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EAST RENFREWSHIRE COUNCIL  
PLANNING APPLICATIONS COMMITTEE

14 February 2018

Report by Director of Environment

APPEALS

1.0. **INTRODUCTION**

- 1.1. This report is to inform Members about one new planning appeal that has been lodged with the Scottish Government's Planning and Environmental Appeals Division (DPEA) and three appeal decisions.

2.0 **NEW APPEAL**

- 2.1 **APPEAL 0531** (ERC reference 2017/0526/TP; DPEA reference PPA-220-2043). This appeal relates to the erection of a two storey side extension at 14A Carmunnock Road, Busby. The application was refused at the Planning Applications Committee on 4 October 2017.

3.0 **APPEAL DECISIONS**

- 3.1 **APPEAL 0528** (ERC reference 2017/0347/TP; DPEA reference PPA-220-2040). This appeal relates to the decision of the Council to refuse permission for a change of use of a storeroom to a hot food takeaway with installation of extract flue, rooflight, doors and window at 1 Station Road, Giffnock, East Renfrewshire, G46 6JF. The application was refused against recommendation at the Planning Applications Committee on 9 August 2017.
- 3.2 The appointed Reporter considered the proposed development accords overall with the relevant provisions of the development plan and there are no material considerations which would justify refusing the grant of planning permission. The appeal has been upheld with a condition requiring the submission of ventilation/extract systems
- 3.3 An award of expenses on the grounds of unreasonable behaviour had also been made against the Council. The appointed Reporter concluded the Council reached its decision without reasonable grounds for doing so and failed to support its reasons for refusal and to demonstrate through evidence that it had reasonable planning grounds for its decision.
- 3.4 **APPEAL 0529** (ERC reference 2017/0272/TP; DPEA reference PPA-220-2041). This appeal relates to the decision of the Council to refuse permission for a change of use of an office to a hot food takeaway at 568 Clarkston Road, Netherlee, East Renfrewshire, G44 3RT. The application was refused against recommendation at the Planning Applications Committee on 6 September 2017.
- 3.5 The appointed Reporter concluded the proposed development is not contrary to the policies of the local development plan and there are no other material considerations which alter this conclusion. The appeal has been upheld with conditions requiring the submission of ventilation/extract systems and restricting opening hours.

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- 3.6 The appellant also made an application for an award of expenses on the grounds of unreasonable behaviour however the appointed Reporter did not consider that the Council acted unreasonably in making its decision on the planning application.
- 3.7 **APPEAL 0530** (ERC reference 2017/0367/TP: DPEA reference PPA-220-2042). This appeal relates to the non-determination of the planning application by the Council for residential development including affordable housing, local retail, community facilities and associated engineering works (major) (planning permission in principle) at site adjacent to the west of 207-302 Glasgow Road, Waterfoot.
- 3.8 The Council's appeal statement submitted to the DPEA recommended that the appeal be dismissed.
- 3.9 The appeal has been dismissed and the appointed Reporter considered the housing land supply in East Renfrewshire Local Development Plan is adequate in relation to the requirements in the Strategic Development Plan and there are other sites available for the kind of development proposed. While the proposed development would make a valuable contribution to the supply of affordable housing in an area where there is unmet demand for such housing, there are other opportunities to provide such housing on sites within the existing housing land supply. The proposed development is contrary to Strategic Policies 1 and 2 and Green Belt Policy D3 in East Renfrewshire Local Development Plan 2015. There is also conflict with Policies M7 and D4.
- 3.10 The appointed Reporter concluded is that the proposed development does not accord with the development plan and that there are no other material considerations that would justify a grant of planning permission.

### 4.0 **RECOMMENDATION**

- 4.1 Members are asked to note the above.

Director of Environment  
February 2018

**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**

Index of applications under the above acts to be considered by Planning Applications Committee on  
14th February 2018

**Reference No:** 2017/0264/TP

**Ward:** 2

**Applicant:**

Amanda Flynn  
8 The Laurels  
Newton Mearns  
East Renfrewshire  
G77 6XR

**Agent:**

Alan Seath Planning Consultancy  
88 Scott Road  
Glenrothes  
KY6 1AE

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**Site:** 8 The Laurels, Newton Mearns, East Renfrewshire, G77 6XR

**Description:** Sub-division of feu and erection of detached dwellinghouse at rear with formation of access from Capelrig Road (planning permission in principle)

**Reference No:** 2017/0406/TP

**Ward:** 2

**Applicant:**

Westpoint Homes Ltd  
3 Arthur Street  
Clarkston  
East Renfrewshire  
G76 8BQ

**Agent:**

Fouin and Bell Architects Ltd  
1 John's Place  
Edinburgh  
City of Edinburgh  
EH6 7EL

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**Site:** Site at Capelrig Road (40m south of Walden House and opposite Capelrig Gardens), Newton Mearns, East Renfrewshire

**Description:** Erection of 21 flats with associated parking and formation of vehicular access off Capelrig Road

**Reference No:** 2017/0568/TP

**Ward:**

**Applicant:**

East Renfrewshire Council  
ERC Council Offices  
2 Spiersbridge Way  
G46 8NG

**Agent:**

BDP Limited  
Colin Allan  
15 Exchange Place  
Glasgow  
G1 3AN

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**Site:** Site 300M east of 353 Ayr Road, Newton Mearns, East Renfrewshire

**Description:** Erection of non-denominational primary school with nursery provision together with associated playgrounds, sports pitch with floodlighting, parking, pedestrian and vehicular accesses (major)

**Reference No:** 2017/0754/TP

**Ward:** 5

**Applicant:**

Mr Robert Carchies  
Alexander Bain House  
James Watt Street  
Glasgow  
Scotland  
G2 8LA

**Agent:**

Nick Hilton  
The Stable  
Codham Hall Lane  
Brentwood  
Essex  
CM133jt

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**Site:** Opposite 1-1A Polnoon Street, Eaglesham, East Renfrewshire

**Description:** Installation of 2 ground based telecommunications cabinets

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**CONSULTATIONS/COMMENTS:**

East Renfrewshire Council Roads Network  
Manager

No objections subject to conditions relating to visibility splays; submission of a traffic management plan; access to the adjacent dwelling at Todhill; and measures to ensure the public road is kept free from mud and other deleterious material. The Senior Engineer (Structures) has advised that the proposal will not adversely impact the adjacent bridge wing wall.

Crookfur, Greenfarm and Mearns Village  
Community Council

Objects to the proposal on the grounds of the sub-division of the plot; the suitability of the site for the development proposed; that the proposed access is a public Right of Way; and that the proposal could increase flood risk in the area.

**PUBLICITY:**

19.05.2017                      Glasgow and Southside  
Extra    Expiry date 02.06.2017

**SITE NOTICES:**                      None.

**SITE HISTORY:**

2007/0708/TP	Sub division of feu and erection of two storey detached dwellinghouse (in outline)	Refused	24.12.2007
2008/0314/TP	Sub division of feu and erection of two storey detached dwellinghouse (in outline)	Refused	14.07.2008
2014/0475/TP	Sub division of feu and erection of one and a half storey detached dwellinghouse at rear with formation of driveway off Crookfur Road	Refused Local Review dismissed	22.09.2014 19.03.2015
2016/0258/TP	Sub-division of feu and erection of detached dwellinghouse at rear with formation of access from Capelrig Road	Withdrawn	23.06.2016

**REPRESENTATIONS:** 12 representations have been received and can be summarised as follows:

Development out of keeping with the character and amenity of the area



Loss of trees within a TPO area

Loss of wildlife habitat and Local Biodiversity Site

Impact on public road safety including the stability of the adjacent road embankment

Impact on the setting of a listed building

Contrary to development plan policy

Risk of flooding

Disruption during the construction phase

Previous applications on the site have been refused

Impact on property values

The applicant does not have ownership or access rights over the site of the proposed access road

Contrary to title deeds

The proposed dwelling would be out of character with the other dwellings in The Laurels in terms of its design

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

**SUPPORTING REPORTS:**

Planning Statement	The Statement outlines the background to the application and assesses it against Development Plan policies. It concludes that the current proposal complies with Local Development Plan Policies and that the previous reasons for refusal and the comments of Local Review Body have been addressed.
Tree Report	The Report describes the condition of the trees within the site and indicates the trees to be retained and felled. It details methods for the protection of trees and their roots during the construction of the proposed access road.
Transport and Structural Inputs Report	Considers the transport and structural impacts of the proposal including the formation of the access road and its impact on the adjacent road embankment. It concludes that the proposal would not adversely affect public road safety or the integrity of the adjacent road structure.

**ASSESSMENT:**

This is a Local Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However as more than 10 objections have been received it is required to be determined by the Planning Applications Committee.

The application site comprises a two storey detached dwellinghouse and its curtilage and an overgrown strip of land to the east measuring 44 metres by 4 metres that follows the original alignment of Capelrig Road. It lies within an established residential area and in the general urban area as defined in the adopted East Renfrewshire Local Development Plan (LDP). It also lies within the wider Crookfur Tree Preservation Order Area and adjacent to a Local Biodiversity Site.

It is bounded to the south and east by Crookfur Road and Capelrig Road respectively. At this point Capelrig Road is elevated above the eastern strip of land where it crosses Crookfur Road on an over bridge. Further residential development and woodland associated with the nearby dwelling, Todhill, lie to the north. Todhill is a category B listed building. The curtilage, excluding the strip of land, measures approximately 1150 sqm in area. The dwellinghouse is externally finished in brown/red facing brick and brown roofing tiles. The side and rear boundaries of the site are generally characterised by timber fencing and established planting. The dwellinghouse and its curtilage form part of a residential development known as The Laurels which contains eight detached dwellinghouses of varying designs with matching materials, arranged around and fronting a short cul-de-sac.

Planning permission in principle is sought for the sub-division of the curtilage at 8 The Laurels and for the formation of an access road linking the eastern part of the curtilage with the existing

access road serving Todhill. The existing access joins Capelrig Road at a point approximately 20 metres north east of its junction with the Crookfur Road spur. Following the proposed sub-division the proposed plot would have an area of 500 sqm and the donor house would retain a plot area of 650 sqm. In order to form the proposed access road, it would be necessary to clear the section of the application site that once formed part of the original Capelrig Road of self-seeded trees and shrubs.

Indicative plans have been submitted in support of the application to illustrate how the applicant considers the sub-division can be achieved; how a one and a half storey dwelling can be accommodated on the proposed plot; and how the proposed plot will be accessed via a proposed extended access road to Capelrig Road.

The application requires to be assessed against Policies D1, D2, D8 and D15 of the adopted East Renfrewshire Local Development Plan and the adopted Supplementary Planning Guidance: Environmental Management and Green Network (SPG) as well as any other material planning considerations.

Policy D1 contains criteria for assessing all development proposals. It states that development should not result in a significant loss of character or amenity to the surrounding area; should be of a size, scale and density in keeping with the buildings in the locality; and that the Council will not accept backland development (ie development without a road frontage).

Whilst the proposal represents the formation of a residential plot within a residential area, the proposal would result in a single plot that sits behind the existing properties. This would therefore be out of character with the established pattern of development in the area. The proposal would also result in a significant loss of the donor house's garden ground to the detriment of its setting and amenity. Notwithstanding the proposed access road, the proposed plot would not have a road frontage and would therefore be considered to be backland development. Given the foregoing, the development would have a detrimental impact on the established character and amenity of the area and as such, the proposal is contrary to Policy D1.

In terms of tree removal, the formation of the proposed access would result in the loss of some self-seeded trees and shrubs in a prominent location at a road junction. However the applicant has submitted a tree survey with the application that indicates that the majority of the trees adjacent to Capelrig Road will be retained. The survey also indicates that the trees within the site post-date the designation of the TPO area. It is therefore considered that the loss of trees would have a minimal impact on the amenity of the wider area.

Policy D2 supports development within the general urban area, as defined within the Local Development Plan where the development is compatible with the character and amenity of the locality and surrounding land uses and where it complies with other appropriate policies of the plan.

In very general terms the proposed sub-division would be compatible with the adjacent residential land uses. However as noted above the proposal would not respect the character of the established pattern of development in the area and would be backland development. As such, the proposal is contrary to Policy D2.

Policy D8 states that there will be a strong presumption against development where it would compromise the overall integrity of Local Biodiversity Sites. The Local Biodiversity site has been designated for its woodland, grassland and wetland habitats. Given the site lies adjacent to, but not within the LBS and involves the removal of self-seeded trees and shrubs, the proposal would not be considered to compromise the integrity of the LBS.

