AGENDA ITEM No. 4

EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

10 August 2022

Report by Director of Business Operations and Partnerships

REVIEW OF CASE - REVIEW/2022/05

DEMOLITION OF EXISTING DWELLING AND ERECTION OF NEW DETACHED DWELLING AND GARAGE.

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:- 2021/0753/TP).

Applicant: Mr & Mrs J Currie

Proposal: Demolition of existing dwelling and erection of new detached dwelling and garage.

Location: 1 Earn Road, Newton Mearns, Glasgow, G77 6LT.

Council Area/Ward: Newton Mearns North And Neilston (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; or

(b) that in the event that further procedure is required to allow it to determine the review, consider:-

(i) 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 (Operations).

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 applicant in submitting the review has stated the reasons for requiring the review of the determination of the application. A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement and plans is attached as Appendix 5.

9. The applicant is 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 has detailed in their opinion that this review can continue to conclusion based on the assessment of the review documents only, with no further procedure.

10. The Local Review Body is not bound to accede to the applicant's request as to how it will determine the review and will itself decide what procedure will be used in this regard.

11. At the meeting of the Local Review Body on 10 August 2016, it was decided that the Local Review Body would carry out unaccompanied site inspections for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.

12. In accordance with the above decision, the Local Review Body will carry out an unaccompanied site inspection on Wednesday, 10 August 2022 before the meeting of the Local Review Body which begins at 2.30pm.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

13. 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.

14. 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, supporting statement, tree survey report September 2021 and bat roosting potential survey report September 2021 – Appendix 1 (Pages 117 - 180);

(b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 185 - 194);

(c) Decision notice and reasons for refusal - Appendix 4 (Pages 195 - 200); and

(e) A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement and further documentation - Appendix 5 (Pages 201 - 218).

15. The applicant has also submitted the drawings listed below and these are attached as Appendix 6 (Pages 219 - 232).

(a) Existing Site Plan;

(b) Location Plan L(0-)01;

(c) Existing and Proposed Streetscape L(2-)03;

(d) Proposed Block Plan L(0-)03 B;

(e) Proposed Garage Elevations L(2-)11 A;

(f) Proposed Garage Plans L(2-)10 A;

(g) Proposed Elevations L(2-)02 B;

(h) Proposed Plans L(2-)01 B;

(i) Tree Survey Plan Removal L(0-)5 A;

(j) Tree Survey Plan Downtaking L(0-)05;

(k) Topographical Survey L(0-)04

(l) Refused – Location Plan L(0-)01;

(m) Refused – Existing and Proposed Streetscape L(2-)03

(n) Refused – Proposed Block Plan L(0-)03 B;

(o) Refused – Proposed Garage Elevations L(2-)11 A;

(p) Refused – Proposed Garage Plans L(2-)10 A;

(q) Refused – Proposed Elevations L(2-)02 B;

(r) Refused – Proposed Plans L(2-)01 B; and

(s) Refused – Tree Survey Plan Removal L(0-)5 A.

16. 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 and are also included as Appendix 2.

17. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk.

RECOMMENDATIONS

18. 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; or

(b) In the event that further procedure is required to allow it to determine the review, consider:-

(i) 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: Sharon McIntyre

Director – Louise Pringle, Director of Business Operations and Partnerships

Sharon McIntyre, Committee Services Officer
e-mail: sharon.mcintyre@eastrenfrewshire.gov.uk
Tel: 0141 577 3011

Date:- July 2022

APPENDIX 1

APPLICATION FORM

AND

SUPPORTING STATEMENT

2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: planning@eastrenfrewshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100460363-001

The online reference 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: *

☒ 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 existing dwelling and erection of new detached dwelling and garage

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * ☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ 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) ☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	DTA Chartered Architects Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	DTA Chartered	Building Name:	
Last Name: *	Architects	Building Number:	9
Telephone Number: *	01355260909	Address 1 (Street): *	Montgomery Street
Extension Number:		Address 2:	The Village
Mobile Number:		Town/City: *	East Kilbride
Fax Number:		Country: *	Scotland
		Postcode: *	G74 4JS
Email Address: *	katie.macmillan@dtaarchitects.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	J	Building Number:	9
Last Name: *	Currie	Address 1 (Street): *	Montgomery Street
Company/Organisation		Address 2:	The Village
Telephone Number: *		Town/City: *	East Kilbride
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G74 4JS
Fax Number:			
Email Address: *	[redacted]		

Site Address Details

Planning Authority: East Renfrewshire Council

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

Address 1: 1 EARN ROAD

Address 2: NEWTON MEARNS

Address 3:

Address 4:

Address 5:

Town/City/Settlement: GLASGOW

Post Code: G77 6LT

Please identify/describe the location of the site or sites

Northing 657104 Easting 253826

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☐ Yes ☒ No

Site Area

Please state the site area: 1141.00

Please state the measurement type used: ☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

Dwelling

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * ☐ Yes ☒ No

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 change to public paths, public rights of way or affecting any public right of access? * ☐ Yes ☒ No

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? 3

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)? * 3

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, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☒ Yes ☐ No

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? *

☒ Yes

☐ 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? * ☐ Yes ☒ No ☐ Don't Know

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? * ☐ Yes ☒ No ☐ Don't Know

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)? * ☒ Yes ☐ No

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

Existing collection arrangements will remain.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * ☒ Yes ☐ No

How many units do you propose in total? * 1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

Schedule 3 Development

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

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? * ☐ Yes ☒ No

Certificates and Notices

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

One Certificate must be completed and submitted along with the 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? * ☒ Yes ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: DTA Chartered Architects

On behalf of: Mr & Mrs J Currie

Date: 14/09/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning 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 development (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 Country 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? *

☐ Yes ☐ No ☒ Not applicable to this application

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:

- [x] Site Layout Plan or Block plan.
- [x] Elevations.
- [x] Floor plans.
- [ ] Cross sections.
- [ ] Roof plan.
- [ ] Master Plan/Framework Plan.
- [ ] Landscape plan.
- [ ] Photographs and/or photomontages.
- [ ] Other.

If Other, please specify: * (Max 500 characters)

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. *	☐ Yes	☒ N/A
Habitat Survey. *	☐ Yes	☒ N/A
A Processing Agreement. *	☐ Yes	☒ N/A

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

Bat & Tree Survey Reports will be submitted on receipt from consultants

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: . DTA Chartered Architects

Declaration Date: 14/09/2021

Payment Details

Pay Direct

Created: 14/09/2021 12:16

dta chartered architects

APPLICATION FOR PLANNING PERMISSION

SUPPORTING STATEMENT

SEPTEMBER 2021

CLIENT:

MR & MRS CURRIE

PROJECT:

PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF PROPOSED TWO STOREY DWELLINGHOUSE

1 EARN ROAD,
NEWTON MEARNS
G77 6LT

JOB No:

C115.01

REV:

-

INTRODUCTION

This document is in support of an application for full planning permission to demolish the existing one and a half storey dwelling currently situated at 1 Earn Road, Newton Mearns, and the erection of a new two storey detached dwelling-house in its place.

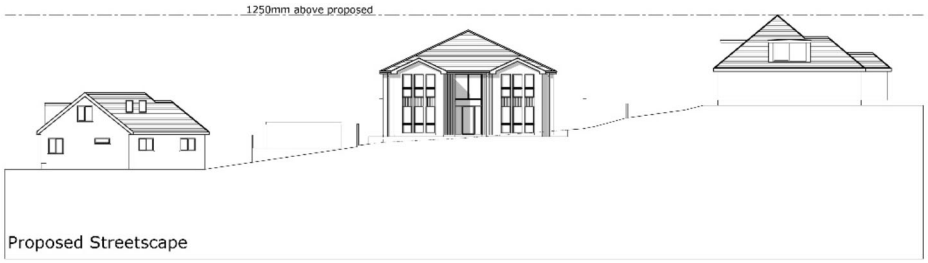
The existing dwelling holds no architectural merit and is a standard example of a property of its age. Several dwellings along Earn Road, as well as Laggan Road, have been significantly upgraded and extended over recent years.

EXISTING SITE

The application site sits lower than the other neighbouring properties within the cul-de-sac of Earn Road. The site sits along with another 3 at the end of the small road, which sits off Laggan Road. The topography raises as the site turns away from 1 Earn Road towards 4 Earn Road opposite to the application site. The site itself is approx. 24m wide by 55m deep, though the rear of the site does taper to a point at the very back as seen below.

There is a gradual slope from the front of the site to the rear, leading to a total drop of around 2m. The current dwelling has a much higher FFL than the external ground, with the left side sitting around 1500mm higher. The existing landscaping includes trees which provide privacy for the site and will remain untouched. With the location of the site sitting lower than the other dwellings within the cul-de-sac, as well as the inclusion of a two-storey house sitting opposite at 4 Earn Road, we feel that the site merits a two-storey dwelling. This is demonstrated in the existing and proposed

streetscape [drawing L(2-) 03], which was taken from a full topographical survey undertaken by a professional survey team on behalf of our client.



PROPOSALS

The proposal is for a two-storey dwelling with detached garage, of traditional design and proportion, under a low pitch grey tile roof. The proposed dwelling is of smooth white render finish, to tie into the white render neighbouring properties, with black facia/soffit and rainwater goods to reflect that of the neighbouring two-storey property at 4 Earn Road. Another inclusion would be to have a sandstone-like brick basecourse to further reflect 4 Earn Road. White framed windows are proposed to match also.

Proposed Front Elevation

Proposed Side Elevation

Proposed Rear Elevation

Proposed Side Elevation

The ridge level of the proposed dwelling sits approx. 1250mm **lower** than the ridge level of the neighbouring property at 2 Earn Road.

The positioning and proportions of the proposed dwelling on the site aligns itself with existing properties along Earn Road, in particular its immediate neighbours, to maintain a consistent street frontage as well as the building line along the rear as demonstrated on drawing L(2-) 03. The building is shorter in width, from the streetscape, than the existing dwelling.

The dwelling has been designed to ensure there are no overlooking issues onto neighbouring properties, with the side elevations to the lower sited dwelling either being opaque windows or of no significance to overlooking issues. The client has taken the proposals to their neighbours to engage in communications, and the proposal has been revised with these comments in mind.

There are also no issues with overshadowing due to the orientation of the site. With the route of the sun the lower dwelling to the south will not be affected at all, and the higher dwelling will receive no overshadowing either.

The site has several mature trees to the front of the property as existing which will be retained to maintain the character of the street.

EXISTING TWO STOREY DWELLING AT EARN ROAD

There is an existing property which sits opposite from the application site which is two-storey, and along with the application site, forms the framework for the houses at Earn Road. The site at No. 4 does sit higher than the application site and is nearly in line with the ridge height of the other two properties at the top. The proposal would be sitting at a ridge height lower than all the other properties within the cul-de-sac.

Given the above example of two storey dwellings setting a strong precedent for this type of development on this street, combined with the specific design considerations involved in our application for No. 1 Earn Road, we feel that there are no reasons why the proposal should not be considered for approval.

TREE SURVEY REPORT
TREE CONSTRAINTS PLANS

subjects at

1 Earn Road, Newton Mearns

for

DTA Architects

September 2021

v 1

Julian A Morris

B Sc, Dip Surv, Cert Pub Sect Man, Tech Cert Arb, PTI

Professional Tree Services

149 Langlea Avenue
Cambuslang
G72 8AN
0141 641 0245
0778 654 8072
jamorris@mail.com

APPENDIX 6. PHOTOGRAPHS

1. INTRODUCTION

1.1 Instruction

I have been instructed by DTA Architects on behalf of the prospective planning applicant for a site at 1 Earn Road, Newton Mearns to conduct an arboricultural survey and to report on several trees on (and where present, around) the site.

The principal purpose is to assess their condition and relative suitability for retention in the context of development, based mainly on quality and estimated remaining amenity contribution. I am also to indicate the constraints above and below ground that they would present (if retained) to any design and development.

This information can be used by landowners and designers to select trees for retention and/or the juxtaposition of trees and proposed development.

It does not consider the impact on any of the trees of any specific development proposal.

1.2 Reproduction, assignation and reliance

This report has been prepared for the sole use of the client – no other party is entitled to rely or act upon it or to reproduce all or any part of it without the express prior written consent of the author. The author cannot be held liable for any third party claim arising.

Notwithstanding, this report may be made available without the author's express consent to any future owner and developer of the site and to East Renfrewshire Councill and to any statutory consultees insofar as the report may be required for Planning matters.

1.3 Qualifications

The industry standard of best practice for such situations is BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* – and it requires tree surveys and assessments to be carried out by an Arboriculturist, defined as "a person who has, through relevant education, training and experience, gained expertise in the field of trees in relation to construction".

The tree survey work has been carried out by Gavin Scott, a professionally qualified and experienced arboriculturist holding a Foundation Degree and the LANTRA Professional Tree Inspectors Certificate, trained in the use of the Quantified Tree Risk Assessment

system, the Visual Tree Assessment methodology and the Specialist Survey Method for Ancient and Veteran Trees. He has specific experience of surveying trees in accordance with BS5837:2012.

The reporting has been carried out by Julian Morris, a professionally qualified and experienced arboriculturist holding a Bachelor of Science Degree, the Arboricultural Association Technicians Certificate, the LANTRA Professional Tree Inspectors Certificate, Certificate of Public Sector Administration and the RICS Diploma in Surveying and being an Associate member of the Institute of Chartered Foresters and a member of the Arboricultural Association and bound by their Codes of Professional Conduct.

2. GENERALITIES

In this report, terms used that have Initial Capitals are proper nouns, have a recognised formal meaning or are defined in the Glossary appended to the report.

2.1 Purpose and scope

A report is required in accordance with BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* – recording the results of a tree survey, providing retention desirability categorisation, above-ground height and spread and giving preliminary advice on appropriate Root Protection Areas ("RPAs") for all the trees or groups of trees. It also reports on any trees that are an imminent and serious hazard to life or property.

The tree survey data, plotted on a site plan to show the tree locations and constraints, may be used as a design tool to inform decisions (in terms of constraints above and below ground, quality and longevity) as to which trees are to be retained and which are to be removed, avoided or pruned to accommodate a specific form of development.

In accordance with BS5837 the trees have been assessed independently of any specific design layout.

The site is identified on the drawings provided to me, and where required these drawings have been adapted by me to show only the trees and groups of trees recorded during the tree survey.

It is noted that the site extent is open-plan to other land to the north west which is currently held under the same Land Certificate. Therefore many of the trees appearing to be on the site are either on its boundary or on the land to the north west.

I have not been provided with a topographic survey plan showing the position of any trees.

Where tree positions have been plotted during the tree survey, this has been done using a combination of GPS positions and positions relative to physical features shown on the base map. A degree of imprecision and inaccuracy is inevitable, and the position of trees may have to be plotted more accurately if they are found to be in close proximity to proposed development.

To accord with BS5837, only trees with a stem diameter of 75 mm or more (or in the case of woodlands or substantial tree groups, only individual trees with stem diameters greater than 150 mm) are to be recorded, including any offsite trees that overhang the

site or are located beyond the site boundaries within a distance of up to 12 times their estimated stem diameter.

Where it is deemed appropriate, individual trees within homogeneous groups will not be identified; instead the group will be delineated, measured and described collectively.

This report is **not a tree hazard and risk assessment**, and any reporting on risk is restricted to instances (if any) where trees were observed that might present an imminent and serious hazard to life or property (where the risk is assessed as 'Unacceptable'). Where other trees present a lesser (but still less than 'Acceptable') risk to people or property for the existing permitted use of the site, this will be reflected in the categorisation of the tree after any recommended works have been carried out. A separate, systematic, risk assessment may be required during or after finalization of development design.

2.2 Generalities – limitations and statutory restrictions

The survey was carried out in accordance with the Methodology set out in the Appendix to this report. This report is based on a visual inspection from ground level only.

The trees have been assessed only on the basis of endemic weather patterns for the location.

No intrusive or destructive tests were carried out, the survey did not include exhaustive foliar examination (except for purposes of identifying the species) and the inspection was primarily visual and was conducted from the ground and no climbing was done.

The trees have been assessed during a single visit in a single season, in the weather conditions noted in the 'Findings' section of the report, with the limitations that this brings, such as the opportunity to assess the reaction of the tree to a variety of wind strengths and directions, the presence of seasonal fungal Fruiting Bodies, visibility of branch structures or fruit/foliage vitality.

Dense basal epicormics and/or ivy on trees, and occasionally dense undergrowth can obstruct the full inspection of trees. Only enough to reach a preliminary or final conclusion about any such affected trees will have been removed.

I have only checked with the relevant Local Authority as to the existence of Conservation Area designation or Tree Preservation Orders to the extent that I have been instructed to do so. Such designations could have the statutory effect of prohibiting certain tree works or be indicative of the Local Authority's existing view of the importance of the trees to the amenity of the area.

2.3 Generalities - Soil and other ground conditions

No sampling, examination or analysis of the soil was done. Unless otherwise stated, only general assumptions have been made in the course of the survey and reporting about likely ground conditions, related in part to observations of current tree vitality.
BS5837 suggests that a soil assessment should be undertaken by a competent person to inform any decisions relating to the root protection area (RPA), tree protection, new planting design and foundation design to take account of retained, removed and new trees.

Ground conditions, particularly shrinkable clays, relative to new planting design and foundation design to take account of retained, removed and new trees are beyond the scope of this report.

2.4 Generalities - Tree categorisation protocols

In assessing the merit of the trees and their retention desirability, any specific design layout must be disregarded.

The purpose of the tree categorization method, as stated in BS5837, is to identify the quality and value (in a non-fiscal sense) of the existing tree stock, allowing informed decisions to be made concerning which trees should be removed or retained in the event of development occurring.

For a tree (or group of trees) to qualify under any given category, it should fall within the scope of that category, as defined in the British Standard. Trees are categorised (A, B, C or U) by estimated remaining amenity contribution combined with quality.

If a distinction is required for trees in categories A to C, one or more of the three subcategories (1, 2, 3) are added to reflect arboricultural qualities (1), landscape qualities (2) or cultural (including conservation) values (3).

