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**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  
27th November 2024.

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**Reference No:** 2023/0194/TP

**Ward:** 5

**Applicant:**

East Renfrewshire Council  
Land At 57  
Barrhead Road  
Newton Mearns  
East Renfrewshire

**Agent:**

Corri Cassells  
51 St Vincent Crescent  
Glasgow  
Scotland  
G3 8NQ

**Site:** Land at 57 Barrhead Road, Newton Mearns, East Renfrewshire

**Description:** Erection of 17no. dwellings consisting of a flatted block of maximum 4 storey height and single storey dwelling, including access, parking, landscaping, fencing, drainage and associated works.

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

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**Reference No:** 2024/0005/TP

**Ward:** 2

**Applicant:**

Mr Jim Cuthbertson  
22 Greenlaw Road  
Newton Mearns  
East Renfrewshire  
G77 6ND

**Agent:**

**Site:** 22 Greenlaw Road, Newton Mearns, East Renfrewshire, G77 6ND

**Description:** Increase in height of boundary wall at the front of property

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

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# REPORT OF HANDLING

Reference: 2023/0194/TP

Date Registered: 3rd April 2023

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 253506/:655719

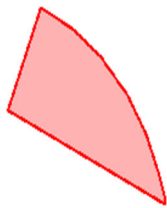
Applicant/Agent:

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Proposal: Erection of 17no. dwellings consisting of a flatted block of maximum 4 storey height and single storey dwelling, including access, parking, landscaping, fencing, drainage and associated works.

Location: Land at 57 Barrhead Road  
Newton Mearns  
East Renfrewshire



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**CONSULTATIONS/COMMENTS:**

Glasgow Prestwick Airport	No objection.
Ministry Of Defence	No response.
NATS Safeguarding (NERL)	No objection.
East Renfrewshire Council Roads Service	No objection subject to conditions.
East Renfrewshire Council Environmental Health Service	No objection subject to conditions.
East Renfrewshire Council Strategy Service (Planning Obligations)	No objection – No contributions required given the nature of the development.
Scottish Water	No objection. Scottish Water advise that, at the time of their consultation response, there is sufficient capacity at Milngavie Water Treatment Works and sufficient foul only capacity at Shieldhall Waste Water Treatment Works, although they are unable to reserve capacity. Scottish Water advise that they do not generally accept surface water to into their combined sewer systems unless justified in a separate application by the developer to Scottish Water.
Crookfur, Greenfarm Mearns Village Community Council	Objects on the grounds of storey height, impact on character of the area, overlooking and public road safety.

**PUBLICITY:** None.

**SITE NOTICES:** None.

**SITE HISTORY:**

2000/0431/TP	Extension of temporary planning permission for use of land as gardeners yard and storage unit	Approved Subject to Conditions	30.10.2000
2000/0027/AD	Renewal of temporary permission for the erection and display of 5 x 48 sheet advertising hoardings and associated landscaping	Approved Subject to Conditions	07.09.2000
2000/0040/AD	Installation of external illumination on 5 x 48	Approved Subject to Conditions	30.10.2000

sheet advertising  
hoardings

2002/0826/TP	Renewal of planning permission for temporary building (previous consent 1992/0341/TP)	Approved Subject to Conditions	07.02.2003
2002/0021/AD	Erection of 5 x 48 sheet illuminated advertising hoardings and associated landscaping (renewal of temporary consent)	Approved Subject to Conditions	04.11.2002
1992/0007/AD	ERECTION OF 48 SHEET ADVERTISING HOARDING & LANDSCAPING	Approved Subject to Conditions	25.06.1992
1995/0016/AD	EXTENSION OF PERMISSION FOR 3 ADVERTISING HOARDINGS	Approved Subject to Conditions	01.01.1940
1995/0017/AD	ERECTION OF 5 ILLUMINATED HOARDINGS AND LANDSCAPING	Approved Subject to Conditions	01.01.1940
1996/0016/AD	RENEWAL OF CONSENT FOR DISPLAY OF 5 ADVERTISEMENT HOARDINGS	Approved Subject to Conditions	26.08.1996
1997/0109/TP	EXTENSION OF PERMISSION FOR LANDSCAPE GARDENER'S YARD	Approved Subject to Conditions	24.04.1997
1998/0268/TP	Extension of permission for landscape gardeners yard and erection of storage unit	Approved Subject to Conditions	16.07.1998
1998/0012/AD	Renewal of temporary permission for erection and display of 5 x 48 sheet advertising hoardings and associated landscaping	Approved Subject to Conditions	29.06.1998
1999/0392/TP	Extension of temporary planning permission for	Approved Subject to Conditions	08.09.1999

use of land as gardeners  
yard and storage unit

1999/0015/AD	Renewal of temporary permission for the erection and display of 5 x 48 sheet advertising hoardings and associated landscaping	Approved Subject to Conditions	06.08.1999
2004/0026/AD	Erection of 5 x 48 sheet illuminated advertising hoardings (renewal of temporary consent)	Approved Subject to Conditions	13.01.2005
2014/0682/ADV	Display of two internally illuminated advertisement hoardings	Approved Subject to Conditions	09.12.2014

