

**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 5th
April 2023.

Reference No: 2021/0130/TP

Ward: 5

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Applicant:

Mactaggart And Mickel Homes Ltd
Atlantic Quay
1 Robertson Street
Glasgow
UK
G2 8JB

Agent:

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

Site: Adjacent South Of No.30 Broompark Drive Newton Mearns East Renfrewshire

Description: Erection of 5 dwellinghouses, formation of accesses and other associated works.

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

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REPORT OF HANDLING

Reference: 2021/0130/TP

Date Registered: 21st January 2022

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 254967/:656411

Applicant/Agent:

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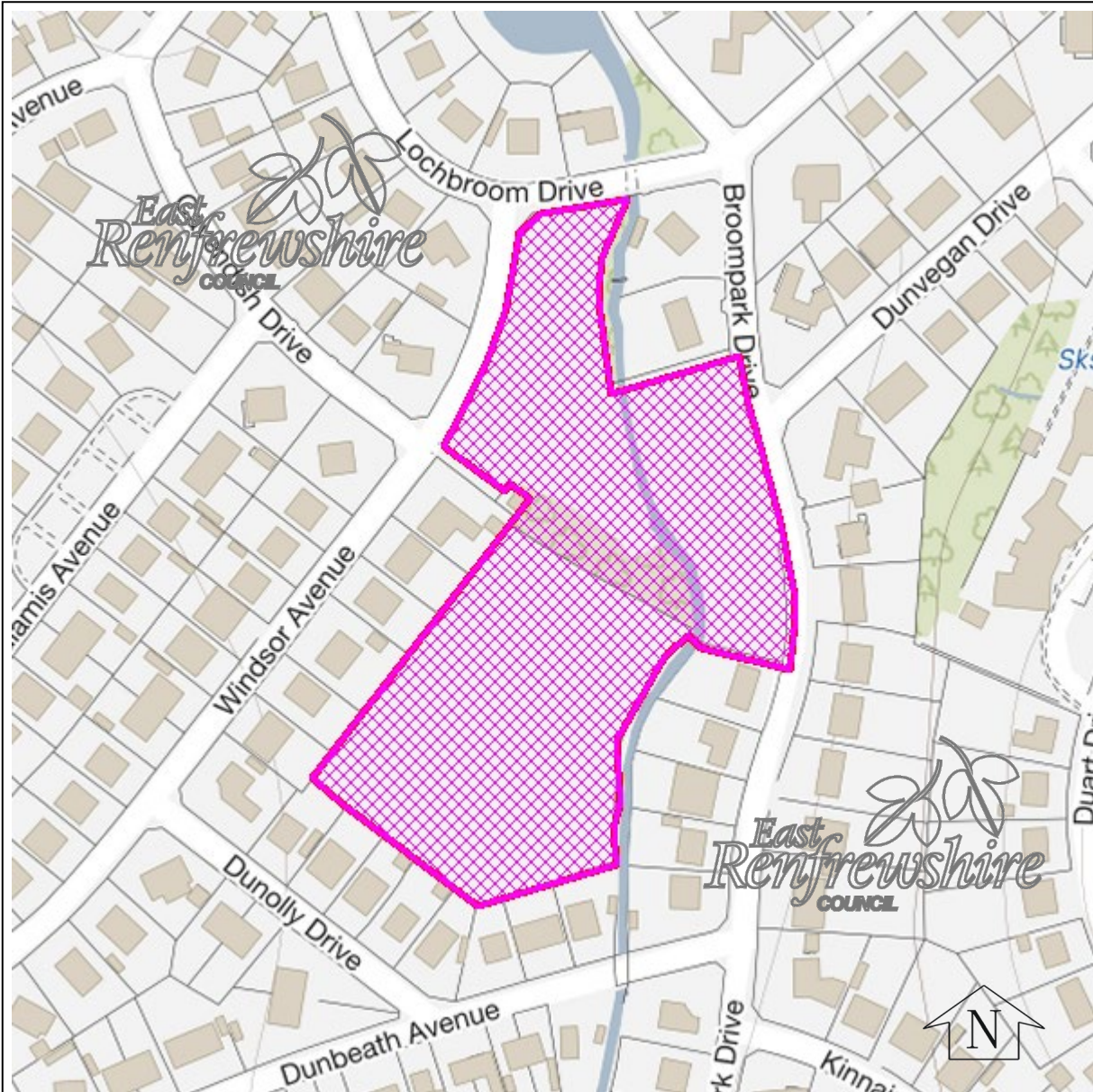
Scotland

G2 4LH

Proposal: Erection of 5 dwellinghouses, formation of accesses and other associated works.

