

**Business Operations and Partnerships Department**

**Director of Business Operations & Partnerships: Louise Pringle**

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Date: 2 June 2023

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TO: Councillors B Cunningham (Chair), J McLean (Vice Chair), P Edlin, A Ireland, C Lunday, M Montague and A Morrison.

**PLANNING APPLICATIONS COMMITTEE**

A meeting of the Planning Applications Committee will be held in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock on **Wednesday 7 June 2023 at 2.00pm**.

The agenda of business is as shown below.

**Louise Pringle**

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DIRECTOR OF BUSINESS OPERATIONS & PARTNERSHIPS

**AGENDA**

1. **Report apologies for absence.**
2. **Declarations of Interest.**
3. **Applications for planning permission for consideration by the committee - Report by Director of Environment (copy attached, pages 3 - 42).**
4. **Appeals Decisions – Report by Director of Environment (copy attached, pages 43 - 48).**
5. **Section 33A Notice Requiring the Submission of a Retrospective Planning Application for Outbuildings and a Fence Erected at 29 East Kilbride Road, Busby, G76 8JY – Report by Director of Environment (copy attached, pages 49 - 50).**

This document can be explained to you in other languages and can be provided in alternative formats such as large print and Braille. For further information, please contact Customer First on 0141 577 3001 or email [customerservices@eastrenfrewshire.gov.uk](mailto:customerservices@eastrenfrewshire.gov.uk)

A recording of the meeting will also be available following the meeting on the Council's YouTube Channel <https://www.youtube.com/user/eastrenfrewshire/videos>

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

Draft index of applications under the above acts to be considered by Planning Applications Committee on  
7th June 2023.

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**Reference No:** 2018/0490/TP

**Ward:** 2

**Applicant:**

Harelaw Wind Turbine Ltd  
15 Pitreavie Court  
Queensferry Court  
Dunfermline  
UK  
KY11 8UU

**Agent:**

Maura McCormack  
39 Dunipace Crescent  
Dunfermline  
Scotland  
KY12 7LZ

**Site:** Site 120M Southeast Of Commore Bridge Kingston Road Neilston East Renfrewshire

**Description:** Erection of 50 metre high wind turbine (to hub height) with formation of access road and siting of control building (renewal of previous planning permission 2014/0558/TP)

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

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**Reference No:** 2019/0788/TP

**Ward:** 2

**Applicant:**

Dawn Homes Limited  
220 West George Street  
Glasgow  
Scotland  
G2 2PG

**Agent:**

Jewitt & Wilkie Limited  
38 New City Road  
Glasgow  
Scotland  
G4 9JT

**Site:** Land At Kirkton Road Neilston East Renfrewshire

**Description:** Erection of residential development (comprising 80 dwellinghouses and 10 flats) with associated access roads, landscaping and SUDS (major) (amended drawings).

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

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**Reference No:** 2022/0574/TP

**Ward:** 5

**Applicant:**

Mr Alexander McCabe  
37 Thornly Park Avenue  
Paisley  
Scotland  
PA2 7SE

**Agent:**

**Site:** Land East Of 64 Brackenrig Crescent Eaglesham East Renfrewshire

**Description:** Erection of 1.5 storey dwelling with parking and amenity space.

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

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# REPORT OF HANDLING

Reference: 2018/0490/TP

Date Registered: 6th August 2018

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 -Newton Mearns North And Neilston

Co-ordinates: 246316/:654171

Applicant/Agent:

Applicant:

Undefined

15 Pitreavie Court

Queensferry Court

Dunfermline

UK

KY11 8UU

Agent:

Maura McCormack

39 Dunipace Crescent

Dunfermline

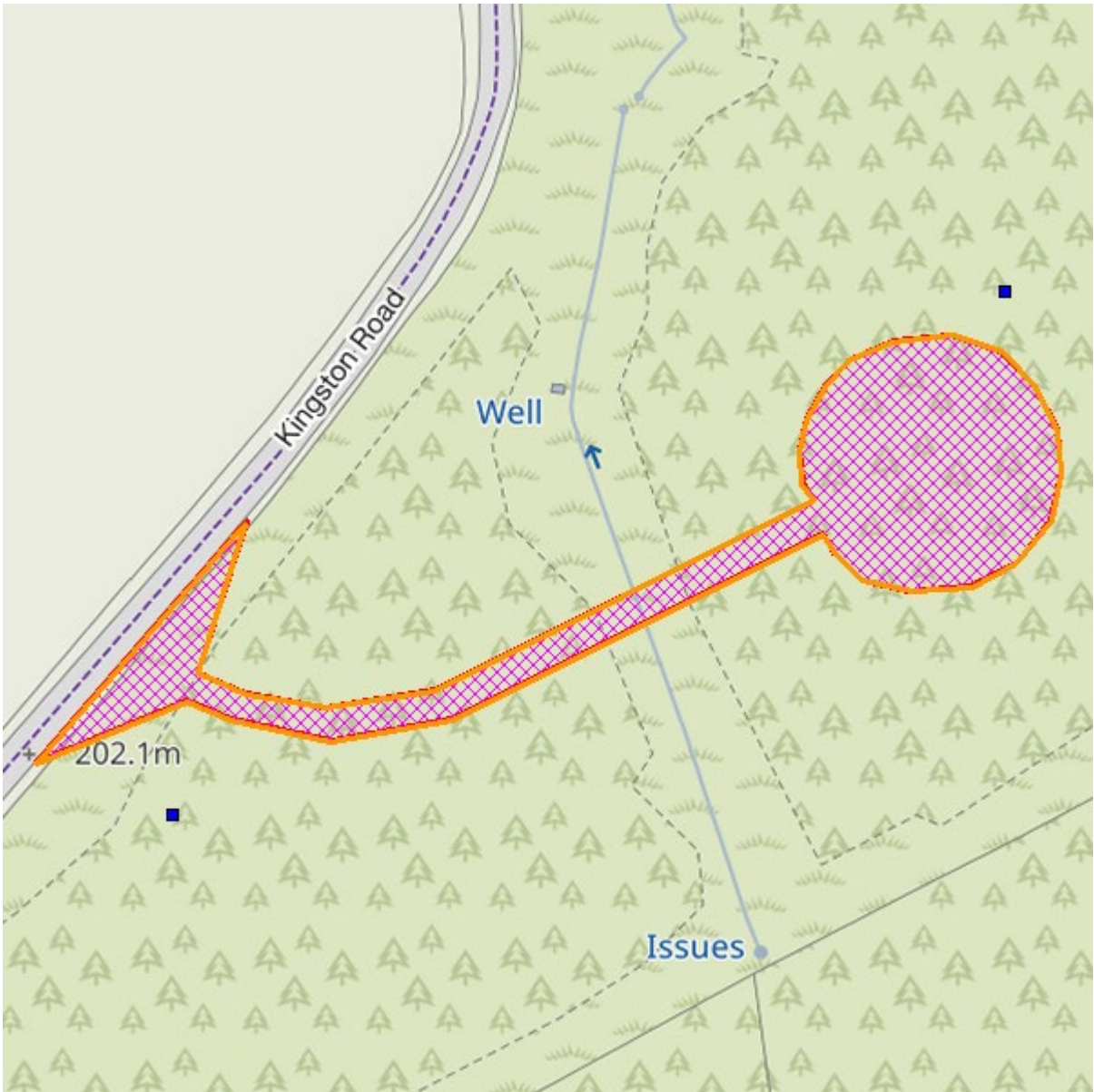
Scotland

KY12 7LZ

Proposal: Erection of 50 metre high wind turbine (to hub height) with formation of access road and siting of control building (renewal of previous planning permission 2014/0558/TP)

Location: Harelaw Wood, Southeast of Harelaw Farm  
Kingston Road  
Neilston  
East Renfrewshire

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**CONSULTATIONS/COMMENTS:**

Glasgow Airport	No Objection
Ministry Of Defence	No Objection
NERL Safeguarding	No Objection
Glasgow Prestwick Airport	No Objections
West Of Scotland Archaeology Services	No Objection subject to recommended condition
Environmental Health Service	No Objection subject to conditions

**PUBLICITY:**

31.08.2018                      Barrhead News                      Expiry date 14.09.2018

**SITE NOTICES:**              None.

**SITE HISTORY:**

2014/0558/TP	Erection of 50 metre high wind turbine (to hub height) with formation of access road and siting of control building	Approved Subject to Conditions	12.08.2015
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**REPRESENTATIONS:** 10 representations have been received: Representations can be summarised as follows:

Overprovision of turbines in East Renfrewshire  
 Visual impact  
 Noise impact  
 Ongoing complaints re noise nuisance outstanding  
 Tree loss  
 Wildlife impact

**DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:**

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

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

**SUPPORTING REPORTS:**

Planning Statement	This is the same statement dated 2014 that was submitted with the earlier planning application referred to in the application description above. It has not been updated. It considers the development against national and local
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planning policies as well as material planning considerations. Concludes that the proposed development is considered to comply with the provisions of the Development Plan, and to draw support from other material planning considerations.

Environmental  
Supporting Statement

Again this is the same statement that was submitted in support of the initial application in 2014. It addresses a number of considerations that could be affected by the development including landscape and visual impact, noise impacts, cultural heritage, aviation, ecology, etc. It concludes that the development will not have significant impacts on the various matters covered in the Statement.

