

**Business Operations and Partnerships Department**

**Director of Business Operations & Partnerships: Louise Pringle**

Council Headquarters, Eastwood Park, Giffnock, East Renfrewshire, G46 6UG

Phone: 0141 577 3000

website: [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk)

Date: 2 December 2022

When calling please ask for: Jennifer Graham (Tel No. 0141 577 3016)

e-mail:- [jennifer.graham@eastrenfrewshire.gov.uk](mailto:jennifer.graham@eastrenfrewshire.gov.uk)

TO: Councillors B Cunningham (Chair), J McLean (Vice Chair), P Edlin, A Ireland, C Lunday, M Montague and A Morrison.

**PLANNING APPLICATIONS COMMITTEE**

A meeting of the Planning Applications Committee will be held in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock on **Wednesday, 7 December 2022 at 2.00pm.**

The agenda of business is as shown below.

**Louise Pringle**

L PRINGLE

DIRECTOR OF BUSINESS OPERATIONS & PARTNERSHIPS

**AGENDA**

1. **Report apologies for absence.**
2. **Declarations of Interest.**
3. **Applications for planning permission for consideration by the committee - Report by Director of Environment (copy attached, pages 3 - 28).**
4. **Planning Applications Committee Meetings Schedule – Report by Head of Environment (Chief Planning Officer)(copy attached, pages 29 - 34).**

This document can be explained to you in other languages and can be provided in alternative formats such as large print and Braille. For further information, please contact Customer First on 0141 577 3001 or email [customerservices@eastrenfrewshire.gov.uk](mailto:customerservices@eastrenfrewshire.gov.uk)

A recording of the meeting will also be available following the meeting on the Council's YouTube Channel <https://www.youtube.com/user/eastrenfrewshire/videos>

BLANK PAGE

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

Draft index of applications under the above acts to be considered by Planning Applications Committee on  
7th December 2022.

---

**Reference No:** 2022/0345/TP

**Ward:** 4

**Applicant:**

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

**Agent:**

Mark Ritchie  
77 St Vincent Street  
1st Floor Rear  
Glasgow  
Scotland  
G2 5TF

Page 5

**Site:** Site Adjacent Of Eastwood Health And Care Centre Drumby Crescent Clarkston East Renfrewshire

**Description:** Erection of 66 bedroom care home including spa facilities, cafe, cocktail bar and cinema room and 23 assisted living apartments with associated car parking, access and landscaping including community garden (amendment to 2020/0287/TP)

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

---

**Reference No:** 2022/0355/TP

**Ward:** 5

**Applicant:**

Mrs Nicola Young  
Gordons Chamber  
90 Mitchell St  
GLASGOW  
United Kingdom  
G1 3NQ

**Agent:**

Paul Hughes  
Gordons Chambers  
90 Mitchell St  
Glasgow  
United Kingdom  
G1 3NQ

Page 21

**Site:** Hazelden Riding School Hazelden Road Newton Mearns East Renfrewshire G77 6RR

**Description:** Erection of five new-build dwellings following the demolition of the existing riding school buildings; with the retention of the existing dwellinghouse

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

---

BLANK PAGE

# REPORT OF HANDLING

Reference: 2022/0345/TP

Date Registered: 6th July 2022

Application Type: Full Planning Permission

This application is a Major Development

Ward: 4 -Clarkston, Netherlee And Williamwood

Co-ordinates: 256854/:658116

Applicant/Agent:

Applicant:

Northcare (Scotland) Ltd

Lindsayfield Lodge

Rosaburn Avenue

East Kilbride

Scotland

G75 9DE

Agent:

Mark Ritchie

77 St Vincent Street

1st Floor Rear

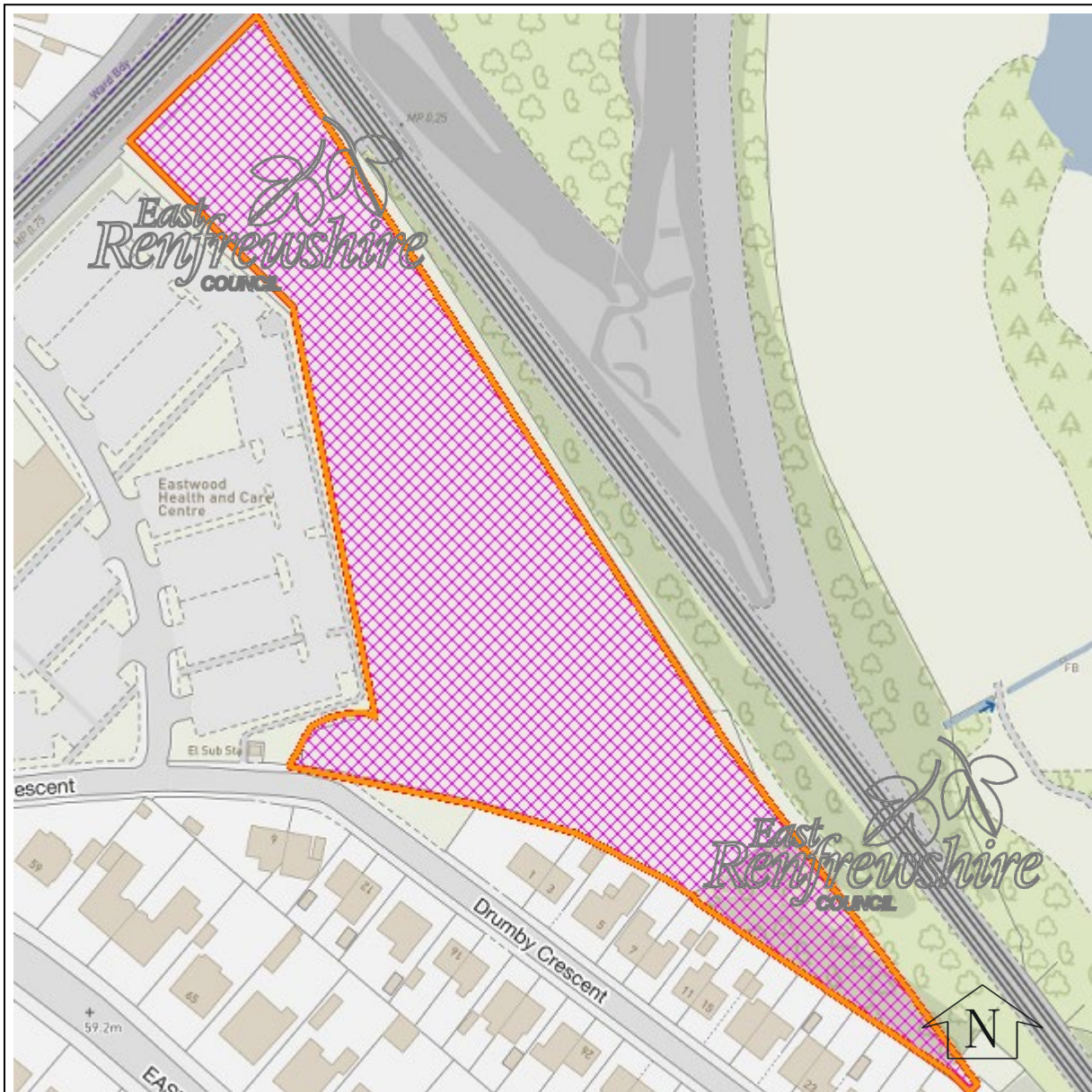
Glasgow

Scotland

G2 5TF

Proposal: Erection of 66 bedroom care home including spa facilities, cafe, cocktail bar and cinema room and 23 assisted living apartments with associated car parking, access and landscaping including community garden (amendment to 2020/0287/TP)

Location: Site Adjacent Of Eastwood Health And Care Centre  
Drumby Crescent  
Clarkston  
East Renfrewshire



**DO NOT SCALE**

Reproduced by permission of Ordnance Survey on behalf of HMSO. (C) Crown Copyright and database right 2022. All Rights Reserved. Ordnance Survey License number 100023382 2022, East Renfrewshire Council

**CONSULTATIONS/COMMENTS:**

Scottish Water	No objections
East Renfrewshire Council Roads Service	No objections
East Renfrewshire Council Environmental Health Service	No objection subject to conditions regarding noise mitigation, air quality, contamination, external lighting, construction noise
Network Rail	No objection subject to conditions regarding acoustic fence and earthworks.
Principal Strategy Officer (Affordable Housing and Development Contributions)	No objections subject to amendment of original legal agreement (S75) to ensure that the proposed extra care apartments to be developed on this site are restricted to Use Class 8 in perpetuity and remain occupied only by persons over age 55.

