

My Ref:
Contact: Clare Murray
Telephone: 07483 370667
Email: dc@renfrewshire.gov.uk
Date: 8 September 2023



Marcelo Dominguez
CHG Architecture Ltd
54 Braehead
Lochwinnoch
PA12 4AS

Proposal: Erection of single storey dwellinghouse and associated works.
Location: Site On Eastern Boundary Of No 2 Johnshill, East End, Lochwinnoch, ,
Application Type: Planning Permission-Full
Application No: 23/0179/PP


Dear Sir/Madam,

NOTIFICATION OF REFUSAL OF CONSENT

The Council has decided to refuse your application, details of which are given above. I enclose a Decision Notice which provides details of the reasons for refusal. I also enclose a copy of your submitted plans duly endorsed.

You have the right to appeal against this decision to the Local Review Body and notes on how to appeal are attached.

Yours faithfully,



Alasdair Morrison
Head of Economy and Development

REFUSE Consent subject to the reasons

Ref. 23/0179/PP



DECISION NOTICE

Town and Country Planning (Scotland) Act 1997
Planning etc. (Scotland) Act 2006
Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

TO

David And Louise Johnston
Flat 0/2
174 Clarkson Road
Cathcart
G44 3DN

With reference to your application registered on 7 April 2023 for Planning Consent for the following development:-

PROPOSAL

Erection of single storey dwellinghouse and associated works.

LOCATION

Site On Eastern Boundary Of No 2 Johnshill, East End, Lochwinnoch,

DECISION

The Council in exercise of their powers under the above Acts and Orders, having considered the above proposal, the plans endorsed as relating to it and the particulars given in the above application hereby:-

REFUSE Consent subject to the reasons listed on the reverse/paper apart.

PLANS AND DRAWINGS

The plans and drawings relative to this refusal are those identified in the Schedule of Plans/Drawings attached as a paper apart and forming part of this Decision Notice.

Dated: 8 September 2023

Signe

Appointed Officer
on behalf of Renfrewshire Council

REASON FOR REFUSAL

PAPER APART

TERMS AND CONDITIONS

Reason for Decision

1. The proposal does not fully accord with the provisions of the Development Plan and other material considerations were not considered to carry sufficient weight to justify the grant of planning permission.

Conditions/Reasons

1. That the proposed development is contrary to the provisions of Policy 7 'Historic Assets and Places', of NPF 4 as the proposed development is likely to lead to the loss of woodland, a natural feature which makes a positive contribution to the character of the historic area
2. That the proposed development is contrary to the provisions of Policy 9 'Brownfield land, vacant and derelict land, and empty buildings' of NPF 4 as the application site is considered to have high ecological value as it has been naturalised with woodland and the proposal is likely to lead to the loss of trees, which make a positive contribution to the character of the area.
3. That the proposed development is inappropriate and contrary to the provisions of Policy P1 of the adopted Local Development Plan and the New Development Supplementary Guidance Places Development Criteria given the proximity of the trees to the development the trees health and safety cannot be adequately protected.
4. That the proposed development is contrary to the provisions of Policies ENV2 - Natural Heritage and ENV3 - Built and Cultural Heritage of the adopted Local Development Plan, the New Development Supplementary Guidance Conservation Areas, Trees, Woodland and Forestry and Natural Heritage and the provisions of Historic Scotland's guidance on 'Setting' and 'New Development in Historic Settings as the trees within the application site make a valuable contribution to the setting of 'Auld Simon' and the Lochwinnoch Conservation Area generally and the proposed development is likely to lead to the loss of part of this woodland which would have an adverse impact on the setting of the Category B listed 'Auld Simon' and the setting of the Conservation Area generally and these trees should be safeguarded.
5. That the proposed development is inappropriate and contrary to the provisions of Renfrewshire's Planning and Development Tree Policy 2022 as there is no overriding justification for the construction of the proposed dwellinghouse in proximity to trees and the development is likely to adversely affect the natural development and health of the trees remaining.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning Act (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of review should be addressed to Head of Legal and Democratic Services, Renfrewshire House, Cotton Street, Paisley PA1 1PR.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Appendix 1

