#### EAST RENFREWSHIRE COUNCIL

#### LOCAL REVIEW BODY

#### 10 June 2015

#### Report by Deputy Chief Executive

#### REVIEW OF CASE - REVIEW/2015/06

#### ERECTION OF THREE UNITS (CLASSES 1,2 AND 3) WITH ASSOCIATED PARKING AT PETROL FILLING STATION, 60-62 PAISLEY ROAD, BARRHEAD

#### PURPOSE OF REPORT

**1.** The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 in respect of the application detailed below.

#### DETAILS OF APPLICATION

2.	Application type:	Full Planning Permission (Ref No:- 2015/0008/TP).		
	Applicant:	Balmoral Investments and Development Ltd		
	Proposal:	Erection of three units (classes 1,2 and 3) with associated parking		
	Location:	60-62 Paisley Road, Barrhead		
	Council Area/Ward:	Barrhead (Ward 2).		

#### **REASON FOR REQUESTING REVIEW**

**3.** The applicant has requested a review on the grounds that the Council's appointed officer refused the application.

#### RECOMMENDATIONS

- 4. The Local Review Body is asked to:-
  - (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
    - (i) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied; and
    - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed.
  - (b) In the event that further procedure is required to allow it to determine the review, consider:-

- what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
- (ii) what procedure or combination of procedures are to be followed in determining the review.

#### BACKGROUND

**5.** At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the "local development" category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an "appointed officer". In the Council's case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Planning, Property and Regeneration).

7. The report highlighted that historically appeals against planning decisions were dealt with by Scottish Ministers. However, following the introduction of the new planning provisions with came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

#### NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

**8.** The applicants in submitting the review have stated the reasons for requiring the review of the determination of their application. A copy of the applicants' Notice of Review and Statement of Reasons is attached as Appendix 5.

**9.** The applicants are entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and have indicated that their stated preferences are one or more hearing sessions or assessment of the review documents only, with no further procedure.

**10.** The Local Review Body will decide what procedure will be used in the determination of the review.

#### INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

**11.** Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The Local Review Body is advised that the focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.

**12.** The information detailed below is appended to this report to assist the Local Review Body in carrying out the review of the decision taken by the appointed officer:-

- (a) Application for planning permission Appendix 1 (Pages);
- (b) Copies representations Appendix 2 (Pages);
- (c) Report of Handling by the planning officer under the Scheme of Delegation Appendix 3 (Pages);
- (d) Decision notice and reasons for refusal Appendix 4 (Pages); and
- (d) A copy of the applicant's Notice of Review and Statement of Reasons Appendix 5 (Pages).

**13.** The applicants have also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 6 (Pages):

- (a) Refused Existing site and location plan;
- (b) Refused Proposed site layout;
- (c) Refused- Proposed bin store and plant;
- (d) Refused Proposed plan; and
- (e) Refused Proposed elevations; and
- (f) 3D Perspective plan.

**14.** The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling.

**15.** All the documents referred to in this report can be viewed online on the Council's website at <u>www.eastrenfrewshire.gov.uk</u> with the exception of any representations that have been made to the application.

#### RECOMMENDATIONS

- 16. The Local Review Body is asked to:-
  - (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
    - (i) it proceeds to determine whether the decisions taken in respect of the application under review should be upheld, reversed or varied; and
    - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed.

- (b) In the event that further procedure is required to allow it to determine the review, consider:-
  - what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
  - (ii) what procedure or combination of procedures are to be followed in determining the review.

Report Author:

Director - Caroline Innes, Deputy Chief Executive

Paul O'Neil, Committee Services Officer e-mail: paul.o'neil@eastrenfrewshire.gov.uk Tel: 0141 577 3011

Date:- May 2015

KEY WORDS:

A report presenting information to allow the Local Review Body to review the decision taken by the appointed officer to refuse the application for planning permission in terms of the scheme of delegation.

Key Words:- Local Review Body, Notice of Review, Statement, Reasons.

**APPENDIX 1** 

### APPLICATION

### FOR

### PLANNING PERMISSION



2 Spiersbridge Way Thornliebank Glasgow G46 8NG

Tel: 0141 577 3001

Fax: 0141 577 8411

Email: planningapplications@eastrenfrewshire.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

## ONLINE REFERENCE 000108454-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

# **Type of Application**

What is this application for? Please select one of the following: \*

We strongly recommend that you refer to the help text before you complete this section.

 $\checkmark$ 

Application for Planning Permission (including changes of use and surface mineral working)

Application for Planning Permission in Principle

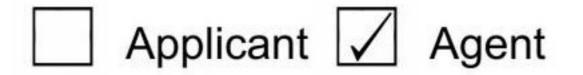
Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)

Application for Approval of Matters specified in conditions

Description of Proposal				
Please describe the proposal including any change of use: * (Max 500 characters)				
Demolition of buildings, erection of three (Class 1-3) units, ATM machine and associated infrastructure works				
Is this a temporary permission? *				
If a change of use is to be included in the proposal has it already taken place? Yes 🗸 No (Answer 'No' if there is no change of use.) *				
Have the works already been started or completed? *				
V No Yes - Started Yes - Completed				

## **Applicant or Agent Details**

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)



Agent D	etails
---------	--------

Please enter Agent details

r loade enter Agent actails			
Company/Organisation:	Ferguson Planning	You must enter a Building I both:*	Name or Number, or
Ref. Number:		Building Name:	Tower Room, Tweed Horizons Centre
First Name: *	Tim	Building Number:	1
Last Name: *	Ferguson	Address 1 (Street): *	Newtown St Boswells
Telephone Number: *	01835 822 716	Address 2:	
Extension Number:		Town/City: *	Melrose
Mobile Number:	07960003358	Country: *	UK
Fax Number:		Postcode: *	TD6 0SG
Email Address: *	tim@fergusonplanning.co.uk		
Is the applicant an individual of	or an organisation/corporate entity? *		
🗌 Individual 🖌 Organis	ation/Corporate entity		
Applicant Details	S		
Please enter Applicant details	5		
Title:	Mr	You must enter a Building I	Name or Number, or

both:\*

Other Title:		Building Name:	C/O Agent
First Name:	Nav	Building Number:	1
Last Name:	Singh Kalkat	Address 1 (Street): *	Tower Room, Tweed Horizons
Company/Organisation: *	Balmoral Investments & Development Ltd	Address 2:	Newtown St Boswells
Telephone Number:		Town/City: *	Melrose
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD6 0SG
Fax Number:			
Email Address:	tim@fergusonplanning.co.uk		

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Site	Address	Details
Onc	Addicoo	Detans

Planning Authority:

East Renfrewshire Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

PETROL FILLING STATION	
60 - 62 PAISLEY ROAD	
BARRHEAD	

Town/City/Settlement:

Post Code:

Address 5:

GLASGOW

G78 1NN

Please identify/describe the location of the site or sites.

Northing	659595	Easting	249776	
Pre-Application Discussion				
Have you discussed your proposal with the planning authority? * <b>Pre-Application Discussion Details</b>				
In what format was th	e feedback given? *			

Meeting
mooting



Letter 🖌 Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (Max 500 characters)

Pre-application correspondence has taken place on a number of occasions with case officer with regard to planning policy requirements and road matters. Correspondence was also had with the Environment Department with regard to decommissioning of petrol tanks on the subject site.

Title:	Ms	Other title:	
First Name:	Lynne	Last Name:	McMenemy
Correspondence Reference Number:		Date (dd/mm/yyyy):	28/07/14

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

Please state the measurement type used:

0.12



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# **Existing Use**

Please describe the current or most recent use: (Max 500 characters)

Redundant Petrol Filling Station/Car Wash

## **Access and Parking**

Are you proposing a new or altered vehicle access to or from a public road? \*



If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? \*

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? \*

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

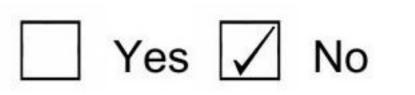
## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*





3



Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) \*

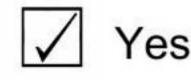
🖌 Yes 🗌 No

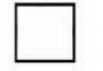
Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*





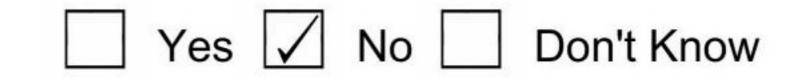
No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

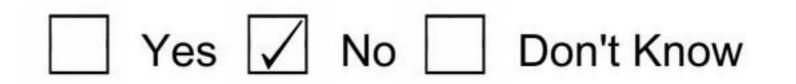
## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*



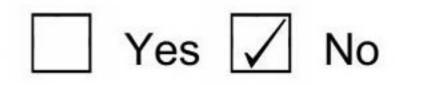
If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*



## Trees

Are there any trees on or adjacent to the application site? \*



Yes

No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

If Yes or No, please provide further details: (Max 500 characters)

An enclosed bin store is to be provided. Refer to Site Plan.

## **Residential Units Including Conversion**

Does your proposal include new or additional houses and/or flats? \*



## All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*



## All Types of Non Housing Development - Proposed New Floorspace Details

For planning permission in principal applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 1 Retail (food)

Gross (proposed) floorspace (In square metres, sq.m) or number of new (additional) rooms (if class 7 or 8):

465			

If Class 1, please give details of internal floorspace:

Net trading space.

110

Non-trading space.

Net trading space:	418	Non-trading space:	47			
Total:	465					
If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)						
Unit 1 to be operated as small Class 1 supermarket. Unit 2 & 3 to be operated within Class 1-3 uses.						

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Don't Know No 🗸 Yes Planning (Development Management Procedure (Scotland) Regulations 2013 \*

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

## **Certificates and Notices**

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? \*

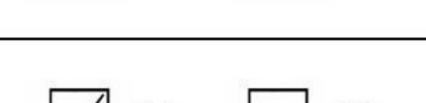
Is any of the land part of an agricultural holding? \*

Are you able to identify and give appropriate notice to ALL the other owners? \*

## **Certificate Required**

The following Land Ownership Certificate is required to complete this section of the proposal:





Yes

Yes

Yes

✓ No

No

No

Yes

# Certificates

The certificate you have selected requires you to distribute copies of the Notice 1 document below to all of the Owners/Agricultural tenants that you have provided, before you can complete your certificate.

Notice 1 is Required

I understand my obligations to provide the above notice(s) before I can complete the certificates. \*  $\checkmark$ 

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that -

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application; or –

(1) I have/The Applicant has carved notice on every parson other than myself/the applicant who at the beginning of the pariod of 21

	the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.
Name:	Mr John Doyle
Address:	Panther Securities Plc, Deneway House, 88, Darkes Lane, Potters Bar, Hertfordshire, EN6 1AQ
Date of Service of	f Notice: * 09/01/15

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

## or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:		
Address:		
Date of Service of	f Notice: *	
Signed:		
On behalf of:	Balmoral Investments & Development Ltd	
Date:	09/01/2015	
Checklist	- Application for Planning Permission	
Town and County	/ Planning (Scotland) Act 1997	
The Town and Co	ountry Planning (Development Management Procedure) (Scotland) Regulations 2013	
in support of your	v moments to complete the following checklist in order to ensure that you have provided all the necessary information r application. Failure to submit sufficient information with your application may result in your application being deemed ning authority will not start processing your application until it is valid.	
a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *		

Yes No 🖌 Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes No 🖌 Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes No 🖌 Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes No 🖌 Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes No 🗸 Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*



g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.  $\checkmark$ 

|Elevations.

Floor plans.



Cross sections.



🖌 Roof plan.



Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.	
Other.	
Provide copies of the following documents if applicable:	
A copy of an Environmental Statement. *	Yes 🖌 N/A
A Design Statement or Design and Access Statement. *	Yes 🖌 N/A
A Flood Risk Assessment. *	Yes 🖌 N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	Yes 🖌 N/A
Drainage/SUDS layout. *	Yes 🖌 N/A
A Transport Assessment or Travel Plan. *	Yes 🖌 N/A

Contaminated Land Assessment. \*

Habitat Survey. \*

A Processing Agreement \*

Other Statements (please specify). (Max 500 characters)

Planning Statement

## N/A Yes 🗸 Yes 🗸 N/A

Yes 🖌 N/A 

## **Declare - For Application to Planning Authority**

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

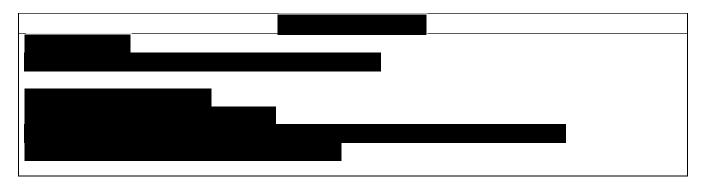


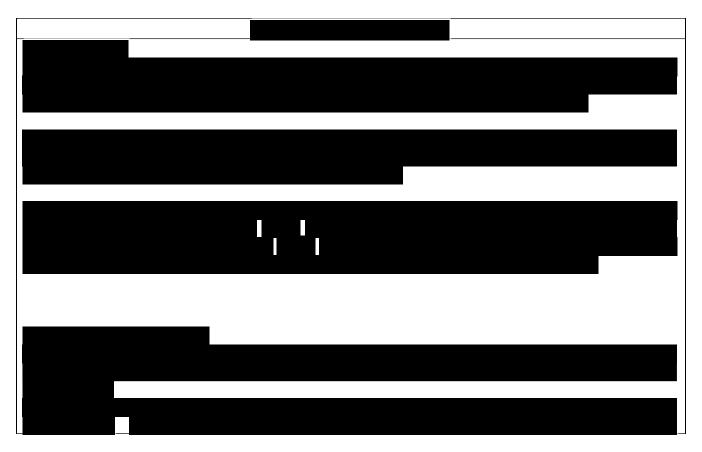
Declaration Name:	Tim Ferguson
Declaration Date:	09/01/2015
Submission Date:	09/01/2015
<b>Payment Details</b>	
	Created: 09/01/2015 13:16

**APPENDIX 2** 

### **COPIES OF OBJECTIONS/REPRESENTATIONS**












**APPENDIX 3** 

### **REPORT OF HANDLING**

### **REPORT OF HANDLING**

Reference: 2015/0008/TP

Date Registered: 22nd January 2015

This application is a Local Development

Application Type: Full Planning Permission

Ward: Co-ordinates: Applicant/Agent: 2 -Barrhead 249776/:659595 Applicant: Balmoral Investments & Development Ltd C-O Agent

Agent: Ferguson Planning Tower Room, Tweed Horizons Centre 1 Newtown St Boswells Melrose TD6 0SG

Proposal: Location: Erection of three units (classes 1,2 and 3) with associated parking Petrol Filling Station 60 - 62 Paisley Road Barrhead East Renfrewshire G78 1NN

#### CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads andObjects to the application and recommends thatTransportation Service:it be refused on road safety grounds.