**REPRESENTATIONS:** Thirty eight representations have been received: thirty seven indicating an objection and one indicating a neutral stance. Representations can be summarised as follows:

Impact on road and pedestrian safety  
Overlooking  
Loss of daylight  
Out of character  
Impact on the building line  
Lack of school spaces  
Visual impact and massing  
Contrary to the development plan  
Loss of trees  
Impact on wildlife  
Carbon impact  
Over-development  
Inadequate neighbour notification  
Insufficient electric vehicle charging points  
Lack of amenity space  
Vermin  
Disruption of access rights  
Inadequate visualisations  
Alternative use should be sought for the site  
Loss of view

#### **DEVELOPMENT PLAN:**

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:**

Design and Access Statement – Describes the site, its context and provides a detailed description of the proposed development.

Preliminary Ecological Assessment – Provides details, methodologies and the results of a preliminary ecological assessment and preliminary bat roost assessment carried out on the site. Suitability for nesting birds was identified on the site and actions required by the developer to avoid conflict with relevant legislation are outlined in the assessment. The preliminary roost assessment identified three trees with low potential for bat roosts. The assessment makes recommendations on post-construction mitigation measures.

Noise Impact Assessment – provides a noise impact assessment for the proposed development in terms of the effect of noise from the adjacent road and commercial premises on future occupants. It recommends the erection of a 2.4 metre high acoustic fence at the garden area of the detached dwelling and provides recommendations for glazing and ventilation standards for the development as a whole.

Site Investigation Report – Reports on the methodologies and results of a ground investigation of the site. Intrusive investigations were carried out to identify ground related risks. The shallow soils underlying the site are considered to pose a risk to human health with exceedances of toxic metals and petroleum hydrocarbons. Invasive plant species were found on the site. The reports makes recommendations on mitigation measures.

## **ASSESSMENT:**

This is an application for a local development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. It has to be determined by the Planning Applications Committee under the Council's Scheme of Delegated Functions as more than 10 objections have been received.

## **SITE**

The application site comprises an area of open space to the south side of Barrhead Road, Newton Mearns. It lies out with, but immediately adjacent to the Newton Mearns town centre to the north, on the opposite side of Barrhead Road. The site itself lies within the General Urban Area as defined within the adopted East Renfrewshire Local Development Plan 2. It is identified within that plan as housing site SG4.5, specifically for the erection of affordable housing and housing for particular needs with a nominal capacity of 20 houses. The site is not covered by a Tree Preservation Order.

The site comprises a grassed area of open space, generally to the front of the site with Barrhead Road; and a fenced-off area to the rear that is more overgrown with shrubs, bushes and small trees. A row of shrubs grows along the frontage of the site with Barrhead Road and several mature trees grow along the rear boundary of the site.

Residential development lies to the rear of the site at Moorhill Crescent and Townhead Road; a former nursery school lies to the west; and opposite lies a supermarket loading bay and the car-park associated with The Avenue Shopping Centre. With the exception of The Avenue Shopping Centre, the Fairweather Hall and the adjacent former nursery, the majority of buildings in the area are generally two storeys in height.

## **PROPOSED DEVELOPMENT**

Planning permission is sought for the erection of seventeen dwellings consisting of a flatted block of up to four storeys in height and single storey detached dwelling, including access, parking, landscaping, fencing, drainage and associated works.

The detached single storey dwelling lies to the west of the side, towards the rear boundary. It comprises two bedrooms and is designed to be wheelchair accessible.

The flatted block lies to the centre and east of the site and fronts Barrhead Road. It comprises a four storey element and a two storey element. Two of the ground floor flats are designed to be wheelchair accessible.

Both the detached dwelling and the flatted block are proposed to be externally finished in facing brick and concrete roofing tiles.

The applicant proposes that 100% of the dwellings within the site will be available for subsidised social rent by the applicant.

Vehicular access to the site is via Barrhead Road, with two car-parking areas, one to the front of the site and one to the rear.

Thirteen trees are proposed to be removed from the site to accommodate the development, including the four mature trees along the rear boundary.