**PUBLICITY:**

29.07.2022                      Evening Times                      Expiry date 12.08.2022

**SITE NOTICES:**                      None.

**SITE HISTORY:**

2020/0051/PAN	Erection of care home and assisted living accommodation with associated car parking and landscaping, including open public park. (major)	27.05.2020
2020/0287/TP	Erection of 68 bedroom care home including spa facilities, cafe, cocktail bar and cinema room and 23 assisted living apartments with associated car parking and landscaping including community garden (major)	Approved Subject to Conditions and conclusion of a Legal Agreement (Section 75). 16.02.2022

**REPRESENTATIONS:** A total of 10 representations have been received. The issues raised/comments made, where material to the planning application, have been taken into account and assessed below in the main body of the report.

The issues raised can be summarised as follows:

Traffic impact  
 Road safety  
 Congestion  
 Traffic pollution  
 Loss of open space  
 Loss of Greenspace  
 Loss of habitation  
 Loss of trees  
 Impact on biodiversity  
 No need for care facilities  
 Lack of consultation  
 No Environmental Impact Assessment  
 Construction impact  
 Condition of road  
 Work started

### **DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:**

The relevant policy documents can be found at the following links:

Scottish Planning Policy –

<https://www.gov.scot/publications/scottish-planning-policy/documents/>

The Glasgow and Clyde Valley Strategic Development Plan –

<https://www.clydeplan-sdpa.gov.uk/strategic-development-plan/current-plan/current-strategic-development-plan-july-2017>

Local Development Plan2 –

<https://www.eastrenfrewshire.gov.uk/ldp2>

### **SUPPORTING REPORTS:**

Preliminary Bat Roosting Assessment	Provided an update to the Phase 1 Habitat Survey carried out in 2019 as part of the previous planning application (2020/0287/TP). It sought to identify features that may be used by roosting bats within the site and concluded that there was no potential for bat roosting and therefore no further action was required. It did however recognise the importance of trees to bats and makes recommendations on protecting the trees during construction work. It also highlights the impact of lighting on bats and recommends light spillage is minimised.
Transport Assessment Supporting Letter	The applicant has submitted a supporting letter from their transport consultant updating the position on the transport statement which states that the revised proposal does not alter the access, parking layout and service strategy for the development and therefore the original transport statement is still valid.
Design and Access Statement Addendum	Explains that the post Covid requirements of the Care Commission have driven the redesign of the proposal to incorporate more flexibility into the design to allow for improved infection control, segregation and quarantine areas should there be an outbreak infection. The statement examines the design of the proposal in terms of its functionality, as well as the impact on the residential neighbours and wider area.



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

### **ASSESSMENT:**

This is a Major development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. In addition, the application has attracted 10 representations and as a consequence has to be presented to the Planning Applications Committee for determination.

The previously approved application (2020/0287/TP) constituted a major proposal and was subject to a Proposal of Application Notice including consultation with the public. As the current application is an amendment of the previously approved application, a further Proposal of Application Notice is not required to be undertaken. The planning application was subject to the usual neighbour notification process and the issues raised by representations are addressed in the assessment below.

#### Site Description

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

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

#### Proposed Development

The application is for the erection of 66 bedroom care home including spa facilities, cafe, cocktail bar and cinema room and 23 assisted living apartments with associated car parking and landscaping including community garden. The applicant now seeks an amendment to previous application 2020/0287/TP for a 68 bedroom care home and 23 assisted living apartments which was approved by the Planning Applications Committee on the 16<sup>th</sup> February 2022. The applicant has stated the changes are to satisfy the requirements of the Care Commission.

The current application principally involves a reduction in the size of footprint of the care home building and increase in the height of the south wing (part nearest to the houses on Drumby Crescent) from two storey to three storey. No alterations are proposed to the assisted living element of the original application.

Information submitted also indicates the site levels are to be lowered by up to 2metres (approximately) in the northern part of the site, with approximately a reduction of 0.5metres proposed to the southern part of the site, adjacent to the houses on Drumby Crescent. Retaining walls of approximately 1.1metres in height are proposed along the boundary with the Glasgow to East Kilbride railway line.

The amended care home building will have a footprint measuring approximately 55metres by 40 metres and some 13.5metres in height. The proposal reduces the width by approximately 13metres, and as a result will increase the distance between the proposed building and the adjacent residential properties on Drumby Crescent from approximately 25metres to 38metres when compared to the previous planning permission, albeit at three storey as oppose to two storey. However, the overall height has been lowered from the previously approved proposal of 13.5metres to 13metres. The redesigned will also reposition the building further from the railway line and adjacent trees by an additional 4metres, thereby resulting it being some 8metres from the railway line.

The assisted living block of flats remains as previously approved, which is a three storey building, measuring approximately 47metres in length and 10.3metres in height. The footprint is a rectangular linear shape, orientated parallel to the East Kilbride railway line.

The proposed access junction onto Drumby Crescent is located to the south west of the site. This also remains as previously approved planning application with the exception of a minor alteration to the entrance to encourage vehicles exiting the site to turn right. The proposal provides 56 car parking spaces. The proposed internal car parking and access road is formed in a pan handle layout and is the same as the previously approved application.

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

#### Assessment

The application has to be determined in accordance with the Development Plan and any material planning considerations. The Development Plan consists of the Strategic Development Plan (approved July 2017) and the East Renfrewshire Local Development Plan2 (adopted March 2022).

#### Strategic Development Plan (approved July 2017)

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

The proposed development is considered to be a strategic scale development under Schedule 14 of the SDP as it has a floor area greater than 5000 square metres. However, as the proposed development utilises an existing vacant area of land in an urban location, and in general terms is considered to support the Vision and Spatial Development Strategy of the SDP of a compact city region, then the adopted East Renfrewshire Local Development Plan2 is the most relevant policy document in determining the proposal.

#### East Renfrewshire Local Development Plan2 (March 2022)

As outlined above, the current application is for an amendment of the previous approved planning application (2020/0287/TP). Since the approval of the previous planning application, Local Development Plan2 (LDP2) has been adopted. A significant difference between the adopted LDP2 and the previous Local Development Plan (2015) in relation to this proposal, is the introduction of Policy SG3 which requires the need for specialist residential and supported accommodation to be considered.

The previous planning application (2020/0287/TP) however was assessed against the finalised LDP2 and the draft Policy SG3. The draft policy was adopted verbatim. Therefore, it is considered that the principle of the site being developed for a care home and assisted living accommodation has been established through the approval of the previous planning application which remains extant.

It should be noted that the Local Development Plan<sup>2</sup> identifies the site for housing of up to 20 units under Policy SG1.14. However the number of potential residential units involved is not considered significant in terms of housing land supply requirements. Further, as indicated above, the proposal will re-use a vacant site which is considered to be in a sustainable location, within close proximity of various public transport modes and local facilities which is unlikely to result in significant private vehicle use. Therefore the proposal is not considered to raise any significant issues in terms of the strategic aims of the LDP<sup>2</sup> and in particular Strategic Policy<sup>1</sup>.

Strategic Policy 2 and Policy SG4 are of particular relevance in terms of Development Contributions and Affordable Housing requirements. The applicant has confirmed that the apartments will, as per the previous application, be retained by the applicant; will not be sold on the open market; that care/support will be provided as part of the rental agreements and that the apartments will be for persons over 55 years of age only, therefore differentiating it from main stream residential use.

The Council's Affordable Housing and Development Contributions Officer has stated that Planning permission for application ref 2020/0287/TP was granted subject to a section 75 legal agreement. This legal agreement was successfully concluded and ensures that the proposed assisted living accommodation are restricted to Use Class 8 in perpetuity and remain occupied only by persons over age 55. However as the current application seeks to amend the number of care home units from 68 to 66, a Minute of Agreement with the applicant is required to be entered into and registered prior to permission being granted. The Council's Affordable Housing and Development Contributions Officer therefore recommends no objection subject to the satisfactory conclusion of a Minute of Agreement to amend the original Section 75 so that it not only refers to the previous planning permission, but also the current application. As a consequence, as per the previous application, the assisted living apartments can be exempt from affordable housing and development contributions including community facilities and education.