Policy D15 relates to the sub-division of the curtilage of a dwellinghouse. It states that the proposed plot should reflect the established pattern of development in the area and should be of a size and shape capable of accommodating a dwellinghouse. It also states that existing building lines should be respected.

In this instance, the proposed sub-division would result in an eccentric plot that does not respect the pattern of development in the area. As such the proposal is contrary to Policy D15.

The adopted Supplementary Planning Guidance: Environmental Management and Green Network (SPG) sets out open space standards for residential development including single plots. The applicant has submitted an indicative site plan in support of the application. This shows that, in isolation and in general terms, a dwelling could be accommodated within a plot of the size proposed which, with a few adjustments, could comply with the SPG.

However having considered the proposal in context it is contrary to Policies D1, D2 and D15 of the adopted East Renfrewshire Local Development Plan. The application should therefore be refused unless material considerations indicate otherwise. In this case the material considerations are the previous refusals on the site, the consultation responses, the applicant's supporting statements and the representations.

The three previously refused planning applications (2007/0708/TP, 2008/0314/TP and 2014/0475/TP) highlighted concerns about the sub-division of the plot in terms of its impact on character and amenity as well as public road safety. Whilst each application is assessed on its own merits, and the applicant has altered the proposed access arrangements in an attempt to address the road safety issues, the concerns relating to character and amenity still apply. In considering this and the previous applications, the Council's Planning Service has been consistent in assessing the potential for the site for this type of development.

In terms of the comments from the Community Council the area where it is proposed to form the access would not meet the definition of a Right of Way however rights of access would be a private legal matter and would not therefore be a material planning consideration. The proposal would not be considered to represent a significant flood risk and the Roads Service as the flooding authority has not objected to the application.

The points of representation relating to character and amenity, loss of trees, development plan policy, access rights and the previous refusals on the site have been considered above. The Council's Roads Service has not substantiated concerns about public road safety and the stability of the adjacent bridge wing wall and embankment. In terms of the other grounds of objection the following comments are made.

The site lies adjacent to, but not within the Local Biodiversity Site. The removal of the trees and shrubs would not be considered to have a detrimental impact on wildlife habitat. The category B listed building, Todhill, is set back from Capelrig Road within an established, wooded plot. The sub-division and formation of the access would not be considered to have a detrimental impact on the listed building.

If the application were to be approved, conditions could be attached to lessen any disruption during the construction phase. Impact on property values, title deeds restriction and ownership/access rights are not material planning considerations. This is an application for planning permission in principle. Although elevations have been submitted they are as an indicative example of how a dwelling could be located on the proposed plot. As such, the appearance of the dwelling has not been considered.

In conclusion the proposal is contrary to Policies D1, D2 and D15 of the adopted east Renfrewshire Local Development Plan and there are no material considerations that outweigh the Local Development Plan. It is therefore recommended that the application is refused.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None

**REASON FOR REFUSAL:**

1. The proposal is contrary to Policies D1, D2 and D15 of the adopted East Renfrewshire Local Development Plan as i) the proposed plot would not follow or

respect the established pattern of development in the surrounding area; ii) the proposed sub-division would lead to a significant loss of the donor house's garden ground to the detriment of that property; and iii) the proposal would result in the formation of a plot without a road frontage. The proposed development will therefore have an adverse impact on the character and amenity of the area.

**ADDITIONAL NOTES:** None

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

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

Ref. No.: 2017/0264/TP  
(DESC)

DATE: 7th February 2018

**DIRECTOR OF ENVIRONMENT**

Reference: 2017/0264/TP - Appendix 1

**DEVELOPMENT PLAN:**

**Strategic Development Plan**

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

**Adopted East Renfrewshire Local Development Plan**

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should

- be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
  14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
  15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
  16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

#### Policy D2

##### General Urban Areas

Development will be supported within the general urban areas, as defined on the Proposals Map, where compatible with the character and amenity of the locality and surrounding land uses and where it complies with other appropriate policies of the Plan.

#### Policy D8

##### Natural Features

There will be a strong presumption against development where it would compromise the overall integrity of Local Biodiversity Sites, Tree Preservation Orders and ancient and long established woodland sites.

Development that affects a site of special scientific interest will only be permitted where:

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

Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

The location of Sites of Special Scientific Interest, Local Biodiversity Sites and Tree Preservation Orders are identified on the Proposals Map and referred to under Schedule 1.

Planning permission will not be granted for development that is likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation.

Further detailed information and guidance is set out in the Green Network and Environmental Management Supplementary Guidance, including criteria against which development proposals within or in close proximity to the natural features outlined above will be assessed.

Through Dams to Darnley Country Park the Council will promote the designation of a Local Nature Reserve at Waulkmill Glen as shown on the Proposals Map. This will be undertaken in partnership with Glasgow City Council and in conjunction with Scottish Natural Heritage.

Policy D15

Sub-division of the Curtilage of a Dwellinghouse for a New Dwellinghouse and Replacement of an Existing House with a New House

The proposed plot should reflect the established pattern of development and should be of a size and shape capable of accommodating a dwellinghouse. There should also be sufficient land to provide garden ground that is of a scale and character compatible with the locality.

Any new house must reflect the scale and character of the surrounding residences and the established pattern of development in the area. It should be designed to contribute to the visual character of the area.

Existing building lines should be respected.

Development should provide safe vehicular access and parking in accordance with the Council's roads and parking standards.

**GOVERNMENT GUIDANCE:** None

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# REPORT OF HANDLING

Reference: 2017/0406/TP

Date Registered: 12th July 2017

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 - Newton Mearns North And Neilston

Co-ordinates: 253848/:657835

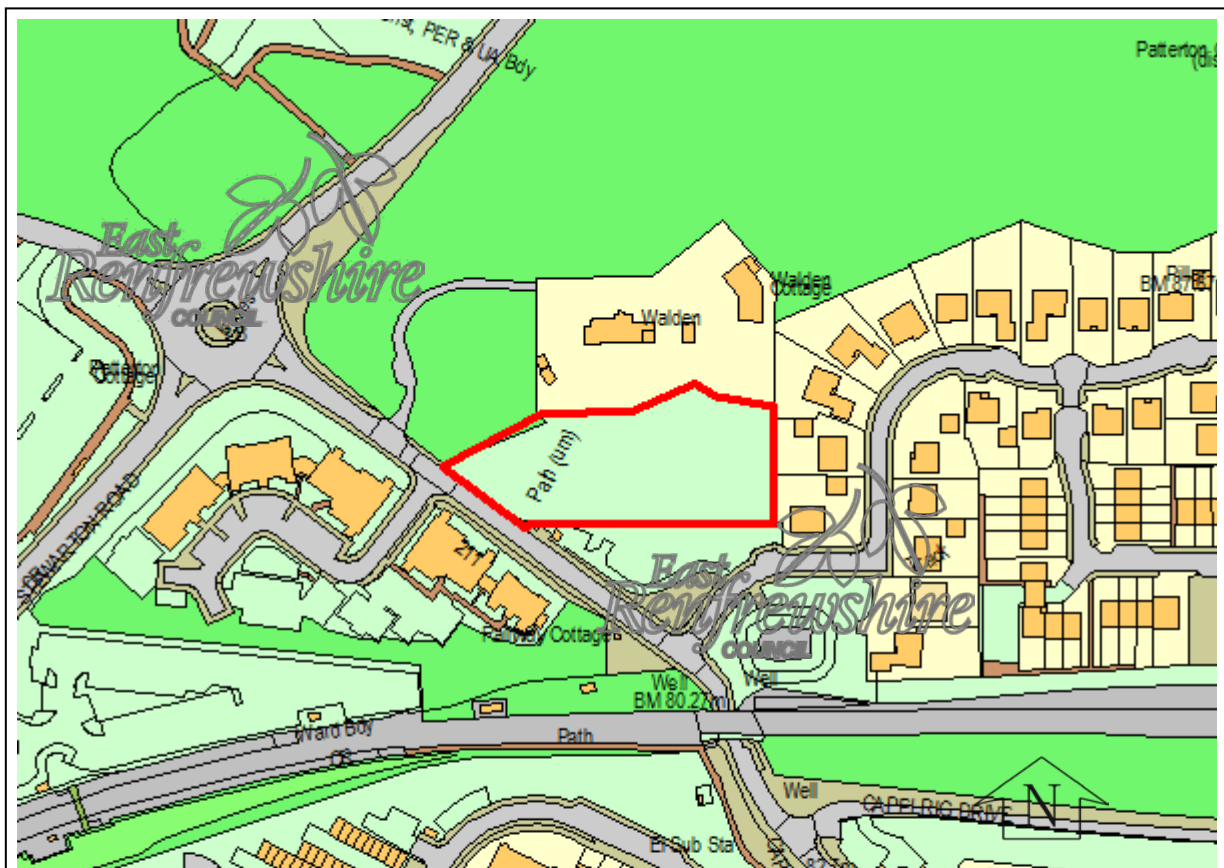
Applicant/Agent:

Applicant:  
Westpoint Homes Ltd  
3 Arthur Street  
Clarkston  
East Renfrewshire  
G76 8BQ

Agent:  
Fouin and Bell Architects Ltd  
1 John's Place  
Edinburgh  
City of Edinburgh  
EH6 7EL

Proposal: Erection of 21 flats with associated parking and formation of vehicular access off Capelrig Road

Location: Site at Capelrig Road (40m south of Walden House and opposite Capelrig Gardens)  
Newton Mearns  
East Renfrewshire



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**CONSULTATIONS/COMMENTS:**

Scottish Water	No response at time of writing
East Renfrewshire Council Environmental Health Service	Recommends restrictions on construction hours; requires a site investigation report; and all waste to be removed by licensed waste carrier.
East Renfrewshire Council Affordable Housing and Development Contributions Officer	No objection subject to the satisfactory conclusion of a S75 legal agreement to secure relevant planning obligations (both affordable housing and development contributions).
East Renfrewshire Council Roads Network Manager	No objection subject to conditions.
East Renfrewshire Council Waste Strategy Service	Site is generally suitable for standard refuse collection vehicles to service bin stores in a safe manner due to width of road and turning area however clarification is required on details.

**PUBLICITY:**

28.07.2017 Glasgow and Southside Expiry date 11.08.2017  
Extra

**SITE NOTICES:** None.

**SITE HISTORY:**

2016/0844/TP	Erection of 21 flats with associated parking and formation of vehicular access off Capelrig Road	Withdrawn	16.06.2017
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**REPRESENTATIONS:** 24 representations have been received. The representations can be summarised as follows:

- Traffic /road and pedestrian safety
- Contrary to Development Plan, located in the Green Belt and Green Network
- Overdevelopment of site
- Impact on wildlife
- Loss of trees
- Previous recommendation for refusal by the Council's Roads Service
- Overlooking/loss of privacy
- Loss of light/sunlight
- Pressure on drainage and sewerage services/current problems
- Ongoing issues with construction vehicles

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

**SUPPORTING REPORTS:**

Design and Access Statement (June 2017)	Discusses and examines the proposal in relation to site and area appraisal, design principles and solutions and the Development Plan.
Drainage Strategy	Outlines the design of foul and surface water drainage for the development. Propose separate foul and water systems on site, foul water discharged to and surface water connected to Scottish water facilities in Capelrig Road. Site is not within a zone of flooding. SUDS incorporated into design proposals
Ground Investigation Report (Stage 1 Desk study)	No contamination site uses noted. Possible source of landfill gas generated and programme of gas monitoring advised. No mine entries or quarrying recorded within the site. Requires programme of investigation to examine soil and groundwater conditions.
Invasive Plant Survey (December 2016)	No evidence of Japanese Knotweed, Himalayan Balsam or Giant Hogweed. Horsetail was identified towards north and east of site where management/treatment is recommended.
Transport Statement (June 2017)	Identifies main transport issues relating to the existing conditions and for the proposed development. Examines the proposal against national, regional and local transport policies and is found to be a sustainable location. Indicates visibility splays of 70m x 2.4m can be achieved. 2m footway will be provided along the frontage of the site to the west with a continual pedestrian access into the site on the east side. Predict around 15 two way vehicle trips associated with the development in AM and 13 in PM peak which can be accommodated on the local road network.
Stage 2 Road Safety Audit (September 2017)	The document examines and comments on identified issues.
Technical Note (September 2017)	Addresses and counters issues raised by the Council's Roads Service. Concludes that differences in opinion are due to Roads Service favouring traditional standards and terminologies. Does not agree with the Council's view that Capelrig Road is a distributor Road.
Greenbelt Justification (January 2018)	Considers the development to be limited infill development that will not diminish the greenbelt in any way. Indicates the proposal is immediately effective in a sustainable location.