Re-planting and landscaping is proposed, including eleven field maple and six whitebeam; six ornamental trees; seven smaller multi-stem trees; shrubs; and hedging. A copper beach hedge is proposed along the frontage of the site with Barrhead Road and along the eastern part of the rear boundary. Of the eleven field maple, nine are proposed to be planted along the eastern part of the rear boundary.

## DEVELOPMENT PLAN POLICY

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

The policies most relevant to this proposal in National Planning Framework 4 (NPF4) are Policy 1 (Tackling the climate and nature crises); Policy 2 (Climate mitigation and adaptation); Policy 3 (Biodiversity); Policy 6 (Forestry, woodland and trees); Policy 14 (Design, quality and place); Policy 15 (Local living and 20 minute neighbourhoods); and Policy 16 (Quality homes).

The policies most relevant to the proposal in the adopted East Renfrewshire Local Development Plan 2 (LDP2) are: Strategic Policy 1: Development Strategy; Strategic Policy 2: Development Contributions; Policy D1: Placemaking and Design; Policy D2: General Urban Areas; Policy D6: Open Space Requirements; D7: Natural Environmental Features); Policy SG1: Housing Supply, Delivery and Phasing; Policy SG4: Affordable Housing; Policy E1: Sustainable Design; and Policy E5: Noise Impacts.

The texts of those policies can be read at the link above.

Strategic Policy 2 is supported by the adopted Supplementary Guidance: Development Contributions (June 2023).

Policy SG4 is supported by the adopted Supplementary Guidance: Affordable Housing (June 2023).

Policy D6 is supported by the adopted Supplementary Guidance: Green Networks (June 2023). Appendix A of the adopted Supplementary Guidance provides detailed private open space and garden requirements for new residential development. It states that private gardens for detached houses will be expected to be 1 1/2 times the ground floor area of the house or 100 square metres, whichever is the greater. It further states that rear gardens should be at least 10 metres deep; front gardens should complement the design of the dwelling and that there should be a minimum of 2 metres from the dwelling to the side plot boundary.

## DETAILED CONSIDERATION

Having regard to the site and its surroundings; the proposed development; the applicant's supporting statements; and the development plan, it is considered that the determining issues in this case are: the principle of the development at this location; the impact of the proposal on the character and visual amenity of the area; the impact of the removal of the existing trees and impact on biodiversity; the impact of the proposal on the residential amenity of the adjacent residences; the open space provision within the development; and public road safety.



### Principle of the development

As has been noted above, the site lies within the general urban area, immediately adjacent to the Newton Mearns town centre. It is identified in Schedule 16 of LDP2 as a site for the provision of affordable housing and housing for particular needs. Given the site's designation in LDP2 and its location within the urban area, it is considered that the principle of this particular development is acceptable at this site.

It is also noted that the proposed development would be within easy access of public transport serving the town centre and Barrhead Road.

The Principal Strategy Officer (Planning Obligations Lead) has confirmed that, given the nature of the proposal for 100% subsidised social rented housing, as part of the Council's House Building Programme, the proposal is compliant with Policy SG4 of LDP2. Further, in line with the adopted Supplementary Guidance: Development Contributions, given the nature of the proposed development, it is exempt from Education development contributions and contributions in terms of community facilities; roads; parks and open space; and green network can be waived in this instance. There is therefore no requirement for development contributions in this instance.

Given the foregoing, the principle of this development at this site is accepted and the proposal is considered to be compliant with Policies 1 (Tackling the climate and nature crises); Policy 2 (Climate change and mitigation); Policy 15 (Local living and 20 minute neighbourhoods); and Policy 16 (Quality homes) of National Planning Framework 4; and Strategic Policy 1: Development Strategy; Strategic Policy 2: Development Contributions; Policy SG1: Housing Supply Delivery and Phasing; and Policy SG4: Affordable Housing of the adopted Local Development Plan 2.

### Impact on character and visual amenity

As noted the site lies within an area of mixed land use character with commercial uses opposite within the town centre and residential premises to the rear. The proposed residential use is therefore considered to be in keeping with this mixed land use character.

Given its design and external finish, the proposed development is considered to be acceptable in appearance. It is accepted that the proposed flat block stands up to four storeys high and this is higher than other buildings in the immediate area. This would be contrary to the strict interpretation of Policy D1 of the adopted LDP2 which states that new development should be of a size, scale, height, massing and density that is in keeping with the buildings in the locality and which respect local building form and design.

The massing of the flatted block is nevertheless reduced by the drop in storey height towards the east and the articulation of the facades. The four storey element lies at a point furthest from the adjacent residences to the rear. The visual impact of the flatted block when viewed from Barrhead Road and from the residential areas to the rear, notwithstanding its storey height, would not give rise to a significant detriment to visual amenity and is considered, on balance, to be acceptable.

