

**MINUTE**

of

**PLANNING APPLICATIONS COMMITTEE**

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 13 March 2019.**

**Present:**

Councillor Annette Ireland (Chair)  
Councillor Betty Cunningham (Vice Chair)  
Councillor Angela Convery

Provost Jim Fletcher  
Councillor Jim McLean  
Councillor Stewart Miller

Councillor Ireland in the Chair

**Attending:**

Sean McDaid, Principal Planner; John Drugan, and Derek Scott, Planners, Development Management; and Paul O'Neil, Committee Services Officer.

**Apology:**

Councillor Jim Swift.

**DECLARATIONS OF INTEREST**

**811.** Councillor Miller declared that as the applicant of application (Ref No:- 2018/0252/TP) had lodged a complaint about him with the Commissioner for Ethical Standards and as he had not taken part in the consideration of the application at the previous meeting where it was agreed to continue consideration of the application for a site visit, he would not be taking part in the consideration of the application.

**NOTIFICATION OF PLANNING APPEALS AND APPEAL DECISIONS**

**812.** The committee considered and noted a report by the Director of Environment, advising of the intimation by the Directorate for Planning and Environmental Appeals (DPEA) of the outcome of an appeal decision relating to the issue of a High Hedge Notice for a hedge at 70 Stamperland Hill, Clarkston, which had been dismissed by the Reporter.

**APPLICATIONS FOR PLANNING PERMISSION**

**813.** The committee considered reports by the Director of Environment, on applications for planning permission requiring consideration by the committee, two of which had been continued from the meeting on 13 February 2019.

It was agreed that the applications be determined as indicated at Appendix 1 accompanying this Minute, particular reference being made to the following:-

- (i) 2018/0643/TP – Erection of 5 detached houses with associated roads, parking and landscaping following demolition of existing house at 18 Fruin Avenue, Newton Mearns by Mr William Paton

Under reference to the Minute of the meeting of 13 February 2019 (Page 714, Item 778(i) refers) when it was agreed that consideration of the application be continued to allow a site visit to take place, the committee resumed consideration of the application.

The site visit had taken place immediately prior to the meeting.

The Principal Planner referred to the proposed development and the site visit that had been undertaken and advised that officers were recommending that the application be approved, subject to the:-

- (a) conditions detailed in the report and subject to the terms of Condition 7 being altered as detailed below:-

**Condition 7**

Development shall not commence until plans of the maximum achievable visibility splays in both directions at the junction of the new access with the existing road have been submitted to and approved in writing by the planning authority. Following approval the visibility splays shall be provided prior to occupancy of any house 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 exist.

- (b) conclusion of a legal agreement relating to the:-
- (i) payment of a commuted sum to secure the affordable housing provision; and
- (ii) payment of a development contribution relating to education (pre-5, primary and secondary); community facilities (community halls and libraries and sports); parks and open space; and green network and access.

Councillors Cunningham and Convery were heard in support of the application in the course of which Councillor Miller expressed concerns about the standing water which was visible at the site during the course of the site visit.

In reply, the Principal Planner stated that the water was previously a pond and that the concerns expressed by Councillor Miller would be addressed by the terms of Condition 6 as detailed in the report.

The committee agreed that the application be approved, subject to the:-

- (a) conditions detailed in the report and subject to the terms of Condition 7 being altered as detailed below:-

**Condition 7**

Development shall not commence until plans of the maximum achievable visibility splays in both directions at the junction of the new access with the existing road have been submitted to and approved in writing by the planning authority. Following approval the visibility splays shall be provided prior to occupancy of any house 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 exist.

- (b) conclusion of a legal agreement relating to:-
- (i) the payment of a commuted sum to secure the affordable housing provision; and
- (ii) the payment of a development contribution relating to education (pre-5, primary and secondary); community facilities (community halls and libraries and sports); parks and open space; and green network and access.

**Sederunt:**

Councillor Miller left the meeting at this stage.

- (ii) 2018/0762/TP – Erection of agricultural worker's dwellinghouse at site 180m north of Foretrees Farmhouse, Fereneze Road, Neilston, by Mr Gordon Pollock

Under reference to the Minute of the meeting of 13 February 2019 (Page 714, Item 778(ii) refers) when it was agreed that consideration of the application be continued to allow a site visit to take place, the committee resumed consideration of the application.

The site visit had taken place on 12 March 2019.