## **ASSESSMENT:**

### PROPOSAL AND SITE DESCRIPTION

This planning application involves a Local development under the Town and country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 because the generating capacity of the turbine does not exceed 20 megawatts. However the application has been subject to 10 or more objections and therefore under the scheme of delegation, the application is required to be considered by the planning applications committee.

This application is for the renewal of an earlier planning application for the siting of a wind turbine at Harelaw Wood in the greenbelt area south-west of Neilston. It should be noted that the earlier planning application for an identical development (ref 2014/0558/TP) was approved in 2015. That planning permission lapsed in August 2018, although this planning application to renew the consent was submitted prior to the expiry date of the planning permission.

The proposed wind turbine has not altered from the original application. It is of the typical three blade type with a 50m hub height, 77m high to blade tip. It will have a generating capacity of approximately 500kW.

It has been indicated that the operational life of the turbine would be 25 years.

The site of the turbine is approximately 85m east of Kingston Road in the environs of Harelaw Wood. Access to the site is indicated as being taken from Kingston Road with a new access track being formed to the turbine over a length of approximately 150m, through part of a conifer plantation. Clearance of this area was carried out approximately one year ago. A level crane pad area will be formed and small control building is also proposed adjacent to the turbine. No details of the control unit have been provided at this stage.

The area is undulating countryside and it is noted that the surrounding fields are similarly used as a forestry resource or for agriculture. The closest residential property is at Nether Carswell Farm, approximately 580m to the south. Commore Farm to the north and Harelaw Farm to the east are respectively 610m and 660m away.

There are other wind turbines in the surrounding area, including the Neilston Community Windfarm on the west side of Kingston Road. Other wind turbines broadly similar in height to that proposed in this application are located on the east side of the Kingston Road and two at Carswell Farm south of the site. A further 50m (high hub height) turbine is located approximately 1.2km closer to Neilston on the west side of Kingston Road (at Neilston Farm). The boundary with east Ayrshire Council is to the south and an operational turbine is just over the border at Dareduff Hill.

The consideration of this application has been delayed principally due to the assessment of an ongoing noise complaint. That complaint from a resident of a property to the west of Kingston Road encompassed three wind turbine sites. The Council's investigation into this complaint was

hampered by the loss of the facility of an in house consultee to assess the various aspects of the complaint. Latterly the Council engaged external consultants to fulfil that role.

The complainant, in objecting to the proposed, was of the view that the consideration of any new wind turbine in the area should be delayed pending the resolution of the complaint.

## POLICY CONTEXT

Applications for planning permission are required to be assessed against the Development Plan. The development plan now extends to the National Planning Framework (NPF 4) (2023) and East Renfrewshire Council Adopted Local Development Plan LDP2. (March 2022).

### **NPF4**

NPF4, establishes the Scottish Government's national planning policy across Scotland and was approved in February this year. Its overarching policies emphasise the priority of tackling the climate and nature crisis. Given the nature and scale of this application the most relevant policies are as follows:

Policy 1- Tackling the climate and nature crises. This policy seeks to promote and facilitate development that addresses these crises. It is considered that the proposal would assist in addressing this matter directly and is therefore compatible with the aim of this policy.

Policy 8 – Greenbelts. This policy is intended principally to assist the directing of development to the right location whilst helping to manage unrestricted urban growth. In so doing the greenbelt's natural character and setting for urban areas is protected and enhanced. The policy explicitly lists development types that are considered appropriate for greenbelt locations. Renewable energy proposals, including onshore wind energy are included. In principle this proposal accords with this policy.

Policy 11- Energy. Seeks the expansion of renewable, low-carbon and zero emission technologies and encourages renewable energy developments of all forms. With the exception of wind energy (where it confirms that wind farms will not be supported in National Parks and National Scenic Areas) it instructs Council's through their LDP's to realise their areas full potential in these sectors by identifying a range of opportunities. It expects local authorities through their LDPs to realise their areas full potential for the generation of electricity and heat from renewable sources.

In general terms, it is noted that previous national planning policies (Scottish Planning Policy) supported wind energy proposals in a more restrained and structured manner based on the principle of Spatial Frameworks which identified areas where windfarm development could be considered.

NPF4 confirms that development proposals of this nature will only be supported where they maximise net economic impact, including local and community socio-economic benefits. However in so doing it also advises on a number of considerations that can impact on this aspiration.

A number of potential impacts are identified as requiring to be addressed by product design and mitigation, for example:

- Residential amenity (visual amenity, noise and shadow flicker)
- Landscape and visual impact
- Aviation and defence interests
- Telecommunications and broadcast matters
- Impacts on road networks
- Historic environment
- Hydrology
- Biodiversity
- Decommissioning/restoration
- Site restoration plans

- Cumulative impacts

This proposal in principle is considered to accord with the aims of this policy.

### **East Renfrewshire Local Development Plan (LDP2)**

In terms of LDP2, the relevant policy considerations are D1, D3 and E2.

Policy D1- Placemaking and design. This policy seeks to ensure that development is well designed and sympathetic to the local area and responds to a list of criteria. In terms of wind turbine development, the main considerations are impact on the character and amenity of the surrounding area, and not impact adversely on the green belt or other areas of interest, including impact on the amenity of neighbouring properties/uses.

Policy D3 - Green belt and countryside around towns. States that development in green belts will be strictly controlled and limited to those considered appropriate to the rural location. However, wind turbine development is considered appropriate. It continues by outlining developments that will be supported in principle, for example agriculture and forestry, equestrian and recreation. Renewable energy schemes are also supported in principle. In this respect it is also noted that the Council has already taken a view on this proposal, albeit 8 years ago.

Policy E2 - Renewable Energy. Confirms Council support for proposals of this nature, including wind turbine developments. However, it explicitly states that all proposals will be assessed against the Spatial Framework.

This support is provisional to the demonstration that the proposal will not result in unacceptable significant adverse impacts across relevant environmental, community and cumulative impact considerations. Additionally, a number of more specific criteria are listed that reflect those listed by NPF4. However it is explicitly formulated to accord with the advice of the previous Scottish Planning Policy from 2014, and informed by the windfarm development at that time. It is noted that NPF4 policies are more up to date and as such the NPF4 policies carry considerable weight in the assessment. Scottish Planning Policy is now superseded by NPF4.

Policy E2 is intended to be supported by further detailed guidance and information in a Supplementary Guidance on Low and Zero Carbon Delivery. However until this is available, it is considered that the Council's Renewable Energy SPG (2017), now non Statutory, remains a valid point of reference for wind energy development and indeed potential developers.

This renewable energy SPG outlines the Council's position in terms of this sector. The SPG was informed by the findings of the Council's Wind Energy Study of 2012 and the Local Landscape Capacity Study (2014). The latter document establishes a more detailed assessment of the sensitivity and capacity of the landscape of East Renfrewshire when considering wind energy developments. It also identifies turbine typologies with the differing landscape characters to assist and inform any prospective developers of onshore wind technologies.

The turbine proposed in this instance is considered to be medium scaled.

The site is located within a Rugged Upland Farmland Landscape Character Type (LCT). This landscape character type is located on the north and south of the Levern Valley and includes the upland fringes either side of Neilston and Uplawmoor and extends into Renfrewshire. This landscape character type comprises rugged, hummocky landforms and craggy bluffs.

It is considered to have scope to accommodate wind turbines up to medium scaled examples.

Indeed, as referred to previously above, there are a number of such turbines currently operational in the locality. This proposal and its contribution to the cumulative landscape and visual impact was considered acceptable during the previous assessment for the original application. In this regard, it is considered that the existing turbines have an influence on the landscape, however it is considered that the proposed turbine would be viewed in this context and that the landscape has the capacity to accommodate this particular turbine without significant adverse visual impacts. It is

considered that that that view remains appropriate. It is also considered that the change in Scottish Government policy delivered in NPF4 (now part of the Development Plan) supports this view. The visual impact of the turbine is therefore considered acceptable and in compliance with the development plan, consisting of NPF4 and LDP2.

In terms of community benefits and site restoration, at the time of considering the first application, it was not established policy to seek a restoration bond for developments of this scale. Community benefits were not sought as a matter of course, although some arrangements were established albeit not through a direct planning mechanism. In this case, it is considered that the proposal remains compliant with the established approach for developments of this scale and raises no significant conflicts with NPF4 in respect of community benefits and site restoration.

Policy D22 relates to airport safeguarding and states that proposals which interfere with visual and electronic navigational aids and/or increase bird hazard risks will be resisted unless accompanied by specific and agreed mitigation measures. In terms of consultations, the agencies involved in this aspect is Glasgow Airport, and NATS have raised no objections to the development.

Policy E5 - Noise Impacts. Confirms that the impact of noise will be assessed for relevant development proposals. Noise from wind turbines is a matter of some sensitivity and complexity. It has been the cause of considerable delay in the determination of this application and the subject of submitted objections.

Noise impact information was submitted with this application. However it was the same information that was submitted with the 2014 planning application and considered at that time. A request was made that this information be updated. This updated version was received in October 2021.

The Council's Environmental Health Service has considered this information and subject to relevant conditions are satisfied with the estimated noise impact calculations provided by the applicant. However mindful of the extreme but potential scenario that the cumulative noise impact could approach unacceptable levels for local residential properties they have recommended an adapted conditional approach to secure an appropriate monitoring of the noise emission generated by the proposed turbine.

