

MINUTE
of
PLANNING APPLICATIONS COMMITTEE

Minute of virtual meeting held at 2.00pm on 4 August 2021.

Present:

Councillor Annette Ireland (Chair)
Councillor Betty Cunningham
Provost Jim Fletcher

Councillor Stewart Miller
Councillor Jim Swift

Councillor Ireland in the Chair

Attending:

Graham Shankland, Planning and Building Standards Manager; Alan Pepler, Principal Planner; John Drugan, Senior Planner, Steven Reid, Policy, Planning and Performance Manager (HSCP), Sharon McIntyre, Committee Services Officer, and Liona Allison, Assistant Committee Services Officer.

Apologies:

Councillors Convery and McLean.

DECLARATIONS OF INTEREST

1706. There were no declarations of interest intimated.

NOTIFICATION OF PLANNING APPEALS AND APPEAL DECISIONS

1707. The committee considered a report by the Director of Environment, advising of notification from the Scottish Government's Planning and Environmental Appeals Division (DPEA) of the receipt of an appeal against the High Hedge Notice dated 27 May 2021 issued by the Council with regards to the hedge within the garden at 8 Polnoon Street, Eaglesham. The notice required the hedge owner to reduce the height of the hedge to 3.2m and ensure that it was kept below 3.8m thereafter. The appeal against the notice had been lodged by the owner of the hedge.

The report also advised of the submission of an appeal against the committee's decision on 19 May to refuse planning permission for the erection of single storey flat roof extension to rear single storey front extension; installation of flue at 4 Wigton Avenue, Newton Mearns.

Furthermore the report explained that an appeal against the committee's decision to refuse planning permission for the Change of Use of land for outdoor pre and after school at the site Adjacent East of Williamwood High School, Eaglesham Road, Clarkston had been upheld and permission granted.

Councillors Miller, Cunningham and Ireland referred to the DPEA Reporter's findings to overturn the committee's decision to refuse planning permission for the Change of Use of land for outdoor pre and after school at the site Adjacent East of Williamwood High School, Eaglesham Road, Clarkston, and following detailing their justifications for this refusal, noted the channels to discuss the DPEA decision-making process.

Provost Fletcher noted the appeal against the committee's decision in respect of the development at 4 Wigton Avenue, Newton Mearns, and that a different planning application also for this address, was before the committee for determination. The Planning and Buildings Standards Manager advised that it was possible for an individual to request an appeal on a decision and submit a different planning application.

The committee noted the report.

APPLICATIONS FOR PLANNING PERMISSION

1708. The committee considered reports by the Director of Environment on applications for planning permission requiring consideration by the committee.

The applications were determined as indicated at Appendix 1 accompanying this Minute, particular reference being made to the following:-

- (i) 2020/0287/TP - Erection of 68 bedroom care home including spa facilities, cafe, cocktail bar and cinema room and 23 assisted living apartments with associated car parking and landscaping including community garden (major) at Land At Drumby Crescent (former Isobel Mair School Playing Fields East Of Eastwood Health And Care Centre) Clarkston.

The Planning and Building Standards Manager outlined that the recommendation of the Planning Service was that the application be refused. He further advised that the site was allocated in the Local Development Plan for residential use and provided an overview of the reasons for refusal as outlined in the report.

The Planning and Building Standards Manager also advised of an updated position received from Environmental Health after the publication of the report, that in order to meet acceptable noise impact standards the applicant would be required to put in an acoustic barrier or fence should the application be approved.

Councillor Cunningham sought confirmation of the requirement to consult the HSCP in response to which the Planning and Building Standards Manager advised that Policy SG3 stated that there had to be a proven need for specialist accommodation which could be evidenced and was supported by the HSCP. The comments from the HSCP stated that they did not support the proposal and in particular the care home element as there was no proven need for the facilities. Consequently, it was considered that the proposal failed to comply with a significant policy consideration in the Proposed Local Development Plan.

Councillor Miller noted the reasons for refusal as outlined in the report and advised that in relation to the first reason for refusal in his opinion the proposed development would not have an adverse impact on existing community facilities, infrastructure and services. In relation to the second reason for refusal he noted that should this site be developed as proposed there would not be further development at the site and consequently it would not be visually intrusive, incongruous and dominant in the locality, to the detriment of the amenity of future residents, the adjacent residential

area and wider area in general. With regard to the third reason for refusal Councillor Miller noted a recent update from the Chief Officer of the HSCP which noted the current limited access to care at home in East Renfrewshire. He noted one representation had been received and that the HSCP were concerned about inward migration although noted outward migration was also occurring.