Given the above, the principle of the development in this location is considered acceptable and therefore the proposal remains to be assessed against the detail considerations of the Local Development Plan<sup>2</sup> of which Policies D1, D2, D4, D6, D7, D8, D10 and D11 are the most relevant. They set out a number of criteria for assessing development to ensure that it is well designed and compatible with the character and amenity of the locality and surrounding land uses and are of a size, scale and density in keeping with the locality and respect local building form, design, and materials. They also state that proposals should not adversely impact on the natural environment, landscape character, involve the loss of trees or other important landscape, greenspace or biodiversity features and protected species. Also required is that proposals comply with roads standards including the incorporation of Electrical Vehicle charging points and provide appropriate drainage. In particular the Local Development Plan<sup>2</sup> seeks to direct development to sustainable locations where the need to travel is reduced and active travel and public transport infrastructure already exists.

As stated previously, the proposal is for a care home and a block of flats providing assisted living accommodation. The current application involves reducing the footprint of the care home, and as a result it will be some 38metres from the nearest houses on Drumby Crescent. This is considered adequate distance to minimising any direct impact on the amenity of the neighbouring residential properties. Further, the visual impact on the wider area and in particular that from the junction of Drumby Crescent and Eastwoodmains Road will be minimised by the reduced massing, width and simplified design of the proposal.

The current application, as per the previous approved application, includes an acoustic fence along the shared boundary with the East Kilbride railway line. The amended care home building will be off set from the fence by approximately 8metres as oppose to the previously approved 4metres. It is considered, this is an improvement and therefore not have a significant impact on amenity of future residents.

The proposal also indicates some excavation works adjacent to the railway lines, principally to the north part of the site, with a retaining structure of a maximum height of 1.1metre between the assisted living accommodation and the railway line. The rest of the excavation works adjacent to the railway lines will result in regrading the ground to create 1:3 slopes.

Network Rail have stated that they would object unless conditions regarding the details of any retaining walls, excavations, and the acoustic fence are submitted for further consideration and that they are consulted. Information submitted indicates the trees that form the boundary with the railway line are in close proximity to the route of the acoustic fence. These trees are proposed to be retained. However further details are required to ensure that the tree protection zones are not adversely impacted by the proposed acoustic fence. It is considered that details regarding retaining walls and excavations along with information on the acoustic fence and impact on trees can be dealt with through conditions. Network Rail can be consulted on any information submitted by condition.

Local Development Plan Policies D1, D4, D6 and D7 require the impact on the natural features, green network and biodiversity to be assessed as well as requiring proposals to include open space provision. The site is not covered by a Tree Preservation Order. While an updated bat roosting assessment has been undertaken, no ecology report has been submitted with the current application. Nevertheless, the information submitted under the previous application indicated that the site had limited merit in terms of ecological, natural habitat or green network infrastructure value. This report was undertaken in September 2019 and therefore it is considered unlikely that there has been any significant ecological changes on the site since then. The updated bat report indicates that the site has no potential for roosting. However, the applicant will still have to adhere to the protected species legislation requirements. Should the proposal be otherwise acceptable, then a note to this affect can be attached to the decision.

It should be noted that the site does not form part of a designated open greenspace within the Local Development Plan2. It is therefore considered that the proposal and in particular the additional planting and community garden will provide a positive contribution to the natural environment as well as provide community benefit through the community garden. Given the location of the proposed community garden, there is concern that there is very limited natural overlooking of the space which, however, this should be minimised due to proposed formal management of the area by the applicant. Nevertheless, given the proximity of the community garden, and in particular the proposed path to the rear of the residential properties along Drumby Crescent, there is concern that there could be a loss of privacy. As such a condition is proposed requiring the creation of a landscape buffer area to minimise any loss of privacy and the submission of the proposed management scheme for the community garden.

As stated previously, all the existing trees along the railway embankments are to be retained as are the trees to the immediate the west of the houses on Drumby Crescent. Information submitted indicates that 3 trees would be lost to accommodate the proposed access road and 3 dead trees within the site are to be removed. However it also indicates that approximately 193 new trees would be planted in the site. It is considered the new planting will compensate for the loss of 6 trees.

The applicant has revised the vehicle entrance to encourage vehicles exiting the site to turn right as oppose to left through Drumby Crescent. A transport statement was submitted with the previous application which concluded that the proposal would not result have a detrimental impact on the adjacent road network. The applicant's transport consultant has stated that the previous transport statement is still relevant as there is no material change in the proposal from a transport perspective. As stated previously the site is in a sustainable location, with nearby public transport and facilities which will help reduce the need to travel and promote the hierarchy of movement in accordance with the Government's Designing Streets. Consequently, Roads Service raised no objection, however, state that the applicant should consider providing electrical vehicle charging points as required by Policy D11. It is considered should the application be acceptable, this matter can be conditioned.

Therefore, in terms of impact on the residential amenity of neighbouring properties and the character of the area, natural habitat, green network and road safety and hierarchy of movement, it is considered that the proposal does not raise any significant issues with regard to Policies D1, D2, D4, D6, D7, D8, D10 and D11 of the Local Development Plan2.

The proposal is also required to be assessed against Policy E1 which seeks to ensure that proposals are sustainable and energy efficient. Policies E3, E5, E8, E9 and E10 are also relevant, seeking to ensure that proposals do not adversely impact on air quality, water management or give rise to noise issues, and that proposal deal with contaminated land appropriately.

In terms of Policy E1, as discussed elsewhere in this report, the site is in a sustainable location with access to local facilities and public transport, and therefore meets the policy aims of sustainable use of land and active travel. No detailed information has been submitted regarding meeting the requirements of energy efficient design, use of locally sourced materials and the reduction of greenhouse gas emissions. However, should the application be approved, it is considered a condition can be attached requiring the applicant to submit a scheme demonstrating how they intend to comply with the Policy.

Policies E3 and E5 require consideration be given to protecting air quality and impact of noise. Environmental Health have stated that an Air Quality Impact report is required to be submitted. This can be controlled by condition.

Planning Advice Note 1/2011: Planning and Noise (PAN), promotes the principles of good acoustic design and a sensitive approach to the location of new development and a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected. The proposed care home is located approximately 17metres distance from the East Kilbride railway tracks. The assisted care accommodation is some 12metres distance, in keeping with the previously approved application. Given the proximity of the railway line and potential noise impact on the amenity of future residents, the Council's Environmental Health Service have requested that conditions are attached regarding details of the acoustic fence be submitted as per the previous approved planning application (2020/0287/TP).

Policy E8 requires a Sustainable Urban Drainage System (SUDS) to be incorporated into all new developments to moderate surface water drainage from the site and mitigate impacts on water quality. The applicant has submitted a SUDs and drainage impact assessment which states that source control of surface water and limiting the impact on the sewerage network have been achieved with the drainage proposals for this development. The treatment associated with the permeable surfaces to the parking courts and roof surface water run-off and the treatment associated with the impermeable treatment trench to the access road surface water runoff provides an appropriate SUDS chain for the development proposed. It also concludes that attenuation of storm events up to and including 200 years + 30% for Climate Change is accommodated within the drainage network and SUDS chain with no flooding, ensuring no detrimental impact on the existing network.

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

Policy E10: Vacant, Derelict and Contaminated Land states that where contamination of a site is identified, applicants will be required to submit a contaminated land survey alongside their application. The applicant has not submitted a site investigation demonstrating if the site is suitable for its proposed end use. Environmental Health have stated that due to the site's previous land use and resultant potential for contamination, that further information is required regarding the condition of the ground and the site's suitability for its proposed use. It is considered that the

contamination report can be dealt with adequately by a planning condition should the Council be of a mind to approve the application.

Given the above, it is considered that the proposal, subject to conditions, raises no significant issues in terms of Policies E1, E3, E5, E8, E9 and E10 of the Local Development Plan2.

### Representations

In terms of the issues raised by representations regarding open space, greenspace, habitation, trees and biodiversity, traffic and congestion, and road safety, these have been assessed above in the report. The issues concerning construction impact are controlled by conditions.

As noted previously, the principle of the development has been established through the previously approved application and therefore, the issue raised by representations regarding the need for care facilities is not considered relevant to the current proposal which is for a reduction in the care bed numbers and a redesign of the building. Further, given nature and scale of the proposal and the fact that the previous consent is still extant, it is considered unreasonable to seek additional information on biodiversity and environmental impact.

