

MINUTE

of

PLANNING APPLICATIONS COMMITTEE

Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 24 August 2022.

Present:

Councillor Betty Cunningham (Chair)	Councillor David Macdonald (*)
Councillor Caroline Bamforth	Councillor Jim McLean (Vice Chair)
Councillor Tony Buchanan (*)	Councillor Colm Merrick (*)
Councillor Kate Campbell	Councillor Andrew Morrison
Councillor Angela Convery (*)	Councillor Owen O'Donnell (*)
Councillor Paul Edlin	Councillor Katie Pragnell
Councillor Annette Ireland	Councillor Gordon Wallace.
Councillor Chris Lunday	

(*) indicates remote attendance

Councillor Cunningham in the Chair

Attending:

Gillian McCarney, Head of Environment (Chief Planning Officer); Julie Nicol, Planning and Building Standards Manager; Alan Pepler, Principal Planner (Development Management); Siobhan Wilson, Solicitor; Richard Greenwood, Principal Strategy Officer (Local Development Plan Lead) (*); Karen Bennie, Principal Strategy Officer (Affordable Housing & Development Contributions Lead) (*); Eamonn Daly, Democratic Services Manager; Sharon McIntyre, Committee Services Officer and Liona Allison, Assistant Committee Services Officer.

Also in Attendance:

Louisa Humm, Historic Environment Scotland (*) Margaret Phelps, East Renfrewshire Health and Social Care Partnership (*), and Bob Salter on behalf of the applicant as agent for Caldwell Developments Ltd

(*) indicates remote attendance

Apologies:

Provost Mary Montague and Councillors Andrew Anderson and Danny Devlin.

DECLARATIONS OF INTEREST

89. No declarations of interest were intimated.

PRE-DETERMINATION HEARING – 2021/0298/TP APPLICATION FOR PLANNING PERMISSION AND 2021/0334/LBC APPLICATION FOR LISTED BUILDING CONSENT

90. The committee considered a report by the Director of Environment, on an application for planning permission for the 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), 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, Caldwell Estate, Gleniffer Road, Uplawmoor (2021/0298/TP) and associated 2021/0334/LBC application for listed building consent.

The Planning and Building Standards Manager explained that the application was a Major development under the terms of the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009; that it was considered to be a significant departure from the local development plan and therefore required a pre-determination hearing by the extended Planning Applications Committee before being determined. One objection had been received. She advised that the application required to be determined against national and local planning policies as well as the material planning considerations outlined in the "Report of Handling". She highlighted the unique and complex proposal and that a balanced assessment had been outlined in the report. She highlighted that there were a number of areas where the proposals were considered to be significantly contrary to the development plan policy and any new build development at this location would be unacceptable without the full restoration of Caldwell House and the Keeper's House. Consultee objections had been received from Scottish Forestry, the Woodlands Trust and the Health and Social Care Partnership (HSCP) with the reasons for these set out in the report.

She explained that the most significant factor in the assessment of the application was the restoration of the Grade A Listed Building and it was noted that Historic Environment Scotland had offered support for the repair, conservation and reinstatement of the building. It was noted that the applicant had proposed using enabling development to fund the restoration. This had a very specific purpose and allowed development to take place which would normally be contrary to planning policies, in order to obtain a desired objective such as the reuse of an historic asset. The Report of Handling assessed this approach and the fact that special regard must be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possessed. This was considered alongside other relevant policies and material considerations and highlighted where concerns and risks lay before reaching an on balance recommendation for the committee.

The Principal Planner (Development Management) introduced the application advising that the report outlined the planning policy background, the architectural importance of Caldwell House, the economic information associated with the proposal and enabling development considerations. In respect of the enabling development justification the planning service had assessed and had sought independent advice from the District Valuer on the financial elements presented by the applicant, as outlined in the report. The conclusion was that the applicant had demonstrated that the proposal was the minimum development necessary to restore the "A" listed Caldwell House and was viable, albeit only marginally so. However the scale of the proposed enabling development and environmental impacts were recognised as being significant and an assessment was outlined in the report under the categorisation of the sustainability of proposals; impact on trees/biodiversity; visual/landscape impact; placemaking, design and amenity; housing need/impacts and health and economic impacts.