Location: Adjacent South Of No.30
Broompark Drive
Newton Mearns
East Renfrewshire

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CONSULTATIONS/COMMENTS:

Scottish Environment Protection Agency (SEPA)	Objects in principle on the grounds of flood risk.
West Of Scotland Archaeology Service	No objection subject to a condition requiring the agreement of a programme of archaeological works and a written scheme of investigation.
Scottish Water	No objection subject to further assessment upon application to Scottish Water.
East Renfrewshire Council Roads Service	No objection subject to conditions.
East Renfrewshire Council Principal Strategy Officer – Affordable Housing and Developer Contributions	The applicant has agreed in principle to the provision of the minimum 25% affordable housing contribution via payment of a commuted sum and to the payment of developer contributions.
Waste Strategy Section	No response at time of writing.
East Renfrewshire Council Environmental Health Service	No objection subject to conditions.

PUBLICITY:

05.03.2021 Evening Times Expiry date 19.03.2021

SITE NOTICES: None.

SITE HISTORY:

2001/0834/TP	Erection of 16 dwellinghouses and garages and formation of access	Refused	19.03.2002
1999/0403/TP	Erection of 25 detached dwellinghouses and integral double garages and formation of access	Refused	18.04.2000

REPRESENTATIONS: Fifteen objections have been received and can be summarised as follows:

- Loss of greenspace and trees
- Flooding
- Impact on wildlife
- Dwellings out of keeping with the character and design of adjacent dwellings
- Previous applications for residential development on the site have been refused
- The location plan/site plan is out of date
- Impact on existing infrastructure
- Noise and disruption during the construction phase
- Overlooking
- Road safety
- Contrary to development plan.

DEVELOPMENT PLAN:

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

National Planning Framework 4 (NPF4):
<https://www.gov.scot/publications/national-planning-framework-4/>

Adopted East Renfrewshire Local Development Plan 2 (LDP2):
<https://www.eastrenfrewshire.gov.uk/ldp2>

SUPPORTING REPORTS:

Design and Access Statement	Describes the site, its context and its history. Provides a design analysis of the proposed site layout and design of the proposed dwellings.
Planning Statement	Describes the site and the proposal. Makes an assessment against the policies of the former LDP1, the then proposed LDP2 and former SPP. Concludes the proposal is in compliance with the former LDP1, the then proposed LDP2 and the former SPP.
Preliminary Ecological Appraisal	Identifies all broad habitat types within the site and includes a search for suitable habitat for protected species. Identifies the presence of two invasive non-native plant species on the site encroaching from gardens in the north and south: snowberry (<i>Symphoricarpos albus</i>) and rhododendron (<i>Rhododendron ponticum</i>) and makes recommendations for their control. The mature trees located at the centre of the site display wounds caused by the previous loss of limbs. The wounds are superficial and do not extend into the tree trunks. The appraisal states they do not provide cavities for roosting bats. It also states the remainder of the trees within the site were assessed to have negligible potential to support roosting bats. No further survey for bat roosts is recommended. Suitable bat foraging and commuting habitat is present within and adjacent to the site.

