

## PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 13 March 2018

### Chair:

Councillor Alistair Fulton

### Councillors Present:

Alex Allison, John Bradley, Walter Brogan, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Isobel Dorman (Depute), Fiona Dryburgh, Mark Horsham, Martin Lennon, Richard Lockhart, Catherine McClymont (*substitute for Councillor Thomson*), Kenny McCreary, Mark McGeever (*substitute for Councillor Le Blond*), Julia Marrs, Lynne Nailon (*substitute for Councillor Nelson*), Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Jim Wardhaugh, Sheena Wardhaugh

### Councillors' Apologies:

Ann Le Blond, Richard Nelson, John Ross, Bert Thomson

### 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); 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; G McCann, Head of Administration and Legal Services; K McLeod, Administration Assistant; A Thompson, Media Officer

---

### 1 Declaration of Interests

No interests were declared.

---

### 2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 13 February 2018 were submitted for approval as a correct record.

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

---

### 3 Application EK/18/0001 - Erection of 28 Flats Over 2 Blocks with Associated Landscaping, Roads and Infrastructure at Peel Road, Thorntonhall, East Kilbride

A report dated 5 March 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/18/0001 by CALA Management Limited and J Henderson for the erection of 28 flats over 2 blocks with associated landscaping, roads and infrastructure at Peel Road, Thorntonhall, East Kilbride.

Points raised in a further letter of objection from P Brooks were referred to at the meeting and addressed by officers.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

**The Committee decided:**

- (1) that planning application EK/18/0001 by CALA Management Limited and J Henderson for the erection of 28 flats over 2 blocks with associated landscaping, roads and infrastructure at Peel Road, Thorntonhall, East Kilbride be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Section 75 Planning Obligation and/or other appropriate agreement between the Council and the applicant to ensure that appropriate financial contributions were made towards:-
    - ◆ the improvement/upgrading of educational facilities
    - ◆ off-site affordable housing provision in the area
  - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Obligation and/or other legal agreement
- (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 7 July 2015 (Paragraph 15) and 20 June 2017 (Paragraph 2)]*

---

**4 Application CR/18/0012 - Creation of a New Public Greenspace Including Native Planting and Habitat Creation, Footpaths, Boundary Treatment and Fencing, Community Allotment Area, Junior Mountain Bike Track, Car Park and Associated Works at Site of Former Blairbeth Golf Course, Fernbrae Avenue, Rutherglen**

---

A report dated 6 March 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CR/18/0012 by South Lanarkshire Council for the creation of a new public greenspace including native planting and habitat creation, footpaths, boundary treatment and fencing, community allotment area, junior mountain bike track, car park and associated works at the site of the former Blairbeth golf course, Fernbrae Avenue, Rutherglen.

**The Committee decided:**

that planning application CR/18/0012 by South Lanarkshire Council for the creation of a new public greenspace including native planting and habitat creation, footpaths, boundary treatment and fencing, community allotment area, junior mountain bike track, car park and associated works at the site of the former Blairbeth golf course, Fernbrae Avenue, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

---

## **5 Application CL/17/0476 - Erection of 8 Detached Houses at Kersewell Avenue, Kersewell, near Carnwath**

---

A report dated 26 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0476 by WB Properties Scotland Limited for the erection of 8 detached houses at Kersewell Avenue, Kersewell, near Carnwath.

**The Committee decided:** that planning application CL/17/0476 by WB Properties Scotland Limited for the erection of 8 detached houses at Kersewell Avenue, Kersewell, near Carnwath be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 26 May 2009 (Paragraph 14)]*

---

## **6 Application CL/17/0235 - Erection of 17 Wind Turbines, 149.9 Metres Maximum Height to Blade Tip, New Access Tracks, Crane Hardstandings, Temporary Construction Compound, Substation Including Control Building and Battery Storage, 1 Permanent Meteorological Mast, 2 Temporary Power Performance Masts and Other Associated Infrastructure at Harryburn, near Elvanfoot and Leadhills**

---

A report dated 5 March 2018 by the Executive Director (Community and Enterprise Resources) was submitted on the Council's response to the consultation request from the Scottish Ministers in relation to a proposed wind farm development at Harryburn, near Elvanfoot and Leadhills (application CL/17/0235).

The proposal had been submitted to the Scottish Ministers for consideration and determination under Section 36 of the Electricity Act 1989. Consent was required from the Scottish Ministers for the construction and operation of a power generating station with an output of 50 megawatts or more.

The application had been assessed against the relevant policies and criteria contained in the South Lanarkshire Local Development Plan and Supplementary Guidance, the Clydeplan Strategic Development Plan, National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP). Details of the assessment were provided in the report.

The proposal was considered to be unacceptable on the grounds that, due to the location, scale and number of proposed turbines, it would lead to:-

- ◆ significant adverse effects on landscape character, including the Southern Uplands Landscape Character Type/Lowther Hills West of Clyde/Daer Landscape Character Area, the Upland Glen Landscape Character Areas of Glengonnar Water and Elvan Water and the Broad Valley Upland between Elvanfoot and Abington
- ◆ significant adverse effects on key characteristics and visitor assets of the Leadhills and The Lowther Hills Special Landscape Area
- ◆ significant adverse visual effects on one settlement (Elvanfoot), 20 residential properties/property groups, several transport routes or sections of routes, sections of the Southern Upland Way and National Cycle Route 74, local recreational paths and hill summits and some local recreational facilities
- ◆ significant cumulative effects on many of the same landscape and visual receptors due to proximity to and combined and sequential views with turbines in the Clyde wind farm group to the east and, potentially, with the proposed North Lowther Energy Initiative wind farm to the west in Dumfries and Galloway

- ♦ significant adverse effects on the historic and cultural environment, including nationally protected scheduled monuments and their setting
- ♦ potential for significant adverse effects on protected species

An objection to a Section 36 application under The Electricity Act by a Planning Authority within the relevant timescale would result in a Public Local Inquiry being held in respect of the application.

