

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 15 August 2017

Chair:

Councillor Alistair Fulton

Councillors Present:

Alex Allison, John Anderson (*substitute for Councillor Buchanan*), John Bradley, Stephanie Callaghan, Maureen Devlin (*substitute for Councillor Killen*), Mary Donnelly, Isobel Dorman (Depute), Fiona Dryburgh, George Greenshields, Ann Le Blond, Richard Lockhart, Katy Loudon, Kenny McCreary, Davie McLachlan (*substitute for Councillor Brogan*), Richard Nelson, Carol Nugent, Bert Thomson, Jim Wardhaugh, Sheena Wardhaugh, Josh Wilson (*substitute for Councillor Horsham*)

Councillors' Apologies:

Walter Brogan, Archie Buchanan, Margaret Cowie, Graeme Horne, Mark Horsham, Gerard Killen, John Ross (ex officio), Graham Scott, David Shearer

Attending:

Community and Enterprise Resources

G Cameron, Headquarters Manager, Planning and Building Standards Services; L Campbell, Area Manager, Planning and Building Standards Services (Hamilton); P Elliott, Head of Planning and Economic Development; T Finn, Area Manager, Planning and Building Standards Services (Clydesdale); I Hamilton, Planning Officer, Planning and Building Standards Services (Clydesdale); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride)

Finance and Corporate Resources

J Davitt, Media Officer; P MacRae, Administration Officer; K McLeod, Administration Assistant

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 20 June 2017 were submitted for approval as a correct record.

The Committee decided: that the minutes be approved as a correct record.

3 Application EK/17/0073 - Erection of 19 Detached and Semi-Detached Houses with Associated Works at Stewartfield Farm, Dunrobin Drive, East Kilbride

A report dated 2 August 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0073 by East Kilbride Landco Limited for the erection of 19 detached and semi-detached houses with associated works at Stewartfield Farm, Dunrobin Drive, East Kilbride.

The Committee decided:

that planning application EK/17/0073 by East Kilbride Landco Limited for the erection of 19 detached and semi-detached houses with associated works at Stewartfield Farm, Dunrobin Drive, East Kilbride be granted subject to:-

- ♦ the conditions specified in the Executive Director's report
- ♦ prior agreement on, and payment of, a financial contribution in respect of community facilities and/or completion of an appropriate legal agreement between the Council and the applicant, unless otherwise agreed
- ♦ the applicant meeting the Council's legal costs, should a legal agreement be required

[Reference: Minutes of 8 March 2016 (Paragraph 4)]

Councillors Callaghan, McLachlan and J Wardhaugh entered the meeting during consideration of this item of business

4 Application HM/17/0278 - Change of Use From Shops to Restaurant (Class 3) and Associated Alterations at 29 Main Street, Bothwell

A report dated 31 July 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0278 by SJC Developments for a change of use from shops to restaurant (Class 3) and associated alterations at 29 Main Street, Bothwell.

The Committee decided:

that planning application HM/17/0278 by SJC Developments for a change of use from shops to restaurant (Class 3) and associated alterations at 29 Main Street, Bothwell be granted subject to the conditions specified in the Executive Director's report.

5 Application CL/17/0044 - Erection of Single Storey House with Integral Double Garage Below at Land at St Patrick's Road, Lanark

A report dated 7 August 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0044 by K Valentine for the erection of a single storey house with integral garage below at land at St Patrick's Road, Lanark.

The Committee decided:

that planning application CL/17/0044 by K Valentine for the erection of a single storey house with integral garage below at land at St Patrick's Road, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 6 October 2016 (Paragraph 7)]

6 Application EK/17/0021 - Erection of 10 Houses with Associated Landscaping, Roads and Drainage at Land at Newlands Dairy, East Kilbride

A report dated 7 August 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0021 by Cala Homes (West) Limited for the erection of 10 houses with associated landscaping, roads and drainage at land at Newlands Dairy, East Kilbride.

The Committee decided: that planning application EK/17/0021 by Cala Homes (West) Limited for the erection of 10 houses with associated landscaping, roads and drainage at land at Newlands Dairy, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

7 Application CL/17/0090 - Erection of Detached House at Holm Road, Crossford

A report dated 7 August 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0090 by N Pringle for the erection of a detached house at Holm Road, Crossford.