In terms of the lack of public consultation/notification. The application is considered a major application, however, as it is an amendment to an extant consent, there is no requirement for the developer to undertake a public consultation. The Planning Service are satisfied that the notification of neighbours including advertisement of the application was carried out as prescribed by legislation.

The issue raised regarding the condition of the road is not a planning consideration in assessing this application and is best dealt with by the Roads Authority.

It is understood that the developer started preliminary site investigations which they can do without the need for planning permission. They had not implemented the development. Therefore the issue raised regarding starting development is not material in assessing the application.

### Overall Conclusion

The application is to amend the design of the previously approved application (2020/0287/TP), which established the principle of this type of development on this site. Further, it is considered that the proposal is in a sustainable location and could bring economic benefits to the area as well as redevelop an area of vacant brownfield land in keeping with the aims and objectives of the Local Development Plan2 and the Scottish Government's planning policy.

The applicant has stated that the redesign is necessary to meet the requirements of the Care Commission.

The redesign will reduce the number of care beds by 2, reduce the footprint of the care home, and increase the height of the southern wing from two storey to three storey. It is considered that the redesign will reduce the overall massing of the building and improve the appearance of the building when seen in context of the wider area. The reduced footprint will mean the building will be further away from the adjacent residential properties, which are some 38metres distance on Drumby Crescent, and therefore it will minimise any impact on the neighbours.

The scale and nature of the proposal is not considered strategic and it raises no significant issues in terms of the Local Development Plan2. There are no material considerations, including issues raised by representations that would justify refusing the applications. Therefore it is recommended that the application be approved subject to conditions and a minute of agreement in relation to the legal agreement (Section 75) associated with the previously approved application (2020/0287/TP).

**PLANNING OBLIGATIONS:** None, however as stated above, a minute of agreement is required to be added to the existing legal agreement associated with 2020/0287/TP.

## **RECOMMENDATION: Approve subject to conditions**

1. The development hereby approved must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted or, as the case may be, deemed to be granted.

Reason: To comply with the provisions of section 58 of The Town and Country Planning (Scotland) Act 1997, as amended.

2. Development shall not commence until a scheme to deal with potential contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of:

- i) the nature, extent and type(s) of contamination on the site;
- ii) measures to treat/remove contamination to ensure the site is fit for the use proposed;
- iii) measures to deal with contamination during construction works.

Before any part of the development is brought into use the approved measures to decontaminate/remediate the site shall be fully implemented and a verification report submitted to the Planning Authority unless a phased program is agreed in writing as part of the approved scheme.

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

3. Development shall not commence until detailed levels, diagrams and sections, showing the existing and proposed levels throughout the site and finished floor levels in relation to a fixed datum point have been submitted to and approved in writing by the planning authority. Thereafter the development shall be constructed in accordance with the approved levels, diagrams and sections.

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

4. Development shall not commence until samples of materials to be used on all external surfaces of the building and hard surfaces have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

5. Development shall not commence until details and location of all walls (including retaining walls) and fences to be erected on the site have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

6. Development shall not begin until details of the mitigation measures (including details of the acoustic fence as shown on drawing 151-L(20)-200 RevP13) have been submitted to and approved in writing by the planning authority. The mitigation measures including the acoustic fence shall be designed to ensure that internal noise levels shall not exceed BS8233:2014 daytime and night-time criteria in the proposed buildings. Thereafter the development shall be implemented in accordance with the approved details prior to any part of the development hereby approved being brought into use.

Reason: To ensure there is no adverse impact on future residents and that the development is acceptable in appearance.

7. Development shall not commence until a detailed survey of all trees and hedges on the site has been undertaken and submitted to and approved in writing by the planning authority. This survey shall be displayed on a site layout plan and include an identification of existing tree species, an estimation of their height and spread of branches and their location within the site accurately plotted (any trees around the perimeter which overhangs into the site shall also be included). Those trees which are proposed to be felled or removed shall be separately identified.

The trees identified to be retained shall be protected by fencing erected on at least the fullest extent of the canopy on broadleaf trees and half the height of conifer trees as set out in BS3998/2010 and BS5837/2012. Development shall not commence until details of the location and type of fencing have been submitted to and approved in writing by the planning authority.

Thereafter the approved treeworks and any protection measures shall be fully implemented on site and the protection measures remain in position throughout the construction of the development.

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

8. Development shall not commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:-
- i) Details of any earth mounding, hard landscaping, grass seeding and turfing;
  - ii) A scheme of tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted;
  - iii) Other structures such as street furniture;
  - iv) Details of the phasing of the landscaping works;
  - v) Schedule of maintenance.

For the avoidance of doubt, the landscape scheme shall be designed to accommodate the position and height of the acoustic fence as required under condition 6 above. In addition, and for the avoidance of doubt, the landscaping/tree planting scheme shall be designed to protect the privacy and amenity of the rear garden areas of the residential properties on Drumby Crescent.

Thereafter the landscaping works shall be fully implemented as approved.

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

9. Development shall not commence until details have been submitted of a management scheme to ensure that the landscaped areas and other areas of common ownership are maintained to an approved standard. The management scheme requires to be approved in writing by the planning authority and shall thereafter be in place prior to the occupation of either building on the site.

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



10. Development shall not commence until details of all external lighting (including details of the lighting units, the angle and intensity of illumination and hours of operation) have been submitted to and approved in writing by the planning authority. Thereafter the lighting shall be implemented as approved.

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

11. Details of the proposed actions and mitigation measures, including phasing of any works and proposed lighting, as recommended in the Bat Survey (dated 4<sup>th</sup> April 2022) submitted as part of the planning application shall be submitted for the written approval of the planning service prior to the start of any development hereby approved. Thereafter the details submitted shall be implemented as per the agreed phasing.

Reason: To ensure that there is no adverse impact on protected species.

12. Development shall not commence until details have been submitted of a management scheme to ensure that the Sustainable Urban Drainage Systems (SUDS) and Drainage Strategy (updated 9th June 2022) submitted as part of the planning application hereby approved are maintained to an approved standard. Thereafter, the SUDS and Drainage Strategy and management scheme shall be fully implemented prior to any part of the development being brought into use.

Reason: In the interests of sustainable development.

13. Visibility splays of 2.5 metres by 25 metres shall be provided in both directions at the junction of the new access with the existing road prior to the commencement of use of the development and thereafter maintained free from any obstructions exceeding a height of 1.05m above the adjacent road.

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

14. Notwithstanding the plans hereby approved, development shall not commence until details including plans showing a continuous pedestrian link between the proposed disabled bays (as shown on drawing 151-L(20)-200 RevPI3) and the access to the care home.

Reason: To allow the planning authority to assess this matter and to ensure that the development is safe for users.

15. Prior to commencement of the development, a scheme including phasing shall be submitted to and approved by the Planning Authority for the installation of EV Charging points within the site as required by the Local Development Plan2 Policy D11. Thereafter the scheme shall be implemented as approved.

Reason: In order for the Planning Authority to consider these matters further and to ensure the development complies with the Local Development Plan2.

16. Prior to commencement of the development, a scheme shall be submitted to and approved by the Planning Authority setting out the measurements that have been or will be put in place within the site as required by the Local Development Plan2 Policy E1. The said scheme shall include any phasing details as necessary. Thereafter the scheme shall be implemented as approved.

Reason: In order for the Planning Authority to consider these matters further and to ensure the development complies with the Local Development Plan2.

17. There shall be no construction work or offloading of delivered materials at the development site outwith the hours of 0800 to 1900 Monday to Friday and 0800 to 1300 on Saturday with no working on Sunday or local or national public holidays unless minor and temporary amendments have been otherwise agreed in advance in writing by the planning authority. The starting up/warming up and shutting down of any construction machinery outwith these hours shall not be audible from the boundary of any noise sensitive property.

Reason: To prevent noise nuisance to the surrounding area.

18. Development shall not commence until an Air Quality impact report has been submitted to and approved in writing by the planning authority. In addition the report shall also consider the potential impact of the development during site preparation and construction works on the surrounding area. The report shall identify any remedial measures required to mitigate any negative impact on air quality including the control of dust during construction to minimise the impact on adjacent neighbours and future occupants of the site. Thereafter the mitigation/measures identified shall be implemented as approved.

Reason: To protect the amenity and health and wellbeing of residents and future residents.

19. Development shall not commence until a scheme to deal with any dust created from construction activity on site has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented as approved.

Reason: To prevent dust nuisance to the surrounding area.