Taking the above into account, it is considered that the proposal accords with the terms of the development plan. Planning permission should therefore be approved unless material considerations indicate otherwise.

### MATERIAL CONSIDERATIONS

In regard to material considerations, the following are considered relevant.

#### Planning history

With the approval of planning application 2014/0558/TP, the Council has already determined that in principle this turbine is acceptable.

#### Consultations

In addition to those mentioned above in direct reference to specific policies, the Council's Roads Service has no objections to the proposal.

West of Scotland Archaeological Service previously did not object to the proposal but recommended the attachment of a condition to secure a programme of archaeological investigation. This can be addressed by the same planning condition.

#### Supporting Information from Applicant

The application is submitted by two main documents, as referred to above, i.e. the Planning Statement and Environmental Information. These documents are duplicates of the same information that was submitted previously with the last application.

As mentioned above the noise impact Information has been updated.

An additional letter has also been provided outlining the simplified process that is available for 'further applications for the same development where planning permission has been already been granted for that development, and that development has not been commenced and a time limit imposed by or under section 58 of the Act has not expired.'

Additionally they have highlighted Scottish Government Circular 4/1998 raising the specific advice that in these circumstances such applications should be refused only where:

- a. there has been some material change in planning circumstances since the original permission was granted (e.g. a change in some relevant planning policy for the area, or in relevant road considerations or the issue by the Government of a new planning policy which is material to the renewal application);
- b. there is likely to be continued failure to begin the development and this will contribute unacceptably to uncertainty about the future pattern of development in the area; or
- c. the application is premature because the permission still has a reasonable time to run".

These provisions are noted.

### Representations

In terms of the objections that have been received, the following comments are made for the matters that have not already been addressed in the assessment above.

*Overprovision of turbines in area* - One of the main issues in determining planning applications for wind turbines is whether the landscape can accommodate the proposal without resulting in significant adverse visual impacts. To refer to the total number of turbines is considered to be an over-simplification of the situation. Not all the turbines in East Renfrewshire can be viewed all at one time because of their different locations and the characteristics of the landscape. As indicated in the assessment above, it is considered that the landscape is capable of accommodating this turbine.

*Reference has been made to smaller scale turbines (under 25m in height) not being included in the landscape and visual information* - It is not considered that the inclusion of such turbines is fundamental to the determination of this application.

*Noise impact on some properties has not been considered e.g. Waterside Farm and Braeface Farm* - These properties are over 1km north of the application site and as such are considered a sufficient distance not to factor in the analysis of noise impact.

*TSU not fit for purpose* - This is reference to the Assessment and Rating of Noise from Wind Farms document from the Energy Technology Support Unit (ETSU) published in 1996. Concerns have been raised from several quarters over the scope and effectiveness of this source in the consideration of noise impact from turbines for some years. The matter of it being reviewed has also been mentioned more frequently over the last few years. However at this stage the review is some time away and it remains in place as a valid tool in the consideration of this type of development. The updated noise assessment has been examined by the Council's Environmental Health Service and conditions have been recommended to reduce any noise impact on any nearby dwellings.

*The provision of the Aarhus convention are being ignored* - This convention promotes wider and more involved community engagement during the consideration of wind turbine development. The notification provisions with the planning legislation are considered to be satisfactory.

*The planning application should be withdrawn/restarted or at least re-advertised* - The delay in the determination of this application is not attributable to the actions of the applicant. The proposal has not altered from the one already considered and approved by the council in 2015. It should be noted the greater bulk of the objections (some 90%) were submitted in 2022, over three years from the date the submission of the planning application was publicised.

*Landscape impact needs updating* - The landscape context in terms of East Renfrewshire has not altered significantly from the period of the original 2014 application was considered. The turbines considered at that time have not changed.

*The turbine at Dareduff Hill in East Ayrshire is a new element* - It is 1.5 km south of the application site and receptors in the Council area are likely to experience the more close and immediate impact of the Nether Carswell turbines and NCWF. Additionally the landscape capacity document for East Renfrewshire considers that there is capacity for this scale of turbine.

*Loss of wildlife* - As with any proposal of this nature, the development will have habitat impact, however the site is not within area identified as having significant species. It is not considered that the development will have a significant impact on wildlife/habits. The statement in support of the application confirms the measures for managing this issue before and during construction. In addition an advisory relating to the provisions of habitat and wildlife protection legislation will be attached to the planning permission, if approved.

*Tree loss* - It is acknowledged that tree loss was necessary with the previous application. At that time it was understood that they were part of a commercial plantation and were scheduled to be felled in three years' time. At that time the Forestry Commission for Scotland confirmed an objection to the proposal on the grounds of loss of existing trees. They advised that if the developer provides a compensatory package of planting their objection can be removed. The applicant has been made aware of this and has agreed to undertake new planting. As referred to above, the felling necessary to provide cleared site access track and the immediate environs of the turbine and proposed control building has been carried out. It is considered that the impact on any trees in this case is not sufficient to merit refusal of this application.

*Lighting* - Comments have been made in respect of distraction from lights fitted atop turbines. The lights are a requirement for aviation safety and must comply with CAA guidelines.

*Shadow flicker* - Shadow flicker from turbine blades is not generally regarded as a problem at distances greater than 10 times the diameter of the blades and outside an angle of 130° either side of north from the turbine. There are no buildings within that area of concern and as a consequence it is not considered that shadow flicker is an issue in this case. However, a planning condition can be imposed to assist with any future complaints regarding this issue.

*Private water supply* - No private water supplies have been identified within 250m from the site. The Council's Environmental Health Service had previously advised that the nearest private supply is 400m away at Nether Carswell Cottage. Therefore it is not anticipated to be an issue. Construction work will be undertaken in accordance with SEPA regulations and this should further ensure any contamination risk is minimised.

## CONCLUSION

Taking the above matters into account, it is acknowledged that the turbine will have a visual impact, however the turbine has to be viewed in the context of a landscape that has other turbines and is influenced by them. Indeed it has been concluded that there remains some capacity in the area for turbines of the scale proposed. It is therefore considered that the turbine can be erected on the proposed site with no significant detriment to the landscape value of the area and any potential noise issues can be addressed by the provision of appropriate conditions.

The proposed turbine is considered to accord with the Development Plan. It is therefore recommended that the application is approved subject to conditions.

**RECOMMENDATION:** Approve Subject to Conditions

**PLANNING OBLIGATIONS:** None.

**CONDITION(S):**

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

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

2. The applicant shall ensure that noise associated with the proposed development shall not exceed 35dB, measured as an LA90,10min , or the prevailing background noise level +5dB, whichever is greater, during the daytime period, and shall not exceed 43dB measured as an LA90,10min , or the prevailing background noise level +5dB, whichever is greater, during the night time period. This condition shall apply at any point within 15m of any noise sensitive premises, measured as per ETSU guidance, at wind speeds of up to 12 m/s at 10m height as measured at the turbine site.

Daytime shall be construed as 0700-2300 hours and night time as 2300-0700 hours.

The emissions at premises which are financially involved in this development may be extended up to 45dB measured as an LA90,10min or the prevailing background noise level +5dB, whichever is greater, at all times. This condition shall apply at any point within 15m of any noise sensitive premises, measured as per ETSU guidance, at wind speeds of up to 12 m/s at 10m height as measured at the turbine site.

Reason: To protect nearby properties from potential noise disturbance.

3. The applicant shall ensure that the cumulative noise associated with this development, along with any other developments whether existing, approved or under planning consideration, shall not exceed 35dB, measured as an LA90,10min , or the prevailing background noise level +5dB, whichever is greater, during the daytime period, and shall not exceed 43dB measured as an LA90,10min , or the prevailing background noise level +5dB, whichever is greater, during the night time period. This condition shall apply at any point within 15m of any noise sensitive premises, measured as per ETSU guidance, at wind speeds of up to 12 m/s at 10m height as measured at the turbine site.

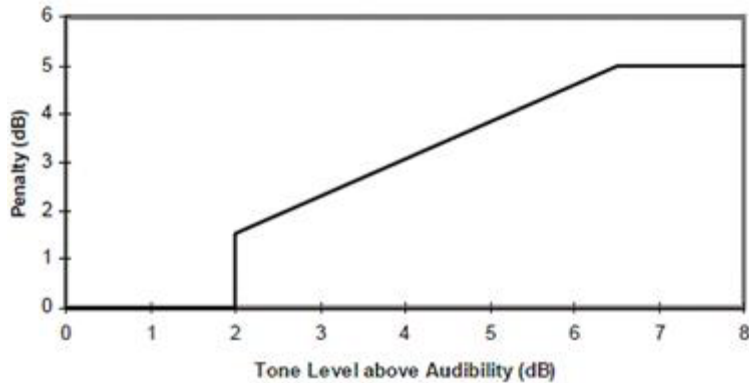
Daytime shall be construed as 0700-2300 hours and night time as 2300-0700 hours.

Reason: To protect nearby properties from cumulative noise disturbance.

4. At the request of the Planning Authority, the Wind Turbine Operator will be required to carry out an assessment for tonal noise in accordance with the procedure recommended in Section 6 of the document "The Assessment & Rating of Noise from Wind Farms" (ETSU-R-97) i.e. the procedure based on the Joint Nordic Method.