**ASSESSMENT:**

The application is a Local Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However as more than 10 objections have been received the application is required to be presented to the Planning Applications Committee for determination.

The site is located in the greenbelt and green network on the north side of Capelrig Road approximately 85 metres south-east of Patterton Roundabout and approximately 90 metres from the railway bridge over Capelrig Road which is located further to the south-east. There are two residential properties known as Walden House and Walden Cottage immediately to the north of the site and new residential development at Hillfield Drive immediately to the east. On the opposite side of Capelrig Road there are residential flats at Capelrig Gardens. The site is approximately 0.4 hectares and slopes upwards from the south-west corner to the north-east

corner with a difference in height of approximately 7m. The site is undeveloped and predominately under grass as well as being bounded by a number of mature trees of mixed species. There is an existing access gate onto Capelrig Road. There are no records of any buildings in the application site.

Planning permission is being sought to erect 21 flats contained within two buildings on the north side of the site with the access and parking on the south and east sides. Each block is three storeys high and is of different design with different roof profiles. Block 1 is the smaller of the two blocks with a frontage of approximately 26.5m and varying in width from approximately 9.35m to 16.5m. Block 2 has a frontage of approximately 25m and varies in width from approximately 18.5m to 20.5m. Block 1 would be set into, and adjacent to, the north boundary with retaining walls behind and would comprise three 3 bedroom flats and six 2 bedroom bed flats. The easternmost block (Block 2) would be built into the ground and would be, in part, split level. Block 2 would comprise nine 3 bedroom flats and three 2 bedroom flats, both over three floors. Block 1 would have a pitched roof with a hipped roof over a rear projection and Block 2 would have a hipped roof. Both blocks would be finished in grey tiles, facing brick, render, grey feature panels and grey windows and door units.

A total of 42 car parking spaces would be located within a parking court in a general L-shape arrangement with the spaces opposite the proposed blocks and to the east of Block 2. A new access would be formed from Capelrig Road with a turning head located between the two blocks. Provision would be made for bin storage/cycle store positioned kerbside on the access road opposite Block 2. A new footway would be formed along the frontage to the west of the new access road with pedestrian access into the site on both sides of the new access. The internal development road would be shared access.

The applicant has intimated that the intention is to retain the trees along the northern boundary to maintain a natural break and privacy between the neighbouring property at Walden House and the development. Trees along the southern boundary will be removed and any compensatory tree planting will be carried out with native trees. It should be noted that trees in the site are not protected by a Tree Preservation Order. It is proposed to plant a hedge along the Capelrig Road frontage.

### Scottish Planning Policy

Scottish Planning Policy (SPP) introduces a presumption in favour of development that contributes to sustainable development and indicates that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place but not to allow development at any cost.

Scottish Planning Policy on the Delivery of New Homes indicates the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times; enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

Scottish Planning Policy on Affordable Housing indicates that local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses.

Scottish Planning Policy on Placemaking indicates that planning's purpose is to create better places through a design-led approach, with planning supporting development that is designed to a high-quality, which demonstrates the six qualities of successful place: distinctive; safe and pleasant; welcoming; adaptive; resource efficient; and easy to move around.

## Strategic Development Plan (approved July 2017)

The Strategic Development Plan (SDP) indicates that housing plays a fundamental role in the overall economic, social and environmental success of the city region. Housebuilding makes an important contribution to the city region's economy and as well as creating new homes, it delivers wider societal benefits through the generation of employment, and by sustaining and enhancing local community facilities such as schools, shops, recreation facilities and open spaces. The SDP is committed to supporting growth by creating high quality places which deliver the right type of homes in the right locations.

The Vision and Spatial Development Strategy of the SDP supports the provision of high quality and affordable housing in the right location which is central to the creation of a successful, sustainable and growing city region. This will be realised through the prioritisation of regeneration activities, the recycling of previously used land, and higher density development in support of the delivery of the Plan's compact city model. The strategy also includes a range of large scale planned greenfield sites including the Community Growth Areas, released through earlier plans and are either still under development or still to commence, as well as a range and choice of other greenfield and brownfield sites.

The SDP seeks to fully support the housing and development industry to provide homes of the right tenure, quality and in locations which accord with the Vision and Spatial Development Strategy. A key element is to ensure the provision of a generous and effective supply of land for housing.

Policy 7 of the SDP on Joint Action Towards the Delivery of New Homes indicates that in order to enhance housing delivery and contribute to the creation of high quality places, Local Authorities, Community Planning Partners and the housebuilding and development industry will work to ensure the delivery of the homes needed to support the Vision and Spatial Strategy. The joint action should seek to prioritise activities including the allocation of resources and development of innovative mechanisms, which improve housing delivery across all sectors. This should focus on the existing housing land supply and public sector estate whilst bringing forward new opportunities in accordance with Policy 8.

The long term strategic planning for housing in the city region is informed by a Housing Need and Demand Assessment (HNDA) which estimates the number of additional homes required to meet existing and future housing need and demand. The HNDA provides estimates of the amount and likely tenure of additional housing required to meet existing and future need and demand, from a base year of 2012. To accord with Scottish Planning Policy the appropriate time periods are 2024 and 2029 which provide the context for establishing the land requirement for the 5 and 10 year land supplies for Local Development Plan purposes as well as a broad indication of requirements over the longer term of 20 years.

The application site falls within the Greater Glasgow South central conurbation housing market area.

In order to provide flexibility, support the housebuilding industry and provide for long term growth, a generosity level of 15% has been applied to the Housing Supply Target (Schedules 6 and 8 of the SDP).

Policy 8 of the SDP on Housing Land Requirement indicates that in order to provide a generous supply of land for housing and assist in the delivery of the Housing Supply Targets in support of the Vision and Spatial Development Strategy, Local Authorities should:

- make provisions in Local Development Plans for the all tenure Housing Land Requirement by Local Authority set out in Schedule 8, for the Private Housing Land Requirement by Housing Sub-Market Area set out in Schedule 9 and for the Private Housing Land Requirement by Local Authority set out in Schedule 10;

- allocate a range of sites which are effective or expected to become effective in the plan periods to meet the housing land requirements for each housing sub-market area and for each local authority of the SDP up to year 10 from the expected year of adoption;
- provide for a minimum of 5 years effective land supply at all times for each housing sub-market area and for each local authority;
- undertake annual monitoring of completions and land supply through Housing Land Audits.

Policy 8 also indicates that Local Authorities should take steps to remedy any shortfalls in the five-year supply of effective housing land through the granting of planning permission for housing developments, on greenfield or brownfield sites, subject to satisfying each of the following criteria:

- The development will help to remedy the shortfall which has been identified;
- The development will contribute to sustainable development;
- The development will be in keeping with the character of the settlement and the local area;
- The development will not undermine greenbelt objectives; and
- Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

Policy 9 indicates that in order to support the delivery of affordable housing, including social and specialist provision housing, and meet housing need, in support of the Vision and Spatial Development Strategy, local authorities should through appropriate mechanisms:

- Develop appropriate policy responses where required, including affordable housing, specialist housing and development contributions policies, to deliver housing products taking account of the HNDA as well as local evidence and circumstances; and
- Ensure that any affordable housing, specialist housing and development contributions policies, are applied in a manner that enables the delivery of housing developments.

The proposed development is considered to be of a strategic scale as it involves greenfield housing of 10 or more units outwith the Community Growth Areas or sites outwith those identified in Local Development Plans. It has to be considered whether the proposed development supports the Vision and Spatial development Strategy taking account of the relevant policies, schedules and diagrams appropriate to the type of development. The proposed development therefore has to be assessed against Box 1 of Diagram 10. Box 1 considers whether the proposed development supports the Vision and Spatial Development Strategy and the Placemaking Policy. Any development that fails to meet the relevant criteria in Box 1 will be regarded as a departure from the Strategic Development Plan.

The proposed development is located outwith the existing urban area and is not considered to support the Vision and Spatial Development Strategy of the SDP of a compact city region.

As the proposed development is considered to be a departure from the SDP it has to be considered whether it is an acceptable departure having regard to the following criteria and any material considerations.

*Makes a significant contribution to sustainable development particularly through enabling shift to sustainable travel modes and the contribution to carbon reduction:*

The site is located close to Patterson Station and adjacent the existing urban area with schools and the Greenlaw Neighbourhood Centre within reasonably short travel distances. In general terms the development could be considered to be at a sustainable location although there is likely to be a large proportion of travel that is car dependent.

*Provides significant net economic benefit including the need to accommodate inward investment that would otherwise be lost to the city region or Scotland:*

The limited scale of this development and the type of development proposed would not be considered to involve significant net economic benefit at the strategic level.

*Responds to economic issues, challenges and opportunities, including the protection of jobs or the creation of a significant number of net additional permanent jobs to the city region:*

The final completed development in itself is not a significant employment generating development. There may be some associated job creation during the construction phase however this will be for the duration of the construction and is no different to any other construction project. When the development is completed there may be associated economic impacts to the local economy primarily because of additional residents. There is no reason why development on other sites in the existing housing land supply in East Renfrewshire should not give rise to similar kinds of economic effect. Any employment generated does not add significant weight to the case for the development at this site.

*Meets a specific locational need:*

No information has been submitted by the applicant and it is considered that there is no locational need for this development. The need for this type of development has been addressed through the allocation of other sites in the adopted Local Development Plan.

*Protects, enhances and promotes natural and cultural heritage, including green infrastructure, landscape and the wider environment:*

As the development is in the greenbelt it will have a direct impact and in its broadest sense the development cannot protect or enhance the landscape because of the resultant physical change in the site. The site layout plan shows proposed landscaping/open space that may lessen the impact at the strategic level. In addition the context of the site, existing topography and planting means that it is not a highly visible site at the strategic level.

*Improves health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation:*

The site layout plan shows areas of open space/amenity space and this is a normal requirement for development of this type. Policy D7 of the adopted East Renfrewshire Local Development Plan also indicates the requirement for open space provision within developments.

*Supports the provision of digital connectivity in new developments and rural areas:*

No details of this have been given in the application although it is likely that digital connections will be provided by providers of these services.

It is acknowledged that some of the criteria above are not applicable to the proposed development because of the scale and type of development. However the proposed development does not fully accord with the SDP primarily because of its location in the greenbelt which does not support the Vision and Spatial Development Strategy of the SDP of a compact city region. In addition a specific locational need has not been demonstrated as there is no shortfall in the established housing land supply.

The proposed development also has to be assessed against the relevant policies of the adopted East Renfrewshire Local Development Plan.

#### Adopted East Renfrewshire Local Development Plan – June 2015

The adopted East Renfrewshire Local Development Plan (LDP) sets out a visionary and ambitious development strategy comprising two key strands: regeneration and consolidation of urban areas; and controlled urban expansion as set out under Strategic Policy 1. The LDP aims to deliver controlled urban expansion within 3 Strategic Development Opportunities (SDOs) (Maidenhill, Barrhead North and Barrhead South) to provide long term effective land supply beyond 2025 alongside the infrastructure required to support these new communities. Master plans have been prepared for each SDO and adopted as Supplementary Planning Guidance which forms part of the LDP.



The following Local Development Plan (LDP) policies are also relevant to the assessment of this application.

Strategic Policy 1 sets out a two strand approach to development focusing upon the regeneration and consolidation of urban areas with an emphasis on brownfield sites and controlled growth at three master planned areas (Maidenhill, Barrhead North and Barrhead South). The adopted LDP has a generous housing land supply and in excess of what is required by the Strategic Development Plan. As the site is located in the greenbelt and green network and not identified as a possible development site it is contrary to this policy.

Strategic Policy 2 sets out 15 criteria against which developments are assessed. Criterion 1, 2, 3 and 7 are particularly relevant. The application would not meet the requirements of the sequential approach being a greenbelt site (criterion 1) being the least favoured in terms of site selection. A mix of house types and sizes would be required including affordable housing (criterion 2). This will be discussed against Policies SG4 and SG5 below. Community and economic benefits (criterion 3) are discussed further under Strategic Policy 3 and criterion 7 deals with impact upon the road network.

The site is located in the greenbelt in the adopted Local Development Plan. Although the applicant has submitted a justification for the development of this greenbelt site this justification does not identify a sequential approach to site selection by, for example, demonstrating that urban brownfield sites have been considered first and then discounted.

Policy SG1 indicates the Council has identified sufficient land for a minimum of 4100 homes and associated infrastructure to be delivered in East Renfrewshire between 2009 and 2025 to comply with Strategic Development Plan requirements. The sites listed under Schedules 8 to 11, of which the application site is not one, contribute towards meeting these targets. Policy SG2 also supports the additions to the established housing land supply as shown on the Proposals Map and listed in Schedules 10 and 11 and the masterplan areas. The application site is not one of these sites.