## **ADDITIONAL NOTES:**

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

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

In addition to planning legislation, I would draw your attention to the provisions of the Nature Conservation (Scotland) Act 2004 and the Wildlife and Countryside Act 1981 with regard to the protection of Wildlife and, in particular, the needs to ensure that all works are preceded by a check for nesting birds. It is a criminal offence to intentionally or recklessly damage, destroy or otherwise interfere with any wild bird nest which is in use or being built or, which, at any other time, is habitually used by certain birds protected by special penalties. Where it is proposed to carry out works which will affect European Protected Species (including bats) or their shelter/ breeding places, checks should first be made by an appropriate bat surveyor. In the event a protected species would be affected a licence is required from the Scottish Government. Further information on these matters can be sought initially from Scottish Natural Heritage or Scottish Government Species Licensing Team, Countryside and Heritage Unit, Victoria Quay, Edinburgh.

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

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

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

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

East Renfrewshire Council Roads Service should be consulted regarding the specification for the formation of the necessary footway crossover.

## **ADDED VALUE:**

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

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

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

## **BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr John Drugan on 0141 577 3001.

Ref. No.: 2022/0345/TP  
(JODR)

DATE: 29<sup>th</sup> November 2022

**DIRECTOR OF ENVIRONMENT**

BLANK PAGE

# **REPORT OF HANDLING**

Reference: 2022/0355/TP

Date Registered: 12th September 2022

Application Type: Planning Permission in Principle    This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 253857/:654042

Applicant/Agent:

Applicant:

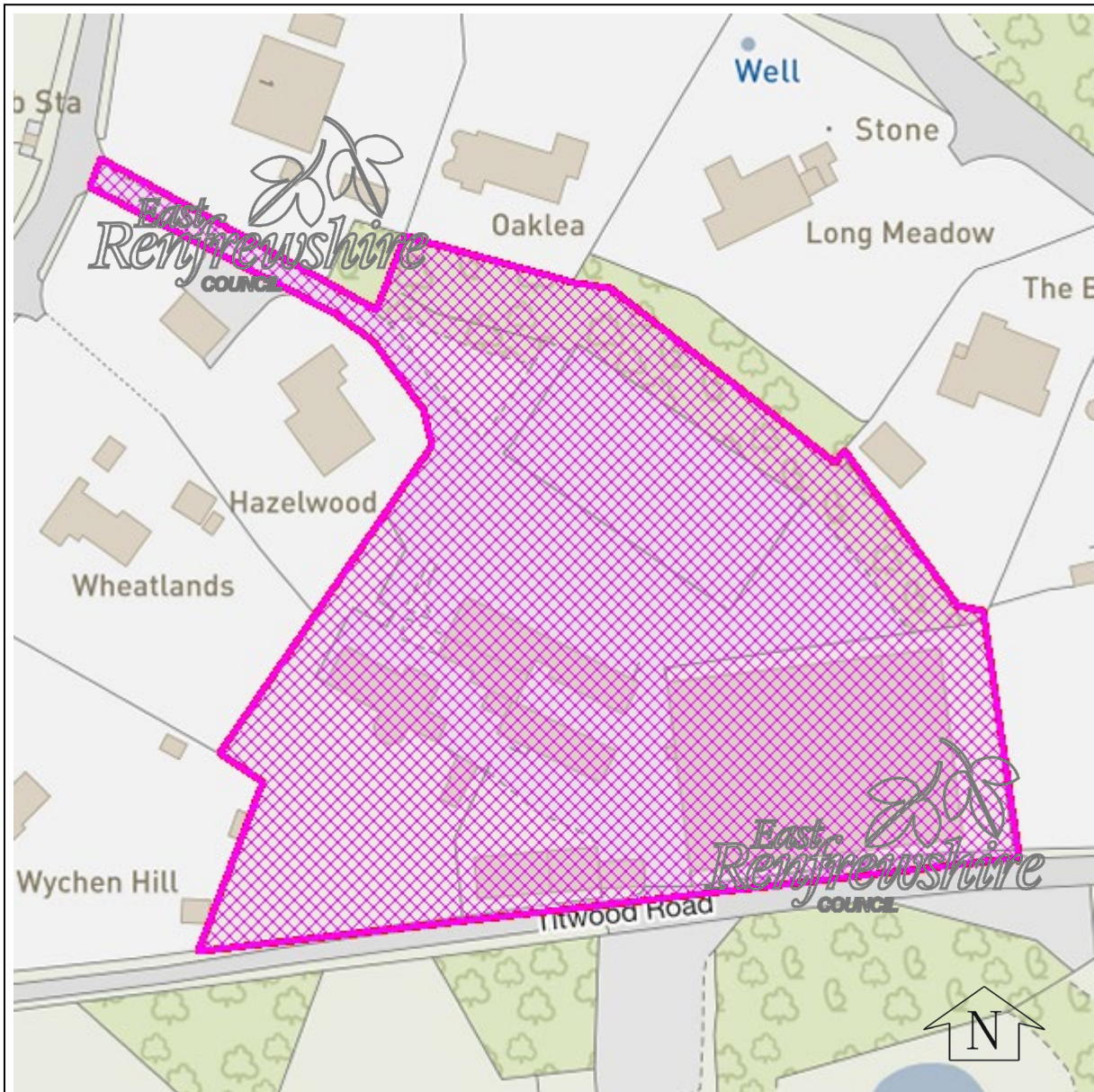
Mrs Nicola Young  
Gordons Chamber  
90 Mitchell St  
GLASGOW  
G1 3NQ

Agent:

Paul Hughes  
Gordons Chambers  
90 Mitchell St  
Glasgow  
G1 3NQ

Proposal: Erection of five new-build dwellings following the demolition of the existing riding school buildings; with the retention of the existing dwellinghouse

Location: Hazelden Riding School  
Hazelden Road  
Newton Mearns  
East Renfrewshire  
G77 6RR



**DO NOT SCALE**

Reproduced by permission of Ordnance Survey on behalf of HMSO. (C) Crown Copyright and database right 2022. All Rights Reserved. Ordnance Survey License number 100023382 2022, East Renfrewshire Council

**CONSULTATIONS/COMMENTS:**

East Renfrewshire Council Principal Strategy  
Officer – Affordable Housing and Developer  
Contributions

The applicant has agreed in principle to the provision of the minimum 25% affordable housing contribution via payment of a commuted sum. There is a significant education capacity issue in the area to which there is currently no viable solution. At this stage the application is premature and should be resisted as the erection of the dwellings would have a detrimental impact on the ability of the Council to provide sufficient education spaces for the resident population.

East Renfrewshire Council Roads Service

No objection subject to conditions. Requirements include a 2m wide footway from the site along Hazelden Road to tie into the existing provision on Mearns Road and improvements to Hazelden Road to accommodate the increase in traffic generated by the development.

East Renfrewshire Council Environmental  
Health Service

No objection subject to conditions.

Glasgow Airport

No objection subject to submission of details relating to all buildings and structures.

Glasgow Prestwick Airport

No objection.

NERL Safeguarding

No objection.

West Of Scotland Archaeology Service

No objection.

Broom, Kirkhill And Mearnskirk Community  
Council

Objects to the proposal citing that further information is required.

**PUBLICITY:**

01.07.2022

Evening Times

Expiry date 15.07.2022

**SITE NOTICES:**

None.

