

MINUTE
of
PLANNING APPLICATIONS COMMITTEE

Minute of meeting held at 2.00pm in the Council Chamber, Council Headquarters, Giffnock on 4th October 2023.

Present:

Councillor Paul Edlin
Councillor Annette Ireland

Councillor Chris Lunday
Councillor Andrew Morrison

Attending:

Gillian McCarney, Head of Place; Alan Pepler, Principal Planner (Development Management); Linda Hutchison, Senior Committee Services Officer; John Burke, Committee Services Officer.

Apologies:

Provost Mary Montague, Councillors Betty Cunningham and Jim McLean.

APPOINTMENT OF CHAIR

620. In accordance with Standing Order No.16, the Committee was required to appoint a chair for this meeting from those Members present.

Accordingly, Councillor Edlin, seconded by Councillor Ireland, proposed that Councillor Lunday be appointed Chair. This proposal was accepted unanimously.

Councillor Lunday in the Chair

DECLARATIONS OF INTEREST

621. There were no declarations of interest intimated.

APPLICATIONS FOR PLANNING PERMISSION

622. The Committee considered a report by the Director of Environment on an application for planning permission requiring consideration by the Committee.

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

- (i) 2022/0660/TP – Change of use of field to commercial dog walking facility, with associated fencing, access and parking (part retrospective) at Former part of Pilmuir Quarry, Pilmuir Road, Newton Mearns, East Renfrewshire.

The Principal Planner (Development Management) was heard further on the report, in the course of which he summarised the 18 objections that had been received.

He provided further information on the relevant planning policies and assessments and stated that the proposal was considered to generally comply with the terms of the development plan, including NPF4 and LDP2.

In the course of discussion, it was established that the Planning Service had reviewed nature and traffic surveys that had been carried out and were satisfied that there was no significant impact in terms of the proposal.

Following discussion among members around concerns about the required lighting on the site, impact on wildlife and nature and the access to the site, Councillor Morrison, seconded by Councillor Ireland, moved that planning permission be refused as they found it to be contrary to NPF4 Policy 3 (Biodiversity), Policy 6 (Forestry, Woodland and Trees), and LDP2 Policy D1 as they believed it would have an adverse impact on the character and amenity of the area.

Thereafter, the Committee agreed to refuse planning permission, as they found it contrary to NPF4 Policy 3 (Biodiversity), Policy 6 (Forestry, Woodland and Trees), and LDP2 Policy D1.

SECTION 33A NOTICE REQUIRING THE SUBMISSION OF A RETROSPECTIVE PLANNING APPLICATION FOR OUTBUILDINGS AND A FENCE ERECTED AT 29 EAST KILBRIDE ROAD, BUSBY, G76 8JY

623. The Committee considered a report by the Director of Environment on the service of a Notice under Section 33A of the Town and Country Planning (Scotland) Act 1997, authorised by the Planning Applications Committee on 7 June 2023 (Page 531, Item 470 refers), in respect of unauthorised development at 29 East Kilbride Road, Busby, G76 8JY.

The Planning Service had received a complaint in relation to the erection of an outbuilding being erected within garden ground associated with 29 East Kilbride Road, Busby, in March 2023. The matter had been investigated and a site visit was carried out on 16 March 2023. The details of what was observed in the site visit were provided in the report.

The landowner had been advised that planning permission was required for the outbuilding and a retrospective application had been submitted on 17 March 2023 then subsequently withdrawn on 18 March 2023 as the landowner was of the view that the outbuilding fell within permitted development.

Further works had since taken place and an e-mail had been sent to the landowner on 31 March 2023 advising that formal action would be considered if an application was not submitted before Friday 14 April 2023. The landowner declined to submit an application and confirmed that he was taking legal advice on the matter.

The Planning Applications Committee had authorised the service of a Section 33A Notice requiring the landowner to submit the required planning application in retrospect, which would leave it open to the Planning Service to pursue further action in terms of an enforcement notice at any time. In addition, the notice would prevent immunity being reached in terms of a four year time period having elapsed since the identified breach of planning control.

It was reported that the landowner had not complied with the terms of the Notice and had refused to submit the required planning application. It was highlighted that this did not mean that the Planning Service was required to serve an enforcement notice to seek removal of the structures, citing Circular 10/2009, which stated that planning authorities should consider

whether any breach of control would affect unacceptably either public amenity or the use of land and buildings meriting protection in the public interest.

It was noted that the unauthorised works relate to the erection of outbuildings for domestic purposes within an existing domestic curtilage and a timber boundary fence. The use of the outbuildings for purposes ancillary to the dwelling would not, therefore, be out of character with the residential use of the site and give rise to significant additional noise and disturbance than would normally be associated with a residential garden.

In summary, the minimal impact of the unauthorised development, as set out in the report, did not justify further enforcement action in the opinion of the Planning Service and it was recommended that no further action be taken in respect of the unauthorised development.

In discussing the matter, members expressed their strong concerns around the unauthorised development going ahead without the requisite planning permission being granted by the Council.

Thereafter, Councillor Morrison, seconded by Councillor Edlin moved that the recommendation to take no further action be refused and a further report be brought to the Committee on the matter, at a later date, to confirm what next steps could be taken in respect of the unauthorised works.

CHAIR

APPENDIX

**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**

Draft index of applications under the above acts to be considered by Planning Applications Committee
on 4th October 2023.

Reference No: 2022/0660/TP

Ward: 2

Applicant:

Mr Ian Darroch
Flat 7
10 Adamswell Street
Glasgow
Scotland
G21 4DD

Agent:

Site: Formerly Part of Pilmuir Quarry, Pilmuir Road, Newton Mearns, East Renfrewshire

Description: Change of use of field to commercial dog walking facility, with associated fencing, access and parking (part retrospective)

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