

**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
15 February 2023.

Reference No: 2022/0570/TP

Ward: 5

Applicant:

Joiner Properties Ltd
20 Stonecot Hill
Sutton
SM1 3SN

Agent:

David Lindsay
Curated House
90 Mitchell Street
Glasgow
Scotland
G1 3NQ

Site: Land To The Rear Of Alexander Avenue Eaglesham East Renfrewshire G76 0JG

Description: Erection of 18no garages, including refuse/ recycling stores and resident parking (adjacent to existing garages) within the rear courtyards of existing apartment block development.

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

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REPORT OF HANDLING

Reference: 2022/0570/TP

Date Registered: 28th September 2022

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 257257/:652509

Applicant/Agent:

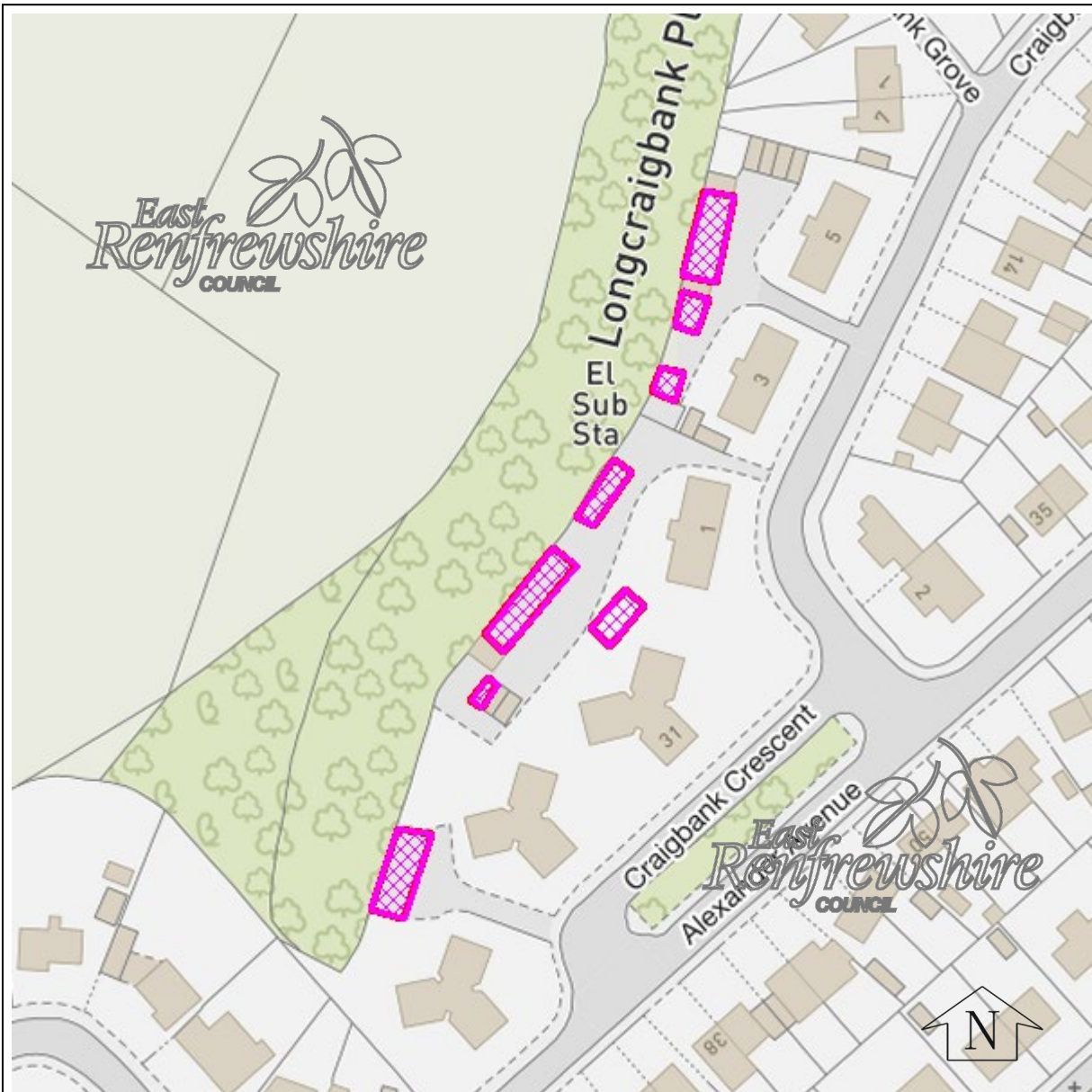
Applicant:
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Proposal: Erection of 18no garages, including refuse/ recycling stores and resident parking (adjacent to existing garages) within the rear courtyards of existing apartment block development.