Where the tonal noise emitted by the development exceeds the threshold of audibility by between 2dB and 6.5dB or greater, then the acceptable noise specified in the above conditions shall be reduced by the penalty level identified within section 28 of 'The Assessment and rating of Noise from Wind Farms- ETSU-R-97 (See Figure below).





The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.

Reason: To protect nearby properties from noise disturbance.

5. The candidate turbine for this proposed development is an EWT DW54 900kw and it is the specification for this turbine which has been used in the noise report which has been submitted in support of this application (Ref 4196 Version 2 dated 2021-10-05). Should the specification of the wind turbine to be used differ from that for which the noise information has been submitted, a refreshed noise report would be required to be submitted to, and approved in writing, by the Planning Authority. (The noise report Ref 4196 Version 2 dated 2021-10-05, notes that an alternative of the Enercon E53 turbine may be used, and that it has similar, albeit very marginally lower noise emission at each wind speed than the EWT DW54 900kw, and for this reason, no further noise report would be required if it were used as an alternative to the EWT DE54 900kw turbine).

Reason: To protect nearby properties from noise disturbance.

6. The applicant shall ensure that audible construction activities, as assessed at the site boundary, shall be limited to, Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday – No audible construction activity. Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the council as Planning Authority.

Reason: To protect nearby properties from noise disturbance during construction.

7. Should shadow flicker problems be identified within three years of the erection of the turbine, details of measures to overcome shadow flicker problems at any affected receptor shall be submitted to, and approved in writing, by the Planning Authority within two months of the first report of problems; thereafter the approved measures shall be brought into operation and shall continue throughout the operation of the wind turbine except as may be agreed in writing by the Planning Authority.

Reason: To protect the amenity of nearby properties.

8. The wind turbine operator shall log wind speed and wind direction data continuously and shall retain the data, which has been obtained for a period of no less than the previous 18 months. The data shall include the average wind speed (in m/s) for each 10 minute period. The measuring periods shall be set to commence on the hour and in 10 minute increments thereafter. The wind speed and direction data shall be made available to the Planning Authority within 14 days of request in a format agreed with the Planning Authority. The wind speed shall be measured at a height of 10m, or derived and normalised to 10m height.

Reason: In the interests of protect nearby properties from noise disturbance.

9. The wind turbine operator shall measure, at their own expense, the level of noise emissions from the wind turbine within the first year of the operation of the turbine, and every two years thereafter. The noise emissions shall be measured at selected residential receptors submitted to and agreed in writing with the Head of Planning. The frequency of measurement of the level of noise emissions will be subject to review every 2 years by the Planning Authority. The results of any measurement exercise shall be forwarded to the Planning Authority as soon as is practicable, and should it be found that the noise levels referred to in the previous conditions are exceeded the wind turbine operator shall take steps forthwith to ensure that noise emissions from the wind farm are reduced to, or below the prescribed noise levels.

Reason: To protect nearby properties from noise disturbance.

10. At the reasonable request of the Planning Authority and following a complaint to it relating to noise emissions arising from the operation of the wind turbine, the wind turbine operator shall appoint an independent noise consultant within a time period to be agreed in advance with the Planning Authority, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise emission from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97. The Planning Authority shall inform the wind turbine operator whether the noise giving rise to the complaint contains or is likely to contain a tonal, and/or an amplitude modulation, component.

Where an assessment of any noise impact is, in the opinion of the Planning Authority acting reasonably, is found to be in breach of the noise limits the wind turbine operator shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures proposed are to be submitted to the Planning Authority for prior approval. In the event of amplitude modulation being established, the wind turbine operator shall implement suitable mitigation consistent with best available technology to the satisfaction of the Planning Authority. At this time this would be in keeping with the Institute of Acoustics, IOA Noise Working Group (Wind Turbine Noise) Final Report, A Method for Rating Amplitude Modulation in Wind Turbine Noise, 9 August 2016, Version 1. Thereafter the approved mitigation measures require to be implemented within the timescales agreed.

Reason: To protect nearby properties from noise disturbance.

11. Development shall not commence until details of the access to the public road has been submitted and approved in writing by the Head of Environment (Planning, Property & Regeneration). The details to be submitted shall provide sightlines of 2.5 metres x 215 metres in both directions at the proposed junction and include a cross section of the proposed connection of the access to the public road as well as details of the gradient, gates and drainage. Thereafter the access shall be implemented as agreed.

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

12. Development shall not commence until the developer has secured the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Head of Environment (Planning, Property and Regeneration), during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to the Head of Environment (Planning, Property and Regeneration) and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: In order to protect any archaeological remains and to allow the Head of Environment (Planning, Property and Regeneration) to consider this matter in detail.

13. Any site clearance works shall be undertaken outwith the bird breeding season of March to mid-August inclusive. Where this is not operationally possible, all such works should be preceded by a survey by a suitably qualified ecologist to establish whether nests are present and the survey results submitted for the approval of the Head of Environment (Planning, Property and Regeneration) in consultation with Scottish Natural Heritage. If breeding birds are found steps must be taken to avoid an offence under the Nature Conservation (Scotland) Act 2004.

Reason: To avoid disturbance to breeding birds.

14. Development shall not commence until details of the control building and its siting have been submitted and approved in writing by the Head of Environment (Planning, Property & Regeneration). Thereafter the building will be constructed in accordance with the agreed details.

Reason: To ensure the control building is acceptable in appearance.

**ADDITIONAL NOTES:**

The applicant is required to comply with the European Council's Directive 92/43/EEC on the Conservation of Natural Habitats, the Wildlife and Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004 which provide full protection for certain plant and animal special and European Protected Species. It is illegal to capture, kill, disturb any such animal, damage or destroy breeding or nesting sites or eggs or deliberately or recklessly pick, collect, cut, uproot or destroy European Protected Species of wild plant. In addition, where it is proposed to carry out works which will affect European Protected Species or their shelter/breeding places, a licence is required from the Scottish Government. Further information on these matters can be sought at Scottish Government Species Licensing Team, Countryside and Heritage Unit, Victoria Quay, Edinburgh or from Scottish Natural Heritage.

All waste arising from construction or demolition activities must be removed by a licensed waste carrier. There must be no burning on site, other than that permitted by Scottish Environmental Protection Agency by prior agreement; any such burning must not cause nuisance. Adequate precautions must be taken to prevent nuisance from dust from the demolition or construction activities.

None of the above conditions will preclude formal action being taken by the Director of Environmental Health against the person responsible for any nuisance which may arise due to the construction, or operation, of the proposed development.

**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 Plan policies.

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Ian Walker on 0141 577 3042.

Ref. No.: 2018/0490/TP  
(IAWA)

DATE: 31st May 2023

**DIRECTOR OF ENVIRONMENT**

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# REPORT OF HANDLING

## Supplementary Report

Reference: 2019/0788/TP

Date Registered: 8th January 2020

Application Type: Full Planning Permission

This application is a Major Development

Ward: 2 -Newton Mearns North And Neilston

Co-ordinates: 248195/:656943

Applicant/Agent:

Applicant:

Dawn Homes Limited  
220 West George Street  
Glasgow  
Scotland  
G2 2PG

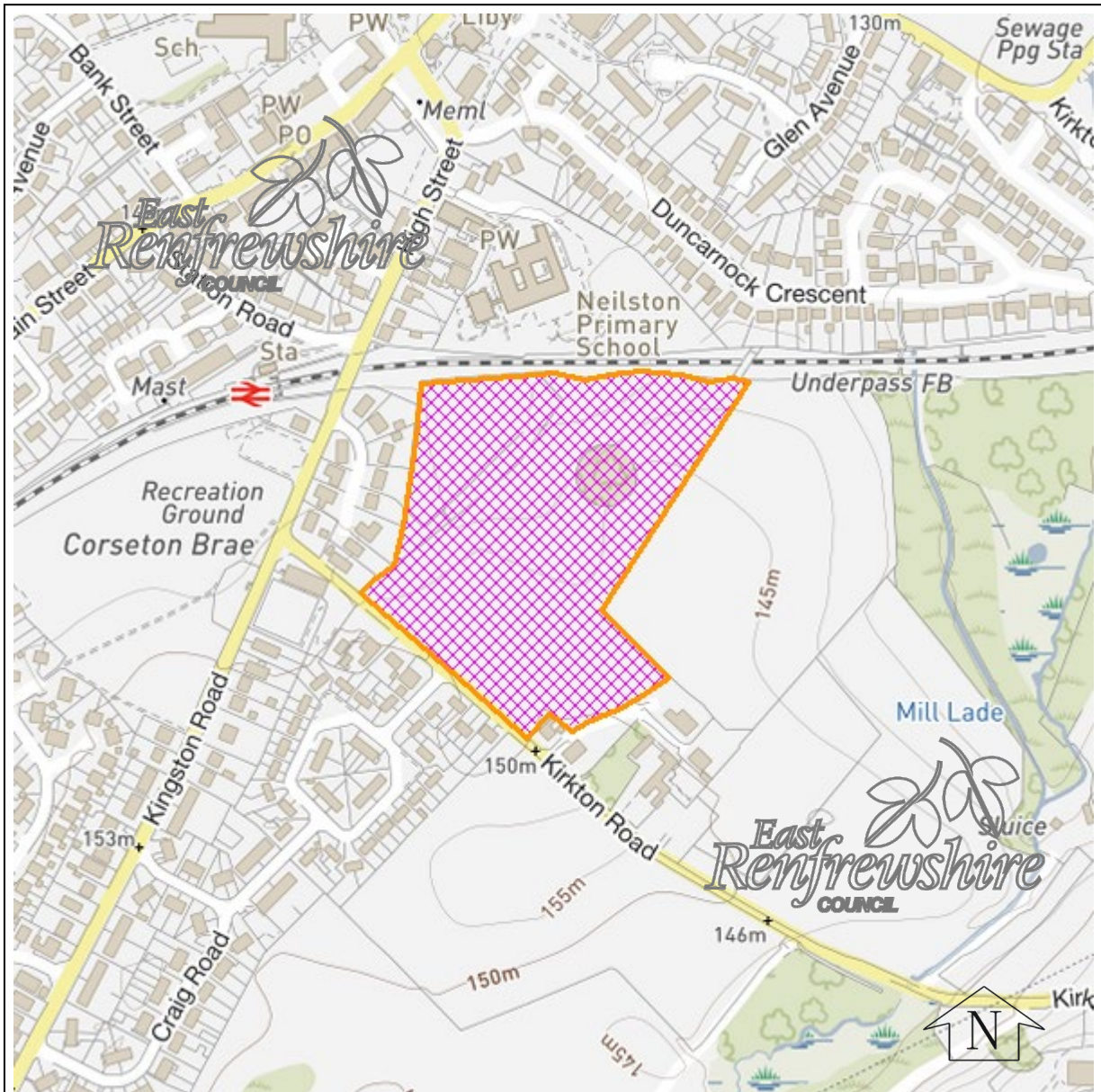
Agent:

Jewitt & Wilkie Limited  
38 New City Road  
Glasgow  
Scotland  
G4 9JT

Proposal: Erection of residential development (comprising 80 dwellinghouses and 10 flats) with associated access roads, landscaping and SUDS (major) (amended drawings).

Location: Land At Kirkton Road  
Neilston  
East Renfrewshire

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**BACKGROUND:**

This is a Supplementary Report of Handling to the previous Report of Handling to the Planning Applications Committee on Planning Application 2019/0788/TP and should be read in conjunction with the said report which can be found at [Planning-Applications-Committee-15-June-2022](#)

The Committee will be aware that on the 15<sup>th</sup> June 2022 it disposed to grant Planning Application 2019/0788/TP subject to conditions and conclusion of a Legal Agreement (Section 75) to secure contributions relating to the delivery of affordable housing and payment of development contributions.

The Legal Agreement is progressing and the Planning Service anticipate it will be concluded in the near future.

However, since the Committee disposed to grant the application, the Scottish Government have now adopted the National Planning Framework (NPF4), which now, along with the Local Development Plan (LDP2) forms the Development Plan for East Renfrewshire.

As the Legal Agreement has yet to be concluded, no planning decision has been issued. Consequently, in line with legislative requirements to assess applications against the most up-to-date development plan, the proposal is now also required to be assessed against the NPF4.

**DEVELOPMENT PLAN:**

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

National Planning Framework 4 (NPF4):

<https://www.gov.scot/publications/national-planning-framework-4/>

Adopted East Renfrewshire Local Development Plan 2 (LDP2):

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

**ASSESSMENT:**

The application constitutes a Major development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, and therefore is required to be presented to the Planning Applications Committee for their consideration.

The National Planning Framework (NPF4) is the national spatial strategy and seeks to address the Climate and Nature Crises through promoting sustainable places, liveable places and productive places. It sets out where development and infrastructure is needed, and sets out national planning policies, designates national developments and regional spatial priorities.

It is not the intention of this report to assess every single aspect of the proposal in detail, as a detailed assessment has already been undertaken in the previous Report of Handling to Committee. Instead, its purpose is to provide a brief assessment of the proposal in relation to the relevant policies of NPF4 as follows:

**Policy 1 – Tackling the Climate and Nature Crises** - Seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

The site is in a sustainable location, with local facilities and public transport within walking distance. It will help reduce reliance on motor vehicles and promote urban growth.

The proposal will result in the loss of mature trees and hedgerows of limited ecological value, which will be offset by proposed extensive replanting. There are limited employment opportunities within walking/cycling distance, however this is countered by accessible public transport.

The proposal is considered to be in keeping with the aims of the policy.

**Policy 2: Climate Mitigation and Adaptation** - Seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

The sustainable location, as stated above, will help reduce emissions during the lifetime of the development. The proposal complies with the spatial strategy of Local Development Plan (LDP2). New tree planting will help succession planting and provided greater biodiversity.

Proposed houses will incorporate sustainable and energy efficient design and construction methods and be built to meet a minimum of Silver sustainability standard as required by Policy E1: Sustainable Design LDP2.

No information on recycled materials (see comments below on Policy 12 – Zero Waste). Use of material/resources (concrete, clay, tarmac etc.) is not sustainable and will add to emissions.

Over its lifetime, the proposal is considered to be in keeping with the aims of the policy.

**Policy 3: Biodiversity** - Seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

The proposal involves in the loss of 67 trees and large tracks of mature hedgerow. However, information submitted with the application indicates that there is limited habitat/biodiversity value on the site. Further, the proposal includes planting 313 new native trees, which with management will improve biodiversity. The roundel area of mature trees is to be retained.

Over its lifetime, the proposal is considered to be in keeping with the aims of the policy.

**Policy 4: Natural Places** - Seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

The site is designated within the LDP2 as a site for housing. It does not contain any protected areas or any protected species habitats. As mentioned above, it currently has limited biodiversity value, and will over time, through the planting and management scheme, help improve the biodiversity of the area.

Over its lifetime, the proposal is considered to be in keeping with the aims of the policy.

**Policy 5: Soils** - Seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

The current use of the site is agricultural, but allocated in LDP2 for housing. No information was submitted regarding soil conditions, however the site is not prime agricultural land.

The proposal is considered to be in keeping with the aims of the policy.

**Policy 6: Forestry, Woodland & Trees** - Seeks to protect and expand forests, woodland and trees.

The proposal involves the loss of 67 trees and large tracks of mature hedgerow. The proposed layout encroaches on mature trees to south east boundary which over time might end up being negatively impacted upon.

The proposal does however include proposed planting of 313 new native trees and retention of the main area of mature roundel trees from the area to be developed. The site is not protected by a Tree Preservation Order.

Over its lifetime, the proposal is considered to be in keeping with the aims of the policy.

**Policy 7: Historic Assets and Places** - Seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

The application identified a standing stone on site which could be of potential historical interest. The proposal retains the stone at the centre of a public park. No other historic assets have been identified on the site.

The proposal is considered to be in keeping with the aims of the policy.

**Policy 8: Green Belts** - Seeks to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably.

The site is identified in LDP2 as a housing site and no longer green belt. Therefore, the proposed use of the site complies with a sustainable spatial strategy and will help facilitate compact urban growth.

The proposal is considered to be in keeping with the aims of the policy.

**Policy 12: Zero Waste** - Seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy.

No detailed information was submitted with the application in terms of reduce, reuse, or recycle materials in line with the waste hierarchy. The proposal does not involve reusing existing buildings or infrastructure. No waste management plan has been submitted.

It is therefore considered that the proposal does not fully comply with the aims of the policy.

However, as the Government are still to issue further guidance on the matter, it is considered premature to impose additional requirements on the applicant regarding this matter.

**Policy 13: Sustainable Transport** - Seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

The proposal is in close proximity to well established pedestrian & cycle routes, public transport and local services and facilities. It prioritises active travel and promotes the hierarchy of movement as well as providing pedestrian links to the wider green network.

The shortest most direct access route to Neilston centre for pedestrians cannot be achieved due to the topography of the site and adjacent railway line. Proposed car parking within the site could be seen as not helping to reduce car-dominance.

Overall, the proposal is considered to be in keeping with the aims of the policy.

**Policy 14: Design, Quality and Place** - Seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

The proposal includes passive overlooking (from living rooms) of the roads, car parking areas and footpaths to help promote a safe and secure environment. It uses/incorporates existing natural space and landscape, and has links to surrounding areas. It includes some specifically designed house types and features in response to the surrounding environment. It can be seen as taking into account the 6 qualities of a successful place.

The main area of open space is to the periphery of the site. The equipped play area for small children is located away from the flatted dwellings and affordable housing area, which could benefit more from direct access to these facilities.

Overall, the proposal is considered to be in keeping with the aims of the policy.

**Policy 15: Local Living & 20 Minute Neighbourhoods** - Seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

The proposal given its location, layout and adjacent local facilities promotes local living. It also incorporates affordable housing and a variety of house types and sizes.

Greater overlooking of the entrance (north) into the site and more direct pedestrian route to railway station and Neilston centre would encourage walking.

Overall, the proposal is considered to be in keeping with the aims of the policy.

**Policy 16: Quality Homes** - Seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

As mentioned above, the site is in a sustainable location and allocated for housing in LDP2. The proposal incorporates affordable housing and a variety of house types and sizes, which will meet energy efficiency standards.

The proposal is considered to be in keeping with the aims of the policy.

**Policy 18: Infrastructure First** - Seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

The proposal incorporates SUDs. It also proposes improvements to the pedestrian access along Kirkton Road and junction improvements of Kirkton road onto Kingston Road. No major issues have been raised by infrastructure providers. The applicant has agreed to enter into a Section 75 agreement to meet development contribution requirements.