RENFREWSHIRE COUNCIL		Application No: 23/0179/PP
CHIEF EXECUTIVE'S SERVICE RECOMMENDATION OF PLANNING APPLICATION		Regd: 7 April 2023
Applicant		Agent
David and Louise Johnston Flat 0/2 174 Clarkson Road Cathcart G44 3DN		Marcelo Dominguez CHG Architecture Ltd 54 Braehead Lochwinnoch PA12 4AS
Nature of Proposals Erection of single storey dwellinghouse and associated works.		
Site Site On Eastern Boundary Of No 2 Johnshill, East End, Lochwinnoch		
Description This application seeks planning permission for the erection of a detached one storey dwellinghouse on a wooded site located at the junction of East End and Johnshill within Lochwinnoch Conservation Area. The application site generally slopes downwards from north to south and west to east. There are approximately sixteen mature mixed deciduous trees on the site of varying heights, mostly in good physical condition. There are the remains of a historic stone wall at the site. The proposed dwellinghouse would face onto and would be positioned 1 metre from the boundary with East End and would be positioned centrally within the site. Access would be taken from the north eastern corner of the site, where off street parking for two cars, a turning area and storage for refuse and recycling facilities would be provided. Pedestrian access would be linked to existing footways. The existing railing would be retained on the frontage of the site and a new 1.8-metre-high sandstone wall would be formed set back on either side of the front elevation bounding East End. A further section of this boundary wall would be formed around the north eastern corner of the site. A timber close boarded fence is proposed to the remainder of the boundary. The dwellinghouse would be single storey, have a footprint of approximately 90 square metres, with a traditional style symmetrical frontage and double pitched roof. It would be finished in smooth render with corner quoin blocks and exposed sandstone lintels, jambs, and sills on the front elevation. The front elevation however, would be finished throughout in stone. The roof would be finished in natural slate. The site is bounded to the north by the roadway known as East End and the category B listed St Winnocs Church also known as 'Auld Simon,' to the south and east by an area of ground accommodating several run down wooden lock ups and to the west by a small area of woodland and a dwelling beyond. Tree removal recommended by an arboriculture report accompanying this application has been consented through treeworks application (22/0426/TC) and has been undertaken. The applicant seeks consent to position the proposed dwelling within the centre of the area where the treeworks took place and to retain all the remaining trees within the application site.		

History

Application No: 22/0426/TC

Description: Removal of four trees comprising two sycamore and two ash and pruning of six trees to provide clearance from adjacent road

Status; No objections

Application No: 15/0089/PP

Description: Erection of one and a half storey dwellinghouse

Status; Refused

Application No: 02/0264/PP

Description: Erection of one and a half storey dwellinghouse.

Status; Refused

Policy and Material Considerations

Legislation requires planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. In this instance, the proposal must be assessed against the following:

Development Plan

National Planning Framework 4

Policy 7 - Historic assets and places

Policy 9 - Brownfield land, vacant and derelict land, and empty buildings.

Adopted Renfrewshire Local Development Plan August 2021

Policy P1 - Renfrewshire's Places

Policy ENV2 – Natural Heritage

Policy ENV 3 - Built and Cultural Heritage

New Development Supplementary Guidance 2019

Delivering the Places Strategy - Places Development Criteria

Delivering the Environment Strategy - Conservation areas; Trees, Woodland, and Forestry;

Natural Heritage

Material considerations

Historic Environment Scotland's Policy Statement 2016 and associated Managing Change in the Historic Environment Guidance Notes on Conservation Areas, Settings, New Development in Historic Settings.

Renfrewshire Planning Development Tree Policy 2022

Publicity

The Council has undertaken neighbour notification in accordance with the requirements of legislation.

A site notice was posted on site on 26 April 2023 for the following reasons:

Development within a Conservation Area

An Advert was placed in the press on 26 April 2023 for the following reasons;

Development within a Conservation Area

Objections/Representation

There have been 15 representations, 2 of which are in support of the application and 13 which offer objection. The issues raised can be summarised as follows:

In support

1. The plans are very much in keeping with the ethos and character of the historic East End of the village, very close to the Auld Simon Church Tower.
2. No objection, provided no trees would be harmed.

Objection

1. There has been no material change in circumstances in relation to the application site since the previous refusals in 2002 and 2015, and no reason for any previous decision to be overturned.
2. The woodland area which forms the application site is a valuable asset to the local flora and fauna. Any housing development on the site would negatively affect the wildlife in this secluded and unspoilt corner.
3. The application site is adjacent to 'Auld Simon', which is an important historical relic and a local focal point that adds charm and history to the village. Removing this woodland and the development proposed would have a negative impact on the visual amenity of this area and alter the ambiance and landscape around this important site.
4. The removal of the significant trees, known as Lochwinnoch Wood, which add to the character of Auld Simon, will undermine the appearance of Auld Simon, and detract from the beauty of this area which is part of the Semple Trail.
5. The needless removal of this local wild space, being replaced by a new housing development, will detract from the overall setting and aesthetic beauty of 'Auld Simon' church ruin and graveyard.
6. The loss of trees would affect the wildlife in the area. Birds and bats are evident in this location. This is part of a wider historical area of trees and important to the network of woodlands in the area for local wildlife. Development of the site would reduce the natural green space within the village.
7. The root system of the existing trees retains water in the surrounding soil for drainage purposes and surrounding properties may be affected by increased runoff with the loss of trees.
8. Development of the site would impact/disturb existing wildlife including crows who roost in the trees every night.
9. Bats which roost in this area use the trees in this wooded site for hunting.
10. The tree survey submitted in support of the application was purchased by the applicant. The independence of this survey is questionable. It is stated that the trees are dead, this is not the

case as the trees are in full bloom.