Location: Land To The Rear Of Alexander Avenue
Eaglesham
East Renfrewshire
G76 0JG

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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Environmental Health Service	No response at time of writing.
East Renfrewshire Council Roads Service	Refuse.

PUBLICITY:

21.10.2022 Evening Times Expiry date 04.11.2022

SITE NOTICES: None.

SITE HISTORY:

1998/0113/TP	Erection of front porch	Granted	20.04.1998
2004/0416/TP	Erection of single storey front extension	Approved Subject to Conditions	10.06.2004
2021/0421/TP	Erection of 27 no. lock-up garages	Refused	04.10.2021

REPRESENTATIONS: Thirty-two objections have been received and can be summarised as follows:

Loss of residential amenity, including loss of amenity open space, noise and disturbance and presence of non-residents
 Conflict with vehicles, limited car-parking and road safety
 Impact on property values
 Damage to access road
 Commercial uses prohibited by title restrictions
 Garages too small to accommodate vehicles
 Loss of existing bin stores
 Previous application was refused
 Access rights and land ownership issues
 Loss of view
 Overshadowing
 Drainage issues, lack of SUDS details
 Anti-social behaviour
 Disruption during construction phase
 Impact on trees and protected species
 Inaccuracy in describing the site location
 No demand for the facility

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

National Planning Policy Framework 4 –
<https://www.gov.scot/publications/national-planning-framework-4-revised-draft/>

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

SUPPORTING REPORTS:

Planning Statement – The brief statement highlights the differences between the previous application and the current application, including the reduction of the number of garages/storage units from 27 to 18 and the provision of resident’s car-parking and bin stores.

ASSESSMENT:

This application is a Local Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. In accordance with East Renfrewshire Council's Planning Scheme of Delegated Functions, it is being reported to the Planning Applications Committee because more than ten objections have been received.

SITE

The application site comprises eight individual areas of land that lie to the rear of the six flatted blocks at 27 to 31 Alexander Avenue (27 flats in total) and 1 to 5 Craighbank Crescent (18 flats in total). It lies within an established residential area as defined within the adopted East Renfrewshire Local Development Plan 2. The areas of land are identified in the application as sites A, B and C, so identified as a result of their location and points of access. Site A, comprising one area of ground, lies to the rear of 27 and 29 Alexander Avenue and is accessed via a private unsurfaced lane between the two flatted blocks. Site B, comprising four areas of land, lies to the rear of 29 and 31 Alexander Avenue and 1 Craighbank Crescent and is accessed via a private lane between 1 and 3 Craighbank Crescent. Site C, comprising 3 areas of land, lies to the rear of 3 and 5 Craighbank Crescent and is again accessed via a private lane between the two flatted blocks.

The land at the rear of the flatted blocks, including those areas of land identified in the application, is used for parking, bin storage, open space/recreation and for the drying of clothes etc. It is considered that the existing use of the land complements the properties. There are presently a number of garages associated with and used by the flatted properties on the site.

An area of woodland, known as Longcraighbank Plantation, lies to the west and north of the site.

Planning permission 2021/0421/TP for the erection of 27 garages/storage units was refused by the Planning Applications Committee on 29 September 2021 for the following reasons:

1. The proposal is contrary to Policies D1 and D2 of the adopted East Renfrewshire Local Development Plan and Policies D1 and D2 of the Proposed East Renfrewshire Local Development Plan 2 as it would result in a significant intensification of use for this area, resulting in a significant loss of character and amenity for adjacent residents.
2. The proposal is contrary to Policies D1 and D2 of the adopted East Renfrewshire Local Development Plan and Policies D1 and D2 of the Proposed East Renfrewshire Local Development Plan 2 as it would result in a significant intensification of use for this area to the detriment of public and road safety.