Whilst the site is presently open and landscaped to a degree, it is not designated or safeguarded for that purpose and given its size and configuration, is of limited recreational or access value. It is also noted that a comprehensive landscaping and re-planting scheme is proposed, the implementation of which can be secured by condition. The proposal would not therefore significantly impact on the character or visual impact of the area.

Should the proposal be otherwise acceptable, it is considered that the application can be granted as an exception to the specific terms of Policy D1 that refer to storey height and built form.

### Removal of the existing trees and impact on biodiversity

Whilst the site is not covered by a Tree Preservation Order, it is noted that thirteen trees are proposed to be removed. The applicant has submitted a Preliminary Ecological Appraisal in support of the application that indicates suitability for nesting birds within the trees and that three

trees within the site have a low level of suitability for roosting bats. The Appraisal outlines the developer's responsibilities in order to avoid contravention of legislation in relation to breeding birds and an appropriate note can be attached to any planning permission granted to that effect.

The three trees identified as having low suitability for roosting bats are proposed to be removed. The preliminary Roost Assessment recommends precautionary measures for their felling and post construction mitigation including the provision of bat boxes. These matters can be addressed via appropriate planning conditions should the application be approved.

As noted above, eleven field maple and six whitebeam; six ornamental trees; and seven smaller multi-stem trees are proposed as replacements. This will help soften the appearance of the development and mitigate the loss of the existing trees.

It is noted that the site is not covered by a nature designation.

### Impact on residential amenity

Given the design and layout of the proposed development and its general orientation to the north of the existing adjacent residential development, the proposal would not be considered to give rise to significant additional overshadowing or loss of daylight.

The part of the development with the greatest potential for overlooking would be the four storey element, given its height and the number of windows facing south-west, towards the existing residential development to the rear. Notwithstanding, this section of the development lies approximately 17 metres to the rear site boundary and approximately 47 metres to the closest facing windows on the properties to the rear.

The two storey flatted element, comprising four properties, lies between approximately 9 and 11 metres to the rear property boundary, which is generally comparable to a contemporary housing layout. The closest dwelling to the rear lies a total of 16 metres distant, however, there is no direct window to window overlooking from that section of the development. It is further noted that a copper beech hedge and nine field maples are proposed to be planted on this section of the rear boundary. In time, those will provide a further degree of screening to the rear.

The single storey detached dwelling lies only 2.5 metres from the rear boundary. However, it comprises only three ground floor, rear-facing windows. It is noted that a 1.8 metre high timber boundary fence is proposed to the rear. Given the finished floor level of the proposed detached dwelling, it is considered that a 2 metre high screen fence would be required at this location to mitigate any overlooking towards the rear. This can be secured by condition should the application be approved.

Subject to the condition referred to above, it is considered that the proposal would not give rise to a significant degree of additional overlooking to the extent that would justify a refusal of the application.

Given the residential character of the proposed development, it would not be considered to generate significant noise levels.

The proposal would not therefore have a significant detrimental impact on the residential amenity of the existing dwellings to the rear.

### Open space provision

The adopted Supplementary Guidance: Green Networks (June 2023) requires that developments should achieve 10 square metres of amenity open space per habitable room. For this development that would equate to 470 square metres. The developer proposed approximately 660 square metres of amenity open space within the development.

It is noted that for detached dwellings, private gardens will be expected to be 1.5 times the ground floor area of the dwelling or 100 square metres, whichever is the greater. In this instance, the

ground floor area of the dwelling is 100 square metres and the private garden area measures 106 square metres. As discussed previously, it is also noted that the distance from the dwelling to the rear boundary is only 2.5 metres. It is accepted that this is contrary to the strict interpretation of the adopted Supplementary Guidance: Green Networks (June 2023).

However, in this instance, notwithstanding the ground floor area of the dwelling, the minimum acceptable standard of 100 square metres is met and the dwelling is designed for those with special access requires. It is also noted that the proposal otherwise complies with the open space requirements as set out in the Supplementary Guidance. Overall, the proposal would not result in the over-development of the site.

It is therefore considered, that in this instance, if the proposal is otherwise acceptable, that planning permission should be granted as an exception to the specific terms of the adopted Supplementary Guidance: Green Networks (June 2023) and Policy D6 of LDP2.

### Public road safety

The East Renfrewshire Council Roads Service is the Planning Authority's consultee on matters of public road safety. The Roads Service has advised it has no objection to the proposal, subject to conditions that can be attached to any planning permission granted. Those conditions relate to visibility at the access to the site at its junction with Barrhead Road and flooding.

Given the fore-going, the proposal is considered to comply with the terms of Policies 3 (Biodiversity), 6 (Forestry, woodland and trees) and 14 (Design, quality and place) of NPF4; and Policies D2: General Urban Areas, D7: Natural Environmental Features of LDP2.