The Principal Planner (Development Management) then displayed slides outlining the key land use issues and provided details of the development proposed and outlined the report's recommendations.

Mr Bob Salter, speaking on behalf of the applicant as the agent for Caldwell Developments Ltd was heard in support of the application in the course of which he highlighted points which included that work on the proposal to save Caldwell House and its estate commenced early in 2020, and following extensive studies a comprehensive application was submitted in April 2021 for the restoration of the “A” listed Caldwell House and “B” listed Keeper’s Cottage and the restoration of the heritage assets on the surrounding Caldwell Estate. He noted that specific planning requirements must be met and that significant weight must be given in the decision making to saving the listed buildings. The planning requirements included demonstrating that the restored listed buildings had a permanent use and could be properly maintained into the future. He advised that Caldwell House would comprise of 15 assisted living flats and a community hub serving the village. It required to be demonstrated that the scale of enabling development was the absolute minimum required to fund the restoration costs and this had been budgeted at £15m with the case presented to the Council and independently verified. The developer advised that the impact of enabling development was acceptable in terms of environmental and heritage impacts, with an Environmental Impact Assessment (EIA) completed showing that the impacts to natural and cultural assets would be minimised. The most sustainable form of development was selected, consisting of a retirement village comprising of 122 bungalows for those aged over 55, 51 assisted living flats and a 60 bed care home all of which was considered to be the most sustainable option to save the listed buildings.

He outlined that a thorough assessment had been carried out by the officers over the last 18 months leading to a recommendation supporting the proposals. He noted determination was about the weight to be given to policy compliance in the local development plan, and that enabling development was supported in the local development plan even though not all policies were compliant and was supported even in the greenbelt.

He highlighted that no objections had been received from HES, SEPA, NatureScot, Transport Scotland, Scottish Water or Council service departments.

He emphasised that there would be important economic, job and community benefits in this rural location in East Renfrewshire, and that the amenities including the footpath network through the estate would be available to all.

He also advised that ancient woodland designation was not confirmation that there was ancient woodland on the site. This simply began an investigation process which had been completed. The loss of trees would be limited to 6 hectares and was mainly coniferous woodland. A felling licence would also be required from Scottish Forestry.

He outlined that the East Renfrewshire HSCP welcomed the concept of the retirement village and the integrated approach for later life living and the quality of accessible accommodation provided on site. A needs assessment was submitted in 2020 which demonstrated that there was ongoing demand for more care accommodation especially for patients suffering from dementia.

He noted that the concerns raised with regard to occupancy rates in care homes was a commercial matter and not a material planning consideration.

He summarised by advising that the application would save Caldwell House for all time and would be a lasting legacy for the communities of East Renfrewshire.

Thereafter full discussion took place. Councillor Ireland stated that she was very concerned about the application and the environmental impact, in particular with regard to Policy D7 which outlined that “the Council will protect and enhance the natural environment features” and that “there will be a strong presumption against development” in these areas. She stated that the representations from Scottish Forestry and the Woodlands Trust expressed real

concern around the removal of several hectares of designated ancient forest, referring to the comments made by both. Furthermore, the Report of Handling outlined that the proposed felling of the woodland would have an adverse environmental impact and “it is considered that loss of mature trees and replacement with a range of species will have an adverse environmental impact on climate change objectives.”