Councillor Swift spoke in support of the proposed application. He noted that as of March 2021 there was a vacancy of approximately 23% of the care home beds within the area and that the impact of deaths in care homes as a result of the pandemic required to be considered. Notwithstanding the current oversupply of beds he referenced the aging population and specifically the older population within East Renfrewshire suggesting that the oversupply would be a relatively short-term issue. He welcomed the inclusion of supported living accommodation and the specialist dementia care facilities that would be provided through this facility given the current shortage of these facilities. He also noted the recommendation from Environmental Health regarding the requirement for an acoustic barrier or fence to be erected.

Provost Fletcher noted the history of the land sale at Drumby Crescent and that the applicants were pursuing what they believed to be a viable business model for the site which was sold on the basis the site would be developed despite the proximity to the railway line.

The Policy, Planning and Performance Manager (HSCP) was heard in response to the points raised in the discussion. He advised that it was the view of the HSCP that the application did not demonstrate the level of need to justify the care home development and that care home development, and consequently the inward migration of residents, would result in increased cost and pressures on existing health and care infrastructure and services. On this basis the HSCP did not support the application.

Responding to questions from Councillor Ireland and Councillor Cunningham on some of the current issues facing the care at home service, he explained the reasons why these were considered to be generally short-term.

Notwithstanding that the Roads Service had not objected to the proposals, Councillor Ireland referred to regular contact from local residents in relation to roads issues at Drumby Crescent and questioned whether, in the event the committee granted the application, a condition could be included to mitigate these. Highlighting the surprisingly low level of objections from local residents, the Planning and Building Standards Manager confirmed that the Roads Service did not object to the principle of development. However it had been suggested that should the application be approved 2 conditions be attached, one in relation to visibility splays at the junction and the other in relation to the construction of footpaths into the site.

The Planning and Building Standards Manager, in response to Provost Fletcher's earlier point regarding noise from the railway line explained that had the proposed development have been wholly residential in nature, it could have been designed to be of a lower height and set in a different position thereby not requiring an acoustic barrier of 4.4m that impacted on visual amenity.

Councillor Ireland moved the recommendation to refuse the application for the reasons as outlined in the report. There being no seconder the motion fell.

Councillor Cunningham seconded by Councillor Miller then moved that the application be approved.

The Planning and Building Standards Manager was then heard on a proposed Legal Agreement to ensure that the proposed extra care apartments were restricted to Use Class 8 of the Use Classes Order in perpetuity and remained occupied only by persons over the age of 55, and on proposed conditions to be attached to the consent. These were agreed by the committee:

He further advised that Network Rail had provided advisory notes in their consultation response in relation to working in close proximity to the railway line to be included in the consent.

The committee:-

- (a) approved the application subject to a proposed Legal Agreement to ensure that the proposed extra care apartments are restricted to Use Class 8 of the Use Classes Order in perpetuity and remain occupied only by persons over the age of 55 and to the conditions as set out at Appendix 2 accompanying this Minute; and
 - (b) noted that Network Rail had provided advisory notes in their consultation response in relation to working in close proximity to the railway line to be included in the consent.
- (ii) 2021/0512/TP – Proposed single storey Flat Roof extension to Rear and Pitched roof extension to Front of Dwelling House. Installation of Log Burner and Flue at 4 Wigton Avenue, Newton Mearns.

The Planning and Building Standards Manager referred to the number of representations received and provided details of the proposal which had been brought to committee in accordance with the Scheme of Delegation, as the applicant was an officer within the Planning and Buildings Standards Service. He referred to the similar proposal at the site considered by the committee and highlighted that in this application the proposed front/side extension was set back at least one metre from the side boundary in accordance with the Supplementary Planning Guidance Householder Design Guide. This had been the reason the previous application had been refused.

It having been noted that the application had addressed the issues that had led to the refusal of the earlier application the committee granted planning consent subject to conditions as outlined in the report.

CHAIR

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

Index of applications under the above acts considered by Planning Applications Committee on
04.08.2021

Reference No: 2020/0287/TP

Ward:

Applicant:

Northcare (Scotland) Ltd
Lindsayfield Lodge
Rosaburn Avenue
East Kilbride
G75 9DE

Agent:

Paul O'Neill
77 St Vincent Street
1st Floor Rear
Glasgow
G2 5TF

Site: Land At Drumby Crescent (former Isobel Mair School Playing Fields East Of Eastwood Health And Care Centre) Clarkston East Renfrewshire

Description: Erection of 68 bedroom care home including spa facilities, cafe, cocktail bar and cinema room and 23 assisted living apartments with associated car parking and landscaping including community garden (major)

Decision: Approved subject to a Legal Agreement to ensure that the proposed extra care apartments are restricted to Use Class 8 of the Use Classes Order in perpetuity and remain occupied only by persons over the age of 55 and conditions.