**The Committee decided:** that the Scottish Ministers be advised that the Council objected to the proposed Harryburn Wind Farm application (CL/17/0235) under Section 36 of The Electricity Act 1989 for the reasons detailed in the Executive Director's report.

---

## **7 Application EK/17/0403 - Part Change of Use of Storage Yard (Class 6) to Allow for the Storage and Ancillary Recycling and Processing of Minerals at 1 Dixon Place, College Milton Industrial Estate, East Kilbride**

---

A report dated 5 March 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0403 by Enviro-Clean (Scotland) Limited for part change of use of a storage yard (Class 6) to allow for the storage and ancillary recycling and processing of minerals at 1 Dixon Place, College Milton Industrial Estate, East Kilbride.

**The Committee decided:** that planning application EK/17/0403 by Enviro-Clean (Scotland) Limited for part change of use of a storage yard (Class 6) to allow for the storage and ancillary recycling and processing of minerals at 1 Dixon Place, College Milton Industrial Estate, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

---

## **8 Application CL/17/0230 - Erection of 48 Houses and Formation of Amenity Space, Landscaping and Associated Access Road and Footpath Network at Land West of Lanark Road, Braidwood**

---

A report dated 5 March 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0230 by Braidwood View for the erection of 48 houses and the formation of amenity space, landscaping and associated access road and footpath network at land west of Lanark Road, Braidwood.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance and government advice/policy. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

In the view of the Executive Director (Community and Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ♦ the objectives of Scottish Planning Policy, in terms of the purposes of the Green Belt, would not be compromised
- ♦ the proposal would enable the rounding off of the current irregular settlement edge and the creation of a robust and defensible boundary
- ♦ the nature and scale of the development would not have an adverse impact on the character of the area

- ◆ the Green Belt area within the application site was not actively farmed and contained no valuable landscape or habitat features
- ◆ there were no infrastructure or road safety implications
- ◆ there would be no adverse impact on residential or visual amenity or the landscape character of the area

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

**The Committee decided:**

- (1) that planning application CL/17/0230 by Braidwood View for the erection of 48 houses and the formation of amenity space, landscaping and associated access road and footpath network at land west of Lanark Road, Braidwood be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Section 75 Planning Obligation and/or other appropriate agreement between the Council, the applicant and the site owner to ensure that appropriate financial contributions were made at appropriate times during the development towards:-
    - ◆ provision of affordable housing
    - ◆ educational facilities
    - ◆ the upgrade of community facilities
  - ◆ the applicant meeting the Council's legal costs associated with the Section 75 Obligation and/or other legal agreement
- (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 26 January 2010 (Paragraph 12) and 7 July 2015 (Paragraph 15)]*

---

## **9 Application CL/17/0287 - Formation of 16 House Plots and Access Road at Land at Bellefield Road, Lanark**

---

A report dated 22 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0287 by A McRae for the formation of 16 house plots and an access road at land at Bellefield Road, Lanark.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

**The Committee decided:**

- (1) that planning application CL/17/0287 by A McRae for the formation of 16 house plots and an access road at land at Bellefield Road, Lanark be granted subject to:-
  - ♦ the conditions specified in the Executive Director's report
  - ♦ prior conclusion of a one off payment or a Section 75 Planning Obligation and/or other appropriate agreement between the Council, the applicant and the site owner to ensure that a financial contribution of £24,000 was made towards the provision of appropriate community facilities in the area
  - ♦ the applicant meeting the Council's legal costs associated with the Section 75 Obligation and/or other legal agreement
- (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 23 March 2010 (Paragraph 5) and 7 July 2015 (Paragraph 15)]*

---

## **10 Application HM/17/0553 - Installation of a New Shop Front at 60 Coatshill Avenue, Blantyre**

---

A report dated 22 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0553 by M Razzaq for the installation of a new shopfront at 60 Coatshill Avenue, Blantyre.

**The Committee decided:** that planning application HM/17/0553 by M Razzaq for the installation of a new shopfront at 60 Coatshill Avenue, Blantyre be granted subject to the conditions specified in the Executive Director's report.

---

## **11 Review of the Planning Application Decision Making Process Guidance**

---

A joint report dated 6 March 2018 by the Executive Directors (Finance and Corporate Resources) and (Community and Enterprise Resources) was submitted on a proposed amendment to the Council's guidance on the Planning Application Decision Making Process.

At its meeting on 13 February 2018, the Committee had agreed that consideration of a report reviewing guidance on the process for dealing with decisions made against officer recommendation be continued to a future meeting of the Committee.

This issue was addressed in the report and proposed revised guidance regarding decisions taken by Committee contrary to officer recommendation was detailed in the appendix to the report.

Following discussion, it was proposed that a members' awareness session be held to consider and discuss the issues raised by members on this matter and that consideration of any amendment to the Planning Application Decision Making Process Guidance be continued until the awareness session had taken place.

**The Committee decided:** that consideration of the review of the Council's Planning Application Decision Making Process guidance in respect of the process for dealing with decisions made against officer recommendation be continued to a future meeting of the Committee to allow a members' awareness session to be held on this and other related matters.

*[Reference: Minutes of 13 February 2018 (Paragraph 14)]*

---

## **12 Urgent Business**

---

There were no items of urgent business.

---

## **Chair's Remarks**

---

The Chair advised that this would be the last meeting that Gordon Cameron, Headquarters Manager, would be attending as he was retiring. The Chair, on behalf of the members of the Committee, thanked Mr Cameron for his help and hard work over the years and wished him a long and happy retirement.