The proposal generally complies with the terms of Policy D1: Placemaking and Design, Policy D6: Open Space Requirements of LDP2. Where it does not, there are material considerations that justify granting planning permission as an exception to the specific terms of those policies as discussed above.

A condition can be attached to any planning permission granted to ensure compliance with Policy E1: Sustainable Design of LDP2.

The Noise Impact Assessment, submitted in support of the application, indicates that the development is unlikely to be affected by noise from the adjacent commercial uses. It does nevertheless note that traffic noise from the adjacent Barrhead Road will have an adverse impact on both daytime internal and night time internal noise levels. Although limited, outside garden areas will also be affected.

The Noise Impact Assessment indicates that a 2.4 metre high acoustic fence will help reduce external noise levels at the garden of block 2. Such a fence is proposed to be provided at block 2.

The Assessment suggest that the only way to achieve satisfactory internal day and night time noise levels is to rely on a suitable design of glazing, closed windows and acoustic trickle vents.

It should be noted that East Renfrewshire Council's guidance to developers in this situation stresses that "... requiring windows to be closed to meet relevant noise criteria will only be accepted as a suitable means of mitigation in areas where the background noise levels are already higher (e.g. town centres) and where the development is desirable to meet specific needs identified in the local plan".

Given the proposal meets an identified housing need on an allocated site in LDP2, it is considered that the use of acoustic glazing and trickle vents would be appropriate and can be secured by condition. The proposal would therefore raise no significant conflict with Policy E5 of LDP2.

### Material considerations

#### *Representations*

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

There is no strong, established building line in the immediate area and the positioning of the development is considered to be acceptable in terms of its impact on the streetscape.

The site is identified in LDP2 as a site for affordable housing. Its impact on the education estate has therefore been accounted for through the preparation of LDP2.

Given the nature and scale of the proposed development, its carbon impact would not be as severe as would justify a refusal of the application.

The correct neighbour notification procedure was carried out by the Planning Service in accordance with the terms of the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2013.

Should the application be approved, the applicant will require to submit further details to show compliance with Policy E1 of LDP2. This will include the provision of electric vehicle charging points.

Given its nature and scale, the proposal would be considered to result in a significant increase in vermin.

Access rights are a private legal matter and not therefore a material planning consideration.

The Planning Service considers that sufficient information has been submitted in order to properly assess the application.

The Planning Authority must consider the application before it and cannot consider alternative uses for the site.

Loss of view is not a material planning consideration.

#### *Housing emergency*

At its meeting on 11 September 2024, the East Renfrewshire Council declared a housing emergency. The Local Housing Strategy 2024-2029 commits to a continuation of working with partners to prevent homeless and overall housing need by providing effective support and information and advice, and to delivering a minimum of 45 additional affordable homes per year on average over 5 years. An additional £1million has been made available from Council capital reserves and it is proposed that this could be used to purchase additional housing units and/or new builds.

#### **CONCLUSION**

In conclusion, it is considered that the proposal generally complies with the terms of the development plan. Where it does not, there are material considerations that justify granting planning permission as an exception to specific policies. There are no material considerations that indicate the application should not be approved. It is therefore recommended that the application is granted subject to the conditions set out below.

**PLANNING OBLIGATIONS:** None.

**RECOMMENDATION:** Approve Subject to Conditions

#### **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. The dwellings hereby approved shall be provided as social rented housing.

Reason: To ensure compliance with Policy 16 of National Planning Framework 4 and Policy SG4 of the adopted East Renfrewshire Local Development Plan 2.

3. 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.

4. 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.

5. 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.

6. Further to the terms of condition 5 above, details of the boundary fence separating the garden of block 2 with the properties on Moorhill Crescent, shall be submitted and approved in writing by the Planning Authority. For the avoidance of doubt, this fence shall be 2 metres high and close boarded.

Reason: To safeguard the privacy of the occupants of the adjacent properties.

7. 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.

8. The development shall be landscaped in accordance with the approved scheme as follows:-

- a) Completion of the scheme during the first planting season following the completion of the buildings or in compliance with the phasing programme agreed to comply with Condition 3 above.
- b) Maintenance of the landscaped area for a period of five years. 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.

## 16

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

9. The principles of Sustainable Urban Drainage Systems (SUDS) for the surface water regime shall be incorporated into the development. Development shall not commence until details of the surface water management and SUDS proposals have been submitted to and approved in writing by the planning authority. Thereafter the surface water management details shall fully be implemented as approved.

Reason: In the interests of sustainable development.

10. There shall be no construction work or offloading of delivered materials at the development site out with 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 out with these hours shall not be audible from the boundary of any noise sensitive property.