On this last subcategory, it should be noted that 'conservation' is not defined in the Standard and could refer to conservation of historic environment or of nature, or of both. In this report, historic environment and other cultural conservation aspects will be covered only where Conservation Areas or Tree Preservation Orders known to have been made on historical or cultural grounds. Therefore subcategory 3 will be reserved for nature conservation values, specifically ancient or veteran trees.

3. INVESTIGATIVE FINDINGS

3.1 Practicalities

The tree survey was undertaken on 16th September in the morning. The conditions were dry, mild, bright and still.

Access was taken to adjacent land where (and to the extent that) this appeared to be unrestricted and where access was desirable to improve on the quality of the tree assessments.

Every tree (over 75mm diameter) on-site recorded individually has been affixed with a uniquely numbered tag (see picture below).

Where trees were found to form cohesive arboricultural features either aerodynamically, visually or culturally (including for biodiversity), they have been recorded as Groups.

Groups on-site have been identified by tagging a prominent tree within the group (tags notched at the bottom hole, see picture below, or underscored).

Individual tree (left) and Group (right) tags if applicable

No older tags were found on the trees.

Trees or groups of treeson adjacent land that are close enough to the site to qualify for recording were also tagged.

3.2 Site description (general)

The site is a triangular residential plot bounded on the south and east by other residential properties and on the north west by a contiguous area of undeveloped land, beyind which is other established residential development. On the site is situated an existing house which appeared to be in poor condition. A building to the north of it appears to have been demolished recently and may have been a garage. It had a concrete floor slab and was retaining land to its north.

The site is generally level but rises to the north west slightly, where an embankment appears to mark the boundary. Several trees are situated on this embankment. Recent

solid disruption may be associated with clearance of garden plants but the exact degree of disturbance could not be ascertained. It has been assumed that tree roots have not been compromised in the process, failing which tehr may be stability and vitality implications for some of the trees.

No bodies of water or water courses on or near the site present a flooding risk materially affecting the trees.

3.3 Trees and categorisations

A total of about 25 trees on and around the site were recorded individually. Many more trees have been recorded in Groups, with dominant species, typical stem diameter, crown spread radius, height and clear height.

The investigative findings for the survey stage (species, description, measurements, characteristics, categorisation etc.) are summarised in **the first Appendix** to this report.

Appendix 6 provides photographs of the trees that are not visible from publicly accessible locations.

The retention desirability categorisation of the trees follows the guidance in BS5837. Greatest consideration could be given to retaining Category A and B trees (i.e. generally those with an estimated Remaining Contribution of 20 or more years). A fuller explanation is given in **Appendix 5** to this report.

Typically designers make the assumption that the amenity contribution of Category C trees (typically, those having and Estimated Remaining Contribution of 10 to 20 years) and Category U trees are likely to be exceeded by the design life of any proposed development, and these may be suitable for retention only in low risk or low visibility locations, as contributions to high/moderate quality tree groups or in positions where a replacement tree would be desirable in due course.

Special notes on tree categorisations and species identification for this site

BS5837 states that young trees with a diameter less than 150mm be automatically categorised 'C' regardless of their lifestage, species or Estimated Remaining Contribution. Although 'C' suggests poor condition or short estimated remaining contribution, in the context of young trees the interests of amenity may be just as well served by replacement in a more appropriate position rather than by retention.

150mm diameter is an arbitrary threshold, and trees just above this threshold might still be categorised as C to reflect limited amount of amenity. Where good trees beyond the 'young' stage are below the 150mm threshold but are of an inherently smaller species, they may have been upgraded to Cat B, particularly if well placed.

Wych Elm *(Ulmus glabra) and other species of elm have been all but wiped out in most parts of the UK by Dutch Elm Disease, which usually causes rapid death of trees after the age of around 15 years. Young trees and/or regenerating stumps are not uncommon but usually succumb before early maturity. Accordingly, unless Elms recorded during the survey are of sufficient maturity to indicate resistance to or localised absence of Dutch Elm Disease, Elms have been categorised C or U (dependent on size and whether uninfected or infected) based on Estimated remaining Contribution. In contrast, the rarity of mature Elms suggests that good specimens should be categorised 'A'.*

Designers and tree owners should be aware that Elms categorised A or B could become infected as a result of construction activity around them, or at any time in the future by factors outwith the site owner's control.

It may be prudent for designers to aim to retain Elms only in less prominent and less trafficked situations where risk and appearance are not critical to amenity.

Common Ash *(Fraxinus excelsior) and other species of ash are vulnerable to 'Ash Dieback (Chalara)', a recent but now widespread fungal infection which has the effect of causing anything from minor temporary (but cyclical) dieback to outright death of trees. Trees or parts of trees may rapidly become brittle and may therefore be an unacceptable risk. In the context of development and tree amenity, individual trees may be disfigured or lost completely in a matter of months or a couple of years. So far, it is beyond the scope of BS5837 to predict the effect of the disease on the Estimated Remaining Contribution or risk for individual trees.*

Where ash trees have been recorded and are showing symptoms of infection, they have been categorised based on impairment of quality rather than Estimated Remaining Contribution, but for trees without tolerance or resistance this may amount to the same thing.

It may be prudent for designers to aim to retain ash only in less prominent and less trafficked situations where risk and appearance are not critical and where natural recovery may take place safely and without important effects on amenity.

3.4 Veteran or ancient trees

The survey did not identify the presence of individual veteran or ancient trees on the site.

4. TREE CONSTRAINTS

The tree constraints plan(s) referred to in the following sections are available in CAD format for use in detailed design.

4.1 Above ground constraints

The spread of the crowns of the recorded trees have generally been estimated at 4 cardinal points. Only the average spread has been given where crowns were found to be approximately circular in horizontal extent.

BS5837 also recognises that "it is not always practical or necessary to record branch spread for every tree in a group", and following this rationale, only the collective canopy spread has been given for trees recorded within groups. Trees on the edge of groups frequently have asymmetric spreads.

The extent of the crowns is plotted on the Tree Constraints plan appended to this report, colour-coded to give an immediate overview of their relative retention desirability.

For groups, the extent of the Group including the crown spreads of edge trees, is shown on the plan.

Within groups the spread of individual trees may overlap, such that the removal of individual trees from the group, may not allow construction in the volume that had been occupied by those trees. Importantly, removal of trees from Groups will result in loss to the remaining trees of companion shelter and may reduce the wind-firmness of remaining trees within the Group or the whole Group and/or may result in storm breakages of limbs or forks.

Using the plan as a guide, it may be appropriate to define areas within which development may be constrained by the presence of tree crowns or canopy. That said, the crown spreads do not necessarily represent the height at which crowns might constrain development.

To aid with this I have provided an average or representative crown or canopy height.

Development below this height may be possible, or selective branch removal may be possible whilst retaining the rest of the tree.

4.2 Below ground constraints (present)

The root protection area ("RPA") indicates the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority.

The extents of idealised root protection areas for each tree are plotted on the Tree Constraints Plan appended to this report.

N.B. 'Root Protection Area' is a concept defined in BS5837 for optimal 2 dimensional representation of suitable and sufficient rooting volume; dependent on factors such as tree species, life-stage and condition there may be alternative 2 dimensional shapes and/or areas that would contain suitable and sufficient rooting volume that would maintain the tree's viability.

For groups, unless otherwise indicated for most practical purposes the extent of the below-ground constraints of a Group is approximately the same as the canopy spread of the Group, shown on the plan as a collective Root Protection Area.

Within dense groups the Root Protection Areas of individual trees may overlap, such that the removal of individual trees from the group, may not allow construction in the space created without further precautions to assess and protect root and rooting volumes of remaining trees.

Where there was no need to modify the Root Protection Areas of individual trees, the default circular RPAs suggested by BS5837 have been plotted.

If and where pre-existing site conditions or other factors indicate that a normal depth of rooting exists but is distributed asymmetrically influenced by past or existing site conditions (e.g. the presence of impermeable surfaces, underground vertical structures, permanent waterlogging or known underground apparatus), a polygon of equivalent area has been produced, based on an arboricultural assessment of likely root distribution.

It was particularly noted and assumed that the garage floor slab and buildings on adjacent land have been a constraint to radial rooting.

The RPA represents a volume of soil, and where rooting is deeper than normal the overall superficial area of the RPA may be reduced to reflect downward rooting in adequately drained soil. This is to be expected, for example, where roots develop downwards at retaining walls.

In due course this or circular RPAs may need to be modified further due to -

a) unseen underground apparatus, structures etc.;

b) topography and drainage;

c) the soil type and structure;

d) the likely tolerance of the tree to root disturbance or damage, based on factors such as species, age, condition and past management

4.3 Below ground (future - advisory)

The following are some other aspects that are beyond the reporting requirements of BS5837 at this stage but may be relevant design constraints.

a. BS5837 offers advice about the minimum distance that should be left between trees and various structures, services and surfaces to avoid future direct damage to those. This would require, among other things, an estimate of eventual stem diameter at maturity. As a precaution, it is recommended that no buildings, services or hard surfaces are proposed within 3 metres radius of the centre of any retained or proposed tree without further arboricultural advice as to growth potential, longevity and mitigation design measures that could be put in place to avoid or reduce such damage potential.

Notwithstanding, where existing underground structures have effectively prevented the radial spread of existing roots, proposed underground structures in the same or similar but no closer) position are likely to be acceptable if they are of equivalent effectiveness in preventing root development at all soil depths.

b. BS 8002:2015 *Code of Practice for Earth Retaining Structures* makes recommendations about the proximity of trees to retaining structures relative to species and mature height of trees.

c. The NHBC has published guidance (Chapter 4.2) on meeting the technical requirements when building near trees, shrubs and hedgerows, particularly on shrinkable soils. This guidance may be relevant even if a development will not involve the NHBC or housing.

4.4 Tree shade and shadow

BS5837 provides a method of predicting the effect of tree shade and shadow on development sites, but this is not mandatory. Trees close to development can reduce the amount of sunlight and skylight to open spaces and windows, in some cases causing light levels to fall below the recommended levels. However, I consider that the recommendations in BS5837 for portraying the shade from individual trees is not a reliable or useful design tool. I have therefore not reported this aspect of the constraints that trees would present to development design.

Trees are seasonal in effect and species can be a significant factor. It can be said generally, though, that shading is worst on the north side of trees and/or where many crowns coalesce to form a dense barrier to light.

Daylighting assessments of individual retained trees or groups of trees can be carried out on request, using the detailed methods published by the Building Research Establishment. This may require further survey effort, since the shading and shadowing zone of influence of trees can be much greater than the distances covered by assessments of physical constraints (4.1 and 4.2 above).

4.5 Statutory constraints

I have checked with the relevant Local Plan as to the existence of Tree Preservation Orders affecting the site, and have found that none exist.

I have checked with the relevant Local Plan as to the existence of a Conservation Area designation affecting any part of the site, and have found that none exist.

A 'felling permission' is usually required from Scottish Forestry for larger volumes of timber. A number of exemptions exist, including for trees with a diameter not exceeding 10 centimetres, trees in orchards, gardens, churchyards or public open spaces, felling where the aggregate cubic contents 5 m^3 in any quarter (except in small native woodlands of Caledonian Pinewoods), the prevention of immediate danger to persons or to property, trees badly affected by Dutch Elm Disease and dead trees.

4.6 Woodland removal constraints

Woodland removal can trigger Government policies protecting against the loss of woodlands generally. Protection can be more stringent where remnants of ancient woodland character are present. There is no legal definition of 'woodland'. Areas over 0.1 Hectare with 20% or more canopy cover could in certain circumstances be deemed as woodland.

However, there are no areas comprising woodland on the site.

5. RISK REDUCTION RECOMMENDATIONS

As required by BS5837, this report must address only serious risk.

No trees were found that present an imminent and serious hazard to life or property.

The following risk assessments do not form part of the British Standard but are provided to help explain how less imminent and less serious risks can be considered by designers.

Several trees were noted as having obvious defects that could create a level of risk that could make them unsuitable for retention (without some form of tree work intervention) beneath or in close proximity to buildings and human occupation in the context of the proposed development and use of the site. This is indicated in the Risk column of the **first Appendix** as 'Potential'.

The level of risk depends on proximity to 'targets' (buildings, structures, roads, footpaths etc.). It is recommended that a more thorough assessment of the tree risk is done relative to specific design proposals before any final decision is made about the retention or removal of trees of 'potential' risk in the context of development.

6. SUMMARY OF SURVEY FINDINGS AND CONSTRAINTS

All the trees and groups of trees on and around the site have been identified, measured and recorded and then categorised for relative retention desirability, all in accordance with BS5837.

Many of the trees present were on contiguous land to the north west but not forming part of the site proper.

The position of the trees and groups of trees, and the extents of their crowns and combined canopies (colour coded for relative retention desirability) are represented on the Tree Constraints Plan.

The trees and groups of trees have had their Root Protection Areas calculated with reference to species, growing environment and other factors and a representative proportion of these have been plotted, modified from simple circles where known or expected ground conditions require it. These are represented on the Tree Constraints Plan.

A CAD version of the plan is being made available for viewing in greater detail and for use by designers if required.

The survey did not note the presence of any ancient or veteran trees on the site.

The advisory method in the British Standard for indicating the shading from the trees has been omitted, as it does not provide a useable quantification of daylighting.

The report also refers to other Standards and advisory factors by which trees might present constraints to development.

According to the current Local Plan the site is known not to be within a Conservation Area or Tree Preservation Order.

Separate consent would normally be required for the felling of larger volumes of timber, unless exempted, and in particular by the grant of detailed planning permission.

No trees were found that might present an imminent and serious hazard to life or property.

One or more trees were noted as having obvious defects that could make them a less than 'Acceptable' risk in the context of the proposed development and use of the site. If

these are not to be removed, they should be risk-assessed against any specific design layout before selecting them for retention.

The tree survey has done independently of any development proposal.

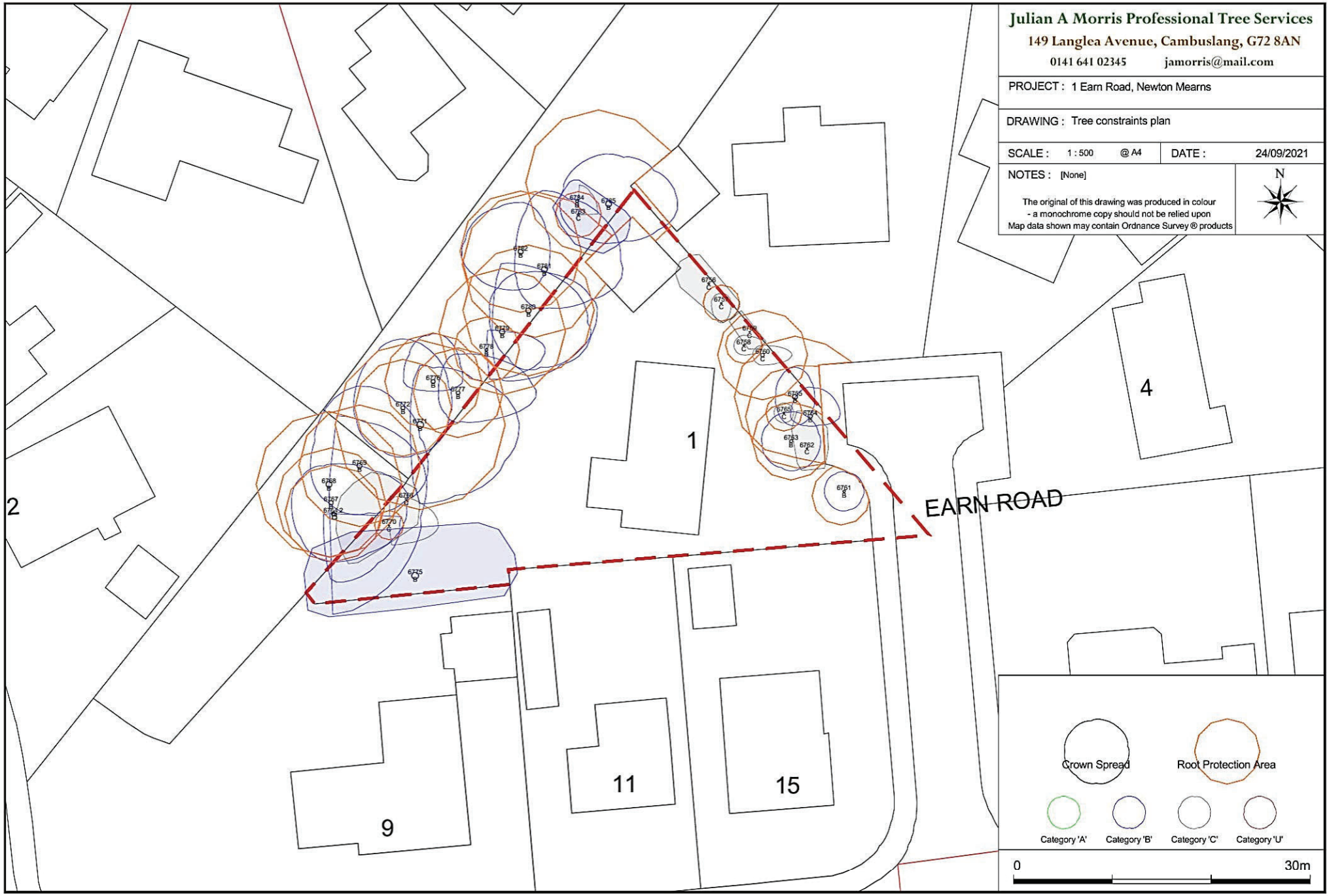
BS 5837 recommends that ***"The constraints imposed by trees, both above and below ground (see Note to 5.2.1) should inform the site layout design, although it is recognized that the competing needs of development mean that trees are only one factor requiring consideration."*** *The tree data can be used to inform site layout, including during construction. Having regard to the Estimated remaining Contribution and quality of each tree or group (represented by the retention desirability category) and the design life of the development proposal, factors such as shading of buildings and open spaces, privacy and screening, amenity value of trees, future pressure for removal, seasonal nuisance, servitudes and wayleaves and statutory undertaker powers and requirements, regulatory protection, soil shrinkability (subsidence or heave), known or potential tree risk and conservation benefits need to be weighed up alongside other design considerations to achieve a satisfactory juxtaposition of trees and site usage.*

This report provides only a baseline for detailed design or tree retention proposals, for which further advice on selection for retention and arboricultural impact assessment and/or arboricultural method statements may be recommended as development proposals evolve.

