

MINUTE

of

PLANNING APPLICATIONS COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 14 March 2018.

Present:

Councillor Annette Ireland (Chair)
Councillor Paul Aitken
Councillor Angela Convery

Provost Jim Fletcher
Councillor Stewart Miller

Councillor Ireland in the Chair

Attending:

Sean McDaid, Principal Planner; and Ian Walker, Senior Planner, Development Management; Graham Shankland, Principal Business Intelligence Officer, Business Intelligence Team; and Paul O'Neil, Committee Services Officer.

Apologies:

Councillors Betty Cunningham (Vice Chair) and Jim McLean.

DECLARATIONS OF INTEREST

340. There were no declarations of interest intimated.

APPLICATIONS FOR PLANNING PERMISSION

341. The committee considered reports by the Director of Environment, on applications for planning permission, including an application for planning permission that had been continued from the meeting of the committee on 14 February 2018.

The committee agreed that the applications be determined at Appendix 1 accompanying this Minute, particular reference being made to the following:-

- (i) 2017/0264/TP – Sub-division of feu and erection of detached dwellinghouse at rear with formation of access from Capelrig Road (planning permission in principle) at 8 The Laurels, Newton Mearns by Amanda Flynn

Under reference to the Minute of the meeting of 14 February 2018 (Page 271, Item 305 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.

Whilst expressing concerns about the application, Provost Fletcher stated that in his opinion, should the committee approve the application it would set a precedent and he also noted that the applicant's neighbours had objected to the proposal. Concluding his remarks, he indicated that he supported the recommendation to refuse the application.

Councillor Ireland commented that the site visit that had been carried out prior to the meeting had been helpful and that she agreed that the application was contrary to the policies outlined in the report and supported the recommendation to refuse the application.

At this stage, the committee agreed that the application be refused for the reasons detailed in the report.

- (i) 2014/0820/TP – Erection of six 76.5 metre high wind turbines (to hub height) and anemometer mast with formation of access tracks; erection of sub-station and control building and formation of 2 borrow pits at land east of Shieldhill Farm and west of Moor Road, Newton Mearns by Moorhouse Windfarm Limited

The Principal Planner advised that the applicant's agent had submitted a request for the application to be continued to allow time to enter into discussions with the National Air Traffic Service with a view to finding a mitigation solution to the commercial aviation issue raised by the service in its objection.

Councillor Ireland, seconded by Councillor Aitken, moved that the committee should not accede to the agent's request for a continuation of the application.

Councillor Miller, seconded by Councillor Convery, moved as an amendment that consideration of the application be continued in accordance with the request made by the applicant's agent.

On a vote being taken, 3 Members voted for the motion and 2 Members voted for the amendment. The motion was accordingly declared carried and it was agreed that the committee give consideration to the application at the meeting.

At this stage, the Principal Planner outlined the terms of the proposal and indicated that following assessment of the application it was recommended that the committee refuse the application for the reasons detailed in the report.

In response to the concerns expressed in the report about the visual impact of the proposal, Councillor Miller highlighted that the existing wind turbines at the Whitelee Wind Farm were visible to motorists travelling north on the M77 motorway in the course of which the Principal Planner, whilst acknowledging this to be the case, emphasised that the proposed development would have a locally significant adverse visual impact on the surrounding area which would be beyond what was acceptable.

Councillor Ireland was concerned that the applicant had not addressed the issues raised by the National Air Traffic Service and the adverse visual impact the proposed development would have on the surrounding area.

The Principal Planner provided clarification about the problems the proposed wind turbines would cause to the navigational radar tracking of flights in the area highlighting that this was the reason why the National Air Traffic Service had objected to the proposal.

Provost Fletcher supported the concerns expressed by National Air Traffic Service and expressed concern about the adverse visual impact the proposal would have on the surrounding area.

Councillor Miller indicated that he was somewhat surprised that the recommendation was to refuse the application given that having read the assessment in the report he was of the view that the proposal appeared positive given the likely benefits that would arise from the proposed development.

In reply, the Principal Planner, whilst acknowledging the benefits the proposed development might bring, emphasised that having considered all the relevant matters of the application, it was considered that the adverse impacts outweighed any benefits that the proposal might bring.

At this stage, the committee agreed that the application be refused for the reasons detailed in the report.

- (iii) 2017/0374/TP – Formation and extension of hard rock quarry (consolidation of previous planning permissions)(major) at Floak, Ayr Road, Newton Mearns by Patersons of Greenoakhill Limited

The Principal Planner outlined the terms of the proposal and indicated that following the assessment of the application it was recommended that the application be approved, subject to conditions. He also advised that should the committee decide to approve the application it was proposed to amend the wording of Condition 2. Details of the amended wording were exhibited to the committee.

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

- (a) the conditions detailed in the report; and
- (b) the wording of Condition 2 be amended as per Appendix 2 accompanying this Minute.