Policy SG3 relates to the phasing of new housing development, which seeks to ensure that a 5 year continuous effective housing land supply is maintained at all times. This Policy indicates that sites listed in Schedules 10 and 11, of which this is not one, will be removed from the greenbelt.

Policy SG4 indicates that all new housing proposals should include a mix of house types, sizes and tenures to accord with the Council's Local Housing Strategy and the Strategic Housing Need and Demand Assessment. The proposed development does not make provision for, for example, particular and/or special needs and as such does not comply with this policy.

Policy SG5 requires a minimum 25% affordable housing contribution where planning permission is sought for residential developments of 4 or more dwellings. This contribution may be made on site, or by means of a commuted sum or off site. The adopted Supplementary Planning Guidance (SPG) on Affordable Housing indicates that policies on affordable housing provision should be realistic and take account of considerations such as development viability and availability of funding. The SPG indicates each site will be examined on a case by case basis in order to determine the most appropriate affordable housing provision in that specific location to meet local circumstances and housing needs. Policy SG5 and the SPG therefore allows flexibility in how affordable housing is delivered.

In this case, the affordable housing contribution equates to 5.25 units. The Council's Affordable Housing and Development Contributions Officer has indicated that in accordance with Scottish Government Planning Advice Note 2/2010: Affordable Housing & 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, and at a reasonable density for the end use as affordable housing. In this case the value of the commuted sum will be determined by the District Valuer who will produce a valuation report to determine the appropriate commuted sum payable for this application. A Section 75 legal agreement would be required to secure the affordable housing commuted sum.



Strategic Policy 3 and the adopted SPG on Development Contributions indicate that the Council wishes to secure community, infrastructure and environmental benefits arising from new development to mitigate their impacts. The Council's Affordable Housing and Development Contributions Officer has indicated, following consultation with Council's Education Department, that this proposed development is not included within the adopted LDP1 or in the Main Issues Report for LDP2. If this proposal were to go ahead there would be a significant impact on the educational estate, particularly as the proposed development is located in an area where schools and early years establishments are already at high occupancy levels due to local demand and taking account of residential development in the adopted LDP.

This development would have an impact given the current occupancy levels in the primary schools and denominational secondary school at Crookfur Primary School, St Cadoc's Primary School, Eastwood High School and St Ninian's High School. In addition it is part of the Newton Mearns Early Learning and Childcare (ELC) community and the development would also affect the ELC establishments, particularly given the requirement placed on local authorities to provide 1140 hours of ELC from 2020-21 onwards and the proposed developments included in LDP2.

Accordingly, the Council's Education Service has highlighted that this site would present considerable difficulties for the school estate, particularly given the cumulative impact of the adopted LDP, proposed sites from LDP2 and the Scottish Government's legislative requirement around 1140 hours. The pressure on the education estate in this area is a significant issue, with no current identified solution. Further research and analysis needs to be carried out to inform the approach towards education needs and provision for the proposed LDP2. Therefore at this stage the proposal is both contrary to policy and premature.

The Council's Affordable Housing and Development Contributions Officer has indicated that the relevant development contributions from this site have been agreed with the applicant and include contributions for: Education (Pre-Five, Primary and Secondary); Community Facilities (Community Halls & Libraries and Sports); Parks and Open Space; and Green Network and Access. A legal agreement (Section 75) would be required to secure the agreed planning obligations.

Policy D1 includes a number of criteria for assessing development in order that it is well designed and sympathetic to the local area and demonstrate that a number of criteria have been considered, and where appropriate, met. The relevant criteria in this case are considered to be: 1) the development should not result in a significant loss of character or amenity to the area; 2) the proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design and materials; 4) the development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features; 9) parking and access requirements of the Council should be met to minimise the impact of the new development.

The site forms part of the green network and is viewed alongside the adjacent site to the north west which has many mature trees and is identified as a Local Biodiversity Site. It is also acknowledged that there is a flatted development across the road from the site and it is adjacent to recently completed residential development to the east. It is considered that the landscape value of the site itself has been diminished by the neighbouring residential developments. If the application site had been identified, or was deemed appropriate, for residential use, a small scale flatted development in general terms may be acceptable.

There are however issues with the submitted layout in respect of the proximity of both blocks to the north boundary and Block 1 in particular. In addition there are issues with the distribution and functionality of the proposed open space and the visual prominence of the car parking area. It is considered that the proposal does not comply fully with criterion 2.

The site is located within the green belt and green network and involves the removal of trees. The proposed development involves the complete development of the site and therefore conflicts with criterion 4 primarily because of the loss of trees.

Junction spacing of 100 metres would be required at this location and the Council's Roads Service had initially recommended refusal of the application due to the inappropriate junction spacing between the development access and the traffic signalised junction at Hillfield Drive. In response to the initial recommendation of the Council's Roads Service, the applicant has submitted additional information including a Road Safety Audit, Technical Note, Accident Record Crash Map and Swept Path Analysis.

Following consideration of the additional information, the Council's Roads Service has accepted that due to the limited size of the proposed development there is unlikely to be a significant impact on the adjacent public road network. In addition there is unlikely to be any vehicles crossing between the proposed development and Capelrig Gardens. Due to the evidence provided in support of the proposal and the fact that the proposed development is of a small scale, on this occasion Roads Service will allow a relaxation in the junction spacing. Given that a relaxation is necessary, in order to advise drivers of the staggered junction appropriate warning signs will be required on the approach to the new access. This will be at the expense of the applicant and to Roads Service specifications. Should the application be approved this can be addressed by a planning condition. The proposal therefore does not conflict with criterion 9.

The proposal therefore does not comply with all the relevant criteria in Policy D1.

Policy D3, and its supporting Supplementary Planning Guidance (SPG) – Rural Development presumes against developments in the green belt which are not related to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the rural area. The proposal is for a residential development which is not related to any of the aforementioned uses and for which there is no employment or locational justification. It is acknowledged that the site is on the periphery of the urban area. The SPG identifies the site of medium visual sensitivity landscape value.

The Green Network is a local network of, for example, natural, semi-natural and manmade green space centred around the urban area which provides connectivity to the green belt and surrounding countryside. Policy D4 presumes against developments which would have an adverse impact on the green network. The supporting Supplementary Planning Guidance (SPG) - Green Network and Environmental Management identifies, inter alia, a range of elements that make up East Renfrewshire's green network and includes a "250m zone around the urban area which seeks to enhance linkages between the urban area and the green belt." The SPG supports the commitment to protecting the green network and stipulates that "development which adversely affects its character or function will be discouraged"

The proposed development would remove the site in its entirety from the green network. However as indicated above it is considered that the landscape value and visual connectivity of the site to the greenbelt itself has been diminished by the neighbouring residential developments.

Policy D7 indicates that new development proposals should incorporate a range of green infrastructure including, for example, open space provision and landscaping. The amenity open space requirement for flatted developments is 30sqm per unit and the proposed layout indicates that the required level of open space is to be provided. However, given the size, scale and position of the two blocks of flats and the significant area of hardstanding to accommodate the car parking and access road, it is considered that the open space as proposed does not offer an appropriate or meaningful level of high quality integrated green infrastructure/open space and, for example, compensatory tree planting. On that basis it is considered that the proposed development does not fully comply with the requirements or the aims and objectives of this policy.

Policy E5 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. A development of this size requires SUDS and this is a standard feature to deal with surface water drainage of residential developments. The proposal includes permeable surfacing materials in the parking court with surface water directed to an underground attenuation tank before discharging outwith the site at a controlled rate.

This complies with the general requirements of this Policy. The discharge from the SUDS area is to be at a controlled rate which the Council's Roads Service has indicated is to be a maximum of 8 litres/second/hectare. The discharge rate from the SUDS area to the public system can be controlled by a planning condition if the development is approved.

### Main Issues Report (November 2016)

It should be noted that the Council is in the process of preparing the next Local Development Plan and has publicised the Main Issues Report November 2016 (MIR). The MIR is the starting point and the main consultative stage in the preparation of Local Development Plan 2 (LDP2). It is intended to stimulate discussion and concentrates on the key changes that have happened since the adoption of the East Renfrewshire Local Development Plan (LDP). The MIR is about the big ideas and challenges for future development in East Renfrewshire and options for the way they could be addressed.

In terms of the issue of Meeting Housing Needs and how many homes are needed by 2029 a revised Regional Housing Need and Demand Assessment has been prepared to support the Strategic Development Plan 2 and LDP2 and replace the current housing targets set out in the adopted LDP. Two development strategy options have been identified to explore how and where future development can be best accommodated. One option does not promote any new development outside the current urban areas (Option 2B - consolidation and regeneration) and the other option promotes limited expansion of settlements through the identification of a number of small-medium scale sites (Option 2A – consolidation and regeneration; and controlled edge of settlement growth).

The MIR indicates the preferred option is Option 2A. The current application site has not been identified as a preferred housing site in the MIR.

It should however be emphasised that LDP2 has to be prepared (scheduled for summer/autumn 2018), publicised and thereafter examined by the Scottish Government before it can be adopted.

### Representations

With regard to the objections which have not been addressed above the following comments are made.

The applicant would require to comply with the requirements of Scottish Water prior to commencing any works on site and any connection to Scottish Water's infrastructure would have to be approved by Scottish Water. It should be noted that the applicant has submitted a Drainage Strategy Plan.

Noise and disturbance from construction vehicles is an inevitable side effect of building works. Nevertheless, it is incumbent on a developer to ensure that any disturbances and issues are minimised and in accordance with, for example, health and safety and environmental legislation. If the application is approved the construction times can be controlled by a planning condition.

The site is set on a west/east axis with a single property to the north, a new residential development to the east and a flatted development to the west across Capelrig Road. Due to the orientation of the application site and the distances between the proposed buildings and the neighbouring properties, any direct facing windows are separated in excess of 20m. While there may be oblique views across to neighbouring properties, it is considered that local residents would not be subject to a significant loss of privacy. Likewise, and also with regard to grounds levels, there are no significant overshadowing issues.

### Overall Conclusion

The proposed development is contrary to the Strategic Development Plan and the East Renfrewshire Local Development Plan when considered in relation to its greenbelt location and the current and allocated housing land supply. The development does not support the vision and

spatial strategy of a compact city region and there is sufficient and generous housing land supply identified in the adopted Local Development Plan until 2025.

There are therefore no material considerations which would justify setting aside the Development Plan policies and approving the application.

It is therefore recommended that the application be refused.

**RECOMMENDATION:** Refuse

**REASONS FOR REFUSAL:**

1. The proposed development is located outwith the existing urban area and is not considered to support the Vision and Spatial Development Strategy of the Strategic Development Plan (July 2017) of a compact city region and therefore does not accord with Policy 8 of the Strategic Development Plan as there is no identified shortfall in housing land in East Renfrewshire. There are no material planning considerations that outweigh this policy and that would justify approval of the development at this location.
2. The proposed development is contrary to Strategic Policy 1 and Strategic Policy 2 of the adopted East Renfrewshire Local Development Plan as it will be an incursion into the greenbelt and green network outwith urban brownfield/vacant sites and outwith the identified strategic development opportunity sites. The need for the development at this location has not been demonstrated and neither has it been demonstrated that a suitable site does not exist within the urban area. There are no material planning considerations that outweigh these policies and that would justify approval of the development at this location.
3. The proposed development is contrary to Policies SG1 and SG2 of the adopted East Renfrewshire Local Development Plan as it is considered that the Council has identified sufficient land for housing development and there is no identified shortfall in housing land in East Renfrewshire. There are no material considerations that would justify approval of the development outwith the urban area, identified strategic development opportunity sites or other identified housing sites in the adopted Local Development Plan.

**PLANNING OBLIGATIONS:** None

**ADDITIONAL NOTES:** None.

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Ms Alison Mitchell on 0141 577 3117.

Ref. No.: 2017/0406/TP  
(ALMI)

DATE: 7th February 2018

**DIRECTOR OF ENVIRONMENT**

Reference: 2017/0406/TP - Appendix 1

## **DEVELOPMENT PLAN:**

### **Strategic Development Plan 2017**

The Strategic Development Plan (SDP) indicates housing plays a fundamental role in the overall economic, social and environmental success of the city region. Housebuilding makes an important contribution to the city region's economy and as well as creating new homes, delivers wider societal benefits through the generation of employment, and by sustaining and enhancing local community facilities such as schools, shops, recreation facilities and open spaces. The SDP is committed to supporting growth by creating high quality places which deliver the right type of homes in the right locations.