PUBLICITY: None.

#### SITE NOTICES: None.

2000/0107/TP	Amendment to planning condition number 3 of planning consent 92/444/PP, to extend opening hours of the petrol filling station to 7 am to 11 pm and reducing car and jet wash hours to 8 am to 9 pm, 7 days a week	Refused	16.05.2000
2006/0247/TP	Demolition of existing buildings and erection of a local convenience store at ground floor level (325 sq.m) with 7 flats above (in outline)	Withdrawn	19.06.2006
2006/0868/TP	Demolition of existing buildings and erection of a retail unit at ground floor with flats above (in outline)	Approved subject to conditions	20.11.2008
2010/0546/TP	Change of use from petrol filling station to car wash and valeting	Approved subject to conditions	23.12.2010

	service		
2011/0538/TP	Change of use from petrol filling station to drive thru coffee outlet with erection of kiosk building and demolition of canopy	Approved subject to conditions	20.10.2011
2013/0646/TP	Change of use to car sales with car display area and siting of portable building; formation of car wash/valeting; conversion of kiosk building to two retail units (class 1); erection of 2 metre high gates and fence at front	Withdrawn	21.02.2014
2014/0389/TP	Change of use of former petrol filling station to car sales with car display area and siting of portable building; formation of car wash/valeting; use of kiosk building to retail unit (class 1)	Approved subject to conditions	09.09.2014
2015/0075/MDO	Discharge of all of the Planning Obligation associated with the outline planning permission granted for the demolition of existing buildings and erection of a retail unit at ground floor with flats above (2006/0868/TP) in respect of the provision of affordable housing on site or an affordable housing commuted sum.	Granted	02.03.2015

#### **REPRESENTATIONS:**

2 representations have been received:

#### Representations can be summarised as follows:

- The proposed uses could give rise to odour and vermin nuisance caused by material deposited in the bin storage area;

- Bin storage area located too close to residential properties; and

- Extended opening hours would give rise to anti social behaviour and noise nuisance.

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

#### SUPPORTING REPORTS:

Planning Statement: describes the site and the proposal and identifies local and national planning policy against which it might be assessed. It assesses the proposal's compliance with planning policy and identifies other relevant material considerations. Amongst those, the planning statement highlights

the commercial element of the previous planning permission on the site (2006/0247/TP) and the economic and environmental benefits of re-using this previously developed brown field site.

Transport Statement: describes the access and parking characteristics of the proposal and the pedestrian and vehicular traffic that would be generated. It also describes the servicing arrangements. The statement recognises that the proposal does not accord with the Council's Roads Development Guide but suggests that a more flexible and pragmatic approach the consideration of the development would be appropriate given the vacant nature of the site and its proximity to bus routes and Barrhead railway station and the presence of on-street car-parking.

#### ASSESSMENT:

The application site comprises a former petrol filling station on the east side of Paisley Road, Barrhead at a point opposite the junctions with Quarry Road and Bellfield Court. The canopy and fuel pumps have been removed from the site. A building, previously occupied by the payment kiosk and a small retail unit, remains on the site along with the totem sign. Residential properties lie immediately to the south, east and west of the site. A building occupied by a social club lies immediately to the north of the site with further residential properties beyond that to the north. Paisley Road has a carriageway width of approximately 12.5 metres in the vicinity of the site which allows for on-street car-parking formally delineated with build-outs and white lines. The site has two access points which functioned as an "in-out" arrangement, a feature common to most petrol filling stations. A light-controlled pedestrian crossing is situated on Paisley Road between the two access points.

The site lies within the general urban area as defined within both the adopted Local Plan and the proposed Local Development Plan. It lies on a bus route and is 300 metres north of Barrhead railway station.

Planning permission is sought for the erection a parade of three adjoining commercial units to be used as use classes 1, 2 and 3 with associated car-parking. The units comprise one larger unit of 280 square metres and two smaller units, each measuring 94 square metres in area. The larger unit is proposed to operate as the class 1 retail use, envisaged as a mini-market format and the two smaller units will operate as either a class 2 (office) or a class 3 (for consumption of food and drink on the premises). An ATM is proposed to be attached to the larger unit and a bin storage area is proposed on the southern elevation of the parade. The parade is orientated to front Paisley Road with 14 car-parking spaces arranged in a "nose-in" format immediately in front of the parade. Bicycle stands are proposed adjacent to the northern boundary of the site. The applicant has stated that the units will be serviced from both within the site (small van deliveries) and from the adjacent street (larger goods vehicles).

The parade measures 15.4 metres by 30.2 metres by 5.1 metres high. It comprises a shallow dualpitched roof and will be externally finished in grey composite panels, glazing and pressed metal rainwater goods.

The proposed use of the site for retail/commercial purposes is considered to be generally acceptable in principle. The site lies adjacent to a busy thoroughfare within the general urban area and has been used previously for commercial purposes. The use of the site for use classes 1, 2 or 3 would not be considered to have a significant impact on the amenity of the adjacent residential properties given its location on this principal arterial route. Should the application be approved, the hours of opening can be controlled by conditions to safeguard residential amenity. The disposal and storage of waste material will be controlled under separate Environmental Health legislation and as such is not a material planning consideration (other than road safety issues relating to the servicing of the bin stores, discussed below). Similarly, any breach of that legislation would be addressed by the Environmental Health Service. Anti-social behaviour is a Police matter and again is not a material planning consideration.

The consultation response from the Council's Roads Service is a material consideration and must be given weight in the determination of the application. It should be noted that proposed block plan initially showed an HGV service area (for loading and off-loading) sharing the customer car-parking and circulation space. In an initial consultation response Roads Service recommended refusal based on insufficient car-parking; unsuitable layout for car-parking; unsuitable layout for the servicing of the units and bin storage area; and unsuitable pedestrian access/egress into and out of the site. In response to those comments, the applicant submitted the transport statement and amended block plan. The number of parking spaces has not increased, however the servicing of both the parade and the bin store has been removed from within the site and the applicant advises this will take place on the public road, possibly to the north of the site.

Roads Service was re-consulted and again recommended refusal based on insufficient car-parking; unsuitable layout for car-parking; unsuitable layout for the servicing of the units and bin storage area; and unsuitable pedestrian access/egress into and out of the site. In the second response, specific reference has been made to the requirement to service the units and the bin store from within the site; the requirement for 19 car-parking spaces; the requirement for 2.5 to 3 metres clearance to the side of service vehicles to allow for off-loading bulky items; customer car-parking spaces should not be blocked by service vehicles; and there should be a continuous footway connection form the public footpath to the footway within the site.

Roads Service has indicated that the car-parking requirement for a commercial/retail development of the floor area proposed is 19 spaces. The applicant has provided only 14 spaces which fall significantly short of the requirement. It is accepted that there is on-street car parking in the vicinity of the site however this is presently used by visitors and residents of the dwellings on Paisley Road. It is therefore considered inappropriate to allow a much reduced level of car parking on the site as to do so would lead to potentially unsafe car parking on Paisley Road, particularly at times when the existing on-street car parking is occupied.

The comments by the Roads Service relating to the unsuitable layout of the customer car parking are noted and agreed with. The proposed layout would require vehicles to reverse out of the car parking spaces into the path of on-coming vehicles entering the site. This would be considered to be detrimental to public road safety.

The comments by the Roads and Transportation Service relating to the unsuitable layout for vehicles servicing the units and the bin stores are noted and again agreed with. The Service requires that onsite servicing should be provided. It is considered that the alternative proposal of forming a loading area on Paisley Road in proximity to numerous junctions and a pedestrian crossing would not be acceptable in terms of public road safety. The current layout does not however allow for safe on-site servicing as service vehicles would block access to the site from Paisley Road and would block access and egress to the proposed car parking spaces in front of the parade.

The comments of the Roads Service relating to the unsuitable pedestrian access into and out of the site are noted and agreed. The lack of a continuous footway into and through the site would require pedestrians come into conflict with customers' cars and service vehicles which would be considered detrimental to pedestrian and public road safety.

The proposal is therefore considered to be contrary to Policy DM1 of the adopted East Renfrewshire Local Plan and Policy D1 of the proposed East Renfrewshire Local Development Plan as it does not meet the Council's parking and access requirements and as such, would be detrimental to pedestrian and public road safety. Furthermore the parking and access requirements could not be met without redesign of the development which is likely to require significant reduction in the size of the development. As it stands the development could be considered to be overdevelopment of the site.

The comments in the supporting statements relating to the re-use of the site and its proximity to transport nodes and on-street car-parking and economic and environmental benefits are noted. Although the re-development of the site may bring the site back into active economic use it is not considered that this outweighs pedestrian and road safety issues referred to above. It is not considered competent to approve a development when there are road safety issues that cannot be addressed.

#### **RECOMMENDATION:** Refuse

#### PLANNING OBLIGATIONS: None

#### **REASONS FOR REFUSAL:**

- 1. The proposal is contrary to Policy DM1 of the adopted East Renfrewshire Local Plan as it does not meet the Council's parking and access requirements which would be detrimental to pedestrian and public road safety.
- 2. The proposal is contrary to Policy D1 of the proposed East Renfrewshire Local Development Plan as it does not meet the Council's parking and access requirements which would be detrimental to pedestrian and public road safety.

#### ADDED VALUE: None

#### **BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3034.

Ref. No.: 2015/0008/TP (DESC)

DATE: 19th March 2015

#### DIRECTOR OF ENVIRONMENT

#### Reference: 2015/0008/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 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).
- 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

### Finalised 19/03/15 IM(1)

**APPENDIX 4** 

### **DECISION NOTICE**

### AND

### **REASONS FOR REFUSAL**

#### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

#### REFUSAL OF PLANNING PERMISSION

#### Ref. No. 2015/0008/TP

Applicant Balmoral Investments & Development Ltd Mr Nav Singh Kalkat C-O Agent Agent: Ferguson Planning Tim Ferguson Tower Room, Tweed Horizons Centre 1 Newtown St Boswells Melrose TD6 0SG

With reference to your application which was registered on 22nd January 2015 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

#### Erection of three units (classes 1,2 and 3) with associated parking

#### at: Petrol Filling Station 60 - 62 Paisley Road Barrhead East Renfrewshire G78 1NN

the Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

#### The reason(s) for the Council's decision are:-

- The proposal is contrary to Policy DM1 of the adopted East Renfrewshire Local Plan as it does not meet the Council's parking and access requirements which would be detrimental to pedestrian and public road safety.
- The proposal is contrary to Policy D1 of the proposed East Renfrewshire Local Development Plan as it does not meet the Council's parking and access requirements which would be detrimental to pedestrian and public road safety.

Dated

19th March 2015



Director of Environment East Renfrewshire Council 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, G46 8NG Tel. No. 0141 577 3001

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Block Plan and Location Plan	L(01)001	A	
Block Plan Proposed	L(01)002	С	
Plans Proposed	L(01)004	A	
Elevations Proposed	L(04)001	В	
Plans Proposed	L(01)003		

#### GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS

#### REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A notice of review should be addressed to the Principal Committee Services Officer, Council Headquarters, Eastwood Park, Rouken Glen Road, Giffnock G46 6UG. Applicants can also ask for a review if the application has not been determined within the 2 month time period for a decision.

Requests for review must be made on the Notice of Review form which is available to download from the Council's website at <u>www.eastrenfrewshire.gov.uk</u> or alternatively call the Planning general enquiry lines on 0141 577 3895 or 3878 to request one. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

CONTACT DETAILS

East Renfrewshire Council Development Management Service 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, G46 8NG

General Inquiry lines 0141 577 3895 or 0141 577 3878 Email planning@eastrenfrewshire.gov.uk

**APPENDIX 5** 

### NOTICE OF REVIEW

### AND

### STATEMENT OF REASONS



### **NOTICE OF REVIEW**

#### UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006

### THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

#### IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

#### Use BLOCK CAPITALS if completing in manuscript

Applicant(	s)		Agent (if an	<i>(y</i> )
Name	BALMORAL IN	LESTMENTS & DEVELOME	Name	TIM FERGUSON
Address	UN AGE	57	Address	FERGUSON PLANNING 54 ISLAND STREET GALASHIELS
Postcode			Postcode	TDI INU
	elephone 1		Contact Te Contact Te Fax No	elephone 1 07960003358
E-mail*			E-mail*	time Dergusenplanning. co. Jr
* Do you a	gree to correspo	ndence regarding your re	through thi	oox to confirm all contact should be is representative: Yes No ent by e-mail?
Planning au	uthority		EAS	TIZENFRIEWSHIRE CONVL
Planning au	uthority's applica	tion reference number	201	5/0008/TP
Site addres	S	60-62, PAISLET R	OAD, BAT	LIZH EAI)
Description developme	of proposed nt	The second		ERECTION OF THREE WITS, TED INFRASTRUCTURE WURKS
Date of app	plication 09	101/2015 D	ate of decisio	n (if any)

Notice of Review

<u>Note.</u> This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

#### Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

#### Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

#### **Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures. However, please note that the Local Review Body is not bound to accede to your request(s) and will decide what procedure will be used to determine your review.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4 Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

SHOULD LUARITY BE REQUIRED ON ANY MATTER A HEARING GESSION MATBE RELEVANT

#### Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- 1. Can the site be viewed entirely from public land?
- 2 Is it possible for the site to be accessed safely, and without barriers to entry?