Julian A. Morris

Signed 

Dated September 2021


Julian A Morris Professional Tree Services
149 Langlea Avenue, Cambuslang, G72 8AN
0141 641 02345 jamorris@mail.com
PROJECT : 1 Earn Road, Newton Mearns
DRAWING : Tree constraints plan
SCALE : 1 : 500 @ A4
DATE : 24/09/2021
NOTES : [None]
The original of this drawing was produced in colour
- a monochrome copy should not be relied upon
Map data shown may contain Ordnance Survey ® products
N
EARN ROAD
1
2
4
9
11
15
Crown Spread
Root Protection Area
Category 'A'
Category 'B'
Category 'C'
Category 'U'
0
30m

APPENDIX 1 - TREE DATA

LOCATION: 1 Earn Road, Newton Mearns **DATE:** September 2021

Tag	off site ?	Species	*Binomial*	Stems (if >1)	Measured DBH (mm)	Ht. (m)	Spread (m)				Crown ht.(m)	Observations	Condition	Life-stage	ERC (yrs)	Grading	risk	action
							N or ave.	E	S	W								
6755		Hinoki Cypress	Chamaecyparis obtusa		500	5	3	2	3	2	1.5 to 2.5	Topped	Fair to good	Semi-mature	>40 yrs	B		
6756		Group - Single species conifer		6<10	180	5	0				1.5 to 2.5	Lawson Cypress growing in raised planter. Topped	Fair to good	Young	>40 yrs	C		
6757		Wych Elm	Ulmus glabra	2	150	5	1	1	2	1	1.5 to 2.5	Tree within group canopy. Topped	Fair	Young	20 to 40 yrs	C		
6758		Lawson Cypress	Chamaecyparis lawsoniana	2	150	4	1	2	1	1	1.5 to 2.5	Topped	Fair	Young	>40 yrs	C		
6759		Group - Mixed broadleaf		3	130	4	0				1.5 to 2.5	Apple, Hawthorn, Cherry. Topped	Poor to fair	Young	10 to 20 yrs	C		
6760		Flowering Cherry	Prunus sp.		370	4.5	1	3	1	1	1.5 to 2.5	Crown reduced	Fair	Semi-mature	20 to 40 yrs	C		
6761		Lawson Cypress	Chamaecyparis lawsoniana		240	5	2				1.5 to 2.5	Topped	Fair to good	Young	>40 yrs	B		
6762		Group - Single species conifer		2	140	4	0				1.5 to 2.5	Lawson Cypress. Topped	Fair	Young	>40 yrs	C		
6763		Leyland Cypress	X Cupressocyparis leylandii		320	5	3				1.5 to 2.5	Topped	Fair to good	Young	>40 yrs	B		
6764		Grey Willow	Salix cinerea	3	420	7	3	3	1	2	4 to 5.5	Topped	Fair to good	Semi-mature	>40 yrs	B		
6764	os.	Sycamore	Acer pseudoplatanus		400	14	0	7	7	1	2.5 to 3.5		Fair	Semi-mature	>40 yrs	B		
6765		Hinoki Cypress	Chamaecyparis obtusa		150	4	1				0 to 1		Good	Young	>40 yrs	C		

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For abbreviations see Glossary

APPENDIX 1 - TREE DATA

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Tag	off site ?	Species	*Binomial*	Stems (if >1)	Measured DBH (mm)	Ht. (m)	Spread (m)				Crown ht.(m)	Observations	Condition	Life-stage	ERC (yrs)	Grading	risk	action
							N or ave.	E	S	W								
6766	os.	Group - Single species broadleaf		2	200	12	0				4 to 5.5		Fair	Young	>40 yrs	C		
6767	os.	Scots Pine	Pinus sylvestris		450	22	4	8	6	4	> 10		Fair	Early-mature	>40 yrs	B		
6768	os.	Pedunculate Oak	Quercus robur	2	600	18	7	10	13	0	> 10		Fair to good	Mature	>40 yrs	B		
6769	os.	Scots Pine	Pinus sylvestris	Pinus sylvestris	500	22	8	7	5	5	> 10	Ivy clad bole	Fair	Early-mature	>40 yrs	B		
6770	os.	Wych Elm	Ulmus glabra		120	9	3	5	2	0	1.5 to 2.5		Fair to good	Young	>40 yrs	C		
6771	os.	Scots Pine	Pinus sylvestris		700	25	6	10	8	1	5.5 to 10	Bias SE. Soil levels lowered 2m to SE	Fair	Mature	20 to 40 yrs	B	Potential	
6772	os.	European Larch	Larix decidua		400	19	7	5	5	5	2.5 to 3.5	Slight lean N	Fair to good	Early-mature	>40 yrs	B		
6775		Group - Single species conifer		6<10	700	14	0				1.5 to 2.5	Linear group. Height down to 10m at W extent due to suppression from adjacent trees	Fair to good	Early-mature	>40 yrs	B		
6776	os.	Scots Pine	Pinus sylvestris		400	16	5	3	1	3	5.5 to 10	Stem leans NE	Fair	Early-mature	20 to 40 yrs	B		
6777	os.	Sycamore	Acer pseudoplatanus		370	16	4	8	3	2	1.5 to 2.5	Soil levels altered SE, roots exposed	Fair	Early-mature	20 to 40 yrs	B	Potential	
6778	os.	Douglas Fir	Pseudotsuga menziesii		270	9	2	6	3	0	1.5 to 2.5		Fair	Semi-mature	20 to 40 yrs	B	Potential	

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Tag	off site ?	Species	*Binomial*	Stems (if >1)	Measured DBH (mm)	Ht. (m)	Spread (m)				Crown ht.(m)	Observations	Cond-ition	Life-stage	ERC (yrs)	Grading	risk	action
							N or ave.	E	S	W								
6779	os.	Black Pine	Pinus nigra		520	19	7	9	5	1	> 10	Bias SE	Fair to good	Early-mature	20 to 40 yrs	B	Potential	
6780	os.	Ash	Fraxinus excelsior		540	18	4	7	6	4	5.5 to 10	Growing from embankment edge	Fair	Early-mature	>40 yrs	B		
6781	os.	Black Pine	Pinus nigra		600	25	8	8	4	3	1.5 to 2.5	Roots exposed E following demolition of retaining wall	Fair	Early-mature	>40 yrs	B		
6782	os.	Scots Pine	Pinus sylvestris		500	18	5	3	4	6	5.5 to 10		Fair	Early-mature	>40 yrs	B		
6783	os.	European Larch	Larix decidua		190	10	3	2	0	0	4 to 5.5	Suppressed within Sycamore group	Poor to fair	Semi-mature	20 to 40 yrs	C		
6784	os.	Group - Single species broadleaf		2	290	14	0				1.5 to 2.5	Sycamores	Fair	Semi-mature	>40 yrs	B		
6785	os.	European Larch	Larix decidua		600	18	5	7	4	5	5.5 to 10	Roots exposed SE following demolition of retaining wall. Slight lean N self corrected	Fair	Early-mature	>40 yrs	B	Potential	

Julian A Morris Professional Tree Services,
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For abbreviations see Glossary

APPENDIX 2 - GLOSSARY OF TERMS

Adaptive growth: An increase in wood production in localised areas in response to a decrease in wood strength or external loading to maintain an even distribution of forces across the structure.
Adventitious/epicormic growth: New growth arising from dormant or adventitious buds directly from main branches/stems or trunks.
Binomial: Unless otherwise stated the Linnaean binomial name of the species is stated for the avoidance of any ambiguity arising from varying usage of common names.
Bracing: The installation of cables, ropes, rods and/or belts to reduce the probability of failure of parts of the tree structure due to weakened elements under excessive movement.
Callus: Undifferentiated tissue initiated as a result of wounding and which become specialised tissues ('Woundwood') of the repair over time.
Cavity: A void within the solid structure of the tree, normally associated with decay or deterioration of the woody tissues.
Co-dominant stems: Two or more, generally upright, stems of roughly equal size and vigour competing with each other for dominance.
Compression fork: an inherently weak fork in which continued radial growth of two competing substems results in pressure which tends to push the fork apart.
Conservation Area: A designation made under the Planning Acts in the interest of preserving or enhancing the special architectural or historic character or appearance of an area.
Crown: The foliage bearing section of the tree formed by its branches and not including any clear stem/trunk.
Crown Lifting: The removal of the lowest branches and/or preparing of lower branches for future removal.
Crown Reduction: The reduction in height and/or spread of the crown of a tree.
Crown Spreads: The extent of the live crown, measured from the centre of the base of the canopy, in each of the four cardinal points (in the order north, east, south, west)
Crown Thinning: The removal of a portion of smaller/tertiary branches, usually at the outer crown, to produce a uniform density of foliage around an evenly spaced branch structure.
Condition:

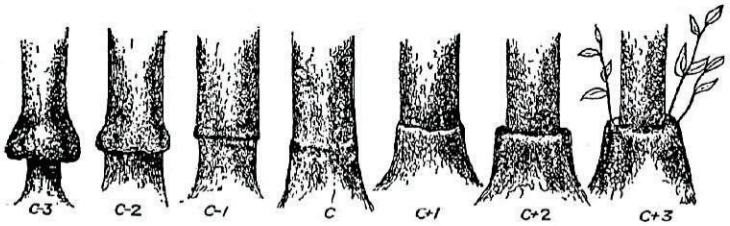
Good	Generally free from defects and in good health
Fair	Reasonably healthy but defects are present that may adversely affect Estimated Remaining Contribution but that may be addressed in the short term by minor intervention
Poor	In decline and/or defective requiring major intervention
Dead	No signs of life or so little that death is inevitable

Construction Exclusion Zone (CEZ): area based on the Root Protection Area (and low crowns) from which access is prohibited for the duration of a project
Decurrent: Widely spreading on several limbs
DBH/Diameter: Stem diameter, more fully known as Diameter at Breast Height (1.5m).
Dieback: No signs of life on branch tips due to age or external influences.
Epicormic Growth: See Adventitious Growth
Excurrent: Having a main stem and radiating limbs of limited length
Estimated Remaining Contribution: The number of years that the tree in substantially its current form (or better) is expected to continue to make an arboricultural or landscape contribution.

40+ years	corresponding with BS 5837 40+ years
20 to 40 years	corresponding with BS 5837 20+ years
10 to 20 years	corresponding with BS 5837 10+ years
0 to 10 years	corresponding with BS 5837 less than 10 years

Fruiting bodies: The fruiting body is the spore bearing, reproductive structure of that fungus.
Graft: The growing together, naturally or deliberately, of two plant parts (including from different

species or varieties) with joined vascular cambia. Varying degrees of compatibility (see below)



Hazard beam: Upwardly curving part of a tree prone to longitudinal splitting
Inclusion fork: A compression fork further weakened by the inclusion of bark from both competing substems at their interface.
Life Stage:

Newly planted	Not fully established and capable of being transplanted or easily replaced
Young	Establishing, usually with good vigour
Early mature	Established, usually vigorous and increasing in height
Mature	Fully established around half their species' life expectancy, generally good vigour and achieving full height potential but crown still spreading
Late mature	Moderate vigour, no additional height expected and growth rate slowing
Over-mature	Fully mature, in last quarter of life expectancy, vigour decreasing
Veteran	See Veteran definition
Ancient	Beyond maturity, old in comparison with other trees of the same species; showing Veteran (see below) values and characteristics because of age rather than past events

Occlusion: growth of callus and wound wood, sealing wounds.
Planning Acts: Primary Planning legislation in Scotland relevant to trees and their protection, principally the Town & Country Planning (Scotland) Act 1997, the Planning etc. (Scotland) Act 2006 and The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010.
Pollard: The removal of the top of a young tree at a prescribed height to encourage multi-stem branching from that point, repeated on a cyclical basis always retaining the initial pollard point.
Quality/Value Category: As defined and used by BS5837 -

A	Trees of high quality and value
B	Trees of moderate quality and value
C	Trees of low quality and value

Subcategories of these record the main value of the tree

1	Mainly Arboricultural values
2	Mainly landscape values
3	Mainly cultural values, including conservation

Retrenchment pruning: A form of reduction intended to encourage development of lower shoots and emulate the natural process of tree aging.
Risk Category: In accordance with the Health & Safety Executive's general parameters.
Lower than 1:1,000,000 'Acceptable' Between 1:1,000,000 and 1:1,000 'Tolerable'
Higher than 1:1,000 'Unacceptable' So low that it cannot be quantified, 'Negligible'.
Root Protection Area (RPA) layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority.
Tree Preservation Order: An Order made under the Planning Acts in the interests of the amenity of an area.
Veteran: A survivor that has developed some of the habitat features such as wounds or decay found on an ancient tree, not necessarily as a consequence of time, but of past events or its environment. It may look old relative to other trees of the same species.
Vigour: The health and resilience of a tree reflected in shoot extension, leaf size and density.
Woundwood: lignified and differentiated tissue produced as a response to wounding.

APPENDIX 3 - SURVEY METHODOLOGY & LIMITATIONS

This methodology complements the methodology requirements of BS5837, which are not restated here.

Each tree is inspected initially from a distance to ensure closer inspection is safe.

The position of trees or the outline of groups is captured on site using a Geographic Information System ('GPS') and the trees' attributes are recorded as a map layer. These are brought into the report as an Excel spreadsheet for processing and use. The data includes a 16 digit Ordnance Survey grid reference, which may be used to plot trees or group polylines on a georeferenced plan. The strength and position of satellite signals used by GPS is variable in quantity, strength and quality, and reflections from buildings, fences or vehicles can result in aberrations. Generally 1.5 metre GPS accuracy is achieved, suitable only for indicative relative position of trees. If these are within 12 x their stem diameter of any linear features, their distance and orientation relative to those features is measured and recorded.

The height is estimated by the use of a clinometer and trigonometry. Distances are measured using calibrated paces or a laser measuring device, adjusted where necessary for the terrain.

Diameters of stem are measured using a diameter tape which measures circumference ('girth') and gives the equivalent average diameter. Where trees are multistemmed from below 1.5m, either the diameter at a lower representative point, or the equivalent stem diameter of the combined cross sectional area of all the stems is given. For offsite trees, stem diameters are estimated using a laser measurement device and tacheometry; distances are estimated.

The tree species is identified from knowledge supported by Johnson and Moore (see Fuller Citation at Appendix 4) using bark, buds, twigs, fruit, flowers, form and habit.

Binoculars are used where appropriate to examine visible features and structures above a few metres in height. A hand lens is used to examine small features and to help narrow down the list of possible species of any pathogen growths on the tree.

Whilst it is not possible without laboratory examination and testing to confirm definitive identifications of pests, diseases and fungal infections, all reasonable attempts are made to eliminate possibilities and in most cases a species or genus or a common name can be state with a reasonable degree of confidence that the implications arising from the identification will be appropriate to the other outcomes of the report such as risk assessment, recommendations and Estimated Remaining Contribution.

Soundings will be taken either with a rubber mallet or a nylon-tipped hammer to try and ascertain the existence and likely extent of cavities or other invisible decay. Cavities will be inspected visually with a torch only insofar as this is reasonably possible from the ground, removing only enough of loose material as is necessary to reach conclusions about the extent and nature of decay or defects.

Except to the extent stated in the report, the assessment is based on a visual inspection from ground level only, from publicly accessible and privately available vantage points.

Soil present around the base of trees is not removed and root collars are not examined except where, and to the extent, they are already exposed. No sampling, examination or analysis of the soil was done. No intrusive or destructive tests is carried out. The survey does not include exhaustive foliar examination (except for purposes of identifying the species).

Trees are generally assessed during a single visit, with the limitations that this brings, such as the opportunity to assess (i) the reaction of trees to a variety of wind strengths and directions, (ii) the presence of seasonal fungal Fruiting Bodies, (iii) foliage density (iv) structural elements concealed by foliage. Only a broad indication of the intensity of usage of the site and the immediately surrounding land and pedestrian/vehicle routes is gained from a single visit.

Obstacles liked dense basal epicormics and/or ivy on trees, and occasionally dense undergrowth can obstruct the full inspection of trees, including their rooting area. Only enough to reach a preliminary or final conclusion about any such affected trees will be removed.

APPENDIX 4 - Fuller citation of texts, if referred to

Strouts and Winter (1994) *Diagnosis of ill-health in trees*

Mattheck and Breloer (1994) – *The body language of trees*

Roberts, Jackson and Smith (2006) – *Tree Roots in the Built Environment*

British Standards Institute (2011) – *BS3998: Recommendations for tree work*

British Standards Institute (2012) – *BS5837: Trees in relation to design, demolition and construction - Recommendations.*

Johnson and Moore (2004) – *Collins Tree Guide*

White, John and Forestry Commission (1998) - *Estimating the Age of Large and Veteran Trees in Britain' - Forestry Commission Information Note*

Schwartze, Engels and Mattheck (2000) - *Fungal Strategies of Wood Decay in Trees*

Mynors (2002) – *The Law of Trees, Forests and Hedgerows*

Health & Safety Executive (2001) - *Reducing Risk, Protecting People*

British Standards Institute (2008) – *BS8206-2: Lighting for buildings. Code of practice for daylighting*

Littlefair, Paul, BRE (2011) – *Site Layout Planning for Daylight and Sunlight*

British Standards Institute (2015) BS8596 *Surveying for bats in trees and woodland – guide*

British Standards Institute (2015) *Microguide to surveying for bats in trees and woodland*

Statutory Nature Conservation Organisations/ Bat Conservation Trust (2015) – *Method Statement for the Appropriate Use of Endoscopes by Arborists*

Arboricultural Association (2017) Guidance Note 11 *Aerial Inspections: A guide to good practice*

Arboricultural Association (2020) Guidance Note 12 *The use of cellular confinement systems near trees: A guide to good practice*

APPENDIX 5

Table 1 **Cascade chart for tree quality assessment**

Category and definition	Criteria (including subcategories where appropriate)			Identification on plan
Trees unsuitable for retention (see Note)				
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	• Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) • Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline • Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality *NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see **4.5.7**.*			See Table 2
	1 Mainly arboricultural qualities	**2 Mainly landscape qualities**	**3 Mainly cultural values, including conservation**	
Trees to be considered for retention				
Category A **Trees of high quality** with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	See Table 2
Category B **Trees of moderate quality** with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality	Trees with material conservation or other cultural value	See Table 2
Category C **Trees of low quality** with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits	Trees with no material conservation or other cultural value	See Table 2

Bat Roosting Potential Survey

1 Earn Road

Newton Mearns

G77 6LT

September 2021

Prepared by Acorna Ecology Ltd.
For DTA Architects on behalf of Mr & Mrs Currie

Executive Summary
Acorna Ecology Ltd. was commissioned in August 2021 to complete a daylight external bat roost potential inspection of the building and adjacent trees at a proposed development site at 1 Earn Road, Newton Mearns as part of baseline data prior to redevelopment of the site.