11. It is not certain that sewage/drainage from the site could be accommodated within the existing network.

12. The proposal would result in unacceptable overlooking, loss of privacy and obstruction of an existing view of the ancient church yard.

13. The proposal would result in overshadowing of surrounding properties.

14. East End is narrow and the development site very tight. This is the main access road for the dwellings on East End including services and bin lorries. Any traffic exiting East End would approach the application site from an almost blind bend. Local traffic manoeuvres and safety would be compromised.

Consultations

Chief Executive's Service (Roads Development) - No objection subject to conditions ensuring construction of appropriate sightlines at the access to the site and provision of an appropriate footway along the site frontage on East End.

Communities and Housing (Environmental Protection Team) – no comments to make on the proposals

WoSAS – No objection subject to a condition requiring archaeological monitoring and the implementation of a watching brief.

Children's Services - Awaiting a consultation response from Children Services in respect of the impact of the proposed development on the education estate. The impact of the development on school places is therefore unclear at this time.

Summary of Main Issues of:

Environmental Statement – n/a

Appropriate Assessment – n/a

Design Statement – n/a

Access Statement – n/a

Planning Statement - Supporting statement provides the history of the site and a critique of the influences which contributed to the design elements of the proposal.

Tree Condition Survey - The report is based on visual inspections and states that the tree stock is unmanaged and consequently some trees are in poor condition and recommend removal of 2 Ash and 2 Sycamore. A number of trees are also recommended for crown reduction as they are overhanging the carriageway. It is acknowledged that trees are mature and over time have been colonised, principally by sycamore trees. Chalara Ash dieback has also colonised the site. The tree removal and crown reduction recommended by the report has been consented through a treeworks application and has been undertaken.

Planning Obligation Summary – n/a

Scottish Ministers Direction – n/a

Assessment

National Planning Framework 4 (NPF4) provides the long-term national spatial strategy for planning in Scotland. It sets out the Scottish Government's current view on delivering sustainable, liveable, and productive places through the application of spatial principles. Policy 7 'Historic Assets and Places' and Policy 9 'Brownfield, vacant and derelict land and empty buildings' are relevant to the assessment of this application.

Policy 7 'Historic Assets and Places' seeks to protect and enhance historic and environment assets and places, and to enable positive change as a catalyst for the regeneration of places. It considers that development proposals within conservation areas should ensure that existing natural and built features which contribute to the character of the conservation area and its setting be preserved or enhanced and that these should be preserved in situ wherever possible. This includes the retention of structures, boundary walls, railings, trees, and hedges.

Policy 9 'Brownfield, vacant and derelict land and empty buildings' seeks to encourage, promote, and facilitate the reuse of brownfield, vacant and derelict land, and empty buildings. However, in determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

Whilst it is recognised that there are the remains of a historic wall at the site, given how well the site has been naturalised over the years and the positive contribution the quality of this woodland makes to the setting of the 'Auld Simon' church, the conservation area, and East End generally the development of the site would not be supported as it is likely to have an adverse impact through the loss of trees. It therefore does not comply with the relevant provisions of NPF4.

The application site is identified in the LDP proposals map under Policy P1 'Renfrewshire's Places'. Policy P1 presumes in favour of a continuance of the built form provided that such developments are compatible with and complementary to existing uses and cause no significant harm in line with the criteria of the New Development Supplementary Guidance (SG). The New Development Supplementary Guidance, Places Development Criteria, sets out a number of criteria which new residential development is required to meet. It considers that proposals require to ensure that the layout, built form, design and materials of all new developments will be of high quality; density will require to be in keeping with the density of surrounding areas; surrounding land uses should not have an adverse effect on the proposed residential development; and existing landscape and ecological features should be retained where they make a positive contribution to the character of the area.