The proposal is considered to be in keeping with the aims of the policy.

**Policy 19: Heating and Cooling** - Seeks to encourage, promote and facilitate development that supports decarbonised solutions to heat and cooling demand and ensure adaptation to more extreme temperatures.

The layout has not been designed to promote sustainable temperature management through prioritisation of natural or passive solutions such as siting, orientation, and materials.

It is therefore considered that the proposal does not fully comply with the aims of the policy.

However, as the Government are still to issue further guidance on the matter, it is considered premature to impose additional requirements on the applicant regarding this matter.

**Policy 20: Blue and Green Infrastructure** - Seeks to protect and enhance blue and green infrastructure and their networks.

The green infrastructure will be readily accessible and will provide opportunities for multiple functions. The proposal incorporates a management regime to green spaces, and includes extensive new tree planting. The loss of mature hedgerow and trees could be seen as 'fragmenting' of green network.

Over its lifetime, the proposal is considered to be neutral in this regard.

**Policy 21: Play, Recreation and Sport** - Seeks to encourage, promote and facilitate spaces and opportunities for play, recreation and sport.

The layout incorporates a Designing Streets approach to allow/encourage inclusive use of streets by all users not just cars. The majority of future residents will have access to adequate private garden areas which will allow play and recreation.

Extensive open space provision is proposed to periphery of the site. Limited play space/equipped areas for toddlers is provided through site. There is no loss of existing play facilities, however the proposal will urbanise an area currently used by the local community for recreation/leisure. The local community will have access to the open space within the site, which will also be managed.

The proposal is considered to be in keeping with the aims of the policy.

**Policy 22: Flood Risk and Water Management** - Seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

The site is not predicted to be at risk of flooding. The proposal includes a SUD scheme and will manage surface water.

The proposal is considered to be in keeping with the aims of the policy.

**Policy 23: Health and Safety** - Seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

The proposal has large areas of open space/walkways, which present opportunities for exercise. No significant on site contamination or hazards have been identified.

No information has been submitted on air quality, but as a continuation of existing urban area, the proposal is unlikely to significantly impact on air quality. Noise issues have been identified from the adjacent railway line which will affect some of the proposed houses.

Over its lifetime, the proposal is considered to be neutral in this regard.

**Policy 25: Community Wealth Building** - Seeks to encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels.

The proposal will add to the population of the village and help support/maintain existing facilities and services. It will also increase the managed public amenity space available for the community to use.

The proposal is considered to be in keeping with the aims of the policy.

**Policy 26: Business and Industry** - Seeks to encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses.

No home working units were identified as part of the proposal; however, it is noted that some of the houses, given the size, could lend themselves to facilitating working from home.

The proposal is considered to be neutral in this regard.

**Policy 27: City, Town, Local & Commercial** - Seeks to encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

The site is in a sustainable location with local facilities. The increase population will add to vibrancy of Neilston and support facilities and services.

The proposal is considered to be in keeping with the aims of the policy.

**Policy 31: Culture and Creativity** - Seeks to encourage, promote and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries.

The proposal creates a 'public' square area containing an archaeological standing stone.

The proposal is considered to be in keeping with the aims of the policy.

## **CONCLUSION:**

Following further assessment, it is considered that on balance the proposal complies with the relevant policies of the National Planning Framework (NPF4) as set out above.

The Committee are requested to note this report and agree to approve the application subject to the conditions and legal agreement as noted in the previous Report of Handling to the Planning Applications Committee (15<sup>th</sup> June 2022).

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

**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.

**BACKGROUND PAPERS:**

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

Ref. No.: 2019/0788/TP  
(JODR)

DATE: 31st May 2023

**DIRECTOR OF ENVIRONMENT**

**Reference: 2019/0788/TP**

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# REPORT OF HANDLING

Reference: 2022/0574/TP

Date Registered: 29th September 2022

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 257126/:654004

Applicant/Agent:

Applicant:

Agent:

Mr Alexander McCabe  
37 Thornly Park Avenue  
Paisley  
Scotland  
PA2 7SE

Proposal: Erection of 1.5 storey dwelling with parking and amenity space.

Location:

Land East Of 64  
Brackenrig Crescent  
Eaglesham  
East Renfrewshire

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**CONSULTATIONS/COMMENTS:**

SP Energy Networks:	No response received at the time of writing this report.
East Renfrewshire Council Roads Service:	No objections subject to conditions which protect visibility splays and prevent surface water run-off.
East Renfrewshire Council Environmental Health Service:	No objections.

**PUBLICITY:** None.

**SITE NOTICES:** None.

**SITE HISTORY:** None.

**REPRESENTATIONS:** 24 objections have been received: The objections can be summarised as follows:

- Design
- Residential amenity
- Character of the area
- Loss of community amenity/green space
- Loss of trees/TPO Area
- Environmental impact and impact upon wildlife and protected species
- Flood risk
- Access to woodland
- Sale of land
- Due diligence
- Title burdens
- Health Plans
- Residents discussions with developer and developer practice
- Road works
- Site not appropriate & proximity to boundaries
- Private views
- Road safety, congestion, traffic obstruction and parking provision
- Sub station
- Neighbour notification
- Vacant properties
- Impact upon waste water infrastructure
- Inaccurate drawings
- Planning law
- Validation
- LDP2 Policies
- HRA

**DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:**

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

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

Adopted East Renfrewshire Local Development Plan 2 (LDP2):

## **SUPPORTING REPORTS:**

Planning Statement	Describes the site and the proposal. Concludes that disruption to and impact on, the local area would be minimal and that the proposed dwelling is in keeping with the surroundings.
Tree Report	All trees within the site have been identified, measured, recoded and categorised for retention desirability. The trees and groups of trees have had their root protection areas (RPAs) calculated.

## **ASSESSMENT:**

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

## **SITE DESCRIPTION**

The application site is located on the western side of Brackenrig Crescent between nos.44 and 64 Brackenrig Crescent and opposite nos.59 and 61 Brackenrig Crescent. The site is comprised of an enclosed wooded area and an area of open and well maintained amenity space set within an established suburban area. The open amenity space is located immediately adjacent to Brackenrig Crescent. The site contains a variety of trees, both young and mature, as well as shrub planting and grass. The site is an irregular shape which narrows towards the rear and wraps around a residential plot to the west (64 Brackenrig Crescent). The site shares its northern boundary with no.270 Glasgow Road and an electrical substation.

## **PROPOSED DEVELOPMENT**

Planning permission is sought for the erection of 1.5 storey dwelling with parking and a garden. The proposed dwelling would front onto Brackenrig Crescent. Parking would be located to the front with a private garden to the rear.

## **POLICY**

The proposal is required to be assessed against the Development Plan which consists of the National Planning Framework 4 (NPF4) and adopted East Renfrewshire Local Development Plan 2.

The relevant Policies in NPF4 are Policies 1, 3, 4, 6 and 14.

Policy 1 (Tackling the climate and nature crises) states that when considering all development proposals significant weight will be given to the global climate and nature crises. This policy is intended to promote nature positive places.

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

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

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

Policy 14 (Design, quality and place) (a) states that proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 14 (c) states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policies D1, D2, D6 and D7 of the adopted East Renfrewshire Local Development Plan 2 are also relevant to this development.

Policies D1 (Placemaking and Design) & D2 (General Urban Areas) generally require that development should not result in a significant loss of character or amenity to the surrounding area and should be appropriate to its location. Furthermore, Policy D1 (2) generally requires that the proposal should be of a layout that is in keeping with the buildings in the locality or appropriate to the existing building. Policy D1 (6) generally requires that natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows.

Policy D6 (Open Space Requirements in New Development) establishes open space requirements for new residential development. The Green Network Supplementary Guidance provides further detailed information regarding residential open space requirements for Policy D6 and is a material consideration.

Policy D7 (Natural Environment Features) (4) states that where there is likely to be an adverse impact on natural features or biodiversity an ecological appraisal will be required. This appraisal should identify measures adequate to mitigate any impacts that are identified.

## DETAILED CONSIDERATION

The proposal site is located within a designated urban area. Under Policy D2 (General Urban Areas) the principle of infill housing is generally acceptable however, in this case it is noted that the site has greenspace, open space and green network qualities.

### *Character and amenity*

The applicant refers to the land as a vacant plot however, by virtue of its character, appearance and function the site is considered to be an area of suburban greenspace. The existing vegetation, trees and well-maintained amenity space is well established and breaks-up the suburban grain to provide visual relief and greenspace for wildlife within the area. The vegetation, trees and the open space make a positive contribution to the character and amenity of the surrounding area. The proposal would develop a large area of the site, resulting in the loss of vegetation and a number of trees (the tree survey states that some of which are in good to moderate condition and should be retained). Furthermore, the development would result in the complete loss of the open amenity space. Additionally, some form of enclosure would be required to formalise the garden space and provide privacy to the property owner. Although the proposed plans do not show the position of any fence that would enclose the rear garden space, the 3D view suggests that permission may be sought for a 1.8m high fence along a section of the front boundary. Such a fence would not be in keeping with the character of the area however, given the other policy considerations, details of the fence have

not been expressly required on this occasion. Given the above, it is considered that the proposal does not comply with Policy 14 of the NPF4 and Policies D1 and D2 of the LDP2.