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 14.03.2018

Reference No: 2017/0264/TP

Ward: 2

Applicant:

Amanda Flynn
8 The Laurels
Newton Mearns
East Renfrewshire
G77 6XR

Agent:

Alan Seath Planning Consultancy
Alan Seath
88 Scott Road
Glenrothes
KY6 1AE

Site: 8 The Laurels Newton Mearns East Renfrewshire G77 6XR

Description: Sub-division of feu and erection of detached dwellinghouse at rear with formation of access from Capelrig Road (planning permission in principle)

Decision: Refused

Reference No: 2014/0820/TP

Ward: 5

Applicant:

Moorhouse Windfarm Ltd
Baltic Chambers
50 Wellington Street
Suite 406 - 407
Glasgow
G2 6HJ

Agent:

Coriolis Energy Ltd
Ms Rosemary Chambers
Baltic Chambers
50 Wellington Street
Suite 406 - 407
Glasgow
G2 6HJ

Site: Land East Of Shieldhill Farm And West Of Moor Road Newton Mearns East Renfrewshire G77 6SQ

Description: Erection of six 76.5 metre high wind turbines (to hub height) and anemometer mast with formation of access tracks; erection of sub-station and control building and formation of two borrow pits

Decision: Refused

Reference No: 2017/0374/TP

Ward: 2

Applicant:

Patersons Of Greenoakhill Ltd
Gartsherrie Road
Coatbridge
ML5 2EU

Agent:

Johnson Poole And Bloomer
Richard Kenyon
50 Speirs Wharf
Glasgow
4 9TH

Site: Floak Ayr Road Newton Mearns East Renfrewshire G77 6SJ

Description: Formation and extension of hard rock quarry (consolidation of previous planning permissions) (major)

Decision: Approved Subject to Conditions

AMENDMENT TO WORDING OF CONDITION 2

Application Ref No:- 2017/0374/TP

Site:- Floak, Ayr Road, Newton Mearns, East Renfrewshire, G77 6SJ

Description: Formation and extension of hard rock quarry (consolidation of previous planning permissions) (major) by Patersons of Greenoakhill Ltd

CONDITION 2

Within three months from the date of this decision a bond or other financial instrument to cover all site restoration and aftercare liabilities imposed by this permission shall be submitted for the written approval of the Council as Planning Authority. Such bond or other financial instrument must, unless otherwise agreed in writing by the Council as Planning Authority:

- i) be granted in favour of the Council as Planning Authority
- ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the bond or other financial instrument;
- iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities, as agreed between the operator and the Council as Planning Authority
- iv) either contain indexation provisions so that the specified amount of the bond or other financial instrument shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by or on behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the bond or other financial instrument always covers the value of the site restoration and aftercare liabilities
- v) come into effect within six months of the date of this decision (unless a longer period is agreed in advance in writing by the Planning Authority), expire no earlier than 12 months after the end of the aftercare period and be available at all times to the Council as Planning Authority throughout this period. Suitable multiple bond or financial instrument arrangements may be acceptable provided that there is in place at all times throughout this period an acceptable bond or other financial instrument in terms acceptable to the Council as Planning Authority of sufficient value to ensure that restoration and aftercare liabilities are always provided for.
- vi) Within 3 months of the date of this decision, (or by another date to be approved in advance in writing by the Council as Planning Authority) the Operator shall submit to the Council as Planning Authority the initial bond or other financial instrument for the Council's approval. Within 3 months of the Council as Planning Authority confirming in writing that the

proposed initial bond or other financial instrument is satisfactory (or by another date to be approved in advance in writing by the Council as Planning Authority) there shall be delivered to the Council as Planning Authority the validly executed bond or other financial instrument.

vii) If no validly executed bond or other financial instrument in terms acceptable to the Council as Planning Authority is delivered to the Council within 6 months of the date of this decision, or by another date to be approved in advance in writing by the Council as Planning Authority, no operations will be carried out on site until a bond or financial instrument completed in accordance with the terms of this condition is lodged with the Council as Planning Authority.

viii) In the event that a bond or other financial instrument becomes invalid for any reason, no operations will be carried out on site until a bond or financial instrument completed in accordance with the terms of this condition is lodged with the Council as Planning Authority.

ix) At the end of each period of 4 years from the date of issue of the relevant bond or financial instrument , the Operator shall submit to the Council as Planning Authority an independent review of the bond by an independent company (the company to be approved in advance by the Council as Planning Authority) with expertise of restoration and aftercare of quarry sites with the costs of the said independent review being met by the Operator .The Council as Planning Authority may direct that the approved bond or financial instrument be amended in accordance with the conclusions of the independent review if this is necessary to ensure that funds remain sufficient for site restoration and aftercare.

Reason: To ensure that provision is made for the restoration and aftercare of the site.