Yes	No
4	
9	

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

#### Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. <u>Note</u>: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE REFER TO ATTACHED APPEAL STATEMENT

Notice of Review

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes	No
	P

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

#### List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

PLEASE REFER TO APPENDIX I OF APPEAL STATEMENT

<u>Note.</u> The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority. It may also be available on the planning authority website.

#### Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:



Full completion of all parts of this form

Statement of your reasons for requiring a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

<u>Note.</u> Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

#### Declaration

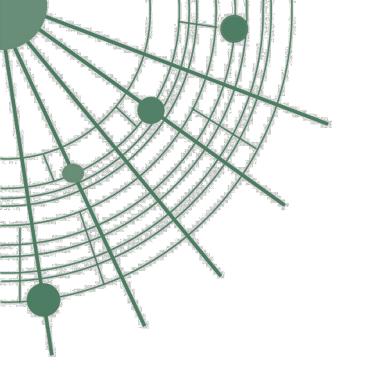
I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed				Date	28/04	2015
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#### **Data Protection Act 1998**

East Renfrewshire Council is the Data Controller for the purposes of the Data Protection Act 1998. Please note that the information provided with this application will appear in the public register of applications and will also be published on the Council's website. Personal details such as signatures, personal phone numbers and personal email addresses will not be published on-line. If you wish any further personal information to be excluded from publication, please request this in writing and the Council will consider your request.

Your completed notice of review should now be returned to: East Renfrewshire Council, Head of Environment (Planning, Property and Regeneration), 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NG. Alternatively, you can e-mail your notice of review to <u>planning@eastrenfrewshire.gov.uk</u>



PLANNING STATEMENT

### DEMOLITION OF BUILDINGS, ERECTION OF THREE (CLASS 1-3) UNITS, ATM MACHINE AND ASSOCIATED INFRASTRUCTURE WORKS

### 60-62 PAISLEY ROAD, BARRHEAD

### **BALMORAL INVESTMENTS & DEVELOPMENT LTD**

**JANUARY 2015** 





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09/01/15		



## 1. Introduction

- 1.1 This statement has been prepared by Ferguson Planning, on behalf of applicant: Balmoral Investments & Development Ltd, who seek to redevelop a long standing vacant petrol filling station to a new local neighbourhood retail parade.
- 1.2 The site was granted permission for a petrol filling station back in 1992 and following this has been used temporarily by a commercial car wash business. More recently there was planning permission (2006/0247/TP) granted for the demolition of buildings, erection of a retail unit extending to c.279 sq.m. and 7 residential units above.
- 1.3 The applicant has a legal contract in place to purchase and develop the site for that now proposed. It is intended that works would begin on site within a very short time frame following any receipt of planning permission. The residential element of the permitted scheme has been marketed for some time with the clear conclusion reached that it is commercially unviable and, as such, does form part of the current redevelopment plans for the site.
- 1.4 The proposal will bring a significant boost to the local economy and provide a much needed local neighbourhood centre to the north of Barrhead and that will serve the existing and proposed residential dwellings within (at most) a 5 minute drivetime of Paisley Road.



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## 2. The Site

- 2.1 The site in question is located to the north of Barrhead on one of the main arterial routes linking the town to Paisley. It is sustainable located with bus stop provision nearby and Barrhead train station and town centre both within walking distance.
- 2.2 The site itself extends to c. 0.12 hectares and is rectangular in shape. It previously traded as Londis supermarket and Gulf Petrol Station and Car Wash. To the north of the site is the United Services Club beyond which are terrace houses facing the main road. To the east is a residential cul de sac made up of detached and semi-detached properties. To the south is again terraced housing facing the main road and to the west is the main Paisley Road with a traffic light 'Double D' junction located adjacent to the site and which allows easy access to the housing on the opposite side of the road and also to Cross Arthurlie Primary School.
- 2.3 The main structures that historically/currently sit on the site included: the former Londis supermarket which extended to c.279sq.m. the adjoining PFS canopy and pumps which sat in a central location and the car wash compound located on the sites eastern boundary.



## 3. The Proposal

- 3.1 The proposal is relatively straight forward in that it seeks to clear/clean up the site and construct a small shopping parade made up of three adjoining units. The largest unit would extend to c. 279 sq.m. and traded as a Class 1 supermarket. The scale of the supermarket is largely identical to the former Londis supermarket on the site and that of the proposal granted in April 2007.
- 3.2 Adjoining the supermarket would be two small units extending to c. 93sq.m. each. The occupiers, while still to be made known, will fall within Classes 1 to 3. This could be uses, such as, a small/independent retailer (eg. Pharmacy), office (eg. solicitors) or potentially a local take away. In total the footprint of the building would extend to 465 sq.m.. The building has been positioned in such a way that it is set back from the road, much like the neighbouring terrace of houses. Open space is provided between the units and the site boundary to respect residential amenity and provide the appropriate 'breathing space' between it and neighbouring properties.
- 3.3 An enclosed Bin Store is proposed on the northern boundary to minimise the negative appearance they can sometimes portray when free standing at the front of commercial units.
- 3.4 The building itself will be of a steel construction with a low pitched roof. The elevation treatment will comprise light and dark grey composite panelling integrated with glazed shop fronts with associated advertisement hoarding above (by way of separate application). Further design detail of the building can be found within the accompanying architectural drawings.
- 3.5 It is proposed that the car parking would be located to the front of the site with 14 car park spaces made available (one of which would be dedicated for disabled users). The parking ratio falls within the confines of national (max.) parking standards. Cycle racks will also be provided to encourage this form of sustainable transport.
- 3.6 A one way system would be introduced with cars entering via the existing access to the north and exiting via the existing access to the south much like the previous use. Servicing of the supermarket would take place in a similar fashion and via a medium sized articulated lorry. The two adjoining units will most likely be serviced by small vans. When on site the delivery vehicle for the supermarket would be parked on the western boundary with temporary bollards put in place for health and safety. It is intended that most deliveries would be made prior to opening to ensure

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minimal interaction with costumers. There is likely to be approximately 4-5 deliveries per day.

- 3.7 It is intended that the units will be leased by the applicant to three individual (independent or national) operators with the creation of up to 18 (full and part time) jobs in the local area. The hours of operation are yet to be confirmed but likely to be from 8am to 10pm Monday to Saturday and 8am to 8pm on a Sunday.
- 3.8 The new businesses will create much needed employment in Barrhead and bring a longstanding vacant site back into use. It will also assist in reducing the number or length of local car borne trips to access daily provisions such as milk and bread.
- 3.9 There is no identified neighbourhood centre in this northern part of Barrhead and, as such, given its central location, the subject site represents a logical location to fill that void.



## 4. Planning Policy

4.1 Given that it is soon to be adopted the focus, in planning policy terms, is considered to be the East Renfrewshire Council Proposed Local Development Plan Modifications' (2013). The LDP has gone through examination and considered to be the current thinking of the Council regarding new development proposals in Barrhead.

#### *East Renfrewshire Council: Proposed Local Development Plan Modifications*

- 4.2 We view the proposal as a Neighbourhood Centre that will serve the residential districts in and around Paisley Road. While not formally allocated as such it will nonetheless operate as such.
- 4.3 The LDP'S 'Town and Neighbourhood Centre Uses' chapter contains the majority of guidance regarding that proposed. It recognises that neighbourhood centres make an important contribution to sustainable economic growth and provide a source of employment and services for the local community. Neighbourhood centres are seen as being complimentary to the provision provided within town centres.
- 4.4 **Policy SG7: Town and Neighbourhood Centre Uses** provides key guidance with regard to proposals for retail and leisure development out with town and neighbourhood centres. The relevant extract is '6.13.3' and states:

Proposals for new retail (Class 1 use) and leisure development outwith the town and neighbourhood centres will be assessed against Strategic Policy 2 and the following criteria:

- A sequential approach to site selection has been followed. Proposals must demonstrate why more sequentially preferable sites have been discounted as unsuitable or unavailable;
- There will be no significant individual or cumulative adverse impact on the vitality and viability of any town and neighbourhood centre;
- The proposal will help to meet identifiable qualitative and quantitative deficiencies in existing provision; and

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- The proposal is of scale which is commensurate with the size of the local community
- 4.5 **Strategic Policy 2: Assessment of Development Proposals** has been cross referenced and provides broader policy requirements for new development in general. The relevant extracts of this policy have again been quoted below:

Proposals for new development, other than smaller scale proposals (such as applications for single houses, householder or shop frontage alternations), 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....

3. Resulting in positive community and economic benefits

- 5. The impact on existing and planned infrastructure
- 7. The transport impact of the development...
- 8. The impact on the built and natural environment...
- 11. The contribution to energy reduction and sustainable 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



## 5. Proposal Compliance

#### Site Allocation

5.1 The proposal seeks to regenerate a longstanding redundant brownfield site within the settlement boundary of Barrhead. The site is currently allocated within the adopted and proposed local plan as a housing site (SG1.11) for 7 units. This relates to the most recent consent (2006/0247/TP) on the site which includes the provision of 7 flats. What the allocation does not highlight is the existing and consented use of the land for a small supermarket/retail unit and this should be given significant weight in the determination of this application.

#### **Planning Policy**

#### **Existing Allocation**

- 5.2 It is recognised that the site has been allocated for housing, however, the demand for the consented 7 flats above the retail unit, has proven not to exist. The site has been marketed for a number of years with no formal interest from residential developers. This has led the applicant to move forward with a purely retail scheme.
- 5.3 The supermarket is considered in keeping with the local area and an enhancement on what has gone before. The principle of a small supermarket on the site has already been accepted given, what is proposed, is broadly similar to the previous Londis Supermarket that existed and given the further permission for a retail unit via consent: 2006/0247/TP. The location and use of the site for a form of retail use, in sequential terms, has therefore been accepted
- 5.4 The additional two units are extremely limited in scale (93 sq.m.) and seen as an ancillary offer to the supermarket as to the ATM machine which will form part of the supermarket. They will however provide a wider service/offer to local residents and are needed to ensure the overall financial viability of the development.

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#### Associated Need / Impacts

- 5.5 The proposal is of an appropriate scale and designed to serve the local population only. It will in no way threaten or significantly impact upon the vitality or viability of Barrhead Town Centre or any identified neighbourhood centre in Barrhead (given the distance between them and the subject site). The distance to the nearest neighbourhood centre confirms the point that the northern district of Barrhead is lacking in appropriate local retail provision.
- 5.6 Confidence can be provided in that the applicant has already a sub-lease in place to a national convenience store. Turnover of the supermarket is considered to be in the region of £1 million per annum (£4,000 per sqm) with the majority of the turnover achieved via the clawback of lost local expenditure to the larger supermarkets like the recently opened Asda on Church Road. There is thought to be an extremely nominal diversion of turnover from local convenience stores within a 2-5 minute drive-time of the site.
- 5.7 There are considered to be significant retail deficiencies in the northern part of Barrhead due to the lack of local provision. Most local residents are thought to be leaving the area to access their daily essentials or retail goods. The proposal will assist in addressing this deficiency, introduce new provision and at the same time reduce journey times taken to access essential daily items such as bread and milk. It will therefore help address local qualitative and quantitative deficiencies.
- 5.8 Given the limited scale of the proposal it is clear that it will be commensurate with size of the local community. Given a similar scaled retail unit has previously been permitted on site and given it falls well below the threshold noted in SPP (eg. over 2,500sqm Gross para. 71) it is considered not necessary to undertake a full or detailed Retail Impact Assessment (RIA) for this proposal.

#### **Economic Benefits**

5.9 The local plan as well as SPP provide strong support for sustainable economic development. This proposal is considered to adhere to the associated principles in that it seeks to redevelop a long standing brownfield site and will create up to 18 new jobs. Further employment would be created as part of the construction process. In short the proposal will provide a significant economic boost to the local economy.



#### Transport

- 5.10 The site will improve the overall environment of the site and have less traffic generation associated with it. It is proposed to provide 14 parking spaces (1 space for disabled) which falls within national maximum parking standards. Given the proposal is focused on serving the local residential neighbourhood it is expected most will access the site on foot or bicycle with nearby bus services an additional possibility and alternative to the private car.
- 5.11 As noted previously a one way system will be operational for both customers and services vehicles. Information on servicing and opening hours has been outlined within the 'Proposal' section of this report. Again these arrangements are considered to be in keeping with previous uses on the site.

#### Environment/Amenity

5.12 It is proposed that the site will be de-contaminated prior to construction. Correspondence has taken place on this matter with specific feedback from the Environment Department outlined below.

There are no certificates within the file to confirm the works were carried out, however, the safety method statements for the works are in the file and the PO from this time has been able to confirm from his visit records that the tanks were decommissioned using RG22 on the 13<sup>th</sup> September 2006. This work was carried out by First Advance Specialist Services, (FASS Ltd) Kingsbridge, London Road, West Kingsdown, Sevenoaks, TM16 6AA, tel: 01474 856687.

The site was inspected in 2011 and the RG22 was apparent and sound within the manhole chambers, it is therefore likely that the foam is sound within the tanks as well.

The pumps were removed at the time of decommissioning in 2006, and the lines and offset fills were decommissioned using RG22. I have no records to show whether the vent lines were removed or decommissioned in situ. Jennifer Hampton, Environment Department

5.13 It is intended that the underground tanks will be removed from site and all other associated contamination works/certificates will be obtained. In terms of drainage SUDs techniques will be applied and that water and sewerage supplies will be obtained via the existing public network that already exists on site.