Policy 8 of the SDP on Housing Land Requirement indicates that in order to provide a generous supply of land for housing and assist in the delivery of the Housing Supply Targets in support of the Vision and Spatial Development Strategy, Local Authorities should:

- make provisions in Local Development Plans for the all tenure Housing Land Requirement by Local Authority set out in Schedule 8, for the Private Housing Land Requirement by Housing Sub-Market Area set out in Schedule 9 and for the Private Housing Land Requirement by Local Authority set out in Schedule 10;
- allocate a range of sites which are effective or expected to become effective in the plan periods to meet the housing land requirements for each housing sub-market area and for each local authority of the SDP up to year 10 from the expected year of adoption;
- provide for a minimum of 5 years effective land supply at all times for each housing sub-market area and for each local authority;
- undertake annual monitoring of completions and land supply through Housing Land Audits.

Policy 8 also indicates Local Authorities should take steps to remedy any shortfalls in the five-year supply of effective housing land through the granting of planning permission for housing developments, on greenfield or brownfield sites, subject to satisfying each of the following criteria:

- The development will help to remedy the shortfall which has been identified;
- The development will contribute to sustainable development;
- The development will be in keeping with the character of the settlement and the local area;
- The development will not undermine green belt objectives; and
- Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

Policy 9 indicates that in order to support the delivery of affordable housing, including social and specialist provision housing, and meet housing need, in support of the Vision and Spatial Development Strategy, local authorities should through appropriate mechanisms:

- Develop appropriate policy responses where required, including affordable housing, specialist housing and development contributions policies, to deliver housing products taking account of the HNDA as well as local evidence and circumstances; and
- Ensure that any affordable housing, specialist housing and development contributions policies, are applied in a manner that enables the delivery of housing developments.

### **Adopted East Renfrewshire Local Development Plan**

Strategic Policy 2

Assessment of Development Proposals

Proposals for new development, other than smaller scale proposals (such as applications for single houses, householder or shop frontage alterations), will be assessed against relevant criteria below as well as Policy D1:

1. Application of a sequential approach which gives priority to the use of Brownfield sites within the urban area then to Greenfield land within the urban area and finally to land adjacent to the urban area. Sites within the green belt will only be considered where it has been demonstrated that a suitable site does not exist within the urban area;
2. Provision of a mix of house types, sizes and tenures to meet housing needs and accord with the Council's Local Housing Strategy and the Glasgow and Clyde Valley Strategic Housing Need and Demand Assessment;
3. Resulting positive community and economic benefits;
4. The impact on the landscape character as informed by the Glasgow and Clyde Valley and the East Renfrewshire Landscape Character Assessments, the character and amenity of communities, individual properties and existing land uses;
5. The impact on existing and planned infrastructure;
6. The impact upon existing community, leisure and educational facilities;
7. The transport impact of the development on both the trunk and local road network and the rail network, taking into account the need for a transport assessment and the scope for green transport and travel plans;
8. The impact on the built and natural environment, including the green belt and green network taking into account the need for an Environmental Impact Assessment and the requirement for proposals to provide a defensible green belt boundary and links to the green network;
9. The impact on air, soil, including peat and water quality and avoiding areas where development could be at significant risk from flooding and/or could increase flood risk elsewhere;
10. The potential for remedial or compensatory environmental measures including temporary greening;
11. The contribution to energy reduction and sustainable development.
12. The impact on health and well being;
13. The cumulative impact of the development;
14. The impact of proposals on other proposals or designations (including the Town and Neighbourhood Centres in Schedule 14) set out in the Local Development Plan;
15. The suitability of proposals when assessed against any relevant Adopted Supplementary Planning Guidance.

### Strategic Policy 3

#### Development Contributions

The Council wishes to secure community infrastructure and environmental benefits arising from new developments to mitigate their impacts.

New developments that individually or cumulatively generate a requirement for new or enhanced infrastructure or services will be expected to deliver, or contribute towards the provision of, supporting services and facilities. Developer contributions will be agreed in accordance with the five tests of Circular 3/2012 - Planning Obligations and Good Neighbour Agreements. Planning permission will only be granted for new development where the identified level and range of supporting infrastructure or services to meet the needs of the new development is already available or will be available in accordance with an agreed timescale.

The master plans for the areas for change are required to identify the infrastructure requirements and development contributions required to support development. The master plans should identify how the infrastructure or services will be delivered to support the proposed development.

For all proposals viability will be a key consideration when determining the suitable level of development contributions.

Further detailed information and guidance is provided in the Development Contributions Supplementary Planning Guidance.

## Policy D1

### Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities

including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;

15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

#### Policy D3

##### Green Belt and Countryside Around Towns

Development in the green belt and countryside around towns as defined in the Proposals Map, 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.

Where planning permission is sought for development proposals, within the green belt or countryside around towns and these are related to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the rural area, the Council will consider them sympathetically subject to compliance with other relevant policies of the Plan. Any decision will, however, take into consideration the impact the proposals will have on the function of the green belt and countryside around towns and the viability of important agricultural land. Development must be sympathetic in scale and design to the rural location and landscape.

Further detailed information and guidance is provided in the Rural Development Guidance Supplementary Planning Guidance.

#### Policy D4

##### Green Network

The Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the green networks shown on the Proposals Map.

Proposals for development that are likely to destroy or impact adversely on the character or function of the green network will be discouraged.

Where proposals are likely to adversely impact upon the green network, appropriate mitigation will be required.

The provision of the green network will be a core component of any master plan.

Further detailed information and guidance, which all proposals require to reflect, is set out in the Green Network and Environmental Management Supplementary Guidance.

#### Policy D7

##### Green Infrastructure and Open Space Provision within New Development

New development proposals should incorporate a range of green infrastructure including open space provision, multi use access, sustainable urban drainage, wildlife habitat and landscaping. This infrastructure should not only form an integral part of the proposed scheme but should complement its surrounding environment.



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

## **GOVERNMENT GUIDANCE:**

Scottish Planning Policy indicates that where a planning authority considers it appropriate, such as in the most pressured areas, the development plan may designate a green belt around a town to support the spatial strategy by: directing development to the most appropriate locations and supporting regeneration; protecting and enhancing the character, landscape setting and identity of the settlement; and protecting and providing access to open space. Local development plans should show the detailed boundary of any green belt and describe the types and scales of development which would be appropriate within a green belt.

Scottish Planning Policy on the Delivery of New Homes indicates the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times; enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

Scottish Planning Policy on Affordable Housing indicates that local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. Where the HNDA and local housing strategy process identify a shortage of affordable housing, the plan should set out the role that planning will take in addressing this. Planning authorities should consider whether it is appropriate to allocate some small sites specifically for affordable housing. Where affordable housing is required, this should generally be for a specified proportion of the serviced land within a development site to be made available for affordable housing. Planning authorities should consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate, as part of a viable housing development. The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. Consideration should also be given to the nature of the affordable housing required and the extent to which this can be met by proposals capable of development with little or no public subsidy. In rural areas, where significant unmet local need for affordable housing has been shown, it may be appropriate to introduce a 'rural exceptions' policy which allows planning permission to be granted for affordable housing on small sites that would not normally be used for housing, for example because they lie outwith the adjacent built-up area and are subject to policies of restraint.

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# REPORT OF HANDLING

Reference: 2017/0568/TP

Date Registered: 12th September 2017

Application Type: Full Planning Permission

This application is a Major Development

Ward: 5 -Newton Mearns South and Eaglesham

Co-ordinates: 252815/:654571

Applicant/Agent:

Applicant:

East Renfrewshire Council

Mr. Raymond O'Kane

ERC Council Offices

2 Spiersbridge Way

G46 8NG

Agent:

BDP Limited

Colin Allan

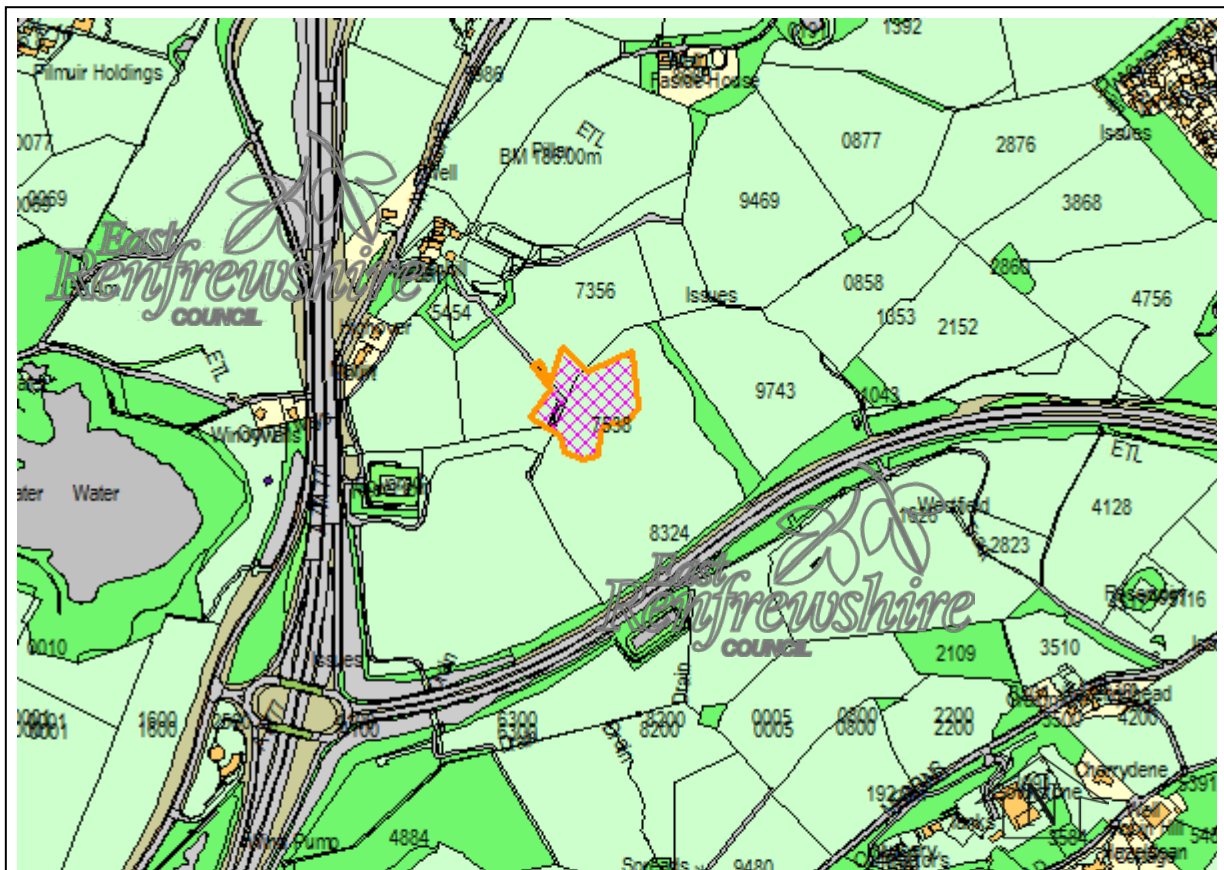
15 Exchange Place

Glasgow

G1 3AN

Proposal: Erection of non-denominational primary school with nursery provision together with associated playgrounds, sports pitch with floodlighting, parking, pedestrian and vehicular accesses (major)

Location: Site 300m east of 353 Ayr Road  
Newton Mearns  
East Renfrewshire



**DO NOT SCALE**

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**CONSULTATIONS/COMMENTS:**

East Renfrewshire Council Roads Network Manager	No objection subject to conditions
Scottish Water	No objection
Scottish Environment Protection Agency	No objection
Transport Scotland Trunk Roads Network Management	Does not advise against granting consent.
West of Scotland Archaeology Service	Recommends a condition relating to the implementation of a programme of archaeological works.
Broom, Kirkhill and Mearnskirk Community Council	No response at time of writing
Glasgow Airport	No objection
East Renfrewshire Council Environmental Health Service	Recommends conditions on: restricting construction hours; reporting any previously unsuspected contamination; no blasting to be carried out without a noise/vibration assessment and blasting control plan; and restricting hours of use of the sports pitch.

