

**Corporate and Community Services Department**

Council Headquarters, Eastwood Park, Giffnock, East Renfrewshire, G46 6UG

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Date: 10 January 2020

When calling please ask for: Paul O'Neil (Tel No. 0141 577 3011)

e-mail:- paul.o'neil@eastrenfrewshire.gov.uk

TO: Councillors A Ireland (Chair), B Cunningham (Vice Chair), A Convery, J Fletcher, J McLean, S Miller and J Swift.

**PLANNING APPLICATIONS COMMITTEE**

A meeting of the Planning Applications Committee will be held in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock on **Wednesday, 15 January 2020 at 2.00pm.**

The agenda of business is as shown below.

**Caroline Innes**

C INNES

DEPUTY CHIEF EXECUTIVE

1. **Report apologies for absence.**
2. **Declarations of Interest.**
3. **Applications for planning permission for consideration by the committee – Reports by Director of Environment (copy attached, pages 3 - 86).**

**Resolution to Exclude Press and Public**

It is recommended that the committee pass the following resolution:-

"That under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 7A of the Act".

Paragraph 3 - Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.

4. **Notice Requiring Proper Maintenance of Land – Report by Director of Environment (copy attached, pages 87 - 88).**

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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**

Index of applications under the above acts to be considered by Planning Applications Committee on  
15th January 2020

**Reference No:** 2019/0143/LBC

**Ward:** 3

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**Applicant:**

Westpoint Homes Ltd, John Brawley & Brendan Brawley  
c/o Westpoint Homes Ltd  
3 Arthur Street  
Clarkston  
United Kingdom  
G76 8BQ

**Agent:**

Iceni Projects  
177 West George Street  
Glasgow  
UK  
G2 2LB

**Site:** Eastwoodhill Eventide Home, 238 Fenwick Road, Giffnock, East Renfrewshire, G46 6UU

**Description:** Demolition of extension at side; internal and external alterations to building associated with conversion of building to residential flats (listed building consent)

**Reference No:** 2019/0144/TP

**Ward:** 3

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**Applicant:**

Westpoint Homes Ltd, John Brawley & Brendan Brawley  
c/o Westpoint Homes Ltd  
3 Arthur Street  
Clarkston  
UK  
G76 8BQ

**Agent:**

Iceni Projects  
177 West George Street  
Glasgow  
UK  
G2 2LB

**Site:** Eastwoodhill Eventide Home, 238 Fenwick Road, Giffnock, East Renfrewshire, G46 6UU

**Description:** Conversion of former care home to flatted residential development; erection of new flatted residential development with associated parking and access roads (major)

**Reference No:** 2019/0589/TP

**Ward:** 4

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**Applicant:**

Mr A Cowley  
2 Greenoakhill Place  
Glasgow  
G71 7QY

**Agent:**

Space ID  
Jupiter Centre  
Wearfield  
Enterprise Park East  
Sunderland  
SR5 2TA

**Site:** La Contrada Sub, 679A Clarkston Road, Netherlee, East Renfrewshire, G44 3SE

**Description:** Alterations to shopfront with installation of retractable awnings at front; erection of glazed extension at side; formation of access path at side

**Reference No:** 2019/0590/LBC

**Ward:** 4

Page 76

**Applicant:**

Mr A Cowley  
2 Greenoakhill Place  
Glasgow  
G71 7QY

**Agent:**

Space ID  
Jupiter Centre  
Wearfield  
Enterprise Park East  
Sunderland  
SR5 2TA

**Site:** La Contrada Sub, 679A Clarkston Road, Netherlee, East Renfrewshire, G44 3SE

**Description:** Alterations to shopfront with installation of retractable awnings at front; erection of glazed extension at side; internal alterations; display of externally illuminated fascia signs (listed building consent)

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# REPORT OF HANDLING

Reference: 2019/0143/LBC

Date Registered: 17th October 2019

Application Type: Listed Building Consent

Ward: 3 - Giffnock And Thornliebank

Co-ordinates: 255912/:658437

Applicant/Agent:

Applicant:

Westpoint Homes Ltd, John

Brawley & Brendan Brawley

c/o Westpoint Homes Ltd

3 Arthur Street

Clarkston

G76 8BQ

Agent:

Iceni Projects

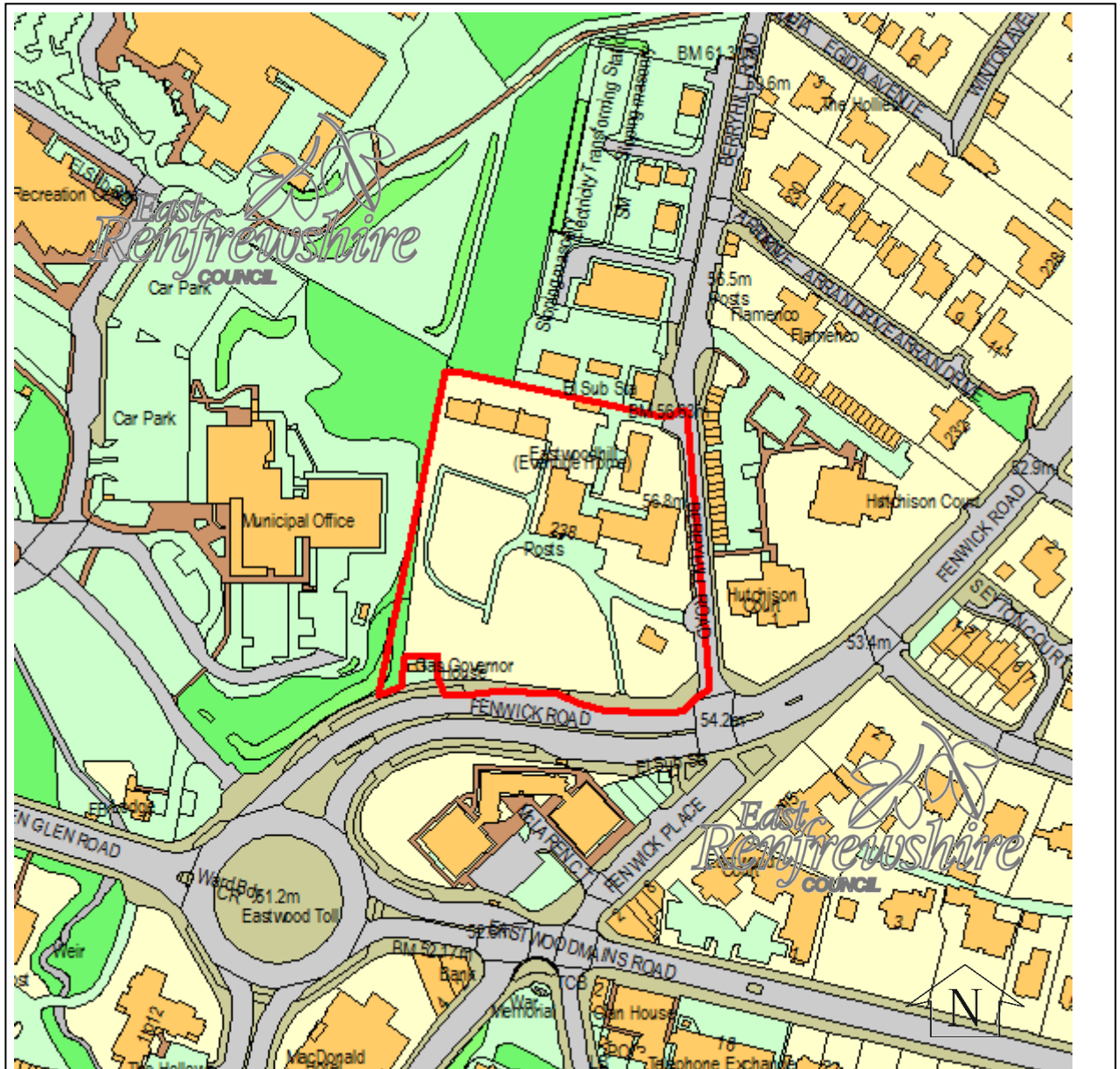
177 West George Street

Glasgow

G2 2LB

Proposal: Demolition of extension at side; internal and external alterations to building associated with conversion of building to residential flats (listed building consent)

Location: Eastwoodhill Eventide Home  
238 Fenwick Road  
Giffnock  
East Renfrewshire  
G46 6UU



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**CONSULTATIONS/COMMENTS:**

Historic Environment Scotland

Raises concerns regarding proposed internal alterations and there should be a presumption in favour of minimal intervention and the retention of any architectural features which may exist.

**PUBLICITY:**

12.04.2019	Glasgow and Southside Extra	Expiry date 03.05.2019
12.04.2019	Edinburgh Gazette	Expiry date 03.05.2019
25.10.2019	Evening Times	Expiry date 15.11.2019
25.10.2019	Edinburgh Gazette	Expiry date 15.11.2019

**SITE NOTICES:**

Listed Building Consent	Date posted 12.04.2019	Expiry date 03.05.2019
Listed Building Consent	Date posted 25.10.2019	Expiry date 15.11.2019

**SITE HISTORY:**

2019/0144/TP	Conversion of former care home to flatted residential development; erection of new flatted residential development with associated parking and access roads (major)	Pending consideration
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**REPRESENTATION:** 1 representation has been received which can be summarised as follows:

Increase traffic  
 Parking and road safety  
 Lack of pavement along Berryhill Road.

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

## **SUPPORTING REPORTS:**

Heritage Statement (Setting) – Provides an overview of the history of the Eastwoodhill and its setting, and assesses the potential for the amended designs to impact upon the setting of the listed building. It does not consider the works to the fabric of the building. It indicates that the setting has been impacted by historical alterations to the boundary of the site and by the additional buildings within the grounds which are intrusive, and detract from the intended setting of the house and a full understanding in relation to its surrounding grounds. It concludes that the proposal will remove the poor quality buildings that exist at present and that the proposed development is such that they will not detract from the current (limited) ability to understand that the principal rooms of the listed building. The positioning, scale and massing of the proposed new villas within the site is such that the listed building will retain its localised prominence within the site. Overall, it is concluded that the proposed development will not have a substantial effect upon the current key elements of the setting of Eastwoodhill which contribute to the ability to understand, appreciate and experience the listed building and its special interest.

Conservation of Category B Listed Building – Outlines the approach taken in the design of the conversion of the building and the internal works required in response to Historic Scotland comments.

## **ASSESSMENT:**

This application is associated with planning application 2019/0144/TP which is being presented to the Planning Applications Committee for determination. As a consequence this application also has to be determined by the Planning Applications Committee.

### Site Description

The site is an existing two storey category B listed building known as Eastwoodhill and its curtilage located on the north side of Fenwick Road at the junction with Berryhill Road. The Council's HQ is located to the immediate west, with Eastwood Toll to the south. To the east are flats at Hutchison Court, with McLaren Court to the south east located on the south side of Fenwick Road. There is an electrical sub-station to the immediate north of the site, with St Ninian's High School further to the north west. Outwith and to the south west there is a gas governor.

The listed building, which until recently was a care home, had been extended (circa 1960s) on its east elevation with a two/three storey modern extension. The site also contains three single storey buildings towards the rear part of the site and a two storey 1960's detached house (janitor/gatehouse) to the south east corner adjacent to a site entrance.

The site is covered by the Eastwoodhill Tree Preservation Order and contains several mature trees (chestnut, willow, lime, cypress, sycamore, beech, elm, birch, yew and redwood amongst others). It is also immediately adjacent and adjoining on the west boundary is a Local Biodiversity Site (Eastwood Park). A Right of Way runs along Berryhill Road for the length of the site.

The site is relatively flat with a slight slope down towards Fenwick Road. A sandstone wall ranging from approximate 1.6m to 2m in height runs along the south and part of the east boundaries, with the remaining east boundary formed by a rendered wall approximately 1.8m high. A belt of trees which are part of Eastwood Park forms the west boundary and the electricity sub-station forms the boundary to the north. The site is accessed from two points on Berryhill Road, with the access nearest Fenwick Road having sandstone pillars and ornamental gates.



### Proposed development

Listed Building Consent is sought for the conversion of the former care home to four residential flats. The proposal also involves the demolition of the existing two/three storey extension located on the east side of the building as well as demolishing a single storey rear extension. A new single storey extension is proposed at the rear which is to have a flat roof and measures approximately 8.5m by 8m and is to be approximately 4.5m in height.

The proposal will create a 2 bedroom flat and three 3 bedroom flats, accessed from the existing hallway. The proposal also involves various internal alterations to create the four flats, including internal alterations to the existing rooms, downtakings, creation of new internal doorways, and erection of partition walls to create entrance lobbies to the proposed flats and en-suite bathrooms.

Also included is the removal and setting aside of the existing slates and re-roofing of the building using usable salvaged slates as well as new slates to match.

During the course of the associated application (2019/0144/TP) the applicant requested and was granted an extension to the determination period of the application to allow them to re-enter into pre-application discussions with the Development Management Service. These discussions also involved the proposed works to the listed building and the consultation response from Historic Environment Scotland.

### Assessment

Eastwoodhill was designated as a listed building in 1978 however the other freestanding buildings on the site, pillars, walls and gates do not form part of the listing. As a consequence their removal or alterations are not considered in this application.

This application is for listed building consent and as a consequence the proposal is only being assessed in relation to its impact on the internal and external fabric of the building.

The proposal is required to be assessed against the adopted Local Development Plan (LDP), in particular Policy D1 and Policy D11, which seek to safeguard listed buildings from development likely to adversely affect it, and require proposals to be of a size, scale and massing that are in keeping with the listed building and that respect local architecture, building form, design, and materials. Also relevant is the Council's Supplementary Planning Guidance (SPG) on Management & Protection of the Built Heritage, which states that development should protect a listed building and be the minimum necessary to enable its conservation and re-use. The new development should be designed to retain and enhance the special interest and character of a listed building.

Scottish Planning Policy (SPP) states that change to a listed building should be managed to protect its special interest while enabling it to remain in active use. It also requires that special regard is given to the importance of preserving and enhancing the building. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from work that would adversely affect it. Any development should be designed carefully to preserve or enhance the character of the historic asset. The Interim Guidance on the Principles of Listed Building Consent (April 2019) published by Historic Environment Scotland is a material consideration and reiterates the advice in the SPP.

Historic Environment Scotland (HES) Non-Statutory Guidance - Managing Change in the Historic Environment is also a material consideration and identifies that repair of components on a like-for-like basis is preferable to replacement, as this will best maintain the character and historic fabric of the building. Where works are proposed documentary research and analysis should inform the proposal. In particular and with specific relevance to this proposal, the Guidance states that the character of a listed building is usually best maintained by retaining redundant doors in-situ, fixed closed rather than blocking them up.

In terms of windows the Guidance recognises these as important features in defining the special interest and character of a building. The design and proportions of a window, the materials and details of construction, the method of opening, the finish, and associated fixtures, contribute to the character of a historic window. It states that improvements in energy efficiency of existing windows can be achieved by draught-proofing, internal secondary glazing, and use of shutters and lined curtains. In regard to roofs, proposals should seek to re-use existing materials and close matching of new materials.

A roof in some areas will be more sensitive to change than others and alterations to subsidiary elevations are likely to have less visual impact on the character of a building. Repair of roofs should be carried out in traditional materials to match the existing. Replication of the type, dimensions, pattern and coursing of materials is important to maintaining the character of the roof. Associated features, such as rainwater goods and chimneys, should also be repaired or renewed using appropriate traditional materials.

The Guidance states that extensions should be subordinate in scale and form, located on a secondary elevation and must protect the character and appearance of the building.

The initial consultation response from Historic Environment Scotland highlighted that the conversion carried out in the 1960's was sympathetic and retained many architectural features of interest internally and its historic plan form is little altered. This contributes positively to the character of the house.

Historic Environment Scotland state they welcome the conversion into four flats, including the proposed extension to the rear and the removal of the existing side extension. However they have concerns as the application comprises changes to principal rooms, creating openings in walls, replacement windows, removal of doors and architraves, and creating partition walls, which would impact on the architectural features of interest and impact on the proportions and character of rooms. They also state that the location of any new services, such as pipes, ducts and vents should be detailed on the floor plans and carefully considered to ensure that their impact is minimised.

In response to concerns from Historic Environment Scotland the applicant initially did not address the issues and instead submitted a support statement. Historic Environment Scotland were re-consulted on the applicant's statement however reaffirmed the points of the initial response and also raised an additional query regarding possible impact of the proposed extension on the existing oriel window at the rear.

Following further discussions with the applicant about Historic Environment Scotland comments and possible alternative solutions the applicant has amended the proposal so that existing doors and architraves to be closed will be retained in-situ within the common entrance hallway and closed/sealed behind. The existing windows will remain in place and be refurbished and partitions to create en-suite bathrooms and internal entrance lobbies will not be full height to ensure cornicing and other decorative features are retained, thereby help maintain the space within the room.