Reason: To prevent noise nuisance to the surrounding area.

11. 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.

12. Visibility splays of 2.5 metres by 90 metres shall be provided in both directions at the junction of the new access with the existing road prior to the occupation of any dwelling; and thereafter maintained free from any obstructions exceeding a height of 1.05m above the adjacent road.

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

13. The car-parking spaces, as shown on approved drawing 2501 Rev N, shall be surfaced, delineated and formed in all respects prior to the occupation of any dwelling.

Reason: To ensure adequate car-parking is provided in the interests of public road safety.

14. Prior to the commencement of any work on site, details of the proposed connection to the existing drainage network, including calculations and discharge rates, shall be submitted and approved in writing by the Planning Authority. Such details shall include the results of a CCTV survey of the existing culvert to ensure it is in such a condition to permit a new connection.

Reason: To demonstrate the drainage proposals are appropriate and will not result in flooding out with the site.

15. Development shall not commence until a scheme to deal with contamination on the site, including the presence of invasive plant species, has been submitted to and approved in writing by the planning authority. The scheme shall contain details of:

- i) the nature, extent and type(s) of contamination on the site;
- ii) measures to treat/remove contamination to ensure the site is fit for the use proposed;
- iii) measures to deal with contamination during construction works.

Before any part of the development is occupied/used the approved measures to decontaminate/remediate the site shall be fully implemented unless a phased completion and occupation is agreed as part of the approved scheme.

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

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

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

17. Prior to the commencement of any work on site, details of the windows to be installed on the proposed development, including the acoustic performance of their glazing and ventilators, shall be submitted and approved in writing by the Planning Authority. Thereafter, the windows shall be installed in accordance with the approved details prior to the occupation of each dwelling. For the avoidance of doubt, the acoustic performance of the windows shall be as set out in the RMP Noise Impact Assessment dated 8 February 2023, submitted in support of the application.

Reason: To safeguard the future occupants of the development from excessive noise nuisance.

18. Prior to the commencement of any work on site, a light impact assessment, including a light spill diagram to demonstrate light spill from the development in respect of the adjacent residential properties, shall be submitted and approved in writing by the Planning Authority.

Reason: To safeguard the residential amenity of the adjacent properties.

19. Prior to the commencement of any work on site, details of the methods proposed to assist with bat conservation efforts, as set out in section 3.20 of the Applied Ecology Ltd Preliminary Ecological Appraisal dated January 2023 and submitted in support of this application, shall be submitted and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure minimal disruption to any bat roosting potential within the site.

20. Prior to the commencement of any work on site, a scheme shall be submitted to and approved by the Planning Authority setting out the measurements that will be put in place within the site as required by the Local Development Plan 2 Policy E1. The said scheme shall include any phasing details as necessary. Thereafter the scheme shall be implemented as approved.

Reason: In order for the Planning Authority to consider these matters further and to ensure the development complies with the Local Development Plan2.

**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).

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

The Developer is required to consult with East Renfrewshire Council's Development Plans Section by email to: [streetnaming@eastrenfrewshire.gov.uk](mailto:streetnaming@eastrenfrewshire.gov.uk) on proposed street naming and numbering at an early stage in the development. For more information and the charges applicable please see [www.eastrenfrewshire.gov.uk/new-developments](http://www.eastrenfrewshire.gov.uk/new-developments)

Waste materials arising from the demolition/groundworks 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.

**ADDED VALUE:**

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

**BACKGROUND PAPERS:**

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

Ref. No.: 2023/0194/TP  
(DESC)

DATE: 13<sup>th</sup> November 2024

**DIRECTOR OF ENVIRONMENT**





# REPORT OF HANDLING

Reference: 2024/0005/TP

Date Registered: 9th January 2024

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 -Newton Mearns North And Neilston

Co-ordinates: 253504/:656223

Applicant/Agent:

Applicant:

Agent:

Mr Jim Cuthbertson

22 Greenlaw Road

Newton Mearns

East Renfrewshire

G77 6ND

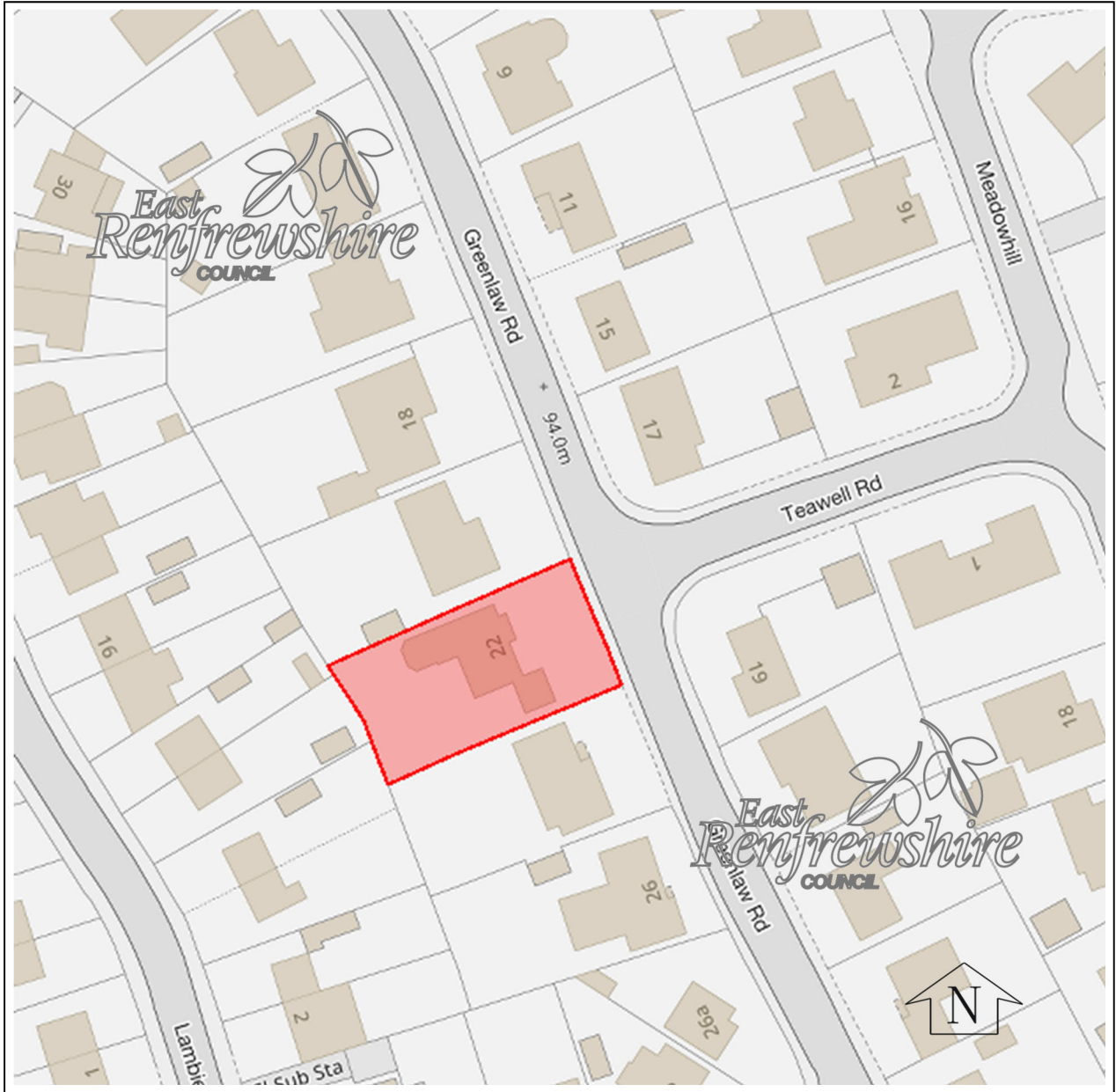
Proposal: Increase in height of boundary wall at the front of property

Location: 22 Greenlaw Road

Newton Mearns

East Renfrewshire

G77 6ND



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**CONSULTATIONS/COMMENTS:**

East Renfrewshire Council Roads Service

Indicates that the wall does not interfere with the required visibility at the access to the site. However, the Roads Service has recommended further information is sought on the structural stability of the wall.

**PUBLICITY:** None.

**SITE NOTICES:** None.

**SITE HISTORY:** No relevant site history.

**REPRESENTATIONS:** Thirteen representations have been received indicating an objection to the proposal and can be summarised as follows:

Concern regarding the safety of the wall, the visual impact of the wall, the impact of the wall on road safety, the lack of plans submitted alongside the original application, lack of neighbour consultation, lack of structural engineers report and the impact of the wall on the tree which sits behind it.

**DEVELOPMENT PLAN:**

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:** None.

**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.

This retrospective application is for the increase in height of the front boundary wall, which forms the frontage of the residential property at 22 Greenlaw Road. The surrounding area is residential in character. A number of properties on Greenlaw Road have front boundary walls, although those are lower in height compared to front boundary wall as now altered at number 22.

The wall, as now increased in height, reaches a maximum height of 1.7 metres. It also includes 2 sets of pillars (gate piers) which have a maximum height of .3 metres. It is formed of grey breeze-block and buff coloured sandstone, and steps-down to correspond with the slope of Greenlaw Road.