**PUBLICITY:**

29.09.2017                      Glasgow and Southside      Expiry date 13.10.2017  
Extra

**SITE NOTICES:**              None.

**SITE HISTORY:**

2016/0712/TP - Residential development to include sites for affordable housing, primary school and religious facility, access, landscaping, SUDS and associated ancillary development (major).  
Approved subject to conditions 31.07.2017

**REPRESENTATIONS:** 2 representations have been received: Representations can be summarised as follows:

No safe, direct pedestrian access route for a substantial proportion of the new primary school catchment area

The drainage proposals are non-compliant with Scottish Planning Policy, the LDP and the Planning Act as a precautionary approach to flooding has not been demonstrated

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

**SUPPORTING REPORTS:**

Design and Access Statement	Analyses the planning policy context, the site location and views/topography. Explains the design principles leading to the design of the school building and site layout.
Statement on Flood Risk and Proposed Drainage Strategy (November 2017)	Outlines the philosophy behind the design of the foul water and surface water drainage systems proposed for the development. It further aims to relate this to the latest local Authority design criteria, Scottish Water requirements, SEPA guidance and planning policies. As the site sits within a proposed masterplan development by Taylor Wimpey/Cala a masterplan drainage strategy has been prepared on their behalf which includes the school site. This Strategy therefore only relates to the works which will be carried out within the boundary of the school site. SUDS, on site storage and flow control for surface water discharge are proposed within the curtilage of the school site before connecting to the masterplan drainage system.
Pre-application consultation report	The Report summarises the statutory pre-application consultation with the community carried out prior to the submission of the planning application.

**ASSESSMENT:**

This is a Major development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the site area exceeds 2 hectares. As a consequence the application has to be presented to the Planning Applications Committee for determination.

The site is located within part of the Malletsheugh/Maidenhill Strategic Development Opportunity site as identified in the adopted East Renfrewshire Council Local Development Plan (LDP). The site is located towards the centre west of the overall Maidenhill site and to the north of the new access road to be formed off the A726 Glasgow Southern Orbital (GSO). The application site of the proposed school is approximately 2.25 hectares in area.

Planning permission was approved on 31 July 2017 at the Maidenhill site for residential development to include sites for affordable housing, a site for a primary school and a site for a religious facility, access, landscaping, SUDS and associated ancillary development (major) (2016/0712/TP). The application site corresponds to the site for the primary school referred to in planning permission 2016/0712/TP.

In terms of the proposed school it is important to give some background information. The anticipated pupil numbers from the Maidenhill development would necessitate additional primary provision across all sectors and the immediate requirement was a denominational primary (identified as School 1) as no capacity existed in that sector. No proposed residential units could therefore be occupied until School 1 is in place. An options appraisal was completed to consider where each school could be located. After discussions with the developers and the Council's Education Department it was agreed that a location away from Maidenhill at Waterfoot Road would provide a better spread of denominational educational. A denominational Faith Campus at Waterfoot Road opened in August 2017. This meets the educational requirements in that sector.

The location of the non-denominational school (identified as School 2) was set out in the Maidenhill Masterplan. The developers of this site have worked closely with the Council to arrive at a solution that works for all parties. This school is anticipated to be operational by August 2019.

Proposed development

The proposed primary school is to be two storeys high and is generally triangular in shape. It is located towards the east side of the application site. A single storey nursery is located and

attached to the south elevation of the school building. The main part of the building is to be 8.7m high with an upward projection centrally positioned on the roof. This projection has a sloped roof which is approximately 3.67m at its highest above the main part of the roof and is to contain windows provide natural light to the interior of the school. The primary school building is to be approximately 68m by 65m by 58m. There are also to be plant and solar panels installed on the roof which is to be a flat roof.

The nursery school is to be circular in shape and is to extend out from the south elevation by approximately 31.5m and is to be 4m high. There is to be a centrally positioned upward projection to provide natural light to the interior of the nursery school and this is to project upwards by 2.2m

The proposed external materials to be used throughout the building are to be metal and timber cladding panels on the walls with glazing as well a brick base course. There is to be a section of pre-cast concrete wall on the nursery. A metal standing seam roof is to be used.

Vehicular access into the proposed car park is to be taken off the spine road that is to run through the overall Maidenhill development site, towards the south-west of this application site. There is to be a separate service access towards the east part of the site leading to the rear of the school building. A pedestrian access is to be formed from the west side of the site leading to the school building.

The proposed development also includes a floodlit 3G pitch towards the west part of the site, playground areas, open space, games areas and landscaping/planting.

The proposed surface water drainage is to be directed to an attenuation tank to be located under the games court adjacent to the playing field before discharging outwith the site to an existing watercourse at a controlled rate utilising a hydrobrake.

#### Scottish Planning Policy

Scottish Planning Policy (SPP) introduces a presumption in favour of development that contributes to sustainable development and indicates that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place but not to allow development at any cost.

It is also important to note that Paragraph 32 of SPP indicates that proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. It should therefore be noted at the outset that the identification of the site as part of a Strategic Development Opportunity site in the adopted LDP means there is no requirement to re-examine the principle of whether this development is acceptable.

Scottish Planning Policy on Placemaking indicates that planning's purpose is to create better places through a design-led approach with planning supporting development is designed to a high-quality, which demonstrates the six qualities of successful place: distinctive; safe and pleasant; welcoming; adaptive; resource efficient; and easy to move around.

#### Strategic Development Plan (July 2017)

The Strategic Development Plan (SDP) indicates that housing plays a fundamental role in the overall economic, social and environmental success of the city region. Housebuilding makes an important contribution to the city region's economy and as well as creating new homes, it delivers wider societal benefits through the generation of employment, and by sustaining and enhancing local community facilities such as schools, shops, recreation facilities and open spaces. The SDP is committed to supporting growth by creating high quality places which deliver the right type of homes in the right locations.

The Vision and Spatial Development Strategy of the SDP supports the provision of high quality and affordable housing in the right location which is central to the creation of a successful, sustainable and growing city region. This will be realised through the prioritisation of regeneration

activities, the recycling of previously used land, and higher density development in support of the delivery of the Plan's compact city model. The strategy also includes a range of large scale planned greenfield sites including the Community Growth Areas, released through earlier plans and are either still under development or still to commence, as well as a range and choice of other greenfield and brownfield sites.

The proposed development is located in the Maidenhill Urban Expansion Area and the identification of this school site is directly related to the allocation of the overall site as a housing development site in the Local Development Plan. The proposed development is therefore considered to support the Vision and Spatial Development Strategy of the SDP of a compact city region.

### East Renfrewshire Local Development Plan – June 2015

The adopted East Renfrewshire Local Development Plan (LDP) sets out a visionary and ambitious development strategy comprising of two key strands: regeneration and consolidation of urban areas; and controlled urban expansion as set out under Strategic Policy 1. The LDP aims to deliver controlled urban expansion within 3 Strategic Development Opportunities (SDOs) (Maidenhill, Barrhead North and Barread South) to provide long term effective land supply beyond 2025 alongside the infrastructure required to support these new communities. Comprehensive master plans have been prepared for each SDO and adopted as Supplementary Planning Guidance alongside the LDP.

The site is identified in the adopted LDP as part of the Malletsheugh/Maidenhill Strategic Development Opportunity and covered by Policy M2.1. Policy M2.1 sets out a range of requirements that the site must deliver including:

- A mix of housing types and tenures including affordable;
- 2 new Primary Schools;
- A high quality and sustainable building design, layout and places;
- An integrated green network throughout the site;
- Community/Leisure facilities including a site for a religious facility; and
- A sustainable transport strategy.

This masterplan site also covers the land to the west and north of Ayr Road that are to be developed by others. As indicated above this masterplan area has been established as a development site through the adoption of the LDP. The proposed school development therefore accords in general terms with Policy M2.1.

The LDP also identifies the Strategic Development Opportunity site for housing development, community facilities and educational facilities covered by Policies SG2 (distribution of new housing), SG6 (economic development/business proposals), SG6 (safeguard business and employment areas), D13 (community/leisure facilities including allotments, a potential site for a religious facility and education facilities) and SG8 (retail development).

Policy D13 is directly related to this application and indicates that the provision of community, leisure and educational facilities will be a core component of any masterplan. Policies D13.18 and D13.19 relate to such facilities at the Strategic Development Opportunity site with the details to be determined through the preparation of a comprehensive masterplan.

Policy D13 indicates the Council will safeguard and, where appropriate, undertake improvements to existing community, leisure and educational facilities. This Policy indicates new facilities should be located where they are accessible by a range of transport modes. This Policy goes on to indicate the provision of community, leisure and educational facilities will be a core component of any masterplan. Based on anticipated pupil numbers arising from the development at the Maidenhill Masterplan area, two new primary schools with associated pre-five provision are required. A denominational primary school is now open at Waterfoot Road, Newton Mearns and this in part meets this requirement. Planning permission 2016/0712/TP identifies the location of a school and a religious facility. The site for the school is adjacent to the proposed spine road through the development approved under 2016/0712/TP and the central green corridor. The

location of the school site is considered to be at an accessible location within the site. This application for the primary school accords with Policy D13.

Policy D1 includes a number of criteria for assessing development in order that it is well designed and sympathetic to the local area and demonstrate that a number of criteria have been considered, and where appropriate, met. The visual impact of the development will be viewed in the context of the residential development to be constructed in the wider development site and is acceptable and not dominant. The design of the development is also considered to be visually interesting and as it is to be located towards the centre of the wider development site it will be a focal point for the new community.

Policy E3 indicates there will be a strong presumption against development that is likely to have an adverse effect on the water environment and Policy E4 indicates that development which could be at significant risk from flooding, and/or could increase flood risk elsewhere will be resisted. In addition Policy E5 relates to surface water drainage and water quality and indicates that sustainable urban drainage systems (SUDS) will be required to be incorporated into all new development, with the exception of smaller scale proposals. The proposed development includes SUDS within its surface water drainage design with surface water directed to an underground attenuation tank before discharging from the site at a controlled rate via a hydrobrake. The inclusion of the SUDS in the proposed development accords with this policy. Should planning permission be granted the discharge rate can be controlled by a planning condition to accord with the greenfield run-off rate of 6.5 litres/second/hectare identified in the Maidenhill Master Plan SPG.

SEPA in its consultation response indicated they have reviewed the submitted information in respect of flood risk and thought it appropriate to take into consideration the previously undertaken Flood Risk Assessment (FRA) in support of development proposals in this area. SEPA reviewed and accepted the FRA along with the flood management proposals and were satisfied that they complied with the principles of Scottish Planning Policy (SPP). A review of this development proposal does not raise any major flooding concerns and is in line with the FRA proposals so SPEA has no objection on flooding grounds.

Policy E6 relates to waste water treatment and indicates that connection to the public sewerage system is required for all new development proposals except in particular circumstances. Proposals should not pose or add to an environmental risk as a result of cumulative development. It is Scottish Water's responsibility to ensure whether their network has the capacity to take the sewage from the site. Scottish Water has indicated in its consultation response that it has not objection to this application. In particular Scottish Water has indicated the proposed development will be fed from Shieldhall Waste Water Treatment Works however Scottish Water is unable to confirm capacity at this time.

It should be noted that the foul sewer/sewerage system is Scottish Water's responsibility and not that of the Council. The planning permission does not give approval for connection to Scottish Water's infrastructure to discharge sewerage/foul water into the public sewer network. There is a completely separate application process with Scottish Water for this. Scottish Water has indicated that once a formal connection application is submitted to Scottish Water by the applicant/developer after full planning permission has been granted, Scottish Water will review the availability of capacity at that time and advise the applicant accordingly. This is the normal procedure for a developer to connect to Scottish Water's sewerage infrastructure.

Scottish Planning Policy on Placemaking and the adopted Supplementary Planning Guidance: Maidenhill Master Plan - June 2015

Scottish Planning Policy on Placemaking indicates that planning's purpose is to create better places through a design-led approach with planning supporting development is designed to a high-quality, which demonstrates the six qualities of successful place: distinctive; safe and pleasant; welcoming; adaptive; resource efficient; and easy to move around.



The Master Plan outlines key design principles and concepts for the multi-use developments consisting of five landholdings at Maidenhill and Malletsheugh and illustrates and expands on the Council's vision for the area.

The vision is to create a new urban quarter within East Renfrewshire providing a high quality built environment that maintains and builds upon the area's existing qualities. It is to be a socially inclusive community providing a range of house tenures, types and sizes to meet local needs. It is to provide an attractive and distinctive landscape setting that will enhance the green network. It is to ensure the incorporation of local services and community facilities to serve the existing and growing community. It is to ensure sustainability is a core component of all aspects of the design and all steps will be taken to create a well planned and desirable 'place to grow'.

These concepts include a landscape framework that will ensure an integrated approach to amenity, connectivity, bio-diversity, ecology and drainage; a roads, access and transport strategy that will encourage the use of public transport, cycling and walking; an urban design strategy that will create a 'sense of place'. The identification of the location for non-housing uses, including a primary and nursery school and a religious/community facility, will play a key part in this; and a strategy for the provision of affordable housing that will ensure a mix of dwelling types, suitably located throughout the master plan area

The proposed school is a key component of this urban expansion area and will be a focus for the new community at Maidenhill.