**SITE HISTORY:**

2002/0414/TP

Erection of rear conservatory and alterations to existing roof

Approved Subject  
to Conditions

08.07.2002

1998/0445/TP	Siting of a residential caravan	Approved Subject to Conditions	04.12.1998
1999/0078/TP	Erection of dwellinghouse	Approved Subject to Conditions	28.06.1999
2004/0463/TP	Re roofing of existing indoor riding arena and extension to indoor riding arena	Approved Subject to Conditions	15.07.2004
2010/0694/TPO	Fell:2 Fir Trees Plant:One specimen tree	Approved Subject to Conditions	20.10.2010
2019/0751/TP	Erection of 24 flats and 4 dwellinghouses following demolition of existing equestrian centre and stables; formation of driveway to Hazelden House	Withdrawn	27.02.2020
2020/0550/TP	Erection of 17 no. flatted units contained within 4 no. villas following demolition of existing equestrian centre and stables; formation of driveway to Hazelden House	Refused	10.03.2021

**REPRESENTATIONS:** Nineteen objections have been received and can be summarised as follows:

Loss of 18<sup>th</sup> century buildings  
 Loss of equestrian centre  
 Over-development of the site/proposal not in keeping with the surrounding housing densities or character of the area  
 Impact on local road network/impact on public roads safety and pedestrian safety  
 Impact on local sewer infrastructure  
 Contrary to the Local Development Plan 2/development in the green belt  
 EIA should be submitted  
 Proposal is unclear about the total number of dwellings  
 Impact on trees  
 Impact on wildlife  
 Proposal would encourage reliance on private car use  
 Plans are not specific about the size and design of the dwellings  
 Would set a precedent for development on nearby sites  
 Over-shadowing  
 No need for new homes  
 Other planning applications have been refused in the green belt  
 Noise impact  
 Loss of privacy



## **DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:**

The relevant policy documents can be found at the following links:

Scottish Planning Policy –

<https://www.gov.scot/publications/scottish-planning-policy/documents/>

The Glasgow and Clyde Valley Strategic Development Plan –

<https://www.clydeplan-sdpa.gov.uk/strategic-development-plan/current-plan/current-strategic-development-plan-july-2017>

Local Development Plan2 –

<https://www.eastrenfrewshire.gov.uk/ldp2>

## **SUPPORTING REPORTS:**

Design and Planning Report – Describes the site and its context and provides an indicative description of the site layout. It shows five new-build dwellings with the existing dwelling on the site retained, all served via a cul-de-sac accessed via the existing access from Hazelden Road.

## **ASSESSMENT:**

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

### Site Description and Context

The application site is an irregular shaped area of land measuring 11,774 square metres in area that lies within the greenbelt to the south of Newton Mearns. It lies within an enclave of mainly residential development that is bounded by the triangle formed by Hazelden Road and Titwood Road. The site is accessed from the north-west via Hazelden Road with a second access from the south via the southern spur of Hazelden Road. It is presently occupied by the Hazelden Riding School and equestrian livery business. Historically, the site formed part of the grounds of the now demolished Hazeleden House. The site lies within a tree preservation order area and a right of way runs adjacent to the southern boundary. The site is not identified as a housing site in the adopted LDP2.

The site slopes upwards from the north-west access on Hazelden Road to a plateau towards its centre. From there slope breaks down towards the north-east and falls more gently towards the south.

A large agro-industrial style shed which houses an indoor riding arena and stables occupies the eastern part of the site. In the northern part of the site is a large flat area of ground that serves as an outdoor riding arena. There is a collection of sheds on the site's southern boundary that appear to serve as storage areas. Towards the centre of the site is a collection of sheds that serve as admin offices and storage and the historic, unlisted, stable block formerly associated with Hazelden House. Adjacent to the south-west of those buildings is a single storey dwelling that is presently occupied by the current owners and operators of the riding school/equestrian business. A large, open car-parking area also occupies the centre of the site. The site's eastern and north-eastern boundaries are characterised mainly by a variety of fast growing conifers with a variety of ornamental and deciduous trees growing on the western boundary. The southern boundary is defined by the southern spur of Hazelden Road and characterised principally by the side elevation of the large agro-industrial shed and the rear of the smaller sheds.

As noted above the immediate area to the west, north and east is characterised by residential development within the triangle formed by Hazelden Road and Titwood Road. This residential character is defined by detached dwellings of varying sizes set within relatively generous, established and well defined plots. Beyond the triangle to the south, east and west the area is characterised by open farmland with the GSO and the urban edge of Newton Mearns to the north.

## Proposed Development

Planning permission in principle (PPiP) is sought for the erection of five dwellinghouses following the demolition of the existing riding school buildings, including the unlisted former stable block, the agro-industrial shed, storage areas and admin offices. The existing dwelling on the site is proposed to be retained. The site would therefore accommodate a total of six dwellings. The access to the site is proposed to be taken from Hazelden Road, as per the existing access. The applicant has indicated that improvement works would be undertaken to Hazelden Road.

As this is an application for planning permission in principle, details of the proposed development, including the design and layout of the proposed dwellings and detailed access and parking arrangements, are not considered at this stage. If the application were to be approved, conditions would be attached requiring submission of further details. Those details would come forward via one or more subsequent applications for the Approval of Matters Specified in Conditions.

## Policy

The application requires to be assessed with regard to Strategic Policies 1 and 2 and Policies D1, D3, D6, D7, SG1 and SG4 of the adopted East Renfrewshire Local Development Plan 2.

Strategic Policy 1 details the Council's sequential approach to development, prioritising regeneration, consolidation and environmental enhancement of the urban areas; development of the master planned sites; and infill development within the rural settlements. It also states that proposals for windfall sites will be required to provide the necessary infrastructure resulting from development in accordance with Strategic Policy 2. Where infrastructure constraints cannot be overcome, including impacts on the education estate, proposals will not be supported.

Strategic Policy 2 states that new development must be accompanied by the appropriate services required to support new or expanded communities. Where new developments individually or cumulatively generate a future need for new or enhanced infrastructure provision, the Council will require the development to need or proportionately contribute towards the cost of providing such infrastructure. Where appropriate, development contributions may be sought in relation to education, community facilities, healthcare, parks, transport, active travel and green infrastructure.

Policy D1 relates to all development and seeks to protect the character and amenity of the area. It states that proposals should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building, design and materials. Appropriate access and parking arrangements should be provided.

Policy D3 relates to development in the greenbelt. It states that development in the greenbelt will be strictly controlled and limited to that which is required and is appropriate for a rural location and which respects the character of the area. Policy D3 goes on to state that development proposals in the greenbelt will be considered favourably where they relate to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the greenbelt.

Policy D6 states that minimum open space requirements should be achieved within new residential development. Policy D7 seeks to protect the integrity of the tree preservation order and to ensure that proposals do not result in adverse ecological impacts. Policy D8 seeks to ensure that proposals will be required to be accessible by foot and cycle and to prioritise active travel.

Policy SG1 states that proposals for housing on both allocated sites and on windfall sites not identified for housing, will require to comply with Strategic Policies 1 and 2 and Policy D1 and any other relevant policies of LDP2.

Policy SG4 on Affordable Housing and the adopted Supplementary Planning Guidance on Affordable Housing are also relevant. The Council's policy requires a minimum 25% affordable housing contribution where planning permission is sought for residential developments of 4 or more dwellings.

### 2006 Appeal Decision

Planning permission was refused for the erection of a dwellinghouse on a nearby site at House O' Hill in 2006 under reference 2006/0177/TP. A subsequent appeal to the Scottish Ministers was allowed and the reporter noted that the greenbelt within the triangle formed by Hazelden Road and Titwood Road has the character of an established residential area and includes an equestrian centre (the current application site). In allowing the appeal, the reporter reasoned that the appeal proposal would neither extend development beyond the developed area nor result in the loss of previously undeveloped land. He continued that the proposal would not result in the loss of agricultural land and that development within this well-defined pocket would not harm the character or effectiveness of the greenbelt. This appeal decision has been a material consideration in assessing other proposals for individual dwellings in the triangle which have been granted planning permission, most recently at Long Meadow (2019/0495/TP). These subsequent decisions and the appeal decision are material to the consideration of this application.

### Assessment

The proposal represents the development of a site within the greenbelt without any justification in terms of agriculture, forestry, outdoor recreation or other rural enterprise. The proposal therefore fails to meet the sequential test and is contrary to Strategic Policy 1 and Policy D3 of the adopted East Renfrewshire Local Development Plan 2. The 2006 appeal decision and subsequent grants of planning permission for various residential developments within the triangle formed by Hazelden Road and Titwood Road are nevertheless material considerations and have established the principle of sensitive residential infill development within the triangle.

In respect of the previous appeal decision and relevant planning approval referred to above, it is noted that the scale of this proposal differs significantly from the type of proposal allowed at appeal and subsequent approvals, which were effectively smaller gap site proposals. The current proposal could therefore have the potential to significantly alter the character and amenity of the residential enclave, particularly as the applicant has stated that five new dwellings are proposed and that a development of this nature would in all probability require various local infrastructure upgrades and changes to the established site boundaries. While the planning authority would have control over the type and number of dwellings built (if the development is approved), it is not considered that the applicant has adequately demonstrated in this application for planning permission in principle, that the proposal would not have a significant detrimental impact on the character and amenity of the green belt or on the character of the residential enclave. The planning authority is not therefore satisfied that, in the absence of further details, the proposal would comply with Policies D1 and D3 of the adopted Local Development Plan 2 in terms of its impact on the character and amenity of this area.