Councillor Ireland then referred to the climate change emergency declared by the Council recently, following a motion to Council proposed by her and seconded by Councillor Bamforth, and that as a result she could not support the proposals. She could not agree with the amount of destruction to irreplaceable biodiversity outlined by the proposals. She also highlighted that Policy D3 outlined that “development in the greenbelt will be strictly controlled and limited to that which is required and is appropriate for a rural location.” She noted that the application for 122 bungalows, 51 assisted living flats and a 60 bed care home was in her view too invasive and damaging for the land. She further advised that she was concerned about the sustainability of the development, with the proposals contrary to Strategic Policy 1, as “it is clear that the proposal cannot be considered as a retirement settlement that will cater for the majority of residents needs” and “as the residents will be reliant on private car travel, it is considered that the proposal does not comply with Policy D8 (Sustainable Transport Networks).”

She also noted the form of the proposed development, stating that in her view the design of the development was poorly thought out and not cohesive or attractive. In support of this she referred to comments in the Report of Handling outlining that “it is considered that the development (apart from the areas around Caldwell House and Keeper's Cottage) will lack a distinctive and attractive built form and that to an extent the clusters will be separate and distinct groups of buildings linked by roads rather than an immediately attractive, varied and interesting built form”.

Having expressed these concerns. Councillor Ireland asked what guarantees were in place to ensure that Caldwell House would be fully renovated and restored, when this was only reason to grant planning permission, noting that the Report of Handling outlined that “there is clearly some risk that a substantial number of new properties are built on site without Caldwell House being fully restored” and that the proposal was “only marginally viable.” She also questioned why no developer contributions were being sought.

Referring to the proposed communal facilities Councillor Ireland noted that they were limited and expressed concern they would not be adequate for the number of residents in a remote location. Finally Councillor Ireland referred to Condition 9 which stated that construction work shall not commence until Caldwell House is made structurally safe, questioning whether this should specify wind and water tight to prevent further deterioration of the asset.

In response the Planning and Building Standards Manager, explained the approach taken in assessing the application, in that Scottish Planning Policy (SPP) required that special regard was given to the importance of preserving and enhancing the building heritage and therefore significant weight had been given to this in making the recommendation outlined in the report. She advised that the Report of Handling clearly set out the elements of the proposal that the planning authority was content with and those where it was not. In terms of policy these areas of concern were environmental impact in particular the loss of trees with an objection from Scottish Forestry; climate impact; potential increased traffic generation; and an unsustainable location. These areas had been weighed up against the health, economic and cultural benefits and on balance the application was deemed to be an acceptable departure from the development plan.

She advised that in terms of climate change, a climate change impact assessment was undertaken by the Council and it was deemed that there would be a moderate detrimental

effect on community climate impact. In terms of the economic justification, financial appraisal was sought from the applicant and private consultancy advice was sought by the Council and provided to the District Valuer who deemed the development was marginally viable, although this was the minimum number of units to support restoration of the listed building and that the costs outlined were reasonable. With respect to affordable housing, it was not deemed reasonable for the Council to request this as this would result in the development being unviable. The risk of Caldwell House not being reinstated was acknowledged, however this was a unique and complex proposal and under condition 9 stabilisation of the building would take place. There would then be four phases of restoration of the building which would take place alongside the 5 phases of construction. In addition to this a legal agreement would also be put in place.

In response, Mr Salter advised that if commuted payments were required the footprint of the development would need to grow and so this was a judgement between financial, environmental, heritage and sustainable benefits. He advised that the ancient woodland inventory outlined where it was thought ancient woodlands had been in place for 200 years or more. He advised that Scottish Government policy outlined that if trees were to be felled this should occur in areas where there is low biodiversity value. He outlined that 23.5 hectares would be felled in total, with 21 hectares of this being non-native conifers which would be replaced with broadleaf native species. There would be 6 hectares of woodland that would require to be felled for the development. Half of this woodland was broadleaf, although with low biodiversity value. This was assessed by a landscape architect, forester and ecologist and the proposals created were shaped on minimising impact at all times. In terms of policy he explained that broadleaf woodland could be felled within ancient woodland if it was of low biodiversity. With regard to Scottish Forestry, Mr Salter advised that the applicant had been surprised by the terms of their response and legal advice had been sought. He confirmed that the felling of 6 hectares formed part of the application proposals whilst the felling of the remaining 17 hectares would require a felling licence from Scottish Forestry.