Transport Statement	Provides a review of the site in terms of access by all modes of travel relating to residential use. The access proposals for each plot are consistent with the principles of Designing Streets and also meet the sustainable access requirements of local and national planning policies. The report concludes that the principle of residential on the development site is viable from a transportation perspective, subject to the formation of individual driveways and connections to the external footway network.
Tree Report	All trees and groups of trees within the site have been identified, measured, recoded and categorised for retention desirability. The trees and groups of trees have had their root protection areas (RPAs) calculated. The survey did not note the presence of ancient or veteran trees within the site.
Bat Activity Survey	Provides a report on a Bat Activity Survey carried out on 31 st May 2021. Reports on evidence of common pipistrelle bats (<i>Pipistrellus pipistrellus</i>) and soprano pipistrelles (<i>Pipistrellus pygmaeus</i>) using the site for foraging and commuting. Provides recommendations relating to general good practice, lighting during the construction phase and survey validity.
Drainage Strategy Report	Provides details on the proposed surface water drainage and SUDS; and the foul water drainage.
Plot Study Document	Provides design details and analysis of the proposed dwellings and plot layouts.
Flood Risk Assessment	Provides an assessment of primarily fluvial flood risk from the Broom Burn but also considers other potential sources of flood risk. Indicates that much of the site lies within a functional flood plain with development plots partly located within the 1 in 200 year flood plan. The assessment notes that land raising is proposed to mitigate flood risk and facilitate the development. It also notes that compensatory storage has been designed and states that the flood water displaced by the land raising can be more than accommodated by this compensatory storage. The FRA concludes that, subject to the mitigation measures (land raising and compensatory storage), the risk of fluvial flooding is considered to be low. It also concludes that flood risk associated with overland flow, sewer flooding and groundwater flooding is low subject to the proposed mitigation measures.
Hydraulic Model Report	Reports on hydraulic modelling carried out under a number of scenarios. The results were used to inform the flood risk assessment.
Landscaping Planting Maintenance Programme	Provides details of the landscape planting management.

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 a former school playing field on its southern part and an unmaintained field with several scattered trees and shrubs across its northern part. The Broom Burn runs through the site. The site lies within an established residential area characterised mainly by detached dwellings of varying styles and designs. The southern and north-eastern parts of the site are bounded by the gardens to the rear of dwellings on Broompark Drive, Dunbeath Avenue, Dunolly Drive, Windsor Avenue and Lochbroom Drive. The northern part of the site is also bounded by Lochbroom Drive, Broompark Drive and Windsor Avenue.

The site is identified as a hybrid housing site/protected urban green space in the adopted LDP2 and also forms part of the green network. It should be noted that the former playing field has not been in use for a number of years and is not considered to be an existing sports facility.

The site lies within an area identified by SEPA as being at high risk from river flooding and medium-high risk from surface water flooding.

PROPOSAL

Planning permission is sought for the erection of 5 detached dwellings, formation of accesses and other ancillary works. The dwellings are proposed to be erected on the northern part of the site, fronting Broompark Drive and Windsor Avenue. Two of the dwellings access directly onto Windsor Avenue and three directly onto Broompark Drive. The dwellings comprise two storeys and hipped roofs and are of a traditional early to mid-20th century "pavilion villa" style. They are externally finished in white render with red facing brick base courses and detailing and grey tiled roofs. There are three designs: three dwellings comprise five bedrooms; and two comprise four bedrooms. Each of the dwellings have detached garages. The largest house type has a triple garage with an ancillary flat above, with the remaining four dwellings having double or triple garages.

The southern part of the site is proposed to be retained as amenity open space with compensatory flood storage areas and drainage corridors. Two further areas of open space are proposed in the northern part of the site.

The proposal includes the formation of a community access path linking Broompark Drive and Windsor Avenue across the middle of the site, including a new pedestrian/cycle bridge over the Broom Burn.

POLICIES

The application requires to be assessed with regard to the Development Plan which comprises National Planning Framework 4 (NPF4) and the adopted East Renfrewshire Local Development Plan 2.

The relevant Policies in NPF4 are Policies 1, 2, 3, 4, 6, 9, 12, 13, 14, 15, 16, 18, 20, 21, 22 and 23.

Policy 1 (Tackling the climate and nature crises) states that when considering all development proposals significant weight will be given to the global nature and climate crises.

Policy 2 (Climate mitigation and adaptation) states that proposals (a) will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and (b) be sited and designed to adapt to current and future risks from climate change.

Policy 3 (Biodiversity) (a) states that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Policy 3 c) states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Policy 3 d) states that any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4 (Natural places) (f) states that Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

Policy 6 (Forestry, woodland) (b) states that development proposals will not be supported where they will result in: (ii) Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.