### Representations

In terms of the representations received the following comments are made.

No safe, direct pedestrian access route for a substantial proportion of the new primary school catchment area: The location of this new school has been identified through the adoption of the LDP and Master Plan and is to cater primarily for the new community at Maidenhill. There are pedestrian routes into an out of the wider Maidenhill development approved under 2016/0712/TP as well as routes through the development. It is considered that the school is accessible by a variety of transport modes.

The drainage proposals are non-compliant with Scottish Planning Policy, the LDP and the Planning Act as a precautionary approach has not been demonstrated: It should be noted that the comments relate to the submitted Statement on Flood Risk and Proposed Drainage Strategy (August 2017). This Strategy was updated in November 2017 and no further/updated comments have been received.

The surface water drainage is to be directed to an underground attenuation tank within the application site before discharging outwith the site to an existing watercourse (identified as Burn C) at a controlled rate utilising a hydrobrake. This discharge rate can be controlled to greenfield run-off rates as specified in the Maidenhill Master Plan SPG (6.5 litres/second/hectare).

The foul drainage for the school is to connect into the foul drainage for the development approved under 2016/0712/TP before connecting to Scottish Water's Sewerage Infrastructure outwith the site. It should be emphasised that planning permission 2016/0712/TP does not specify where the foul drainage has to be connected to, how it is to be connected or require a specific connection route. In addition the planning permission does not require any augmentation of Scottish Water's infrastructure to be carried out. Approval of a planning application does not give approval for any connection to Scottish Water's infrastructure. Only Scottish Water can give approval for that.

It should be noted that since the approval of 2016/0712/TP the situation regarding foul drainage has been updated and the following is given for information purposes. A Development Impact Assessment (DIA) prepared by Scottish Water Horizons (August 2017), together with other information, has been submitted by the developers to comply with condition 28 of planning permission 2016/0712/TP. It is understood that the developer had discussions with Scottish Water and Scottish Water Horizons following the imposition of condition 28 and, in conjunction with them, it was decided that the 2015 DIA would be updated and re-run on the basis of the planning

approval. The August 2017 DIA details three elements of upgrade/augmentation works that required to be completed by the developers. This requires upgrading of two sections of pipework and increase in the size Newton Mearns Storm Tank CSO off Capelrig Road.

The information submitted for condition 28 of the planning permission also includes a letter from Scottish Water to the developer dated 1 November 2017 stating that Scottish Water accepts the findings of the DIA dated August 2017. A recent letter from the developers, received on 17 January 2018, now confirms that contract terms for the delivery of the upgrade/augmentation works has been agreed with Scottish Water and Scottish Water Horizons. Scottish Water Horizons anticipate that the works will be complete prior to the occupation of any new homes, which are anticipated in Feb/March 2019.

### Overall conclusion

The proposed school has been identified as a requirement for this urban expansion/masterplan area through the adopted Local Development plan. As a consequence the development is considered to accord with the relevant policies.

In addition the design and appearance of the development is considered to be acceptable at this location. The visual impact of the development is considered to be localised to the immediate vicinity of the site and will eventually be viewed in the context and part of the development within the wider Maidenhill site.

It is therefore recommended that the development is approved subject to conditions.

**RECOMMENDATION:** Approve Subject to Conditions

**PLANNING OBLIGATIONS:** None

### **CONDITIONS:**

1. 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.

2. 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.

3. Development shall not commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Head of Environment (Planning, Property and Regeneration). Details of the scheme shall include (as appropriate):-

- 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 and play equipment;
- iv) Details of the phasing of the landscaping works;
- v) Proposed levels; and
- vi) Schedule of maintenance.

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.

4. The parking spaces shown on the drawing Z0\_90\_LP\_001 Rev 10 shall be constructed, surfaced and delineated on the site in all respects before the development hereby approved is brought into use/occupied.

Reason: To ensure the provision of adequate parking facilities to reduce the incidence of roadside parking.

5. The maximum discharge rate from the Sustainable Urban Drainage Systems (SUDS) shall be 6.5 litres/second/hectare.

Reason: In the interests of sustainable development.

6. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and agreed by West of Scotland Archaeology Service and approved in writing by the planning authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the agreed programme.

Reason: In order to identify and protect any archaeological remains and to allow the planning authority to consider this matter in detail.

7. 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.

Reason: To prevent noise nuisance to the surrounding area.

8. Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the planning authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages shall then require to be submitted to, and approved in writing by the planning authority.

9. No blasting may be carried out without a full noise/vibration assessment and control plan specific to the blasting work having been submitted to the planning authority. Monitoring of blasting noise and vibration levels must be conducted and the results of this monitoring submitted to planning authority within one week of the blasting. All monitoring works must be carried out by a competent and suitably qualified, independent third party.

i. If it were anticipated that vibration would have any potential effects then we would recommend that the developer discuss the use of dilapidation surveys with the owners/occupiers of potentially affected premises.

ii. No blasting works shall be carried out without the prior written approval of the planning authority.

Reason: To avoid disturbance to nearby residential properties

10. Development shall not commence until details of vehicle wheel cleaning facilities and a road cleaning strategy have been submitted to and approved in writing by the planning authority. Thereafter the approved vehicle wheel cleaning facilities and road cleaning

strategy shall be implemented as approved. All construction vehicles exiting the site shall have all tyres and wheels cleaned before entering the road.

Reason: To ensure mud and deleterious materials are not transferred to the road.

11. Development shall not commence until details of all external lighting, including any floodlighting of the sports pitches (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.

12. The external playing fields/pitches and associated floodlights shall not be used after 10pm unless agreed in writing by the Head of Environment (Planning, Property and Regeneration).

Reason: In the interests of amenity and to avoid disturbance to nearby residential properties.

13. For the avoidance of doubt the junctions of the school car park access and the school service yard access with the core spine (loop) road shall have minimum visibility splays of 4.5m by 60m by 1.05m. No vegetation, landscaping, structures or fencing over 1.05m in height will be permitted within the splays.

Reason: In the interests of roads safety.

#### **ADDITIONAL NOTES:**

The applicant/developer is reminded to contact East Renfrewshire Council Environmental Health Service prior to commencing any works to ensure that the premises will comply with any relevant health and safety/food hygiene legislation.

The applicant/developer is reminded that authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA's website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

SEPA ASB  
Angus Smith Building  
6 Parklands Avenue  
Eurocentral  
Holytown  
North Lanarkshire  
ML1 4WQ

#### **ADDED VALUE:**

#### **BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Sean McDaid on 0141 577 3339.

Ref. No.: 2017/0568/TP  
(SEMC)

DATE: 7th February 2018

**DIRECTOR OF ENVIRONMENT**

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**DEVELOPMENT PLAN:****Strategic Development Plan**

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

**Adopted East Renfrewshire Local Development Plan**

Policy M2.1

M77 Strategic Development Opportunity - Malletsheugh/Maidenhill Newton Mearns

Development within the area west of Newton Mearns as defined on the Proposals Map will be permitted in accordance with Policy M1 and M2, to be defined further through the preparation of a comprehensive master plan.

The master plan will be prepared by the Council in partnership with landowners, developers and key agencies and will be adopted by the Council as Supplementary Planning Guidance. The Council will not consider any applications favourably prior to the adoption of the master plan (M2.1) to ensure a co-ordinated approach to delivery.

The whole area will be removed from the green belt and identified as a master planned area on the Proposals Map. The detailed phasing and delivery of sites will be determined through the preparation of the master plan.

In addition the master plan will have to address the following requirements:

Integration of Maidenhill/Malletsheugh as a sustainable urban expansion with Newton Mearns accommodating:

Mixed housing comprising a range of house types and tenures including affordable;

A high quality environment that will attract a variety of employment generating uses including high tech businesses and the potential for live/work units to assist with the creation of a dynamic and competitive local economy, boost local job and improve inward investment opportunities;

Neighbourhood scale retail;

Community/leisure facilities (including allotments and a potential site for a religious facility) and Education facilities - On site provision of a non-denominational primary school and associated pre-five provision required as an early priority. The requirement for a denominational primary school is provided under Proposal D13.22, South Waterfoot Road, Newton Mearns. Capacity can be managed within other schools subject to provision of appropriate development contributions.

Approximately 1060 homes to be phased 450 homes by 2025 and 610 homes post 2025;

Provision for a sustainable transport strategy comprising:

Public transport upgrades;

Upgrades to Aurs Road,; and

Investigate improvements to connectivity between Barrhead and Newton Mearns including, in the long term, the 'Balgray Link' route.

Enhancement of the Dams to Darnley Country Park by improving access, tourism activity and by encouraging appropriate commercial and leisure activity on key sites.

#### Policy SG2

##### Distribution of New Housing

The Council will support the additions to the established housing land supply as shown on the Proposals Map and as listed in Schedules 10 and 11 and the master plan areas under Policies M2 to M8. All proposals will require to comply with the terms of Policy SG5 Affordable Housing and Strategic Policy 3.

#### Policy SG6

##### Economic Development

The Council will support a flexible approach to sustainable economic growth to meet the development needs of established and emerging employment sectors.

1. The Council seeks to safeguard business and employment areas listed in Schedule 12. In association with the local business community and other relevant agencies the Council will seek to enhance the quality of existing employment areas.

Proposals for non-employment generating development including housing on the safeguarded business and employment areas will not be supported, except where:

there is no current or likely future demand for employment uses on the land;  
it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or  
where development would bring wider economic, environmental, community or amenity benefits.

2. The Council will support the development of employment generating uses at the locations listed in Schedule 13. New employment areas will be a core component of the master plans.
3. The Council will encourage the relocation of inappropriately sited industrial and business uses to the safeguarded Business / Employment Areas listed in Schedule 12.
4. New tourism related developments will be supported provided they can satisfy the requirements of Strategic Policy 2 and other policies of the Plan.

#### Policy D13

##### Community, Leisure and Educational Facilities

The Council will safeguard and, where appropriate, undertake improvements to existing facilities. New facilities should be located where they are accessible by a range of transport modes. The provision of community, leisure and educational facilities will be a core component of any master plan.

Proposals which would result in the loss of existing community/ leisure/educational facilities will only be supported where it can be clearly shown that:

Appropriate alternative local provision of at least equivalent suitability and accessibility will be provided; or  
That the existing use is no longer required/viable; or



There is no demand and the facility is incapable of being made viable or adapted for other community, leisure or educational uses.

The Council will support the implementation of the projects listed in Schedule 7.

#### Policy D1

##### Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other

development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;

15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

### Policy E3

#### Water Environment

There will be a strong presumption against development that is likely to have an adverse effect on the water environment. Development should not compromise the objectives of the Water Framework Directive. In assessing proposals, the Council will take into account the River Basin Management Plan for the Scotland River Basin District.

### Policy E4

#### Flooding

At all times, avoidance will be the first principle of flood risk management. Development which could be at significant risk from flooding, and/or could increase flood risk elsewhere will be resisted. A flood risk assessment taking account of climate change will be required for any development within the Scottish Environment Protection Agency functional flood plain.

Development that will reduce the likely incidences of flooding or vulnerability to flooding will be supported subject to compliance with other policies of the Plan.

There will be a presumption against development within functional flood plains. The functional flood plain equates to the 'medium to high risk' category. Water attenuation areas are designed to reduce the incidence of flooding in other locations and there will be a presumption against development within these areas. The Council will resist development within areas that are at risk of flooding, in accordance with the risk framework contained in Scottish Planning Policy.

Infrastructure developments may be permitted in areas of flood risk in the circumstances, and subject to the requirements, set out in the flood risk framework in Scottish Planning Policy.

### Policy E5

#### Surface Water Drainage and Water Quality

Sustainable urban drainage systems will require to be incorporated into all new development, with the exception of smaller scale proposals (such as applications for single houses, householder or shop frontage alterations). It should also form a major part of all master planning exercises. This will moderate surface water run-off from the site and mitigate any impacts on water quality.

There will be a general presumption against the culverting of watercourses as part of new development. Culverts may be acceptable as part of a grant aided flood prevention scheme or where they are necessary to carry water under a road or railway. Advice on culverts can be accessed on the Scottish Environment Protection Agency website [www.sepa.org.uk](http://www.sepa.org.uk)

The Council will encourage the adoption of an ecological approach to surface water management through habitat creation or enhancement by, for example, forming wetlands or ponds and opening up culverted watercourses. Invasive non-native species should not be introduced and their removal is encouraged. New planting must be with native species. The physical area of any

development covered by impermeable surfaces, should be kept to a minimum to assist with flood risk management.

