

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

Draft index of applications under the above acts to be considered by Planning Applications Committee on  
9th November 2022.

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**Reference No:** 2021/0869/TP

**Ward:** 5

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**Applicant:**

Mrs Ayesha Siddiqi  
3 Langford Place  
Glasgow  
UK  
G53 7HZ

**Agent:**

Lorne Haycock  
Business Centre Unit A  
Darluith Road  
Linwood  
UK  
PA3 3TP

**Site:** Adjoining Site Between 14 And 16 Newton Place Newton Mearns East Renfrewshire

**Description:** Erection of two dwellings and associated ancillary works, including access (planning permission in principle). (Amended address)

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

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**Reference No:** 2021/0947/TP

**Ward:** 5

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**Applicant:**

Broom Estates Investments LLP  
Tay House  
300 c/o North P&D  
Bath Street  
Glasgow  
United Kingdom  
G2 4LH

**Agent:**

David Campbell  
Tay House  
300 Bath Street  
Glasgow  
Scotland  
G2 4LH

**Site:** Eastwood Golf Club Langlee Road Loganswell Newton Mearns East Renfrewshire

**Description:** Remodelling works to alter existing golf course to 12-holes, erection of new golf clubhouse/pavilion, development of woodland retreat, erection of 6 dwellinghouses, formation of new access and other ancillary works.

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

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**Reference No:** 2022/0326/TP

**Ward:** 4

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**Applicant:**

Netherlee Property Limited  
16 Muir Street  
Hamilton  
Scotland  
ML3 6EP

**Agent:**

Bruce Newlands  
29 Nelson Road  
Gourock  
United Kingdom  
PA19 1XJ

**Site:** Adjacent Of 679A Clarkston Road Netherlee East Renfrewshire

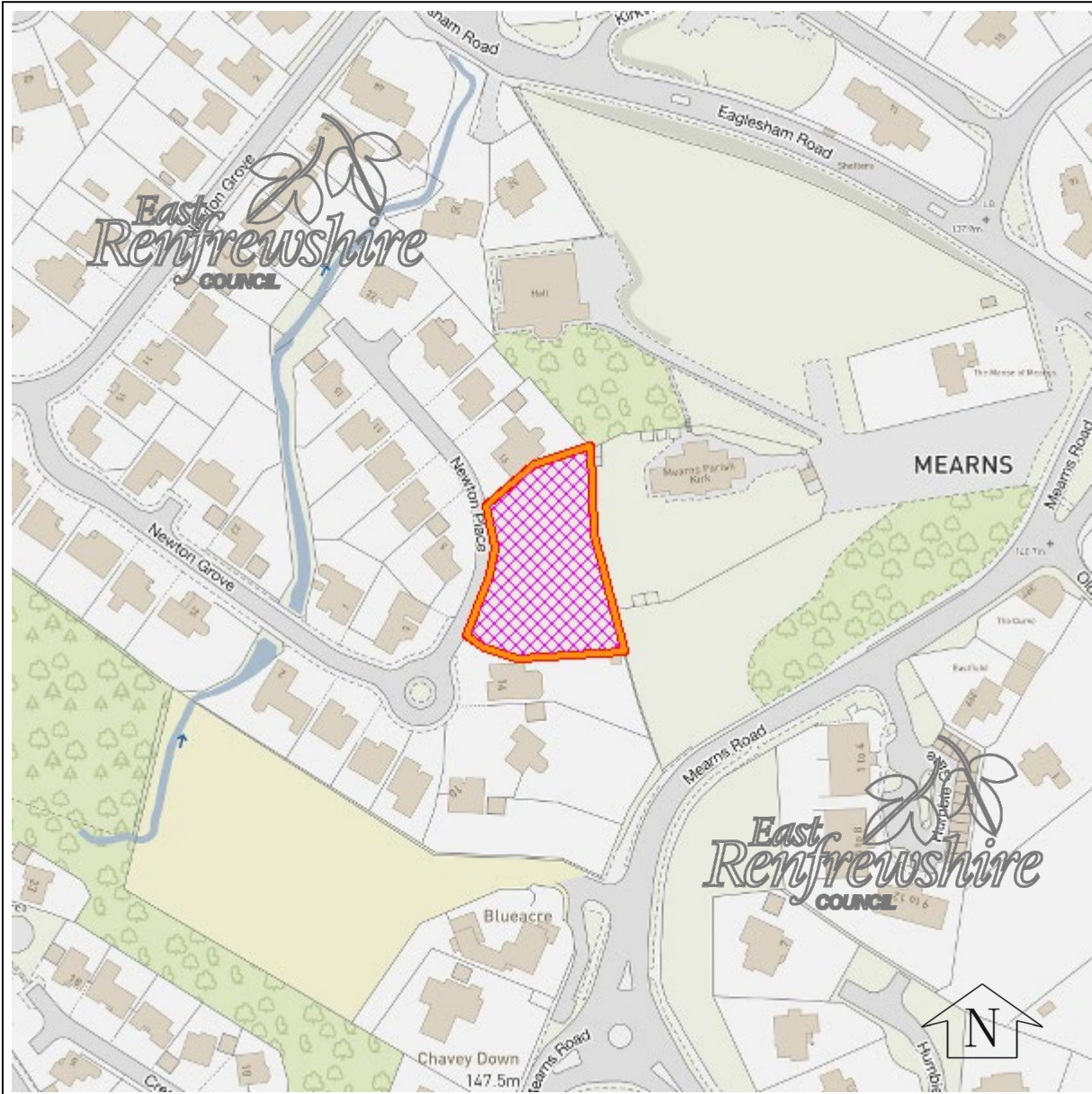
**Description:** Erection of 3 storey building comprising shop unit on ground floor and flatted dwellings on upper floors, including balconies, stairwells and associated works.

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

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**CONSULTATIONS/COMMENTS:**

West Of Scotland Archaeology Service	No objection subject to archaeological investigation condition
East Renfrewshire Council Roads Service	No objections subject to conditions
East Renfrewshire Council Environmental Health Service	No objection subject to condition for site investigation for potential contaminants

**PUBLICITY:**

11.02.2022	Evening Times	Expiry date 04.03.2022
04.02.2022	Evening Times	Expiry date 25.02.2022

**SITE NOTICES:**

Setting of Listed Building	Date posted 04.02.2022	Expiry date 25.02.2022
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**SITE HISTORY:**

1992/0337/TP	ERECTION OF 17 DWELLINGHOUSES & FORMATION OF ACCESS ROAD	Approved Subject to Conditions	19.05.1993
1994/0063/TP	ERECTION OF 18 HOUSES & GARAGES WITH ACCESS VIA NEWTON GROVE	Approved Subject to Conditions	21.06.1994
1995/0094/TP	ERECTION OF DWELLINGHOUSE	Refused	18.04.1995
		Subsequent appeal dismissed (P/PPA/SK/184)	10.10.1995
2015/0253/TP	Erection of two detached dwellinghouses with formation of improved open space	Refused	12.08.2015
		Subsequent appeal dismissed (PPA/220/2031)	03.02.2016

**REPRESENTATIONS:** 17 representations have been received, all of which object to the proposal for the following summarised reasons:

- Contrary to Policy
- Loss of amenity/greenspace
- Alter the landscape

- Impact on amenity
- Adverse visual impact
- Impact on conservation area, listed building and archaeology of the site/surrounding area
- Loss of habitat
- Increase in cars
- Plot boundaries not shown and no communal area
- Previous applications refused and appeals dismissed
- Not neighbour notified
- Loss of views
- Not in keeping with other houses/street
- Residents maintaining the area at their own expense
- Planning decision should cover this and any future planning applications
- Sale of land

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

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

Scottish Planning Policy –

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

The Glasgow and Clyde Valley Strategic Development Plan –

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

Local Development Plan2 –

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

## **SUPPORTING REPORTS:**

Planning Statement

A planning statement explains the proposed planning application in principle and argues that the points raised as reasons for the refusal of the 2015 application have been addressed. It concludes that the proposal aims to enhance the character and setting of the Category B Listed Mearnskirck Parish Church and retain the prospect of the greenspace of the site.