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- 5.14 The store has been orientated to assist in reducing any associated impact/noise on nearby residential dwellings. The units sit well within the site with suitable "breathing space" between it and neighbouring dwellings. The height of the unit will not exceed that of buildings which surround it and is not considered to create any issues regarding overshadowing. Opening and servicing hours are likely to be broadly similar to previous uses on the site and will not take place during night time hours (ie.11pm-7am). Finally, an enclosed bin store has been provided on the sites northern boundary to reduce the negative visual impact and any potential vandalism or overflowing of rubbish onto the public concourse.
- 5.15 The proposal is considered to respect local residential amenity with all environmental requirements undertaken in accordance with the related regulations (stipulated by condition where necessary).



## 6. Conclusion

- 6.1 We believe that the subject site is in a sustainable location for the proposed development and one that meets the relevant planning policy criteria asked of it.
- 6.2 It is a proposal that will:
  - deliver the previously permitted retail use on site
  - provide an essential local service with the provision of daily convenience goods to the residential neighbourhood in and around Paisley Road
  - create up to 18 new full and part time jobs and bring significant inward economic investment
  - redevelop a brownfield site which has remained dormant for a number of years
  - be accessible principally by foot and other forms of sustainable transport
  - meet relevant infrastructure requirements
  - be sensitive to the local environment and related amenity issues
  - not have any significant impact on nearby town or neighbourhoods centres



**T** 01835 822 716

**M** 07960003358

E tim@fergusonplanning.co.uk

Find us at: www.fergusonplanning.co.uk







## Proposed Retail Units, 60 – 62 Paisley Road, Barrhead

**Balmoral Investments Limited** 

18<sup>th</sup> February 2015



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Sam Shortt Consulting Ltd., 42 Westerlea Drive, Bridge of Allan, FK9 4DQ

Tel. 07765 277 668



#### **1** Introduction

- 1.1 This Briefing Note describes the access and parking characteristics of proposed local shopping facilities on Paisley Road Barrhead.
- 1.2 The site is currently derelict and previously accommodated a petrol filling station and local convenience store. These operations would have generated a range of traffic movements and parking demands.
- 1.3 It is recognised that aspects of the prosed development do not accord with the strict application of roads related standards however a degree of pragmatism and flexibility is considered reasonable if the derelict site which is located within an urban area is to be brought back into use to the benefit of a range of stakeholders including neighbouring residents, etc.



#### 2 Transportation Policy

2.1 East Renfrewshire Council's Local transport Strategy (LTS) recognises the importance of providing local services which can accessed by sustainable modes of travel as opposed to lengthier car base trips to further afield facilities as noted in the following extracts.

#### What We Want To Achieve

Given these issues the Council has identified a number of objectives to address the transport problems currently being faced. These objectives have been used to help develop the detailed elements of the LTS including the identification of policies and actions. The objectives of the LTS are to:

- Reduce the need to travel and stimulate sustainable economic development in the local area.
- Reduce car dependency and stimulate modal shift to walking, cycling and public transport.

#### 2.2 The LTS (para. 4.7) notes that -

Developments such as the Silverburn and Braehead shopping centres, although outwith East Renfrewshire, have significant influence upon decisions of residents due to their size and proximity, are heavily dependent upon car access and can be very difficult to get to without one. The centralisation of shopping facilities like this has implications for the viability of traditional town centre shopping areas and can cause accessibility problems for those without access to a car. Reducing the need to travel, encouraging modal shift from the car and promoting accessibility for all will be dependent upon future land-use developments which are planned more sympathetically in relation to these goals. Greater mixed-use development within existing settlements may reduce the desire to travel elsewhere to access services and foster more sustainable travel patterns. There will be some instances where journeys to larger shopping centres will be unavoidable and good access by alternative means to the car will be necessary.



- 2.3 The importance of reducing the need to travel through the provision of local services as identified above is further emphasised on Page 59 of the LTS which identifies the following key Council objective -
  - Reduce the need to travel and stimulate sustainable economic development in the local area.

This is to mitigate the trend toward out-commuting from the authority to employment opportunities in the surrounding area. The provision of more local economic opportunities will reduce the requirement to travel elsewhere for employment and thus realise a reduction in the amount of travel undertaken. Shorter journeys are also more likely to be undertaken by sustainable means which will reduce dependence on the car.

Enhance access to jobs and services by a variety of modes of transport for all members of society.

Accessibility to jobs and services is essential in the prevention of social exclusion. Promoting access by a variety of modes of transport ensures those without access to a car are not marginalised. This also helps encourage access by sustainable means and subsequently reduces the environmental impact of transport. The accessibility of transport for the mobility impaired is also an important consideration.

2.4 Page 95 of the LTS "Shopping" again emphasises the importance of providing local services and states –

#### Shopping

Access to retail facilities is important to allow consumer choice and to support continuing economic activity. The trend toward situating retail outlets in locations that are not readily accessed by means other than the car, such as the Silverburn Centre, Phoenix Retail Park and Braehead Shopping Centre, has led to accessibility problems for those without the use of a car. This limits consumer choice and can lead to disadvantage for those who cannot make a genuine choice about their retail expenditure as a result of transport barriers. This issue is also related to that of gaining access to employment opportunities in surrounding areas. However, it is also important to have good local accessibility to retail facilities to ensure they remain viable. Simple measures like the provision of pedestrian crossing facilities in the vicinity of local shops can improve the accessibility of these facilities.



- 2.5 It clear that the development site, is well located to help deliver a range of Council policy objectives given the flowing.
- 2.6 Planning Advice Note (PAN) 75 Planning for Transport acts as a good practice guide on measures that planning authorities, developers and others should carry out during their policy development, proposal assessment and finally project delivery. The document provides guidance on accessibility thresholds and walking distances as follows:
  - Walking distances from new developments should be no greater than 400 metres to bus stops and 800 metres to rail stations; and
  - The maximum acceptable walking distance to local facilities is 1,600 metres.
- 2.7 Bus stops are located within 100m. of the development site and Barrhead train station is only 300m. away. It is noted that Paisley Road Barrhead is a significant bus corridor.
- 2.8 The site has a significant walk in catchment from surrounding and extensive residential areas within the above acceptable distance of 1600m. as shown in Figure 2.1 below. Figure 2.2 clearly shows the dense residential area closer to the site well within this distance threshold.
- 2.9 If local facilities are not provided as proposed then local residents are likely to be more inclined to travel by car to further afield locations.
- 2.10 The above observations clearly illustrate that the proposed development is not car dependent and therefore the level car parking provision, discussed below, should be considered in this context.





Figure 2.1: Indicative Walk In Catchment (1600m.)



Figure 2.2: Local Walk In Catchment



#### 3 Parking Strategy

#### Car Parking

3.1 It is understood that East Renfrewshire Council makes use of the former Strathclyde Regional Council's Roads Development Guide. Section 7 para. 7.5.2 of the Guide states that –

> The Structure Plan (Section TRANS 6) states that within the regional shopping hierarchy, unless it can be shown that the existing supply of public parking spaces will be adequate, retail development proposals over 2000 square metres gross floor space shall include public parking provision.

- 3.2 It is noted that the proposed development area is circa 495 sq.m. well below the above threshold. Also, a visit to the development site identified a number of on street parking opportunities on Paisley Road and adjacent streets (see below).
- 3.3 Table 7.4 in the Developemnt Guide sets out a range of parking standards for different development types. The table indicates that four spaces per 100 sqm. GFA should be provided by Shopping Centres that are less than 500 sqm. which equates to the provision of 19 parking spaces. It should be noted that the development does not fall into the "Food Superstore" category in Table 7.4 that would require the provision of 24 spaces.
- 3.4 It is noted that the Table does not differentiate between highly accessible, in terms of walk in catchment, access to public transport, etc. and less accessible sites.
- 3.5 Furthermore, it should be acknowledged that the SRC Roads Development Guide was drafted over 15 years ago and it could be argued that aspects, including high levels of parking provison, may not be consistent with more modern policy objectives as documented in the Council's LTS.



- 3.6 Given the above, it is clear that a balanced view, taking into account the highly sustainable location of the site, should be applied to the level of parking provision which recognises that all shopping facilities in towns are not served by dedicated parking spaces. As a result, 14 parking spaces are proposed which acknowledges the following:
  - Various Council policy objectives to decrease car use and promote development in locations that can be accessed on foot, by bicycle and by public transport;
  - Parking opportunities are available on street close to the development site; and
  - The development within an extensive residential area will attract significant walk in trade.
- 3.7 Figure 3.1 clearly shows the availability of on street parking opportunities on Paisley Road - it is not unusual for shoppers to park on street in towns to walk to a range of facilities.

#### Cycle Parking

3.8 Table 7.9 of the SRC Guidelines set out the level of cycle parking that should be provided at new developments. This indicates that for Commercial premises, 2 spaces plus 4 spaces per 100 parking spaces should be provided which equates to approximately 3 cycle parking spaces (if based full parking provision of 19 spaces). The proposed scheme will include two Sheffield Stand type racks which will accommodate 4 cycles.











Figure 3.1: On street Parking Opportunities



#### 4 Pedestrian Access Strategy

- 4.1 As noted above, the walk in catchment for the proposed development is significant. Paisley Road has good footway provision along both sides and importantly an existing pelican crossing is located directly beside the site. This will provide a safe crossing point for pupils studying at Cross Arthurlie Primary School who may wish to use the proposed facilities at lunch time and before and after school hours and residents living on the west side of Paisley Road.
- 4.2 There will be inevitably be a mix of pedestrian and vehicle movements at the front of the development however vehicle speeds will be less than walking pace. Also, this type of "shared space" arrangement is no different than existed when the site was previously occupied by a filling station and local convenience store. Similarly many car parks involve a mix of vehicle and pedestrian movements.



#### **5 Servicing Strategy**

- 5.1 It is anticipated that the development will be serviced by 2 to 3 small transit type vans on a daily basis. These vehicles would be dropping off deliveries and such an operation would only take a matter of minutes. This level of traffic is immaterial in traffic engineering terms and shopper's cars parked in allocated bays would not be blocked for a significant period of time. Small van drivers may in fact prefer to park on the main road (see opportunities above) and then quickly drop off goods as they do on any shopping street.
- 5.2 One or two larger vehicles may appear at other times of the week and again there are opportunities to park on street as identified above. A more formal arrangement would involve the formation of a Loading Bay with specified operational times again Loading Bays are not uncommon outside shops in towns. A Possible Loading Bay Location is shown in Figure 5.1 below, outside the adjacent Services Club.
- 5.3 The bay could also be used for the once per week by refuse vehicles and these would only stop for 1 or 2 minutes.
- 5.4 It should be noted that the previous filling station including the "Londis" convenience store would have attracted a range of deliveries and also refuse collection vehicles.

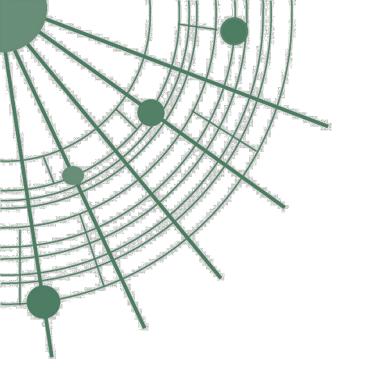


Figure 5.1: Potential Lading Bay Location



#### **6 Summary and Conclusions**

- 6.1 This Briefing Note describes the parking and service characteristics of a proposed local retail development on Paisley Road, Barrhead.
- 6.2 The development will be located on a brownfield site that previously generated a number of vehicular movement and parking demands.
- 6.3 The proposed development is well located to cater for a range of local shopping demands thereby reducing the need to travel by less sustainable means to further afield facilities this attribute then means that the development accords with a wide range of East Renfrewshire policy objectives.
- 6.4 It has been demonstrated that the proposed development can operate in the same fashion as a number of existing similar facilities in town centres including Barrhead, many of which include a mix of on site and on street parking and service provision.



LOCAL REVIEW BODY

STATEMENT OF APPEAL

PLANNING REF. 2015/0008/TP

# DEMOLITION OF BUILDINGS, ERECTION OF THREE (CLASS 1-3) UNITS, ATM MACHINE AND ASSOCIATED INFRASTRUCTURE WORKS

60-62 PAISLEY ROAD, BARRHEAD

**BALMORAL INVESTMENTS & DEVELOPMENT LTD** 

1 MAY 2015





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Appendix 1: Appeal Documents List

Ref:	BAL1	
LPA Ref:	ERC	
Author:	TF	
Telephone:	01835 822 716	
Date of Issue:	1 May 2015	



## 1. Introduction

- 1.1 This statement of appeal has been prepared by Ferguson Planning, on behalf of Balmoral Investments and Development Ltd (the applicant), who seek to erect 3 (Class 1-3) units on a longstanding redundant Petrol Filling Station (PFS) site at 60-62 Paisley Road, Barrhead.
- 1.2 East Renfrewshire Council's (ERC) Planning Department on the 22nd January 2015 refused the application via delegated powers. As such, we now seek to appeal this decision via the Council's Local Review Body.
- 1.3 The site has been redundant for a number of years despite widespread marketing (Breck Property Consultants) for new retail, commercial and/or residential purposes. The lack of financial viability of the permitted retail/residential scheme permitted back in 2008 is apparent when one looks at the lack of market interest since that date.
- 1.4 A more simplistic approach based on the creation of a neighbourhood centre comprising a number of commercial units is seen as being the only viable option for the site. It again requires to be at the scale proposed to ensure the overall financial viability of the project. A proposal with a reduced footprint would render the development unviable with the outcome being that the site will remain redundant well into the future.
- 1.5 The application has not been made on a speculative basis but with the main convenience store already pre-let to a national operator (One Stop Stores) with negotiations well advanced with regard to the letting of the two adjoining retail units.
- 1.6 The proposal will lead to the regeneration of a longstanding brownfield site and which will compliment and be within close proximity to Barrhead Town Centre. It represents a significant new investment into Barrhead with the intention being that it will create up to 18 new local jobs for the area.
- 1.7 The supporting documentation to this appeal are listed within Appendix 1. This statement is focused on providing the necessary background to the application, responding to the reasons for refusal and, where necessary, cross referring to the delegated Officer's Report, Development Plan and Material Considerations.