Councillor Wallace welcomed the restoration of a building of such significance although did note that the site selection raised questions. He sought clarification that no felling would take place until a licence from Scottish Forestry was granted and if granted would Scottish Forestry survey the area to ensure any trees of importance would be retained.

In response to Councillor Wallace, the Planning and Building Standards Manager advised that a felling licence would be required and advised that it would be her understanding that a survey would be undertaken.

Mr Salter then reiterated earlier comments that advised that the felling of 6 hectares formed part of the application proposals whilst the felling of the remaining 17 hectares would require a felling licence from Scottish Forestry.

Councillor Wallace raised concerns that the 6 hectares would not then be assessed by Scottish Forestry.

Councillor Ireland restated that Scottish Forestry outlined that “the woodland is designated as ancient woodland and that it is not appropriate for the developer to determine otherwise to support the reasoning for deforestation”. She also noted that Scottish Government Planning Policy outlined that ancient semi-natural woodland was an irreplaceable resource, and along with other woodlands, hedgerows and individual trees, should be protected from adverse impacts resulting from development. She also noted that the Scottish Government’s Control of Woodland Removal Policy included a presumption in favour of protecting woodland and that removal should only be permitted where it would achieve significant and clearly defined additional public benefits.

In reply, Mr Salter outlined that the public benefit would be the restoration of the Caldwell Estate and the listed buildings sited there and restated the low biodiversity value of the woodland. He also noted that compensatory planting would take place to restore the woodland with increased biodiversity value.

The Planning and Building Standards Manager advised that should members be minded an additional condition could be included in addition to condition 13, to require a survey to assess the value of the woodland to be felled.

Councillor Convery noted that she was concerned and saddened by the proposed destruction of 6 hectares of native and ancient woodland, given the destruction of the biodiversity and natural habitats that could never be replaced. She noted that the local development plan outlined in Policy D7 that “there will be a strong presumption against development on or adjacent to Natural Features where it would compromise their overall integrity, including Local Biodiversity Sites” and “ancient and long established woodland sites” which would be applicable to the proposed site.

She also noted the pressures on health care services with the increased level of elderly residents at the site and enquired as to whether the Council’s home care team, which was already under pressure, would be responsible for the site.

With regard to public transport, she raised concern that this was already limited in Uplawmoor and that this development located in a remote location would impact sustainability. Further concern was raised regarding the use of rural roads for the excavation of the felled timber.

She highlighted that the restoration of Caldwell House was cited as the reasoning behind the acceptability of the development. However there was no guarantee that the properties would be sold to enable the restoration of the listed properties to take place.

Councillor Pragnell enquired as to what type of clinic would be provided, echoing Councillor Convery’s concerns with regard to the health care provision and the guarantee of full restoration of Caldwell House.

Responding to the concerns raised, Mr Salter advised that the local medical practice welcomed that they would be able to have a room to discuss matters with residents. In terms of development, he advised that this was a commercial risk and that in East Renfrewshire there is no evidence of house building not proceeding due to market conditions.

In terms of Caldwell House he advised that stage 1 would be to stabilise the building, to protect species such as bats and to demolish the modern walls. It would then be made wind and water tight at the end of stage 2. In stage 1 the Keeper’s House would be fully restored.

He noted that Caldwell House would require to be left for a year to dry out and then in stage 4 the inside of Caldwell House would be fitted out. Referring to the community facilities to be provided he suggested that they were appropriate for the size of development proposed and would offer an area for social gatherings.

Councillor O’Donnell enquired about the concerns raised by HSCP, firstly regarding the oversupply of care homes and secondly on the additional potential unfunded health service costs from new residents coming into the area. He also noted the financial risk of the development not being fully completed and enquired as to how this risk was intended to be managed.