## **ASSESSMENT:**

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

### Site Description

The application site is located on the east side of Newton Place between nos.14 and 16 Newton Place and opposite no.5 Newton Place. It is an area of landscaped open ground which contains a variety of trees, both young and mature, as well as shrub planting and grass areas. To the east of the application site is the B Listed Mearnskirck Parish Church and its grounds. The application site extends to approximately 2350sqm and there is a general rise in ground levels across the site from west to east, towards the Kirk.

### Proposed development

Planning Permission in Principle is sought for the erection of two detached dwellinghouses on the site with each having their own driveway access onto Newton Place.

It should be noted that this application is for planning permission in principle, the drawings submitted are indicative only and the specific design and fixed siting of the proposed dwellinghouses are not



considered at this stage. This would be considered in the matters specified in conditions application should the planning application in principle be approved.

The application has to be determined in accordance with the Development Plan and any material planning considerations. The proposed development is not considered to be a strategic scale development and as a consequence the most relevant policy document in determining the proposal in relation to this application consists of the East Renfrewshire Local Development Plan 2 Adopted March 2022 (LDP2).

### Local Development Plan 2

The proposal requires to be assessed against Policies D1, D5, D7 and D15 of LDP2.

Policies D1, D5 and D7 seek to ensure that proposals for development within the urban area should not result in a significant loss of character or amenity to the surrounding area, the loss of urban greenspace will be resisted unless it can be demonstrated that the loss of part of the land would not affect its recreational, amenity or landscape function, and there is no significant adverse impact on biodiversity/natural environmental features of the site and surrounding area, including, inter alia, trees covered by Tree Preservation Orders, with a strong presumption against development where the overall integrity of the TPOs would be compromised.

Policy D15 states there is a presumption against works that adversely affect the special interest of a listed building or its setting.

The proposed site encompasses an area designated as urban greenspace which functions as amenity space for the enjoyment of the residents of Newton Place in which it is located, as well as those in the immediate locale. In addition, it forms part of the setting of the neighbouring B Listed Mearns Kirk Parish Church.

Whilst the application is made in principle, information provided has indicated that a single storey 3- bedroom bungalow of 140sqm will be located south of no.16 Newton Place and a two-storey, 4- bedroom house of 200sqm with an integral garage will be located north of no.14 Newton Place, each having their own driveway access onto Newton Place. They will be located approximately midway between the front and rear boundaries of the site. It has also been indicated in the supporting information that the proposed dwellinghouses will use similar materials to those of the existing surrounding houses, i.e. render, concrete roof tiles, paviers and brown casement windows. As this application is for planning permission in principle, the specific design, scale, form etc. is not considered at this stage.

By constructing two dwellinghouses and their curtilage on the site, the proposal would involve the loss of the whole of the designated open space which would result in a significant loss of the existing character and amenity of the area as well as its recreational and landscape function that serves the residents of the surrounding area. The Roads Service has not objected to the proposal but has indicated that visibility splays, drainage and parking standards, including visitor parking, would require to be adhered to. This information could be secured by conditioned should the application be approved.

There are no natural heritage designations at the site and it is not considered that the proposed development will have significant impacts on nature conservation. However, it is noted that no information on protected species has been provided as part of the submission. As the application raises other significant policy considerations it would have been unreasonable to put the applicant/agent to unnecessary expense and effort by requesting further information on protected species.

For the reasons outlined above the proposal is considered contrary to Policies D1 and D5.

With regards to Policy D7, the application site is located within the wider Mearns Kirk Tree Preservation Order area (TPO). Although the development would result in the loss of some of the trees at the site, it is not considered that the loss of these trees is significant in terms of the overall integrity of the TPO area. Should planning permission be granted a condition can be attached to

require the submission of landscaping and tree planting details for further approval in writing by the planning authority.

In relation to Policy D15, as the Mearnskirk Parish Church is a Category B listed building, it is considered to be a locally important building and, given its elevated site, is visually prominent in the area. This open space, west of the church, i.e. the application site, as well as the designated greenspace areas to the north and south of the church, is considered to create a sensitive interface between Newton Place and the church and contributes to the setting of the listed building and helps to emphasise its importance.

The supporting information provided states that the proposal aims to limit any possible visual impact of the proposed dwellings from Newton Place or the Kirk itself, and that siting the proposed dwellings to the north and south of the site would imply a visual frame for the Kirk and use the existing trees and planting to marry the proposed buildings with the landscape. Nevertheless, as this is an application for planning permission in principle, details of the specific design and siting of the proposed two dwellinghouses have not been submitted for consideration.

In conclusion, it is considered that the principle of erecting two dwellinghouses on the area of urban greenspace will have an adverse impact on the area's amenity, will alter its landscape character and will adversely impact on the character and setting of the listed Mearnskirk Parish Church, as well as being likely to affect the visual amenity currently enjoyed by the residents of the surrounding area. It is therefore considered that this development would not preserve or enhance the setting of the listed church and is therefore contrary to Policy D15.

#### **Other Material Considerations:**

Further to the assessment above, the following are considered to be material considerations relative to this application:

##### Draft Policy

The Draft Supplementary Guidance: Green Network June 2022 (SG) states that East Renfrewshire Council places the highest value on its environment. The green network is considered an essential component of a successful, healthy and sustainable neighbourhood. All development proposals will be required to protect and enhance the green network's wildlife, biodiversity, recreational use and landscape value.

As the proposal would involve the loss of the whole of the designated open greenspace it would remove any public access to the area for recreational use and would result in a significant loss of the existing landscape character and function that serves the residents of the surrounding area. It is considered that the proposed development is contrary to the Draft Supplementary Guidance: Green Network.

##### Planning History

As illustrated in the site history section above, there have been previous planning application refusals and subsequent appeals dismissed in relation to proposed residential developments on this site. The decision by the appointed Reporter in the most recent application appeal in 2015 stated that, given the then Policy D5 Designation, it underlined the Council's view of the importance and value of the site as open space and given the designation, residents should be able to expect certainty as to the future use of the site. The Reporter concluded that development of the site would diminish the character and amenity of the housing area and harm the setting of the listed church in breach of Policies (i.e. D1 and D5 of LDP 2015). These policies of LDP 2015 largely reflect Policies D1 and D5 of LDP2.

##### Representations

In terms of the issues raised by representations that have not already been addressed in the assessment of the application above, the following comments are made.

- Not neighbour notified - there was an initial issue with the addressing of the application site which resulted in interested parties not being neighbour notified. The address was subsequently amended and all interested parties were re neighbour notified. The Planning Service are therefore satisfied that the correct procedures have been undertaken in this regard.
- Impact on conservation area and archaeology of the site - the application site does not lie within a conservation area. Should the application be approved conditions would be attached to ensure that an appropriate programme of archaeological works are submitted by the applicant in accordance with a written scheme of investigation agreed by the West of Scotland Archaeology Service before any development works are undertaken.
- Planning decision should cover this and any future planning applications - the planning authority can only assess the proposed development of the land through the determination of submitted planning applications and in line with planning legislation. Each application is required to be considered on its merits.
- Loss of views, maintenance of the land and sale of the land are not material planning considerations.

### Overall Conclusion

The proposed development will result in an unacceptable loss of the designated area of urban greenspace and will have a significant adverse impact on the character, amenity and landscape function of the surrounding area. It will alter its landscape character and will adversely impact on the character and setting of the adjacent B Listed Mearnskirk Parish Church, as well as being likely to affect the visual amenity currently enjoyed by the residents of the surrounding area.

The proposed development is considered contrary to the relevant Local Development Plan policies and there are no material considerations that would outweigh the consideration of those policies.

As a consequence, it is recommended that the application be refused for the reasons set out below.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None.

**REASON(S):**

1. The development is contrary to Policy D1 of the adopted East Renfrewshire Council Local Development Plan 2 as it will result in a loss of character and amenity to the surrounding area.
2. The development is contrary to Policy D5 of the adopted East Renfrewshire Council Local Development Plan 2 as it would result in a significant loss of protected urban greenspace, would have an adverse impact on the landscape character and amenity of the site and surrounding area, and would adversely affect its recreational, amenity and landscape function.
3. The development is contrary to Policy D15 of the adopted East Renfrewshire Council Local Development Plan 2 as it will impact adversely on the landscape character and setting of the adjacent Mearnskirk Parish Church.