Policy ENV2 'Natural Heritage' is also relevant to the assessment of the application and seeks to ensure that development proposals will consider the potential impacts on natural heritage and should protect, restore degraded habitats, and minimise any adverse impacts on habitats, species, network connectivity or landscape character, in line with the SG. The New Development Supplementary Guidance considers that natural heritage makes an important contribution to the local character, identity and quality of an area and these assets should be protected with opportunities for enhancement. All developments require to follow the principles of the mitigation hierarchy of Avoid, Reduce and Compensate. It further states that trees, woodlands, and forestry should be maintained and where possible enhanced throughout Renfrewshire.

Given the location of the site within Lochwinnoch Conservation Area, Policy ENV 3 also applies. Policy ENV 3 'Built and Cultural Heritage' and the New Development Supplementary Guidance seeks to preserve and enhance the townscape qualities of conservation areas and requires development proposals to demonstrate that they will enhance the visual amenity, individual settings, buildings and open space and historical architectural character of the conservation area. These policies are expanded upon by Historic Scotland's guidance notes on 'Settings' and 'New Development in Historic Settings.' It states that planning authorities must take into account the setting of historic assets when determining planning applications and considers that setting includes the way in which the surroundings of a historic asset or place contribute to how it is experienced, understood and appreciated. It considers that setting often extends beyond the immediate property boundary of a historic structure into the broader landscape and incorporates a range of factors including visual envelope, incorporating views to, from and across the asset or place. In this regard it is recognised that relatively small changes in the wider landscape may affect its setting and significantly alter its character.

Further to these policies Renfrewshire Planning and Development Tree Policy 2022 must be considered. It requires development to meet BS5837:2012 standards and buildings and structures require to be sited to allow adequate space for a tree's natural development and at the same time reduce future pressure for removal of trees. Buildings and associated infrastructure, including garden ground, should generally be located out with the zone of influence of existing and proposed trees. The zone of influence is generally considered to be the distance from the bottom of a tree that is equal to the mature height of an existing or proposed tree. The default position for structures should be outwith the root protection area of trees to be retained. An incursion into the root protection area will only be considered where there is an acceptable overriding justification for construction within the root protection area and where adequate technical information is submitted to support the technical solution proposed and that the technical solution will prevent damage to the tree. For an overriding justification to be accepted the proposal must be considered to deliver social, economic or environmental benefits that benefit the wider community.

Assessing the proposal against these requirements the following conclusions can be made.

The existing mature woodland which covers the application site is a natural ecological feature which makes a positive contribution to the area, both visually and environmentally contributing to the natural environment, local biodiversity, and habitats. Although the site is not subject of an environmental designation, it is of importance locally and contributes greatly to the setting of the 'Auld Simon' church and the setting of the conservation area of Lochwinnoch generally.

The site is occupied by a variety of mature trees which contribute to the wooded character of the rising ground to the east end of High Street and the setting of 'Auld Simon.' It is acknowledged that four mature trees have recently been removed from the site due to condition and disease, however this does not significantly change the visual or ecological contribution that this site makes to the area. It is considered that the site in its current form with the recent tree removal forms an important part of the character of the conservation area and that of the setting of Auld Simon and that it would be difficult to develop the site in a way which would not have an adverse impact on the amenity, ecology or long term health of the remaining woodland such that it would make an appropriate housing site.

In this regard, the site is small extending to approximately 0.06 hectares, is of awkward shape and remains wooded. The dwelling proposed would be located centrally within the site in an area where four diseased trees have been removed but where other mature trees remain.

Approximately eight mature Sycamore, Lime, and Common Beech trees in fair to good condition of heights between 18 to 21 metres, and crown spreads mostly over 4 metres remain in close proximity to the development and as such are likely to be seriously compromised. A structural report has been provided advising that the foundations for the development can be formed in a manner that protects tree root systems. However, given the proximity of these trees to the proposed dwelling, the development of the site is extremely challenging and the long term health of the trees likely to be adversely affected. Plans provided also do not show the ground level differences through the site. In terms of the Council's Tree Policy no overriding justification has been provided for this development to be constructed in such proximity and inadequate space has been provided to allow for the natural development of the existing trees without impinging on the proposed dwelling. It is also considered that the size of the trees and their closeness to the proposed dwelling could potentially adversely affect light for any occupants and apply pressure for the further removal of trees.

The dwellinghouse proposed would extend to approximately 90 square metres and an access and off-street parking area for two cars with turning area would be provided in the southeast corner of the site. Roads Development have offered no objection to the proposal provided that an adequate access to the site is created. Whilst it is noted that the site layout would therefore meet Roads requirements it is considered that this layout would impact further on amenity space as the remaining ground available as garden space would be largely wooded.

In terms of design and facing materials the dwellinghouse is of a vernacular style, albeit deeper than traditional dwellings it is referencing. However, it has good quality finishes including stone, wooden windows, and a slated roof which is appropriate for the area.