The building inspection identified very few potential roost features (PRF) that bats could use to access the building (negligible roost potential), and four trees in the plot had sparse ivy coverage (low roost potential). There was no direct evidence of any past or present use by roosting bats and bats may never have used the site for roosting at all. Based on the level of roost potential identified and following national guidelines no further survey effort for roosting bats was required. Roosting bats are therefore not an ecological constraint at this site.

Contents

1. Introduction

Acorna Ecology Ltd. was commissioned in August 2021 to complete a daylight external bat roost potential inspection of the building and adjacent trees at a proposed development site at 1 Earn Road, Newton Mearns (NS 53827 57103, Figure 1.) as part of baseline data prior to redevelopment of the site.

2. Relevant Policy and Guidance

This ecological assessment has been undertaken with regard to the legislative requirements given in the following:

- The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations);
- The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations as amended (2004, 2007, 2008, 2011, and 2012);
- Nature Conservation (Scotland) Act, 2004;
- Wildlife and Countryside Act 1981 (and subsequent amendment through The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2007, 2009, & 2011);
- Wildlife & Natural Environment (Scotland) Act (2011);
- Wild Mammals (Protection) Act, 1996;
- The Convention on the Conservation of European Wildlife and Natural Habitats (The Berne Convention), 1979;
- The Land Reform (Scotland) Act, 2003;
- Scottish Planning Policy (June 2014) replaces NPPG14 and SPP (February 2010);
- The UK Biodiversity Action Plan (BAP), revised priority list 2007;
- The Renfrewshire Local Biodiversity Action Plan (LBAP);
- The UK Biodiversity Action Plan (UK BAP), revised priority list 2007; and the
- Scottish Biodiversity List 2007

2.1. Biodiversity Status

The UK Biodiversity Action Plan (BAP) is the UK Government's commitment to the Convention on Biological Diversity signed in 1992. It is comprised of two types of Action Plans developed to set priorities for nationally and locally important habitats and wildlife:

Species Action Plans

- Produced for UK BAP Priority Species: information on the threats facing 382 species and action plan targets to achieve a positive conservation status;
- Grouped Species Action Plans - common policies, actions and targets for similar species, for example for Eyebrights, or Commercial Marine Fish. There are nine grouped action plans;
- Species Statements - overview of the status of species and broad policies developed to conserve them for two groups of species.

Soprano Pipistrelles are a UK Biodiversity Action Plan priority species but Common Pipistrelle bats have now been removed from the list (2007). Daubenton's bat is a species of UK conservation concern.

Habitat Action Plans

- Broad Habitat Statements - summary descriptions of 28 natural, semi-natural and urban habitats and the current issues affecting the habitat and broad policies to address them; and

- UK BAP Priority Habitat Action Plans - detailed descriptions for 45 habitats falling within the Broad Habitat classification and detailed actions and targets for conserving these habitats.

Local Biodiversity Action Plans

Each Local Biodiversity Action Plan (LBAP) partnership, usually but not always at the local authority level identifies and establishes actions to conserve local priorities and also link this action to the delivery of national Species and Habitat Action Plan targets wherever possible. Grouped action plans at this level include bats, and Waders, for example.

2.2. European Protected Species: The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations)

Full consideration of European Protected Species (EPS) must be given as part of the planning application process, not as an issue to be dealt with at a later stage. The European Protected Species of potential relevance to this assessment were bats.

European Protected Species are protected in Annex IVa in the EC Habitats and Species Directive, which is transposed into UK legislation by the Conservation (Natural Habitats &c.) Regulations 1994 (Schedule II of The Habitats Regulations). The full details of this legislation can be viewed at:

http://www.opsi.gov.uk/SI/si1994/Uksi_19942716_en_4.htm

This legislation was amended on the 14th February 2007 (The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2007.), and explanatory guidance on this was published by the Scottish Government in April 2007. The amendment removed all EPS from Schedule 5 of the Wildlife & Countryside Act 1981. There are therefore now no defences in the WCA 1981 whatsoever for any actions impacting on EPS, and protection is afforded by the following legislation only:

Under Regulation 39 of the Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations) it is now a criminal offence (subject to specific exceptions) to:

(a) deliberately or recklessly to capture, injure or kill a wild animal of a European protected species; (only defences are mercy killing, capture for tending a disabled animal or circumstances where the animal is captive bred and lawfully held);

(b) deliberately or recklessly–

(i) to harass a wild animal or group of wild animals of a European protected species;

(ii) to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;

(iii) to disturb such an animal while it is rearing or otherwise caring for its young;

(iv) to obstruct access to a breeding site or resting place of such an animal, or otherwise to deny the animal use of the breeding site or resting place;

(v) to disturb such an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs; or

(vi) to disturb such an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;

(c) deliberately or recklessly to take or destroy the eggs of such an animal; or

(d) to damage or destroy a breeding site or resting place of such an animal.

It should be noted that only the offence of damaging or destroying a breeding site or resting place of an EPS is a strict liability offence. The remaining offences are offences only where they are carried out "deliberately" or "recklessly".

In Scotland licenses may be granted by NatureScot to permit certain activities that would otherwise be illegal due to their potential impact on EPS or their places of shelter/breeding, whether or not they are present in these refuges. This includes for developmental work. Under Regulation 44 of The Habitats Regulations, the provisions in Regulation 39 (protection of animals) do not apply to anything done for any of the purposes defined in Regulation 44 provided that any action is carried out "under and in accordance with the terms of a licence granted by the appropriate authority".

Three tests must be satisfied before a development licence for disturbance of an EPS or damage to a site/destruction of a site used by EPS will be granted. Note: A license application will fail unless all three tests are satisfied.

- Test 1 - the licence application must demonstrably relate to one of the purposes specified in Regulation 44(2). This regulation states that licences may be granted by NatureScot where the activities to be carried out under any proposed licence are for the purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment";
- Test 2 - Regulation 44(3)(a) states that a licence may not be granted unless NatureScot is satisfied "that there is no satisfactory alternative"; and
- Test 3 - Regulation 44(3) (b) states that a licence cannot be granted unless NatureScot is satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Note: Breach of Licensing Conditions
A new regulation 46A came into force on 15th May 2007. This now makes it an offence to breach any conditions attached to a licence. Licence conditions should therefore be adhered to at all times.

2.3. Additional Legal Protection

- Additional protection is afforded through the Bern Convention (1979), enacted in Scotland through the Nature Conservation Act (Scotland) 2004;
- Appendix III, the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1980), Appendix 2; and
- The Bonn Convention's Agreement on the Conservation of Bats in Europe (London, 1991).

It is also a legal obligation in Scotland to consult with NatureScot before you do anything that might affect bats or their roosts such as:

- Removal of hollow, old, or decaying trees;

- Blocking, filling, or installing grilles over old mines or caves; and
- Building, alteration, maintenance, or re-roofing.

In all cases where bats are found to occupy trees or buildings and there is a developmental issue, NatureScot must be informed before any development takes place. A licence to permit development may then be obtained from NatureScot if appropriate.

3. Bats in Scotland

3.1. UK Bat Populations and Roost Significance

Ten species of bat are known from Scotland (Table 3.1).

Table 3.1. Population estimates for the 10 species of UK bats found in Scotland (from Wray et al. 2010)

Status in the UK	Scotland
Common (>100,000 bats)	Common Pipistrelle Soprano Pipistrelle
Rare (10,000 – 100,000 bats)	Natterer's Bat Brown Long-eared Bat Daubenton's Bat
Rarest (<10,000 bats)	Noctule Bat Leisler's Bat Nathusius' Pipistrelle Whiskered Bat Brandt's Bat

Of these, five species are relatively widespread in Central Scotland:

- Common Pipistrelle Bat (*Pipistrellus pipistrellus*) 45 kHz;
- Soprano Pipistrelle Bat (*Pipistrellus pygmaeus*) 55 kHz;
- Daubenton's Bat (*Myotis daubentonii*);
- Brown Long-eared Bat (*Plecotus auritus*); and
- Natterer's Bat (*Myotis nattereri*)

Another four also occur in Central Scotland but tend to have restricted distributions, or less is known about their distribution:

- Nathusius's Pipistrelle Bat (*Pipistrellus nathusii*) 38 kHz –(Edinburgh, Stirlingshire, Fife, Perth & Kinross, Renfrewshire, Midlothian, and possible but unconfirmed in Ayrshire);
- Noctule Bat (*Nyctalus noctula*) (more of a southern Scottish distribution but recorded in Ayrshire, Lanarkshire, Glasgow, Stirlingshire, West Lothian and East Dunbartonshire);
- Whiskered Bat (*Myotis mystacinus*) – within the Ayrshire, Lanarkshire, Stirlingshire, and Midlothian areas; and
- Leislers Bat (*Nyctalus leisleri*) (more of a southern Scottish distribution but known from East Renfrewshire, and North Ayrshire, and possible but unconfirmed in South Lanarkshire).

The 10th Scottish species Brandt's Bat (*Myotis brandtii*) is considered to be rare, with only a few records and roosts known, and its known distribution is currently limited to southern Scotland and western Perthshire.

3.2. Bat Roost Types

Nine main types of roost have been identified (Collins 2016). These are:

- Day roosts (March – November but more-so in the summer): used for resting during the day, and may be occupied daily by solitary or small numbers of males, or may be used infrequently as part of a chain of roost sites alternated daily but are rarely occupied at night. Whole colonies of some species such the Leisler's bat will change roost during the day including taking young with them;

- Night roosts (March – November): a place where bats rest or shelter during the night but are rarely present during the day. Can be used by solitary bats or entire colonies, and are often indicated by large accumulations of insect remains and some droppings;

- Feeding roosts (May – November): a place where individual bats or small groups may rest or feed during the night between bouts of foraging, in times when weather changes, or just for a temporary rest. May be used by solitary bats to whole colonies but are rarely used during the day;

- Transitional/occasional roosts (spring or autumn generally but may be used April-October): Some roosts may be transitional, when small numbers are present for a limited period, usually during the spring and autumn.

- Swarming sites (August – November) tend to be around caves and mines and may be used for hibernation as well as being important for mating, with large numbers of male and female bats gathering from late summer to autumn.

- Mating roosts (September – October): where mating takes place from late summer and may continue through the winter;

- Maternity roosts (May - August): the most obvious roost type. These consist almost exclusively of females, most of which give birth and raise a single young but sometimes may include males in some species of bats. These colonies usually disperse by the autumn, although some species may remain in one roost all year round;

- Hibernation roosts (October – March); roost sizes may vary from individual to groups but must have a high humidity and constant cool temperature above freezing but generally less than 4°C; and

- Satellite roosts (May – August): alternative roosts near to maternity roosts used by a few breeding females or small groups of females throughout the breeding season;

Note: swarming sites (August – November) tend to be around caves and mines and may be used for hibernation as well as gathering for mating.

In Scotland, most species of bats roost by concealing themselves in crevices and are not easy to find. The presence of droppings is a key sign to their presence but numbers of droppings vary widely and even some large roosts have little evidence of droppings to indicate their presence. Hibernating bats however leave little or no trace of their presence. Other possible signs are a characteristic odour like ammonia. In addition, a clean or polished area at a place through which light can enter may suggest an entrance/exit hole.

The importance of each roost type was categorised by Wray (2010):

Table 3.2. Determination of level of importance of bat roost type (from Wray et al. 2010)

Geographic Frame of Reference for Roost Importance	Roost Type
Local	Feeding perches Individual bats of common species Small numbers of common species (non-maternity) Mating sites of common species
County	Feeding perches of rare/rarest species Small numbers of rare/rarest species (non-maternity) Hibernation sites for small numbers of common/rarer species Maternity sites of common species
Regional	Large swarming sites Mating sites for rarer/rarest species Maternity sites of rarer species Significant hibernation sites for rarer/rarest species or all species assemblages
National	Sites meeting SSSI guidelines Maternity sites of rarest species
International	SAC sites

Roosts may occur in a wide variety of places, particularly temporary roosts during dispersal and migration but can be categorised into three main groups:

- Those in quarries, caves, mineshafts, tunnels, and bridges;
- Those in buildings; and
- Those in trees

This study only focused on potential roosting in buildings and trees:

3.3. Bats and Buildings: Potential Roost Features (PRF)

Buildings may provide safe dry places for bats to roost, although some bats prefer to roost in trees even when suitable buildings are present. Some bats remain roost faithful for prolonged periods, while others may have several alternate roost sites in a steading or housing estate, and others may range much further using roosts several kilometres apart as weather conditions, food availability, and seasons change. Outbuildings and barns are often used as night roosts and shelters.

Potential locations for either access for roosting or for actual roosts in houses and outbuildings include:

Walls:

- Behind cladding, external tiles or weatherboarding;
- Gaps in mortar/stonework allowing access inside the cavity wall spaces;
- At the top of solid walls;
- In window frames or windowsills;

- Behind loose render;
- Behind loose wall slates; and
- Potentially in any existing bat boxes already present on the building

Note Bat droppings may be found on the ground, garden furniture or other external objects such as bins and cars, or on windows and stuck to walls may also serve to focus attention on specific areas of a building to look for a roost.

Eaves:
- Between soffit and bargeboard; and
- Behind bargeboards or fascias

Roofs and lofts:
- Space under ridge tiles;
- Between under-felt or boards and tiles or slates;
- Inside roof space at ridge ends or roof junctions;
- Inside roof space in gaps between timber and brickwork of chimneys;
- The junction of roof timbers, especially where ridge and hip beams meet;
- The top of gable end or dividing walls;
- Lower corners of the eaves;
- Between loft insulation and ceiling; and
- Space between joist and ceiling.
- The top of chimney breasts;
- Ridge and hip beams and other roof beams;
- Mortise and tenon joints;
- All beams (free-hanging bats);
- Behind purlins; and
- Under lead/tin flashing

Within rooms in residential buildings
- The floor and surfaces of any furniture or other objects;
- Behind wooden panelling;

- In lintels above doors and windows;
- Behind window shutters and curtains;
- Behind pictures, posters, furniture, peeling paintwork,
- Peeling wallpaper, lifted plaster and boarded-up windows; and
- Inside cupboards and in chimneys accessible from fireplaces.

In agricultural buildings

- Gaps in mortar/stonework allowing access inside the rubble-filled cavity of the walls from inside the building;
- Wall top;
- Between exposed roofing tiles at the ridge where no sarking is present;
- Crevices between timbers or between timbers and walls/roof; and
- In lintels above doors and windows

Note: The above lists are not exhaustive – the surveyor should use professional judgement based on experience to decide where inspection is necessary.

3.4. Bats and Trees: Features of Potential Value for Use by Roosting Bats

Trees may provide safe dry places for bats to roost, although some bats prefer to roost in buildings when suitable buildings are present. Some bats remain roost faithful for prolonged periods, while others may have several alternate roost sites, and others may range much further using roosts several kilometres apart as weather conditions, food availability, and seasons change. Potential roost sites in trees may include:

- Crevices in bark:
- Gaps under loose bark on dead branches or trunks;
- Rotted knot holes;
- Hollow trunks;
- Cracks, splits etc. in stems and branches;
- Rotted-out branches;
- Growth deformities, compression forks, cankers;
- Gaps between overlapping branches;
- Dense ivy coverage;
- Woodpecker and Squirrel holes;
- Bird nesting boxes/bat boxes already present; and

- Crow, Magpie, and Buzzard nests.

Note: The above list is not exhaustive – the surveyor should use professional judgement based on experience to decide where inspection is necessary.

4. Survey Methods

All methodology followed Bat Conservation Trust Bat Surveys: Good Practice Guidelines (Collins 2016). Note on the Bat Survey Guidelines from Bat Conservation Trust (January 2016):

*"**Professional judgement and surveyor experience: The guidelines are not a prescription for professional bat work. They do not aim to override professional judgement and cannot be used to replace experience. Deviations from the methods described are acceptable providing the ecological rationale is clear and the ecologist is suitably qualified and experienced. In some cases it may be necessary to support such decisions with evidence, particularly if they may lead to legal challenge."***

The survey and report was completed by bat worker Dr Paul Baker (MCIEEM) of Acorna Ecology, a bat surveyor with more than 17 years' experience.

4.1. Preliminary External Assessment of Building for Use by Bats

The building was assessed externally during daylight to look for PRF such as access points that could potentially be used by bats to enter crevices that could be used as roosting sites such as under loose or missing panels or cracks and crevices, loose flashing etc. Each potential access point was examined with binoculars for signs indicative of use by bats such as droppings, urine streaking, polished, or worn surfaces, or staining marks at the potential entry point. The ground along the walls was also checked for dropping accumulations, and brickwork and windows were also checked for the presence of occasional droppings. The building was scored according to Table 4.1. below to grade by suitability for use by roosting bats.

Table 4.1. Tree/Building suitability assessed according to the Categories listed in the BCT Guidelines (Collins 2016)

Suitability	Description of Roosting Habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions[a] and / or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation[b]). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential[c]
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions[a] and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions[a] and surrounding habitat.

a For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.

b Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten et al., 2015, in Collins 2016). This phenomenon requires some research in the UK but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in large buildings in highly urbanised environments.
c This system of categorisation aligns with BS 8596:2015 Surveying for bats in trees and woodland (BSI, 2015).