The internal partitioning of rooms, whilst not ideal, is considered acceptable as it minimises additional internal structural work and/or creating new doorways as well as allowing the building to be brought back into use. The retention of the doors and architraves are welcomed, as is the retention of the existing windows. The applicant has indicated that the original slates will be used on the principal elevations, with new slates on the subsidiary elevations, therefore the re-roofing of the building is also considered acceptable. The details of these can be addressed by conditions if the application is approved. In terms of these matters the proposal is considered to be in keeping with the aims of the Local Development Plan and Government Policy and Guidance.

The applicant wishes to maintain the installation of a door opening in the buffer recess at the ground floor, contrary to the comments from Historic Environment Scotland. The applicant states that the introduction of a new screen in a contemporary style respectful of the period would minimise the visual impact of the door. In doing so, the dining area becomes connected to the main living space whilst the legibility of the buffet recess is maintained. It is considered, subject to the detail of the door and surroundings, this is the best solution available that allows the development to proceed while maintaining the recess and size of the original rooms and minimising any internal structural changes. The details of this can be addressed by a condition if the application is approved.

The proposal also involves several down-takings. However no details have been submitted regarding this. It is also considered, given the importance of the architectural merits of the internal fittings and windows, that the drawings submitted, whilst adequate to understand what is being proposed, do not present sufficient detail to fully understand the detail finish, for example the inside of the closed doors and the proposed buffet recess area. In addition, no details have been submitted regarding features such as fireplaces, presses, built-in cupboards and panelling, which are considered should be retained.

The applicant has stated that a new heating and ventilation system appropriate to the servicing demands of a contemporary household is proposed to be installed. Where new pipes, ducts and vents are required, they will be minimised insofar as is reasonably practicable. The apartments have been planned such that any service penetrations will be to the rear of the building, through the roof or, where there is no alternative, through the wall. Internally, services shall be routed so as to avoid conflict with existing features. Further downtakings will be necessary before the final routes can be determined but it is anticipated that at ground floor the solum can be used (or the joists notched) and at first floor the cables and pipes can be routed between (or across, with localised notches) the timber floor joists. Minimising the impact on the architectural features and the principal elevations is welcomed however no details have been submitted which ensure that these works do not adversely impact on the architectural merit of the building. Should this application be approved further details will be required and this can be addressed by conditions.

The applicant submitted a drawing clarifying that the proposed extension will not encroach onto the oriel window. It is considered that this addresses this matter

### Proposed Local Development Plan 2

The Proposed Local Development Plan 2 is a material consideration and with regard to this application the relevant policies are considered to be Policies D1, D14 and D15. The aforementioned policies largely reflect the adopted Local Development Plan policies. Consequently, for reasons stated above, it is considered that the proposal generally complies with the relevant policies in the Proposed Local Development Plan.

## Representations

The issues raised regarding increase in traffic, parking and road safety, and lack of pavement along Berryhill Road these are not matters to be considered in determining this application. These are matters that have also been raised in relation to planning application 2019/0144/TP and will be considered in the determination of that application.

## Overall conclusion

The applicant has taken on board the more significant issues raised by Historic Environment Scotland, particularly the windows, and therefore it is considered that the proposal generally complies with Policies D1 and D11 of the Local Development Plan and the SPG on Management & Protection of the Built Heritage. There are no significant material considerations that outweigh the Development Plan. The proposed works will result in the removal of a side extension that is not sympathetic in appearance to the listed building and will result in a listed building remaining in use.

It is therefore recommended that the application for listed building consent be approved subject to conditions.

**RECOMMENDATION:** Approve Subject to Conditions

**PLANNING OBLIGATIONS:** None.

## **CONDITIONS:**

1. Development shall not commence until samples of materials to be used on all external surfaces of the building, including the wall areas to be exposed as a result of the demolition of the existing extensions and the stonework at existing slapping's that are to be made good, 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 and respects the character of the listed building.

2. Stone repairs shall be carried out using natural stone to match the original stonework in every respect including colour, geological character, texture and coursing pattern. Development shall not commence until a petrographic analysis of the original stonework and the proposed replacement stone together with samples 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 and respects the character of the listed building.

3. For the avoidance of doubt all repointing of the exterior stonework shall match the original pointing in every respect including mix of materials, colour and thickness.

Reason: To ensure the development is acceptable in appearance and respects the character of the listed building.

4. Development shall not commence until details of the existing slapping's that are to be made good on the rear and side (east) elevation have been submitted on drawings (including sections) at a scale of 1:20 and approved in writing by the Planning

Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance and respects the character of the listed building.

5. Development shall not commence until drawings detailing all the proposed duntakings, removal (internal and external) and proposed finishing thereafter have been submitted to and approved in writing by the planning Authority. For the avoidance of doubt, this includes drawings at a scale of 1:20 showing the proposed finish to the inside of the closed doors, the buffet recess area (flat 1), picture dado rails, skirting, fireplaces, built-in cupboards and presses, panelling and gutters and downpipes. The drawing shall identify all architectural features to be removed. All architectural features that are to be re-located and re-used shall also be identified. The proposed pipes, ducts and vents shall also be shown, identifying where it involves removal, cutting through or duntaking of walls and/or ceilings and roofs. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance and respects the character of the listed building.

6. For the avoidance of doubt all existing and original windows shall be retained, overhauled and repaired in their original positions. Development shall not commence until details of the overhauling/repairs of each window has been submitted to and approved in writing by the Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance and respects the character of the listed building.

7. Development shall not commence until details of the proposed windows to be installed on the north and east elevations and the rear elevation of the extension to the rear have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the windows shall match the originals in all aspects of their design (ie proportions, profile, framing thickness, detailing, method of opening and materials). Details of all proposed windows, including depth of recess, shall be submitted in the form of drawings at a scale of 1:20 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 and respects the character of the listed building.

8. Development shall not commence until a sample of the proposed new slates to be used in re-roofing Eastwoodhill House and a roof plan showing the areas where slates are to be re-used and new slates are to be installed 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 and respects the character of the listed building.

**ADDITIONAL NOTES:**

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

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)

Attention is drawn to Section 7(2)(c) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the effect of which is that demolition may not be undertaken (despite the terms of the consent granted by the planning authority) until you have given notice to Historic Environment Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH.

**ADDED VALUE:**

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 John Drugan on 0141 577 3175.

Ref. No.: 2019/0143/LBC  
(JODR)

DATE: 8 January 2020

**DIRECTOR OF ENVIRONMENT**

Reference: 2019/0143/LBC - Appendix 1

**DEVELOPMENT PLAN:**

**Strategic Development Plan**

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

**Adopted East Renfrewshire Local Development Plan**

Policy D11

Management and Protection of the Built Heritage

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

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

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

Policy D1

Detailed Guidance for all Development

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

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development

covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;

6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

## **Proposed Local Development Plan 2**

### Policy D15

#### Listed Buildings

The layout, design, materials, scale, siting and use of any development affecting a listed building shall be appropriate to the character and appearance of the listed building and its setting.

There is a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting.

No listed building should be demolished unless it can be clearly demonstrated that:



the building is not of special interest; or  
the building is incapable of repair; or  
the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or  
the repair of the building is not economically viable and that it has been marketed, at a price reflecting its location and condition, to potential restoring purchasers.

To enable features to be recorded, Historic Environment Scotland shall be formally notified of all proposals where consent is granted to demolish listed buildings.

Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

Proposals that conserve and enhance assets on the Buildings at Risk register will be encouraged.

#### Policy D1

##### Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of

safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;

10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;
14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Guidance;
16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

**GOVERNMENT GUIDANCE:**

Scottish Planning Policy on Listed Buildings indicates that change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Special regard should be given to development to, or affecting, a listed building. Special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

## REPORT OF HANDLING

Reference: 2019/0144/TP

Date Re-registered: 17th October 2019

Application Type: Full Planning Permission

This application is a Major Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 255912/:658437

Applicant/Agent:

Applicant:

Westpoint Homes Ltd,  
John Brawley & Brendan Brawley  
c/o Westpoint Homes Ltd  
3 Arthur Street  
Clarkston  
G76 8BQ

Agent:

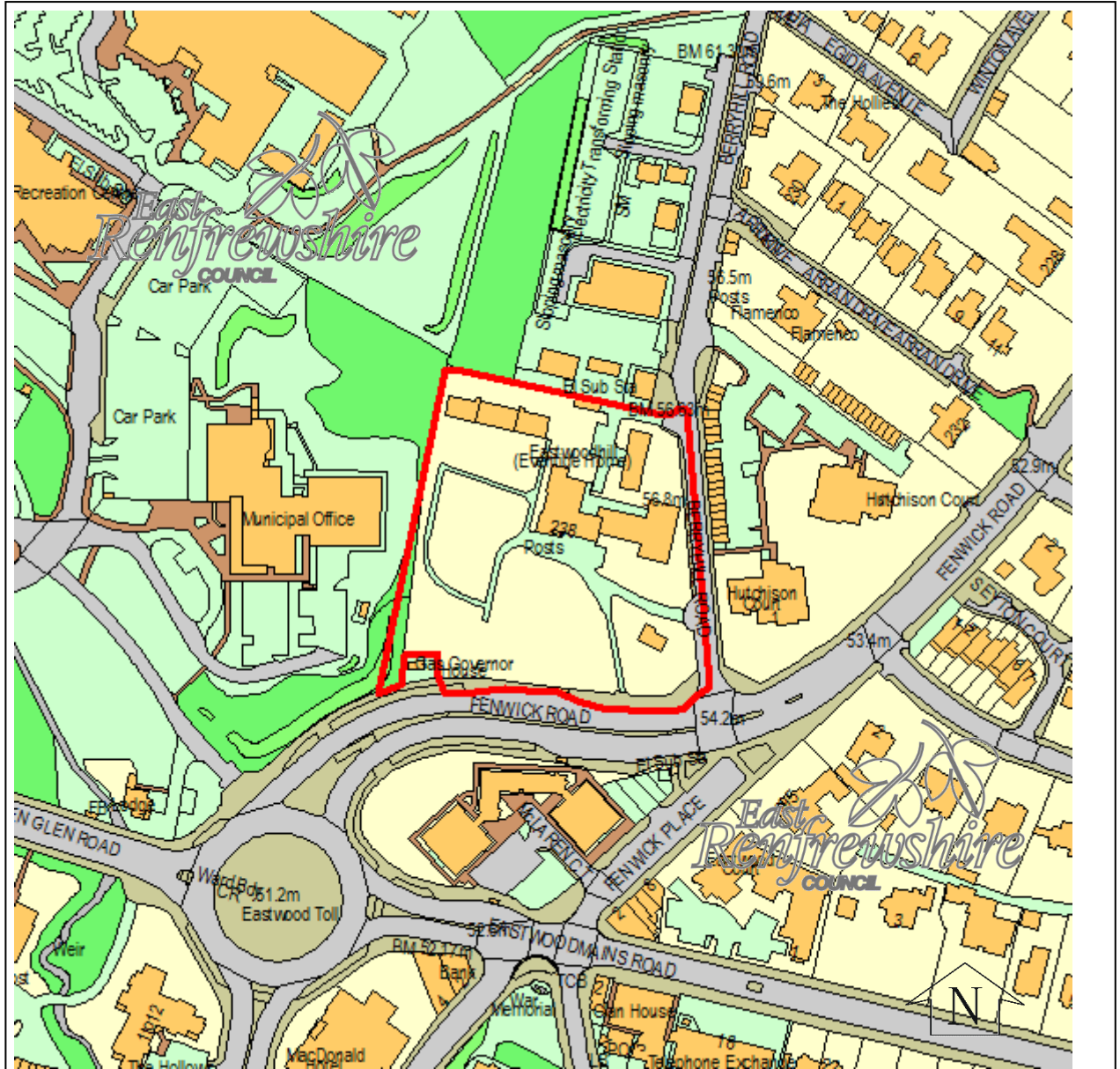
Iceni Projects  
177 West George Street  
Glasgow  
G2 2LB

Proposal:

Conversion of former care home to flatted residential development; erection of new flatted residential development with associated parking and access roads (major)

Location:

Eastwoodhill Eventide Home  
238 Fenwick Road  
Giffnock  
East Renfrewshire  
G46 6UU

**DO NOT SCALE**

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**CONSULTATIONS/COMMENTS:**

East Renfrewshire Council Roads Service	No objections subject to conditions
East Renfrewshire Council Environmental Health Service	Concerns raised regarding potential impact from adjacent noise sources on the development. Raises no significant issues in terms of ground conditions, and notes the Air Quality Impact Assessment.
Principal Strategy Officer (Affordable Housing and Development Contributions Lead)	No objection subject to conclusion of Legal Agreement to secure contributions towards Affordable Housing, Education (Early Years, Primary and Secondary), Community Facilities (Community Halls & Libraries and Sports); and Parks and Open Space.
Scottish Environment Protection Agency	No objections.
Scottish Water	No objection however state that they will not accept any surface water into their combined sewer system.
Giffnock Community Council	Concerns regarding increase in traffic, road safety and construction parking.

**PUBLICITY:**

25.10.2019	Evening Times	Expiry date 15.11.2019
12.04.2019	Glasgow and Southside Extra	Expiry date 03.05.2019

**SITE NOTICES:**

Setting of Listed Building	Date posted 25.10.2019	Expiry date 15.11.2019
Setting of Listed Building	Date posted 12.04.2019	Expiry date 03.05.2019

**SITE HISTORY:**

2019/0143/LBC	Demolition of extension at side; internal and external alterations to building associated with conversion of building to residential flats (listed building consent)	Pending consideration
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**REPRESENTATIONS:** 7 representations have been received and can be summarised as follows:

- Increased traffic
- Road safety
- Lack of pavement along Berryhill Road
- Lack of parking
- Impact on adjacent private parking area
- Lack of traffic signals
- Construction traffic and parking
- Loss of trees
- Lack of proposals to safeguard remaining trees
- Loss of greenspace
- Visual impact
- Overwhelming Listed Building
- Out of keeping with Listed Building
- Impact on amenity
- Loss of privacy
- Over-development
- Lack of demolition mitigation measures

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

**SUPPORTING REPORTS:**

Planning Statement – The Statement considers the development against national and local planning policies as well as material planning considerations. It refers to the design approach undertaken and concludes that the development is high quality which would improve a Listed Building and accord with national policies and the Local Development Plan.

Design and Access Statement – Outlines that the proposal is a major application and sets out the constraints and opportunities presented by the site. It explores the design in terms of historical context and analyses the architectural features of the Listed Building, as well as the landscape and the views in and out of the site as well as the accessibility of the proposal.

Conservation of Category B Listed Building – Outlines the approach taken in the design of the conversion of the building and the internal works required in response to Historic Environment Scotland comments.

Heritage Statement (Setting) – Provides an overview of the history of the Eastwoodhill and its setting, and assesses the potential for the amended designs to impact upon the setting of the listed building. It does not consider the works to the fabric of the building. It indicates that the setting has been affected by historical alterations to the boundary of the site and by the additional buildings within the grounds which are intrusive, and detract from the intended setting of the house and a full understanding in relation to its surrounding grounds. It concludes that the proposal will remove the poor quality buildings that exist at present and that the proposed development will not detract from the current (limited) ability to understand that the principal rooms of the listed building. The positioning, scale and massing of the proposed new villas within the site is such that the listed building will retain its localised prominence within the site. It concludes that the proposed development will not have a substantial effect upon the current key elements of the setting of Eastwoodhill which contribute to the ability to understand, appreciate and experience the listed building and its special interest.

Tree Survey & Arboricultural Report – Assesses 68 trees within the survey boundary shown on the plans appended to this document. The report describes the extent and condition of tree cover within and immediately adjacent to the site and highlights the above and below ground constraints presented by existing tree cover. It superseded the previous arboricultural report by The Environmental Partnership. It identifies mitigation measures that are required to protect retained trees during construction period.

Preliminary Ecological Report – The report comprised of a Phase 1 Habitat survey extended to include badgers and bats, and a field survey. It sets out to assess ecological constraints of the site and found the development to have a negligible potential adverse effect on designated sites. It identified that Eastwood Park as a locally designated site, however there will be no compromise of its integrity from the proposal. The field survey was undertaken noting habitats and plant communities and sought potential for, or evidence of, use of the land by badgers and bats. The report states that there was potential for badgers to use the land, but no evidence was found and no records of badgers were found within 2km of Eastwoodhill. It states that only Eastwoodhill House was assessed as having bat roost potential and it recommended that at least one activity survey be undertaken to assess the status of the building for bats. The summary concludes that the site is almost entirely amenity and neutral grassland, and bare ground. The habitats are currently unmanaged, simple in structure and exhibiting low value and are unexceptional. The development proposals will introduce habitat diversification and maintain biodiversity opportunity by enhancement of existing habitats and the removal of controlled plant species.