In reply, the Planning and Building Standards Manager advised that the oversupply of care homes and the potential unfunded health service costs to the Council was not considered to

be a material planning consideration. She advised that the planning service would be working with the HSCP on the Local Development Plan 3 and on a policy where developer contributions could provide physical assets. Discussions would also take place with the HSCP regarding how the local development plan could impact on future service needs. In terms of financial risk, she noted that Condition 9 required that there would be stabilisation works to the listed structure and it was intended that phasing would be included within a legal agreement.

Referring to Policy D8, Councillor Morrison raised the issue of sustainable transport, and requested further information on the level of service that the bus service would provide. He noted that there was a need for housing more generally, albeit that this development was for people later in life, and enquired whether this development would then provide an indirect benefit by freeing up other housing in the area for younger people.

Mr Salter outlined that Strathclyde Passenger Transport (SPT) was consulted regarding extending a bus route, and that this would be supported through green travel plans, although this was not supported by SPT. He advised that a bus service would be put in place by the developer until the care home was opened. At the end of this period the community and their factor would be consulted regarding next steps on their service requirements. There would be 80-100 jobs on site therefore it was hoped that this would prove attractive to any bus companies.

Councillor Edlin noted that there would be one room for medical purposes, he advised that several health professionals would be required to service the community and therefore would there be an opportunity to increase this offering. He also sought clarification regarding whether a felling licence would be required to remove the trees.

Mr Salter reaffirmed that a felling licence would be required for the 17 hectares as previously outlined.

Notwithstanding the comments made by Mr Salter, Councillor Morrison stated that in terms of sustainable transport his concerns regarding Policy D8 remained given the rural location of the proposed development.

Councillor Bamforth noted that many of the points she wished to make had already been raised during the discussion. She noted the reasoning given for enabling development but stated that in her opinion the development would not deliver public benefit. She referred to the overprovision of HSCP services, given the number of care homes already approved for planning permission with the Council. She noted that this would result in over a 33% increase in independent sector provision and in recent years at least two care homes had closed with residents requiring to be rehomed. Councillor Bamforth noted the responsibility to residents to ensure service provision to them, as well as to the staff who provided these services with more strain placed on a system that is already strained. She also noted the isolated location of Caldwell House and that she could not see any benefits to the people of Uplawmoor or East Renfrewshire other than the restoration of Caldwell House which in her view was insufficient to go against the local development plan.

Councillor Bamforth also questioned the potential flooding impact of the proposals with potential adverse hydrological issues from the new hard standing areas.

In relation to financial viability of the project Councillor Bamforth noted that this was marginal. Given the current economic climate it was likely costs would increase. There was therefore no guarantee that Caldwell House would be fully restored. She also expressed surprise that there were no developer contributions outlined and consequently no additional benefits to residents. She advised that she was not supportive of the proposal.

Mr Salter outlined that the issue of flooding at the site would be mitigated by the use of sustainable urban drainage systems. He advised that there was a 15% profit margin by the local developers which was marginal by comparison to if this development was to be completed by a larger commercial developer. He noted that other care homes were not going ahead because flats were normally built and could not be sold until the block of flats is completed. He advised that the development was all about the restoration of Caldwell House.

Councillor Buchanan outlined that colleagues had already noted several points that he would have raised although answers have not been fully given. He highlighted that the proposal was a significant departure from the local development plan and the expectation would be that if the Council was departing from the local development plan, there would be significant benefits for the people of East Renfrewshire. In his view these were not addressed in this plan. He commented on the environmental and transport issues that had been discussed although again in his view the answers given were unsatisfactory. He recognised that the restoration of Caldwell House may well be a benefit, but it was dependent on the sale of properties and the care home, which may find that it remained empty due to overcapacity in the area. He suggested that the proposals were in fact for a housing estate for those over the age of 55 and not a retirement village, as the development did not have the facilities of a village. Given the rural location there were not a lot of amenities and with no transport this would add pressure to already busy areas. The reliance on the phased development to allow for the restoration of Caldwell House was not outlined fully. There would also be an undue burden on many of the healthcare services in the area which were already under significant pressure.