Policy 9 (Brownfield, vacant and derelict land and empty buildings) supports development that results in the sustainable reuse of brownfield land. In determining what is sustainable, the biodiversity value of brownfield land that has naturalised should be taken into account.

Policy 12 (Zero Waste) states that development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

Policy 13 (Sustainable transport) (b) states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies.

Policy 14 (Design, quality and place) states that development proposals will be designed to improve the quality of an area.

Policy 15 (Local Living and 20 minute neighbourhoods) states that proposals will contribute to local living with consideration given to the existing settlement patterns and the level and quality of interconnectivity.

Policy 16 (Quality homes) (a) states that development proposals for new homes on sites allocated for housing in LDPs will be supported. Policy 16 (e) states that development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need.

Policy 18 (Infrastructure first) states that the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

Policy 20 (Blue and green infrastructure) states that proposals incorporating new or enhanced blue and/or green infrastructure will be supported.

Policy 21 (Play, recreation and sport) (d) states that development proposals likely to be occupied or used by children and young people will be supported where they incorporate well-designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development and existing provision in the area.

Policy 22 (Flood risk and water management) states that: (a) proposals at risk of flooding or in a flood risk area will only be supported if they are for (iv) redevelopment of a previously used site in built up areas where the LDP has identified a need to bring these sites into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice; c) development proposals will not increase the risk of surface water flooding to others, or itself be at risk; and e) development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy 23 (Health and safety) states that development proposals that have positive effects on health will be supported. It states that this can include proposals that incorporate opportunities for exercise.

Strategic Policies 1 and 2 and Policies D1, D2, D4, D5, D6, D7, SG1, SG4, E1, E6, E7 and E8 of the adopted East Renfrewshire Local Development Plan 2 are also relevant to this development.

Strategic Policy 1 sets out the Council's approach to development as follows: regeneration, consolidation and environmental enhancement of the urban areas through the efficient and sustainable use of land, buildings and infrastructure that encourages the re-use of brownfield and vacant sites, in keeping with a sequential approach and in accordance with other relevant policies of the plan.

Strategic Policy 2 states that where new development individually or cumulatively generates a future need for new or enhanced infrastructure provision, services or facilities, the Council will require the development to meet or proportionately contribute towards the cost of providing or improving such infrastructure.

Policy D1 requires that all development should not result in a significant loss of character or amenity to the surrounding area and that safe and functioning pedestrian, cycle and vehicular access and car-parking is provided.

Policy D2 supports development within the general urban area where it is appropriate in terms of its location, scale and will not lead to a significant loss of character or amenity to the surrounding area. Proposals must also comply with other relevant policies of the plan.

Policy D4 states that the Council will seek to protect and enhance the green and blue network.

Policy D5 the Council will protect and support a diverse and multi-functional network of urban greenspace.

Policy D6 sets out the minimum open space requirements for new developments.

Policy D7 states that development affecting trees, groups of trees or areas of woodland that makes a significant positive contribution to the setting, amenity of character of the area has been incorporated into the development through design and layout.

Policy SG1 allocates land for new housing. The site is housing site SG1.21 (Broompark Drive/Windsor Avenue) as defined within LDP2. It has a capacity of 5 houses and forms part of the established land supply 2019-2031.

Policy SG4 states that the Council will require residential proposals for 4 or more dwellings to provide a minimum 25% affordable housing contribution. This may be made on site; or by means of a commuted sum payment; or off site.

Policy E1 states that development proposals will be required to (i) make efficient and sustainable use of existing land within the urban areas and that (ii) developments must incorporate sustainable and energy efficient design and construction methods and be built to meet a minimum of silver sustainability standard.

Policy E6 states that proposals should seek to protect and enhance the water environment in terms of its ecological status, green networks and biodiversity.

Policy E7 states that the Council will take a precautionary approach to flood risk, including fluvial and pluvial. It also states that there will be a general presumption against proposals for built development or land raising on functional floodplains or in areas where there is a significant probability of flooding and that land raising will only be considered in exceptional circumstances and where it is shown to have a neutral or better impact on flood risk outside the raised area. The Council will safeguard the storage capacity of the floodplain.

Policy E8 states that development proposals are required to integrate well-designed and naturalised sustainable urban drainage systems to manage drainage and water quality.

