

MINUTE
of
PLANNING APPLICATIONS COMMITTEE

Minute of Meeting held at 2.00pm in the Council Offices, Main Street, Barrhead, on 2 June 2017.

Present:

Councillor Annette Ireland (Chair)	Provost Jim Fletcher
Councillor Paul Aitken	Councillor Jim McLean
Councillor Angela Convery	Councillor Stewart Miller
Councillor Betty Cunningham	

Councillor Ireland in the Chair

Attending:

Gillian McCarney, Strategic Services Manager; Sean McDaid and Graham Shankland, Principal Planners, Development Management; Shona Fraser, Operations Manager; Claire Reid, Senior Environmental Health Officer; and Paul O'Neil, Committee Services Officer.

DECLARATIONS OF INTEREST

14. There were no declarations of interest intimated.

NOTIFICATION OF PLANNING APPEALS AND APPEAL DECISIONS

15. The committee considered and noted a report by the Director of Environment, advising of the intimation by the Directorate for Planning and Environmental Appeals (DEPA) of the outcome of one appeal relating to the decision by the Council to issue a High Hedge Notice relating to a hedge at 12 Glen Gairn Crescent, Neilston, which had been dismissed by the Reporter.

APPLICATION FOR PLANNING PERMISSION

16. The committee considered a report by the Director of Environment, on an application for planning permission requiring consideration by the committee.

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

- (i) 2016/0712/TP – Residential development to include sites for affordable housing, primary school and religious facility, access, landscaping, SUDS and associated ancillary development (Major) at land at Maidenhill, Newton Mearns, by Taylor Wimpey UK PLC and Cala Homes (West) Limited.

The Strategic Services Manager provided an overview of the proposed development in the course of which she referred to the assessment of the application as detailed in the Report of Handling and the range of issues that had been considered. She referred to the conclusion detailed in the report which recommended that the committee be disposed to grant the application, subject to the conditions detailed in the report and the conclusion of a legal agreement relating to the delivery of affordable housing and payment of development contributions. Concluding her remarks, she reported on a number of late representations that had been received in respect of the proposed development.

Whilst referring to a representation he had received from a local resident advising that as a result of instances of flooding in the local area the individual's home insurance premiums were to rise significantly, Councillor Aitken expressed concern that the hydrology/Flood and Drainage Impact Assessment report that had been submitted in respect of the proposed development was not independent. He highlighted that the same company had provided advice to both the Council and the developers and in his opinion; this represented a conflict of interest.

In reply, the Strategic Services Manager stated that she had not received a copy of the representation referred to by Councillor Aitken, and in any event insurance premiums were not a material planning consideration for the committee in the assessment of the application. She stated the Council had commissioned Envirocentre in terms of the strategic flooding issues to inform the Maidenhill Masterplan Supplementary Planning Guidance document and had not sought their advice on the specific planning application. She also indicated that the Flood and Drainage Impact Assessment report had been considered by the Council's Roads and Transportation service and the Scottish Environment Protection Agency (SEPA). Furthermore, the applicants had also sought separate hydrology advice in this regard and therefore there was no conflict of interest.

Councillor Aitken also expressed concern about the proposal to connect an additional 400 houses at the proposed development to Scottish Water's sewerage system without augmentation works being carried out. He highlighted that the existing system was not capable of taking on additional capacity given that residents in the Newton Mearns area were already experiencing problems.

In reply, the Strategic Services Manager stated that Scottish Water was responsible for the management of the sewerage system and that it had offered no objections to the application. She also highlighted that a Development Impact Assessment had been carried out by the Scottish Water Horizons which had considered a number of options associated with the management of sewage from the proposed development and that the company was satisfied with the proposal.

However, the Strategic Services Manager advised that given the concerns that had been expressed about the ability of the existing sewerage infrastructure to cope with the connection of the additional houses, she had drafted an additional condition which the committee might wish to attach to the planning consent the terms of which might address the concerns that had been raised.

At this stage, copies of the proposed condition were circulated to the members of the committee. The terms of the condition read as follows:-

"Prior to the occupation of any residential unit hereby approved a scheme relating to connecting the development to Scottish Water's sewerage infrastructure shall be submitted for the approval in writing of the Planning Authority in conjunction with Scottish Water. The submitted scheme shall

provide for detail/timescales of connection of the development to Scottish Water's sewerage infrastructure (including any temporary connection) as well as for the upgrade/augmentation of the sewerage infrastructure after 400 residential units. Thereafter the scheme shall be fully implemented as approved."