4.2. Preliminary Ground Level Assessment of Trees for Bat Roost Potential

The aim of this survey was to determine if any tree had potential value for use by roosting bats or evidence of any actual bat presence by a detailed inspection of the exterior of the tree from ground level. The survey looked for features that bats could use for roosting (PRFs) and categorised the trees according to their individual potential value for use by roosting bats (Table 4.1. above). Mature trees within the site and immediately adjacent to the boundary of the site were checked for PRFs such as crevices, holes, splits, tears, and ivy that could be used by bats to enter roosting sites such as those listed above, along with field signs of bat occupancy such as urine streaking, grease marks, smooth or worn surfaces, or droppings caught on bark or on webs. Where appropriate, inspections were made using binoculars.

Trees with no bat roost potential were not recorded individually.

4.3. Limitations of Survey

The surveys provided an indication of whether or not the property has potential for use by bats. There were therefore no significant constraints on the survey as completed.

5. Results

5.1. Preliminary External Assessment of Building for Use by Bats

The building was of relatively modern construction (within 50 years), with concrete tile roof (aside form dormer type section roofed with felt), roughcast walls with a conservatory to rear. Facings/soffit were uPVC. PRF were scarce and included some gaps between felt and facings, and large hole due to two broken roof tiles to the rear.

Bat roost potential was considered negligible due to hole size, and wet condition of other gaps and but no evidence of actual use by bats was found.

5.2. Preliminary Ground Level Assessment of Trees for Bat Roost Potential

There were four trees (Figure 1.) with sparse ivy coverage in the rear garden (Figure 1 trees T1, T2 (tagged 6768), T3, and T4 tagged (6780). Roost potential was considered low.

6. Conclusions

The inspections identified potential roost features (PRF) were present but at levels for both building and trees that following national guidelines no further survey effort for roosting bats was required. Roosting bats are therefore not an ecological constraint at this site.

7. References/relevant reading

Collins, J. (ed.) 2016. Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn.) The Bat Conservation Trust, London. ISBN-13: 978-1-8727459-96-1

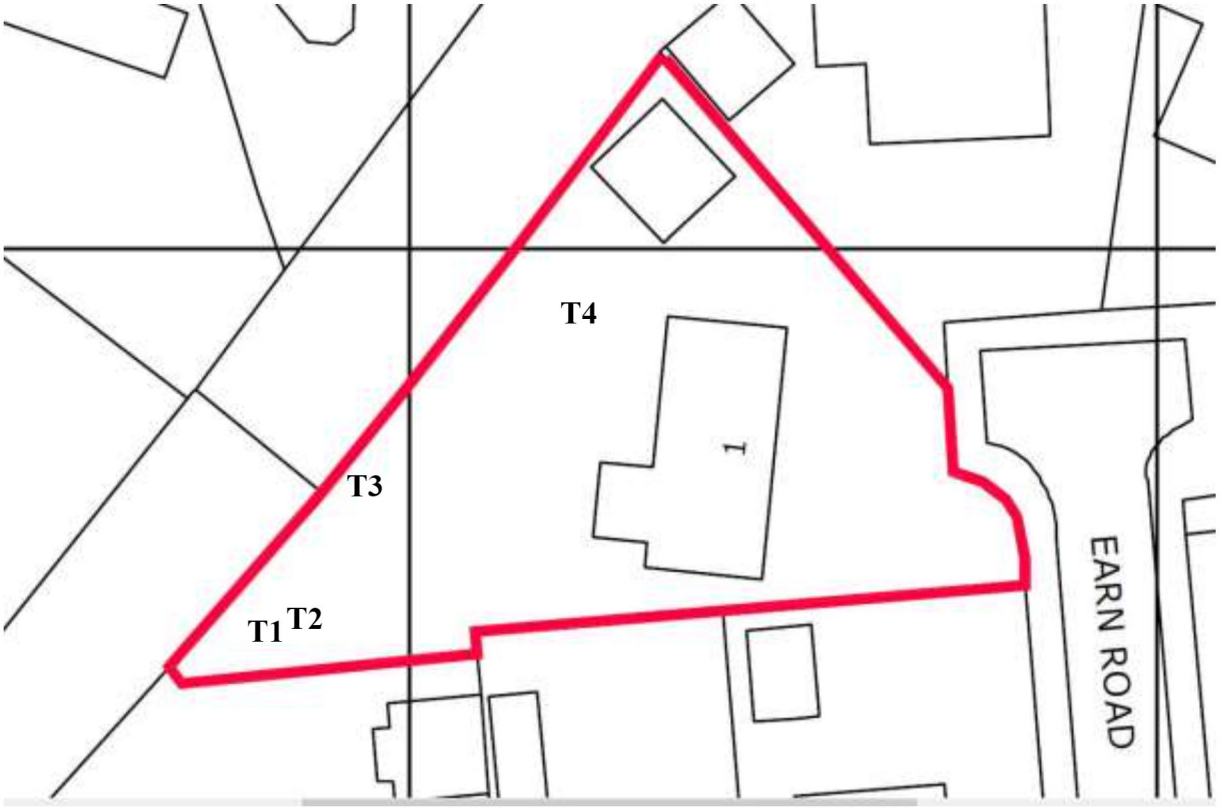
Mitchell-Jones, A.J., and A.P. McLeish. (Eds.) 2004. Bat Workers Manual 3rd Ed. JNCC

Stone, E.L. 2013. Bats and Lighting: Overview of current evidence and mitigation. Univ. Bristol 2014. *www.bats.org.uk/publications_download.php/.../Bats_and_Lighting_EStone_2014.pdf*

Wray, S., Wells, D., Long, E. and Mitchell-Jones, T. 2007. EcIA: Specific issues associated with bats with bats. Presentation at the Mammal Society/Zoological Society of London/IEEM Symposium on Advances in EcIA for Mammals.

Wray, S., Wells, D., Long, E. & Mitchell-Jones, T., 2010. Valuing Bats in Ecological Impact Assessment. In Practice, pp. 23-25.

Figure 1. Application Site and trees with PRF



Key

Application Site

T1 – T3 Trees with PRF

Appendix 1. Plates

Plate 1. Frontage of Building

Plate 2. Rear of building

Plate 3. Trees T1 & 2 rear left of image (not clear) but gives idea of sizes of trees, Tree T3 to right rear

Plate 4. Tree T4 (tagged 6780) – sparse long ivy on stem

APPENDIX 2

COPIES OF OBJECTIONS/REPRESENTATIONS

Comments for Planning Application 2021/0753/TP

Application Summary
Application Number: 2021/0753/TP
Address: 1 Earn Road Newton Mearns East Renfrewshire G77 6LT
Proposal: Demolition of existing dwelling and erection of new detached dwelling and garage
Case Officer: Mr Derek Scott

Customer Details
Name: Mrs Nada Al Assi
Address: 24 Lomond Drive, Newton Mearns, East Renfrewshire G77 6LR

Comment Details
Commenter Type: Rec'd NeighbourNotification from Council
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:To whom it may concern,

I am writing regarding the building of a new house on 1 Earn Road Newton Mearns G77 6LT behind our property, address 24 Lomond Drive Newton Mearns G77 6LR.

I am firstly concerned that the trees behind my house and between the two houses would be taken down. Part of the reason we bought our house was the natural view the trees provided and the privacy they afforded.

I am also concerned with the new property being elevated to a point where it would invade the privacy of our home. This is particularly a concern with regards to the planned position of the garage.

I don't believe the builders are within their rights to take down any of the trees behind our house or to invade the privacy of our home.

I am concerned about the noise that building a new property may cause but do of course appreciate that this is innevitable.

We are not objecting to a property being built but do have serious concerns regarding any changes to the natural view of our garden that may result and invading the privacy of our home. I did not know that the new property is going to be at a more elevated position and that the garage will be at very close proximity to our home.

I would be grateful if my concerns are addressed as a matter of urgency. The concerns I have

raised are very serious in nature. We should be guaranteed that the view of our home (i.e. trees left as is) and it's privacy will not be affected before any planning permission is granted.

Kindest regards,

Nada

APPENDIX 3

REPORT OF HANDLING

REPORT OF HANDLING

Reference: 2021/0753/TP Date Registered: 14th October 2021

Application Type: Full Planning Permission This application is a Local Development

Ward:	2 -Newton Mearns North And Neilston	
Co-ordinates:	253826/:657104	
Applicant/Agent:	Applicant:	Agent:
	Mr & Mrs J Currie	DTA Chartered Architects
	9 Montgomery Street	9 Montgomery Street
	The Village	The Village
	East Kilbride	East Kilbride
	G74 4JS	G74 4JS

Proposal:	Demolition of existing dwelling and erection of new detached dwelling and garage
Location:	1 Earn Road Newton Mearns East Renfrewshire G77 6LT

CONSULTATIONS/COMMENTS: None.

PUBLICITY:

22.10.2021 Evening Times Expiry date 05.11.2021

SITE NOTICES: None.

SITE HISTORY: None relevant.

REPRESENTATIONS: One objection has been received and can be summarised as follows:

Loss of trees
Overlooking
Noise during construction phase

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Support Statement – Provides a description of the site and the development; and states that an existing two storey dwelling opposite sets a precedent for the proposed development.

Bat Roosting Potential Survey Report – Provides a report of a bat roosting potential survey relating to the existing dwelling and the trees within the garden to be removed. Concludes that bat roosts are not a constraint to the development of the site.

Tree Survey Report – Provides a survey of the trees within and adjacent to the site.

ASSESSMENT:

The application site comprises a detached one and a half storey dwelling and its curtilage and lies within an established residential area and within a tree preservation order area. Further dwellings lie to either side and an established belt of mature trees lies to the rear. The part of this tree belt that lies adjacent to the rear garden is also in the applicant's control, although out with the site and residential curtilage. The site lies at the end of a small cul-de-sac and the area is characterised by detached single or one and half storey dwellings of a similar scale to the applicant's house. The only notable exception is a two storey dwelling that has been erected opposite the site at the other side of the cul-de-sac. The front garden area has been cleared of most of its vegetation and the site is prominent and highly visible from the entrance to the cul-de-sac at Laggan Road. Earn Road rises on a gradient from the junction with Laggan Road and as such, the site sits at a higher level than the adjacent dwellings to the south on Laggan Road.

The existing dwelling is of a one and half storey "chalet-bungalow" type design with a distinctive horizontal emphasis and roof massing informed by its low, linear wall head, linear front box dormer and steep roof pitch. Those are features common with the dwellings adjacent to the south. There are two prominent traditional hip roofed bungalows adjacent at the end of the cul-de-sac that are also characterised by their horizontal emphasis and low wall heads relative to their greater roof massing.

Planning permission is sought for the erection of a two storey detached dwelling and double garage on the site following the demolition of the existing dwelling. The proposed dwelling measures 14 metres wide by 16 metres deep by 9 metres high. It comprises a relatively shallow pitch hipped roof. It has a double height front projecting bay which, along with the window and door alignments, gives the front elevation a distinctive vertical emphasis. The proposed dwelling would sit 2 metres from the boundary with the dwellings to the south where the rear gardens would be oriented towards the side elevation. The external materials are not specified. The proposed garage has a dual pitch roof with ancillary accommodation in the attic space.

The application requires to be assessed with regard to Policies D1, D1.2, D2, D6 and D7 of the adopted East Renfrewshire Local Development Plan 2 (LDP2).

Policy D1 requires that all development should not result in a significant loss of character or amenity to the surrounding area.

Policy D1.2 relates to the erection of replacement dwellings and states that Proposals will be assessed against the following criteria:

1. Reflect the scale and character of the surrounding residences and the established pattern of development in the area;
2. Should be of a size and shape capable of accommodating a residential property and compatible with the locality;
3. There should be sufficient land to provide garden ground that is of a scale and character compatible with the locality for the proposed and donor properties;
4. Provide safe vehicular access and parking for the proposed and donor properties;
5. Not adversely impact upon the setting of the donor property; and6. Respect existing building lines.

Policy D2 supports development within the general urban area where it is appropriate in terms of its location and scale and will not result in a significant loss of character or amenity to the surrounding area. Proposals must also comply with appropriate policies of the LDP2.

Policy D6 provides minimum open standards for residential development at Schedule 4. Policy D7 states that the Council will protect the integrity of the tree preservation order.

As noted above, Earn Road and indeed, the wider area, is characterised by a variety of detached one and a half storey dwellings and bungalows. The introduction of a two storey dwelling at this location would not be in keeping with that established character. It is noted that the proposed dwelling has been designed such that its ridge height exceeds the height of the existing dwelling by 2 metres and incorporates a shallow pitch hipped roof set on a full two storey wall head. Again, this in contrast to the general form of the adjacent dwellings which are characterised by their horizontal emphasis, steeply sloping roof planes and low eaves. The two storey wall head with the higher eaves, in conjunction with the increased depth of the side elevation from approximately 8 metres to 16 metres gives the proposed dwelling a massing that is considerably greater and in stark contrast to that of the adjacent dwellings. The proposed dwelling is therefore considered to be out of character with the surrounding area by virtue of its general form and design and by its increased massing and elevated position relative to the dwellings to the south on Laggan Road. It would result in a visually dominant and incongruous addition to the streetscape to the detriment of the visual amenity of the area. Whilst there is a two storey dwelling opposite, this is for the most part screened by established trees and as such, is not a dominating or imposing feature on the streetscape. Neither can it be said that two storey dwellings are characteristic of the area.

Given the increased massing of the proposed dwelling, its elevated position and it proximity to the dwellings to the south, the proposal would have a dominating and intrusive impact on the dwellings immediately to the south (11 and 15 Laggan Road) and on their garden areas, to the detriment of visual amenity.

Given its design and orientation relative to the neighbouring houses, the proposal would not be considered to give rise to significant additional overlooking, overshadowing or loss of daylight. The agent submitted amended plans during the processing of the application removing windows to habitable rooms on the south elevation. The proposed garage on its own would not give rise to significant amenity issues or policy conflicts.

However, the application must be considered as a whole and given the impact on character and amenity described above, the proposal is contrary to Policies D1, D1.2 and D2 of the adopted East Renfrewshire Local Development Plan 2.

During the processing of the application, the agent was advised of the above concerns and given the opportunity to address them. In submitting amended plans, only minor changes, that did not adequately address the concerns raised, were made.

The proposal retains sufficient garden ground and raises no conflict with Policy D6. The trees that have already been felled within the curtilage were garden planted specimens and would not have been covered by the tree preservation order. Their removal under the current conditions would not adversely impact the character of the area. However, as noted above, their loss exacerbates the impact of the proposed dwelling. The agent has stated that none of the trees to the rear of the site within the tree belt are to be removed. In any event, their removal could not be sanctioned by approving this application as they lie out with the site and are not directly impacted as a result of the proposal. Any works to those trees would need to be authorised following the approval of an application for treeworks consent. The proposal raises no conflict with Policy D7.

The points of objection relating to overlooking and tree loss has been considered above. If the application were to be approved, a condition restricting the hours of work on site during the construction phase could be attached to any planning permission granted to safeguard residential amenity.

The terms of the supporting statements are noted; however, they do not outweigh the above considerations. The presence of the existing two storey dwelling has been taken into account in the above considerations and contrary to the terms of the Planning Supporting Statement. Precedent is not a material planning consideration.

In conclusion, the proposal is contrary to Policies D1, D1.2 and D2 of the adopted East Renfrewshire Local Development Plan 2. There are no material considerations that indicate the application should not be refused. It is therefore recommended that the application is refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASONS FOR REFUSAL:

1. The proposal is contrary to Policies D1 and D1.2 of the adopted East Renfrewshire Local Development Plan 2 as i) the proposed two storey dwelling would be a dominant and incongruous addition to the streetscape by virtue of its prominent position, increased massing and contrasting design, to the detriment of the character and amenity of the area; and ii) the proposed dwelling would result in a significant dominating impact on the adjacent properties, resulting in a significant loss of amenity.

2. The proposal is contrary to Policy D2 of the adopted East Renfrewshire Local Development Plan 2 as the proposed dwelling would be a dominant and incongruous addition to the streetscape by virtue of its prominent position, increased massing and contrasting design, to the detriment of the character and amenity of the area.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

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

Ref. No.: 2021/0753/TP
(DESC)

DATE: 25th April 2022

DIRECTOR OF ENVIRONMENT

Reference: 2021/0753/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

This proposal raises no strategic issues in terms of the Glasgow and the Clyde Valley Strategic Development Plan and therefore the East Renfrewshire Local Plan is the relevant policy document

Adopted East Renfrewshire Local Development Plan 2

Policy D1

Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density and layout that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character and setting, green networks, features of historic interest, landmarks, vistas,skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping,trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and

demonstrate a net gain;

12. Unless justified, there will be a eneral presumption against landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;
14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Guidance;
16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy D1.2
Residential Sub-division and Replacement
Proposals will be assessed against the following criteria:

1. Reflect the scale and character of the surrounding residences and the established pattern of development in the area;
2. Should be of a size and shape capable of accommodating a residential property and compatible with the locality;
3. There should be sufficient land to provide garden ground that is of a scale and character compatible with the locality for the proposed and donor properties;
4. Provide safe vehicular access and parking for the proposed and donor properties;
5. Not adversely impact upon the setting of the donor property; and
6. Respect existing building lines.

Policy D2:
General Urban Areas
Development will be supported within the general urban areas, shown on the Proposals Map. Proposals will be required to demonstrate that the proposed development is appropriate in terms of its location and scale and will not result in a significant loss of character or amenity to the surrounding area. Proposals must also comply with appropriate policies of the Proposed Plan.

Policy D6
Open Space Requirements
Proposals will be required to incorporate multi-functional, integrated and accessible on-site green networks and green infrastructure, including open space provision, wildlife habitats and landscaping.

Proposals will be required to meet the following criteria:

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

Policy D7
Natural Environment Features
The Council will protect and enhance the natural environment features set out in Schedule 5, and shown on the Proposals Map, and seek to increase the quantity and quality of the areas biodiversity.

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

habitats should be avoided with mitigation measures provided wherever this is not possible.

