

Reason: In order to protect a European Protected Species from the development site.

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 required to consult with East Renfrewshire Council Protective Services regarding compliance with the Workplace (Health, Safety & Welfare) Regulations 1992.

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.

Waste materials arising from the demolition on site shall be disposed of to a licensed waste management facility or to a landfill site in accordance with the Waste Management Regulations 1994 (as amended) and the Special Waste Regulations 1996.

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

There shall be no burning on site

The Developer is required to consult with East Renfrewshire Council's Development Plans Section on 0141 577 8542 on proposed street naming and numbering at an early stage in the development.

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

Appropriate provision shall be made for refuse collection.

A Stopping-Up Order is required for a section of footpath at Mearns Road at the developer's expense

ADDED VALUE:

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

Road, footway or parking improvements have been achieved during the processing of the application to ensure that the proposal does not have a detrimental impact on road users.

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:

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

Ref. No.: 2014/0416/TP
(ALMI)

DATE: 4th March 2015

DIRECTOR OF ENVIRONMENT

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.

East Renfrewshire Local Plan (Adopted 14th 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 10% 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 Government's 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 E3

Protection of Natural Features

The Council seeks to protect and where appropriate enhance East Renfrewshire's natural heritage and landscape features, including wildlife habitats within urban greenspaces.

There will be a strong presumption against development where it would compromise the overall integrity of Sites of Special Scientific Interest (SSSIs), Sites of Importance for Nature Conservation (SINCs), Tree Preservation Orders (TPOs) and ancient and long established woodland sites. The locations of SSSIs, SINCs, TPOs are identified on the Proposals Map.

In addition, the Council will encourage woodland management and tree retention and will support planting schemes which contribute to the creation of new native woodlands and to the landscape value and amenity of the area.

b) Protected Species

Planning permission will not be granted unless the Council is satisfied that the proposed development will either not impact adversely on any protected species on the site or that the terms of The Conservation (Natural Habitats) Regulations 1994 are likely to be satisfied.

d) TPOs

The Council will seek to protect trees that are subject to tree preservation orders. Where

permission is granted for the removal of trees, replacement planting will be expected.

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.

Proposed Local Development Plan

The Proposed Local Development Plan (LDP) outlines the Council's most up to date statement of planning policy. The LDP has been examined by the Scottish Government and the Examination Report has been published.

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 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 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 D8 Natural Features

There will be a strong presumption against development where it would compromise the overall integrity of Sites of Special Scientific Interest, Local Biodiversity Sites, Tree Preservation Orders and ancient and long established woodland sites. The location of Sites of Special Scientific Interest, Local Biodiversity Sites and Tree Preservation Orders are identified on the Proposals Map.

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.

Development within or in close proximity to the natural features outlined above shall be assessed against the criteria set out in the Green Network Supplementary Planning Guidance.

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

GOVERNMENT GUIDANCE: None relevant