DETAILED CONSIDERATION

Given the scale and nature of the development, the proposal is not considered to raise significant conflict with Policy 1 of NPF4.

Principle and general design matters

The proposal involves the development of a vacant site, including the site of a former playing field, within the urban area. It is also noted that the site is partly identified as housing site SG1.21 in the adopted LDP2 with a capacity of 5 dwellings. It is therefore considered that the principle of residential development, as proposed on the northern part of the site, is established and that the use of the site for residential development would accord with the Council's development strategy. It is also considered that the location of the site within the urban area and within walking distance of public transport links, is sustainable. The proposal is therefore considered to comply with Policies 2, 9 and 16 a) of NPF4; and Strategic Policy 1 and Policy SG1 of the adopted LDP2.

The proposed development continues the existing settlement pattern of dwellings fronting onto Broompark Drive and Windsor Avenue. The proposed dwellings are considered to be of a character and design generally in keeping with the dwellings in the immediate area. Given their design and external materials, the proposed dwellings and garages are considered acceptable in appearance. Given their orientation in relation to the existing dwellings, the proposed dwellings or garages would not give rise to significant additional overlooking or overshadowing. Whilst the garages are relatively large, with one triple garage having ancillary accommodation above, they are appropriate in scale given the size of the plots and remain subordinate to the dwellings to which they relate. The Roads Service has not objected to the proposal subject to conditions that can be attached to any planning permission granted. The proposed development is therefore considered to be in keeping with the character and amenity of the surrounding area and would not give rise to significant road safety issues. The southern part of the site is proposed to be retained as public amenity open space, with access to it enhanced by the provision of the proposed pedestrian/cycle path. This is considered to be in keeping with the site's hybrid designation in LDP2. The open space provision, including private gardens, exceeds the minimum requirements set out in Policy D6 of the LDP2. The proposal involves the removal of three category U trees to accommodate the proposed dwellings. Given the condition of the trees involved and the limited amount of felling, the tree removal would not have a significant impact on the character

and amenity of the area. The remainder of the trees are to be retained as part of the design and layout of the development. The Strategy Section had advised, in terms of the proposed landscaping, that the mix of native shrubs in conjunction with the seed mixes will achieve the required enhancement with an uplift on current biodiversity levels. The Preliminary Ecological Assessment indicates that there are no protected species within the site that would constitute a barrier to development.

The proposal is therefore considered to comply with Policies 3, 4, 6, 12, 13, 14, 15, 20, 21 and 23 of NPF4 and Policies D1, D4, D5, D6 and D7 of the adopted LDP2. Given the scale of the development it would raise no significant issues with regard to Policy 12 of NPF4.

Flood Risk

The objection from SEPA is noted. If the Committee is minded to grant the application, the matter will require to be referred to Scottish Ministers.

It should be noted that at the examination of the then proposed LDP2, the Reporter considered SEPA's objection (among others) to the allocation of the site for housing. The Reporter noted SEPA's acceptance that an engineering solution for housing development on the site may be feasible and referenced the flood risk framework contained within the former SPP. That framework stated that for medium and high flood risk areas, residential development may be acceptable within built-up areas subject to appropriate flood protection measures and other provisos. The Reporter therefore concluded that the site should remain with LDP2 with a capacity of 5 units.

As noted above, the site is partly identified as a housing site SG1.21 in the adopted LDP2 and is identified as being at high risk from fluvial flooding and medium to high risk from pluvial flooding. LDP2 states that a Flood Risk Assessment (FRA) is required to be submitted with any application on this site to determine the developable extent of the site and to ensure that the proposal is consistent with SPP on flooding (Scottish Planning Policy). It should be noted that from 13th February 2023, SPP on flooding has been replaced by Policy 22 of NPF4.

The FRA states that hydraulic modelling has been undertaken that indicates that the majority of the land located in the south-eastern, central and northern parts of the site is located within the functional floodplain (1 in 200 year flood events) of the Broom Burn. The FRA indicates that the hydraulic modelling incorporates SEPA's recommended climate change allowance. The modelled scenario represents a 60% increase in peak flow which exceeds SEPA's recommended increase of 41%. Appendix A of the FRA shows that proposed housing plots 1 to 4 are predicted to fall partially within the functional floodplain. In order to protect the proposed properties from flooding, land raising is proposed to set the proposed plots above the flood level. The FRA also recommends that compensatory storage is provided to mitigate flood risk.