Reference No: 2021/0512/TP

Ward: 2

Applicant:

Mrs Gillian Morgan
4 Wigton Avenue
Newton Mearns
Scotland
G77 6JG

Agent:

Malcolm McCallie
14 Ballingall Drive
GLENROTHES
Scotland
KY6 3QD

Site: 4 Wigton Avenue Newton Mearns East Renfrewshire G77 6JG

Description: Proposed single storey Flat Roof extension to Rear and Pitched roof extension to Front of Dwelling House. Installation of Log Burner and Flue

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

Decision: Approved subject to conditions.

Reference: 2020/0287/TP

Date Registered: 3rd June 2020

Applicant/Agent:	Applicant: Northcare (Scotland) Ltd Lindsayfield Lodge Rosaburn Avenue East Kilbride G75 9DE	Agent: Paul O'Neill Unum Partnership 77 St Vincent Street 1st Floor Rear Glasgow G2 5TF
Proposal:	Erection of 68 bedroom care home including spa facilities, cafe, cocktail bar and cinema room and 23 assisted living apartments with associated car parking and landscaping including community garden (major)	
Location:	Land At Drumby Crescent (former Isobel Mair School Playing Fields East Of Eastwood Health And Care Centre) Clarkston East Renfrewshire	

Decision: Disposed to approve subject to conditions specified below following the conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) to ensure that the proposed assisted living apartments are restricted to Use Class 8 in perpetuity and remain occupied only by persons over age 55.

1. Development shall not commence until a scheme to deal with potential contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of:
 - i) the nature, extent and type(s) of contamination on the site;
 - ii) measures to treat/remove contamination to ensure the site is fit for the use proposed;
 - iii) measures to deal with contamination during construction works.

Before any part of the development is brought into use the approved measures to decontaminate/remediate the site shall be fully implemented and a verification report submitted to the Planning Authority unless a phased program is agreed in writing as part of the approved scheme.

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

2. Development shall not commence until detailed levels, diagrams and sections, showing the existing and proposed levels throughout the site and finished floor levels in relation to a fixed datum point have been submitted to and approved in writing by the planning authority. Thereafter the development shall be constructed in accordance with the approved levels, diagrams and sections.

Reason: To ensure that the levels are acceptable at this location.

3. Development shall not commence until samples of materials to be used on all external surfaces of the building and hard surfaces have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

4. Development shall not commence until details and location of all walls (including retaining walls) and fences to be erected on the site have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

5. Development shall not begin until details of the mitigation measures (including details of the acoustic fence as shown on drawing 151-L(20)-200 RevP11) have been submitted to and approved in writing by the planning authority. The mitigation measures including the acoustic fence shall be designed to ensure that internal noise levels shall not exceed BS8233:2014 daytime and night-time criteria in the proposed buildings. Thereafter the development shall be implemented in accordance with the approved details prior to any part of the development hereby approved being brought into use.

Reason: To ensure there is no adverse impact on future residents and that the development is acceptable in appearance.

6. Development shall not commence until a detailed survey of all trees and hedges on the site has been undertaken and submitted to and approved in writing by the planning authority. This survey shall be displayed on a site layout plan and include an identification of existing tree species, an estimation of their height and spread of branches and their location within the site accurately plotted (any trees around the perimeter which overhangs into the site shall also be included). Those trees which are proposed to be felled or removed shall be separately identified. Thereafter any treeworks shall be implemented as approved.

Reason: To protect the existing trees and shrubs so that they continue to contribute to the environmental quality of the area and soften the impact of the development.

7. Prior to the commencement of tree works on site a bat survey shall be carried out on all trees to be removed, the details of which and the timing of the survey shall be agreed in writing by the planning authority. The trees which are identified for felling shall be removed in sections and shall be carried out following an after dusk survey. In particular the following shall be carried out:

- i) the felled trees shall be left in situ for 24 hours to allow any roosting bats to leave;
- ii) a licensed bat surveyor shall be present prior to the felling of the trees with the potential for roosting bats;
- iii) where a tree contains a feature(s) with the potential for roosting bats, cuts shall be made above and below the feature the cut section carefully lowered to the ground and left in situ for 24 hours;
- iv) any cracks are found during felling then all felling work shall cease immediately and the planning authority shall be contacted for further advice.