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## 2. Reason for Refusal

- 2.1 Within the 'Decision Notice' there were two reasons for refusal both of which were solely focused on transport matters. It is therefore assumed that the Planning Department believes that the proposal meets all other planning policy requirements asked of it.
- 2.2 The reasons for refusal given were:

1. The proposal is contrary to Policy DM1 of the adopted East Renfrewshire Local Plan as it does not meet the Council's parking and access requirements which would be detrimental to pedestrian and public road safety.

2. The proposal is contrary to Policy D1 of the proposed East Renfrewshire Local Development Plan as it does not meet the Council's parking and access requirements which would be detrimental to pedestrian and public road safety.

2.3 In reality there is only one reason for refusal as the reasons quoted above relate to the same policy albeit one is contained within the adopted local plan and the other within the proposed Local Development Plan.



## 3. Planning Context

- 3.1 It is considered important to highlight certain aspects contained within the Officer's delegated report and, where necessary, touch upon the Development Plan and SPP as part of the overall context to the proposal. These being that:
  - The 'Planning History' notes that the Council granted planning permission on the site for:
    - retail uses with flats above (in outline) in 2008 (2006/0868/TP);
    - Coffee shop drive thru and retention of existing Class 1 retail kiosk (2011/0538/TP) in 2011; and
    - Provision of Car Showroom and use of kiosk for Class 1 retail.

Further commentary regarding these applications will be made within our 'Grounds of Appeal' (GoA).

• The report makes mention of two representations received and which note concern regarding odour and vermin linked to bins and that opening hours could give rise to anti-social behaviour.

We would note that these comments are not available on the planning portal and, due to not being aware of the comments at the time, did not have the opportunity to respond to them. Setting that aside, the Case Officer has rightfully noted that these issues are controlled by separate Environmental Health legislation.

- That the proposed use of the site for retail/commercial purposes is considered to be generally acceptable in principle.
- That the use of the site for use classes 1,2 and 3 would not be considered to have a significant impact on the amenity of the adjacent residential properties given its location on this principal arterial route.
- That should the application be approved the hours of operation/servicing can be conditioned.
- Comments raised by the Roads Department are used in the reasons for refusal and relate to the consideration that there is insufficient car parking and health and safety concerns with regard to pedestrian access and servicing.



- Outlines the issue touched upon early regarding overall development viability. That being that the parking and access requirements could not be met without re-design of the development which is likely to require significant reduction in the size of the development.
- That it is agreed or accepted that the proposal represents a good re-use of the site, is in close proximity to transport nodes, has on-street parking available and the economic and environmental benefits are all noted. However, in their opinion, these do not outweigh pedestrian and road safety issues previously mentioned.
- That the proposal raises no strategic issues in terms of the Glasgow and Clyde Valley Strategic Development Plan and therefore the local plan is the only relevant policy document.

## East Renfrewshire Local Plan (Adopted) 2011 & East Renfrewshire (Proposed) Local Development Plan (2015)

- 3.2 Within the report of handling the Case Officer has focused the determination of the application on two policies. These being: Policies DM1 and D1 both entitled: 'Detailed Guidance for all Development'.
- 3.3 The two policies are largely the one and the same but just within the differing versions of the local plan. It should be noted that with regard to Policy DM1 the proposal actually adheres with thirteen of the fourteen indicators/criteria noted within this policy.
- 3.4 It is considered the reason for refusal relates solely to criteria '7' which states:

Meet the parking and access requirements of the Council and provide appropriate mitigation to minimise the impact of new development.

- 3.5 The preamble to Policy D1 of the proposed plan differs from that contained within Policy DM1. Rather than being required to conform it notes that the criteria must be considered and where appropriate met. In some cases, where criteria have not been met, a written justification will be required to assist with the assessment.
- 3.6 The proposed plan, which provides the latest thinking of the Council, appears to be less prescriptive and more aware that not all sites will be able to meet all the criteria exactly but nonetheless could be deemed acceptable. We believe this circumstance relates strongly to the subject site.
- 3.7 It is noted that the Council accept that the proposal meets all other local plan policies asked of it.

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### Scottish Planning Policy (SPP)

- 3.8 SPP carries significant material weight and should be applied in conjunction with any review of the Development Plan. The national planning policy document has not been referenced within the officer's delegated report.
- 3.9 A core policy principle is that SPP introduces a presumption in favour of development that contributes to sustainable development. It also seeks to ensure that flexibility is built into the system to accommodate changing circumstances and that allows the realisation of new opportunities. Significant weight is applied to the net economic benefit of any proposed development.
- 3.10 On transport matters SPP's aim is to promote development that maximises walking, cycling, public transport prior to the consideration of the private car. Developments nor the review of them by local authorities should be focused on strongly facilitating the private car but more on facilitating and promoting the sustainable modes of transport eg. walking/public transport.
- 3.11 Maximum parking standards have been applied within the SPP but relate to developments of a larger scale than that proposed. The ethos, however, is thought to be still applicable. In other words those areas that are well served by sustainable transport modes, like the subject site, should be more restrictive on the requirement for parking so as to reduce the reliance on the car and as part of promoting accessibility by bus, bicycle and walking.



## 4. Grounds of Appeal

#### The Proposal

- 4.1 The proposal is relatively straight forward in that it seeks to develop three modestly scaled commercial units to form a local neighbourhood centre on a longstanding vacant site and one which previously operated as a local convenience store as part the Petrol Filling Station operation.
- 4.2 The current proposal would create up to 18 new jobs within Barrhead, redevelop a brownfield site and be in a highly accessible and sustainable location. The visual appearance and local environment will also be significantly enhanced.

#### **Reason for Refusal**

4.3 The main reasons for refusing the application have been outlined within Chapter 2. Our response to the reason for refusal together with the informative leading to the decision forms the 'Grounds of Appeal' which are listed below.

## Grounds of Appeal (GOA)

#### <u>GOA 1</u>

- 4.4 The planning application was supported by a Transport Assessment (Refer to Doc. 5) undertaken by Sam Shortt Consulting. It outlined amongst other things that the site is currently derelict and previously accommodated a petrol filling station and local convenience store which would have generated a range of significant traffic movements and parking demands (on and off street).
- 4.5 The location of the site within a suburban residential area close to the town centre accords with a range of Council transport policies, such as:
  - Reducing the need to travel for goods particularly by car;
  - Encouraging development in locations accessible on foot, by bicycle and public transport; and
  - Social inclusion, providing accessible services to those without ready access to a private car.



- 4.6 The site is seen to have a significant "walk in" catchment from surrounding residential areas and would therefore provide a valuable service to the local community. The site is also located on a key bus corridor.
- 4.7 The proposed development is not car dependent and therefore the proposed level of car parking provision, discussed below, should be considered in this context. The number of parking spaces within this development exceeds the situation within many other urban retail/commercial developments across Scotland.

#### **Parking Provision**

#### Car Parking

- 4.8 It is understood that East Renfrewshire Council makes use of the former Strathclyde Regional Council's Roads Development Guide. This document is now 15 years old and predates numerous reviews of the Development Plan which have been updated to reflect the relevant guidance contained within SPP.
- 4.9 Section 7 para. 7.5.2 of the Guide states that :

The Structure Plan (Section TRANS 6) states that within the regional shopping hierarchy, unless it can be shown that the existing supply of public parking spaces will be adequate, retail development proposals over 2000 square metres gross floor space shall include public parking provision.

- 4.10 It should be noted that the proposed development area is approximately a quarter (c. 465 sq.m.) of the threshold quoted. Table 7.4 in the Development Guide sets out a range of parking standards for different development types. The table indicates that four spaces per 100 sqm. GFA should be provided by Shopping Centres that are less than 500 sqm. which equates to the provision of 19 parking spaces. It should again be noted that the development does not fall into the "Food Superstore" category in Table 7.4 that would require the provision of 24 spaces.
- 4.11 Given the age of the guide, Table 7.4 does not differentiate between highly accessible, in terms of walk in catchment, access to public transport, etc. and less accessible sites as reviewed within SPP. We believe that the guidelines do not appropriately reflect modern transport policy and is not entirely consistent with SPP which seeks to reduce not increase car parking in inner urban areas.
- 4.12 The subject site is highly accessible by sustainable means of transport and thus in a location that can be easily serviced other than by the private car. This then relates to an appropriate reduction in the need for car park spaces.

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4.13 The proposal, when compared with the Councils guidelines shows a shortfall of some 5 spaces. A visit to the development site identified a number of on street parking opportunities nearby on Paisley Road and adjacent streets (see Fig. 1). The available spaces are well in excess of 5 and should therefore provide the necessary comfort should it be needed.

Figure 1: Paisley Road, On-Street Parking Opportunities







- 4.14 Given the above, it is clear that a balanced view, taking into account the highly sustainable location of the site, should be applied to the level of parking provision and which recognises that not all shopping facilities in towns like Barrhead are served by high levels of dedicated parking spaces.
- 4.15 The proposed 14 parking spaces, we believe, acknowledges the following:
  - Various Council policy objectives to decrease car use and promote development in locations that can be accessed on foot, by bicycle and by public transport;
  - Parking opportunities are available nearby on street close to the development site and which are well in excess of the shortfall; and
  - The development within close proximity of an extensive residential area will attract significant walk in trade due to ease of movement.

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- 4.16 The proposed car parking provision is therefore considered to be adequate and meaning that only 5 parking spaces would be needed along Paisley Road if applying the strict interpretation of the transport guidelines.
- 4.17 There is obvious spare capacity for parking to take place in this suburban location without hindrance to neighbours or road health and safety. It is not unusual for shoppers to park on street in towns to walk to a range of facilities.

#### Cycle Parking

4.18 The proposal's cycle parking will be provided to Council standards.

#### Pedestrian Access Strategy

- 4.19 There will be inevitably be a mix of pedestrian and vehicle movements at the front of the development, however, vehicle speeds will be less than walking pace. Also, this type of "shared space" arrangement is no different than existed when the site was previously occupied by a filling station and local convenience store. Similarly many car parks involve a mix of vehicle and pedestrian movements so what is being proposed is no way abnormal or indeed any different to previous proposals permitted on the site.
- 4.20 Unlike the previous garage forecourt use there will be well defined pedestrian footways within the development connecting the public footway on Paisley Road to the main shop entrances. The LRB body has the remit to ensure appropriate pedestrian walkways are provided, by way of condition, and that ensures footpath provision between the front of the units and the public footpath is made (as indicated in Figure 2 below).

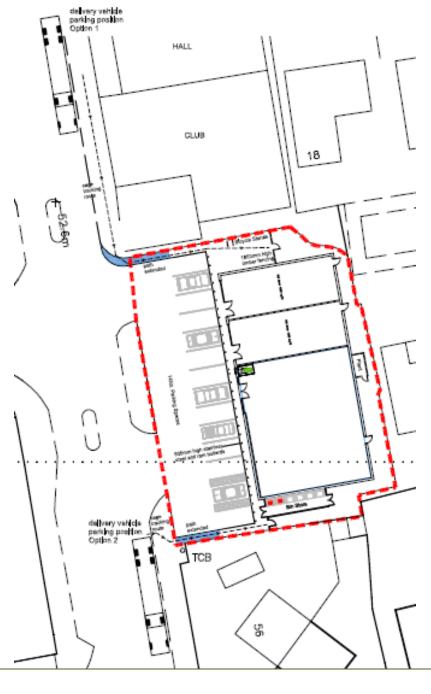
#### Servicing Strategy

4.21 The development will be serviced by 2 to 3 small transit type vans on a daily basis with their unloading being no more than 5 minutes. They would also be able to avail of the normal car parking spaces provided on site. This level of traffic is immaterial in traffic engineering terms. Small van drivers may prefer to park on the main road (see parking opportunities above) and then quickly drop off goods as they do on any shopping street. This is actually occurring nearby with a number of existing retail outlets in the area.



4.22 One or two larger delivery vehicles may appear at other times of the week and again there are opportunities to park on street as identified above. Two options regarding the principle of a delivery layby position have been shown in Figure 2 and which could be conditioned by the Local Review Body. The large deliveries would relate to the convenience store only with One Stop, as the end operator, being committed to making no large deliveries during the peak times at the local schools (eg.8.30-9am & 3-4pm).

### Figure 2: Loading Bay Options Plan



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- 4.23 A more formal arrangement would involve the demarcation of a Loading Bay with specified operational times again Loading Bays are not uncommon outside shops in towns. A Loading Bay could be provided outside the adjacent Services Club, for example, which is mainly used in the evenings albeit Option 2 is thought best from a store operation perspective. The on-street deliveries via the larger delivery vehicles would be in situ for no more than 20 minutes. The bay could also be used once per week by refuse vehicles and these would only stop for 1 or 2 minutes.
- 4.24 One Stop take Health and Safety very seriously. All delivery drivers are equipped with a unique risk assessment before departure for all of the stores that they are delivering to on any given day. Figure 3 provides an example to one similar to that at Barrhead.