Bat Addendum Report – States that a second inspection of the House was undertaken for potential for, or evidence of, use by bats. An initial inspection was undertaken in 2018 but it was not possible to at the time to inspect the roof of the Eastwoodhill House and as a precautionary measure was classified as having low roost potential, thereby necessitating a follow-up activity survey. In the absence of a survey, it was necessary to undertake a closer inspection of the roof. One minor defect was noted and investigated and found not to be significant and therefore the roost potential of the building is considered to be negligible. The inspection revealed one feature in the roof that might permit use by roosting bats so it is recommended that a precautionary approach to removal of the roof during refurbishment of the building, including the erection of two or three bat boxes on the site before work starts on the roof.

Transport Assessment – Indicates that the site is accessible via a range of transportation modes and that the junction of Berryhill Road/A77 Fenwick Road was tested and found to operate within capacity. Additional information was also submitted stating that signalling the A77/Berryhill Road junction was not necessary as the mean speeds were in keeping with the speed limit and when considering design guidance (Designing Streets), and that the junction is not an accident hotspot and there are no congestion issues. Concludes that the proposed development can be incorporated into the existing transport infrastructure with a negligible impact to existing conditions.

Site Investigation Report – States that made ground was encountered along the northern, eastern and southern site boundaries, most likely from offsite historic developments including Eastwood Toll, comprised of reworked sand and clay often containing cobbles, bricks, ash, red blaes and fragments of tarmac. It identifies some chemical contamination hot spots that will need cleaned up. It also states that that potential mining instability due to the presence of shallow abandoned coal mineworkings does not present a constraint to the proposed development.

Noise Assessment – Indicates that the assessment approach was agreed with East Renfrewshire Council to carry out a noise survey during the daytime and night-time periods; modelled the site to predict baseline noise levels and future noise levels arising from traffic



noise; and specified appropriate mitigation to enable the proposed development to meet the criteria. Noise levels across the site are dominated by road traffic on the A77 Fenwick Road, with lesser contributions from the wider road network and the electric transformer to the north of the site.

Air Quality Report - Identifies that general mitigation measures will be required during the construction phase to minimise risks of adverse air quality effects. It also identifies that the proposed residential use is predicted to have a negligible impact at the nearest residential receptors and that the site is considered to be suitable for the proposed use with no specific requirement to protect Air Quality.

Drainage Strategy – Recognises the need for a ‘Sustainable Urban Drainage Scheme’ and states that it is incorporated within the design proposals for the surface water system. Outlines that the surface water will be attenuated before discharging into the surface water sewer at the agreed discharge rate. Full attenuation for the 1 in 200-year storm event plus 30% for climate change will be provided underground. It concludes there will be no detrimental effect on the development or surrounding properties.

## **ASSESSMENT:**

This is a Major development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, and as a consequence has to be presented to the Planning Applications Committee for determination.

### Site Description

The site is an existing two storey category B listed building known as Eastwoodhill and its curtilage located on the north side of Fenwick Road at the junction with Berryhill Road. The Council's HQ is located to the immediate west, with Eastwood Toll to the south. To the east is the flatted development of Hutchison Court, with McLaren Court to the south east, located on the south side of Fenwick Road. There is an electrical sub-station to the immediate north of the site, with St Ninian's High School further to the north west.

The listed building, which until recently was a care home, has been historically extended (circa 1960s) to the east elevation with a two/three storey modern extension. The site also contains three single storey buildings towards the rear part of the site and a two storey 1960's detached house (janitor/gatehouse) to the south east corner. Outwith and to the south west there is a gas governor.

The site is covered by the Eastwoodhill Tree Preservation Order and contains several mature trees (chestnut, willow, lime, cypress, sycamore, beech, elm, birch, yew and redwood amongst others). It is also immediately adjacent and adjoining on the west boundary is a Local Biodiversity Site (Eastwood Park). A Right of Way runs along Berryhill Road for the length of the site.

The site is relatively flat with a slight slope down towards Fenwick Road. A sandstone wall ranging from approximate 1.6m to 2m in height runs along the south and part of the east boundaries, with the remaining east boundary formed by a rendered wall approximately 1.8m high. A belt of trees which are part of Eastwood Park forms the west boundary and the electricity sub-station forms the boundary to the north. The site is accessed from two points on Berryhill Road, with the access nearest Fenwick Road having sandstone pillars and ornamental gates.

### Proposed development

Planning permission is sought for a residential development comprising of the conversion of the former care home to flatted residential development; erection of new flatted residential development with associated parking and access roads. The proposal as a whole will provide a total of 56 flats consisting of 13 two bedroom flats and 43 three bedroom flats.

The conversion of the listed building (identified as Villa 1 by the applicant) involves demolition of the existing two storey side (east) extension and a single storey rear extension. The proposed conversion will create 4 residential flats within the listed building. The conversion of the listed building will create a 2 bedroom flat as well as three x 3 bedroom flats and involves various internal alterations to the existing rooms, including downtakings, creation of new internal doorways, the erection of partition walls to create entrance lobbies to the proposed flats and creating en-suite bathrooms. Also included is the re-roofing of the building using any usable slates that have been set aside and new slates. A new single storey extension is proposed to the rear of the listed building. The new build element of the proposal consists of 4 residential blocks of flats (called Villas by the applicant) providing a total of 52 flatted properties.

The proposed extension to the rear is single storey with a flat roof, and measures approximately 8.5m by 8m and is approximately 4.5m in height.

Villa 2 is located immediately adjacent to the east of the listed building, by a distance of some 6.5m to 10m. It is a flat roof building based on an inverted L shape which extends round to the rear of the listed building. It is four storeys in height, stepping down to three storey to the front and rear and to the side (rear part) adjacent to the listed building and contains 14 flats, two of which are penthouse flats with terraces to the front, side and rear elevations. The building is 12m in height, stepping down to 9m, with a footprint of approximately 600 square metres. The listed building is approximately 11m to the ridge and 8.5m to the eaves.

Villa 3 is located to the south east corner of the site positioned approximately on the location of the existing modern two storey gatehouse and adjacent to the junction of Berryhill Road and Fenwick Road. It is flat roofed and three storeys in height, containing 6 flats. It has a footprint of approximately 280sqm and is approximately 13m (max) in height, including 1m of underbuilding.

Villa 4 is located to the south west corner of the site, located adjacent to Fenwick Road and the boundary with Eastwood Park. It is flat roofed and four storeys in height, stepping down to three storeys. It contains 14 flats, two of which are penthouse flats with terraces to the front, side and rear elevations. It has a footprint of approximately 560sqm and is approximately 14m (max) in height, stepping down to approximately 11m, including 2m of underbuilding

Villa 5 is located to the north west corner of the site and is five storeys in height, stepping down to 4 storeys to the front, rear and the side elevation nearest the listed building. It contains 18 flats, two of which are penthouse flats with terraces to the front, side and rear elevations. The building is 16m (max) in height, stepping down to 12.5m in height, with a footprint of approximately 600sqm.

The new build flats and the extension to the listed building are to be finished with facing brick. No details have been submitted regarding exact colour or texture of the bricks or other materials proposed to be used.

The proposal also includes 112 car parking spaces, as well as bins stores, cycle storage, landscaping and tree planting. It also involves landraising/re-profiling throughout the site, particularly towards the front half, and drainage including a below ground attenuation tank. It also involves moving the access roads and the removal of the stone pillars and ornamental gates, and the removal of approximately 50% of the existing trees.

During the course of the application the applicant requested and was granted an extension to the determination period of the application to allow them to re-enter into pre-application discussions with the Development Management Service. They were asked during the discussions to consider dropping the number of units but stated they did not wish to do so. With this in mind, the discussions centred on the positioning of the proposed buildings and their elevational design. It is acknowledged as a consequence that the final layout is an improvement on the original scheme and it attempts to lessen the impact of the development on the listed building and its setting. However, the Development Management Service maintained that the height of the buildings particularly when viewed from Fenwick Road and in relation to the listed building, the loss of trees, the impact of land raising and extensive hardstanding on long term future of the remaining trees, and whether the proposal constituted over-development of the site where all issues that needed carefully consideration. The requirement of a signalised junction at Berryhill Road and Fenwick Road was also discussed. The discussions were concluded with the applicant stating that they would submit the revised scheme and wished the application to go to the earliest committee. It is this revised scheme that is in front of the Planning Applications Committee for determination.

Neighbours were re-notified of the revised scheme and consultations undertaken.

### Assessment

The application has to be determined in accordance with the Development Plan and any material planning considerations. The Development Plan consists of the Strategic Development Plan (approved July 2017) and the East Renfrewshire Local Development Plan (adopted June 2015).

The proposed Local Development Plan 2 represents the Council's settled policy position and is a material consideration and this is discussed elsewhere in this report.

### Scottish Planning Policy

Scottish Planning Policy (SPP) introduces a presumption in favour of development that contributes to sustainable development. It also indicates that the planning system should support economically, environmentally and socially sustainable places. SPP on Delivery of New Homes indicates proposals should provide for all tenures, provide a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and have a sharp focus on the delivery of allocated sites embedded in action programmes. Additionally, the SPP supports the re-use of vacant and derelict land and buildings as part of the Government's objective to ensure that proposals are resource efficient.

SPP on Affordable Housing indicates that local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. In terms of Placemaking the SPP indicates that planning's purpose is to create better places through a design-led approach, with planning supporting development that is designed to a high-quality and which demonstrates the six qualities of successful place: distinctive; safe and pleasant; welcoming; adaptive;

resource efficient; and easy to move around. This policy position is reinforced by the Scottish Government in its planning policy document Designing Streets.

It should be noted the site is not identified as part of the housing land supply for East Renfrewshire. The developer has indicated that they are willing to comply with the Council's affordable housing policy. In general terms the proposed re-use of the site, which is regarded as a sustainable location given its proximity to local facilities and access to public transport, complies with the general aims and objectives of Scottish Planning Policy.

In addition SPP states that change to a listed building should be managed to protect its special interest while enabling it to remain in active use. It also requires that special regard is given to the importance of preserving and enhancing the building and its setting. It also states that the layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from work that would adversely affect it or its setting. The proposed re-use/conversion of the listed building would enable it to remain in active use and therefore acceptable in this regard. However, the proposal does raise issues regarding design-led approach and resource efficiency in terms of impact on natural resources. These matters are discussed elsewhere in this report.

The impact of the proposal on the listed building and its setting are assessed elsewhere in this report. The assessment of the proposed works to the listed building itself are also assessed in the separate application for listed building consent (2019/0143/LBC).

SPP also states that the presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. This is discussed elsewhere in this report.

#### Strategic Development Plan (approved July 2017)

The Strategic Development Plan (SDP) seeks the redevelopment of vacant and derelict land and the provision of high quality and affordable housing in the right location in order to promote the creation of a successful, sustainable and growing city region. The proposed development is located within the existing urban area and in general terms is considered to support the Vision and Spatial Development Strategy of the SDP of a compact city region. The proposed development is not considered to be a strategic scale development under Schedule 14 of the SDP as the development area is less than 2 hectares and less than 500 vehicles per day would be generated. As a consequence the proposed development is not considered to be a strategic scale development and is therefore required to be assessed against the relevant policies of the adopted East Renfrewshire Local Development Plan.

#### East Renfrewshire Local Development Plan

The relevant policies of the adopted East Renfrewshire Local Development Plan are considered to be Strategic Policy 2, Strategic Policy 3, D1, D2, D4, D7, D8, D11, SG1, SG4, SG5, SG10 and E5.

Strategic Policy 2 sets out a range of environmental, community and infrastructure criteria that are required to be taken into account in assessing planning applications. This policy seeks to promote the re-use of brownfield sites (ie previously developed) within the urban area and ensure that there is no adverse impact on existing community facilities including

education or adverse impact on the built and natural environment. It also seeks to ensure that the transport impact of the development is taken into account.

Strategic Policy 3 indicates the Council wishes to secure community infrastructure and environmental benefits arising from new development to mitigate their impacts. New developments that individually or cumulatively generate a requirement for new or enhanced infrastructure or services will be expected to deliver, or contribute towards the provision of, supporting services and facilities.

Policy SG1 sets out that the Council will support housing development on the established housing sites as identified in the Local Development Plan. This site is not identified as one of these sites.

Policy SG4 indicates that all new housing proposals should include a mix of house types, sizes and tenures to accord with the Council's Local Housing Strategy and the Strategic Housing Need and Demand Assessment. In particular there are requirements for smaller and family sized homes, bungalows and single storey own door properties suitable for occupation by a wheelchair user or easily adapted for occupation by a wheelchair user. The applicant has stated that the proposal offers a 'desirable' development which will appeal to a range of people including 'downsizers'. Notwithstanding this, there is an identified need in the area for all types and sizes of houses. The applicant was asked during the pre-application discussions about providing townhouse units, but indicated that they were not prepared to do so. They have submitted no information or justification why they could not incorporate different types and sizes of dwellings and therefore the proposal is not considered to comply with Policy SG4.

Policy SG5 on Affordable Housing and the adopted Supplementary Planning Guidance on Affordable Housing (June 2015) are also relevant. The Council's policy requires a minimum 25% affordable housing contribution where planning permission is sought for residential developments of 4 or more dwellings.

The Council's Contributions Officer has stated that given the specific circumstances involved and the form of development being proposed, the payment of a commuted sum in lieu of on-site provision of affordable housing is acceptable and that this has been agreed with the applicant. The application of the minimum 25% affordable housing policy to this proposal would result in a contribution equivalent to 14 residential units. The Contributions Officer has also stated that contributions are required towards Education (Early Years, Primary and Secondary); Community Facilities (Community Halls & Libraries and Sports); and Parks and Open Space. The applicant has agreed to meet the relevant development contributions.

The site is not a housing site as identified under Policy SG1 and there is no housing shortfall identified. The re-use of this brownfield site is compatible with the general policy aims of the Strategic Policy 2 and Strategic Policy 3, as well as Policy SG5. However a detailed assessment is required in terms of the impact of the proposal on the listed building and its setting as well as on amenity and the built and natural environment of the area.

In terms of assessing the detail of the proposal Policies D1, D2, D4, D7, D8 and D11 are the most relevant and set out a number of criteria for assessing development to ensure that it is well designed and compatible with the character and amenity of the locality and surrounding land uses and are of a size, scale and density in keeping with the locality and respect local building form, design, and materials. They also state that proposals should not adversely impact on the natural environment, landscape character, involve the loss of trees or other important landscape, greenspace or biodiversity features. In particular, there is a strong presumption against development where it would compromise the overall integrity of a Tree Preservation Order area. They also require that proposals incorporate wildlife habitat and

green infrastructure, and comply with roads standards and provide appropriate drainage and not result in flooding. Policy D8 requires consideration of the impact of proposals on protected species.

The adopted Supplementary Planning Guidance (SPG) on the Management & Protection of the Built Heritage states that development should protect a listed building and its setting and be the minimum necessary to enable its conservation and re-use. The new development should be designed to retain and enhance the special interest, character and setting of the listed building. The adopted SPG on Residential Street Design states that proposals should be designed around rather than removed. The adopted Green Network and Environmental Management SPG also seeks to protect and retain the natural features including trees, habitats and species, it also recognises that existing trees can play a part in creating a distinctive place.

Historic Environment Scotland's Non-Statutory Guidance: Managing Change in the Historic Environment – Setting is a material consideration and identifies that the setting, which can include a garden area and/or the current landscape context, is a key issue in appreciating and understanding of a listed building and that it must be taken into account in assessing an application. It states that proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

#### Setting of the Listed Building and Visual Impact of Proposal

The site is characterised by the extended two storey listed building set in an open landscape garden with mature trees and is predominantly contained by the boundary wall. From Fenwick Road the landscape setting and mature trees are particularly evident. The existing two storey 'gatehouse' is also comparatively prominent within the site. It pre-dates when the building was included in the List of Buildings of Historic or Architectural Importance and maintains an architectural hierarchy in relation to the listed building, as well as occupying a relatively small part of the site. It is set off Fenwick Road and has limited visual impact when approached from the direction of Giffnock town centre due to its size, height and the existing trees. From Eastwood Toll along Fenwick Road towards Giffnock town centre the area is strongly defined by buildings set back from the road, set well within their curtilage surrounded by extensive landscaping and mature trees.

The context of the immediate area is partly defined by the open aspect of Fenwick Road and the large scale buildings of Hutchinson Court and McLaren Court, both of which are five storeys in height. It should however be noted that Hutchinson Court, which is the nearest block of flats to the site, is set back from the road and contained within its own landscape setting, all of which lessens its visual impact on the surrounding area. Although there are various types of buildings in the wider area, it is predominantly defined by two storey houses. A notable exception are the three storey townhouses on Seyton Avenue, however, these are considerably smaller in terms of size, height and massing than the proposal. The Council Headquarters is not readily seen in the context of the application site and sits within the landscape setting of Eastwood Park. Therefore, in relation to the application site, it has little bearing on how the area is defined.

As indicated above, the proposal introduces a three storey building, 2 four storey buildings, and a five storey building all of which are substantial in size and are considered to significantly change the nature of the site. In addition the extent of this change will be exacerbated by the loss of almost 50% of the trees within the site.