PROPOSAL

Planning permission is now sought for the erection of eighteen garages/storage units and two bin storage areas on the site. The provision of three residents' car-parking spaces is also proposed. The development is proposed across the three sites as follows:

- Site A: the erection of 1x block of 3 garages/storage units;
- Site B: the erection of 1x block of 4 garages/storage units; 1x block of 3 garages/storage units; 1x block of 2 garages/storage units; 3x residents' parking spaces; and 1x bin store;
- Site C: the erection of 2x individual garages/storage units; 1x block of 4 garages/storage units; and 1x bin store.

The proposed garages/storage units measure 5.5 metres deep and are of varying widths and are of a flat-roofed design. The three car-parking spaces measure 5.5 metres deep by approximately 2.8 metres wide.

The applicant has indicated that the proposed garages/storage units would be leased to individuals, including local residents, for storage use and that they would not be leased to businesses.

POLICY

The proposal requires to be assessed against Policies D1 and D2 of the adopted Local Development Plan 2 (LDP2). Policy D1 requires that new development does not result in a significant loss of character or amenity to the area and that safe and functioning pedestrian, cycle and vehicular access and parking is provided. Policy D2 supports development in the general urban area where compatible with the character and amenity of the locality and surrounding land uses and where it complies with other relevant policies of LDP2.

ASSESSMENT

The land at the rear of the flatted blocks is used for parking, bin storage and open space/recreation. It is considered that the existing use of the land complements the properties.

As noted above, the applicant has advised that the garages/storage units would not be let for commercial or businesses purposes. Notwithstanding, they would not be tied to the flatted blocks and would be let as a commercial venture on the open market (albeit to a restricted customer base). For this reason, it is considered that the proposal is a commercial use.

The introduction of a commercial use onto the site is considered to be at odds with the residential nature of the area. It would alter the character of the land at the rear of the flatted blocks from a space that is predominantly used by residents (including children) and which, as a result, contributes to the residential amenity of the flats, to one containing a significant number of commercial premises. It would lead to the loss of amenity open space associated with the flats and would give rise to increased activity and traffic flows by non-residents within the remaining amenity open space and access lanes. It is considered that this would adversely affect the relationship of the land to the flatted blocks to the detriment of the residential amenity.

Commercial wheelie bins and standard wheelie bins for the flatted blocks are currently stored on Site A. It is noted that the applicant proposes to make alternative provision in the form of bin storage areas on sites B and C. Should the application be approved, further details of how this would be used and managed can be secured by condition.

It is not considered that the development would overshadow adjacent properties or significantly impact on daylight due to the height and position of the lock-up garages. It is not considered that the development would result in significant overlooking of neighbouring properties due to the nature of the proposed use.

The Roads Service advised that the internal dimensions of the proposed garages/stores (5.22 metres by 3.6 metres) are less than the required 7 metres by 3 metres. As such, the Roads Service has indicated that it is unlikely that the units would be used for the parking of vehicles. As the areas proposed to be used by the garages are currently used for car-parking, it is likely that the proposal would result in the loss of resident's parking spaces and that vehicles would therefore be displaced onto Craigbank Avenue and Alexander Avenue. The Roads Service has advised that such parking would be obstructive and unsafe and therefore recommends that the application is refused. Taking the comments of the Roads Service into account, it is not considered that safe and functioning vehicular access and parking has been provided and that the proposal would be detrimental to public road safety.

For the reasons set out above, it is considered that the proposal is contrary to Policy D1 of the adopted Local Development Plan 2 as: (i) it would result in a significant loss of character and amenity to the area and; (ii) safe and functioning vehicular access and parking has not been

demonstrated, to the detriment of public road safety. Further, it is considered that the proposal is contrary to Policy D2 as it would result in a development which is incompatible with the character and amenity of the locality and surrounding land uses.