**ADDITIONAL NOTES:**

None.

**ADDED VALUE:**

None.

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Ms Margaret McGleish on 0141 577 3001.

Ref. No.: 2021/0869/TP  
(MAMC)

DATE: 2<sup>nd</sup> November 2022

**DIRECTOR OF ENVIRONMENT**

**Reference: 2021/0869/TP**

# REPORT OF HANDLING

Reference: 2021/0947/TP

Date Registered: 1st December 2021

Application Type: Full Planning Permission

This application is a Major Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 251841/:652619

Applicant/Agent:

Applicant:

Broom Estates Investments LLP

Tay House

300 c/o North P&D

Bath Street

Glasgow

United Kingdom

G2 4LH

Agent:

David Campbell

Tay House

300 Bath Street

Glasgow

Scotland

G2 4LH

Proposal:

Remodelling works to alter existing golf course to 12-holes, erection of new golf clubhouse/pavilion, development of woodland retreat, erection of 6 dwellinghouses, formation of new access and other ancillary works.

Location:

Eastwood Golf Club

Langlee Road

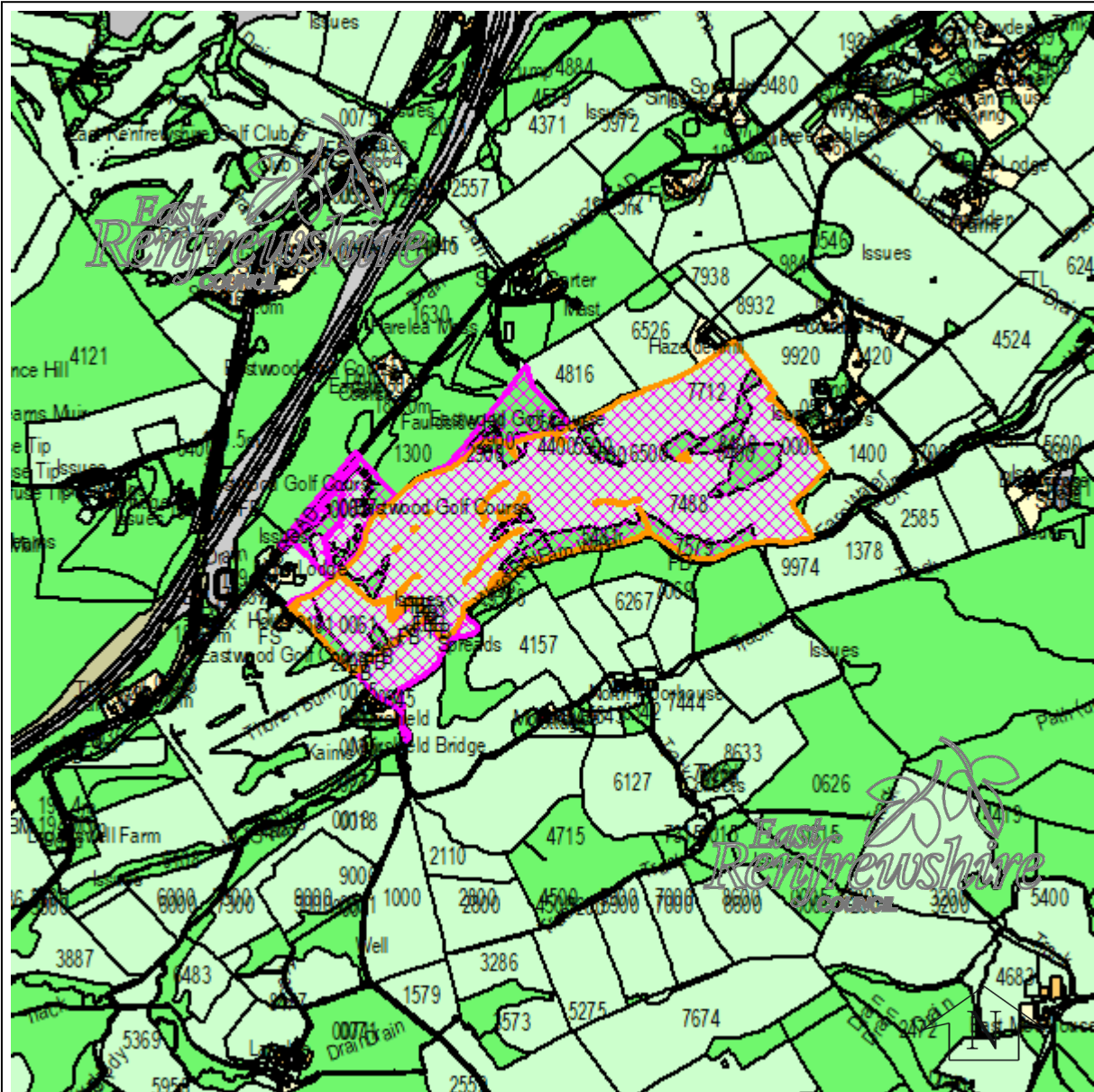
Loganswell

Newton Mearns

East Renfrewshire

G77 6RX

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**CONSULTATIONS/COMMENTS:**

East Renfrewshire Council Principal Officer Affordable Housing and Development Contributions	The applicant has agreed in principle to the provision of the minimum 25% affordable housing contribution via payment of a commuted sum. There is a significant education capacity issue in the area to which there is currently no viable solution. At this stage the application is premature and should be resisted as the erection of the dwellings would have a detrimental impact on the ability of the Council to provide sufficient education spaces for the resident population.
East Renfrewshire Council Environmental Health Service	No response at time of writing.
Scottish Environment Protection Agency (SEPA)	Offers no specific comment and makes reference to the SEPA standing advice and triage framework.
Scottish Water	No objection. Private options for waste water disposal would need to be explored.
NatureScot (formerly SNH)	No response at time of writing.
Sport Scotland	No objection subject to a mechanism such as a suspensive condition to ensure the timely provision of the golf course works prior to the delivery of the dwellings.
NERL Safeguarding	No response at time of writing
West Of Scotland Archaeology Service	No objection subject to condition.
East Renfrewshire Council Roads Service	No objection subject to conditions.

**PUBLICITY:**

21.01.2022                      Evening Times                      Expiry date 04.02.2022

**SITE NOTICES:**                      None.

**SITE HISTORY:**

2003/0295/TP	Erection of maintenance shed, erection of players shelter and regrading of access track	Approved Subject to Conditions	27.08.2003
2004/0310/TP	External alterations to form 2 door openings and formation of external	Granted	13.05.2004

stairs; Alterations to  
parking area

**REPRESENTATIONS:** 53 representations have been received, 1 objecting to the proposals and 52 in support. Representations can be summarised as follows:

#### OBJECT

Impact of Rights of Way  
Contrary to LDP2  
Housing not required  
Housing detrimental to rural amenity  
Other golf courses in the area  
Drainage impact

#### SUPPORT

Provides an opportunity to bring the golf course back into use  
Improves the amenity of the site  
Community benefit  
Employment opportunities

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

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

Scottish Planning Policy –

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

The Glasgow and Clyde Valley Strategic Development Plan –

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

Local Development Plan2 –

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

#### **SUPPORTING REPORTS:**

Access Statement – Provides an overview of the development and identifies the proposed site access arrangements. Includes a review of the accessibility of the site for all modes of travel along with identifying vehicle traffic movements generated by the proposals. Concludes that the proposed and existing local road junctions will have significant levels of spare capacity following the completion and opening of the development.

Survey Report of the existing club house – Provides a condition report of the existing club house and recommendations and costs for its reinstatement. The existing club house lies out with the site and does not form part of the application.

Flood Risk Assessment and Drainage Strategy – Describes the existing hydrological regime and public drainage infrastructure. Makes an assessment of flood risk and details the proposed drainage strategy. Effluent from the club house, woodland retreat and from each of the housing plots will be treated on site and discharged via soakaways to local watercourses. This will be subject to SEPA and Scottish Water's approval. Concludes that the high risk land use areas in the north of the site will not be at risk from fluvial flooding. The site can be drained sustainably and will not be at an unacceptable flood risk nor will it increase flooding elsewhere.

