

PLANNING COMMITTEE

Minutes of meeting held in the Council Chamber, Council Offices, Almada Street, Hamilton on 14 May 2019

Chair:

Councillor Isobel Dorman (Depute)

Councillors Present:

Councillor Alex Allison, Councillor John Anderson (*substitute for Councillor Shearer*), Councillor Walter Brogan, Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Stephanie Callaghan, Councillor Margaret Cooper (*substitute for Councillor S Wardhaugh*), Councillor Peter Craig (*substitute for Councillor Fulton*), Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Mark Horsham, Councillor Martin Lennon, Councillor Catherine McClymont (*substitute for Councillor Thomson*), Councillor Kenny McCreary, Councillor Colin McGavigan (*substitute for Councillor Le Blond*), Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Collette Stevenson, Councillor Jim Wardhaugh, Councillor Jared Wark (*substitute for Councillor Lockhart*)

Councillors' Apologies:

Councillor John Bradley, Councillor Margaret Cowie, Councillor Alistair Fulton (Chair), Councillor Ann Le Blond, Councillor Richard Lockhart, Councillor John Ross (ex officio), Councillor Graham Scott, Councillor David Shearer, Councillor Bert Thomson, Councillor Sheena Wardhaugh

Attending:

Community and Enterprise Resources

L Campbell, Area Manager, Planning and Building Standards Services (Hamilton and Clydesdale); P Elliott, Head of Planning and Economic Development; T Finn, Headquarters Manager, Planning and Building Standards Services; 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

P MacRae, Administration Officer; K McLeod, Administration Assistant; K Moore, Legal Services Adviser

1 Declaration of Interests

The following interest was declared:-

Councillor(s)
Dorman

Item(s)
Application P/19/0286 for Creation of a New Public Greenspace, Including Native Planting and Habitat Creation, Footpaths, Boundary Treatment and Fencing, Artwork, Junior Mountain Bike Track, Car Parking and Associated Works at Glen Esk Recreation Area, Glen Esk, East Kilbride

Nature of Interest(s)
Involvement in Contract Authorisation Process for the Proposed Works

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 26 March 2019 were submitted for approval as a correct record.

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

3 Application P/19/0392 for Erection of 28 Flats over Two Blocks with Associated Landscaping, Roads, Car Parking and Infrastructure (Amendment to Planning Consent EK/18/0001) at Peel Road, Thorntonhall, East Kilbride

A report dated 26 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0392 by Westpoint Homes Limited for the erection of 28 flats over two blocks with associated landscaping, roads, car parking and infrastructure (amendment to planning consent EK/18/0001) at Peel Road, Thorntonhall, East Kilbride.

The Committee decided: that planning application P/19/0392 by Westpoint Homes Limited for the erection of 28 flats over two blocks with associated landscaping, roads, car parking and infrastructure (amendment to planning consent EK/18/0001) at Peel Road, Thorntonhall, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Previous Reference: Minutes of 13 March 2018 (Paragraph 3)]

4 Application P/18/1861 – Section 42 Application to Vary Condition 1 of Planning Consent CL/12/0042 for the Erection of 15 Wind Turbines with a Maximum Height to Blade Tip of 131 Metres, Access Tracks, Temporary Construction Compounds, Sub-station and Associated Works to Increase the Maximum Height to Blade Tip of 11 of the 15 Turbines (Turbines 4, 5, 6, 7, 9, 10, 11, 12, 13, 14 and 15) to 149.9 Metres at Dalquhandy Opencast Coal Site, Middlemuir Road, Coalburn

A report dated 18 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1861 by Dalquhandy Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to vary Condition 1 of planning consent CL/12/0042 for the erection of 15 wind turbines with a maximum height to blade tip of 131 metres, access tracks, temporary construction compounds, sub-station and associated works to increase the maximum height to blade tip of 11 of the 15 turbines (turbines 4, 5, 6, 7, 9, 10, 11, 12, 13, 14 and 15) to 149.9 metres at Dalquhandy Opencast Coal Site, Middlemuir Road, Coalburn.

The Committee decided:

(1) that planning application P/18/1861 by Dalquhandy Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to vary Condition 1 of planning consent CL/12/0042 for the erection of 15 wind turbines with a maximum height to blade tip of 131 metres, access tracks, temporary construction compounds, sub-station and associated works to increase the maximum height to blade tip of 11 of the 15 turbines (turbines 4, 5, 6, 7, 9, 10, 11, 12, 13, 14 and 15) to 149.9 metres at Dalquhandy Opencast Coal Site, Middlemuir Road, Coalburn be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ prior conclusion of Section 75 Planning Obligation and/or other agreement between the Council and the applicant to ensure:-
 - ◆ a contribution to the Council's Renewable Energy Fund
 - ◆ the funding of a Planning Monitoring Officer

- ♦ control over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements
 - ♦ the applicant meeting the Council's legal costs associated with the Section 75 Obligation and/or other legal agreements and the restoration guarantee quantum
- (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 27 January 2015 (Paragraph 12) and 7 July 2015 (Paragraph 15)]

5 Application P/19/0302 for Change of Use from Class 9 (Houses) to Children's Home (Class 8, Residential Institution) at Glengeith Farm, Dumfries Road, Elvanfoot

A report dated 18 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0302 by BDT Care Solutions Limited for the change of use from Class 9 (Houses) to a children's home (Class 8, Residential Institution) at Glengeith Farm, Dumfries Road, Elvanfoot.

Points raised in a further representation from C Trickey, an objector to the proposal, were referred to at the meeting and addressed by officers.

A request for a hearing had been received from the applicant and an objector to the proposal respectively, however, the application did not meet the criteria for a hearing.