2. Development that affects a Site of Special Scientific Interest (SSSIs) will only be permitted where:

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

b. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, community or economic benefits of national importance to the satisfaction of Scottish Ministers and measures are provided to mitigate harmful impacts.

3. Development affecting trees, groups of trees or areas of woodland will only be permitted where:

a. Any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity and character of the area has been incorporated into the development through design and layout; or

b. In the case of woodland:

i. its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits, in line with the Scottish Government's Policy on Control of Woodland Removal; or

ii. in the case of individual trees or groups of trees, their loss is essential to facilitate development and is clearly outweighed by social, environmental, community or economic benefits.

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

The loss of ancient or semi-natural woodland, or trees covered by Tree Preservation Orders will not be supported. Ancient woodland is an irreplaceable resource and should be protected from adverse impacts arising from development.

4. Where there is likely to be an adverse impact on natural features or biodiversity an ecological appraisal will be required. This appraisal should identify measures adequate to mitigate any impacts that are identified.

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

GOVERNMENT GUIDANCE: None.

Finalised 25/04/2022 AC(6)

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. **2021/0753/TP**

Applicant:
Mr & Mrs J Currie
9 Montgomery Street
The Village
East Kilbride
Scotland
G74 4JS

Agent:
DTA Chartered Architects
9 Montgomery Street
The Village
East Kilbride
Scotland
G74 4JS

With reference to your application which was registered on 14th October 2021 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Demolition of existing dwelling and erection of new detached dwelling and garage

at: 1 Earn Road Newton Mearns East Renfrewshire G77 6LT

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:-

1. The proposal is contrary to Policies D1 and D1.2 of the adopted East Renfrewshire Local Development Plan 2 as i) the proposed two storey dwelling would be a dominant and incongruous addition to the streetscape by virtue of its prominent position, increased massing and contrasting design, to the detriment of the character and amenity of the area; and ii) the proposed dwelling would result in a significant dominating impact on the adjacent properties, resulting in a significant loss of amenity.

2. The proposal is contrary to Policy D2 of the adopted East Renfrewshire Local Development Plan 2 as the proposed dwelling would be a dominant and incongruous addition to the streetscape by virtue of its prominent position, increased massing and contrasting design, to the detriment of the character and amenity of the area.

Dated 25th April 2022

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
Location Plan	L(0-)01		
Block Plan Proposed	L(0-)03	B	
Elevations Proposed	L(2-)11	A	
Plans Proposed	L(2-)10	A	
Elevations Proposed	L(2-)02	B	
Plans Proposed	L(2-)01	B	
Tree survey plan	L(0-)05	A	
Street Scene	L(2-)03		

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 a decision to refuse permission (or by an 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 can be submitted online at www.eplanning.scotland.gov.uk . Please note that beyond the content of the appeal or review forms, **you cannot normally raise new matters** in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. 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 3861
Email planning@eastrenfrewshire.gov.uk

APPENDIX 5

NOTICE OF REVIEW

AND

STATEMENT OF REASONS

2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: planning@eastrenfrewshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100460363-007

The online reference 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.

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) ☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	DTA		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	DTA	Building Name:	
Last Name: *	.	Building Number:	9
Telephone Number: *	01355260909	Address 1 (Street): *	Montgomery Street
Extension Number:		Address 2:	The Village
Mobile Number:		Town/City: *	East Kilbride
Fax Number:		Country: *	Scotland
		Postcode: *	G74 4JS
Email Address: *	katie.macmillan@dta.scot		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	J	Building Number:	9
Last Name: *	Currie	Address 1 (Street): *	Montgomery Street
Company/Organisation		Address 2:	The Village
Telephone Number: *		Town/City: *	East Kilbride
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G74 4JS
Fax Number:			
Email Address: *	katie.macmillan@dta.scot		

Site Address Details

Planning Authority: East Renfrewshire Council

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

Address 1:	1 EARN ROAD
Address 2:	NEWTON MEARNS
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	GLASGOW
Post Code:	G77 6LT

Please identify/describe the location of the site or sites

Northing	657104	Easting	253826

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Demolition of existing dwelling and erection of new detached dwelling and garage

Type of Application

What type of application did you submit to the planning authority? *

☒ Application for planning permission (including householder application but excluding application to work minerals).

☐ Application for planning permission in principle.

☐ Further application.

☐ Application for approval of matters specified in conditions.

What does your review relate to? *

☒ Refusal Notice.

☐ Grant of permission with Conditions imposed.

☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The application was refused under Delegated Powers (Please see attached Supporting Statement)

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * ☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Supporting Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application. 2021/0753/TP

What date was the application submitted to the planning authority? * 14/09/2021

What date was the decision issued by the planning authority? * 25/04/2022

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? * ☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? * ☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. * ☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? * ☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? * ☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * ☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review * ☒ Yes ☐ No

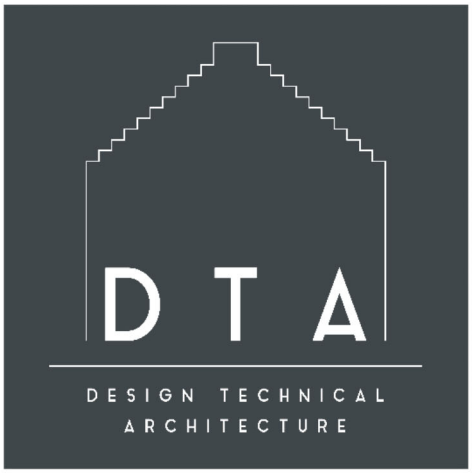
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number,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

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: . DTA .

Declaration Date: 16/05/2022



REQUEST FOR REVIEW FOR REFUSAL OF PLANNING APPLICATION REFERENCE 2021/0753/TP

SUPPORTING STATEMENT

MAY 2022

CLIENT:

MR & MRS CURRIE

PROJECT:

DEMOLITION OF EXISTING DWELLING AND ERECTION OF NEW DETACHED DWELLING AND GARAGE

1 EARN ROAD
NEWTON MEARNS
G77 6LT

JOB No:

C115.01

REV:

-

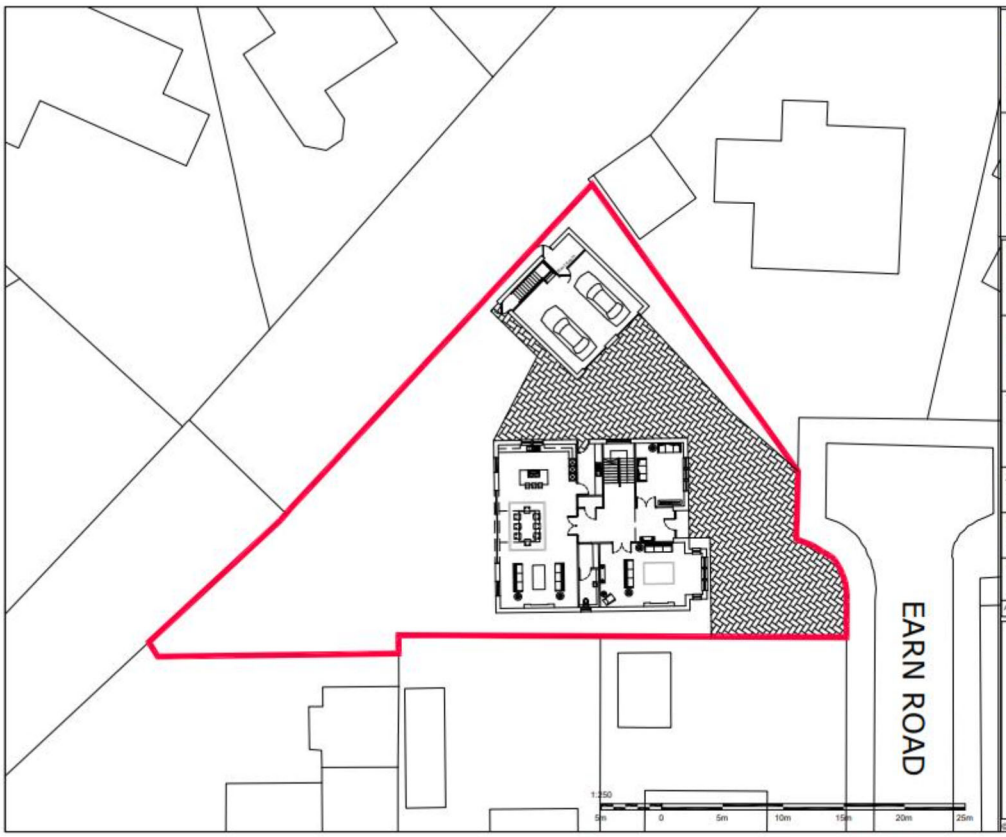
Introduction

This Request for Review is submitted to members of the Local Review Body by DTA Architects on behalf of the applicant (Mr and Mrs Currie). It is in connection with the refusal of the application under Delegated Powers for the demolition of an existing 1.5 storey dwelling and erection of a new detached 2 storey dwelling with single storey garage at 1 Earn Road, Newton Mearns, G77 6LT (Planning Reference 2021/0753/TP).

Brief Description of the Application Site and Proposal

Earn Road is a very discrete and enclosed cul-de-sac of 4 houses arranged in a crescent shape, accessed from Laggan Road situated to the south. The proposed 2 storey house will be located at no. 1 Earn Road and will directly face an existing 2 storey house at no. 4 Earn Road. The plot at no.4 Earn Road is slightly elevated compared to the application site. The other two houses in the cul-de-sac at nos. 2 and 3 are single storey with accommodation in the roof space (in effect 1.5 storey). Nos. 2 and 3 sit on plots that are more elevated than both the application site and the 2 storey dwelling at no.4, meaning that when standing within Earn Road their ridge heights appear to the eye almost level with the 2 storey dwelling at no.4. The ridge height of the proposed dwelling will appear similar to that of the 2 storey dwelling at no. 4.

The aerial image below shows the application site bounded indicatively in red along with the storey heights of houses in Earn Road. The Proposed Site Plan below that shows the footprint of the new dwelling/garage and its parking and garden area. Lastly the Proposed Elevations are provided.



NOTES
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B 8.3.22 GM
Planning comments added

A 13.09.21 GR
Revised to reflect client comments

Client
Mr & Mrs Currie

Project
Proposed Dwelling House
1 Earn Road
Newton Mearns

Title
Proposed Site Plan

job no	drg size
C115.01	A3
drg no	rev
L(0-) 03	B
date	by	scale
Aug '21	LB	1:250

Autocad Reference

dta chartered architects
9 montgomery street
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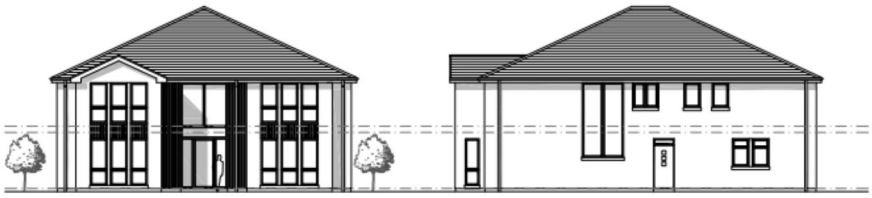
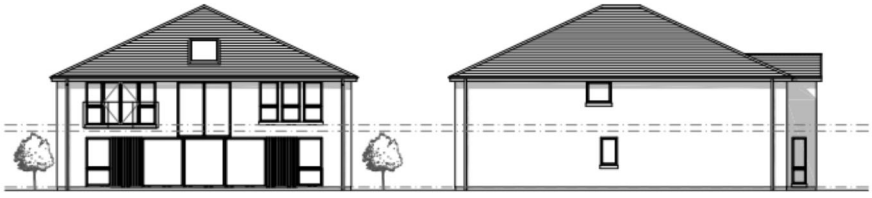
tel : 01355 260909
enquiries@dtaarchitects.co.uk



Proposed Front Elevation

Proposed Side Elevation



Proposed Rear Elevation

Proposed Side Elevation

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Client
Mr & Mrs Currie

Project
Proposed Dwelling House
1 Earn Road
Newton Mearns

Title
Proposed Elevations

job no	drg size
C115.01	A2
drg no	rev
L(2-)02	B
date	by	scale
Aug 21	LB	1:100

dta chartered architects
9 montgomery street
the village
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tel : 01355 260909
enquiries@dtaarchitects.co.uk

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Brief Summary of the Planning Authority's Objections to the Proposal and Applicant's Justification

Planning Authority's Main Objections to Proposal: The main objections that the planning authority have raised with regard to the proposal focus on it being 2 storey (as opposed to single or 1.5 storey, as would be their preference) and its design/external appearance. They consider the proposal to contrast with neighbouring properties; to be incongruous in the streetscape given its design and prominent position; and due to its dominating impact, contrasting design and increased massing to have an adverse effect on the residential amenity of adjacent properties (at nos. 11 and 15 Laggan Road) along with the character/amenity of the area.

The Planning Authority's Unique Position on Planning Precedent: It is established planning practice that a proposal should be assessed based on its merits and that a planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This statement of case will show that the application does accord sufficiently with the Development Plan to justify approval in its own right.

However, we had made comment previously in the planning statement submitted by this Practice in support of the application that there was a relevant planning precedent in that there was already a 2 storey villa within Earn Road directly facing the application site. Importantly it was not the mere presence of that 2 storey villa that we considered formed a positive planning precedent. It was its presence combined with the fact that it has had no adverse planning impacts on Earn Road or the wider locale due to it being 2 storey which was important and has material relevance to the proposal.

We note that the Report of Handling states the planning authority's position is that…"precedent is not a material planning consideration."

Members should be aware that precedent is a material planning consideration, which can in certain circumstances outweigh the Development Plan. Reference to the Royal Town Planning Institute, any knowledgeable planning consultant/planning lawyer and all other planning authorities this Practice has operated within highlights that 'precedent' is indeed one such material consideration.

We reiterate that this statement of case will show that the proposal does accord sufficiently with the Development Plan to warrant approval in its own right. However, what has went before which includes the construction of a 2 storey dwelling facing the application site with no adverse planning impact on its surroundings is very much of relevance.

The Applicant's Justification for a 2 Storey Dwelling: The proposal was designed as a 2 storey dwelling in part to reflect the scale and massing of the existing 2 storey house that it directly faces onto i.e., no. 4 Earn Road (the location of which is shown on the aerial image above).

With regard to detailed design, there is no need for the applicant's proposal to rigidly adhere to the appearance of no.4 Earn Road or any other property within the cul-de-sac or wider area. This is not an area of any special design control.

The cul-de-sac forms part of a mainstream modern housing estate built within the latter half of the last century. The applicant's proposed dwelling simply represents a current take on modern design. It is of a scale and massing that integrates well within its cul-de-sac reflecting in particular the dwelling directly opposite. The proposal's design in no way conflicts with any rigid design principles which are exhibited within the cul-de-sac or the locale such that its refusal is merited.

In this regard it was surprising to both this Practice and the applicant that the planning authority had any issue in principle with the proposal being 2 storey, as that would in no way negatively change the character of the cul-de-sac. The image below of the 2 storey dwelling at no.4 Earn Road directly facing the proposed dwelling helps demonstrate our points.

To construct a 2 storey dwelling at one end of what is a crescent shaped cul-de-sac, directly facing an existing and substantial 2 storey villa at the other end of the crescent, with two 1.5 storey dwellings in between them, creates a degree of symmetry within the cul-de-sac. This is in line with design traditions that have been tried and tested for many years in professional architectural and planning practice.

Therefore, what the applicant proposes is arguably a better design solution than constructing a bungalow on the application site, which would create an imbalance in the cul-de-sac in terms of scale and massing. Yet a bungalow is something the planning authority would undoubtedly prefer to a 2 storey dwelling given the comments contained within their Report of Handling.

Once again both this Practice and the applicant stress that the proposal should be assessed on its merits. Given the above commentary and additional information provided within this statement of case, we are confident that a balanced assessment of the proposal by Members will lead to its approval.

Review of Relevant Planning Policies and Planning Authority's Reasons for Refusal

Policies D1 and D1.2: The planning authority have refused the proposal under Policies D1 and D1.2 of the adopted East Renfrewshire Local Development Plan 2 because:

1. the proposed two storey dwelling would be a dominant and incongruous addition to the streetscape by virtue of its prominent position, increased massing and contrasting design, to the detriment of the character and amenity of the area; and
2. the proposed dwelling would result in a significant dominating impact on the adjacent properties, resulting in a significant loss of amenity.

We note that Policy D1 requires that development should not result in a significant loss of character or amenity to the surrounding area. Expanding on this Policy D1.2 relating to the erection of replacement dwellings states that proposals will be assessed against the following 6 criteria and we have remarked on each:

1. Reflect the scale and character of the surrounding residences and the established pattern of development in the area;

Earn Road is a relatively discretely located cul-de-sac with its own streetscape. The cul-de-sac forms part of a mainstream housing estate built within the latter half of the last century. The applicant's proposed dwelling represents a current take on modern design, which integrates well within the cul-de-sac setting. In this regard it is of a scale, massing and character that reflects the 2 storey dwelling directly opposite at no.4 Earn Road and will not be in conflict visually with any other dwelling within the cul-de-sac or wider area.

Further, the introduction of the proposed dwelling will do nothing to detract from the established pattern of development. In this regard the plot size, footprint of the buildings proposed, garden size, building line and separation from adjacent dwellings would be entirely consistent with the pattern of development exhibited within the cul-de-sac and wider area.

Additionally, to construct a 2 storey dwelling at one end of the crescent shaped cul-de-sac directly facing an existing substantial 2 storey villa at the other end of the same cul-de-sac, with two largely identical 1.5 storey dwellings in between them sitting on elevated plots, creates a degree of conformity and symmetry within the cul-de-sac which does not actually currently exist.

2. Should be of a size and shape capable of accommodating a residential property and compatible with the locality;

The size and shape of the application site is clearly capable of accommodating a residential property and is compatible with the locality. Please refer to the earlier aerial image and Proposed Site Plan which demonstrates this.

3. There should be sufficient land to provide garden ground that is of a scale and character compatible with the locality for the proposed and donor properties;

The garden ground is of a scale and character compatible with the locality for the proposed dwelling. No land is required for a donor property as this is not a garden sub-division i.e., the existing property will be demolished.