### *Biodiversity, habitat and protected species*

The Development Plan generally requires consideration to be given to a proposal's impact on species, habitats and biodiversity. Where reasonable evidence that protected species exist on a site or may be affected by a proposal, steps must be taken to establish its presence. It is noted that a number of representations raised concerns regarding protected species on-site. Given the site's location and character, and in consideration of reports of protected species on-site, it is considered that an ecological survey is required. An ecological survey was requested however, no survey was submitted.

The Development Plan states that development proposals that enhance, expand and improve woodland and tree cover will be supported and that consideration should be given to a proposal's impact upon habitats. The proposal would result in the loss of a number of trees (the tree survey indicates that the proposal conflicts with nine trees on-site to varying degrees) and hedging. The loss of the greenspace and trees would significantly reduce the habitat on-site.

Given the above, it is considered that the proposal does not comply with Policies 1, 3, 4 and 6 of the NPF4 and Policy 7 of the LDP2.

### *General design*

It is considered that the plot is not of a size and shape capable of accommodating a residential property that would be in keeping with the locality and would provide high quality private garden space to the rear. The proposed dwelling has a poor and awkward relationship with the rear garden. Furthermore, the proposal would not meet the open space requirements for new residential development set out in the Green Network Supplementary Guidance. The guidance requires a minimum of 10m between the rear elevation of a house and the plot boundary (to maintain adequate privacy) and a minimum of 2m between a house and the side boundary. The proposal would be positioned within approximately 500mm of a side boundary with the entire rear elevation of the property being between 2.5m to 7.5m from the boundary. The proposal therefore does not meet the open space requirements due to the irregular shape of the plot and would result in overdevelopment. Furthermore, the proposal is of a layout that is not in keeping with other buildings within the locality and is not appropriate to the location. Given the above, it is considered that the proposal does not comply with Policies D1 and D6 of the LDP2.

In terms of the proposed dwelling, it is considered that the proposal would not result in a significant detrimental impact in terms of loss of privacy, overshadowing or loss of daylight. It is also noted that the size and scale of the proposed building is similar to other buildings within the locality. On a larger site the building may be more appropriate however, these considerations do not outweigh the conflict with policy set out above.

East Renfrewshire's Roads Service was consulted on this application. They have raised no objections subject a planning condition being added to protect visibility splays and preventing surface water run-off.

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

### REPRESENTATIONS

The sale of the land is not a material planning consideration. In terms of inaccurate drawings/position of the boundary, title plans were submitted which match the submitted plans and boundary disputes are a separate legal matter. Title burdens are a separate legal matter. The site is not covered by a TPO in planning terms. Due diligence and developer interactions and practice are not material planning considerations. In terms of road safety and traffic obstruction and parking provision, East Renfrewshire's Roads Service was consulted on this application. Works to the public road are controlled by the Road's Service. This application was subject to the standard neighbour



notification procedure. Vacant properties within the locality are not a material planning consideration in determining this application. Maintenance of waste water infrastructure is the responsibility of Scottish Water. The proposal is of a scale that would not have a significant impact upon waste water infrastructure. Representations raise concerns regarding a high water table, the loss of trees and flooding. In this regard, the site is located outwith the flood risk area and the proposal would incorporate soakaways on-site to control surface water runoff. Potential noise impact from the electrical substation was raised however, the electrical substation raised no concerns regarding noise during the site visit. Private views are not a material planning consideration. The proposal is residential in nature, it is considered compatible with other uses in the locality. Access to the wooded area is currently restricted by a fence. While the proposal will result in the loss of vegetation and open space, the scale is such that health impacts are not considered a significant issue in this case.

A representation raised matters regarding the validation process and HOPS Guidance. The planning application was validated in accordance with the statutory requirements of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended). It is noted that Annex D of said regulations lists a number of indicative requirements that may be requested by the Planning Service. These requirements are not statutory in nature.

The applicant has submitted a statement in response to the representations received. The statement is noted however, it does not overcome the policy conflicts set out above.

## CONCLUSION

Whilst the principal of infill housing is generally acceptable within an urban area, the proposal would result in the loss of greenspace and amenity space which would have a significant detrimental impact upon the character and amenity of the surrounding area. The layout of the proposal would not provide adequate garden ground and is not in keeping with other buildings within the locality. Furthermore, the lack of an ecological survey combined with the proposed loss of trees and vegetation on-site raises significant concerns regarding the proposal's impact upon biodiversity, protected species and habitats. Consequently, taking into account the provisions of the Development Plan, and any other material considerations, including representations and consultations, the application is recommended for refusal for the reasons stated.

**RECOMMENDATION:** Refuse

## **REASONS FOR REFUSAL:**

1. The proposal is contrary to NPF4 Policy 14 and LDP2 Policy D1 as the layout of the proposal is not in keeping with the buildings within the locality.
2. The proposal is contrary to the Green Network Supplementary Guidance and therefore Policy D6 of the adopted East Renfrewshire Local Development Plan 2 as the proposal does not meet the required residential open space design standards for garden ground.
3. The proposal is contrary to Policy D1 and D2 of the adopted East Renfrewshire Local Development Plan 2, as the loss of the long-established and well-maintained greenspace would have a significant detrimental impact upon the character and amenity of the area.
4. The proposal is contrary to NPF4 Policies 1, 3, 4 and 6 and LDP2 Policy D7. As no ecological survey was undertaken for the site, the impact upon local biodiversity and habitat has not been demonstrated. Furthermore, it has not been demonstrated that protected species would not be impacted by the proposal.

## **BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Byron Sharp at [byron.sharp@eastrenfrewshire.gov.uk](mailto:byron.sharp@eastrenfrewshire.gov.uk).

Ref. No.: 2022/0574/TP  
(BYSH)

DATE: 31st May 2023

**DIRECTOR OF ENVIRONMENT**

EAST RENFREWSHIRE COUNCIL  
PLANNING APPLICATIONS COMMITTEE  
7<sup>th</sup> June 2023  
Report by Director of Environment  
APPEAL DECISIONS

## 1. INTRODUCTION

- 1.1 This report is to inform Members about planning appeal decisions that have been issued by the Scottish Government's Planning and Environmental Appeals Division (DPEA).
- 1.2 It is recommended that Members note the appeal decisions below.

## 2. APPEAL DECISION

- 2.1 **ERC reference 2022/0700/PN; DPEA reference PAC-220-2001** This appeal relates to the decision of the Council to refuse prior approval on 23<sup>rd</sup> January 2023 for Erection of 20 metre high telecommunications mast (including artificial cypress tree feature) and associated engineering works, including 2.4 metre high fencing with wire coil and gates, cabinets and hardstanding (off Boylestone Road, Barrhead).
- 2.2 The Reporter has dismissed this appeal and planning permission has been refused.
- 2.3 The Reporter considered that the proposal would have a significant adverse landscape and visual impact on the green belt and on the visual amenity of the local area. In respect of the proximity to a SSSI, the Reporter noted that an ecological appraisal should have been submitted and in the absence of such information, she was unable to conclude that there would be no adverse impact on the SSSI and/or local biodiversity site.
- 2.4 The Reporter also noted that insufficient evidence was provided by the applicant to conclude that there are no other suitable sites.
- 2.5 The Reporter concluded that the connectivity benefits of the proposed development did not outweigh its negative impacts.
- 2.6 Further details relating to the appeal can be found online at:  
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=123040>

## 3. APPEAL DECISION

- 3.1 **ERC reference 2021/0869/TP; DPEA reference PPA-220-2077** This appeal relates to the decision of the Council to refuse planning permission on 9<sup>th</sup> November 2022 for Erection of two dwellings and associated ancillary works, including access at land between 14 and 16 Newton Place, Newton Mearns.
- 3.2 The Reporter has dismissed this appeal and planning permission has been refused.
- 3.3 The Reporter considered that the proposal would change the character of the area markedly and would detract significantly from the value of the site in terms of visual amenity and open space.