Golf Course Design and Access Statement – Provides a description of the concept and design proposals for the golf course element.

Ground Conditions Report – Provides a report on ground conditions following a preliminary site investigation and includes a Contamination Risk Assessment. In consideration of the site's geology, it concludes that the site is suitable for the proposed development. States that no evidence of contamination was observed.

Habitats Survey and Protected Species Assessment – Provides an assessment of habitats across the site and an assessment of the impact of the proposals on protected species. It establishes that there is low potential that any badger, red squirrel, pine martin, otter or water vole habitats will be adversely affected by the proposals. There is a negligible to low possibility that any of the trees within the site contain bat roosts. Common and Soprano pipistrelle bats were recorded as foraging within the site, however the assessment notes that all foraging habitats will be retained. There is a high likelihood of common breeding birds within the site but a low likelihood of rare or protected bird species.

Noise Impact Assessment – Makes an assessment of noise impact from the M77 on the proposed dwellings and noise impact from the plant associated with the proposed club house and woodland retreat on the adjacent dwelling at Moor Lodge and the proposed dwellings. Concludes that noise impact would not be a significant factor in assessing the application.

Planning Statement – Describes the site and its context and makes a detailed description of the proposals. Makes an assessment of the proposals against national and local planning policy, describing the proposed residential element as enabling development. Concludes that the proposals are in line with the terms and spirit of national and local planning policy.

Tree Survey Report – Provides a survey report of all trees within the application site and an assessment of the arboricultural impact of the proposed development. It concludes that the impact of the proposed development can be mitigated against to ensure that there is no detrimental long-term impact on woodland on the site and makes recommendations that the numbers of replacement trees exceeds the numbers of those felled.

Eastwood Golf Business Case – Sets out the business case for the proposal.

Archaeological Desk-Based Assessment – Provides a desk-based assessment of the archaeology of the site and indicates that there are two known archaeological sites within the application boundary, both of which are of lesser cultural importance. Prior to the formation of the golf course in the late 19<sup>th</sup> century, the site was under agricultural use from at least the mid-18<sup>th</sup> century. The assessment concludes that the site is of limited archaeological sensitivity.

Strategic Landscape Report – Provides an overview of the site, its context and landscape setting, the proposal and the planning context. Concludes that the architecture and layout of the proposals are appropriate to the setting and context of the green belt. Tree species to be felled are predominantly non-native. Loss of trees and loss of semi-improved grassland will be mitigated by tree replanting and by the planting of species-rich wildflower meadows. The report indicates that this mitigation would bring ecological benefits to the green belt.

## **ASSESSMENT:**

This is a Major development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the area of the site exceeds 2 hectares and therefore requires to be determined by the Planning Applications Committee.

## **SITE**

The application site comprises the greater part of the former Eastwood Golf Course and lies within the greenbelt to the south of Newton Mearns, on the east side of Langlee Road. The southern boundary of the site generally follows the course of the Earn Water. The golf course, which had 18 holes, has been disused for some time although that part which lies within the application site is maintained to a degree. Access to the course and vehicular access to the car-park was from Langlee Road. The former club house and the remainder of the former golf course lie out with the site on the west side of Langlee Road. This part of the former golf course has become

overgrown. A small part of the North Moorhouse Grasslands Local Biodiversity site lies in the south of the site adjacent to the Earn Water. A right of way passes through the site. A small area in the south of the site, adjacent to the Earn Water, is identified in SEPA's flood maps as being at high risk from river and surface water flooding. The wider area is characterised by rolling open farmland, conifer plantations, and scattered settlement in the form of farm steadings and modest dwellings.

## PROPOSED DEVELOPMENT

Planning permission is sought for the remodelling of the golf course to provide 12 holes; erection of a new club house and buggy store; erection of a woodland retreat; erection of 6 dwellinghouses; formation of new access; and other ancillary works.

To facilitate the reduction of holes from 18 to 12, the proposed works to the golf course include the remodelling of 3 holes and the formation of 2 new holes within the application site, with associated planting, regrading and landscaping. The remaining 7 holes within the application site are proposed to be reinstated to their pre-existing condition. The golf course holes are proposed to be located in the southern, central and eastern parts of the site. The formation of a practice putting green and short game area is proposed in the west of the site, adjacent to the car-park and proposed club house. The applicant proposes to operate the remodelled golf course as "pay and play" rather than as a members' club. The existing car-park is proposed to be re-used and accessed via a new priority junction from Mearns Road. The existing speed limit change from 40mph (west and onto the A77) to the national speed limit (east along Mearns Road) currently located approximately 35 metres east of the junction with the A77, is proposed to be relocated approximately 560 metres to the east such that the proposed access would be within the reduced 40mph limit. Pedestrian and cycle access will be retained from Langlee Road.

The proposed club house and buggy store would be located adjacent to the car-park. The proposed club house is one and a half storeys and measures approximately 25 metres wide by 11.5 metres deep by 7.5 metres high to the ridge. The proposed buggy store is a single storey building and measures approximately 15.5 metres wide by 7 metres deep by 6 metres high. A terraced area is proposed for outdoor seating adjacent to the club house.

The proposed woodland retreat is located in the northern part of the site and would be accessed via an internal site road via the proposed access from Mearns Road. It comprises a single storey building that measures approximately 15 metres deep by 26 metres wide across its greatest dimensions, by approximately 6.5 metres high. Internally, the retreat comprises a cafe, indoor play area, group activity studio and WCs. A small car-park is proposed to be provided adjacent to the building along with external landscaped areas including a sensory garden, outdoor play areas and a children's activity trail. It is proposed that the woodland retreat will operate as a space for children and their carers to play and relax.

To facilitate the above, the applicant proposes the erection of 6 dwellings. The applicant is promoting those dwellings as enabling development. The dwellings are proposed to be located in the west and north part of the site, away from the playing surface. The dwellings are detached and are proposed in a variety of sizes and styles from single to two storeys. Two 6-bed; three 5-bed; and one 3-bed are proposed. The dwellings are proposed to be of a pseudo-traditional style. Each of the 5/6 bedroom dwellings are proposed to have a two storey 3-car garage with a studio above; and the 3 bedroom dwelling is proposed to have a single storey double garage. This would be considered as a "windfall" residential development as it is not included as a housing site in the adopted LDP2. The dwellings will be access by new internal site roads, again via the proposed priority access from Mearns Road.

## POLICY

The following are relevant to the consideration of this application:

National Planning Framework 3 (NPF3)

NPF3 is the Scottish Government's policy on how nationally important land use matters should be addressed across the country. It is a long term strategy for Scotland and its vision is for Scotland to be: a successful, sustainable place; a low carbon place; a natural, resilient place; and a connected place.

#### Scottish Planning Policy (SPP)

SPP introduces a presumption in favour of sustainable development and 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.

Adopted East Renfrewshire Local Development Plan 2 (LDP2).

The spatial objectives of LDP2 are: Creating Sustainable Places and Communities; Promoting Sustainable and Inclusive Economic Growth; and Promoting a Net Zero Carbon Place.

Strategic Policy 1: Development Strategy - Strategic Policy 1 sets out the development strategy for East Renfrewshire. It can be summarised as: regeneration, consolidation and environmental enhancement of the urban areas; development of the master-planned sites; infill development within the rural settlements; protection and enhancement of the green belt; and sustainable and inclusive economic growth and community benefits in both the urban and rural areas. It also advises that proposals for windfall sites will be required to provide the required infrastructure resulting from development in accordance with Strategic Policy 2 and not prejudice the delivery of allocated sites. Where infrastructure constraints cannot be overcome, including any impacts of additional residential development upon education infrastructure, proposals will not be supported.

Strategic Policy 2: Development Contributions - Strategic Policy 2 requires that where new developments generate a future need for new or enhanced infrastructure provision, services or facilities, the Council will require the development to meet or proportionately contribute to the cost of providing or improving such infrastructure. Where appropriate, contributions may be sought in relation to Education; Community Facilities; Healthcare; Parks and Open Space; Transportation; Active Travel; and Green Infrastructure.

