

EAST RENFREWSHIRE COUNCIL
PLANNING APPLICATIONS COMMITTEE
7th June 2023
Report by Director of Environment
APPEAL DECISIONS

1. INTRODUCTION

- 1.1 This report is to inform Members about planning appeal decisions that have been issued by the Scottish Government's Planning and Environmental Appeals Division (DPEA).
- 1.2 It is recommended that Members note the appeal decisions below.

2. APPEAL DECISION

- 2.1 **ERC reference 2022/0700/PN; DPEA reference PAC-220-2001** This appeal relates to the decision of the Council to refuse prior approval on 23rd January 2023 for Erection of 20 metre high telecommunications mast (including artificial cypress tree feature) and associated engineering works, including 2.4 metre high fencing with wire coil and gates, cabinets and hardstanding (off Boylestone Road, Barrhead).
- 2.2 The Reporter has dismissed this appeal and planning permission has been refused.
- 2.3 The Reporter considered that the proposal would have a significant adverse landscape and visual impact on the green belt and on the visual amenity of the local area. In respect of the proximity to a SSSI, the Reporter noted that an ecological appraisal should have been submitted and in the absence of such information, she was unable to conclude that there would be no adverse impact on the SSSI and/or local biodiversity site.
- 2.4 The Reporter also noted that insufficient evidence was provided by the applicant to conclude that there are no other suitable sites.
- 2.5 The Reporter concluded that the connectivity benefits of the proposed development did not outweigh its negative impacts.
- 2.6 Further details relating to the appeal can be found online at:
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=123040>

3. APPEAL DECISION

- 3.1 **ERC reference 2021/0869/TP; DPEA reference PPA-220-2077** This appeal relates to the decision of the Council to refuse planning permission on 9th November 2022 for Erection of two dwellings and associated ancillary works, including access at land between 14 and 16 Newton Place, Newton Mearns.
- 3.2 The Reporter has dismissed this appeal and planning permission has been refused.
- 3.3 The Reporter considered that the proposal would change the character of the area markedly and would detract significantly from the value of the site in terms of visual amenity and open space.

- 3.4 The Reporter also noted that the proposal would detract from the setting of the nearby listed church.
- 3.5 The Reporter concluded that the proposed development does not accord overall with the relevant provisions of the development plan and there are not material considerations that would still justify granting planning permission.
- 3.6 Further details relating to the appeal can be found online at:
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=123020>

4. APPEAL DECISION

- 4.1 **ERC reference 2021/0298TP; DPEA reference PPA-220-2076** This appeal relates to the decision of the Council to refuse planning permission on 14th October 2022 for Restoration, Alteration And Conversion Of Caldwell House To Form Assisted Living Flats And Ancillary Facilities (Class 8), Restoration And Alteration Of Former Keeper's House To Form Dwelling (Class 9), Construction Of Care Home (Class 8), Construction Of New Build Assisted Living Flats (Class 8) And Dwellings (Class 9) (122 Bungalows And 51 Flats), Selective Demolitions Of Existing Buildings, And Associated Landscaping, Infrastructure And Engineering Works, Including Upgrade Of Existing Site Access, Roads and Path Network, at Caldwell House, Gleniffer Road, Uplawmoor.
- 4.2 The Reporter has dismissed this appeal and planning permission has been refused.
- 4.3 The Reporter considered that the proposed works to the listed buildings would greatly assist in their preservation and that from a cultural heritage perspective, the benefits of full restoration of the listed buildings greatly outweigh the adverse effects on setting and the other effects on cultural heritage identified in the EIA report. While the Reporter acknowledged that the proposals are designed to minimise vehicle trips by private car to provide community and other services and that a retirement village would have less commuting than for mainstream housing, the number of proposed vehicle movements was noted as well as the lack of public transport. As such, the proposal was considered to be in an unsustainable location and would not be sited to minimise life cycle emissions.
- 4.4 The Reporter also noted that there would be some impacts on veteran trees and ancient woodland, however he also noted the supporting assessments submitted by the applicant which sought to demonstrate that there would be no overall detrimental impact. While there may be some biodiversity benefits associated with the restoration and management of the estate, the Reporter considered that greater weight in this case required to be given to the adverse effects associated with the significant number of vehicle trips which would be generated from a development of this nature and scale in the proposed location.
- 4.5 The Reporter concluded that the proposed development does not accord overall with the relevant provisions of the development plan and there are not material considerations that would still justify granting planning permission.
- 4.6 Further details relating to the appeal can be found online at:
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=122939>