4. Provide safe vehicular access and parking for the proposed and donor properties;

Safe vehicular access and parking for the proposed dwelling is provided which meets the standards of the Council. No access and parking is required for a donor property as this is not a garden sub-division i.e., the existing property will be demolished.

5. Not adversely impact upon the setting of the donor property;

There is no donor property as this is not a garden sub-division i.e., the existing property will be demolished.

6. Respect existing building lines.

The proposal respects the existing building lines contained within the Earn Road cul-de-sac.

Policy D2: The Planning Authority have refused the proposal under Policy D2 of the adopted East Renfrewshire Local Development Plan 2 because:

1. The proposed dwelling would be a dominant and incongruous addition to the streetscape by virtue of its prominent position, increased massing and contrasting design, to the detriment of the character and amenity of the area.

We note that Policy D2 supports development within the general urban area where it is appropriate in terms of its location and scale and will not result in a significant loss of character or amenity to the surrounding area.

The Report of Handling indicates that "whilst there is a two storey dwelling opposite [the application site], this is for the most part screened by established trees and as such, is not a dominating or imposing feature on the streetscape. Neither can it be said that two storey dwellings are characteristic of the area."

The trees the planning authority refer to are trees within the garden ground of no. 17 Laggan Road which do in fact partly screen no. 4 Earn Road from Laggan Road.

However, this Practice reminds the planning authority that first and foremost the streetscape which is of most relevance here when considering the application is the street that the proposal is actually in i.e., Earn Road.

In this regard the 2 storey dwelling at no. 4 Earn Road is fully visible from all other dwellings within Earn Road. It is not screened from them by established trees. Yet it does not appear out of character or detrimental to the amenity of Earn Road.

Neither Earn Road or Laggan Road are conservation areas. Laggan Road is part of the same modern housing estate as Earn Road, and in that regard comprises of many substantial villas similar to those found within Earn Road - indeed with a few other varieties added on top for good measure. There is no valid reason for the screening of any property within Earn Road (whether an existing or proposed dwelling) to be considered as a necessity by the planning authority.

The planning authority seems to consider that no. 4 Earn Road because it is 2 storey in height is unsightly if viewed from either Earn Road or Laggan Road, which we consider not to be the case. Similarly, the planning authority has the same opinion of the applicant's proposed 2 storey dwelling, which we also consider not the case.

Turning back again to address design issues, it is apparent that the scale and design of the houses in Laggan Road do vary quite significantly, even with the ridge height of some dwellings being the equivalent of 1.75/2 storey. For example, the image below shows the dwelling at no. 16 Laggan Road situated directly across from the entrance to Earn Road itself. That dwelling is significantly higher and looks different to many houses on Laggan Road and Earn Road (reference the red lines on the

image highlighting ridge lines). Yet that increased scale/massing and design is in no way offensive to the eye, dominant, incongruous or adversely affecting amenity in the area.

Interestingly, whilst we do not consider it essential from a planning perspective, the application site would also be partly screened from Laggan Road due to the presence of an existing tree within the garden of no. 15 Laggan Road as shown on the second image below.

Houses on Laggan Road Opposite Entrance to Earn Road

Application Site Partly Screened by Existing Mature Tree (View from Laggan Road)

The Planning Authority in the Report of Handling indicates that "given the increased massing of the proposed dwelling, its elevated position and it proximity to the dwellings to the south, the proposal would have a dominating and intrusive impact on the dwellings immediately to the south (11 and 15 Laggan Road) and on their garden areas, to the detriment of visual amenity."

However, the Planning Authority have conceded that “given its design and orientation relative to the neighbouring houses, the proposal would not be considered to give rise to significant additional overlooking, overshadowing or loss of daylight.”

Given the size of the respective dwellings at nos. 11 and 16 Laggan Road and the depth of the gardens of the properties along with there being no possibility of overshadowing or overlooking this Practice and the applicant considers the Planning Authority’s comments to be something of a stretch.

The fact is that what is proposed conforms to the Council’s design standards and would not have a dominating and intrusive impact on the dwellings at nos. 11 and 15 Laggan Road.

Conclusion

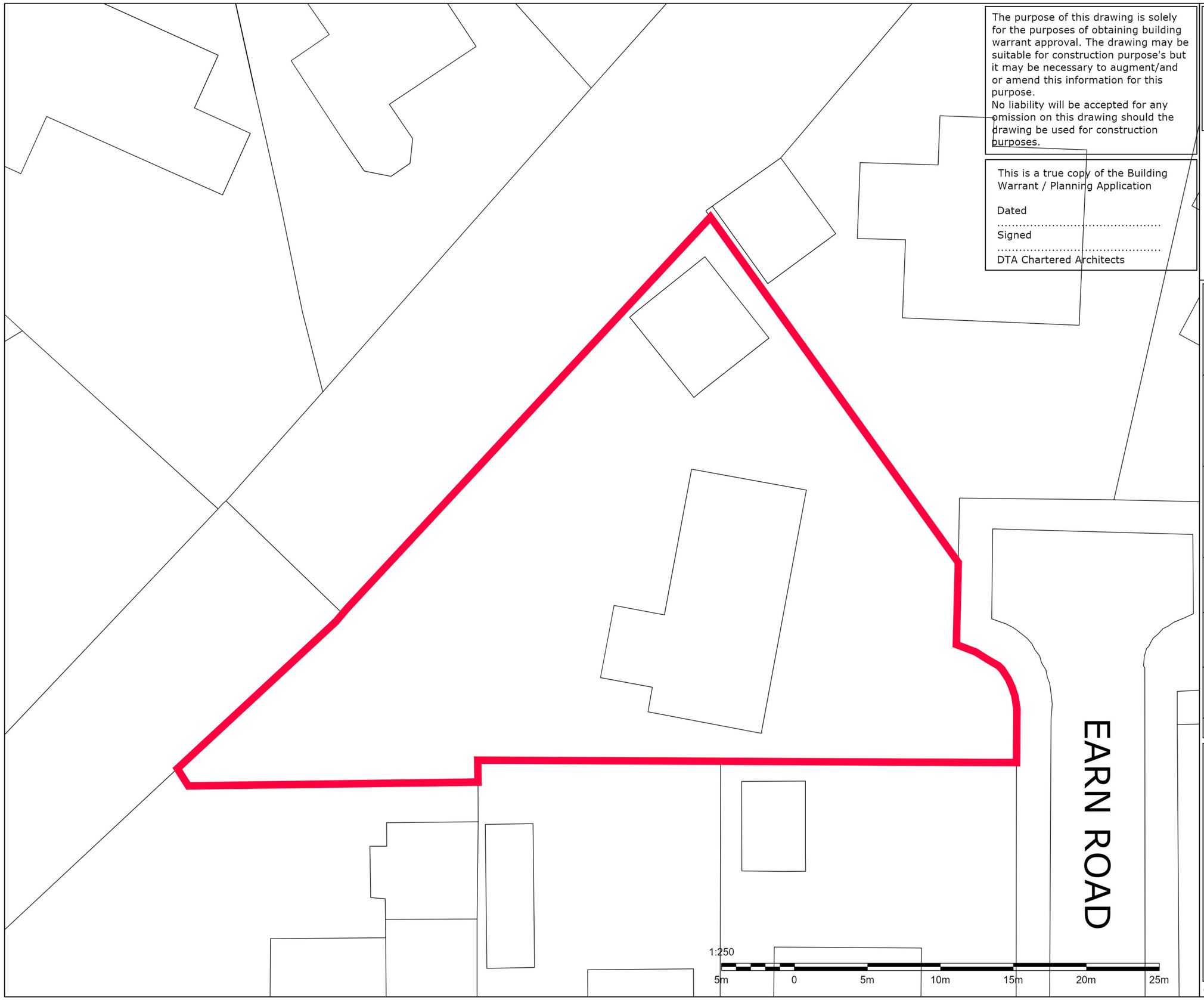
As outlined above the proposal accords with Policies D1 and D1.2 and Policy D2 of the adopted East Renfrewshire Local Development Plan 2 (LDP2).

Not mentioned within the preceding text, Policy D6 and policy D7 are also relevant. Policy D6 provides minimum open standards for residential development and Policy D7 states that the Council will protect the integrity of the tree preservation order. The proposal clearly accords with these policies.

Accordingly, Members are asked to approve the Planning Application.

APPENDIX 6

PLANS/PHOTOGRAPHS/DRAWINGS



The purpose of this drawing is solely for the purposes of obtaining building warrant approval. The drawing may be suitable for construction purpose's but it may be necessary to augment/and or amend this information for this purpose.
No liability will be accepted for any omission on this drawing should the drawing be used for construction purposes.

This is a true copy of the Building Warrant / Planning Application

Dated
.....
Signed
.....
DTA Chartered Architects

NOTES

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N

Client
Mr & Mrs Currie

Project
Proposed Dwelling House
1 Earn Road
Newton Mearns

Title
Existing Site Plan

job no	drg size
C115.01	A3
drg no	rev
L(0-) 02	-
date / by	scale
Aug '21 / LB	1:250

Autocad Reference

dta chartered architects
9 montgomery street
the village
east kilbride
glasgow G74 4JS
tel : 01355 260909
enquiries@dtaarchitects.co.uk

1:1250

25m 0 25m 50m 75m 100m 125m

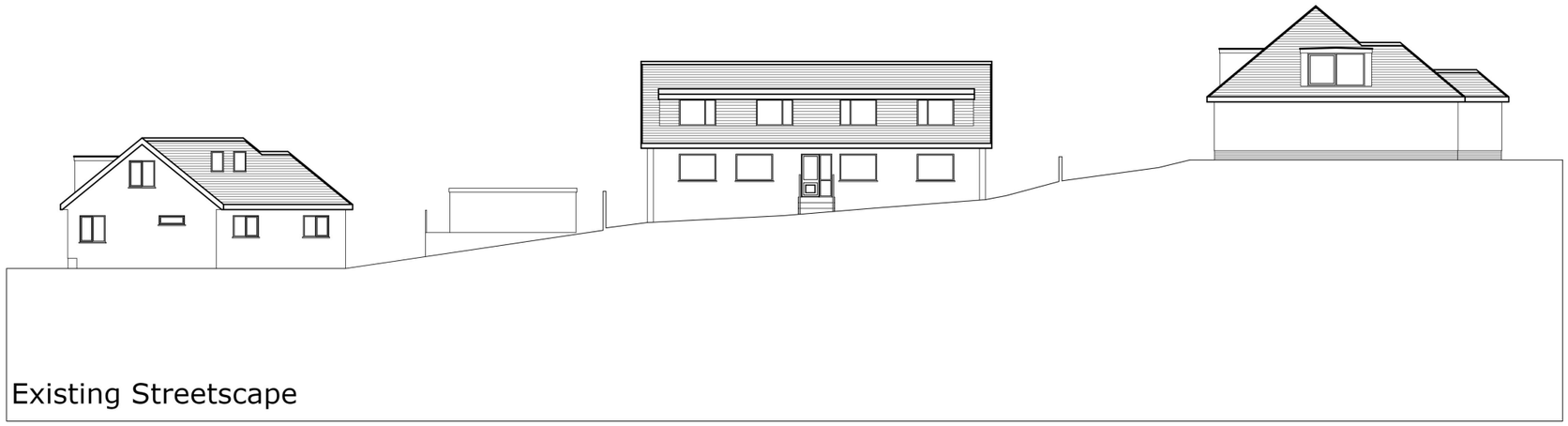
dta chartered architects

9 montgomery street
the village
east kilbride
glasgow G74 4JS

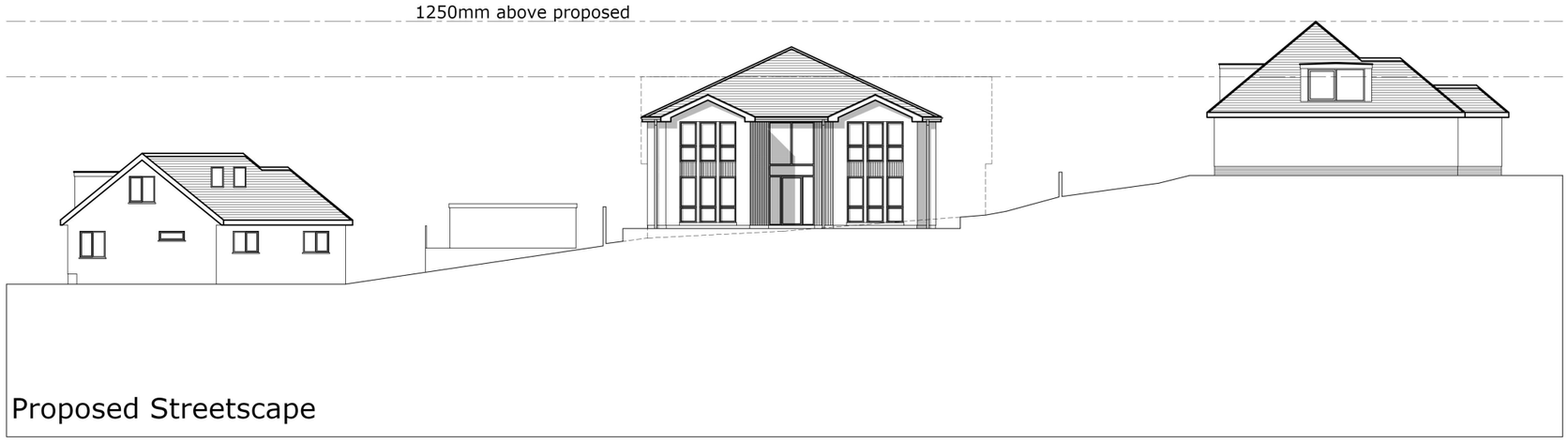
tel : 01355 260909
enquiries@dtaarchitects.co.uk

Client	Mr & Mrs Currie		
Project	1 Earn Road, Newton Mearns		
Title	Location Plan		
job no	drg no		rev
C115.01	L(0-) 01		-
date	by	scale	drg size
Aug '21	LB	1:1250	A4

N



Existing Streetscape



Proposed Streetscape

1:200

4m 0 4m 8m 12m 16m 20m

NOTES

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Client
Mr & Mrs Currie

Project
Proposed Dwelling House
1 Earn Road
Newton Mearns

Title
Existing &
Proposed Streetscape

job no	drg size
C115.01	A2
drg no	rev
L(2-)03	-
date	by	scale
Sep '21	GR	1:200

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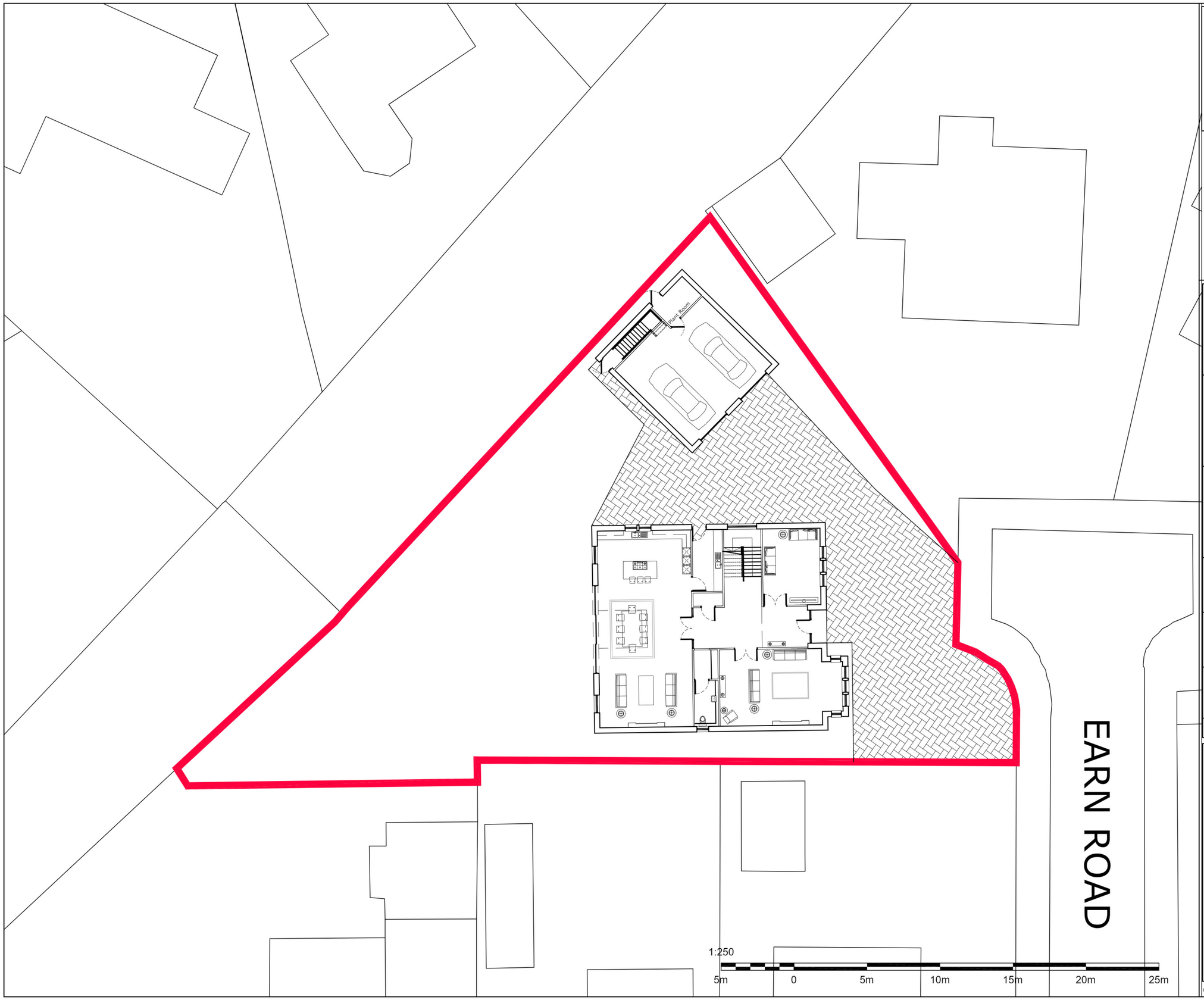