The matters raised by objectors have, in the main, been dealt with above. In relation to other matters raised I would comment as follows. The tree survey submitted in support of the application has been produced and certified by a qualified tree surgeon and is accepted as a fair assessment of the trees on site. Roads Development have offered no objection to the proposal for reasons of traffic safety. Unacceptable overlooking of adjacent properties to the rear should not occur given the separation distance involved nor should overshadowing.

On balance therefore, taking account of the visual and ecological merits of the site, its sensitive and prominent location within the conservation area and the existing contribution the site makes to the setting of both 'Auld Simon' and Lochwinnoch Conservation Area, it is considered that this proposal would be likely to have a significant adverse impact on the woodland within the site, and therefore the setting and character of 'Auld Simon', East End, and Lochwinnoch Conservation Area.

It is therefore considered that the proposal is unacceptable having regard to NPF4, the adopted Local Development Plan policies, New Development Supplementary Guidance, Historic Scotland's guidance on 'Setting' and 'New Development in Historic Settings and Renfrewshire Planning Development Tree Policy 2022.

Index of Photographs

A site visit was undertaken for this application on 6th July 2023 and photographs were taken.

RECOMMENDATION


Refuse

Reason for Decision

1. The proposal does not fully accord with the provisions of the Development Plan and other material considerations were not considered to carry sufficient weight to justify the grant of planning permission.

Conditions

1. That the proposed development is contrary to the provisions of Policy 7 'Historic Assets and Places', of NPF 4 as the proposed development is likely to lead to the loss of woodland, a natural feature which makes a positive contribution to the character of the historic area
2. That the proposed development is contrary to the provisions of Policy 9 'Brownfield land, vacant and derelict land, and empty buildings' of NPF 4 as the application site is considered to have high ecological value as it has been naturalised with woodland and the proposal is likely to lead to the loss of trees, which make a positive contribution to the character of the area.
3. That the proposed development is inappropriate and contrary to the provisions of Policy P1 of the adopted Local Development Plan and the New Development Supplementary Guidance Places Development Criteria given the proximity of the trees to the development the trees health and safety cannot be adequately protected.
4. That the proposed development is contrary to the provisions of Policies ENV2 – Natural Heritage and ENV3 – Built and Cultural Heritage of the adopted Local Development Plan, the New Development Supplementary Guidance Conservation Areas, Trees, Woodland and Forestry and Natural Heritage and the provisions of Historic Scotland's guidance on 'Setting' and 'New Development in Historic Settings as the trees within the application site make a valuable contribution to the setting of 'Auld Simon' and the Lochwinnoch Conservation Area generally and the proposed development is likely to lead to the loss of part of this woodland which would have an adverse impact on the setting of the Category B listed 'Auld Simon' and the setting of the Conservation Area generally and these trees should be safeguarded.
5. That the proposed development is inappropriate and contrary to the provisions of Renfrewshire's Planning and Development Tree Policy 2022 as there is no overriding justification for the construction of the proposed dwellinghouse in proximity to trees and the development is likely to adversely affect the natural development and health of the trees remaining.



Alasdair Morrison
Head of Economy and Development

Applicant: David And Louise Johnston	Ref. No: 23/0179/PP
Site: Site On Eastern Boundary Of No 2 Johnshill, East End,Lochwinnoch	Officer: Clare Murray

Documents

Document	Document Attached (Admin)	Document Attached and Signed
	✓	✓
Decision Letter	✓	✓
Decision Notice	✓	✓
Appendix 1 – Report of Handling	✓	✓

Plans to be stamped

Drawing Number	Drawing Title	Paper & Anite Set (Officer)	Stamped (Admin)	Stamped on anite (Admin)
		✓	✓	✓
2301A-00	Location Plan	✓	✓	✓
2301A-01	General Arrangement Plan	✓	✓	✓
2301A-02	Plan As Proposed	✓	✓	✓
2301A-03	Ground Floor Plan As Proposed	✓	✓	✓
2301A-04	North Elevation As Proposed	✓	✓	✓
2301A-05	South Elevation As Proposed	✓	✓	✓
2301A-06	West Elevation As Proposed	✓	✓	✓
2301A-07	East Elevation As Proposed	✓	✓	✓
2301A-08	3D Visual As Proposed	✓	✓	✓

RENFREWSHIRE COUNCIL
Town and Country Planning (Scotland)
Act 1997

Application No **23/0179/PP**

REFUSED on **08.09.2023**

Signed by 

On behalf of Renfrewshire Council

Officers Initials: CM

Admin Initials: INL