Policy D1 - Policy D1 relates to all development and states that development should, among other things, not result in a significant loss of character or amenity to the surrounding area and demonstrate that safe and functional pedestrian, cycle and vehicular access and parking facilities have been provided.

Policy D3 - Policy D3 relates to development in the green belt. It states that development in the green belt will be strictly controlled and limited to that which is required and is appropriate for a rural location. It further states that proposals in the green belt will be considered favourably where they relate to agriculture; forestry; countryside recreation and active travel; outdoor leisure and tourism; and renewable energy. It also states that any proposal that involves a business which requires a new building will have to demonstrate that it is established and/or viable for a minimum period of three years at that location.

Policy D3.3 states that new build dwellings in the green belt will only be permitted where it can be demonstrated that they are justified against the following:

- there is no available existing house or no available traditional building suitable for conversion (as per policy D3.1); and
- for workers engaged in existing rural businesses as supported under policy D3, where it is demonstrated that there is a direct operational requirement for 24-hour supervision.

Policy D6 relates to open space requirements in new residential developments and sets out minimum open space standards of 10sq. m. per habitable room.

Policy D7 states that the Council will protect and enhance natural environmental features including Local Biodiversity Sites. It indicates a strong presumption against development on or adjacent to Local Biodiversity Sites.

Policy D8 states that development should be directed to sustainable locations where the need to travel is reduced and where active travel and public transport infrastructure already exists.

Policy D9: Access states that the Council will protect, enhance and extend existing and proposed outdoor access networks, including rights of way.

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

Policy SG4 relates to affordable housing and states that the Council will require residential proposals of 4 or more dwellings to provide a minimum of 25% affordable housing provision.

Policy E7: Flooding states that the Council will take a precautionary approach to flood risk from all sources. At all times avoidance will be the first principle of flood management.

## DETAILED CONSIDERATION

The proposal can be considered to be comprised of four distinct elements: (i) the re-modelling and re-use of the former golf course; and the erection of ancillary club house and buggy store; (ii) the erection of the woodland retreat; (iii) the erection of 6 dwellinghouses and formation of access roads; and (iv) the formation of an access from Mearns Road.

### Golf course, club house and buggy store

The remodelling and re-use of the former golf course and the erection of the ancillary club house building and buggy store will facilitate the re-use of a previously developed golf course in the rural area, allowing the return to community use of a significant local recreational asset. Given the former use of the site as a golf course, the proposal would not compromise the function of the green belt, would not lead to the loss of agricultural land, nor would those aspects of the proposal detract from the character or amenity of the rural area. The use of the site as a golf course falls within outdoor leisure and is therefore an appropriate rural use and acceptable in terms of Policy D3. The remodelling of the golf course and erection of the ancillary club house and buggy store therefore raise no significant conflict with the terms of the National Planning Framework or Scottish Planning Policy; nor with the terms of Strategic Policy 1; or D3 of the adopted LDP2. Those aspects are considered to be acceptable in principle.

The proposed remodelling works and proposed club house building and buggy store are considered to be acceptable in appearance. The club house building and buggy store are relatively low profile buildings and would not be dominant or incongruous features in the wider landscape when viewed from within or from out with the site. The Roads Service has not objected to the proposal subject to conditions that can be attached to any planning permission granted. The remodelling of the golf course and erection of ancillary club house and buggy store are therefore considered to raise no conflict with Policy D1 of the adopted LDP2.

It is noted that part of the North Moorhouse Grasslands Local Biodiversity Site occupies a small area in the southern part of the site, adjacent to the Earn Water. None of the holes in this part of the site are subject to remodelling and no other development is proposed to take place in this area. The proposal therefore raises no conflict with Policy D7 of the adopted LDP2.

As noted above, a small area in the south of the site, adjacent to the Earn Water, is identified in SEPA's flood maps as being at high risk from river and surface water flooding. Upon consultation, SEPA offers no adverse comment on the proposal and refers the Planning Authority to their standing advice on flood risk. As no remodelling work or other development is proposed within the areas identified as being at risk to flooding, the proposal is considered to raise no conflict with Policy E7 of LDP2.

The right of way through the site is proposed to be realigned to pick up the proposed access roads and tracks through the site. Upon completion of the remodelling works, access to the rights

of way through the site would remain. If the application were to be approved, a condition can be attached to any planning permission granted to ensure continued safe access during the works. The re-routing of rights of way is also subject to separate processes under right of way legislation. The proposal therefore raises no conflict with Policy 9 of the adopted LDP2.

The remodelling of the golf course and the erection of the ancillary club house and buggy store therefore raises no conflict with national planning policy, nor with the strategic aims of the adopted LDP2. Subject to appropriate conditions, those aspects of the proposal are considered to be compliant with the remaining relevant policies of LDP2.

### Woodland Retreat

It is noted that the woodland retreat comprises a cafe/indoor play area and a yoga studio. Those uses are not considered to relate directly to outdoor leisure, as they do not require to be sited in a countryside location, and are not considered ancillary to the use of the wider site as a golf course. Whilst an outdoor yoga terrace is proposed as well as a small outdoor activity for under 5s and an outdoor trampoline area, those uses are also not considered to be ancillary to the golf course. The applicant has not demonstrated why those uses could not be located within an urban setting as would be required by the sequential approach set out in Strategic Policy 1. Furthermore, the proposed woodland retreat would be located in an area where there would likely be a high reliance on car use, given the nearest bus stop is located 500 metres from the site on the A77, with a 30 minute frequency; and unlike the golf course, this use would be better suited to an urban park setting. The woodland retreat is therefore considered to be contrary to Strategic Policy 1 and Policy D8 of the adopted LDP2.

In terms of its design and appearance, the woodland retreat would not be considered to be a dominant and incongruous feature in the wider landscape. The Roads Service has raised no objection to this aspect of the proposal. The woodland retreat therefore raises no conflict with Policy D1 of the adopted LDP2.

On balance, the terms of Strategic Policy 1 and Policy D8 are considered to outweigh the terms of Policy D1 in this instance. The woodland retreat is therefore contrary to the terms of the adopted LDP2.

### Erection of 6 dwellinghouses

As noted above, Strategic Policy 1 sets out the development strategy for East Renfrewshire. It can be summarised as: regeneration, consolidation and environmental enhancement of the urban areas; development of the master-planned sites; infill development within the rural settlements; protection and enhancement of the green belt; and sustainable and inclusive economic growth and community benefits in both the urban and rural areas. The erection of the 6 dwellings in the green belt would result in a housing development in a remote, unsustainable location and does not take account of this sequential approach. This aspect of the proposal is therefore contrary to Strategic Policy 1 and Policy D8 of the adopted LDP2.

Policy D3 states that new development in the green belt, including the erection of dwellings, will be strictly controlled and limited to that which is required and appropriate for a rural location. Policy D3.3 states that new build housing will only be permitted where it can be demonstrated that it is for workers engaged in existing rural businesses that require direct 24 hour on-site supervision. The applicant has not provided any justification under the terms of Policies D3 and D3.3. The proposal is therefore contrary to the terms of Policies D3 and D3.3.

As noted above, the applicant proposes the erection of the six dwellings as enabling development to facilitate the proposed works to the golf course. Scottish Planning Policy (SPP) permits enabling development where it is deemed to be the only means of securing and retaining an historic asset. Any development should be the minimum necessary to achieve these aims. The proposal does not include any listed buildings or historic assets and as such, the erection of the six dwellings cannot be considered as enabling development under the terms of SPP or LDP2 (Policy D15: Listed Buildings). It is noted that the applicant has provided supporting financial information to justify the scale of development to support the golf course and associated works.

Despite the submission of this supporting information, and while it is noted that the golf course is a sporting asset, and its use by the community is supported in planning terms, in this instance, it is not considered that the proposal represents a form of enabling development that can be supported by the relevant planning policies or that there are sufficient material considerations in this case to override the policy position.