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N

B	8.3.22	GM
Planning comments added		
A	13.09.21	GR
Revised to reflect client comments		

Client
Mr & Mrs Currie

Project
Proposed Dwelling House
1 Earn Road
Newton Mearns

Title
Proposed Site Plan

job no	drg size
C115.01	A3
drg no	rev
L(0-) 03	B
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Aug '21 / LB / 1:250	

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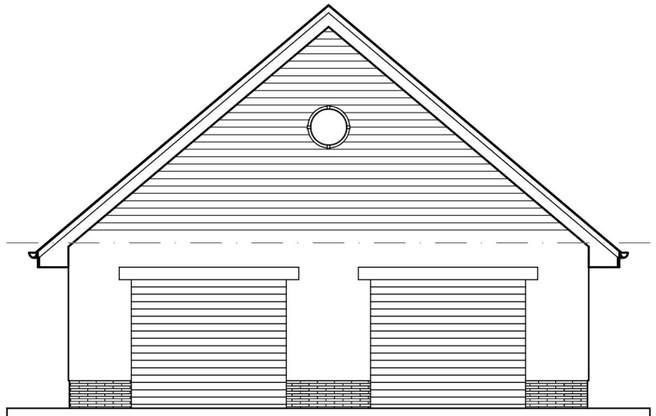
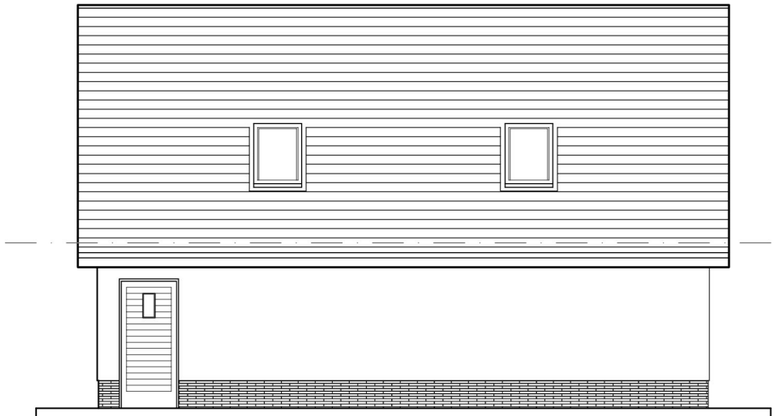
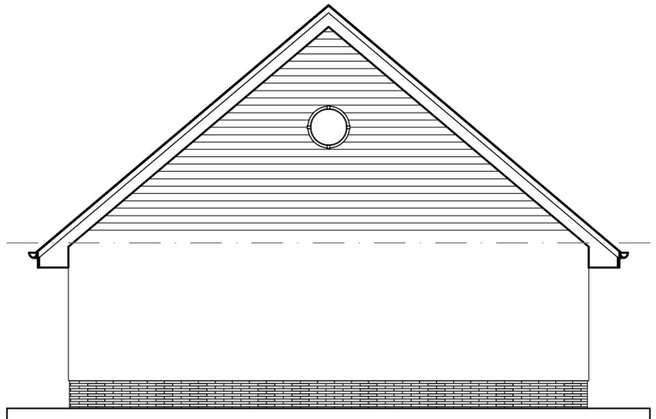


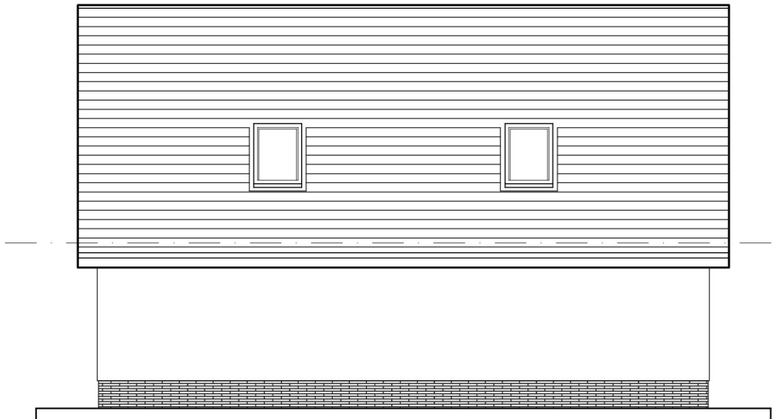
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

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A	18.11.21	GR

Removed rear door to Plant

Client

Mr & Mrs Currie

Project

Proposed Dwelling House
1 Earn Road
Newton Mearns

Title

Garage Elevations

job no	drg size
C115.01	A3
drg no	rev
L(2-) 11	A

date	by	scale
Aug '21	LB	1:100

Autocad Reference

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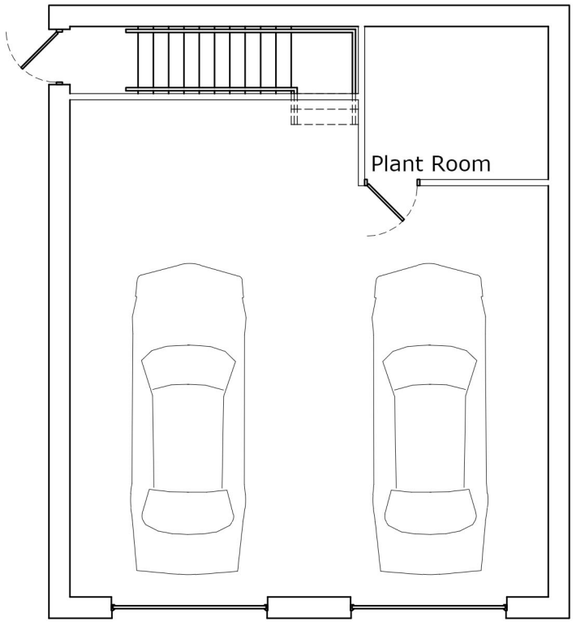
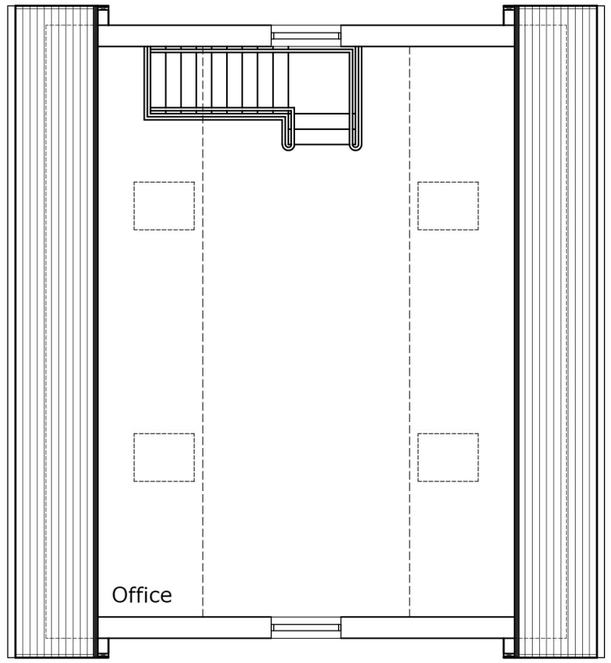


Ground Floor



First Floor

NOTES

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A	18.11.21	GR

Removed rear door to Plant

Client
Mr & Mrs Currie

Project
Proposed Dwelling House
1 Earn Road
Newton Mearns

Title
Garage Floor Plans

job no	drg size
C115.01	A3
drg no	rev
L(2-) 10	A

date	by	scale
Aug '21	LB	1:100

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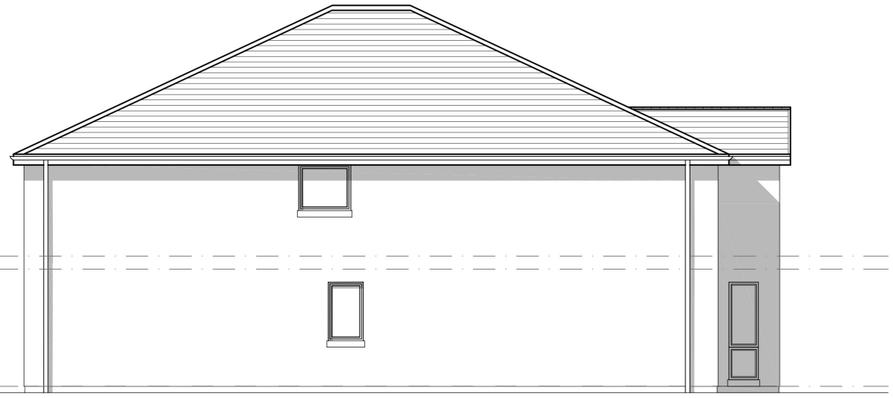
Proposed Front Elevation

Proposed Side Elevation

Proposed Rear Elevation



Proposed Side Elevation

1:100

2m 0 2m 4m 6m 8m 10m

NOTES

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B 8.3.22 GM
Planning comments added

A 13.09.21 GR
Revised to reflect client comments

Client
Mr & Mrs Currie

Project
Proposed Dwelling House
1 Earn Road
Newton Mearns

Title
Proposed Elevations

job no	drg size
C115.01	A2
drg no	rev
L(2-)02	B
date / by	scale
Aug 21 / LB	1:100

Autocad Reference

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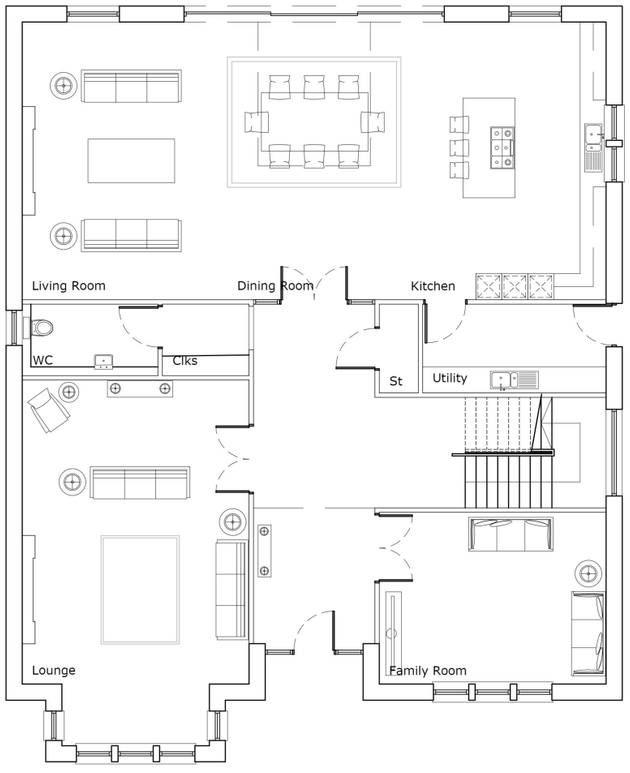
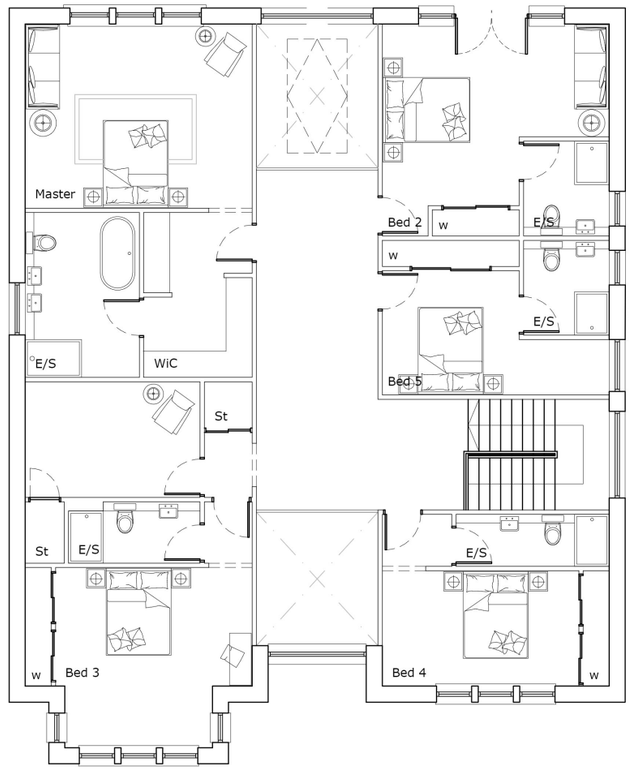


Ground Floor Plan
Total Area - 406m² / 4370ft²



First Floor Plan

1:100
2m 0 2m 4m 6m 8m 10m

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B 8.3.22 GM
Planning comments added

A 13.09.21 GR
Revised to reflect client comments

Client
Mr & Mrs Currie

Project
Proposed Dwelling House
1 Earn Road
Newton Mearns

Title
Proposed Floor Plans

job no	drg size
C115.01	A2
drg no	rev
L(2-)01	B

date	by	scale
Aug 21	LB	1:100

Autocad Reference

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N

A	08.03.22	GM
Planning comments added		

Client
Mr & Mrs Currie

Project
Proposed Dwelling House
1 Earn Road
Newton Mearns

Title
Tree Survey Plan
Removal

job no	drg size
C115.01	A3
drg no	rev
L(0-) 06	A
date / by / scale	
Nov '21 / GR / 1:250	

Autocad Reference

Cellweb TRP laid under new driveway for tree root protection

6784 B
6785 B
6783 C
6782 B
6781 B
6780 B
6779 B
6778 B
6776 B
6777 B
6772 B
6771 B
6769 B
6768 B
6767 B
6766 B
6770 C
6775 B
6756 C
6757 C
6759 C
6760 C

EARN ROAD

1:250
5m 0 5m 10m 15m 20m 25m

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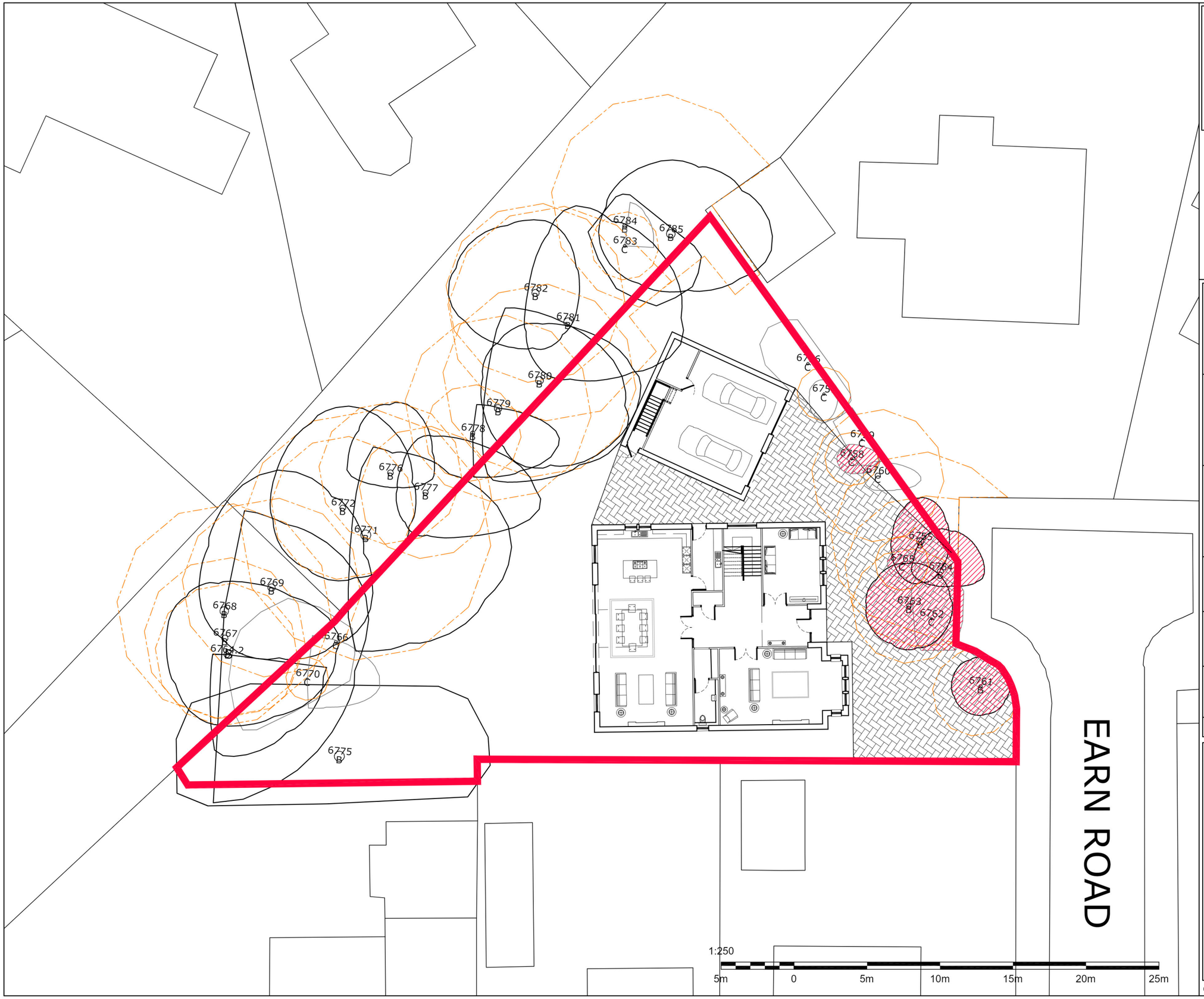

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N

A	08.03.22	GM
Planning comments added		

Client
Mr & Mrs Currie

Project
Proposed Dwelling House
1 Earn Road
Newton Mearns

Title
Tree Survey Plan
Downtaking

job no	drg size
C115.01	A3
drg no	rev
L(0-) 05	A

date	by	scale
Nov '21	GR	1:250

Autocad Reference

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N

B	8.03.21	GM
Planning comments added		
A	13.09.21	GR
Revised to reflect client comments		

Client
Mr & Mrs Currie

Project
Proposed Dwelling House
1 Earn Road
Newton Mearns

Title
Topographical Survey

job no	drg size
C115.01	A3
drg no	rev
L(0-) 04	B
date / by	scale
Aug '21 / LB	1:250

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