Details of land raising

On plots 1 to 3 the dwellings, garages and parking areas are proposed to sit on level build platforms approximately 40cm to 70cm above the existing ground levels. On plots 4 and 5, the dwellings, garages and parking areas are proposed to sit on build platforms approximately 70cm to 1.1 metres above the existing ground levels. The open space provision incorporates drainage corridors linking the functional floodplain with Windsor Avenue and Broompark Drive.

Compensatory storage

Whilst the land raising referred to above encroaches onto the functional floodplain, level-for-level and volume-for-volume compensatory storage is provided in the south-west of the site, outwith the developed area and outwith the extent of the 1:200 year floodplain. This provides storage to a depth of up to 0.22 metres below the 1:200 flood level. The encroachment and compensatory storage volumes set out in the FRA demonstrate that the proposal will deliver a net gain in storage volumes across all

return periods, thereby creating a betterment when compared with the existing conditions. The FRA also indicates that the net gain in storage increases as the return periods increase. In a 1:200 year flood event, an overall net gain of 90.9m³ of floodplain storage will be provided.

Flood risk associated with overland flow, sewer flooding and ground water flooding has also been considered in the FRA and is considered to be low provided the mitigation set out in the FRA is implemented.

The FRA concludes that the compensatory storage that has been designed for the site demonstrates that the displacement of flood water at the northern (developed) part of the site as a result of the land raising can be more than off-set by the compensatory storage provided at the southern part of the site. The proposed finished floor levels for the dwellings provides significant freeboard above the 1:200 year flood level plus climate change levels. The risk of fluvial flooding is therefore considered to be low.

The applicant proposes a comprehensive SUDS and its provision can be secured by condition.

The proposal is therefore considered to comply with Policies E6, E7 and E8 of LDP2. In terms of Policy E7: Flooding specifically, while this policy states that there will be a general presumption against proposals for built development on a functional floodplain, in this case, it is considered that given the LDP2 designation and supporting information submitted, the proposal can be supported and is not contrary to the terms of Policy E7.

Policy 22 of NPF4 states that development proposals at risk of flooding or in a flood risk area will only be supported if they are for redevelopment of previously used site in built up area where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice. The site is identified in LDP2 to meet housing demand and proposal demonstrates that long term resilience and safety measures are incorporated. However, it is noted that this does not accord with SEPA's advice as they maintain their objection to the proposal. The proposal does not therefore comply fully with Policy 22 of NPF4. The designation in for housing in LDP2 and the proposed flood mitigation measures detailed in the proposals are considered to be of sufficient weight to justify granting planning permission without fully complying with Policy 22 of NPF4.

Affordable Housing

The application of the minimum 25% affordable housing policy would result in a contribution based on a 1.25 unit requirement. The Principal Strategy Officer (Affordable Housing and Development Contributions) has advised that, following consultation with the Housing Service, a commuted sum would be considered appropriate to meet the terms of Policy SG4.

In line with Scottish Government Planning Advice Note 2/2010, 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. The applicant has agreed to the principle of this requirement. If the Council is minded to grant this proposal, the Council would commission the District Valuer to carry out a valuation in order to determine the appropriate sum from this development. A legal agreement will be required to secure the affordable housing contribution once agreed.

Subject to the satisfactory conclusion of the legal agreement, the proposal complies with Policy 16 e) of NPF4 and Policy SG4 of LDP2.

Development contributions

The Principal Strategy Officer (Affordable Housing and Development Contributions) has advised that, if minded to grant, development contributions would be required towards the following: Education (Early

Years, Primary, Secondary and ASN); Community Facilities (Community Halls & Libraries and Sports); and Parks and Open Space. On-site mitigation would also be required in terms of Access and the Green Network. Specific detail is to be discussed with Development Officer responsible for the Green Network, however onsite mitigation should include as a minimum, the following: New footbridge (existing dangerous); Snowberry treatment (invasive species); Tree planting; and smart design of flood attenuation basin compensatory storage. The relevant development contribution requirements from this site have been agreed with the applicant, as has the requirement for a legal agreement to secure payment of the contributions.