The Area Manager (Clydesdale) spoke on the background to the application. He advised that, to address concerns raised by the Scottish Environment Protection Agency (SEPA) regarding the incorporation of stilted supports within the river bank for the parts of the house overhanging the river bank, amended drawings had been submitted. The amended drawings omitted the stilted supports and showed the part of the development overhanging the river bank as being cantilevered. SEPA had advised that this modification had addressed their concerns on that particular matter, but that their overall view regarding the increase in flood risk remained.

Following discussion, Councillor Fulton, seconded by Councillor Dorman, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Allison, seconded by Councillor Nelson, moved as an amendment that the application be refused for the reasons detailed in the objections raised by SEPA in relation to flood risk. On a vote being taken by a show of hands, 6 members voted for the motion and 13 for the amendment which was declared carried.

The Committee decided: that planning application CL/17/0090 by N Pringle for the erection of a detached house at Holm Road, Crossford be refused for the reasons detailed in the objections raised by SEPA in relation to flood risk.

[Reference: Minutes of 9 February 2016 (Paragraph 10)]

8 Application CL/17/0259 - Change of Use of Garage Building to Meeting/Training Room (Retrospective) at 21 Braidwood Road, Braidwood, Carluke

A report dated 31 July 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0259 by Hazelhead Homecare Limited for the change of use of a garage building to a meeting/training room (retrospective) at 21 Braidwood Road, Braidwood, Carluke.

The Committee decided: that planning application CL/17/0259 by Hazelhead Homecare Limited for the change of use of a garage building to a meeting/training room (retrospective) at 21 Braidwood Road, Braidwood, Carluke be granted subject to the conditions specified in the Executive Director's report.

9 Application CL/17/0219 - Change of Use From Domestic Garage to Commercial Garage at 6 Caledonian Avenue, Crawford

A report dated 31 July 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0219 by A McDonald for the change of use from a domestic garage to a commercial garage at 6 Caledonian Avenue, Crawford.

The Committee decided: that planning application CL/17/0219 by A McDonald for the change of use from a domestic garage to a commercial garage at 6 Caledonian Avenue, Crawford be granted subject to the conditions specified in the Executive Director's report.

10 Application CL/17/0009 - Erection of 7 Wind Turbines, up to 145 Metres in Height to Blade Tip, With Associated Infrastructure Including Access Tracks, Crane Hardstandings, Substation and Control Building, Battery Storage, Permanent Anemometer Mast, Temporary Construction Compounds and up to 2 Borrow Pits at Priestgill Wind Farm, Little Gill Farm, Abington

A report dated 8 August 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0009 by Priestgill Wind Farm Limited for the erection of 7 wind turbines, up to 145 metres in height to blade tip, with associated infrastructure including access tracks, crane hardstandings, substation and control buildings, battery storage, permanent anemometer mast, temporary construction compounds and up to 2 borrow pits at Priestgill Wind Farm, Little Gill Farm, Abington.

Points raised in a submission by the applicant in respect of the application were referred to at the meeting and addressed by officers.

The Committee decided: that planning application CL/17/0009 by Priestgill Wind Farm Limited for the erection of 7 wind turbines, up to 145 metres in height to blade tip, with associated infrastructure including access tracks, crane hardstandings, substation and control buildings, battery storage, permanent anemometer mast, temporary construction compounds and up to 2 borrow pits at Priestgill Wind Farm, Little Gill Farm, Abington be refused for the reasons detailed in the Executive Director's report.

11 Application CL/17/0092 - Section 42 Application to Amend Condition 2 of Planning Consent CL/05/0806 for the Extraction of Sand and Gravel With Restoration to Form Balancing Pond, Wetland, Agriculture and Grassland at Ryeflatt Quarry, Carstairs, Lanark

A report dated 31 July 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0092 by Tillicoultry Quarries for an application under Section 42 of the Town and Country Planning (Scotland) Act to amend Condition 2 of planning consent CL/05/0806 for the extraction of sand and gravel with restoration to form balancing pond, wetland, agriculture and grassland at Ryeflatt Quarry, Carstairs, Lanark.