The proposed 3 storey building (Villa 3) has a footprint of some 280sqm and will be set back approximately 5m from Fenwick Road. It will replace the existing two storey gatehouse, which has a footprint of some 70sqm, and set back approximately 16m from Fenwick Road.

The proposal also involves the loss of several trees to the front and side (west) of the proposed building in order to accommodate the development platform, access road and associated car parking. Whilst the existing building is visible, particularly in winter time, when approached from Eastwood Toll, it is modest in scale and size and is seen against the backdrop of the existing trees. Furthermore it is secondary in scale to the listed building. The proposal will significantly impact on this relationship. As a consequence, it is considered that the proposal will be visible in the surrounding area and due to its proposed size and scale will detract from the setting of the listed building.

The proposed building (Villa 4) to the south west part of the site has a footprint of approximately 560sqm and predominantly four storey in height and sits within 10m of the boundary with Fenwick Road. This build is approximately 14m in height and will present an elevation onto Fenwick Road which is in total 17m in width. The applicant has amended the proposal to flip the building so the short elevation is facing Fenwick Road with a set back of the upper (fourth) floor, and has staggered the building with a view of reducing the scale and massing presented onto Fenwick Road and the east elevation, in order that the proposal relates more to the height of the listed building. The stepping back of the upper floor will emphasise the third floor level which is similar in height to the listed building and therefore will help the proposed building relate to the listed building. However it does not maintain the listed building as the principal building on site and consequently due to its overall size and massing will dominate and detract from the setting of the listed building.

Due to the extent of the footprints of the proposed buildings (Villas 3 and 4), access roads, associated car parking and hardstanding, the visual impact of both buildings will be exacerbated due to the loss of trees, including category 'A' and 'B' trees. It is considered that the trees contribute to the setting of the listed building and the 'green' corridor along Fenwick Road that characterises the general area.

The proposed building (Villa 5) to the north west corner of the site is a total of five storeys in height (16m) with a footprint of approximately 600sqm and is within 14m of the listed building. The applicant has amended the proposal to flip the orientation of the building in order to reduce the massing of the west elevation facing the listed building. The revised proposal will help the relationship between the proposed building and the listed building when viewed in close proximity from within the site. However, when viewed from other parts of the site or outwith the site, it is considered the proposed building, given its height and massing, would visually dominate, and when combined with the proximity to the listed building, will be imposing and detract from its setting. In addition, to enable the building and associated car parking and hardstanding, it would involve the loss of three category 'A' Redwood trees. This would further exacerbate the impact the proposal would have on the setting of the listed building and visual character of the site and area.

The proposed building (Villa 2) immediately adjacent (east) of the listed building in effect replaces the existing two storey extension. The applicant has revised this proposal to increase the distance between the new building and the listed building from approximately 7m to 10m. As a result the building will encroach more towards Berryhill Road. The proposed building is an inverted L shape and sits slightly forward of the front elevation of the listed building. However the proposed front elevation is smaller in width than the front elevation of the listed building and in this regard it appears subservient. The proposed fourth floor is stepped back from the front elevation and as a result will read from the immediate front as a three storey building, matching approximately the eaves line of the listed building. However from a distance the fourth floor will be visible and seen as taller than the listed building.

As previously stated, the existing side extension is two/three storeys in height and does not dominate the listed building in terms of height or position. The proposed building is

approximately 600sqm whereas the listed building as proposed will be some 420sqm. Whilst the proposal reinstates the listed building as a stand-alone building it will, notwithstanding the separation distance between the buildings, considerably change the architectural hierarchal relationship between the buildings. The position of the proposed building will also undermine the importance of the listed building in its setting particularly when being approached from the access road in front. It is accepted that the current extension is not in keeping with the listed building and is architecturally dated and of poor quality. It is recognised that whilst the current proposal is not in keeping with the style of the listed building, it does pick up some of the architectural proportions and would be an improvement on what is currently there. However given the proposed position of this building, its height and overall massing, it will dominate and detract from the listed building and its setting. The proposal would also result in the loss of several trees including 3 category 'A' and 'B' trees. However given these are located along Berryhill Road, the loss is unlikely to have a significant impact on the visual amenity of the wider area.

The works to the listed building (Villa 1) include the demolition of the existing two storey side extension, demolition of a single storey rear extension and the erection of a single storey extension. Also included is the re-roofing of the building. The proposal involves the sub-division of the building into four residential flats. The proposed extension to the rear is modest in size and will not dominate or detract from the original building. Consequently, in itself, the proposed extension, external works and sub-division raise no significant issues in terms of Policies D1, D11 and D14. However the proposal includes car parking spaces immediately adjacent to the listed building, which would be approximately 1m from proposed bedroom windows. This could adversely impact on the amenity of future residents.

The proposed works to the listed building are part of the separate application for listed building consent (2019/0143/LBC) which is also being presented to the Planning Application Committee for determination.

The proposal includes an access loop road with two spurs to provide access to the flats and courtyard parking. The re-alignment of the accesses from Berryhill Road necessitates the removal of the stone pillars and ornamental gates adjacent to the existing gatehouse. A total of 112 car parking spaces are proposed. However, the extent of car parking and proximity to the proposed buildings raised concerns that the proposal as a whole will result in a poor amenity for residents, and in particular for residents of the listed building and proposed adjacent building (Villa 2) which will be effectively surrounded by access roads, car parking and hardstanding.

The demolition of the existing outbuildings (i.e. all other buildings on the site other than the listed building) raises no significant issues in terms of the adopted Local Development Plan. The impact of the proposal on the natural environment, including the loss of trees and protected species is discussed elsewhere in this report.

The removal of the stone pillars, which are required to realign the access, is not encouraged. The pillars should be re-used. Should the application be approved it is considered that the re-use of the pillars on the site at an appropriate location can be addressed by a condition.

It is considered for the reasons outlined above that, whilst the proposal would bring a listed building back into use, the proposed four new buildings within its grounds, extent of hardstanding, associated car parking and access road would result in over-development of the site and as a consequence would, collectively and individually adversely impact on the setting of the listed building and dominate and detract from the existing visual character and amenity of site and surrounding area. In addition it is considered that Villa 3 and Villa 4 as a result of their proximity to Fenwick Road and height will be highly visible to the detriment of the character and visual amenity of the area.



### Impact on Trees

Policy D8 seeks to protect the natural environment including Tree Preservation Order areas. In addition, as acknowledged by the applicant's supporting information, the Council's Supplementary Planning Guidance (SPG) on Residential Street Design states that existing trees which are in good health should be designed around rather than removed.

The development will result in the loss of almost 50% of the trees in the site and involves removing key groupings of trees to the foremost part of the site and approximately 37% of the good quality trees (category A and B) throughout the site. In addition, the 'C' category trees proposed to be removed are in reasonable condition.

The applicant initially submitted an Arboricultural Survey (dated 11 February 2019), which identified a total of 66 trees on site of which 40 are category 'A' and 'B'. Plans indicate that in excess of 40 trees, including 15 category 'A' and 'B' trees would be removed. There are several trees along the west boundary with the Council Headquarters and on the south boundary adjacent to Fenwick Road, which were not individually identified and were just identified as groups. Therefore a true picture of the numbers has not been established.

The Development Management Service raised concerns regarding the amount of trees proposed to be removed and also queried the justification of removing them and about the long term survival of the trees identified to remain. The applicant stated that the proposal will include 'mitigating' planting and long-term management of the site to offset the removal of the existing trees.

The applicant submitted a revised Tree Survey and Arboriculture Constraints (dated 23 October 2019) stating that it superseded the previous report as it provides additional detail on the impact of the proposal on the trees. This report identifies a total of 68 trees on site with 33 trees proposed to be removed (including 9 category 'A' and 'B' trees). This equates to approximately 48% of all the trees on the site. The report identifies that approximately one third of all the trees on the site are being removed to accommodate new buildings, roads and hardstanding.

The revised tree survey report acknowledges that change in ground levels can cause significant damage. It also states, given the depth of roots of some of the existing trees, notably the Redwoods (*Wellingtonia*), the development should not have any long term impact on their retention. They also highlight that some of the existing trees will have already had the soil/roots compacted as they are under existing access paths. It recommends in order to protect the remaining trees, a tree protection plan identifying appropriate construction exclusion zone based on the recommended Root Protection Areas and other constraints is required.

However, inspection of the root protection plans accompanying the report shows that there are several Root Protection Areas within the footprint of the proposed buildings, the loop road and accesses, and that the 'Construction Exclusion Zone Protective Fence' areas do not cover the full extent of the Root Protection Area identified in the plans. No explanation is given in the report, nor has any specific detailed information been given on the survival chances of these trees. It is very likely that excavation for the foundations will impact on the retained trees. In particular it is noted that the construction exclusive zone to the proposed south east building (Villa 3) is within 1 metre of the proposed building and that one tree overlaps the building footprint. The submitted plans show land raising through areas with existing trees. However drawings showing site sections appear not to involve land raising where there are existing trees. Land raising around existing trees could compromise their ability to survive in the long term.

The trees along the west boundary, adjacent to the Council's Headquarters and the adjacent Local Biodiversity Site (LBS), have not been mapped or identified in the revised Arboricultural report. The submitted planting strategy shows buildings/hardstanding taking place within the root protection zone of the trees along the shared boundary. The proposed layout and buildings will encroach on the trees along the shared boundary with the Council Headquarters and will be in very close proximity to existing trees within the site that are identified to be retained. Consequently there is serious concern that the development could lead to substantially more trees being lost during construction work and/or in the longer term through raised ground levels.

The management of the site is generally welcomed, as would additional planting. However the proposal will result in the removal of trees in key locations, particularly to the forefront of the site. It is considered that the proposed planting does not mitigate the loss of a significant amount of trees, which contributes to the visual character of the area as outlined above. Furthermore, the proposed planting will take in the region of 20-30 years to reach maturity and contribute in a comparable manner to the existing trees. Consequently, it is considered that the applicant has not provided an acceptable justification as to why the trees have to be removed. In addition, they have not submitted any information demonstrating why the development cannot be restricted to areas outwith the trees, as required by the SPG on Residential Street Design.

Therefore, the proposal is considered to adversely impact on the setting of the Listed Building and the Tree Preservation Order Area, as well as the general character of the area. This is because it constitutes overdevelopment of the site which dominates the listed building, with an unjustified loss of trees, contrary to Policies Strat2, D1, D2, D4, D7, D8 and D11, and the SPG on Management and Protection of the Built Heritage, the SPG on Green Network and Environmental Management and the SPG on Residential Street Design.

#### Potential Impact on Protected Species

Policy D8 of the adopted Local Development Plan requires careful consideration of the impact a development will have on protected species and states that planning permission will not be granted for development that is likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation.

The applicant submitted a preliminary Ecology Appraisal (dated February 2019) which comprised a Phase 1 Habitat Survey extended to include badgers and bats. This found that there was no evidence of badgers using the site. It acknowledges that there are bats in the area and found that there was negligible potential for bat roosting over the site but some potential for bat foraging along the tree lines on the east and west boundaries. It also indicated that there is one tree exhibiting roost potential. It states that only Eastwoodhill House was assessed as having bat roost potential and recommended that at least one activity survey be undertaken to assess the status of the building for bats.

Both badgers and bats are protected under EU legislation translated into Scottish legislation through the provisions of the Nature Conservation (Scotland) Act 2004 and the Wildlife and Countryside Act 1981. Scottish Planning Policy states that the presence (or potential presence) of a legally protected species is an important consideration in deciding planning applications. If there is evidence to suggest that protected species are present on site or may be affected by a proposed development, steps must be taken to establish their presence. Any impact must be fully considered prior to the determination of the application. A letter from the Chief Planner for Scotland in 2006 reinforces this position.

Scottish Natural Heritage (SNH) are the Licencing Authority for Protected Species and set out that it is an offence to deliberately or recklessly kill, injure, capture or harass a bat, or disturb or obstruct access or destroy a bat roost irrespective of whether bats are present or not at that time. SNH advice states that bats commonly roost in undisturbed spaces in buildings and in crevices and hollows of trees and that a bat roost survey should be carried out if a proposal could affect bats. They refer to the Bat Conservation Trust Guidelines 2016 which indicate that the conversion, demolition or removal of buildings are triggers and common situations where bats are likely to be encountered and states a bat survey is likely to be required when they involve:

- pre-1960 detached buildings within 200m of woodland and/or water;
- pre-1914 buildings within 400m of woodland and/or water;
- located within or immediately adjacent to woodland and/or immediately adjacent to water.

It indicates that *'bat surveys may be triggered by a Local Planning Authority that has used a trigger list or biodiversity checklist to identify the need for one'*. The guidelines state that surveys should be undertaken at a time that gives them the highest chance of establishing whether bats are present and how they are using the habitat (including roosts). In this regard the best time to undertake surveys is spring/summer. Bats can use trees for hibernation and the best time to survey these is in the midst of winter.

As a consequence of the applicant's appraisal identifying 'potential for bat roost', the applicant was requested to submit a bat activity survey as required by the good practice guidelines. They stated it had not been done and that the matter could be controlled through planning conditions. Given the potential for bats within the site and buildings they were advised, in line with the Scottish Planning Policy, this was not possible.

Subsequently, and without being requested to do so, they undertook a Bat Addendum Report (November 2019), which states that it was not possible at the time of the Appraisal Report to inspect the roof of the house and a precautionary approach was taken which classed the Eastwoodhill House as having 'low roost potential'. On revisiting the building, they surveyed it from a platform on top of a motor vehicle with binoculars for features that might permit 'significant' access for bats and other features such as damaged slates and flashing, and identified one potential feature. However on closer inspection found that it was a minor defect and not considered to be significant and concluded the roost potential of the building was 'negligible'. They also identified the roof as being in very good condition.

It should be note that the applicant has stated that proposed development includes the re-roofing of Eastwoodhill due to its condition and, whilst out on site, the case officer noted rain water was penetrating the building. Photographs included in the Appraisal and the Addendum also shows slates dislodged/missing and flashing raised, all of which could offer opportunities for bats. The Addendum refers to "features which might permit significant access for bats". However it should be noted that bats can utilise very small spaces/crevices and the good practice guidance makes no reference to the access having to be 'significant'. Further, the Addendum does not address the tree that was identified in the Appraisal report as 'exhibiting roost potential'. It should also be noted that the applicant's revised Arboricultural survey identifies five trees with cavities. It is considered that all these could be potentially used by bats.

The Addendum identifies a precautionary approach to the roof removal, involving supervision by a suitably qualified licensed bat worker and the erection of two or three bat boxes erected on site before works start. Both the Appraisal and Addendum rely on surveys to establish potential and/or evidence of bats. In particular, the Addendum rules out the

potential of bats as there was no evidence of activity in Eastwoodhill House. Both surveys were taken outwith the time that gives the highest chance of finding evidence of bats contrary to the good practice guidelines. It should be noted that if there is 'negligible' chance of bats, then precautions/mitigation are not required.

The Addendum states that there is 'negligible' roost potential within the building. However, it also identifies that the inspection revealed one feature in the roof that might permit use by roosting bats, hence the precautionary approach. Therefore, it is considered that the conclusions of the report does not give the Development Management Service certainty on whether there are bats potentially on the site or not. The precautionary approach/mitigation measures put forward in the Addendum do not address the legislative requirements and obligation on the Planning Authority to establish the potential for bats prior to approval of an application.

It is considered that the site has potential for bats and that a bat survey undertaken at a time to give the highest chance of establishing whether bats are present is required. As this has not been undertaken, it is considered that the proposal is contrary to Strategic Policy 2, D1 and D8, Supplementary Planning Guidance Green Network and Environmental Management, and the Government's Scottish Planning Policy. The proposal could have an adverse impact on Protected Species and Local Biodiversity and involves the loss of natural features that could support Protected Species. The applicant has not satisfactorily proven otherwise.

The applicant has been made aware that a bat survey is required to be undertaken to establish if there are bats on site prior to determination of this application. However, rather than allow time to undertake the surveys at the appropriate time of the year, it has been decided to present the application to the Planning Applications Committee for determination, as there are other reasons why the application cannot be supported. To do otherwise could put the applicant to unnecessary expense and delay.

### Impact on Roads

Strategic Policy 2, Policy D1 and SG10 require proposals to be assessed against the Council's road standards and requires that any transport impact of the development is taken into account. In particular SG10 seeks to direct new development to locations, which promote a choice between transport modes to reduce the overall need to travel and reliance on the private car.

A Transport Assessment (TA) was submitted by the applicant, which indicated that the junction of Berryhill Road/A77 Fenwick Road was tested with the additional vehicular traffic estimated to be generated by the development and found to operate within capacity. Additional information was also submitted stating that signalling the A77/Berryhill Road junction was not necessary as the mean speeds were in keeping with the speed limit and when considering design guidance (Designing Streets), visibility splays of 2.4 x 40 metres are in the main achievable. They also highlight that the junction is not an accident hotspot and there are no congestion issues.