Councillor Wallace then quoted examples of other significant buildings that had not been restored within the Thornliebank area. He noted the architectural opportunity and responsibility to restore Caldwell House, and to bring it back into use.

Referring to the comments in relation to developer contributions and affordable housing, the Planning and Building Standards Manager advised that due to the nature of the proposed development and given the financial constraints of the enabling development, there was no requirement for development contributions. In terms of public interest there would be the retention of a significant cultural asset as an A listed building designed by Robert Adam, which was considered to be a nationally significant building by an internationally significant architect. She advised of the wider public benefits of a well-designed site with the opportunity of active travel and recreational walking for residents and the wider public. There was also an economic benefit for the construction industry and the tourism industry.

Councillor McLean noted both the large environmental impacts and the significant architectural benefits. He advised that there should be a condition, that all trees were surveyed including the 6 hectares. He noted that the safeguarding of Caldwell House was of important significance. He outlined that there should be a condition regarding the construction transport to ensure that rural roads were not used. He advised that the public transport proposals outlined by the developer required further clarification.

Councillor Edlin suggested that a condition should be included to address that there should be adequate space for health and social care facilities included in the proposals.

Councillor Macdonald referred to the comments made by other councillors and in particular noted the biodiversity, environmental and deforestation issues raised by Councillor Ireland. He acknowledged the difficult balance between restoring a building of significant architectural benefit with the impact to the environment. He agreed with Councillor Buchanan that these issues had not been fully addressed. He noted that the HSCP aimed to provide care to people in their own homes instead of creating a care home in a very saturated environment.

Margaret Phelps from HSCP advised that GP services were independently contracted therefore they can support new developments although these are a gateway to other services which leads to an uptake on HSCP services. The proposal was based on a self-funding model therefore this would have an impact on HSCP services if not sustainable. She noted that there was already undercapacity in care homes in the area, suggesting that recent closures in the area indicated sustainability issues.

She noted the impact on all health and social care providers through this development.

Following the full discussion that took place and in light of the unanswered issues that had arisen in the course of the discussion, Councillor Cunningham proposed that a site visit should take place to allow for the site to be viewed with a particular focus on issues of the trees, Caldwell House and the site in relation to the proposed housing. This was seconded by Councillor Edlin.

Clarification was provided to members of the public by the Clerk that should a site visit take place they would be able to attend. The Clerk also reminded members of the public that their attendance at the meeting was in an observational capacity.

Councillor Ireland raised that a full discussion had been had and felt that the committee could reach a decision without the need for a site visit and on that basis put forward an amendment for no site visit to be undertaken and for refusal of the application on the basis that the application was contrary to the Scottish Planning Policy on Woodland, the local development plan policies D3, D7 and D8 and Strategic Development Plan Policy 1 and that these policy breaches outweighs the enabling of development. The amendment was seconded by Councillor Bamforth.

Councillor Macdonald raised concern regarding the two proposals and questioned whether a decision should be made firstly on whether a site visit should be held or not prior to determination.

Thereafter the Democratic Services Manager clarified that the decision to be made firstly would be whether or not a site visit were to take place and that in the event it was decided a site visit should not take place a vote would be taken on whether the proposals should be approved.

On the roll being called, Councillors Cunningham, Campbell, Edlin, McLean, Morrison, O'Donnell, Pragnell and Wallace voted for the motion. Councillors Bamforth, Buchanan, Convery, Ireland, Lunday, Macdonald and Merrick voted for the amendment. There being 8 votes for the motion and 7 votes for the amendment, the motion was passed and it was agreed that a site visit would take place.

Thereafter the Democratic Services Manager confirmed that in light of the decision to conduct a site visit, consideration of the listed building consent would be continued until after a site visit had been held.

CHAIR