- 3.4 The Reporter also noted that the proposal would detract from the setting of the nearby listed church.
- 3.5 The Reporter concluded that the proposed development does not accord overall with the relevant provisions of the development plan and there are not material considerations that would still justify granting planning permission.
- 3.6 Further details relating to the appeal can be found online at:  
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=123020>

#### 4. APPEAL DECISION

- 4.1 **ERC reference 2021/0298TP; DPEA reference PPA-220-2076** This appeal relates to the decision of the Council to refuse planning permission on 14<sup>th</sup> October 2022 for Restoration, Alteration And Conversion Of Caldwell House To Form Assisted Living Flats And Ancillary Facilities (Class 8), Restoration And Alteration Of Former Keeper's House To Form Dwelling (Class 9), Construction Of Care Home (Class 8), Construction Of New Build Assisted Living Flats (Class 8) And Dwellings (Class 9) (122 Bungalows And 51 Flats), Selective Demolitions Of Existing Buildings, And Associated Landscaping, Infrastructure And Engineering Works, Including Upgrade Of Existing Site Access, Roads and Path Network, at Caldwell House, Gleniffer Road, Uplawmoor.
- 4.2 The Reporter has dismissed this appeal and planning permission has been refused.
- 4.3 The Reporter considered that the proposed works to the listed buildings would greatly assist in their preservation and that from a cultural heritage perspective, the benefits of full restoration of the listed buildings greatly outweigh the adverse effects on setting and the other effects on cultural heritage identified in the EIA report. While the Reporter acknowledged that the proposals are designed to minimise vehicle trips by private car to provide community and other services and that a retirement village would have less commuting than for mainstream housing, the number of proposed vehicle movements was noted as well as the lack of public transport. As such, the proposal was considered to be in an unsustainable location and would not be sited to minimise life cycle emissions.
- 4.4 The Reporter also noted that there would be some impacts on veteran trees and ancient woodland, however he also noted the supporting assessments submitted by the applicant which sought to demonstrate that there would be no overall detrimental impact. While there may be some biodiversity benefits associated with the restoration and management of the estate, the Reporter considered that greater weight in this case required to be given to the adverse effects associated with the significant number of vehicle trips which would be generated from a development of this nature and scale in the proposed location.
- 4.5 The Reporter concluded that the proposed development does not accord overall with the relevant provisions of the development plan and there are not material considerations that would still justify granting planning permission.
- 4.6 Further details relating to the appeal can be found online at:  
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=122939>

#### 5. APPEAL DECISION

- 5.1 **ERC reference 2021/0334/LBC; DPEA reference LBA-220-2002** This appeal relates to the decision of the Council to refuse listed building consent on 14<sup>th</sup> October 2022 for Restoration, Alteration And Conversion Of Caldwell House, Involving Removal Of Existing Render, Re-Pointing & Repairs To Stonework, New Roof, New Windows, New Lime Render To All Facades, New/Repaired Chimney Stacks, Selective Demolitions, & Internal Fit-Out With Modern Construction Techniques; Plus Restoration Of Former Keeper's House, Involving Repairs To Stonework, New Roof, New Windows, New Lime Render To All Facades, New Chimney Pots, & Internal Fit Out With Modern Construction Technique, at Caldwell House, Gleniffer Road, Uplawmoor.
- 5.2 The Reporter has allowed this appeal and granted listed building consent, subject to conditions.
- 5.3 The Reporter noted that in refusing this application the council gave the same reasons as it gave for refusing the application for planning permission. The Reporter agreed with the appellant that these reasons relate to the effects of the enabling development not to the effects of the works to the listed buildings. They are not relevant to the main issue identified. Whilst the enabling development is the proposed means to fund the works to the listed buildings, the effects of the proposals in each application can be considered separately.
- 5.4 As there are no significant concerns identified with the proposed restoration works, which would assist with policy objectives to preserve listed buildings, the Reporter found that listed building consent should be granted.
- 5.5 Further details relating to the appeal can be found online at:  
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=122938>

## 6. APPEAL DECISION

- 6.1 **ERC reference 2022/0326TP; DPEA reference PPA-220-2078** This appeal relates to the decision of the Council to refuse planning permission on 15<sup>th</sup> November 2022 for erection of three storey building comprising shop unit on ground floor and two flatted dwellings on upper floors, including balconies, stairwells and associated works at land adjacent to 679A Clarkston Road, Netherlee.
- 6.2 The Reporter has dismissed this appeal and planning permission has been refused.
- 6.3 The Reporter noted the proximity of the proposed 3 storey building to the adjacent properties and concluded that whilst private views are not a planning consideration, she considered that the proposal would adversely affect the amenity of neighbouring properties due to the significant impact on their immediate outlook.
- 6.4 The Reporter also considered that overall that the design and appearance of the proposal would detract from the setting of the adjacent listed building. Furthermore, it would not meet the requirements of NPF4 Policy 14 in terms of the quality and distinctiveness of design relative to local architectural styles. The Reporter further considered that the proposal would have an adverse effect on the character and appearance of the surrounding area and that this could not be mitigated through a condition on materials.

6.5 The Reporter concluded that the proposed development does not accord overall with the relevant provisions of the development plan and there are not material considerations that would still justify granting planning permission.

6.6 Further details relating to the appeal can be found online at:  
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=123033>

## 7. APPEAL DECISION

7.1 **ERC reference 2021/0232/TP; DPEA reference PPA-220-2075** This appeal relates to the decision of the Council to refuse planning permission on 17<sup>th</sup> October 2022 for erection of residential care and nursing home with associated car parking, formation of new access, infrastructure and landscaping at Greenbank Church, 36 Eaglesham Rd, Clarkston.

7.2 The Reporter has allowed this appeal and granted planning permission, subject to conditions.

7.3 The Reporter noted that the loss of community facilities would be contrary to policy D12 of LDP2. The Reporter also noted that both the church authorities and the developer, as joint appellants, have confirmed the intention that the appeal development would be the means by which the permitted replacement facilities would be financed. Achieving replacement of the facilities that would be lost would overcome an impediment to the granting of planning permission that would otherwise exist. This is therefore an appropriate subject for a planning condition.

7.4 The Reporter also noted the position of HSCP in respect of the impact of the development on the local care home market and of the wording of policy SG3 of LDP2. The Reporter concluded that the arrangements for the funding of residents occupying care homes is not a matter that is directly relevant to acceptability or otherwise of the appeal proposal and that the question of market competition is also not directly relevant to the development proposed. As such, given the information submitted the Reporter concluded that the proposed development would accord overall with the aims of LDP2 policy SG3.

7.5 The Reporter considered that the proposal would be acceptable in terms of impacts on local amenity and the setting of the adjacent listed church and further that there was no evidence that the proposal would lead to road safety issues.

7.6 The Reporter concluded that although there would be a change to the setting of the listed church, that change would not be adverse. He also concluded that the proposed development accords overall with the relevant provisions of the development plan, including NPF4, and that there are no material considerations which would still justify refusing to grant planning permission.

7.7 Further details relating to the appeal can be found online at:  
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=122814>

**8. RECOMMENDATION**

8.1 Members are asked to note the above.

**9. BACKGROUND PAPERS:**

9.1 Further information on background papers can be obtained from Mr Alan Pepler on 0141 577 3001.

DATE: 24<sup>th</sup> May 2023

**DIRECTOR OF ENVIRONMENT**

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EAST RENFREWSHIRE COUNCILPLANNING APPLICATIONS COMMITTEE7<sup>th</sup> June 2023Report by Director of EnvironmentSection 33A notice requiring the submission of a retrospective planning application for outbuildings and a fence erected at 29 East Kilbride Road, Busby, G76 8JY**1. INTRODUCTION**

- 1.1. This report is to request that Members authorise the service of a notice under Section 33A of the Town and Country Planning (Scotland) Act 1997 in relation to development that has already taken place without the appropriate planning permission at 29 East Kilbride Road, Busby, G76 8JY.

**2. BACKGROUND**

- 2.1 The Council's Planning Service first received a complaint in relation to an outbuilding being erected within the garden ground associated with 29 East Kilbride Road in March 2023. The matter was investigated and a site visit was carried out on 16<sup>th</sup> March.
- 2.2 At the time of the site visit a large timber outbuilding was currently under construction. The outbuilding was of a scale and height that met the permitted development requirements of Class 3A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended due to its position from the boundary, however the outbuilding sits forward of the principal elevation of the house where that elevation faces a road and therefore requires planning permission.
- 2.3 The landowner was advised in writing that planning permission was required for the outbuilding and a retrospective planning application was submitted by the landowner on the 17<sup>th</sup> March 2023. The application was withdrawn on the 18<sup>th</sup> March 2023 as the landowner was of the view that the outbuilding fell within permitted development.
- 2.4 The outbuilding has since been divided in to two buildings to avoid the requirement for a building warrant application however planning permission is still required due to the position of the outbuildings in relation to the property and the road.
- 2.5 An email sent from the planning service on the 31<sup>st</sup> March advised the landowner that formal action would be considered if an application was not submitted before Friday the 14<sup>th</sup> April. The landowner declined submitting an application and confirmed that he was taking legal advice on the matter.
- 2.6 Further complaints have been received from nearby residents and a site visit on the 9<sup>th</sup> May 2023 confirmed that a timber fence approximately 2m in height has been erected at the front of the property which would also require retrospective planning permission.
- 2.7 A Section 33A notice can be issued on the owner of land requiring the submission of a retrospective planning application where development has been carried out without planning permission. Whilst there are no penalty provisions for failing to comply with this notice it constitutes enforcement action under the relevant legislation and leaves

it open to the planning service to pursue further action in terms of an enforcement notice at any time

- 2.8 It should be noted that there is no right of appeal to the Scottish Ministers in relation to the service of this type of notice.

### **3. CONCLUSIONS**

- 3.1. The landowner at the property at 29 East Kilbride Road, Busby has erected two outbuildings and a timber fence approximately 2m in height within the garden of the property.
- 3.2. In order to address the unauthorised works and regularise the development, a Section 33A notice is considered appropriate and necessary in this case.

### **4. RECOMMENDATION**

- 4.1 Members are requested to authorise the service of a Section 33A notice requiring the submission of retrospective planning application in terms of the Town and Country Planning (Scotland) Act 1997 for the erection of outbuildings and a fence within the garden ground associated with the property at 29 East Kilbride Road, Busby, G76 8JY.

### **5. BACKGROUND PAPERS:**

- 5.1 Further information on background papers can be obtained from Mr Alan Pepler on 0141 577 3001.

DATE: 24<sup>th</sup> May 2023

**DIRECTOR OF ENVIRONMENT**