

**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
30th January 2023.

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

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: 2022/0355/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: 2538571:654042

Applicant/Agent:

Applicant:

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

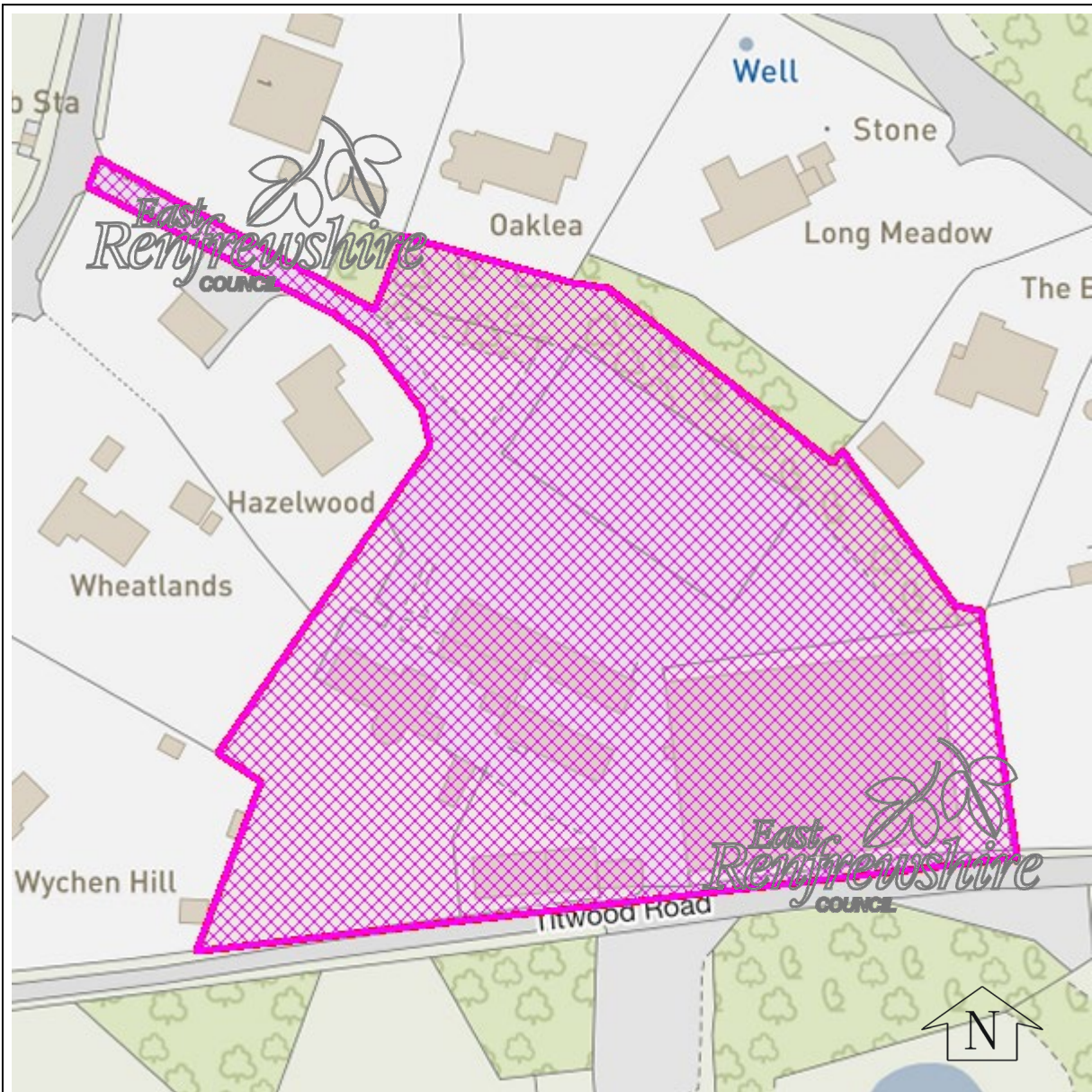
Agent:

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

BLANK PAGE



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

BLANK PAGE

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 18th 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.

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 rolls) 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: 29th November 2022

DIRECTOR OF ENVIRONMENT