5. APPEAL DECISION

- 5.1 **ERC reference 2021/0334/LBC; DPEA reference LBA-220-2002** This appeal relates to the decision of the Council to refuse listed building consent on 14th October 2022 for Restoration, Alteration And Conversion Of Caldwell House, Involving Removal Of Existing Render, Re-Pointing & Repairs To Stonework, New Roof, New Windows, New Lime Render To All Facades, New/Repaired Chimney Stacks, Selective Demolitions, & Internal Fit-Out With Modern Construction Techniques; Plus Restoration Of Former Keeper's House, Involving Repairs To Stonework, New Roof, New Windows, New Lime Render To All Facades, New Chimney Pots, & Internal Fit Out With Modern Construction Technique, at Caldwell House, Gleniffer Road, Uplawmoor.
- 5.2 The Reporter has allowed this appeal and granted listed building consent, subject to conditions.
- 5.3 The Reporter noted that in refusing this application the council gave the same reasons as it gave for refusing the application for planning permission. The Reporter agreed with the appellant that these reasons relate to the effects of the enabling development not to the effects of the works to the listed buildings. They are not relevant to the main issue identified. Whilst the enabling development is the proposed means to fund the works to the listed buildings, the effects of the proposals in each application can be considered separately.
- 5.4 As there are no significant concerns identified with the proposed restoration works, which would assist with policy objectives to preserve listed buildings, the Reporter found that listed building consent should be granted.
- 5.5 Further details relating to the appeal can be found online at:
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=122938>

6. APPEAL DECISION

- 6.1 **ERC reference 2022/0326TP; DPEA reference PPA-220-2078** This appeal relates to the decision of the Council to refuse planning permission on 15th November 2022 for erection of three storey building comprising shop unit on ground floor and two flatted dwellings on upper floors, including balconies, stairwells and associated works at land adjacent to 679A Clarkston Road, Netherlee.
- 6.2 The Reporter has dismissed this appeal and planning permission has been refused.
- 6.3 The Reporter noted the proximity of the proposed 3 storey building to the adjacent properties and concluded that whilst private views are not a planning consideration, she considered that the proposal would adversely affect the amenity of neighbouring properties due to the significant impact on their immediate outlook.
- 6.4 The Reporter also considered that overall that the design and appearance of the proposal would detract from the setting of the adjacent listed building. Furthermore, it would not meet the requirements of NPF4 Policy 14 in terms of the quality and distinctiveness of design relative to local architectural styles. The Reporter further considered that the proposal would have an adverse effect on the character and appearance of the surrounding area and that this could not be mitigated through a condition on materials.

6.5 The Reporter concluded that the proposed development does not accord overall with the relevant provisions of the development plan and there are not material considerations that would still justify granting planning permission.

6.6 Further details relating to the appeal can be found online at:
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=123033>

7. APPEAL DECISION

7.1 **ERC reference 2021/0232/TP; DPEA reference PPA-220-2075** This appeal relates to the decision of the Council to refuse planning permission on 17th October 2022 for erection of residential care and nursing home with associated car parking, formation of new access, infrastructure and landscaping at Greenbank Church, 36 Eaglesham Rd, Clarkston.

7.2 The Reporter has allowed this appeal and granted planning permission, subject to conditions.

7.3 The Reporter noted that the loss of community facilities would be contrary to policy D12 of LDP2. The Reporter also noted that both the church authorities and the developer, as joint appellants, have confirmed the intention that the appeal development would be the means by which the permitted replacement facilities would be financed. Achieving replacement of the facilities that would be lost would overcome an impediment to the granting of planning permission that would otherwise exist. This is therefore an appropriate subject for a planning condition.

7.4 The Reporter also noted the position of HSCP in respect of the impact of the development on the local care home market and of the wording of policy SG3 of LDP2. The Reporter concluded that the arrangements for the funding of residents occupying care homes is not a matter that is directly relevant to acceptability or otherwise of the appeal proposal and that the question of market competition is also not directly relevant to the development proposed. As such, given the information submitted the Reporter concluded that the proposed development would accord overall with the aims of LDP2 policy SG3.

7.5 The Reporter considered that the proposal would be acceptable in terms of impacts on local amenity and the setting of the adjacent listed church and further that there was no evidence that the proposal would lead to road safety issues.

7.6 The Reporter concluded that although there would be a change to the setting of the listed church, that change would not be adverse. He also concluded that the proposed development accords overall with the relevant provisions of the development plan, including NPF4, and that there are no material considerations which would still justify refusing to grant planning permission.

7.7 Further details relating to the appeal can be found online at:
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=122814>

8. RECOMMENDATION

8.1 Members are asked to note the above.

9. BACKGROUND PAPERS:

9.1 Further information on background papers can be obtained from Mr Alan Pepler on 0141 577 3001.

DATE: 24th May 2023

DIRECTOR OF ENVIRONMENT

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