The Council's Roads Service has however raised concerns regarding the restricted visibility at this junction and allied with the intensification of use of this junction as a result of the development, state that junction improvements are required. The Roads Service has also stated that the relevant speed is the 85th percentile speed and not the mean speed as the applicant has indicated. Based on the surveys recorded this equates to 37mph. Also, guidance given within Designing Streets is not appropriate in this context as the A77 Fenwick Road at this location functions as a distributor road and has a high movement function and low place function. Therefore, a visibility splay of 4.5 x 90 metres in both the

primary and secondary directions would be required to be achieved at the junction of Berryhill Road/A77 Fenwick Road. This splay is not achievable due to land constraints. The Roads Service state that there will be an intensification of use of the junction throughout the day, pedestrian as well as vehicular, and therefore an increased risk of collisions occurring. Given the above, the Roads Service requires the A77/Berryhill Road junction to be signalised in order to provide a safer junction for users. The applicant has indicated that they are willing to provide the signalised junction.

The Roads Service have also stated that the maximum number of flats in a housing court which can be served by a private access is 20 units. Subsequently, the proposed loop road is required to be built to adoptable standards. The two accesses into the development at Berryhill Road are to be widened and a 2m wide footway provided by the development between the two accesses on Berryhill Road. They also state that parking requirement for the development equates to 126 spaces. 112 spaces are shown meaning there is a shortfall of 14 spaces. However, whilst noting that there are proposals to introduce waiting restriction on both sides of Berryhill Road, they state that given the availability of public transport adjacent to the site as well as proximity to shops and services, a relaxation in the parking requirement is acceptable in this instance. Consequently, the Roads Service have no objection and therefore, in terms of impact on road safety and sustainable transport, the proposal, subject to conditions, would comply with Strategic Policy 2, D1 and SG10. It is considered should the application be approved these matters can be addressed by conditions.

#### Drainage

Policy E5 requires a Sustainable Urban Drainage System (SUDS) to be incorporated into all new developments to moderate surface water drainage from the site and mitigate impacts on water quality. The applicant has submitted a drainage impact assessment which states that a 'Sustainable Urban Drainage Scheme' is incorporated within the proposals to deal with surface water. Full attenuation for the 1 in 200 year storm event plus 30% for climate change will be provided underground. It concludes there will be no detrimental effect on the development or surrounding properties. The indicative layout identifies an underground attenuation tank adjacent to Fenwick Road connecting to existing infrastructure.

SEPA has raised no objections. Scottish Water has raised no objection however state in their response that they are unable to reserve capacity at their water and/or waste water treatment works for the proposed development.

The Council's Roads Service have been consulted in relation to flooding and drainage and have stated they require clarification on the post development greenfield run-off rate to be in format litres/second/hectare. They also state that a CCTV survey of existing drainage system is required and that an interceptor tank (diesel/petrol) will be required as part of the attenuation system. It is considered, if the application is approved that these matters can be addressed by conditions. Therefore the proposal raises no significant issues with regard to Policy E5.

#### Site Investigation and Air Quality

The Council's Environmental Health Service reviewed the Site Investigation Report and has concluded that a remediation method statement to deal with the identified potential ground issues as well as remedial measures will be required for the site. This should also include validation and a verification criteria and should be submitted to the Council for approval prior to any occupation of the site. They have also stated that they reviewed and accepted the submitted Air Quality Impact Assessment, which identifies that general mitigation measures will be required during the construction phase to minimise risks of adverse air quality effects.

It also identifies that the proposed residential use is predicted to have a negligible impact at the nearest residential receptors and that the site is considered to be suitable for the proposed use with no specific requirement to protect Air Quality.

If the application is approved a remediation method statement and verification can be addressed by a planning condition.

### Noise

Environmental Health has however raised concerns regarding noise impact on the amenity of future residents. They state that predicted noise levels within properties, assuming open-window attenuation, results in the internal levels exceeding BS8233:2014 daytime and night-time criteria in all five buildings. When assessed against Planning Advice Note 1/2011: Noise, the significance of effects from road traffic noise are therefore slight to large/very large. Consequently the majority of properties will continue to rely on closed windows and trickle ventilation to meet internal noise levels. Furthermore properties on the east, south and west facades of Villa 3 and east and south facades of Villa 4 will require closed windows and enhanced acoustic glazing with ventilation to mitigate against road traffic noise. They have also stated that some of the external balconies/roof terraces (in Villa 2 & Villa 4) exceed the criteria, with Villa 4 in particular likely to require further mitigation measures.

The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development and a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected. It states that it is preferable that satisfactory noise levels can be achieved within dwellings with the windows sufficiently open for ventilation. It identifies that in some circumstances closed windows with alternative means of ventilation may be unavoidable, however it is local circumstances that should influence the approach taken to noise levels with open or closed windows.

The applicant has indicated that due to the size of the site and other development considerations there were limited options with regard to layout/design solutions that would allow an acoustics-led design to be proposed. Given the visual impacts associated with acoustic barriers, and the sterilising effect of maintaining a greater stand-off distance from the roads, these options were not carried forward. However, it should be noted that no information on 'other development considerations' such as a development viability/feasibility or possible alternative layout/design have been submitted that would justify the proposal, particular the proposed buildings to the front of the site (Villa 2 and 4) not being an adequate distance from the road to ensure that any noise impact on the amenity of future residents are mitigated. Consequently, given the above, it is considered that it has not been demonstrated that the proposal will not result in an adverse impact on the amenity and the health and wellbeing of the proposed residents, contrary to Policy Strategic 2 and PAN 1/2011.

### Representations

In terms of the issues raised by representations regarding increase in traffic, parking and road safety, lack of pavement along Berryhill Road, lack of traffic signals, impact and loss of trees, loss of greenspace, visual impact, impact on amenity, loss of privacy, over-development, overwhelming the listed building and out of keeping with listed building are all addressed above.

Regarding impact on adjacent private parking area, the Council's Road Services has indicated that adequate parking is provided by the development as outlined in the report. It is unlikely that the proposal should cause parking problems in the surrounding area. If parking occurs in the adjacent private parking, then this would be a private legal matter.

Given the scale of development, it is considered that demolition mitigation measures and construction traffic and parking are not planning matters and best dealt with under other legislation. In addition the Council's Environmental Health Service has raised no issues regarding these matters.

### Proposed Local Development Plan2

The Proposed Local Development Plan 2 is a material consideration and with regard to this planning application, the relevant policies are considered to be Strategic Policies 1 & 2, D1, D2, D4, D6, D7, D8, D9, D10, D11, D12, D14, D15, SG1, SG2, SG4, E1, E3, E5, E8, E9, E10 and E11. The aforementioned policies largely reflect the adopted Local Development Plan policies, however place more emphasis on place making and Designing Street in order to achieve a more sustainable development. E10 also states that any proposal to redevelop brownfield sites must be accompanied by protected species surveys. Consequently, for reasons stated above, it is considered that the proposal does not comply with the relevant policies in the Proposed Local Development Plan.

### Overall Conclusion

It is considered that the conversion and re-use of the listed building would comply with the general aims the Local Development Plan and Scottish Planning Policy to reuse a brownfield site and safeguard the longer term future of a listed building. However it is considered that the proposal as a result of: the scale, height, size and massing of the proposed buildings; the proximity to the listed building; and the extent of hardstanding, car parking and access roads is over-development of the site. As a consequence it will have a detrimental impact on the setting of the listed building, results in the loss of approximately 50% of trees within the TPO, and adversely impact on the visual amenity and character of the site, contrary to the Local Development Plan and Scottish Planning Policy.

The applicant has stated that the proposal provides a high quality solution to a vacant and deteriorating listed building, cross-funded by a modest amount of new build in a high quality landscape setting. In line with the Local Development Plan and Scottish Planning Policy, it is clear that should enabling development be acceptable, it should be clearly shown to be the only means of securing the listed building's long-term future, and that any development should be the minimum necessary to achieve these aims. It is considered that the applicant has presented no justification or viability statement that would allow an exception to the policy requirements. Consequently no weight can be attributed to the claim that the proposed new building relates to the refurbishment of the listed building.

The Development Management Service entered into discussions with the applicant, however as stated they were not willing to significantly reduce the number of units on site. It should also be noted that the proposal, with the exception of some changes to the design and position of the proposed blocks, substantially remains as the same development as originally submitted.

In addition the applicant has not presented information that gives the Development Management Service comfort that there is no potential for bats on the site and what the impact will be.

Consequently, given the above, and other material considerations, it is recommended that the application is refused.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** Should the application be approved a legal agreement relating to the delivery of affordable housing and development contributions that includes payments for the following: Education (Early Years, Primary and Secondary); Community Facilities (Community Halls & Libraries and Sports); and Parks and Open Space is required.

**REASONS FOR REFUSAL:**

1. The proposal is contrary to Strategic Policy 2, Policy D1 and Policy D11 of the East Renfrewshire Local Development Plan and the Supplementary Planning Guidance - Management and Protection of the Built Heritage as due to the scale, height, size and massing of the proposed buildings and the proximity to the listed building, the proposal will dominate and detract from the listed building which will significantly and adversely impact on the setting of the listed building.
2. The proposal is contrary to Strategic Policy 2, Policy D1, Policy D4, Policy D8 and Policy D11 of the East Renfrewshire Local Development Plan and the Supplementary Planning Guidance - Management and Protection of the Built Heritage and the Supplementary Planning Guidance - Residential Street Design as it would involve a significant and unjustified loss of trees and as a result adversely impact on the setting of the listed building and the character and visual amenity of the site and area.
3. The proposal is contrary to Strategic Policy 2, Policy D1 and Policy D8 of the East Renfrewshire Local Development Plan and the Supplementary Planning Guidance on Green Network and Environmental Management, and Scottish Planning Policy (Protected Species) as the applicant has not demonstrate that the proposal will not have an adverse impact on Protected Species and the biodiversity value of the site for Protected Species.
4. The proposal is contrary to Strategic Policy 2 of the East Renfrewshire Local Development Plan and the Scottish Government's Planning Advice Note 1/2011 as the applicant has not demonstrated that the site could not be developed to minimize the impact of noise and thereby ensure the impact on the health and wellbeing of those using the site is minimised.
5. The proposal is contrary to Policy SG4 of the East Renfrewshire Local Development Plan as it does not meet the housing mix needs identified in the area.
6. The proposal is contrary to Scottish Planning Policy (Listed Buildings) as due to the scale, height, size and massing of the proposed buildings and the proximity to the listed building, the proposal will dominate and detract from the listed building and will significantly and adversely impact on the setting of the listed building.
7. The proposal is contrary to the Scottish Planning Policy (Listed Buildings) as due to the extent of proposed development, the scale, height, size and massing of the proposed buildings, and the significant loss of trees will not preserve the setting of the listed building.

**ADDITIONAL NOTES:** None

**ADDED VALUE:** None



**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr John Drugan on 0141 577 3175.

Ref. No.: 2019/0144/TP  
(JODR)

DATE: 8 January 2020

**DIRECTOR OF ENVIRONMENT**

Reference: 2019/0144/TP - Appendix 1

**DEVELOPMENT PLAN:**

**Strategic Development Plan**

Promotes the redevelopment of vacant and derelict land and the provision of high quality and affordable housing in the right location in order to promote the creation of a successful, sustainable and growing city region.

**Adopted East Renfrewshire Local Development Plan**

Strategic Policy 2 - Assessment of Development Proposals

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

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

### Strategic Policy 3 - Development Contributions

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

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

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

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

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

#### Policy D1 - Detailed Guidance for all Development

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

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development

- covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
  7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
  8. The Council will not accept 'backland' development, that is, development without a road frontage;
  9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
  10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
  11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
  12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
  13. Where applicable, new development should take into account the legacy of former mining activity;
  14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
  15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
  16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

#### Policy D2 - General Urban Areas

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

**Policy D7 - Green Infrastructure and Open Space Provision within New Development**  
New development proposals should incorporate a range of green infrastructure including open space provision, multi use access, sustainable urban drainage, wildlife habitat and landscaping. This infrastructure should not only form an integral part of the proposed scheme but should complement its surrounding environment.

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

#### Policy D8 - Natural Features

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

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

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

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

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

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

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

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

#### Policy D11 - Management and Protection of the Built Heritage

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

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

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

#### Policy D13 - Community, Leisure and Educational Facilities

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

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

Appropriate alternative local provision of at least equivalent suitability and accessibility will be provided; or

That the existing use is no longer required/viable; or

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

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

#### Policy SG1 - Housing Supply

The Council has identified sufficient land for a minimum of 4100 homes and associated infrastructure to be delivered in East Renfrewshire between 2009 and 2025 to comply with the Strategic Development Plan requirements. Sites listed under Schedules 8 to 11 (including past completions 2008/09-2012) will contribute towards meeting these targets.

The land supply will be monitored annually through the Housing Land Audit, Housing Trajectory and the Action Programme. At all times a 5 year continuous effective land supply will be maintained.

The Council will support housing development on the established housing sites as shown on the Proposals Map and listed under Schedule 8. All proposals will require to comply with the terms of Policy SG5 Affordable Housing and Strategic Policy 3.

Sites listed under Schedule 9 and as shown on the Proposals Map are allocated exclusively for affordable housing, including housing for particular needs. Proposals for private housing on these sites will not be supported.

The council will prioritise the early delivery of sites within the established land supply. If the audit identifies a shortfall in the five year effective housing land supply, the council will support housing proposals which:

are capable of delivering completions in the next five years;

can address infrastructure constraints;

are in a sustainable location as guided by Diagram 4 of the Glasgow and Clyde Valley Strategic Development Plan.

#### Policy SG3 - Phasing of New Housing Development

The new allocations of land for housing development listed in Schedules 10 and 11 will be subject to phased release to ensure that a 5 year continuous effective land supply is maintained at all times.

The locations listed in Schedules 10 and 11 will be removed from the green belt. Sites contributing to Phase 1 will be shown as formal allocations in the Plan. Sites safeguarded in Phase 2 will be identified as meeting longer term development needs.

Phase 2 safeguarded locations will be released before 2025 where required to maintain a 5 year land supply or where levels of affordable housing significantly in advance of the 25% requirement are being promoted.

#### Policy SG4 - Housing Mix in New Developments

All new housing proposals should include in their design a mix of house types, sizes and tenures to accord with the Council's Local Housing Strategy and the Strategic Housing Need and Demand Assessment. The design should include smaller house types and an element of accessible and adaptable properties to meet the needs of our ageing population and households with particular needs. This mix is in addition to affordable housing contributions.

#### Policy SG5 - Affordable Housing

Throughout East Renfrewshire, where planning permission is sought for residential developments of 4 or more dwellings, including conversions, the Council will require provision to be made for a minimum 25% affordable housing contribution. This contribution may be made on site; or by means of a commuted sum payment; or off site. The affordable housing should be well integrated into the overall development. For all proposals viability will be a key consideration when determining the suitable level of contributions. All proposals will require to comply with Strategic Policy 2 and Policy D1.

Further detailed information and guidance is provided in the Affordable Housing Supplementary Planning Guidance.

#### Policy SG10 - Sustainable Transport Network

The Council will support a sustainable and integrated transport system that supports the economy and meets the development needs of the area through to 2025 and beyond, by facilitating efficient movement of people and goods within the area. Opportunities for improving the walking and cycling network, public transport and the health benefits of proposals will be key components of the master plans.

The Council seeks to direct new developments to locations which promote a choice between transport modes to reduce the overall need to travel and reliance on the private car.

Proposals should:

Ensure the required upgrades to infrastructure resulting from development are provided (Strategic Policy 3);

Safeguard the existing and proposed transportation infrastructure from development that could prejudice its ability to function. In particular the Glasgow Southern Orbital and M77 will be reserved as transport corridors;

Ensure new development is designed to prioritise accessibility, safety and sustainable modes of travel through a choice of walking, cycling and public transport and are integrated as part of the green and core path networks (see Policy D4);

Ensure walking and cycling enhancements by improving community links and utilising and maximising the existing networks;

Ensure that opportunities to promote walking and cycling along linear routes are not lost, the solums of any former railway lines with such potential will be safeguarded for this purpose;

Ensure new transport infrastructure is compatible with local environment, amenity and public safety;

Ensure new development, where appropriate, identifies land capacity and road layouts to provide public transport infrastructure and services; and  
Prioritise improvements to public transport including the need for enhancements to bus and rail infrastructure and services to maintain or increase patronage within the area.  
Major proposals require to be accompanied by transport assessments and/or travel plans to assess impact upon the road and rail network and on public transport.

The Council will support the implementation of the key infrastructure projects listed in Schedule 17.

#### Policy E5 - Surface Water Drainage and Water Quality

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

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

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

### **Proposed Local Development Plan 2**

#### Strategic Policy 1 - Development Strategy

Proposals will be required to meet the objectives of the Proposed Plan and contribute to the delivery of the Development Strategy in order to create sustainable, well designed, connected, healthy, safe and mixed communities and places. Proposals should be designed to promote the health and wellbeing benefits of the development for people of all ages, abilities and backgrounds and demonstrate economic, social and environmental benefits. Proposals should not result in a significant adverse loss of character or amenity to the surrounding area.