The Committee decided: that planning application P/19/0302 by BDT Care Solutions Limited for the change of use from Class 9 (Houses) to a children's home (Class 8, Residential Institution) at Glengeith Farm, Dumfries Road, Elvanfoot be granted subject to the conditions specified in the Executive Director's report.

6 Application P/19/0286 for Creation of a New Public Greenspace Including Native Planting and Habitat Creation, Footpaths, Boundary Treatment and Fencing, Artwork, Junior Mountain Bike Track, Car Parking and Associated Works at Glen Esk Recreation Area, Glen Esk, East Kilbride

A report dated 1 May 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0286 by South Lanarkshire Council for the creation of a new public greenspace including native planting and habitat creation, footpaths, boundary treatment and fencing, artwork, junior mountain bike track, car parking and associated works at Glen Esk Recreation Area, Glen Esk, East Kilbride.

The Committee decided:

that planning application P/19/0286 by South Lanarkshire Council for the creation of a new public greenspace including native planting and habitat creation, footpaths, boundary treatment and fencing, artwork, junior mountain bike track, car parking and associated works at Glen Esk Recreation Area, Glen Esk, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

Councillor Dorman, having declared an interest in the above application, withdrew from the meeting during its consideration. Councillor Craig took the Chair for this item only

7 Application P/19/0270 for Construction of Log Cabin to Rear of House (Retrospective) at 57 Springfield Park Road, Rutherglen

A report dated 24 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0270 by A Bird for the construction of a log cabin to the rear of the house (retrospective) at 57 Springfield Park Road, Rutherglen.

Following discussion, Councillor Lennon, seconded by Councillor Cooper, moved that the application be granted but that conditions be imposed requiring the fencing to be increased in height to 2 metres and be maintained and retained and the glazing in the windows and door of the cabin to be replaced with an opaque finish and be maintained and retained. Councillor Nugent, seconded by Councillor Wark, moved as an amendment that the application be refused on the grounds that the proposal would have a significant adverse effect on the amenity and character of the area. On a vote being taken by a show of hands, 9 members voted for the amendment and 12 for the motion which was declared carried.

The Committee decided:

that planning application P/19/0270 by A Bird for the construction of a log cabin to the rear of the house (retrospective) at 57 Springfield Park Road, Rutherglen be granted subject to:-

- ◆ an amended Condition 1 as follows:-
“That within 2 months of the date of consent, the close boarded fence between the boundary of the application site and 55 Springfield Park Road shall be increased in height to 2 metres above ground level. Thereafter, the fence shall be retained and maintained to the satisfaction of the Council as Planning Authority”
- ◆ the following additional condition:-
“2 That within 2 months of the date of consent, the glazing in the windows and door of the log cabin hereby approved shall be replaced with an opaque finish. Thereafter, the opaque glazing shall be retained and maintained to the satisfaction of the Council as Planning Authority
Reason: to protect the privacy of the adjacent property and to prevent overlooking”

8 Application P/19/0315 for Change of Use of Existing Bank (Class 2) to Form Amusement Arcade (Sui Generis) at 5 Greenlees Road, Cambuslang

A report dated 26 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0315 by M Jawab for the change of use of an existing bank (Class 2) to form an amusement arcade (sui generis) at 5 Greenlees Road, Cambuslang.

The Committee decided:

that planning application P/19/0315 by M Jawab for the change of use of an existing bank (Class 2) to form an amusement arcade (sui generis) at 5 Greenlees Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

9 Application P/19/0214 for Installation of Battery Storage Facility Together with Associated Infrastructure (Section 36 Application) at Whitelee Wind Farm, East Kilbride

A report dated 18 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0214 by Scottish Power Renewables (UK) for the installation of a battery storage facility, together with associated infrastructure at Whitelee Wind Farm, East Kilbride.

The proposal had been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it added additional capacity to an existing wind farm with a generating capacity of over 50 megawatts (MW). As a result, the Council was a consultee to the application and not the consenting authority.

The application was considered acceptable on the basis that it:-

- ◆ accorded with the relevant policies in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance
- ◆ accorded with National Policy
- ◆ would not have any significant adverse impact within the surrounding area
- ◆ would not have any adverse impact on the environment or road safety

The Committee decided:

- (1) that the Scottish Government be advised that the Council had no objection to the proposed installation of a battery storage facility at Whitelee Wind Farm, East Kilbride under Section 36 of the Electricity Act 1989 subject to conditions based on the conditions attached to the Executive Director's report; and
- (2) that the Head of Planning and Economic Development be authorised to undertake any discussions or agreements on the proposed conditions and planning obligations, if required, with the Scottish Government.

10 South Lanarkshire Council Tree Preservation Order No SL53 (2018) Blairbeth Terrace, Rutherglen

A report dated 26 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on South Lanarkshire Council Tree Preservation Order (TPO) No SL53 (2018) on a beech tree located opposite 4 Blairbeth Terrace, Rutherglen and a lime tree located at the entrance to Blairbeth Terrace at the corner with Blairbeth Road, as detailed on the plan attached to the Executive Director's report.

At its meeting on 25 September 2018, the Committee approved the promotion of a Provisional Tree Preservation Order (TPO) on both trees. However, following consultation, 4 letters objecting to the Order had been received from residents of Blairbeth Terrace. After discussion, it was proposed that consideration of Tree Preservation Order No SL53 (2018) be continued to clarify the position regarding ownership of the trees which were the subject of the TPO.

The Committee decided: that consideration of the South Lanarkshire Council Tree Preservation Order No SL53 (2018) on a beech tree located opposite 4 Blairbeth Terrace, Rutherglen and a lime tree located at the entrance to Blairbeth Terrace at the corner with Blairbeth Road, be continued to a future meeting of the Committee.

[Reference: Minutes of 25 September 2018 (Paragraph 6)]

11 Urgent Business

There were no items of urgent business.