Subject to the satisfactory conclusion of the legal agreement, the proposal complies with Policy 18 of NPF4 and Strategic Policy 2 of the adopted LDP2.

Given the fore-going, the proposal generally complies with the general aims of the development plan comprising NPF4 and the adopted LDP2.

REPRESENTATIONS

The following comments are made in respect of the points of objection not specifically addressed above:

The site is not subject to a nature designation and minimal tree removal is proposed. The Habitat Assessment states that the habitats and plant species recorded within the site are widespread and common throughout the central belt.

The current application must be assessed on its own merits and is not prejudiced by previous decisions on the site.

The location plan and site plans are considered sufficient to identify the site and describe the proposed development.

The site is included as a housing site in the adopted LDP2. The impact on existing infrastructure, including education, has therefore been accounted for.

If the application is approved, conditions can be attached to any planning permission granted to mitigate noise and disturbance during the construction phase.

CONCLUSION

The proposal is considered to generally comply with the terms of the development plan, including NPF4 and LDP2. Where it does not fully comply (Policy 22 of NPF4) there are material considerations that justify granting planning permission as an exception to the terms of the development plan. There are no material considerations that indicate the application should not be approved. It is therefore recommended that the application is approved subject to the conditions set out below and subject to the satisfactory conclusion of a legal agreement as discussed above.

PLANNING OBLIGATIONS: A Section 75 legal agreement relating to the delivery of affordable housing and developer contributions (relating to education (early years, primary, secondary and ASN); community facilities (community halls, libraries and sports); and parks and open space).

RECOMMENDATION: Approve subject to conditions following the conclusion of a legal agreement relating to the delivery of affordable housing and payment of development contributions.

It should be noted that if the Committee accept the recommendation to approve the application, the proposed decision will require referral to Scottish Ministers before any decision to approve can be issued as under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 it is necessary to notify Scottish Ministers as the development has been subject to

consultation with the Scottish Environment Protection Agency (SEPA) on flooding grounds and SEPA has advised against the grant of planning permission.

Scottish Ministers can decide to call in the application for determination or instruct the planning authority that the application will not be called in and the decision can be issued.

CONDITIONS:

- 1 The development hereby approved must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted or, as the case may be, deemed to be granted.

Reason: To comply with the provisions of section 58 of The Town and Country Planning (Scotland) Act 1997, as amended.

2. Development shall not commence until details of the phasing of the development have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved phasing scheme.

Reason: In order to ensure a properly programmed development.

3. Development shall not commence until details 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.

4. 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.

5. Development shall not commence until detailed levels, diagrams and sections, showing the existing and proposed levels throughout the site and finished floor levels in relation to a fixed datum point have been submitted to and approved in writing by the planning authority. Thereafter the development shall be constructed in accordance with the approved levels, diagrams and sections.

Reason: To ensure that the levels are acceptable at this location.

6. The surface water management and sustainable urban drainage systems (SUDS) proposals, as detailed in the Fairhurst Drainage Strategy Report dated January 2022 and on the approved proposed drainage layout drawing reference 8002 B, shall be fully implemented in accordance with the approved details prior to the occupation of the first dwelling. Plot-

specific SUDS shall be implemented in full in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of sustainable development.

7. Visibility splays of 2 metres by 20 metres shall be provided in both directions at the junctions of the proposed driveways with the existing road network prior to the occupation of each dwellinghouse and thereafter maintained free from any obstructions exceeding a height of 1.05m above the adjacent road.

Reason: To enable drivers of vehicles exiting the proposed driveways to have a clear view over
a length of road sufficient to allow safe exit.

8. The proposed new sections of footpath on Windsor Avenue and Broompark Drive shall be completed prior to the occupation of the first dwelling.

Reason: In the interest of public road safety and pedestrian safety.

9. 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.