There are no trees of any note within the area proposed for development. The trees along the site's boundaries will be predominantly retained and protected. The proposal therefore raises no significant issues in terms of Policy D7 in respect of protected trees. If the application is approved, a planning condition can be imposed regarding the requirement to undertake a protected species survey.

Policy D8 seeks to ensure that proposals will require to be accessible and permeable by foot and cycle. While this development is relatively small scale, it is noted that due to its location, the site is

not easily accessible by pedestrians. The Roads Service has provided comments, including a requirement for a pedestrian connection along Hazelden Road, together with upgrading works to ensure that this road is capable of accommodating increased traffic. While the applicant has not demonstrated how the works required by the Roads Service will be achieved, it is considered that these works could be implemented and therefore the accessibility of the site is not considered to be a reason to refuse the proposal in this instance, given the existing use of the site and surrounding developments.

Policy D6 states that minimum open space requirements should be achieved within new residential development. In this instance, given the rural context and proposed plot sizes, there is considered to be no conflict with this policy.

The site is not identified as a housing site under Policy SG1 and is therefore considered as a windfall site.

The application of the minimum 25% affordable housing contribution to the proposal for 5 dwellings would result in a contribution based on 1.25 units. Given the specific circumstances and the location of the development, should the proposal be otherwise supported, the Principal Strategy Officer (Affordable Housing and Development Contributions) has advised that the payment of a commuted sum would be acceptable. In accordance with Scottish Government Planning Advice Note 2/2010 (PAN 2/2010): Affordable Housing and Housing Land Audits, the commuted sum required would be of a value equivalent to the cost of providing the percentage of serviced land required by the policy at a reasonable density for the end use as affordable housing. In line with PAN 2/2010, the value of the commuted sum will be determined by the District Valuer. The applicant has agreed to the principle of these affordable housing policy requirements. Should the committee be minded to grant the application, a legal Agreement under s75 of the Town and Country Planning (Scotland) Act 1997 (as amended) will be required. Subject to the satisfactory conclusion of the required legal Agreement, the proposal would raise no conflict with Policy SG4 of the adopted LDP2.

The Principal Strategy Officer (Affordable Housing and Development Contributions) has provided the applicant with a summary of policy requirements setting out the development contributions requirements for this proposal should the Committee be minded to grant the application. The summary also crucially highlighted a significant education infrastructure capacity issue, to which there is no viable solution at present. As noted above, Strategic Policy 1 of LDP2 advises that proposals for windfall sites will be required to provide the required infrastructure resulting from development in accordance with Strategic Policy 2. Where infrastructure constraints cannot be overcome, including any impacts of additional residential development upon education infrastructure, proposals will not be supported.

#### Note on Education constraints

Sufficient education places for the resident population must, as a legislative duty, be provided by East Renfrewshire Council. This proposed development is not included in LDP2. If windfall proposals were to go ahead in this area, cumulatively there would be a significant impact on the education estate, particularly as this is an area where schools and early years establishments occupancy rates are extremely high. In terms of the catchment schools for this proposal:

- Maidenhill Primary is projected to have above 100% planning capacity by 2028.
- St Clare's Primary currently has occupancy above 90% planning capacity (2021 schools rolls) and is projected to have above 100% planning capacity by 2028. (St Clare's and Maidenhill Primary Schools are relatively new schools that were built specifically as required Education infrastructure for the planned land release at Maidenhill under LDP1. The rolls of these schools are increasing significantly year on year as the planned housing developments are built out and occupied. Any remaining capacity at these schools is to accommodate pupils generated from the Maidenhill development, which is still under construction).

- Mearns Castle High School currently has occupancy above 85% planning capacity (2021 school roles) and is projected to continue to be above 85% planning capacity by 2028.
- St Ninian's High School currently has occupancy above 100% planning capacity (2021 school rolls) and is projected to continue to be above 100% planning capacity by 2028. Newton Means Early Learning and Child Care is projected to have occupancy above 100% planning capacity by 2028 and
- Isobel Mair currently has occupancy above 100% planning capacity (2021 school rolls) and is projected to continue to be above 100% planning capacity by 2028.

The Principal Strategy Officer (Affordable Housing and Development Contributions) has therefore advised that without appropriate education infrastructure in place, the proposal, for the erection of the dwellings is therefore premature and that the proposal should be resisted at this time.

Given the foregoing considerations in terms of the impact on the education infrastructure, the proposal is considered to be contrary to Strategic Policy 1 of the adopted East Renfrewshire Local Development Plan 2.

It should be noted that the applicant has reduced the number of proposed new-build houses on the site from seven to five during the processing of the application.

### Representations

The following comments are made on the points of objection not specifically addressed above:

The existing buildings within the site, including the 18th century stable block/coach house are not listed. The Council therefore has no powers to prevent their demolition. Any decision to close the riding school would be a decision for the owners of the business and cannot be regulated by local planning policy. In terms of impact on the local road network and on road and pedestrian safety, the Roads Service has indicated it has no objection to the proposal subject to conditions. If the application is approved, SUDS details can be considered with applications for matters specified in conditions. The applicant would require the separate consent of Scottish Water before connecting to any public drainage infrastructure. An Environmental Impact Assessment is not required in this instance. It is clear that the total number of dwelling on the site under this proposal would be 6: five new-build and one existing. If approved, this could be controlled via the imposition of a planning condition. The site is not covered by a nature designation. If the application were to be approved further surveys relating to protected species would be required at the stage of the approval of matters specified in conditions. Whilst it is noted the site is not in close proximity to public transport facilities, the development of 5 new dwellings would not be considered to give rise to a significant increase in car use to an extent that would justify a refusal of the application on those grounds. The size and design of the dwellings would be assessed at the stage of approval of matters specified in conditions should the application be approved. Precedent is not a material planning consideration and any subsequent similar proposals would be assessed on their own merits. Overshadowing would be assessed at the stage of approval of matters specified in conditions should the application be approved. Whilst the cumulative impact of the proposed dwellings has been assessed in terms of impact on the education estate, the commercial decision to propose new homes is not a material planning consideration. Whilst other planning applications have been considered in the green belt, each application is assessed on its own merits. The proposed residential use of the site would not be considered to give rise to significant noise impact. If the application were to be approved, a condition limiting the hours of construction could be included on any planning permission granted. If the application were to be approved, overlooking from the proposed dwellings would be assessed at the stage of approval of matters specified in conditions.

### Conclusion

In conclusion, the proposal is considered to be contrary to Strategic Policy 1 of the adopted East Renfrewshire Local Development Plan 2 as the erection of unplanned-for housing at this location

will have a detrimental impact on the ability of the Council to provide sufficient education spaces for the resident population.

It is also contrary to Policies D1 and D3 of the adopted East Renfrewshire Local Development Plan 2 as the applicant has not demonstrated that the proposal would not have a detrimental impact on the character or amenity of the green belt or of the surrounding area.

**PLANNING OBLIGATIONS:** None.

**RECOMMENDATION:** Refuse

**REASONS FOR REFUSAL:**

1. The proposal is contrary to Policy SG1 of the adopted East Renfrewshire Local Development Plan 2 as the erection of unplanned-for housing at this location will have a detrimental impact on the ability of the Council to provide sufficient education spaces for the resident population.
2. The proposal is contrary to Policies D1 and D3 of the adopted East Renfrewshire Local Development Plan 2 as the applicant has failed to demonstrate that the proposal would not have a detrimental impact on the character and amenity of the green belt and the surrounding area.

**ADDITIONAL NOTES:** None.

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3001.

Ref. No.: 2022/0355/TP  
(DESC)

DATE: 29<sup>th</sup> November 2022

**DIRECTOR OF ENVIRONMENT**

EAST RENFREWSHIRE COUNCIL  
PLANNING APPLICATIONS COMMITTEE

7<sup>th</sup> December 2022

Report by Head of Environment (Chief Planning Officer)

Planning Applications Committee Meeting Schedule

## **INTRODUCTION**

1. The purpose of this report is to seek authority to reduce the frequency of Planning Applications Committee meetings from January 2023 onwards.

## **RECOMMENDATION**

2. It is recommended that the Committee agrees to a reduction in the number of Planning Applications Committee meetings held, from eleven to six from January 2023 onwards.

## **BACKGROUND**

3. The instances in which planning applications require to be reported to the Planning Applications Committee are set out in the East Renfrewshire Council Planning Scheme of Delegation, which is attached at Appendix A.