The proposal is required to be assessed against the Development Plan which consists of the National Planning Framework (NPF4) and Local Development Plan (LDP2). Due to the scale and nature of the proposal, Policy 14 (Design, quality and place) and Policy 16 (Quality Homes) of the NPF4, and Policies D1 and D1.1 of the LDP2 are the most relevant.

These state that the proposal should not result in a significant loss of character or amenity to the surrounding area, and should complement the scale and character of the existing building and neighbouring properties as well as their setting in terms of style, form and materials whilst aligning

with the 6 Qualities of Successful Places. Policy D1 of LDP2 also states that all development should demonstrate safe and functional pedestrian and vehicular access.

It is noted that the increased height of the wall will not cause any overshadowing or loss of daylight to neighbouring properties.

Whilst it is accepted that the wall is higher than other walls in the area, it is considered that the style and overall form of the structure are broadly in keeping with the surrounding area. It is noted that, should planning permission be granted, details of the finish to be applied to the wall will need to be submitted to, and approved in writing by, the Planning Authority. Whilst the development is generally acceptable in appearance, it is considered that the height of the 4 pillars (gate piers) should be reduced slightly in the interests of visual amenity. This can be secured by a condition on any planning permission granted. Subject to further changes required by such conditions, the wall is considered, on balance, to be acceptable in appearance and would not significantly detract from the visual amenity of the area.

The East Renfrewshire Council Roads Service has confirmed that adequate visibility is retained at the access following the increase in the height of the wall. The Roads Service nevertheless indicates a concern over the structural stability of the wall. The structural integrity of buildings is not a material planning consideration and such matters are addressed through the building warrant process. The Building Standards Service had previously served a dangerous building notice on the property. This has subsequently been removed once remedial work was undertaken to the satisfaction of the Building Standards Service to make the wall safe. The Building Standards Service is currently pursuing the requisite building warrant for the development. Whilst the Roads Service has indicated a decision should be deferred until further details are submitted to demonstrate the structural safety of the wall, for the reason outlined above, this would be out with the remit of the Planning Authority.

Subject to the conditions referred to above, the proposal is considered to comply with the relevant terms of the development plan.

It is noted that thirteen representations have been received objecting to this application. The issues raised across these submissions that have not been addressed above are addressed below:

**The wall has a Dangerous Building Notice placed on it by the Council** – As noted above, the structural safety of the wall is not a material planning consideration.

**No plans detailing the wall have been submitted to the Council** - Whilst was initially the case, a set of drawings were submitted at the request of the Planning Service. It is therefore considered that the Planning Authority has sufficient information with which to assess the application.

**The wall is finished poorly and is an eyesore / the materials are not in keeping with the surrounding area** - It is noted that the wall is currently in an unfinished state, however, should this application be granted, a condition can be attached to the planning permission to ensure an acceptable finish to the wall. Further, as noted above, it is not considered that the form or design of the wall will significantly detract from the character or visual amenity of the surrounding area.

**Neighbours have not been consulted about the application** - There is no obligation for the applicant to consult, or gain permission from, neighbours. The correct neighbour notification procedure was carried out by the Planning Service in accordance with the terms of the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2013.

**There is no structural engineer report showing the load calculations of the front retaining wall** – As noted, the structural integrity of the wall is not a material planning consideration and the Planning Authority does not therefore require a structural engineer's report to properly assess the planning merits of the proposal.

**The application makes no mention of the mature tree which sits behind the wall** - A large tree is present within close proximity of the wall. Any perceived impact of this tree on the stability of the wall is not a material planning consideration for the reasons given above.

**The high pillars limit visibility for cars leaving the driveway** - The Council's Roads service has not substantiated concerns over visibility.

In conclusion, the proposal complies with 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.

**PLANNING OBLIGATIONS:** None.

**RECOMMENDATION:** Approve Subject to Conditions

**CONDITIONS:**

1. Details of the proposed finish of the wall shall be submitted to and approved in writing by, the Planning Authority not later than 1 month from the date of this permission. Thereafter, the wall shall be completed in accordance with the approved details not later than 6 months from the date of this permission.

Reason: To ensure the development is acceptable in appearance.

2. The gate posts shall be reduced in height to the levels indicated in red on approved plan reference 896/01 within 3 months from the date of this permission.

Reason: In the interests of visual amenity.

**ADDITIONAL NOTES:**

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](http://www.gov.uk/government/organisations/the-coal-authority)

**ADDED VALUE:** None.

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Keir Hunter on 0141 577 3001.

Ref. No.: 2024/0005/TP  
(KEHU)

DATE: 13th November 2024

**DIRECTOR OF ENVIRONMENT**