	KIRBY CROSS 983 Risk Rating BD 1C
Telephone IC	Risk Rating FD
01255 851 288 ONE • STOP	General Approach
Store Delivery Risk Assessment 🔮	A12, leave at Junction 29, onto the A120. Take the 1st exit onto the A133. Straight at 1st roundabout. At 2nd roundabout, turn left onto the B1033. Follow this road until next roundabout, and go straight
Risk Assessment For Manoeuvring Vehicles 1:Low Risk 2: Medium Risk 3: High Risk	over. When entering Kirby village, go past railway station, and straight over 2 small roundabouts. The shop is on the left.
Risk Assessment For Unloading Operations A: Low Risk B: Medium Risk C: High Risk	
KIRBY CROSS 30 Frinton Road, Frinton On Sea, CO13 OLE.	
This store normally has its delivery in the 🛛 🗖 Front Door 🗹 Back Door 🗹 Side Door	
The cages are normally left in/on the 🛛 🗖 Shop Floor 🔽 Stock Room 🗖 Outside	Parking is generally as shown below
Recommended trailer size 🔽 40 Ft 🗖 30 Ft 🗖 RS 🗖 26 Ft 🔲 Rigid	
Time Restrictions Because of zebra crossing vehicles have to park 100 vds from shop.	
	One Stop
Handball Parking is 70 yards from the shop due to the white line restriction. Cages are pushed along the pavement and a further 20 vds down the side alley. There are	Houses
Banksman some topple hazards on the way to the shop due to imperfections in the	
footpath. There is also an up & over ramp by the back door into the stock room. There is a small sunken drain cover down side alley to be aware of.	Dropped
Significant Risks	Kerb Kerb
Risk of stock falling from cage or cage toppling and causing injury to: members of public, cars. Risk of	
cage colliding with: members of staff, members of public.	
Risk of vehicle causing an obstruction to other road users. Risk of vehicle colliding with: members of	Frinton Road
the staff, members of the public, cars. Risk of stock falling from cage or cage toppling and causing injury to: members of staff, members of	
public, cars. Risk of cage colliding with: members of staff, members of public.	
Risk Control Measures	Garage Houses
Do not park outside the bungalows just past the shop. Move up further to park safely.	
I This document is a quide only and is amied at preparing you prior to arrival at store. Risks assosiated	
with a particular store may vary hour by hour and you are reminded that it is your reposibility to perform	
your own risk assessment on arrival and judge how best to minimise any risks that you have identified. If you feel uncomfortable about an identified risk, DO NOT TAKE IT, phone in for guidance.	literative and an ending and the ending the interaction of the second second second second second second second
Further more: Adhere to drivers handbook rules. Adhere to manual handling handbook recommendations Always be	If you have any queries regarding this assessment or if you are unable to
mindful of your in house training. Park in a safe position, generally as shown in diagram. If the usual	comply with the controls you MUST contact the transport office for advice on
parking space is unavailable park in as safe a position as possible and never create a danger to the public. Always use tail-lift guards were fitted. Use air suspension where fitted to reduce any slope. Use	BRH 01543 363174 NRS 02380 743858 WKF 01924 224035
bleeper when reversing except in the early hours. STOP if you lose sight of pedestrians whilst manoeuvring. Be aware of the noise pollution generated by your actions in the earlier hours and minimise	KIRBY CROSS
it were possible. Remember, if you come across a new hazard, report it.	30 Frinton Road, Frinton On Sea, CO13 OLE.

### Figure 3: Delivery Risk Assessment Example

4.25 It should be noted that the previous filling station including a "Londis" convenience store which would have attracted a range of deliveries and also refuse collection vehicles. The scale of which is similar to the proposed convenience store but importantly previously only had 3 car park spaces serving it. Well below that now being proposed.

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# <u>GOA 2</u>

### **Council Roads Service Response**

- 4.26 The Roads Service latest response does not take cognisance of the above observations which were set out in more detail in the Transport Statement (Doc. 5). The Roads Service response fails to acknowledge:
  - how the site accords with a range of Council and SPP policy objectives;
  - exaggerates a shortfall of only 5 on-site parking spaces and ignores the availability of legitimate and immediately adjacent on street parking opportunities;
  - fails to recognise that some of the users of the previous convenience store will have undoubtedly parked (legitimately) on street when making "pass by" purchases, particularly those driving out of town on the opposite side of Paisley Road where there is a parking layby;
  - fails to acknowledge that the small number of future service vehicle movements will be no different to the previous businesses. In fact the filling station itself will have attracted customers in vans and lorries as well as large petrol tankers; and
  - sets aside the fact that there was a mix of service and customer traffic within the site previously.



# GOA 3

- 4.27 The economic benefits of this proposal have not been adequately highlighted in the determination of this application. The proposal would create up to 18 new jobs within Barrhead. The proposal will provide a much needed neighbourhood centre for the area and will complement and create linked shopping trips with Barrhead Town Centre which together represents significant inward economic investment.
- 4.28 SPP indicates that local authorities and the planning system should seek to promote/approve proposals that increases economic activity and which are found to support sustainable development principles. The proposal adheres to this philosophy in full.
- 4.29 We consider the proposal to comply with the majority of Policies DM1 and D1 and, due to the age of the transport guidelines together with reasons outlined in GOA 2 and 3 is strong enough reasoning as to why the Roads Department's objection can be set aside on this occasion.

## GOA 4

- 4.30 The Planning department has approved, on the subject site, the operation of a supermarket of some 279 sq.m. together with the provision of 7 residential flats. (ref.2006/0868/TP). This proposal is likely to be unable to meet the strict parking and servicing guidelines being enforced by the Roads Department. Indeed, on that occasion, the Planning Department set aside the Roads Department's objection and approved the application.
- 4.31 The supermarket is largely identical to that forming part of this appeal with the difference then being that the current proposal for an nominal additional level of commercial floorspace of 185 sq.m., where as, the approved proposal, was for 7 residential flats which would command at least one if not two parking space per Flat together with associated servicing, bin areas etc.
- 4.32 We consider that our proposal is likely to have less car parking and related transport servicing pressures than application 2006/0868/TP which was approved by the planning department.
- 4.33 Since that approval in 2008 the site was marketed with no end developer/user. Following that a further application was made and approved (2011/0538/TP) in 2011. This time for a coffee drive thru outlet. While it fell outwith the application red line boundary the intention was to retain the former Londis Convenience store for similar operational purposes in the future.

13



- 4.34 Taking the site as a whole this proposal is largely therefore similar to that which forms this appeal. The difference being that the approved plan indicates the provision of c. 3 parking spaces as opposed to the proposed 14 in the current proposal. The Roads Department had no objection to the approved proposal.
- 4.35 While it is appreciated that there was a condition on requiring further access and parking information to be provided the application was for a 'full' application and thus the information should have been made known at that stage. Again we are of the opinion that, if the strict parking and servicing guidelines where to be applied, it would render the proposal unviable and likely to have less parking provision than that within the appeal proposal.
- 4.36 It is considered unreasonable to refuse the current proposal, which is broadly similar and which seeks to increase and regularise the parking and servicing on the site to a higher level than previous approvals and which includes additional facilities like cycle stands to encourage greater accessibility by modes other than the private car.

### <u>GOA 5</u>

4.37 The Officer's report is somewhat light on the length of time this site has remained vacant. It has been marketed for over seven years with a number of previous applications never being implemented. As outlined previously the proposal requires to be of the nature and scale in order to make it financially viable. A smaller scheme would fail to meet this and the current developer interest would then cease to exist. The proposal represents the most sound development possible and one which would see the regeneration of the site in a very short period of time.

## <u>GOA 6</u>

4.38 SPP is a clear material consideration in the determination of the application and provides significant weight. It strongly encourages the redevelopment of longstanding brownfield sites and which will create inward economic investment including job creation. SPP also seeks to promote development which encourages accessibility by modes of transport other than the private car. It promotes the application of maximum not minimum parking standards. Particularly when in locations that are easily accessible by bus, bike or on foot like the subject site.



# <u>GOA 7</u>

4.39 No statutory consultee other than the Roads Department has raised an objection to that proposed. Comments raised with regard to residential amenity can be addressed via way of Condition or by the relevant Environmental Health legislation.



# 5. Conclusion

- 5.1 The proposed development is well located for the provision of a local neighbourhood shopping centre and one which will reduce the need to travel by less sustainable means. This attribute then means that the development accords with a wide range of East Renfrewshire planning policy objectives.
- 5.2 The proposed development will be located on a brownfield site that previously generated a high level of vehicular movements and parking demands both on and off street throughout the day and into the evening. The proposal is considered a betterment to that what has gone before.
- 5.3 The development viability of this site for a reduced scheme, which would be required, in order to accord with the strict car parking/servicing guidelines is, in our opinion, not viable and has been borne out by the previous planning permissions never being built out. Beyond this the guidelines differ from the guidance contained within Scottish Planning Policy.
- 5.4 The Planning Department have stated that proposal meets all other planning policy requirements asked of it. We refute the suggestion that the proposal gives rise to significant road health and safety issues. No solid evidence for this conclusion has ever been provided by the Roads Department. We believe that there has been a lack of strong material weight given to the regeneration of the site and the creation of up to 18 new jobs in the local economy which, as SPP alludes to, should be given top priority.
- 5.5 Taking the 'Grounds of Appeal' noted within Chapter 4 we therefore respectively request that this appeal be allowed.

Appendix 1: Appeal Document List

- 1. Application Form
- 2. Location, Layout & Elevation Plans
- 3. Planning Statement
- 4. Update Letter
- 5. Transport Assessment
- 6. Road Department's Consultation
- 7. Officer's Delegated Report
- 8. Decision Notice
- 9. LRB Form & Appeal Statement