4. The Planning Applications Committee currently meets monthly and is supported by officers from Democratic, Planning and Legal Services with other Services attending as required.

## **REPORT**

5. In 2022, the Planning Applications Committee met on eleven occasions and determined twenty-one Planning Applications. On average two Applications were presented to each meeting and a breakdown of this year's activity is provided in Appendix B.

6. It is considered that, given the average Planning Application caseload, there is merit in reducing the number of Planning Applications Committee meetings held in a year. If there was, a reduction in the number of meetings from eleven to six, that would increase the number of applications determined at each meeting to approximately three.

7. The proposed change would release officers to undertake other duties and, whilst it is not thought that the reduction in meetings would adversely impact on applicants or Council performance figures, the option would still exist to call additional meetings of the Committee if circumstances required.

8. It is therefore recommended that meetings are held every second month from 2023 onwards in February, April, June, August, October and November/ December. If additional dates are required, these can be scheduled in the alternate months.

**FINANCE AND EFFICIENCY**

9. This will result in a reduction in the need for officer support and will release officers to undertake other duties.

**CONSULTATION**

10. This matter has been discussed with Democratic and Legal Services and with the Planning Applications Committee Chair and Vice Chair.

**PARTNERSHIP WORKING**

11. This report has no partnership working implications.

**IMPLICATIONS OF THE PROPOSALS**

12. The proposed change will result in a reduction in the need for officer support and will release officers to undertake other duties.

**CONCLUSIONS**

13. It is considered that, in view of the number of applications that are reported to the Planning Applications Committee meetings, there is scope to reduce the frequency of meetings held from eleven to six from 2023 onwards. The option will remain to hold additional meetings if workload dictates.

**RECOMMENDATIONS**

14. It is recommended that the Committee agrees to a reduction in the number of Planning Applications Committee meetings held, from eleven to six, from January 2023 onwards.

Head of Environment (Chief Planning Officer)

Report Author: Julie Nicol, Planning and Building Standards Manager  
07918 499678 e.mail: Julie.nicol@eastrenfrewshire.gov.uk

December 2022



## APPENDIX A

**East Renfrewshire Council Planning Scheme of Delegation**

Approved by East Renfrewshire Council on 25<sup>th</sup> February 2021  
and the Scottish Ministers on 15<sup>th</sup> March 2021

**Made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997  
[as amended by Section 17 of the Planning etc. (Scotland) Act 2006]  
and The Town and Country Planning (Schemes of Delegation and Local Review  
Procedure)(Scotland) Regulations 2013**

The Director of Environment, *the Head of Environment (Chief Planning Officer), the Planning and Building Standards Manager or Principal Planner* is authorised in relation to development management to determine all 'local development' applications for planning permission (*including planning permission in principal and applications for consent, agreement or approval required by a condition imposed on a grant of planning permission*). 'Local development' is defined by the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and summarised below. The above authorisation applies unless the planning application involves any of the circumstances specified in (i) to (viii) below, in which case the application will be referred to the Planning Applications Committee for determination:-

- (i) the planning application is made by an *Elected* Member of East Renfrewshire Council *or their spouse or their partner*,
- (ii) the planning application is made by an employee of the Council's Planning and Building Standards Services *or their spouse or their partner*,
- (iii) an employee of the Council's Planning and Building Standards Services, *or their spouse or their partner*, has an interest in a planning application, for example, as an objector,
- (iv) there are 10 *or more* objection letters or *electronic communications* from 10 *or more individuals, who state their objections (including giving their reasons) in relation to the proposed development or use under consideration*.
- (v) where it is proposed to approve a proposal that is significantly contrary to the development plan
- (vi) the proposal has been subject to an Environmental Impact Assessment,
- (vii) where there are associated applications being considered by the Committee *e.g. where a planning application is accompanied by an associated Conservation Area Consent or Listed Building Consent*, or
- (viii) the application is made by the planning authority and 4 elected Members have individually requested a referral of the application to the Planning Applications Committee within 21 days of the validation of the application.

Additionally, Elected Members will be able to refer an application to the Planning Applications Committee where all of the following criteria are met:-

- (viii) at least two elected Members individually request the referral; and
- (ix) that the referral is received within 21 days of the validation of the application, and
- (x) where there are 6 *or more* objection letters or e-mails from 6 *or more individuals, who make their objections (including giving their reasons) in relation to the proposed development or use under consideration*.

For the avoidance of doubt for the purposes of the above referrals:

- a) Petitions shall be treated as a single objection,
- b) One letter or *electronic communication* signed by three people will count as one,

- c) The same person sending in three different letters, or *electronic communications* will only count as one,
- d) Three separate letters or *electronic communications* (albeit with the same text) from three different people will count as three.

### **Local Developments**

#### **(1) Residential**

- (a) Applications for alterations or extensions to existing dwelling houses and other householder planning applications eg driveways, garages and other outbuildings
- (b) All planning applications for up to and including 49 dwellings.
- (c) All applications for residential development for sites less than 2 hectares in area.

#### **(2) Business and General Industry, Storage and Distribution**

- (a) Alterations to existing buildings.
- (b) Construction of buildings, structures or other erections for use as an office, for research and development for products or processes, for any industrial process or for the use of storage or as a distribution centre up to a gross floor space of the building, structure or other erection of less than 10,000 square metres.
- (c) Construction of buildings, structures or other erections for use as an office, for research and development of products or processes, for any industrial process or for the use of storage or as a distribution centre, the site area of which is less than 2 hectares.

#### **(3) Electricity Generation**

- (a) Construction of an electricity generating station providing the capacity of the generation station is less than 20 megawatt.

#### **(4) Waste Management Facilities**

- (a) Construction of facilities for use for the purpose of waste management or disposal provided the capacity of the facility is under 25,000 tonnes per annum.
- (b) In relation to facilities for use for the purpose of sludge treatment, the capacity to treat residual sludge is no more than 50 tonnes (wet weight) per day.

#### **(5) Transport and Infrastructure Projects**

- (a) Construction of new or replacement roads, railways, tramways, waterways, aqueducts or pipelines providing the length of road, railway, tramway, waterway, aqueduct or pipeline does not exceed 8 kilometres.

#### **(6) Fish Farming**

- (a) The placing or assembly of equipment for the purpose of fish farming (the breeding, rearing or keeping fish or shellfish) providing the surface area of water covered is less than 2 hectares.

#### **(7) Minerals**

- (a) The extraction of minerals providing the area of the site is under 2 hectares.

#### **(8) Other Developments (Including planning applications for retail developments, education, institutional leisure, assembly, temporary buildings and uses, telecommunications developments, licensed premises and mixed use developments.)**

- (a) Any development not falling within the above classes of development providing the gross floor area of any building, structure or erection constructed is less than 5,000 sq. metres.
- (b) Any development not falling within the above classes of development providing the area of the site is less than 2 hectares.
- (c) Any development comprising a combination of the above classes providing the gross floor area of any building, structure or erection constructed is under 5,000 sq. metres or the area of the site is less than 2 hectares.

### **NOTE**

Please note that this Scheme of Delegation relates to applications for planning consent in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997. Delegation of decision-making

for other consents such as advertisement consent, conservation area consent, tree works etc. are covered under the Council-wide [Scheme of Delegated Functions](#) approved separately by the Council.

## APPENDIX B

<u>Meeting Date</u>	<u>Number of Applications</u>	<u>Notes</u>
19 January 2022	1	
16 February 2022	2	1 of these Planning Applications was referred to Committee, as applicant was an employee of the Planning and Building Standards Service.
16 March 2022	2	1 of these Planning Applications was referred to Committee, as the applicant was an employee of the Planning and Building Standards Service.
20 April 2022	1	
<i>May 2022 - Council Election Period, No meeting</i>		
15 June 2022	1	This Planning Application was continued from 20 April 2022 meeting to allow a site visit to be held.
10 August 2022	1	Retrospective Planning Application presented for consideration.
24 August 2022 Pre determination Hearing (Full Council)	2	Major Planning Application comprising 1 Planning Application and 1 application for Listed Building Consent.
14 September 2022	4	Included within this meeting were 2 Planning Applications and 1 application for Listed Building Consent for the same site.
20 September 2022 Pre determination Hearing (Full Council)	2	This meeting considered 2 Planning Applications which were continued from 24 August 2022 meeting to allow a site visit to be held.
9 November 2022	3	
6 December 2022	2	