The application of the minimum 25% affordable housing contribution to the proposal for 6 dwellings would result in a contribution based on 1.5 units. Given the specific circumstances and the location of the development, should the proposal be otherwise supported, the Principal Strategy Officer (Affordable Housing and Development Contributions) has advised that the payment of a commuted sum would be acceptable. In accordance with Scottish Government Planning Advice Note 2/2010 (PAN 2/2010): Affordable Housing and Housing Land Audits, the commuted sum required would be of a value equivalent to the cost of providing the percentage of serviced land required by the policy at a reasonable density for the end use as affordable housing. In line with PAN 2/2010, the value of the commuted sum will be determined by the District Valuer. The applicant has agreed to the principle of these affordable housing policy requirements. Should the committee be minded to grant the application, a legal Agreement under s75 of the Town and Country Planning (Scotland) Act 1997 (as amended) will be required. Subject to the satisfactory conclusion of the required legal Agreement, the proposal would raise no conflict with Policy SG4 of the adopted LDP2.

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

#### *Note on Education constraints*

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

- Maidenhill Primary is projected to have above 100% planning capacity by 2028.
- St Clare's Primary currently has occupancy above 90% planning capacity (2021 schools rolls) and is projected to have above 100% planning capacity by 2028. (St Clare's and Maidenhill Primary Schools are relatively new schools that were built specifically as required Education infrastructure for the planned land release at Maidenhill under LDP1. The rolls of these schools are increasing significantly year on year as the planned housing developments are built out and occupied. Any remaining capacity at these schools is to accommodate pupils generated from the Maidenhill development, which is still under construction).
- Mearns Castle High School currently has occupancy above 85% planning capacity (2021 school rolls) and is projected to continue to be above 85% planning capacity by 2028.
- St Ninian's High School currently has occupancy above 100% planning capacity (2021 school rolls) and is projected to continue to be above 100% planning capacity by 2028. Newton Means Early Learning and Child Care is projected to have occupancy above 100% planning capacity by 2028 and
- Isobel Mair currently has occupancy above 100% planning capacity (2021 school rolls) and is projected to continue to be above 100% planning capacity by 2028.

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



To conclude the consideration of the housing element, the dwellings cannot be considered as enabling development. The applicant has not provided a justification for the erection of the dwellings in the green belt in terms of a site-specific locational need. There is therefore no national or local policy support for the dwellings at this location. This aspect of the proposal is therefore contrary to Policies D3 and D3.3 of the adopted East Renfrewshire Local Development Plan. Furthermore, the erection of the six dwellings would, as unplanned windfall development, have a detrimental impact on the ability of the Council to provide sufficient education spaces for the resident population and as such, is contrary to Strategic Policy 1 and Policy SG1 of the adopted LDP2.

#### Formation of access from Mearns Road

As noted above, the Roads Service has no objection to the proposal subject to appropriate conditions that can be attached to any planning permission granted. The formation of the proposed access from Mearns Road in itself would therefore raise no significant conflict in terms of the adopted LDP2.

#### REPRESENTATIONS

The following comments are made on the points of objection not specifically addressed above. The proximity of the nearby East Renfrewshire Golf is noted, however the cumulative impact of both courses, if this application were to be approved, would not be considered to have significant impact on the character or amenity of the area. The developer would require the separate consent of Scottish Water in terms of drainage and effluent discharge.

The comments in support are noted, however they are not considered to outweigh the above policy considerations.

#### OVERALL CONCLUSION

Whilst the proposed remodelling of the golf course, the erection of the ancillary club house and buggy store, and formation of the access in itself raise no conflict with the terms of the adopted LDP2, the application has to be considered as a whole. As noted above, the aspects of the overall proposal that relate to the erection of the woodland retreat and the erection of the six houses are contrary to the terms of the adopted East Renfrewshire Local Development Plan 2. The application must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance there are no material considerations that indicate the application should not be refused. It is therefore recommended that the application is refused.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None.

#### **REASONS FOR REFUSAL:**

1. The proposal is contrary to Strategic Policy 1 of the adopted East Renfrewshire Local Development Plan 2 as: (i) the proposed housing development and woodland retreat at this remote location in the green belt do not accord with the Council's sequential approach to development; and (ii) the erection of unplanned-for housing at this location will have a detrimental impact on the ability of the Council to provide sufficient education spaces for the resident population.
2. The proposal is contrary to Policy SG1 of the adopted East Renfrewshire Local Development Plan as: (i) the proposed housing development represents the development of a windfall site, not identified for housing development, which is

contrary to Strategic Policy 1 given its unsustainable location; and (ii) the erection of unplanned-for housing at this location will have a detrimental impact on the ability of the Council to provide sufficient education spaces for the resident population.

3. The proposal is contrary to Policy D3 of the adopted East Renfrewshire Local Development Plan 2 as the proposed housing development and woodland retreat represent development within the green belt that has not been justified in terms of a site-specific locational need.
4. The proposal is contrary to Policy D3.3 of the adopted East Renfrewshire Local Development Plan 2 as the proposed housing development has not been justified in terms of being a direct operational requirement for 24-hour supervision of an existing rural business.
5. The proposal is contrary to Policy D8 of the adopted East Renfrewshire Local Development Plan 2 as the proposed housing development and woodland retreat are not located in a sustainable location and will rely heavily on car use where there is no public or active travel infrastructure.

#### **ADDITIONAL NOTES:**

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

This development may affect a public right of way and this planning permission does not carry with it any right to close or divert a public right of way. Where a public right of way exists on or adjacent to your development site you should contact East Renfrewshire Council's Access Officer no less than four months prior to working in and around a public right of way.

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

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

The applicant is requested to comply with the requirements of Scottish Environment Protection Agency (SEPA).

East Renfrewshire Council Roads Service should be consulted regarding a Road Opening Permit for service connections and footway crossover.

#### **ADDED VALUE:**

None

#### **BACKGROUND PAPERS:**

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

Ref. No.: 2021/0947/TP  
(DESC)