10. Prior to the commencement of any work on site, details of the proposed footpath linking Broompark Drive and Windsor Avenue, together with details of the proposed timber footbridge over the Broom Burn, all as shown on the approved landscaping plan reference number 1638/02 A, shall be submitted and approved in writing by the Planning Authority. The footpath and footbridge shall be completed in accordance with the approved details prior to the occupation of the first dwelling. The footpath and footbridge shall be maintained within the site, free from obstruction at all times thereafter.

Reason: To ensure public access is maintained into and through the site.

11. The compensatory flood storage and drainage corridors, as detailed in the Fairhurst Flood Risk Assessment dated April 2022 and associated approved drawings, shall be implemented in their entirety prior to the occupation of the first dwelling.

Reason: To ensure the occupants of the proposed dwellings are adequately protected from river flooding.

12. The development shall be landscaped in accordance with the approved landscaping plan reference 1638/02 A and maintained in accordance with the Brindley Landscape Planting and Maintenance Proposals dated April 2022. The landscaping shall be completed during

the first planting season following the completion of the last dwelling. Any trees, shrubs or areas of grass which die, are removed, damaged or diseased within 5 years of the completion of the landscaping shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping to improve the environment quality of the development.

13. 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. The starting up/warming up and shutting down of any construction machinery outwith these hours shall not be audible from the boundary of any noise sensitive property.

Reason: To prevent noise nuisance to the surrounding area.

14. 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 works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved 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 to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

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

15. Prior to commencement of any works on site, a comprehensive site investigation, carried out to the appropriate level, should be submitted to and accepted in writing by East Renfrewshire Council. This survey shall investigate all aspects of potential contamination, indicated by a Phase 1 Investigation (Desk-Study) of the site. If any contamination hazard is identified on the site, a site-specific risk assessment must be undertaken. Should any significant pollutant linkages be identified, a detailed remediation strategy must be developed. No works other than investigative works should be carried out on site prior to receipt of the Council's written acceptance of the remediation plan. Guidance should be sought from the document "Land Contamination and Development" By Environmental Protection Scotland

Reason: In the interests of public health and to protect users of the development and the wider environment from the effects of contamination.

16. Prior to the commencement of any work on site, details of the treatment and management of invasive, non-native species on the site: viz. snowberry (*Symphoricarpos albus*) and rhododendron (*Rhododendron ponticum*) shall be submitted and approved in writing by the Planning Authority. Thereafter the invasive, non-native species shall be treated and managed in accordance with the approved details.

Reason: To safeguard the native biodiversity of the area.

17. Prior to the commencement of any work on site, a report on an updated bat activity survey shall be submitted and approved in writing by the Planning Authority. Any recommendations contained within the report shall be fully implemented in accordance with the findings and advice of the report.

Reason: To safeguard the biodiversity of the site and to ensure protected species using the site are not compromised.

18. No trees within the site shall be felled, lopped, topped, thinned or trimmed in any way without the prior written approval of the Planning Authority.

Reason: To ensure the trees within the site continue to contribute to the character and amenity of the area.

19. Prior to the commencement of any work on site, details of the maintenance of the compensatory storage area and the drainage corridors shall be submitted and approved in writing by the Planning Authority. Thereafter, the compensatory storage area and the drainage corridors shall be maintained in accordance with the approved details.

Reason: To ensure the compensatory storage area and the drainage corridors function effectively to adequately mitigate any impact of flooding.

ADDITIONAL NOTES:

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.

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.

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

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

The Developer is required to consult with East Renfrewshire Council's Development Plans Section on 0141 577 8542 on proposed street naming and numbering at an early stage in the development.

East Renfrewshire Council Roads Service should be consulted regarding the specification for the formation of the necessary footway crossover.

The developer's attention is drawn to the recommendations set out within the Bat Activity Survey dated June 2021 relating to temporary lighting during the construction phase and timings of site works.

ADDED VALUE:

Design, layout and/or external material improvements have been achieved during the processing of the application to ensure the proposal complies with the Council's Local Plan policies.

Conditions have been added that are necessary to control or enhance the development and to ensure the proposal complies with the Council's Local Development Plan policies.

BACKGROUND PAPERS:

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

Ref. No.: 2021/0130/TP
(DESC)

DATE: 22nd March 2023

DIRECTOR OF ENVIRONMENT

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