At its meeting on 13 May 2008, the Committee approved planning application CL/05/0806 for the extraction of sand and gravel with restoration to form balancing pond, wetland, agriculture and grassland at White Loch and West End Wood Quarry, (Ryeflatt Quarry) Carstairs. Condition 2 attached to planning consent CL/05/0806 required all extraction operations to be discontinued not later than 8 years from the date of commencement. Notification of commencement had been received by the Council in June 2013, resulting in the 8 year period running until June 2021. The applicant had now requested that Condition 2 be amended to extend the sand and gravel extraction and subsequent restoration for a further 5 years until June 2026. The applicant had also requested that the additional 5 years be split into an extraction period of 4 years and a restoration period of 1 year. The time extension had been requested based on the quarry's current sales rate as the applicant did not wish to extract additional material unless there was a market for it.

The Committee decided:

- (1) that planning application CL/17/0092 by Tillicoultry Quarries for an application under Section 42 of the Town and Country Planning (Scotland) Act to amend Condition 2 of planning consent CL/05/0806 for the extraction of sand and gravel with restoration to form balancing pond, wetland, agriculture and grassland at Ryeflatt Quarry, Carstairs, Lanark be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Planning Obligation and/or other agreement between the Council and the applicant to ensure:-
 - ◆ contributions to the South Lanarkshire Rural Communities Trust Fund
 - ◆ the monitoring of water levels of the Red Loch during operations
 - ◆ the long-term maintenance of, and access to, water flow control apparatus
 - ◆ the applicant meeting the Council's legal costs associated with the Section 75 Planning Obligation and/or other legal agreements
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Planning Obligation within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

[Reference: Minutes of 13 May 2008 (Paragraph 8)]

12 Scottish Government Consultation on the Future of the Scottish Planning System

A report dated 31 July 2017 by the Executive Director (Community and Enterprise Resources) was submitted on the Council's response to the Scottish Ministers' Position Statement following the consultation on the future of the Scottish Planning System.

The Scottish Government's White Paper entitled "Places, People and Planning" was published on 10 January 2017 requesting views on 20 proposals aimed at improving the planning system and covering the following 4 key areas:-

- ◆ making plans for the future
- ◆ people make the system work

- ◆ building more homes and delivering infrastructure
- ◆ stronger leadership and smarter resourcing

An independent analysis of the responses received had been undertaken on behalf of the Scottish Government. Following this, the Scottish Ministers published a Position Statement describing the key changes being considered for inclusion in a forthcoming Planning Bill, secondary legislation and other non-statutory approaches. The Position Statement was accompanied by a Strategic Environmental Assessment and an Environmental Report on the proposals. The Position Statement set out 4 key questions, 1 question in relation to the proposals contained in the Position Statement and 3 in relation to the accompanying Environmental Report. The Council's response to the Position Statement was detailed in Appendix 1 to the report. The key areas of change, together with the Council's views, were summarised in the report.

The Council's response to the Position Statement required to be submitted to the Scottish Government by 11 August 2017. Consequently, the response attached as Appendix 1 to the report had been submitted to the Scottish Government subject to consideration by the Planning Committee. Following consideration of responses received on the Position Statement, it was anticipated that the Scottish Government would publish a Planning Bill later this year.

The Committee decided: that the response attached as Appendix 1 to the report be approved as the Council's submission to the Scottish Ministers on the Position Statement on the future of the Scottish Planning System.

[Reference: Minutes of 28 March 2017 (Paragraph 15)]

13 Tree Preservation Order - 26 Grenville Drive, Cambuslang

A report dated 1 August 2017 by the Executive Director (Community and Enterprise Resources) was submitted on the promotion of a Provisional Tree Preservation Order (TPO) on 2 trees located within the front garden of the property at 26 Grenville Drive, Cambuslang as detailed on the plan attached to the Executive Director's report.

The Provisional TPO was required to ensure the future retention of the 2 mature oak trees at the site, which were considered to contribute to the character, amenity and sense of place within the local area. The site was identified in the Adopted South Lanarkshire Local Development Plan as being within a designated residential area.

The Committee decided:

- (1) that a Provisional TPO be promoted under the terms of Section 163 (Provisional Tree Preservation Order) of the Town and Country Planning (Scotland) Act 1997 on the 2 trees located within the front garden of the property at 26 Grenville Drive, Cambuslang as indicated on the plan attached to the report; and
- (2) that, should there be no objections to the Provisional TPO, the Order be confirmed within 6 months from the date of its promotion.

14 Urgent Business

There were no items of urgent business.