T 01835 822 716

**M** 07960003358

E tim@fergusonplanning.co.uk

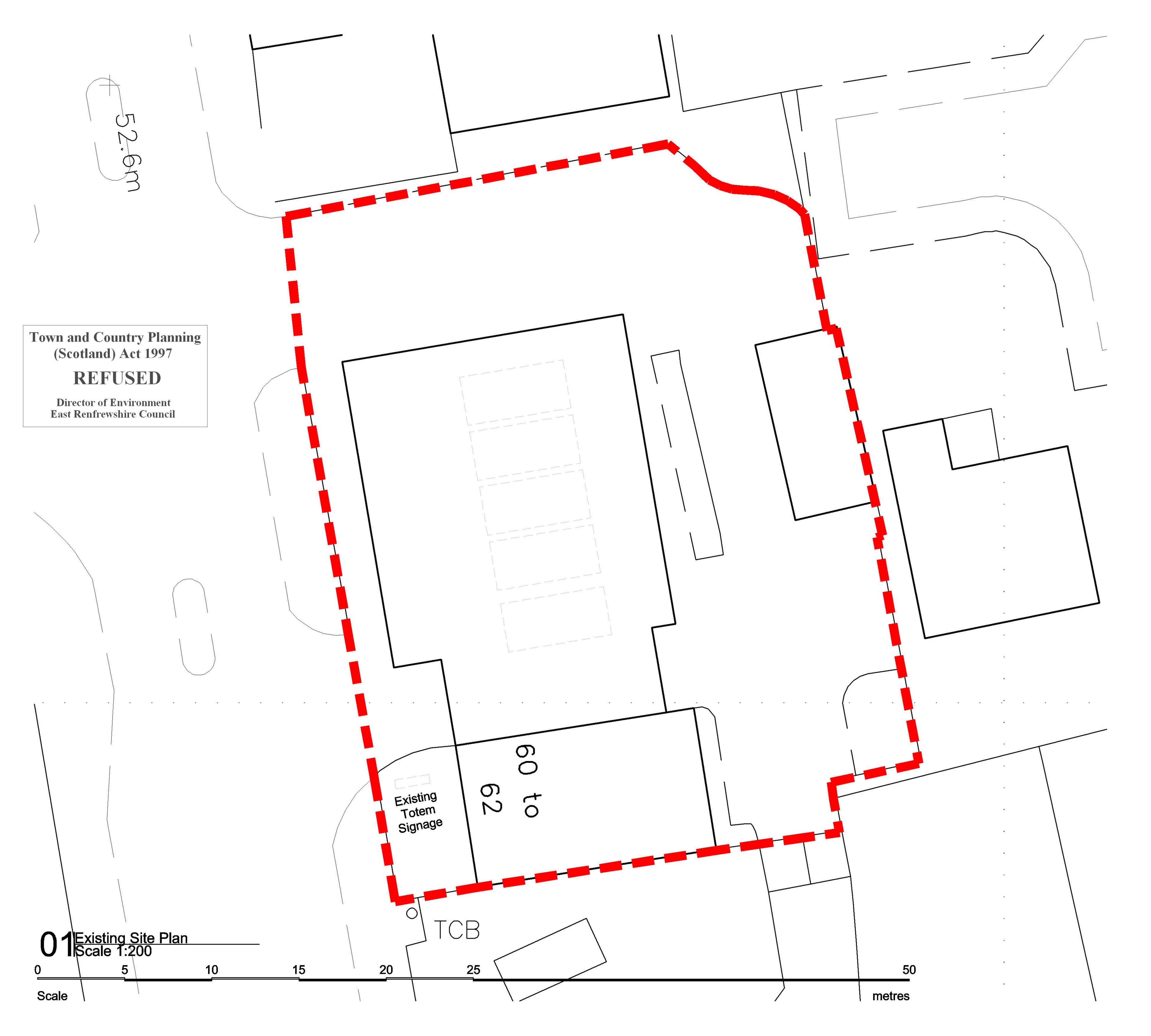
Find us at: www.fergusonplanning.co.uk

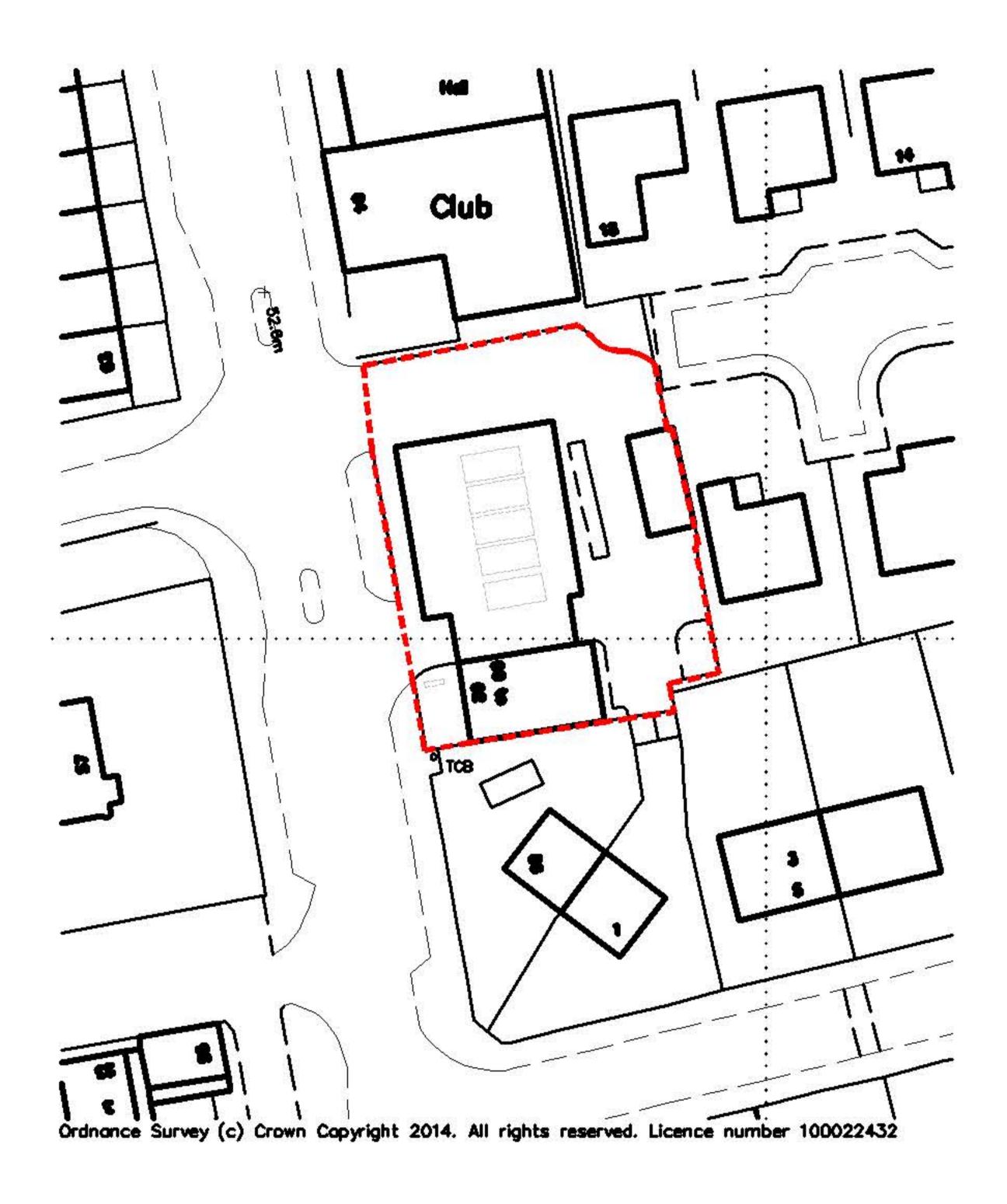




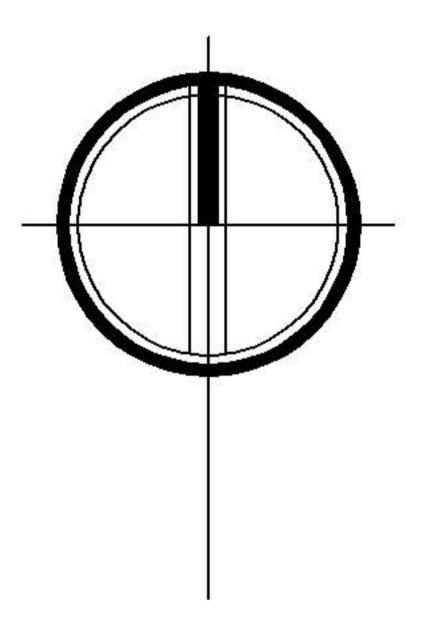
**APPENDIX 6** 

# PLANS/PHOTOGRAPHS/DRAWINGS









# Planning

Rev A Jan'15Scale Bar AmendedRevisionDescription

By Chk

# Balmoral Investments Ltd

Re-development of Service Station 60/62 Paisley Road Barrhead

# Existing

LIUC

Site Plan &

# Location Plan

cale size date 1:200/1:1250A3 Dec '14

n checked SJH JM

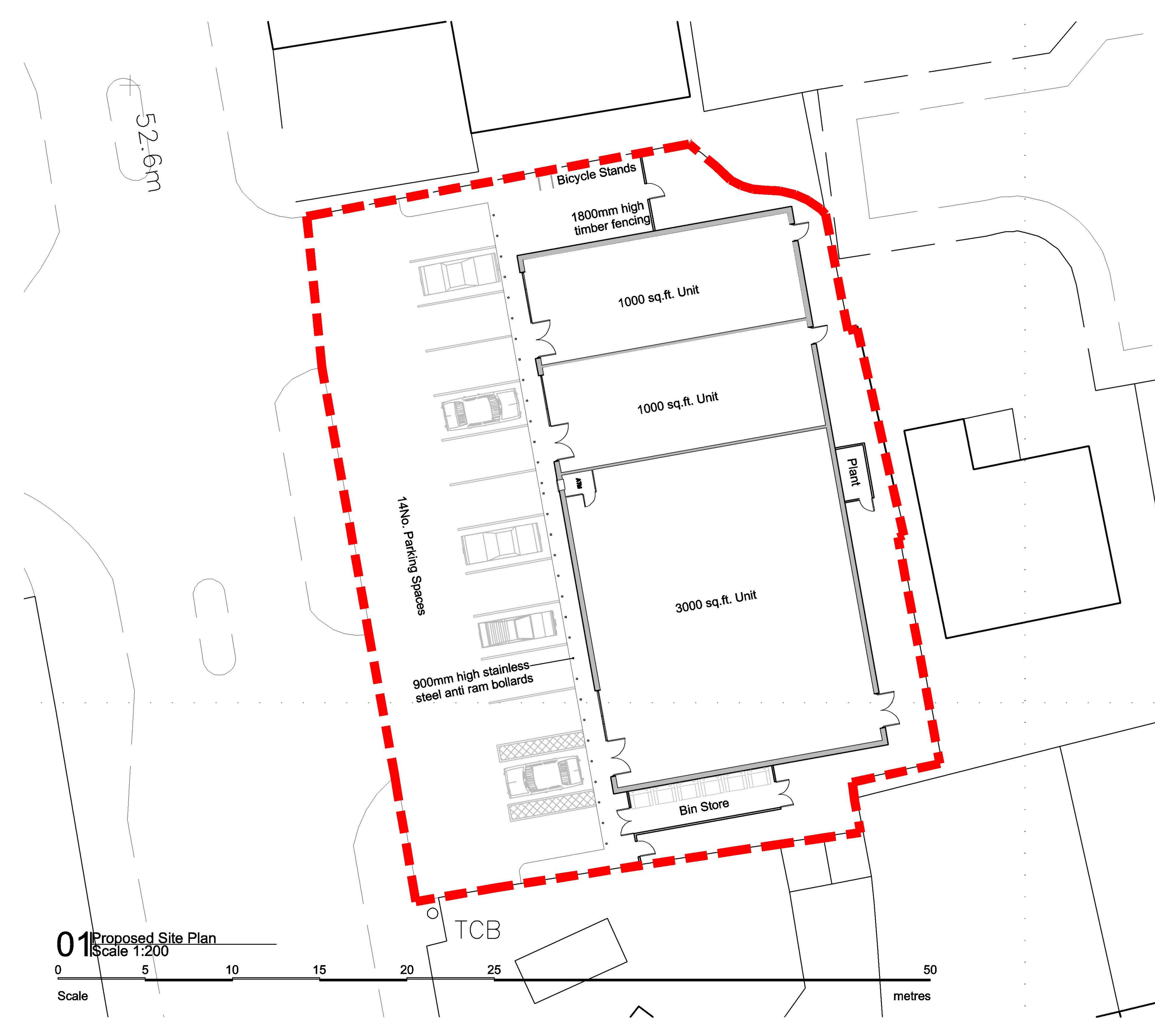
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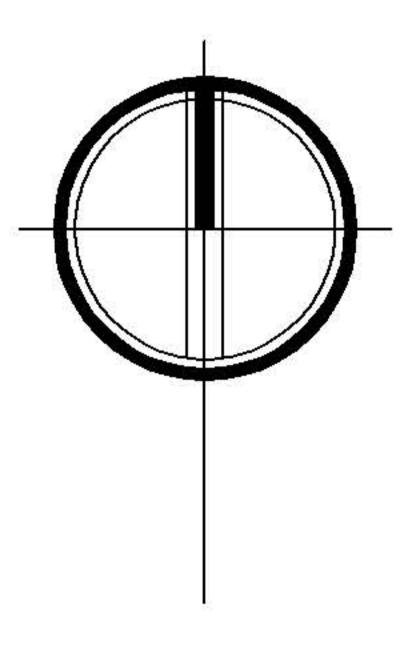
AITKEN TURNBULL ARCHITECTS 9 Bridge Place Galashiels TD1 1SN

01896 752760 enquiries@aitken-tumbull.co.uk www.aitken-tumbull.co.uk

Also at Dumfries & Edinburgh

project no. AT2444 drawing no. L 01-001-A





# **Town and Country Planning** (Scotland) Act 1997

# REFUSED

Director of Environment East Renfrewshire Council

# Planning

Rev C - Feb'15Finishes Notes AddedREBJMRev B - Feb'15Bollards and plant added. Bin store location amendedRev A - Jan'15ATM addedRevisionDescriptionByChk

# Balmoral Investments Ltd

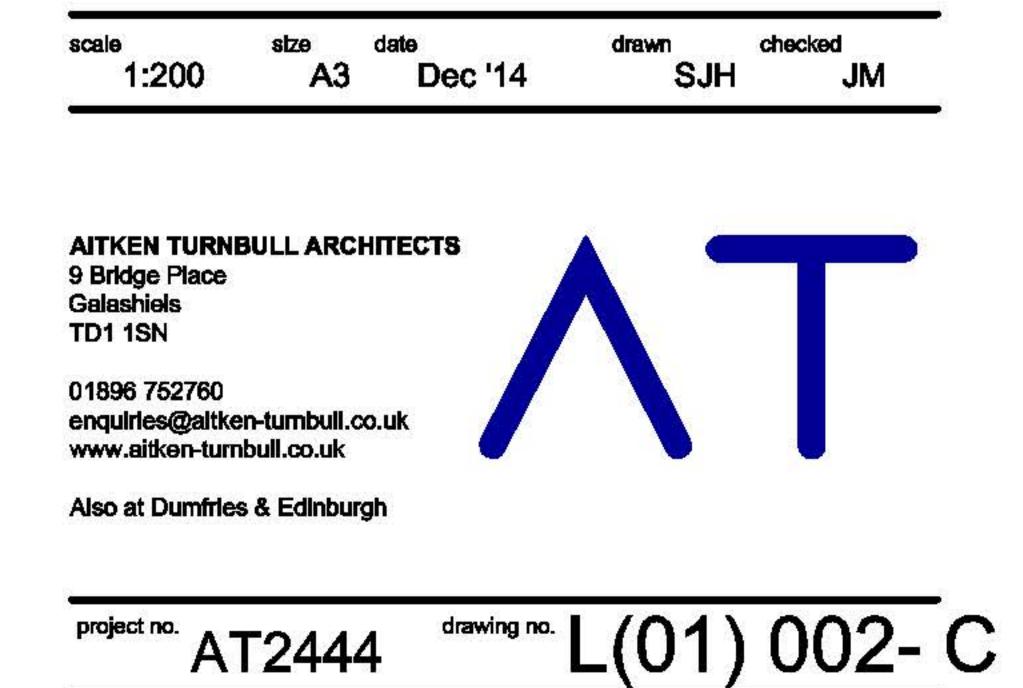
Re-development of Service Station 60/62 Paisley Road Barrhead

# Site Layout

Proposed

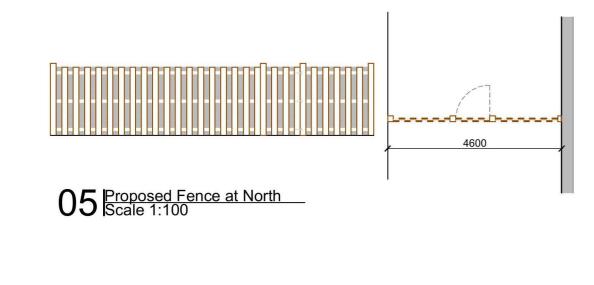
project

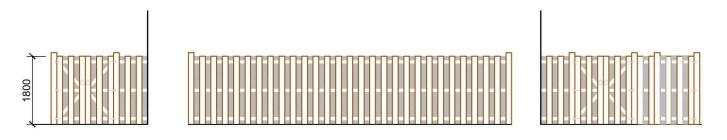
LIUC



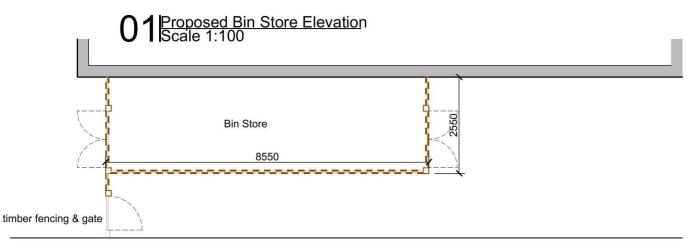
**Town and Country Planning** (Scotland) Act 1997 REFUSED

**Director of Environment East Renfrewshire Council** 

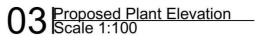


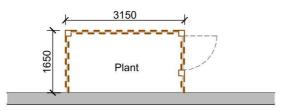


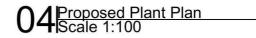




02 Proposed Bin Store Plan Scale 1:100







General External Materials:

1800mm high timber fencing

900mm stainless steel anti ram bollards

# Planning

Plant & Fence Add Description

REB JM By Chk

### Balmoral Investments Ltd

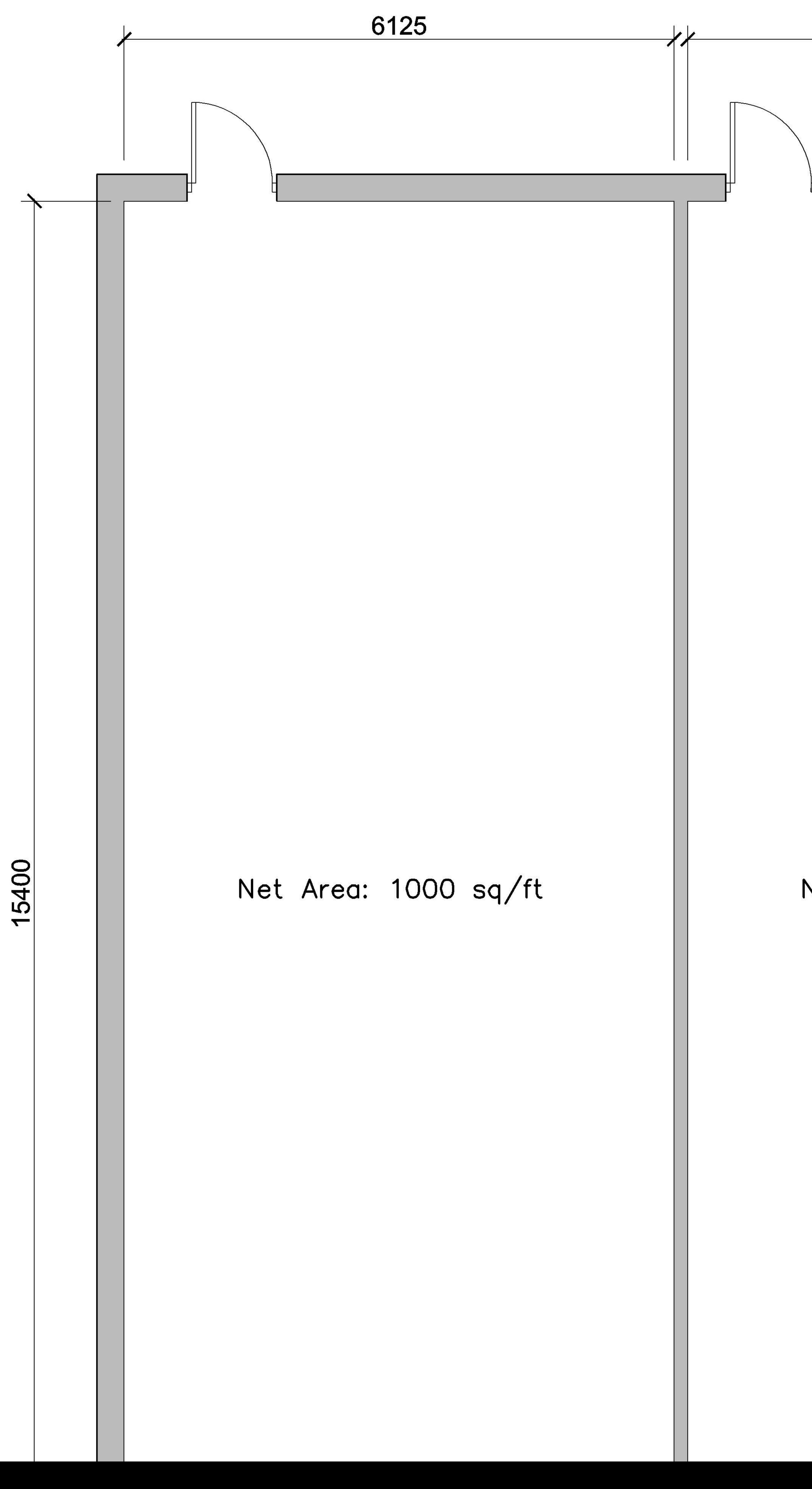
Re-development of Service Station 60/62 Paisley Road Barrhead

### Proposed

title

Bin Store & Plant

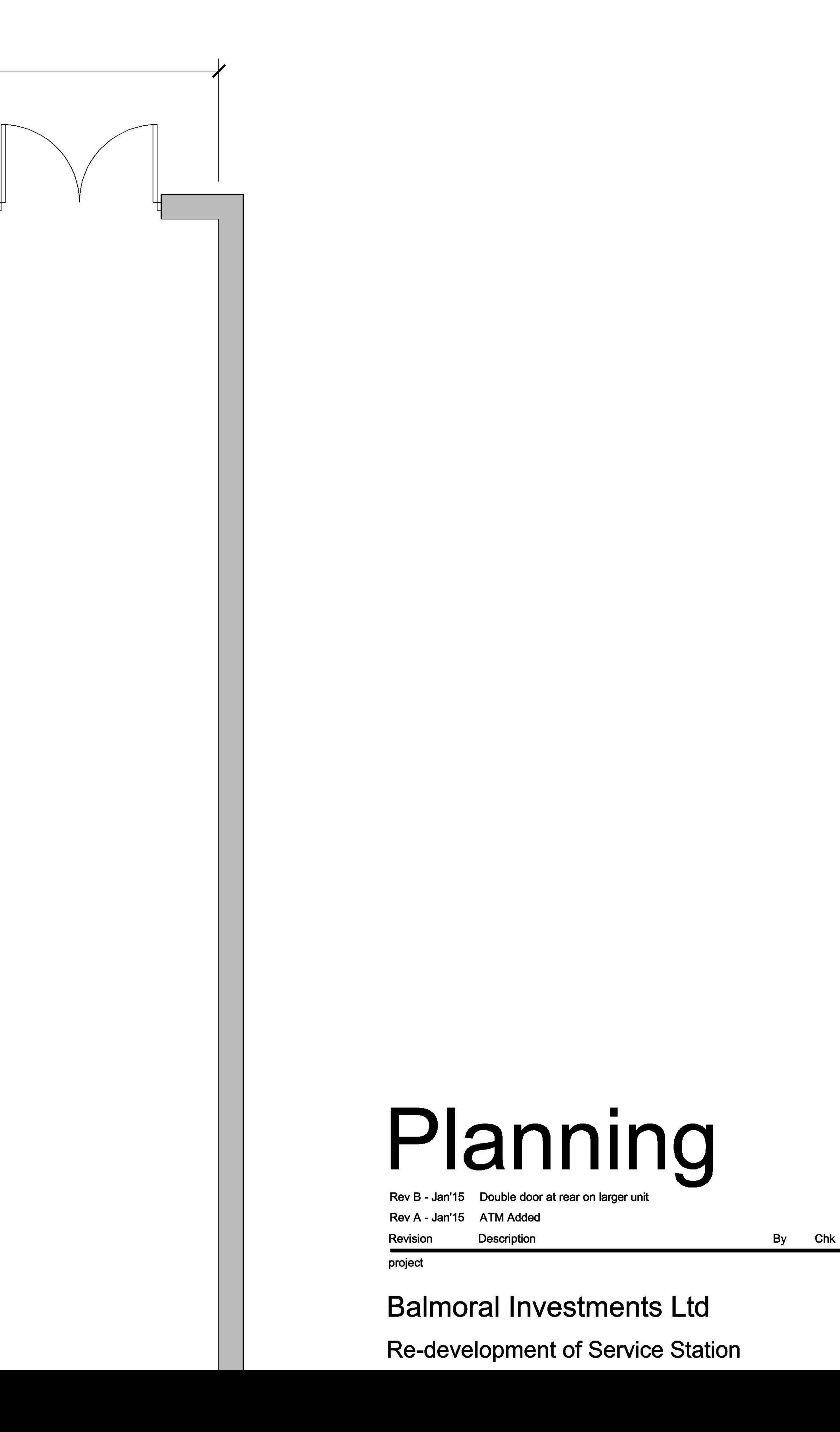


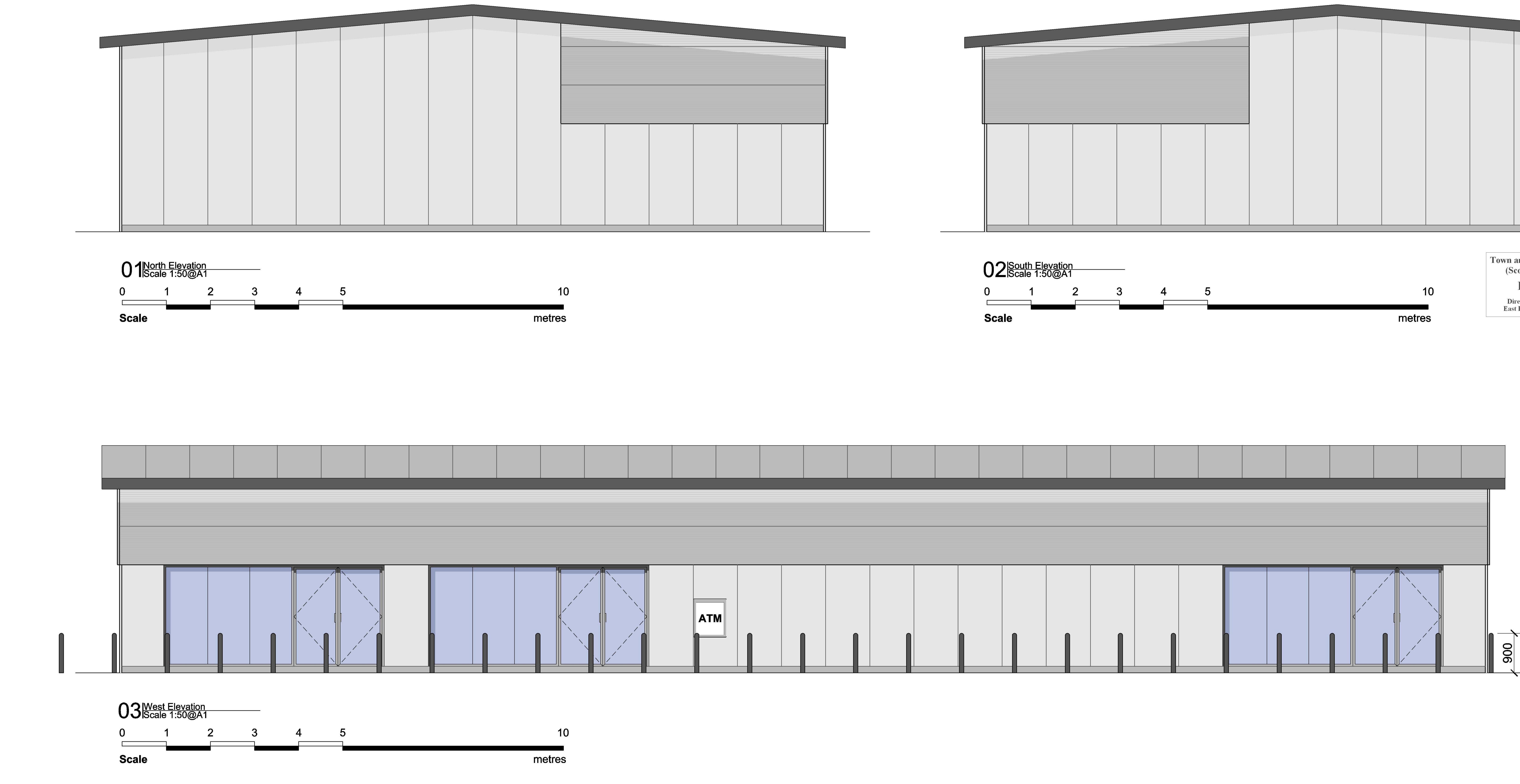


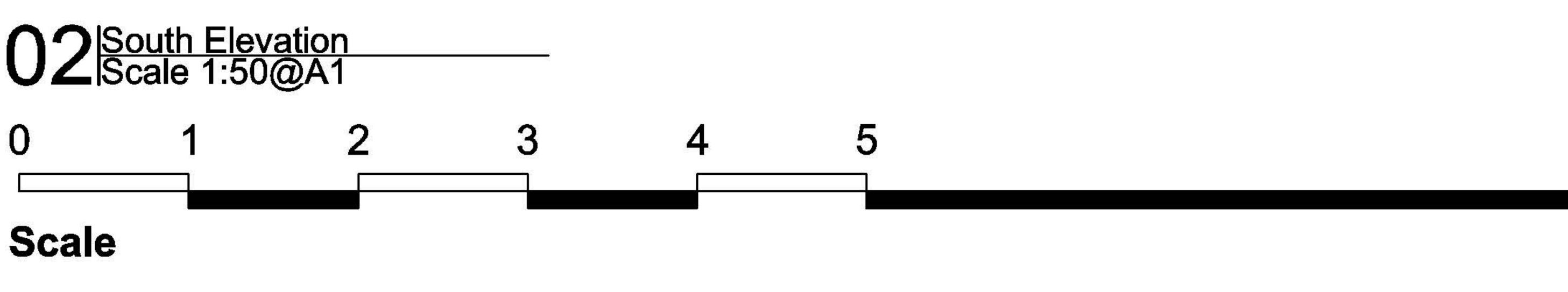
6125	
Net Area: 1000 sq/ft	

Net Area: 3000 sq/ft









Town and Country Planning (Scotland) Act 1997 REFUSED Director of Environment East Renfrewshire Council

Windows & Doors: High performance double glazed units — dark grey Roof: Insulated composite panel — dark grey Walls: Horizontal micro rib insulated composite panel — mid grey Vertical trapezoidal panel — light grey Flashing & Rainwater Goods: pressed metal — dark grey 900mm Stainless steel anti ram bollards in front of building. Note: Application for signage will be submitted

# Planning

Rev B Feb '15 Anti Ram Bollards Added Rev A - Jan'15 ATM and signage note added Description Revision

seperately

project

REB JM

By Chk

**Balmoral Investments Ltd Re-development of Service Station** 