The Council's approach to development is as follows:

1. Regeneration, consolidation and environmental enhancement of the urban areas through the provision of an 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 Proposed Plan;
2. Master planned approach to development at the following Strategic Development Opportunity locations:



- a. Maidenhill/Malletsheugh, Newton Mearns (Policy M2.1);
- b. Barrhead South - Springhill, Springfield, Lyoncross (Policy M2.2);
- c. Barrhead North - Shanks/Glasgow Road, Barrhead (Policy M3);
3. Infill development within the rural settlements compatible with the character, amenity and settlement pattern;
4. Phased release of sites to make efficient use of existing infrastructure and ensure the coordinated delivery of new infrastructure and investment, including schools; green infrastructure; transport infrastructure; community and leisure facilities; and health and care facilities all in accordance with Strategic Policy 2. Proposals for windfall sites will be required to provide the required infrastructure resulting from development in accordance with Strategic Policy 2 and not prejudice the delivery of allocated sites. Where infrastructure constraints cannot be overcome, including any impacts of additional residential development upon education infrastructure, proposals will not be supported;
5. Implementation of City Deal strategic infrastructure projects set out in Strategic Policy 3 and Schedule 1 and other major infrastructure programmes;
6. Protection and enhancement of the green belt and landscape character and setting and the distinct identity of towns and villages in accordance with Policies D2 and D3;
7. Protection, creation and enhancement of an integrated multi-functional green network and connected green spaces within and around the urban areas which actively contribute to local amenity, recreation, active travel and biodiversity objectives in accordance with Policies D4 and D6;
8. Protection and enhancement of the built, historic and natural environment in accordance with Policies D7 and D14 to D20;
9. Provision of homes to meet the all tenure housing requirements of Clydeplan (Table 1) in accordance with Policies SG1, SG2 and SG4. The sites listed in Schedules 15 and 16 will provide a range and choice of housing sizes, types and tenures across the Council area to meet these requirements in accordance with the Strategic Housing Need and Demand Assessment and the Council's Local Housing Strategy;
10. Sustainable and inclusive economic growth and community benefits, including the creation of new employment opportunities through the provision of a range of sites and areas to provide a strong and diverse economy in both the urban and rural areas, in accordance with Policies SG5, SG6 and SG7;
11. Maintaining and enhancing the vitality and viability of the town and neighbourhood centres by adopting a town centre first approach that directs development and investment to town and neighbourhood centre locations in accordance with Policies SG10 and SG11; and
12. The contribution to energy reduction and sustainable development in accordance with Policies E1 and E2.

#### Strategic Policy 2 - Development Contributions

New development must be accompanied by the appropriate infrastructure and services required to support new or expanded communities.

Where new developments individually or cumulatively generate a future need for new or enhanced infrastructure provision, services or facilities, the Council will require the development to meet or proportionately contribute to the cost of providing or improving such infrastructure. Development contributions will fairly and reasonably relate in scale to the

proposed development and will be required in order to make the proposed development acceptable in planning terms, all in accordance with the policy tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Planning permission will only be granted where the identified level and range of supporting infrastructure and services required to meet the needs of the new development, are already available or will be available in accordance with agreed timescales.

Where appropriate, contributions may be sought in relation to Education (including Early Years, Primary, Secondary and Additional Support Needs); Community Facilities (including Community Halls and Libraries and Sports); Parks and Open Space; Roads and Transportation; Active travel; and Green Infrastructure.

Future analysis will be carried out with our community planning partners to consider the capacity required to support future demand for healthcare infrastructure.

Further detailed information and guidance is provided in the Development Contributions Supplementary Guidance. The guidance contains details of how impacts will be assessed and how contributions will be calculated. This policy should be read in conjunction with Policy SG4: Affordable Housing.

#### Policy D1 - Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;

9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;
14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Guidance;
16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

#### Policy D2 - General Urban Areas

Development will be supported within the general urban areas, shown on the Proposals Map. Proposals will be required to demonstrate that the proposed development is appropriate in terms of its location and scale and will not result in a significant loss of character or amenity to the surrounding area. Proposals must also comply with appropriate policies of the Proposed Plan.

#### Policy D4 - Green Networks and Infrastructure

The Council will protect, promote and enhance a multifunctional and accessible green network across the Council area, as shown on the Proposals Map, which contributes to healthy lifestyles and wellbeing and links to the wider green network across the Clydeplan region.

Proposals will be required to protect and enhance the green and blue network, its value and multiple functions including wildlife, biodiversity, recreational, landscape and access. Proposals should also meet the requirement of Policy D7.

The provision of a green network will be required to form a core component of any master plan or development brief.

Where a proposal impacts adversely on the character or function of the green network, proposals may be required to contribute to enhancing any remaining, or create new green infrastructure and green network, in accordance with Strategic Policy 2 and D6.

The Council will support the implementation of the proposals listed in Schedule 3.

Further detailed guidance and information will be set out in the Green Network Supplementary.

#### Policy D6 - Open Space Requirements

Proposals will be required to incorporate multi-functional, integrated and accessible on-site green networks and green infrastructure, including open space provision, wildlife habitats and landscaping.

Proposals will be required to meet the following criteria:

1. Demonstrate that the provision and distribution of open space and green infrastructure has been integrated into the design approach from the outset and has been informed by the context and characteristics of the site using key natural and physical features. Proposals should be designed to accommodate users of all age groups, and levels of agility and mobility;
2. Provide a network and hierarchy of open space to create a structured and legible framework for development, which clearly distinguishes public space, semi-public space and private space using appropriate boundary treatments. Design and layout of

proposals should encourage species dispersal through improving connectivity and the availability of habitats. New planting must promote and enhance the biodiversity of the area;

3. Complement, extend and connect existing open spaces and provide links to the wider green network;
4. Make provision for the long-term management and maintenance of open space. Details of maintenance requirements and arrangements must be set out, including who is responsible for these requirements;
5. Integrate Sustainable Urban Drainage Systems (SUDs) features with open space and active travel networks as part of a multifunctional approach to landscape design. SUDs may form part of open spaces subject to their design, provided they are accessible and contribute to the amenity value of the wider open space; and
6. Meet the minimum open space requirements set out in Schedule 4.

#### Policy D7 - Natural Environment Features

The Council will protect and enhance the natural environment features set out in Schedule 5, and shown on the Proposals Map, and seek to increase the quantity and quality of the areas biodiversity.

1. There will be a strong presumption against development on or adjacent to Natural Features where it would compromise their overall integrity, including Local Biodiversity Sites, Local Nature Reserves, Tree Preservation Orders and ancient and long established woodland sites. Adverse effects on species and habitats should be avoided with mitigation measures provided.
2. Development that affects a Site of Special Scientific Interest (SSSIs) will only be permitted where:
  - a. The objectives of designation and the overall integrity of the area will not be compromised; and
  - b. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, community or economic benefits of national importance to the satisfaction of Scottish Ministers and measures are provided to mitigate harmful impacts.
3. Development affecting trees, groups of trees or areas of woodland will only be permitted where:
  - a. Any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity and character of the area has been incorporated into the development through design and layout; or
  - b. In the case of woodland:
    - i. its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits, in line with the Scottish Government's Policy on Control of Woodland Removal; or
    - ii. in the case of individual trees or groups of trees, their loss is essential to facilitate development and is clearly outweighed by social, environmental, community or economic benefits.

Where woodland is removed in association with development, developers will be required to provide compensatory planting which enhances the biodiversity of the area and demonstrates a net gain.

The loss of Ancient Woodland will not be supported.

4. Where there is likely to be an adverse impact on natural features or biodiversity an ecological appraisal will be required.

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

#### Policy D8 - Sustainable Transport Networks

The Council will support the development of a sustainable and integrated transport network which strengthens East Renfrewshire's connectivity to the wider Clydeplan Region and beyond; delivers a modal shift to active travel and public transport; and reduces carbon emissions. Development should be directed to sustainable locations where the need to travel is reduced and active travel and public transport infrastructure already exists.

Proposals will be required to align with relevant National, Regional and Local Transport Strategies including the development of local strategic active travel network plans.

Proposals will be required to prioritise active travel and to demonstrate a clear sustainable movement hierarchy favouring walking, then cycling, public transport then the private car in accordance with Designing Streets. Proposals will be required to be accessible and permeable by foot and cycle and connect to existing walking, cycling and green networks, as well as to public transport networks.

Proposals will be required to prioritise improvements to public transport networks and infrastructure, including the need for enhancements to bus and rail infrastructure and services to maintain or increase patronage within the area. Where public transport services are not currently available the Council will encourage applicants to work with transport providers to provide subsidised bus services until a sustainable service is achievable.

The Council will support the implementation of the proposals listed in Schedules 6 and 7.

The Council will support investment in the strategic transport network and delivery of the City Deal strategic transport infrastructure proposals set out in Schedule 1.

#### Policy D9 - Access

The Council will continue to protect, enhance and extend existing and proposed active travel and outdoor access networks including core paths, rights of way, strategic cycle corridors and green networks, shown on the Proposals Map and Schedule 6, and ensure that new development does not adversely impact upon them. The solums of any former railway lines will be safeguarded as future access routes.

The council will support proposals which enhance, extend and create new integrated walking and cycling routes. New and improved routes should be planned at the outset of the design process; should accommodate users for all age groups, and levels of agility and mobility; should link with existing and proposed active travel routes; and contribute to the wider active travel and green networks across the area.

Any future access proposals will be required to satisfy core active travel design principles of safety, coherence, directness, comfort and attractiveness.

There will be a strong presumption against proposals which have an adverse impact upon outdoor access unless a satisfactory alternative route is provided.

The Council will continue to support Dams to Darnley Country Park (D9.1) and Whitelee Access Project (D9.2), shown on the Proposals Map, and the implementation of the relevant management/ access plans for each project.

#### Policy D10 - Transport Impact

Proposals will be required to comply with the principles of Designing Streets and demonstrate that they will have no significant adverse impact on the following, as evidenced through the submission of a Transport Assessment:

Road safety;

The convenience, safety and attractiveness of walking and cycling in the surrounding area; Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;

The capacity of the surrounding road network; and

Residential amenity as a consequence of any resulting increase in motorised traffic.

Proposals should ensure that the required upgrades to infrastructure resulting from development are provided in accordance with Strategic Policy 2. Where appropriate, mitigation, through the provision or upgrades of walking and cycling infrastructure, public transport or road improvements, will be required to address any adverse transport impacts resulting from the proposal.

#### Policy D11 - Electric Charging Infrastructure

Major residential proposals will be required to incorporate electric vehicle charging points within every dwelling with a garage or driveway and make provision within visitor or communal parking spaces. Where residential dwellings do not have parking within their curtilage, provision should be made for charging points on-street or within communal parking spaces.

All other non-residential major developments, including employment, community or retail proposals should incorporate electric vehicle charging points within parking areas.

Proposals below this threshold will be encouraged to incorporate charging points and infrastructure as a core component of their proposal.

All new car parks should be designed to incorporate electric charging points.

#### Policy D12 - Community and Education Facilities and Infrastructure

The Council will support the protection and enhancement of existing community, leisure, health, sports and education facilities.

Proposals for the development of new or enhancements to existing facilities will be supported where:

1. The site is appropriate in terms of its location, scale and is compatible with

- adjoining and neighbouring uses; and
2. The site is accessible by public transport, walking or cycling routes.

Proposals for new schools must also provide a school travel plan and incorporate safe drop off and pick up provision. Proposals should link to existing footpath and cycle networks or create new links to create safe and healthy routes to schools, to encourage walking and cycling and provide appropriate cycle parking and facilities.

Proposals which would result in the loss of existing facilities will only be supported where it can be clearly shown that in consultation with the relevant organisation including Health Boards, HSCP, the Council's Education Service or the Culture and Leisure Trust, where appropriate, that:

1. Appropriate alternative local provision of at least equivalent quality, suitability and accessibility will be provided; or
2. That the existing use is no longer required/viable; or
3. There is no demand and the facility is incapable of being made viable or adapted for other community, leisure or educational uses.

Proposals involving the loss of outdoor sports facilities will be assessed against Policy D13.

The Council will encourage multi-use community facilities and the shared use of facilities to maximise the extended or multiple use of buildings or facilities for community, leisure and recreational use where appropriate.

The Council will support the implementation of the proposals listed in Schedules 8 and 9.

#### Policy D14 - Management and Protection of the Built Heritage

The Council will seek to positively manage the historic built environment through engagement with landowners and other organisations to ensure that heritage assets are safeguarded, preserved and enhanced, have appropriate viable uses and have a sustainable future for the benefit of future generations. Development likely to adversely affect these assets will not be supported.

All proposals should foster innovation and creativity that is sensitive and enhances the significance of heritage assets in terms of architectural design, detailing, scale, massing and use of materials.

Proposals involving the sensitive introduction of energy efficiency measures and/or micro-renewables installations to listed buildings and in conservation areas will be supported, where the proposals ensure that the character and appearance of the listed building, conservation area and their settings are preserved or enhanced.

Further guidance and information will be set out in the Placemaking and Design Supplementary Guidance.

#### Policy D15 - Listed Buildings

The layout, design, materials, scale, siting and use of any development affecting a listed building shall be appropriate to the character and appearance of the listed building and its setting.



There is a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting.

No listed building should be demolished unless it can be clearly demonstrated that:

the building is not of special interest; or  
the building is incapable of repair; or  
the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or  
the repair of the building is not economically viable and that it has been marketed, at a price reflecting its location and condition, to potential restoring purchasers.

To enable features to be recorded, Historic Environment Scotland shall be formally notified of all proposals where consent is granted to demolish listed buildings.

Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

Proposals that conserve and enhance assets on the Buildings at Risk register will be encouraged.

#### Policy SG1 - Housing Supply, Delivery and Phasing

To deliver housing needs across all tenures up-to 2029 the Proposed Plan provides a range and choice of housing sites and supports the delivery of sustainable mixed communities. Provision is made for a minimum of 4350 homes and associated infrastructure to be delivered between 2012 -2029 to comply with the Clydeplan Housing Land Requirements and in accordance with Strategic Policy 1.

The land supply will be monitored annually through the Housing Land Audit, Housing Trajectory and the Action Programme. Sites will be subject to phased release to ensure that a minimum of a 5 year continuous effective land supply is maintained at all times and to manage impact upon infrastructure and services.

Proposals for housing development on both allocated housing sites listed in Schedule 15 and shown on the Proposals Map, and on windfall sites not identified for housing development will require to comply with Strategic Policy 1, Strategic Policy 2, Policy D1 and any other relevant policies of the Proposed Plan.

Sites listed in Schedule 16 and shown on the Proposals Map, are allocated exclusively for affordable housing, including housing for particular needs. Proposals for private/ market housing on these sites will not be supported.

If the Housing Land Audit identifies a shortfall in the 5 year effective housing land supply, and this cannot be addressed through the early release of sites within the established housing land supply, the Council will then only consider housing proposals which:

1. Are consistent with Strategic Policy 1, Policy D1 and Policy 8 and Diagram 10 of Clydeplan with preference for brownfield sites within the urban areas. Sites within the green belt will only be considered where it has been demonstrated that a suitable site does not exist within the urban area and where all other criteria can be met. Proposals will be required to provide a defensible green belt boundary;
2. Are appropriate to the scale and character of the specific settlement and local area;
3. Demonstrate positive social, economic and environmental benefits;
4. Would not prejudice delivery of allocated housing sites listed in Schedule 15;
5. Are effective and capable of delivering completions in the next 5 years as demonstrated through supporting evidence in accordance with PAN 2/2010. Details of the phasing of development is required to be submitted with any application; and
6. Can provide the required infrastructure resulting from development in accordance with Strategic Policy 2. Where infrastructure constraints cannot be overcome, including impacts upon education infrastructure, proposals will not be supported.

#### Policy SG2 - Housing Mix

The Council will require residential proposals to provide a mix and choice of dwelling types, sizes and tenures to meet housing needs, including for people with a disability, older people, families and individuals, to widen housing choice and contribute towards the creation of sustainable mixed communities. The different types of housing are required to be well integrated throughout the development.

Proposals must provide a minimum 10% of all dwellings designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users to align with the target in the Council's Local Housing Strategy (LHS). These properties should be built to Lifetime and Housing for Varying Needs standards to support independent living, be accessible to as wide a range of people as possible, and allow the potential for future adaptation. This requirement is in addition to the requirements of Policy SG4.

Proposals should be informed by the most up-to-date SHNDA and the Council's LHS and demonstrate how proposals will meet standards for accessibility and adaptability and meet the needs of older and people with a disability.

Further detailed information and guidance will be set out in the Housing Mix Supplementary Guidance.

#### Policy SG4 - Affordable Housing

The Council will require residential proposals of 4 or more dwellings, including conversions, to provide a minimum 25% affordable housing contribution. This contribution may be made on site; or by means of a commuted sum payment; or off site. The affordable housing must be well integrated into the overall development. All proposals will require to comply with Strategic Policy 2 and Policy D1.