Whilst noting that the proposed development was a significant distance from Mossneuk Farm, the main farmhouse, and that the occupant of Foretrees Farmhouse worked 35 hours per week as a teacher over 39 weeks of the year and a further 35 to 50 hours a week on the farm, Councillor Cunningham sought clarification why the proposed development was required, as in her opinion the occupant of Foretrees Farmhouse could vacate the property and this would provide the accommodation required by the applicant without the need for the proposed development. She also expressed concerns about the access road to the application site.

Councillor Convery whilst acknowledging that the application site was not easy to access and that the main farmhouse was a significant distance from the proposed development, noted from the Labour Requirement Report submitted with the application stated that the farm needed 5 full-time workers, 3 of which should be resident on the farm for animal welfare and security reasons. She further noted that the current requirement for 3 resident full-time workers was therefore not met.

In response to a question by Councillor Ireland, the Principal Planner confirmed that the terms of Condition 1 which related to the occupancy of the proposed development could be enforced if it was found that the applicant had breached the terms of the condition.

Councillor Cunningham stated that in her opinion the proposed development was not justified in the course of which she emphasised that the current application was the same as the application previously refused by the committee at its meeting on 5 December 2018.

Provost Fletcher commented on a number of issues that had been raised in relation to the application. In particular, the fact that Foretrees Farmhouse had been advertised for rent; and that the existing occupant of that property whilst being an employee of the farm also worked as a teacher. He sought clarification whether there was a need for the proposed development and how the Council would ensure that the proposed development would be used for the purpose as stated on the application.

In response, the Principal Planner explained the process that was followed in the assessment of the application and the factors that had been taken into account. He stated that having considered all these matters, officers had concluded that there was a need for a residential house on the farm.

The Principal Planner also responded to a question by Councillor McLean regarding the occupancy of Foretrees Farmhouse, in the course of which he referred to the terms of the Labour Requirement Report which stated that 3 full-time workers should be resident on the farm for animal welfare reasons. He also emphasised that the reference to that property was simply to provide a context in relation to the proposed development site and that the question of the occupancy of that property was a separate matter.

At this stage, Councillor Ireland seconded by Councillor Convery moved that the application be approved, subject to the conditions detailed in the report.

Councillor Cunningham seconded by Councillor McLean, moved as an amendment that the application be refused on the grounds that there was no justification for the proposed development; that there already existed another dwellinghouse on the farm for an agricultural worker where the existing occupant was not employed full-time on the farm; and that the proposed development could be built elsewhere on the farm.

On a vote being taken, three members voted for the motion and two members voted for the amendment. The motion was accordingly declared carried and it was agreed that the application be approved, subject to the conditions detailed in the report.

**Sederunt:**

Councillor McLean left the meeting at this stage and Councillor Miller re-entered the meeting.

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 decided by the Planning Applications Committee on  
13th March 2019

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**Reference No:** 2018/0643/TP

**Ward:** 2

**Applicant:**

Mr William Paton  
84 Lister Street  
Glasgow  
United Kingdom  
G4 0BY

**Agent:**

Ark Architecture & Design  
14 Royal Terrace  
Glasgow  
United Kingdom  
G3 7NY

**Site:** 18 Fruin Avenue, Newton Mearns, East Renfrewshire, G77 6HA

**Description:** Erection of 5 detached houses, with associated roads, parking and landscaping following demolition of existing house.

**Decision:** Approved subject to conditions following conclusion of a legal agreement

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**Reference No:** 2018/0762/TP

**Ward:** 1

**Applicant:**

Mr Gordon Pollock  
Mossneuk Farm  
Gleniffer Braes  
By Neilston  
Scotland  
G78 3AL

**Agent:**

Derek Scott Planning  
21 Lansdowne Crescent  
Edinburgh  
Scotland  
EH12 5EH

**Site:** Site 180 metres north of Foretrees Farm House, Fereneze Road, Neilston, East Renfrewshire

**Description:** Erection of agricultural worker's dwellinghouse

**Decision:** Approved subject to conditions

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766

**Reference No:** 2017/0756/TP

**Ward:** 1

**Applicant:**

Cruden Homes/AGN Constructions Ltd  
Cruden Campus  
5 Clydemill Road  
Cambuslang Investment Park  
Glasgow  
Scotland  
G32 8RE

**Agent:**

McInally Associates Ltd  
16 Robertson Street  
Glasgow  
Scotland  
G2 8DS

**Site:** Land at Shanks Park, Blackbyres Road, Barrhead, East Renfrewshire

**Description:** Erection of residential development with associated open space, roads, landscaping and associated works (major) (planning permission in principle)

**Decision:** Approved subject to conditions following conclusion of a legal agreement

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