DATE: 2<sup>nd</sup> November 2022

**DIRECTOR OF ENVIRONMENT**

**Reference: 2021/0947/TP**

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# 33 REPORT OF HANDLING

Reference: 2022/0326/TP

Date Registered: 22nd June 2022

Application Type: Full Planning Permission

This application is a Local Development

Ward: 4 -Clarkston, Netherlee And Williamwood

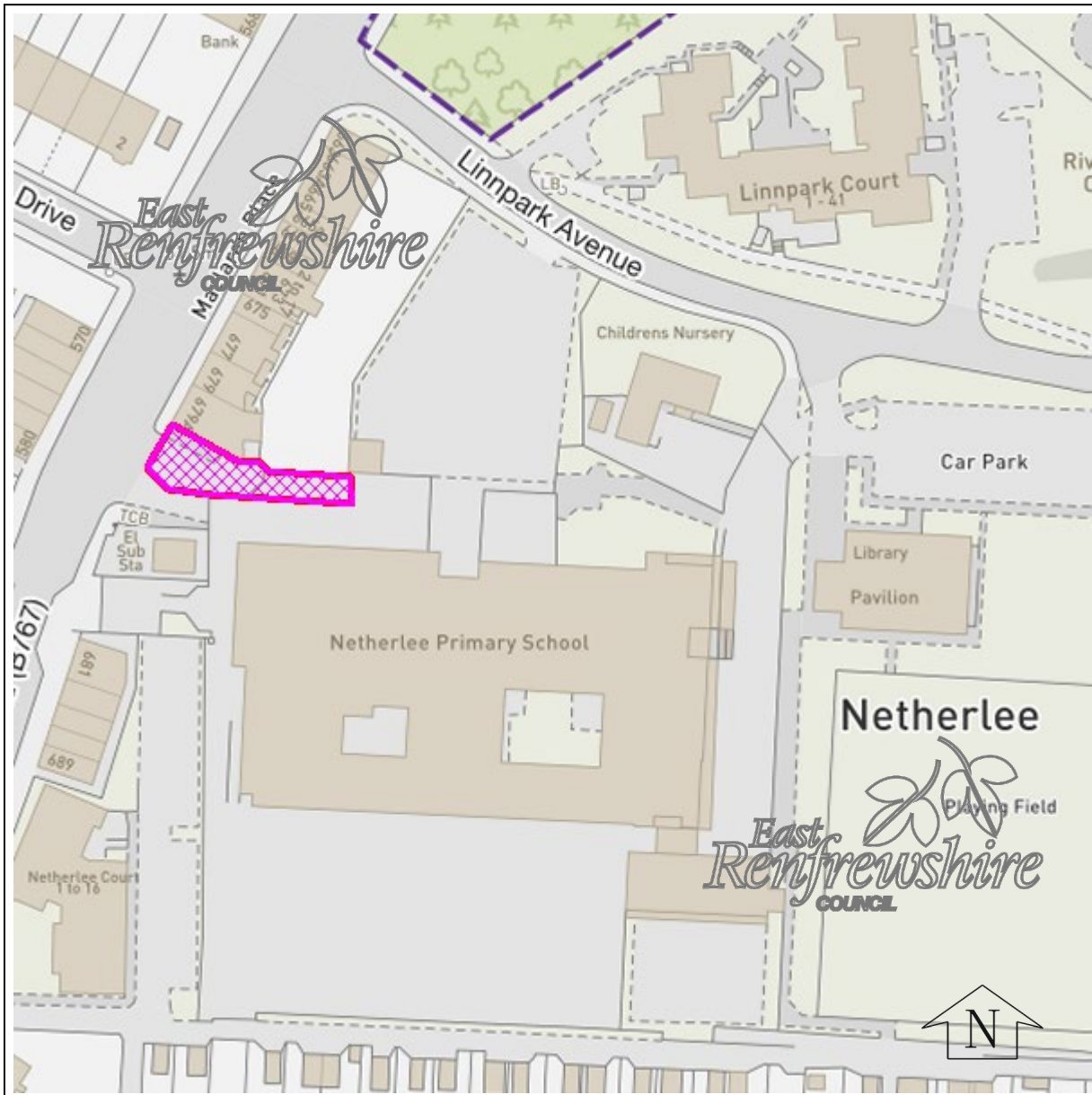
Co-ordinates: 257801/:658886

Applicant/Agent:	Applicant:	Agent:
	Netherlee Property Limited	Bruce Newlands
	16 Muir Street	29 Nelson Road
	Hamilton	Gourock
	Scotland	United Kingdom
	ML3 6EP	PA19 1XJ

Proposal: Erection of 3 storey building comprising shop unit on ground floor and flatted dwellings on upper floors, including balconies, stairwells and associated works.

Location: Adjacent Of 679A  
Clarkston Road  
Netherlee  
East Renfrewshire

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**CONSULTATIONS/COMMENTS:**

East Renfrewshire Council Roads Service	Recommend refusal on lack of parking and loss of existing parking.
East Renfrewshire Council Environmental Health Service	No objection.
Netherlee And Stamperland Community Council	Comments raising concerns regarding impact on school play area, overshadowing, loss of light, overlooking, impact on amenity, impact on welfare, construction noise, dust and vehicle movement, lack of parking, obstruction of access, and impact on bin storage.

**PUBLICITY:** None.

**SITE NOTICES:** None.

**SITE HISTORY:**

**REPRESENTATIONS:** 14 representations have been received: Representations can be summarised as follows:

- Impact on amenity
- Detracts from character of area
- Loss of light
- Overshadowing
- Overlooking
- Lack of Privacy
- Loss of school play area
- Loss of bin storage
- Loss of parking area
- Lack of parking with proposal
- Traffic congestion
- Overdevelopment of site
- Height and scale of building
- Out of keeping
- Visual impact
- Impact on a listed Building
- Impact on Article 4 Area
- No need for shop
- Impact on public right of access
- Construction traffic
- Construction noise/disturbance
- Loss of views/outlook
- Lack of public notification
- Impact on property value
- Safety impact on adjacent building
- Ownership issues

**DEVELOPMENT PLAN & GOVERNMENT GUIDANCE**

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

Scottish Planning Policy –  
<https://www.gov.scot/publications/scottish-planning-policy/documents/>

The Glasgow and Clyde Valley Strategic Development Plan –  
<https://www.clydeplan-sdpa.gov.uk/strategic-development-plan/current-plan/current-strategic-development-plan-july-2017>

Local Development Plan2 –  
<https://www.eastrenfrewshire.gov.uk/ldp2>

**SUPPORTING REPORTS:** None

**ASSESSMENT:**

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

Site Description

The site is an area of ground located on the east side of Clarkston Road, which is currently used for car parking, bin storage and as part of Netherlee Primary School playground. Immediately adjacent to the north of the site is the category B Listed Building known as Maclaren Place and Netherlee shops. To the east (rear) and south of the site is Netherlee Primary School, with an electric substation further to the south, fronting Clarkston Road.

The site slopes down to the east, towards Netherlee Primary School.

The front part of the site is within the Clarkston Road/Netherlee Neighbourhood Centre as well as the Netherlee Article 4 Area.

Maclaren Place is a three storey art deco building with red sandstone frontage and a pebble dash finish to the sides and rear elevations. To the side elevation, facing the school are various windows associated with the flats, to the rear are open balconies which provide access to the residential properties at Maclaren Place.

Netherlee Primary School, at this location, is the equivalent height of a single storey/one and half storey building and finished in white render. As indicated above, part of the school play area is located within the planning application site. This is discussed in more detail elsewhere in this report.

It should be noted, as indicated above, that the site boundary includes part of Netherlee Primary School playground. The applicant has confirmed that they own all of the planning application site. Both the Council's Legal Services and the Property and Technical Services have confirmed that the ownership of the area of playground in question does not appear in the Council ownership titles.

Proposed Development

The proposal is for the erection of a three storey building comprising of a retail unit at ground floor level and two residential flats on the upper floors. The proposal includes a pedestrian access on the north side of the proposed building located between the building and Maclaren Place.

Assessment

The application has to be determined in accordance with the Development Plan and any material planning considerations. The proposed development is not considered to be a strategic scale development and therefore the adopted East Renfrewshire Local Development Plan2 is the most relevant policy document in determining the proposal.

East Renfrewshire Local Development Plan2 (Adopted March 2022)

The relevant policies of the adopted East Renfrewshire Local Development Plan2 are considered to be Strategic Policy 1, policies D1, D6, D14, D15, SG10, SG11, E1, E5, E9 and E10.

Strategic Policy 1 promotes the re-use brownfield sites and seeks to maintain and enhance the vitality and viability of neighbourhood centres by directing development to these locations. As the proposal utilises an area of brownfield land and incorporates a retail unit, it is considered that it accords with these aims of the policy.

Strategic Policy 1 also requires consideration to be given to the protection and enhancement of the historic and built environment. As indicated above, the site is within Netherlee Article 4 Area and immediately adjacent to the Listed Building, where LDP2 Policies D14 and D15 are also of particular relevance and seek to protect their special character.

Policies D1 and D6 seek to ensure that proposals are appropriate to the character and amenity of the area, do not adversely impact on neighbouring properties by unreasonably restricting their sunlight or privacy, meet the minimum open amenity space requirements, reduce reliance on cars by promoting development in sustainable locations, and not result on an adverse impact on road safety.

Policies SG10 and SG11 seek to protect neighbourhood retail centres through directing appropriate development to existing retail centres. As stated above, the proposal includes a retail unit at ground level and therefore complies with the objectives of these policies.

Policy E1 seeks to ensure proposal contribute to reducing greenhouse gas emissions and overall energy use. Policy E5 indicates the suitability of the site and the proposed use should be taken into account in assessing proposals in terms of noise impact. Policy E10 seeks to redevelop vacant land.

In terms of impact of impact on sunlight and/or overshadowing, the proposal is a similar height as the building known as Maclaren Place. As previously indicated, the site is located immediately to the south of the properties that make up Maclaren Place, varying in distance from the building by some 3metres at the front, and approximately 4.8metres towards the rear. The gable of Maclaren Place has habitable windows on the upper two floors, and a glass canopy extension area associated with the café on the ground floor. The proposal sits within one metre of the glass canopy.