OTHER MATERIAL CONSIDERATIONS

It is noted that the applicant has reduced the number of garages/storage units relative to the previous application (2021/0421/TP) and has provided three residents' parking spaces and two bin storage units. However, for the reasons given above, it is considered that the current proposal does not address the reasons for the refusal of the previous application.

The points of objection not specifically addressed above are considered as follows:

Impact on property values is not a material planning consideration. Damage to the access road would be a private legal matter and is therefore not a material planning consideration. Any title restrictions prohibiting commercial uses would be a private legal matter and would not prejudice the consideration of this application. It is noted that the applicant proposes the provision of alternative bin stores. If the application is to be approved, further details of the use and management of the proposed bin stores can be submitted for approval. It is noted that the previous application was refused. The previous refusal does not prejudice the consideration of this current application. Access rights and land ownership issues are not material planning considerations and do not prejudice the consideration of this application. Loss of view is not a material planning consideration. If the application is approved, details of SUDS can be secured by condition. Antisocial behaviour is a matter for the Police to address and is not therefore a material planning consideration. If the application is approved, the hours of working on the site during the construction phase can be controlled by condition. The site is not protected by a tree preservation order, nor is it covered by a nature designation. The woodland to the rear (which is protected by a tree preservation order) is not affected by the proposed development. The site is adequately described and shown on the submitted plans such as to identify its location. The commercial viability of the proposal in terms of demand is a matter for the applicant to consider.

On 11 January 2023, the Scottish Parliament approved National Planning Framework 4 (NPF4) meaning that although it has not yet been formally adopted it is now a significant material consideration in the assessment of planning applications. The weight to be given to it prior to its adoption is a matter for the decision maker. It should be noted that NPF4 will be adopted on 13th February 2022 and from this point will form part of the statutory development plan and will require to be taken into account in the determination of planning applications.

NPF4 contains policies which support the planning and delivery of sustainable places, liveable places and productive places. In terms of this proposal, the policies of the revised NPF4 (dated 8 November 2022) are noted and it is considered that due to the type and scale of planning application, policies under the Liveable Places section are most relevant to the assessment. In particular, Policies 14 (Design, quality and place) and 15 (Local living and 20 minute neighbourhoods) are considered of relevance. Policy 14 seeks to improve the quality of an area and ensure that development complies with the six qualities of successful places. In this regard, it is considered that the proposal is poorly designed and detrimental to the amenity of the surrounding area (for the reasons set out above) and as such does not comply with Policy 14. Policy 15 seeks to ensure that development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. In this regard, it is considered that the proposal will have an adverse impact on informal play opportunities and green spaces which are used by the adjacent residents, contrary to the terms of Policy 15. Policy 1 of NPF4 requires considerable weight to be given to the global climate and nature crisis. This proposal is not considered to have an adverse impact in relation to these matters.

OVERALL CONCLUSION

In conclusion, the proposal is contrary to the terms of Policies D1 and D2 of the adopted LDP2 and Policies 14 and 15 of NPF4. There are no material considerations that indicate the application should not be refused. It is therefore recommended that the application is refused.

PLANNING OBLIGATIONS: None.

RECOMMENDATION: Refuse

REASONS FOR REFUSAL:

1. The proposal is contrary to Policies D1 and D2 of the adopted East Renfrewshire Local Development Plan 2 and Policies 14 and 15 of NPF4 as it would lead to the loss of amenity open space associated with the adjacent flatted developments and give rise to an intensification of use within the remaining amenity open space and access lanes to the detriment of the character of the area and to residential amenity.
2. The proposal is contrary to Policies D1 and D2 of the adopted East Renfrewshire Local Development Plan 2 as it would result in a significant intensification of use for this area and the likely displacement of car-parking onto the adjacent public road network, to the detriment of public road safety and to the detriment of safety of the existing users of the site.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

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

Ref. No.: 2022/0570/TP
(DESC)

DATE: 1st February 2023

DIRECTOR OF ENVIRONMENT

Reference: 2022/0570/TP

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