Further detailed information and guidance is provided in the Affordable Housing Supplementary Guidance.

The Council will support the implementation of the affordable housing sites listed in Schedule 16.

#### Policy E1 - Sustainable Design

To contribute to the aims of sustainable design and reducing greenhouse gas emissions, proposals will be required to demonstrate that the following criteria have been considered, and, where appropriate, met:

1. Make efficient and sustainable use of existing land, buildings and infrastructure within the urban areas, including the conversion and reuse of existing buildings and retrofitting appropriate adaptations to the current building stock and infrastructure;
2. Incorporate sustainable and energy efficient design and construction methods (through low and zero carbon generating technology in the development's construction and end use), as an integral part of the design process from the outset. Proposals should demonstrate compliance with Section 6 (energy) of the current Building Standards. All new buildings must be built to meet a minimum of silver sustainability standards and aim to achieve higher;
3. Seek to use locally sourced and energy efficient building materials; and
4. Prioritise active travel and demonstrate a clear sustainable movement hierarchy favouring walking, then cycling, public transport then the private car, in accordance with Designing Streets.

Major development will be required to provide an energy and carbon footprint assessment to demonstrate their contribution towards achieving sustainable development, reducing energy use and how the proposal will offset the overall carbon footprint of their development, during and post construction.

Further detailed guidance and information will be set out in the Supplementary Guidance on Low and Zero Carbon Delivery.

#### Policy E3 - Protecting Air Quality

Proposals will be required to ensure that local air quality is protected. An Air Quality Assessment may be required where the proposed development may cause or exacerbate a breach of National Air Quality Standards.

Development proposals that would result in a significant increase in concentrations of air pollution will not be supported unless appropriate mitigation measures can be put in place.

#### Policy E5 - Noise

The impact of noise will be taken into account when assessing relevant development proposals, particularly those that are close to or could become a source of noise. A noise impact assessment may be required where the proposed development may cause or exacerbate existing noise levels or be sensitive to levels of existing noise in the area.

Where it is not possible to separate noise generating uses and noise sensitive land uses, developers will be required to incorporate good acoustic design.

Where areas already have an unacceptable noise level it may not be possible to mitigate the adverse effects of noise. In such circumstances noise sensitive development, such as new residential development, may not be appropriate.

Development proposals that would either result in or be subject to unacceptable levels of noise will not be supported unless appropriate measures can be put in place that reduce, control and mitigate the noise impact.

#### Policy E8 - Water Management

Development proposals, with the exception of smaller scale proposals (such as applications for single houses, householder or shop frontage alterations), are required to integrate well-designed and naturalised Sustainable Urban Drainage Systems (SUDs) features, to manage drainage and water quality, and in line with the current Sewers for Scotland. This will moderate surface water run-off from the site and mitigate any impacts on water quality.

Applicants should demonstrate how the design and layout of SUDs reflects and responds to the site circumstance and local landscape character. Proposed arrangements for SUDs should be adequate for the development and appropriate long-term maintenance arrangements should be put in place.

Applicants are expected to integrate SUDs proposals with green infrastructure and active travel proposals, as part of a multi-functional approach, which should be delivered and integrated as part of a green network in accordance with Policy D4. Where integration is not proposed, applicants must provide evidence as to why it is not possible.

Where SUDs are part of open space provision, they should be safe and accessible and enhance local character and amenity. Further detailed guidance and information will be set out in the Green Network Supplementary Guidance.

There will be a general presumption against the culverting of watercourses as part of new development. Culverts may be acceptable as part of a grant aided flood prevention scheme or where they are necessary to carry water under a road or railway. Culverts should be designed to maintain existing flow conditions and aquatic life, with long term maintenance arrangements in place. Further advice can be obtained from SEPA.

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

Any proposed discharge of surface water to the water environment requires to be in accordance with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) and treated in accordance with the principles of the SUDs Manual (C753).

#### Policy E9 - Waste Water Treatment

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

1. In rural areas where no public sewerage system exists and connection into a public sewerage system is not physically or economically viable;
2. If a development cannot connect to an available public drainage infrastructure directly (possibly through a lack of capacity or through the timing of completion of works) planning permission may be granted on the basis that the development will be served by a private treatment plant on a temporary basis, but will be required to connect to the public drainage infrastructure when capacity becomes available;
3. Proposed development should be effectively served by the foul sewerage network and where possible discharge to the public system. A private system will only be acceptable in exceptional circumstances and, in this instance, SEPA's guidelines and policies must be adhered to; and
4. In all circumstances the proposals should not pose or add to an environmental risk as a result of cumulative development.

#### Policy E10 - Vacant, Derelict and Contaminated Land

Proposals will be required to optimise the remediation and redevelopment of vacant, derelict and contaminated land and buildings where appropriate.

Where contamination of a development site is identified, applicants will be required to submit a contaminated land survey alongside their application. Where there is known or potential contaminated land, gases or ground instability on a site, any development should take account of this in both its design and the type of use proposed. Should the development be approved, conditions may require to be attached to the consent to ensure that the necessary remediation action will be undertaken to prevent unacceptable risks to human health or the environment before the development proceeds.

Any proposals to redevelop brownfield and vacant sites must be accompanied by protected species surveys. The design of the development should be informed by the results of these surveys in order to try to maximise the opportunity for these sites to retain their biodiversity assets.

Temporary greening of sites will be encouraged. Consideration will be given to whether the greening of a site could bring about positive environmental benefits and improvements to the overall amenity of the area, for example by assisting with the regeneration of the area; site decontamination; or improving existing green infrastructure and green network provision. The biodiversity value of these sites will be required to be assessed through protected species surveys. Proposals should not prejudice the long term development potential of the site.

Opportunities for redevelopment and take up of vacant and derelict land will be monitored through the annual Vacant and Derelict Land Audit.

#### Policy E11 - Waste Management

All proposals will be required to minimise waste at source during construction. Where appropriate all waste material arising from construction of the development should be retained on-site and recycled for use as part of the new development.

All proposals will be required to incorporate provision for the recycling, storage, collection and composting of waste materials. Provision for the collection and storage of waste should be conveniently sited for both the user and the waste collection authority.

Existing waste management facilities, shown on the Proposals Map and listed in Schedule 22 shall be safeguarded for waste management use and any development on, or adjacent to, these sites, which would adversely affect the operation of the use concerned, will not be considered favourably.

Proposals for new and extended waste management facilities will be considered against the following criteria:

1. Accord with the objectives of SPP, the Scottish Government's current Zero Waste Plan including the waste hierarchy;
2. Can be accommodated within the business/employment areas identified under Schedule 17; or can be located beside an existing (or on the site of a previous) waste management facility; or are on contaminated or Brownfield land, and are consistent with other policies of the Proposed Plan;
3. Enable, where appropriate, energy from waste and/or reuse of waste heat (for example being designed to be capable of connection to a new or existing district heating network) through the preparation of a heat plan;
4. In the case of small scale waste management facilities: are located close to the source of the waste arising and such waste can be accommodated without detriment to residential or environmental amenity, including the green network; are not in proximity to a potentially conflicting use; and have potential to provide a local energy source.
5. Include amongst other elements, decommissioning, site restoration arrangements and environmental improvements to be implemented following cessation of the use. Where appropriate, planning permission will only be granted following the securing of a financial bond and/or conclusion of a Section 75 obligation.

#### **GOVERNMENT GUIDANCE:**

Scottish Planning Policy on Listed Buildings indicates that change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Special regard should be given to development to, or affecting, a listed building. Special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

Scottish Planning Policy on Affordable Housing indicates that local development plans should clearly set out the scale and distribution of the affordable housing requirement for

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

Scottish Planning Policy on Protected Species states that the presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland.

## REPORT OF HANDLING

Reference: 2019/0589/TP

Date Registered: 20th September 2019

Application Type: Full Planning Permission

This application is a Local Development

Ward: 4 -Clarkston, Netherlee And Williamwood

Co-ordinates: 257807/:658894

Applicant/Agent:

Applicant:

Mr A Cowley

2 Greenoakhill Place

Glasgow

G71 7QY

Agent:

Space ID

Jupiter Centre

Wearfield

Enterprise Park East

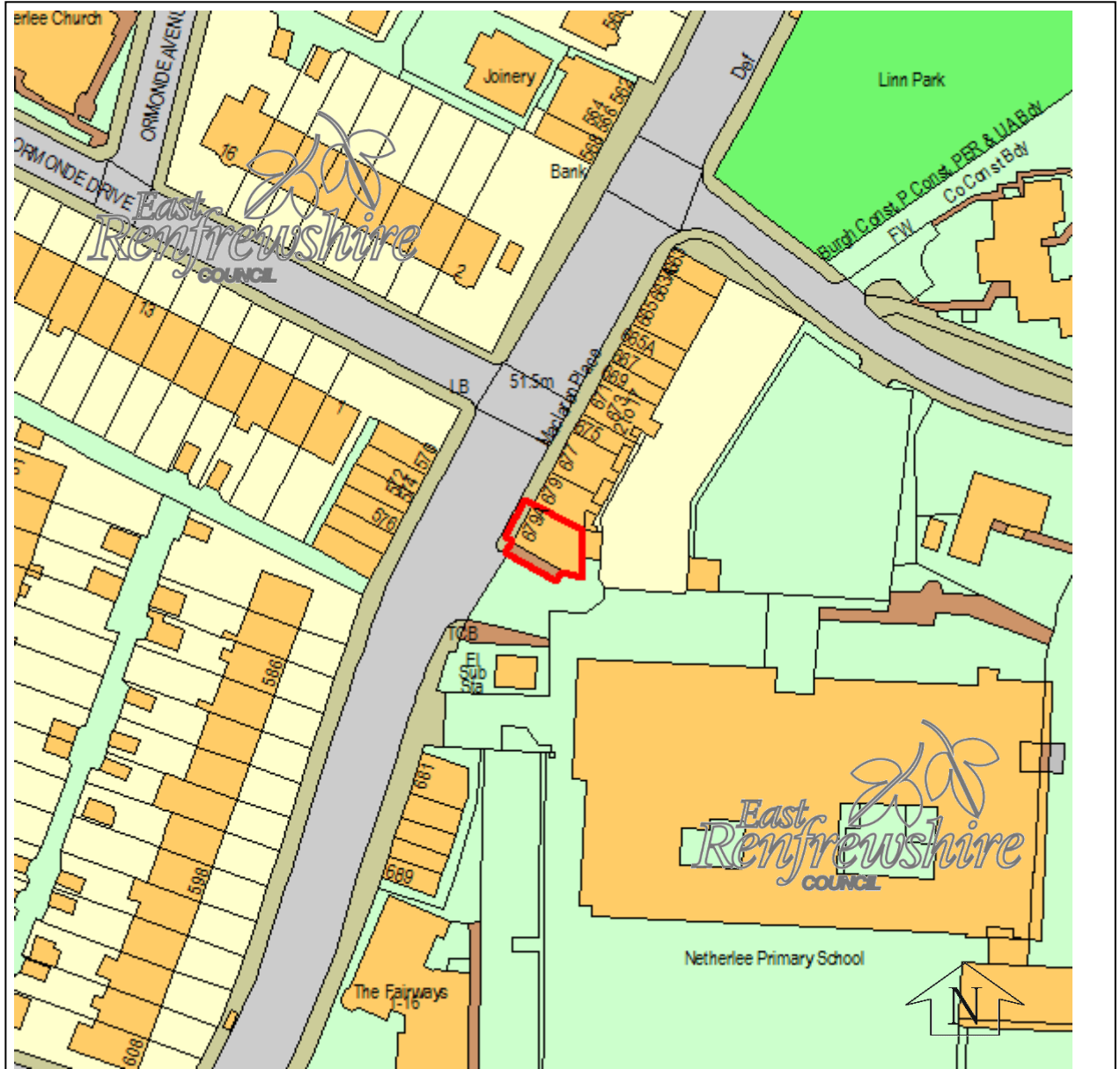
Sunderland

SR5 2TA

Proposal: Alterations to shopfront with installation of retractable awnings at front;  
erection of glazed extension at side; formation of access path at side

Location: La Contrada Sub  
679A Clarkston Road  
Netherlee  
East Renfrewshire  
G44 3SE





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**CONSULTATIONS/COMMENTS:**

East Renfrewshire Council Environmental  
Health Service

No objections subject to conditions.

**PUBLICITY:**

04.10.2019                      Evening Times                      Expiry date 26.10.2019

**SITE NOTICES:**

Setting of a Listed Building                      Date posted 04.10.2019                      Expiry date 25.10.2019

**SITE HISTORY:**

2002/0034/AD	Installation of internally illuminated wall panel advertising display unit	Withdrawn	13.01.2003
1998/0019/LB	Erection of two internally illuminated advertising displays	Refused	05.03.1999
1998/0040/AD	Erection of two internally illuminated advertising displays	Refused	05.03.1999
2009/0561/TP	Part change of use from shop to cafe and alterations to shopfront	Withdrawn	09.11.2009
2009/0601/LBC	Alterations to shopfront including painting and display of externally illuminated fascia sign with installation of ventilation duct within existing chimney	Approved Subject to Conditions	11.12.2009
2009/0728/TP	Part change of use from shop to cafe and alterations to shopfront including installation of ventilation duct within existing chimney	Approved Subject to Conditions	16.12.2009
2010/0283/TP	Change of use of shop to	Approved Subject	06.07.2010

	cafe/restaurant.	to Conditions	
2011/0454/TP	Formation of outdoor seating area at side (in retrospect)	Approved Subject to Conditions	25.08.2011
2019/0335/LBC	Alterations to shopfront with installation of retractable awnings at front; erection of glazed extension at side; internal alterations; display of externally illuminated fascia signs (listed building consent)	Withdrawn	06.08.2019
2019/0336/TP	Alterations to shopfront with installation of retractable awnings at front; erection of glazed extension at side	Withdrawn	06.08.2019
2019/0360/ADV	Display of externally illuminated fascia signs	Withdrawn	06.08.2019

**REPRESENTATIONS:** 12 representations have been received 11 of which are objections and 1 in support. The representations can be summarised as follows:

#### Objections

Scale and design not in keeping with listed building.  
 Land ownership of neighbouring land on which extension is proposed  
 Car parking and safety  
 Concerns regarding access to underground utilities such as water, gas and electric.

#### Support

The development will improve the area

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

**SUPPORTING REPORTS:** No reports have been submitted for consideration as part of this application.

#### **ASSESSMENT:**

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

The application relates to a ground floor unit, previously occupied as a restaurant at the south corner of the building known as McLaren Place, Clarkston Road, Netherlee. The

building in which the unit is located is three storeys high with commercial properties at ground floor level along the entire frontage and flats on the two floors above. The entire building is a Category B listed building. There is currently a concrete platform on the south side of the building enclosed by temporary screens and a canopy. This area had been used as an outdoor seating area which was approved under 2011/0454/TP. The canopy however has been erected without planning permission. The premises has glazing on its front elevation and along part of the side elevation.

The proposal is for alterations to the shopfront including the installation of retractable awnings and the erection of a glazed extension at the side as well as the formation of an access path at the side of the building.

Double entrance doors and full height glazed panels on the front elevation of the building will be replaced by a single entrance door and a window including a stall riser to match the existing. Two black retractable awnings measuring 3.5m and 3.9m in width respectively will be installed on the front elevation. The awnings will project 1.8 m from the front elevation when open.

The proposed glazed extension, measuring approximately 7m long and 2.7m wide, will be erected on the existing concrete platform and extends to an overall height of 2.8m above the platform. Made up of full height glazed panels in an aluminium frame in brown/grey colour the extension will be accessed from the premises by sliding doors to be installed on the side elevation.

The proposed footpath at the side of the extension that will provide access to the rear of the building and a bin store.

It should be noted that the proposed signs and lighting is being assessed under separate applications 2019/0591/ADV and 2019/0590/LBC.

The proposal is required to be assessed against the relevant policies of the adopted Local Development Plan which in this instance are Policy D11 and D1 and the Supplementary Planning Guidance (SPG) - Management and Protection of the Built Heritage.

Policy D11 states that the Council will safeguard the special Character of the Netherlee Article Direction Area and listed buildings. Development likely to adversely affect these assets will be resisted. Policy D1 aims to ensure that all development is of a high quality and respects the character and amenity of the area within which it is located.

The proposal will have a visual impact at this location however the scale, design and intended external finishes are considered to be in keeping with the building and the wider area. Over time the original character of the entire building has changed resulting in a variety of shop frontages and signs, few of which retain original characteristics of the building. The majority of windows in the flats above have been changed from the original metal framed windows to upvc. It is not considered that the proposed alterations to the shop frontage and the intended external materials will detract from the character of the building or the wider area.

The plans indicate an outdoor seating area at the front however there is no reference to this on the application form or the supporting statement. As a consequence this is not being assessed as part of this application. A separate application would be required to form an outdoor seating area at the front of the premises.