Reason: To ensure that the development does not adversely impact on protected species.

8. Development shall not commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-

- i) Details of any earth mounding, hard landscaping, grass seeding and turfing;
- ii) A scheme of tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted;
- iii) Other structures such as street furniture and play equipment;
- iv) Details of the phasing of the landscaping works;
- v) Schedule of maintenance.

For the avoidance of doubt, the landscape scheme shall be designed to accommodate the position and height of the acoustic fence as required under condition 5 above. In addition, and for the avoidance of doubt, the landscaping/tree planting scheme shall be designed to protect the privacy and amenity of the rear garden areas of the residential properties on Drumby Crescent.

Thereafter the landscaping works shall be fully implemented as approved.

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

9. Development shall not commence until details have been submitted of a management scheme to ensure that the landscaped areas and other areas of common ownership are maintained to an approved standard. The management scheme requires to be approved in writing by the planning authority and shall thereafter be in place prior to the occupation of either building on the site.

Reason: In the interests of the amenity of the site and the surrounding area.

10. Development shall not commence until details of all external lighting (including details of the lighting units, the angle and intensity of illumination and hours of operation) have been submitted to and approved in writing by the planning authority. Thereafter the lighting shall be implemented as approved.

Reason: In order to ensure that the lighting is acceptable at this location and to protect the amenity of the surrounding area.

11. Development shall not commence until details have been submitted of a management scheme to ensure that the Sustainable Urban Drainage Systems (SUDS) and Drainage Strategy (dated 11th December 2019) submitted as part of the planning application hereby approved are maintained to an approved standard. Thereafter, the SUDS and Drainage Strategy and management scheme shall be fully implemented prior to any part of the development being brought into use.

Reason: In the interests of sustainable development.

12. Notwithstanding the plans hereby approved, development shall not commence until details including plans of the junction at Drumby Crescent have been submitted to and approved in writing by the planning authority. The plans shall include measures to minimise or mitigate traffic flow eastwards on Drumby Crescent. Thereafter the junction shall be implemented as approved.

Reason: To reduce the number of vehicles using Drumby Crescent in order to minimise any road safety issues.

13. Visibility splays of 2.5 metres by 25 metres shall be provided in both directions at the junction of the new access with the existing road prior to the commencement of use of the development and thereafter maintained free from any obstructions exceeding a height of 1.05m above the adjacent road.

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

14. Notwithstanding the plans hereby approved, development shall not commence until details including plans showing a continuous pedestrian link between the proposed disabled bays (as shown on drawing 151-L(20)-200 RevPII) and the access to the care home.

Reason: To allow the planning authority to assess this matter and to ensure that the development is safe for users.

15. There shall be no construction work or offloading of delivered materials at the development site outwith the hours of 0800 to 1900 Monday to Friday and 0800 to 1300 on Saturday with no working on Sunday or local or national public holidays unless minor and temporary amendments have been otherwise agreed in advance in writing by the planning authority. The starting up/warming up and shutting down of any construction machinery outwith these hours shall not be audible from the boundary of any noise sensitive property.

Reason: To prevent noise nuisance to the surrounding area.

16. Development shall not commence until an Air Quality impact report has been submitted to and approved in writing by the planning authority. In addition the report shall also consider the potential impact of the development during site preparation and construction works on the surrounding area. The report shall identify any remedial measures required to mitigate any negative impact on air quality including the control of dust during construction to minimise the impact on adjacent neighbours and future occupants of the site. Thereafter the mitigation/measures identified shall be implemented as approved.

Reason: To protect the amenity and health and wellbeing of residents and future residents.

ADDITIONAL NOTES:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

The applicant is required to consult East Renfrewshire Council Protective Services regarding compliance with the provisions of the Health & Safety at Work Etc Act 1974 and the Food Safety Act 1990.

The developer should contact Network Rail Asset Protection Engineer, 151 St Vincent Street, Glasgow, G2 5NW. Tel: 0141 555 4087 Email: AssetProtectionScotland@networkrail.co.uk

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

The applicant is advised to contact Scottish Water, Developer Services, Clyde House, 419 Balmore Road, Glasgow, G22 6NU, prior to commencing any works on site.

East Renfrewshire Council Roads Service should be consulted regarding a Road Opening Permit for service connections and footway crossover.