Consequently, it is considered, due to the position and height of the proposed building, its distance from, and its relationship with the adjacent building and the orientation of the site, that the proposal will result in overshadowing and loss of daylight to the detriment of the neighbouring residential properties and the existing amenity afforded to the café.

The proposal does not include windows on the north gable and therefore will not result in loss of privacy from the proposed flats to the residential properties within Maclaren Place. However, the proposal does include a common stairwell which is encased in a steel open mesh screen and open balconies to the rear. It is considered, the common stairwell will result in some overlooking to the adjacent flats at Maclaren Place, albeit it will be transient given the nature of stairwells. Further, given the intervene stairwell, the proposed balconies will not result in overlooking of the properties that form Maclaren Place.

As indicated above, Netherlee Primary School, and in particular the school play area, lies immediately to the rear of the proposed building. It is acknowledged that the school play area has limited privacy due to its location and existing boundary treatment, however, the overlooking it will experience will be transient and from ground level. The open balconies to the rear of Maclaren Place are some 20metres distance to the school play area, and given their nature, i.e. as an access route, any overlooking will also be transient. The proposal includes private balconies which are elevated above the school and located immediately on the boundary of the play area, consequently, they will result in significant overlooking which will not be transitory. Further, the balconies and the overlooking, given the distance, design and height will be imposing, overbearing as well as present opportunities for overlooking of the school play area, to the detriment of the amenity of users of the school.

Consequently, it is considered that the proposal will have an adverse impact on the amenity of adjacent properties, contrary to the Local Development Plan2, Policy D1.

As indicated above, Maclaren Place is a B Listed Building consisting of a red sandstone frontage with large windows with alternative bay windows. The Listed Building has a balanced façade between the windows and wall areas, and a strong rhythm as a result of the bay windows, which helps minimise the overall massing of the building.

Although the proposal reflects horizontal elements of the Listed Building it includes a greater proportion of wall area compared to the window areas, as well as incorporating a large wall-head area to the upper floor. Combined with the narrow windows, the proposal will create a building which is heavy in appearance. In addition, the proposed use of light grey facing brick to the front will be out of keeping with the Listed Building and the surrounding area which lies within the Netherlee Article 4 area, and mainly characterised by red sandstone finishes. Therefore, given its proximity to the adjacent Listed building (some 3metres), the proposal due to its design, height and width will be incongruous in the area and will detract from the Listed Building.

Consequently, it is considered that the proposal is not in keeping with the character of the area and would adversely impact on the setting of the adjacent Listed Building, contrary to the aims of the Local Development Plan2 Strategic Policy 1 and Policies D1, D14 and D15.

The proposal makes use of existing brownfield land and is located is a sustainable location and therefore can be seen as complying with these elements of Policy E1. No details regarding the renewable energy/EV charging or sustainable design of the building have been submitted, however, these matters can be conditioned should the Planning Applications Committee be of a mind to approve the application. Consequently, the proposal raises no significant issues in terms of Policy E1.

Policy E5 is the most applicable in assessing the suitability of the site for residential purposes in terms of noise impact. The applicant has not submitted any noise assessment. The site, due to its urban location, is likely to result in noise levels which could impact on the amenity of future residents. However, the Scottish Government's Planning Advice Note (PAN) 1/2011: Noise, indicates local circumstances can be considered, and therefore, given the adjacent residential properties and urban location, it would be unreasonable to refuse the application on these grounds alone. Consequently, in terms of noise, there are material considerations that outweigh the aims of the Local Development Plan2.

The Roads Service have stated that a total of 5 car parking spaces would be required for this type and size of development. They have also stated that the proposed development is likely to result in vehicles being displaced onto Clarkston Road which would put further pressure on the available on-street parking provision. Consequently, they have recommended refusal.

The Roads Service have also raised concerns regarding the loss of refuse storage area. In respect of potential displacement of refuse storage space and vehicles currently parked on the area of ground, it is noted that the site is privately owned and the owner could stop the parking and use for refuse storage should they wish through private legal means. Therefore, whilst the issue of displacement is acknowledged, limited weight can be given to it in determining the application.

Given the lack of car parking, it is considered that the proposal is contrary to the aims of the Local Development Plan2, Policy D1.

#### Other Material Considerations

The Environmental Health Service have also highlighted the refuse storage area for the adjacent domestic properties and stated this matter should be reviewed. They also raise other matters for consideration including control of hours of construction, maximum noise levels, food safety and disposal of waste, ventilation, and operating hours. No information has been submitted on these matters by the applicant, however, should the Planning Applications Committee be of a mind to approve the application, these matters can be adequately controlled by conditions.

Netherlee and Stamperland Community Council have stated that the proposal includes an area of the playground associated with Netherlee Primary School, they also raise concerns about the proximity to the school and creating a 'hemmed in' effect, resulting overshadowing and overlooking which could impact on child welfare. They also note the lack of car parking and resulting road safety, as well as the obstruction of access and loss of bin storage. They conclude that the additional residential accommodation and an additional business unit could benefit our community if planned and implemented correctly.

The issues raised by the Community Council are noted and have been addressed elsewhere in this report.

### Representations

The issues raised regarding impact on amenity and character of area, height and scale of building, visual impact, impact on a listed Building, impact on Article 4 Area, loss of light/overshadowing, overlooking/Privacy, car parking, loss of bin storage, construction traffic and noise are all material considerations and have been assessed in the above assessment.

The issue raised regarding the need for a shop is not considered material as it raises questions about commercial competition. Further as stated previously, the site is within an existing neighbourhood area and therefore the proposed use is appropriate for the location.

Regarding impact on public right of access, there is no registered public right of access through the site and therefore this is not considered a material consideration in assessing the proposal.

Safety impact on adjacent building is not a material consideration in assessing this planning application and is best controlled through other legislation such as Building Standards or Health & Safety Executive.

Loss of views/outlook and impact on property value are not material considerations in assessing planning applications.

The issue around ownership, in terms of assessing this proposal, is not a material consideration in this instance, however, it is a matter for planning in terms of ensuring that the correct notification procedures are adhered to. In this regard, the Planning Service sought and received clarification from the applicant that they own all of the site. In addition, the correct neighbour notifications were undertaken and therefore the Planning Service is satisfied that the correct procedures have been followed.

Netherlee Primary Parent Council raised concerns similar to those outlined above. However, more specifically, they raise concern regarding the loss of the school play area. In response, the area loss is only part of the play area (a lengthen of some 20metres by 5metres width), and as stated previously, it would appear the land in question is not within the ownership of the Council and therefore the matter remains largely a private legal matter between the school and the owner.

### Conclusion

The site is partly within the neighbourhood retail area and within the Netherlee Article 4 area, in a sustainable location. The proposed use for residential and retail raises no significant policy concerns. However, given its proximity to the adjacent Listed Building and residential properties, as well as the primary school, the development raises significant concerns regarding its height, design, resultant overshadowing and loss of privacy, and impact on the special character of the area and the setting of the Listed Building, which are all considered matters contrary to the Local Development Plan2. In addition, due to the lack of car parking, the development raises concerns regarding impact on road safety in the general area. Consequently, taking into account the provisions of the Local Development Plan2, and any other material considerations, including representations and consultations, the application is recommended for refusal for the reasons stated.

**RECOMMENDATION: Refuse**

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan2 as due to its location, orientation, design and height it will adversely affected the amenity of adjacent neighbours by unreasonably restricting their sunlight and privacy.
2. The proposal is contrary to Strategic Policy 1, and Policies D1, D14 and D15 of the adopted East Renfrewshire Local Development Plan2 as due to its design, massing and height it would be incongruous and visual intrusive in the area, to the detriment of the character and visual amenity of the area in general, and to the detriment of the setting of the adjacent Listed building and the special character of the Netherlee Article 4 area.
3. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan2 as it has not been demonstrated that the proposal, due its lack of car parking, will not result in an adverse impact on the public road network, to the detriment of road safety.

**PLANNING OBLIGATIONS:** None.

**ADDITIONAL NOTES:** None.

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

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

Ref. No.: 2022/0326/TP  
(JODR)

DATE: 2<sup>nd</sup> November 2022

**DIRECTOR OF ENVIRONMENT**

**Reference: 2022/0326/TP**