The architectural quality of the existing gable (south) elevation of the building is somewhat limited because of the external materials, blank sections of walling, window arrangement and

down water pipes. The proposed glazed extension would be generally viewed against this gable elevation and does not interfere with any significant or important architectural features. As a consequence the glazed extension is acceptable in visual terms. The proposed footpath will also be viewed in the context of the south elevation of the building and is considered to have a limited visual impact on the building and surrounding area.

Another consideration under Policy D1 is any potential effect on the amenity in the surrounding area particularly any residential flats in the upper floors of the building. The planning permission for the change of use to the restaurant (2010/0283/TP) restricts the opening hours to 11pm daily. There may be the potential for some disturbance associated with the proposed glazed extension although this has to be viewed in the context of it being within a neighbourhood centre and adjacent to a busy thoroughfare. The applicant's agent has confirmed the proposed opening hours to be 9.00am until 11.00pm Mondays to Saturdays and 10.00am until 10.00pm on Sundays. Should the application be approved these hours can be addressed by a condition.

The Proposed Local Development Plan 2 is a material consideration and with regard to this planning application, the relevant policies are considered to be D14, D15 and D1. These policies largely reflect the adopted Local Development Plan policies. Consequently, for reasons stated above, it is considered that the development accords with the relevant policies in the Proposed Local Development Plan.

With regard to the objections received that have not been addressed above the following comments are made. The ownership of this area of ground is a private legal matter between the parties involved and is not a material consideration in determining this application. The onus would be on the applicant to ensure that any underground utilities are not obstructed. The use of the premises as a restaurant with outdoor seating has been established for a number of years. It is not considered that the proposal, including the addition of a footpath, will exacerbate or compromise existing car parking and safety at this location.

The proposal is therefore considered to accord with the relevant policies of both the adopted and proposed Local Development Plan policies and is an acceptable development at this location. The application is recommended for approval subject to conditions.

**RECOMMENDATION:** Approve Subject to Conditions.

**PLANNING OBLIGATIONS:** None.

**CONDITIONS:**

1. Development shall not commence until samples of materials to be used on the shop front, glazed extension and access path have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

2. Development shall not commence until plans and elevations of the proposed bin store have been submitted to and approved in writing by the planning authority. Thereafter the bin store shall be implemented as approved and retained in perpetuity.

Reason: To ensure that the bin store is acceptable in appearance.

3. For the avoidance of doubt the premises including the glazed extension shall only be open to the public between the hours of 9.00am until 11.00pm Mondays to Saturdays and 10.00am until 10.00pm on Sundays unless minor and temporary amendments are otherwise agreed in advance in writing by the planning authority. The premises shall be vacated within one hour of closure to the public.

Reason: To protect adjacent residential properties from noise/disturbance.

**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:**

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 Ms Fiona Morrison on 0141 577 3895.

Ref. No.: 2019/0589/TP  
(FIMO)

DATE: 8 January 2020

**DIRECTOR OF ENVIRONMENT**

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

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

**Adopted East Renfrewshire Local Development Plan**

Policy D11

Management and Protection of the Built Heritage

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

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

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

Policy D1

Detailed Guidance for all Development

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

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk

- management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
  7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
  8. The Council will not accept 'backland' development, that is, development without a road frontage;
  9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
  10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
  11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
  12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
  13. Where applicable, new development should take into account the legacy of former mining activity;
  14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
  15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
  16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

### **Proposed Local Development Plan 2**

#### Policy D14

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

The Council will seek to positively manage the historic built environment through engagement with landowners and other organisations to ensure that heritage assets are safeguarded, preserved and enhanced, have appropriate viable uses and have a sustainable future for the benefit of future generations. Development likely to adversely affect these assets will not be supported.

All proposals should foster innovation and creativity that is sensitive and enhances the significance of heritage assets in terms of architectural design, detailing, scale, massing and use of materials.



Proposals involving the sensitive introduction of energy efficiency measures and/or micro-renewables installations to listed buildings and in conservation areas will be supported, where the proposals ensure that the character and appearance of the listed building, conservation area and their settings are preserved or enhanced.

Further guidance and information will be set out in the Placemaking and Design Supplementary Guidance.

#### Policy D15

##### Listed Buildings

The layout, design, materials, scale, siting and use of any development affecting a listed building shall be appropriate to the character and appearance of the listed building and its setting.

There is a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting.

No listed building should be demolished unless it can be clearly demonstrated that:

the building is not of special interest; or  
the building is incapable of repair; or  
the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or  
the repair of the building is not economically viable and that it has been marketed, at a price reflecting its location and condition, to potential restoring purchasers.

To enable features to be recorded, Historic Environment Scotland shall be formally notified of all proposals where consent is granted to demolish listed buildings.

Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

Proposals that conserve and enhance assets on the Buildings at Risk register will be encouraged.

#### Policy D1

##### Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;

2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;
14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by unreasonably restricting

their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Guidance;

16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

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**GOVERNMENT GUIDANCE:**

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# REPORT OF HANDLING

Reference: 2019/0590/LBC

Date Registered: 16th September 2019

Application Type: Listed Building Consent

Ward: 4 -Clarkston, Netherlee And Williamwood

Co-ordinates: 257807/:658894

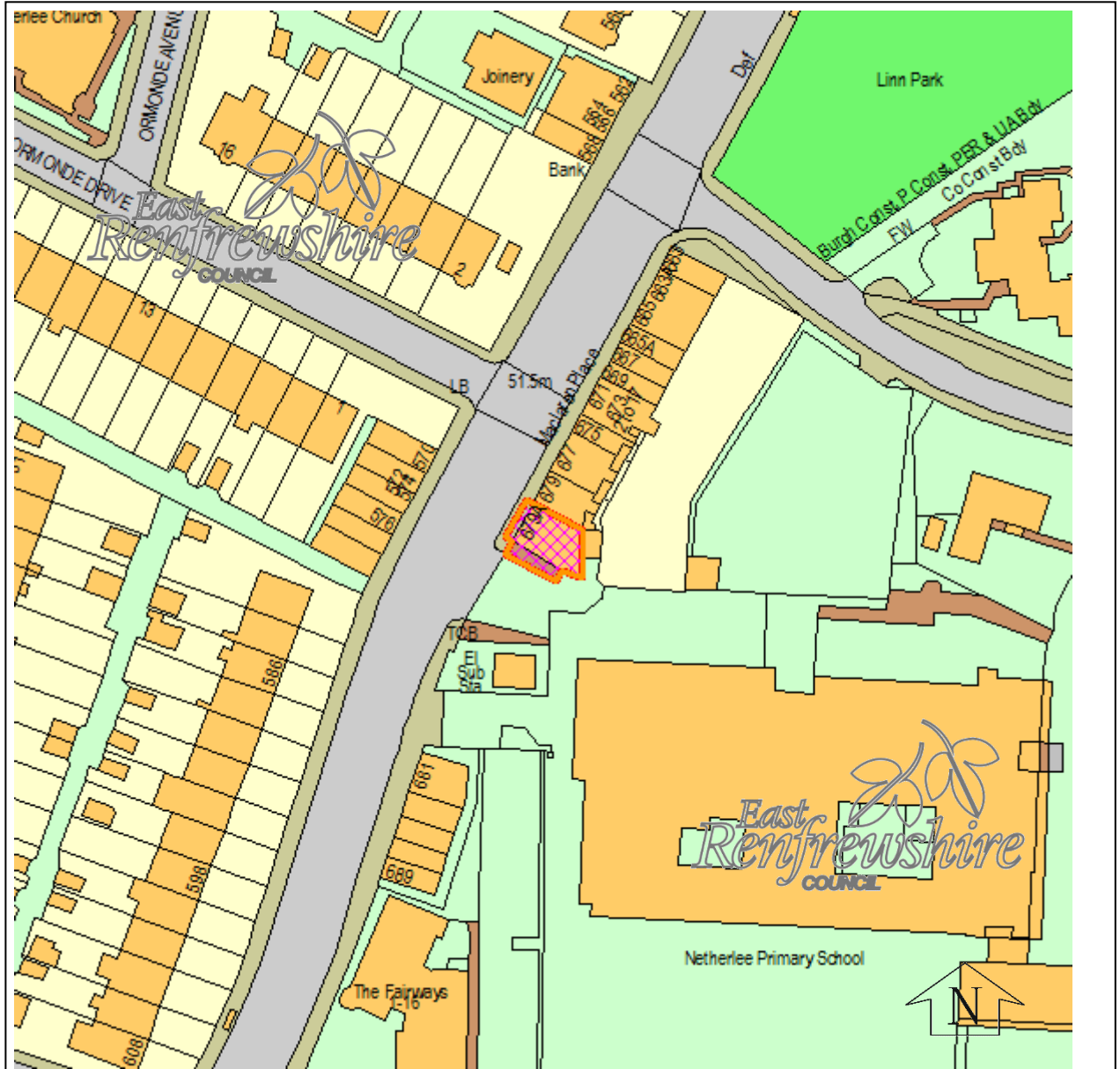
Applicant/Agent:

Applicant:  
Mr A Cowley  
2 Greenoakhill Place  
Glasgow  
G71 7QY

Agent:  
Space ID  
Jupiter Centre  
Wearfield  
Enterprise Park East  
Sunderland  
SR5 2TA

Proposal: Alterations to shopfront with installation of retractable awnings at front; erection of glazed extension at side; internal alterations; display of externally illuminated fascia signs (listed building consent)

Location: La Contrada Sub  
679A Clarkston Road  
Netherlee  
East Renfrewshire  
G44 3SE



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**CONSULTATIONS/COMMENTS:**

Historic Environment Scotland No comments to make on proposal.

**PUBLICITY:**

04.10.2019 Edinburgh Gazette Expiry date 25.10.2019

04.10.2019 Evening Times Expiry date 25.10.2019

**SITE NOTICES:**

Listed Building Consent Date posted 04.10.2019 Expiry date 25.10.2019

**SITE HISTORY:**

2002/0034/AD Installation of internally illuminated wall panel advertising display unit Withdrawn 13.01.2003

1998/0019/LB Erection of two internally illuminated advertising displays Refused 05.03.1999

1998/0040/AD Erection of two internally illuminated advertising displays Refused 05.03.1999

2009/0561/TP Part change of use from shop to cafe and alterations to shopfront Withdrawn 09.11.2009

2009/0601/LBC Alterations to shopfront including painting and display of externally illuminated fascia sign with installation of ventilation duct within existing chimney Approved Subject to Conditions 11.12.2009

2009/0728/TP Part change of use from shop to cafe and alterations to shopfront including installation of ventilation duct within existing chimney Approved Subject to Conditions 16.12.2009

2010/0283/TP Change of use of shop to Approved Subject 06.07.2010

	cafe/restaurant.	to Conditions	
2011/0454/TP	Formation of outdoor seating area at side (in retrospect)	Approved Subject to Conditions	25.08.2011
2019/0335/LBC	Alterations to shopfront with installation of retractable awnings at front; erection of glazed extension at side; internal alterations; display of externally illuminated fascia signs (listed building consent)	Withdrawn	06.08.2019
2019/0336/TP	Alterations to shopfront with installation of retractable awnings at front; erection of glazed extension at side	Withdrawn	06.08.2019
2019/0360/ADV	Display of externally illuminated fascia signs	Withdrawn	06.08.2019

**REPRESENTATIONS:** 9 representations have been received and can be summarised as follows:

Scale and design not in keeping with listed building.  
 Land Ownership of neighbouring land on which extension is proposed.  
 Car parking and safety  
 Concerns regarding access to underground utilities such as water, gas and electric.

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

**SUPPORTING REPORTS:** No reports have been submitted for consideration as part of this application.

**ASSESSMENT:**

This application is associated with planning application 2019/0589/TP which is being presented to the Planning Applications Committee for determination. Consequently this application also has to be determined by the Planning Applications Committee.

The application relates to a ground floor unit, previously occupied as a restaurant at the south corner of the building known as McLaren Place, Clarkston Road, Netherlee. The building in which the unit is located is three storeys high with commercial properties at ground floor level along the entire frontage and flats on the two floors above. The entire building is a Category B listed building. There is currently a concrete platform on the south side of the building enclosed by temporary screens and a canopy. This area had been used as an outdoor seating area which was approved under 2011/0454/TP. The canopy however

has been erected without listed building consent. The premises has glazing on its front elevation and along part of the side elevation.

Listed building consent is now sought for alterations to the shopfront with the installation of retractable awnings at the front. Consent is also sought for the erection of a glazed extension at the side and signage on the front and side of the building.

Double entrance doors and full height glazed panels on the front elevation of the building will be replaced by a single entrance door and a window including a stall riser to match the existing. Two black retractable awnings measuring 3.5m and 3.9m respectively in width will be installed on the front elevation. The awnings will project 1.8 m from the front elevation when open.

The proposed glazed extension, measuring approximately 7m long and 2.7m wide, will be erected on the existing concrete platform and extends to an overall height of 2.8m above the platform. Made up of full height glazed panels in an aluminium frame in brown/grey colour the extension will be accessed from the premises by sliding doors to be installed on the side elevation.

The proposed signs will comprise a brown painted timber fascia on the front and side elevations of the building displaying the company logo/lettering. The signs will be externally illuminated by overhead brass lights. The sign on the front elevation will measure 960mm in height and 7500mm in length. The sign on the side elevation will measure 960mm in height and 4900mm in length.

The proposal is required to be assessed against the relevant policies of the adopted Local Development Plan which in this instance are Policy D11 and D1 as well as the Supplementary Planning Guidance (SPG) - Management and Protection of the Built Heritage.

Policy D11 states that the Council will safeguard the special character of listed buildings and development likely to adversely affect these will be resisted.

Policy D1 aims to ensure that all development is of a high quality and respects the character and amenity of the area within which it is located.

The proposal will have a visual impact at this location however the scale, design and intended external finishes are considered to be in keeping with the building and the wider area. Over time the original character of the building has changed resulting in a variety of shop fronts and signs, few of which retain original characteristics of the building. The majority of windows in the flats above have also been changed from the original metal framed windows to upvc. It is not considered that the proposed alterations to the frontage, and signs will detract from the character of the building or the wider area.

The architectural quality of the existing gable (south) elevation of the building is somewhat limited because of the external materials, blank sections of walling, window arrangement and down water pipes. The proposed extension would be generally viewed against this gable elevation and does not interfere with any significant or important architectural features. As a consequence the location of the glazed extension is acceptable in visual terms.

Historic Environment Scotland has been consulted on this application and has no comments to make on the proposal.

The Proposed Local Development Plan 2 is a material consideration and with regard to this planning application, the relevant policies are considered to be D15 and D1. These policies



largely reflect the adopted Local Development Plan policies. Consequently, for reasons stated above, it is considered that the development accords with the relevant policies in the Proposed Local Development Plan.

With regard to the objections received that have not been addressed above the following comments are made. The ownership of this area of ground is a private legal matter between the parties involved and is not a material consideration in determining this application. The onus would be on the applicant to ensure that any underground utilities are not obstructed. The use of the premises as a restaurant with outdoor seating has been established for several years. It is not considered that the proposal, including the addition of a footpath will exacerbate or compromise existing car parking and safety at this location.

For the reasons set out above, it is not considered that the proposal would adversely affect the character of the listed building. The proposal is considered to accord with the relevant policies of both the adopted and proposed Local Development Plan and is an acceptable development at this location. The application is recommended for approval subject to conditions.

**RECOMMENDATION:** Approve Subject to Conditions.

**PLANNING OBLIGATIONS:** None.

**CONDITIONS:**

1. Development shall not commence until samples of the materials to be used on the shop front, glazed extension and signs 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.

**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 Ms Fiona Morrison on 0141 577 3895.

Ref. No.: 2019/0590/LBC  
(FIMO)

DATE: 8 January 2020

**DIRECTOR OF ENVIRONMENT**

Reference: 2019/0590/LBC - Appendix 1

**DEVELOPMENT PLAN:**

**Strategic Development Plan**

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

**Adopted East Renfrewshire Local Development Plan**

Policy D11

Management and Protection of the Built Heritage

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

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

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

Policy D1

Detailed Guidance for all Development

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

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should

be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;

6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

## **Proposed Local Development Plan 2**

### Policy D15

#### Listed Buildings

The layout, design, materials, scale, siting and use of any development affecting a listed building shall be appropriate to the character and appearance of the listed building and its setting.

There is a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting.

No listed building should be demolished unless it can be clearly demonstrated that:

the building is not of special interest; or  
 the building is incapable of repair; or  
 the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or  
 the repair of the building is not economically viable and that it has been marketed, at a price reflecting its location and condition, to potential restoring purchasers.

To enable features to be recorded, Historic Environment Scotland shall be formally notified of all proposals where consent is granted to demolish listed buildings.

Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

Proposals that conserve and enhance assets on the Buildings at Risk register will be encouraged.

#### Policy D1

##### Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;

9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;
14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Guidance;
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