The Strategic Services Manager explained that the proposed condition would provide the Council with an opportunity of discussing with Scottish Water its proposals concerning the connection of the proposed development to the sewerage infrastructure and that by doing so would introduce an element of comfort and clarity for the Council. Concluding her remarks, she emphasised that the Council could not instruct Scottish Water as to how it carried out its operations.

In reply to a question by Councillor Miller as to why the application was not being considered by the full Council given that it was a major development, the Strategic Services Manager explained that major planning applications were only considered by the full Council if they were significantly contrary to the development plan which this application was not. She also explained in response to a further question that the Scottish Environment Protection Agency (SEPA) had withdrawn its objection to the application following receipt of additional information from the developers.

Whilst explaining the distinction between the management of run-off water and sewerage where it was noted that sewerage was dealt with by Scottish Water whereas run-off water was managed by Sustainable Urban Drainage Systems (SUDS), the Strategic Services Manager advised that the proposed development would not increase the risk of flooding to homes downstream.

Councillor Cunningham was heard in support of the proposal in the course of which she stated that a development of this nature was much needed in East Renfrewshire given the type of housing that would be provided. She also highlighted that the development would also provide a religious facility and a primary school.

Whilst noting that both SEPA and Scottish Water had offered no objections to the application, Provost Fletcher sought clarification whether there were any aspects of the proposed development that were contrary to the Council's Local Plan policies.

In reply, the Strategic Services Manager explained that the site had been identified as a housing development through the preparation and adoption of the East Renfrewshire Council Local Development Plan. The proposed development was in accordance with the development plan and was acceptable at the location. She emphasised that should the committee approve the application, the conditions detailed in the 'Report of Handling' would be attached to the planning consent together with the additional condition that had been tabled at the meeting. She also highlighted that the proposed development complied with the Council's Affordable Housing Policy and would also provide a religious facility and primary school.

Councillor McLean noted that the maximum allowable greenfield run-off rate was *8 litres per second per hectare although the figure calculated for the development was noted as 6.5 litres per second per hectare and was within this limit. He suggested that the terms of Condition 13 be amended to reflect the development figure of 6.5 litres per second per hectare.* In reply, the Strategic Services Manager stated that the condition could be amended accordingly.

Councillor Aitken made reference to the terms of Scottish Water's 'Development Impact Assessment' and to the various options considered by Scottish Water regarding the management of sewage from the proposed development and noted that of the options considered, the preferred option was the cheapest. He proposed that the Council should attach a condition to the consent to the effect that Scottish Water should implement the most costly option as this would enhance the sewerage infrastructure in the area.

In reply, the Strategic Services Manager stated that the Council could not attach such a condition as it would be considered to be '*ultra vires*' given that the Council did not have the power to instruct Scottish Water as to how it conducted its operations.

At this stage, Councillor Ireland, seconded by Councillor Cunningham, moved that the committee be disposed to grant the application subject to the:-

- (a) conditions detailed within the report;
- (b) amendment to the wording of Condition 13 by deleting the reference to '8 litres per second per hectare' and inserting '6.5 litres per second per hectare';
- (c) inclusion of the additional condition concerning the connection of the development to Scottish Water's sewerage infrastructure; and
- (d) conclusion of a legal agreement relating to the delivery of affordable housing and payment of development contributions.

Councillor Miller, seconded by Councillor McLean moved that the application be refused until such time as the Council received assurances from Scottish Water regarding improvements to its sewerage infrastructure and similar assurances that the proposed development would not increase the risk of flooding to homes downstream.

On a vote being taken, four members voted for the motion and three members voted for the amendment. The motion was accordingly declared carried and it was agreed that the committee be disposed to grant the application subject to the:-

- (a) conditions detailed within the report;
- (b) amendment to the wording of Condition 13 by deleting the reference to '8 litres per second per hectare' and inserting '6.5 litres per second per hectare';
- (c) inclusion of the additional condition concerning the connection of the development to Scottish Water's sewerage infrastructure; and
- (d) conclusion of a legal agreement relating to the delivery of affordable housing and payment of development contributions.

**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**

Decision of applications under the above acts considered by Planning Applications Committee on
02.06.2017

Reference No: 2016/0712/TP

Ward: 1

Applicant:

Taylor Wimpey UK PLC and CALA Homes (West) Ltd
c/o 33 Bothwell Street
Glasgow
G2 6NL

Agent:

Lambert Smith Hampton
G33 Bothwell Street
Glasgow
G2 6NL

Site: Land at Maidenhill Newton Mearns East Renfrewshire

Description: Residential development to include sites for affordable housing, primary school and religious facility, access, landscaping, SUDS and associated ancillary development (major)

Decision: Disposed to grant subject to conditions following the conclusion of a legal agreement relating to the delivery of affordable housing and payment of development contributions.