#### Policy E6

##### Waste Water Treatment

Connection to the public sewerage system is required for all new development proposals. The only exceptions are:

In rural areas where no public sewerage system exists and connection into a public sewerage system is not physically or economically viable;

If a development cannot connect to an available public drainage infrastructure directly, possibly through a lack of capacity or through the timing of completion of works, planning permission may be granted on the basis that the development will be served by a private treatment plant on a temporary basis but will be required to connect to the public drainage infrastructure when capacity becomes available;

Proposed development should be effectively served by the foul sewerage network and where possible discharge to the public system. A private system will only be acceptable in exceptional circumstances and, in this instance, Scottish Environment Protection Agency's guidelines and policies must be adhered to.

In all circumstances the proposals should not pose or add to an environmental risk as a result of cumulative development

#### **GOVERNMENT GUIDANCE:**

Scottish Planning Policy on Managing Flood Risk and Drainage indicates the planning system should promote a precautionary approach to flood risk from all sources; flood avoidance by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas; flood reduction by assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible; and avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems and minimising the area of impermeable surface. To achieve this the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

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# REPORT OF HANDLING

Reference: 2017/0754/TP

Date Registered: 22nd November 2017

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 257421/651951

Applicant/Agent:

Applicant:

Mr Robert Carchies

Alexander Bain House

James Watt Street

Glasgow

Scotland

G2 8LA

Agent:

Nick Hilton

The Stable

Codham Hall Lane

Brentwood

Essex

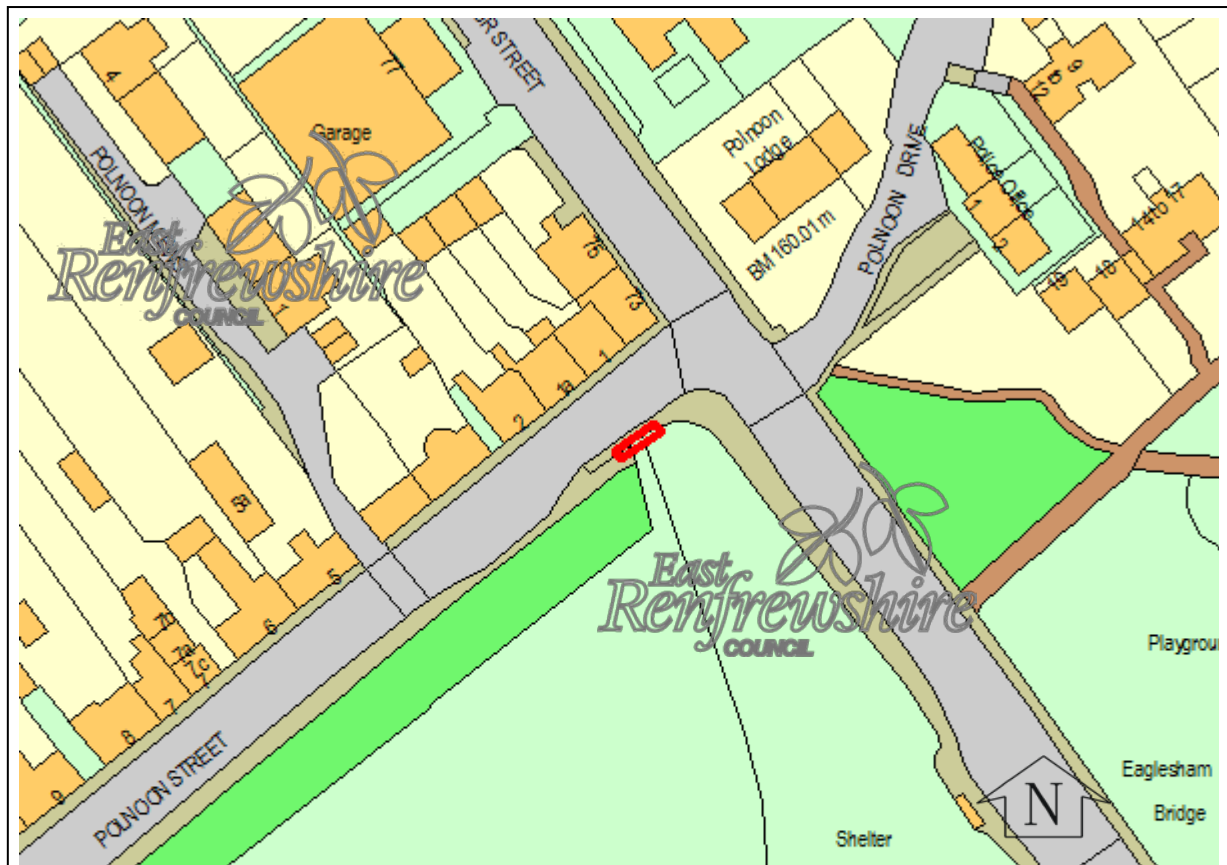
CM133jt

Proposal: Installation of 2 ground based telecommunications cabinets

Location: Opposite 1-1A Polnoon Street

Eaglesham

East Renfrewshire



**DO NOT SCALE**

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**CONSULTATIONS/COMMENTS:**

East Renfrewshire Council Roads Network Manager	No objection
East Renfrewshire Council Environmental Health Service	No objection

**PUBLICITY:**

08.12.2017	Glasgow and Southside Extra	Expiry date 29.12.2017
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**SITE NOTICES:**

Development within a Conservation Area	Date posted 08.12.2017	Expiry date 29.12.2017
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**SITE HISTORY:**

2016/0601/TP	Installation of two ground based telecommunications equipment cabinets	Granted	05.01.2017
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**REPRESENTATIONS:** 10 representations have been received objecting to the application and can be summarised as follows:

Impact on the character and amenity of the Conservation Area  
 Cabinets impede the footway  
 Cabinets have been installed without planning permission  
 Cabinets should be located elsewhere  
 Cabinets should be smaller

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

**SUPPORTING REPORTS:**

Design and Access Statement	Describes the proposal and outlines the benefits in terms of broadband speed. Details the noise output and states the site has been selected to take account of planning and roads requirements.
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**ASSESSMENT:**

This is a Local Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However as 10 objections have been received it is required to be determined by the Planning Applications Committee.

The application site comprises a section of footway measuring approximately 8 metres by 1.5 metres and lies on the south side of Polnoon Street, approximately 10 metres south west of its junction with Gilmour Street. It lies within the Eaglesham Conservation Area, opposite listed buildings, on the edge of The Orry. The Orry is a large common grassed area with mature trees. Several small structures have been installed within and on the edges of this section of The Orry including a brightly painted bus shelter, planters and information plaques mounted on stone plinths. The site is open to long views from the south and east from The Orry and from Gilmour

Street and from the south-west down Polnoon Street. The site is viewed in closer proximity from the listed buildings and from the footway to the north.

Planning permission is sought for two ground-based telecommunications equipment cabinets that have already been installed. One cabinet (nearest to Gilmour Street) measures 1.2 metres high by 1.4 metres wide by 0.37 metres deep. The other cabinet measures 1.4 metres high by 1.2 metres wide by 0.45 metres deep. The cabinets have a metal finish and are painted dark green in colour.

Planning permission was granted on 5 January 2017 under 2016/0601/TP for the installation of two ground-based cabinets on a site further to the north-east at the junction of Polnoon Street with Gilmour Street. That application attracted no representations. During the installation of the approved cabinets, and following intervention from members of the public, the applicant relocated the cabinets to their current location without discussing this with the Council's Planning Service.

The application requires to be assessed against Policies D1, D11 and D17 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that all development should not result in a significant loss of character or amenity to the wider area. Policy D11 states that the Council will safeguard the special character of Conservation Areas and the setting of listed buildings and that development likely to have an adverse effect will be resisted. The adopted Supplementary Planning Guidance: Management and Protection of the Built Heritage (SPG) supports and forms part of Policy D11. It states that the design, materials, scale and siting of any development shall be appropriate to the character of the Conservation Area and its setting. The Eaglesham Conservation Area Appraisal has also been considered. The Appraisal describes the key character features of the Conservation Area. The relevant sections of Policy D17 require that telecommunications apparatus should not impact on the surrounding built and natural environment and should not prejudice traffic or pedestrian safety.

It is accepted that when viewed from the south and east the cabinets are visible against the white painted walls of the listed buildings opposite. However from those directions they are seen in the context of existing similar sized structures and from the longer views they appear small in relation to the wider Conservation Area. Similarly, when viewed from the south west along Polnoon Street, they are seen in the context of existing hedging and a bus stop pole. Given this context and their relatively modest scale, they are not considered to be unduly prominent or incongruous features in the Conservation Area, nor do they adversely affect the setting of the listed buildings.

When viewed from the north from the footpath on Polnoon Street and from the listed buildings, the cabinets are seen against the backdrop of The Orry and Gilmour Street. This backdrop includes mature trees and structures including stone plinths and lessens the impact of the cabinets on the Conservation Area.

It is accepted that the cabinets will have an impact at the site however this impact is localised and diminishes away from the site. It is therefore considered that the cabinets, as a result of their size, scale, setting and the wider context, do not detract significantly from the character or visual amenity of the Conservation Area. Their impact on the key character features of the Conservation Area is acceptable.

In terms of Policy D17 the proposal will not have a significant visual and physical impact on the surrounding built and natural environment and will not prejudice traffic or pedestrian safety.

It should be noted that the previous application approximately 10 metres to the north east was considered acceptable against policy and the change in position is not considered to be significant.

The proposal is considered to comply with the terms of Policies D1, D11 and D17 of the adopted Local Development Plan and with the terms of the SPG.

In terms of the representations received and the following comments are made. The proposal has been assessed against the relevant development plan policies and has been found to be acceptable in terms of its impact on the character and visual amenity of the Conservation Area.

The Council's Roads Service has not objected to the application in terms of possible impediment of the footpath. The Planning Authority must determine the application before it and cannot consider alternative sites or designs. The Planning Act allows for retrospective applications to be submitted for determination and these still have to be assessed against the relevant policies of the development plan and any material planning considerations.

In conclusion the proposal is considered to comply with the terms of Policies D1, D11 and D17 of the Local Development Plan and the SPG which supports and forms part of Policy D11. There are no material considerations that outweigh the terms of the Local Development Plan.

**RECOMMENDATION:** Grant

**PLANNING OBLIGATIONS:** None

**ADDITIONAL NOTES:** None

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

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

Ref. No.: 2017/0754/TP  
(DESC)

DATE: 7th February 2018

**DIRECTOR OF ENVIRONMENT**



**Reference: 2017/0754/TP - Appendix 1**

**DEVELOPMENT PLAN:**

**Strategic Development Plan**

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

**Adopted East Renfrewshire Local Development Plan**

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
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9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should

- be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
  14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
  15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
  16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

#### Policy D11

##### Management and Protection of the Built Heritage

The Council will safeguard the special character of conservation areas and the Netherlee Article 4 Direction Area; sites included on the Inventory of Gardens and Designed Landscapes; scheduled monuments and archaeological sites; and listed buildings and their settings. Development likely to adversely affect these assets will be resisted.

Further detailed information and guidance is provided in the Management and Protection of the Built Heritage Supplementary Planning Guidance.

The Council will seek to secure the implementation of the environmental protection projects shown on the Proposals Map and listed in Schedule 5

#### Policy D17

##### Telecommunications

Development will be acceptable where:

The developer can demonstrate that all discounted alternatives, including sharing of existing installations, have been fully investigated;

The developer can demonstrate that the smallest suitable equipment commensurate with technological requirements, is being installed;

A solution has been proposed in order to minimise any possible visual or physical impact on the surrounding built and natural environment;

The development does not prejudice traffic safety or pedestrian safety.

In addition, where applicable, Telecoms operators should provide a written statement that indicates how they arrived at the selected application site. They will be required to provide written evidence that demonstrates proof of search for alternative sites and why these alternatives have been discounted. They should explain the alternative design solutions that have been considered for the application site, address the cumulative effects of the proposal in combination with existing equipment in the area, and explain how the proposed equipment fits into the wider network

Applications should be accompanied by a declaration that the equipment and installation is designed to be in full compliance with the appropriate International Commission on Non-Ionizing Radiation Protection guidelines.

**GOVERNMENT GUIDANCE:**

Scottish Planning Policy on Conservation Areas indicates that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

Scottish Planning Policy on Supporting Digital Connectivity indicates the planning system should support development which helps deliver the Scottish Government's commitment to world-class digital connectivity; the need for networks to evolve and respond to technology improvements and new services; inclusion of digital infrastructure in new homes and business premises; and infrastructure provision which is sited and designed to keep environmental impacts to a minimum.

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