

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 21 November 2017

Chair:

Councillor Alistair Fulton

Councillors Present:

Alex Allison, John Bradley, Walter Brogan, Archie Buchanan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Isobel Dorman (Depute), Fiona Dryburgh, George Greenshields, Mark Horsham, Ann Le Blond, Richard Lockhart, Kenny McCreary, Julia Marrs, Richard Nelson, Graham Scott, David Shearer, Collette Stevenson (*substitute for Councillor Nugent*), Bert Thomson, Jim Wardhaugh

Councillors' Apologies:

Stephanie Callaghan, Katy Loudon, Carol Nugent, John Ross (ex officio), Sheena Wardhaugh

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); S Laird, Traffic and Transportation Engineer; T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride); I Morton, Planning Officer, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride)

Finance and Corporate Resources

J Davitt, Media Officer; K McLeod, Administration Assistant; K Moore, Legal Services Adviser; T Slater, Administration Officer

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Allison	Application CL/17/0234 – Extension of Sand and Gravel Quarry and Restoration of Working Area (Section 42 Application to amend conditions of Planning Permission Ref: CL/98/0432) at Garvald Quarry, Dolphinton, West Linton	Use of land within boundary of site

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 10 October 2017 were submitted for approval as a correct record.

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

3 Application EK/17/0192 - Erection of Community Stadium With Associated Changing Rooms, Stands, Ancillary Fitness Suite and Gyms, Offices, Function Suite, Caretaker's Flat, Access and Parking at Land to the South and East of Hurlawcrook Road, East Kilbride

A report dated 7 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0192 by East Kilbride Community Trust for the erection of a community stadium with associated changing rooms, stands, ancillary fitness suite and gyms, offices, function suite, caretaker's flat, access and parking at land to the south and east of Hurlawcrook Road, East Kilbride.

The Committee decided:

that planning application EK/17/0192 by East Kilbride Community Trust for the erection of a community stadium with associated changing rooms, stands, ancillary fitness suite and gyms, offices, function suite, caretaker's flat, access and parking at land to the south and east of Hurlawcrook Road, East Kilbride be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ a revised Condition 19 as follows:-
"That, prior to development commencing, the applicants shall submit a phasing plan with details of the proposed parking for each phase of the stadium for the written approval of the Council as Planning Authority. The parking shall, thereafter, be constructed in accordance with the agreed phasing plan"

[Reference: Minutes of 24 May 2016 (Paragraph 5)]

Councillor Le Blond entered the meeting during this item of business

4 Application HM/17/0167 - Residential Development With Landscaping and Associated Works (Planning Permission in Principle) at Former Daks Simpson Site, Strutherhill/Borland Drive, Larkhall

A report dated 13 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0167 by Patersons of Greenoakhill Limited for a residential development with landscaping and associated works (planning permission in principle) at the former Daks Simpson Site, Strutherhill/Borland Drive, Larkhall.

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 proposal complied with all the other criteria listed in Policy ICD2
- ◆ the application site related to a previously developed site and the redevelopment of this vacant and untidy site would have a positive impact on the environment
- ◆ there were no infrastructure or road safety implications associated with the proposal
- ◆ part of the application site already had consent for residential use

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 the subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application HM/17/0167 by Patersons of Greenoakhill Limited for a residential development with landscaping and associated works (planning permission in principle) at the former Daks Simpson Site, Strutherhill/Borland Drive, Larkhall 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 applicants and the site owners to ensure that appropriate financial contributions were made at appropriate times during the development towards the following:-
 - ♦ additional nursery, primary and secondary accommodation
 - ♦ appropriate community facilities either on/off site
 - ♦ affordable housing provision on site or by way of a commuted sum
 - ♦ 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 26 August 2014 (Paragraph 5) and 7 July 2015 (Paragraph 15)]

5 Application CR/17/0165 - Erection of 123 Houses and Associated Roads and Landscaping at Newton 2G, Cambuslang

A report dated 8 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CR/17/0165 by Miller Homes Limited for the erection of 123 houses and associated roads and landscaping at Newton 2G, Cambuslang.

The Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride) advised that Halfway Community Council had not received the consultation, due to out of date contact information, however, several discussions had since been held with the Community Council.

Members raised concerns in relation to infrastructure issues associated with large scale developments.

The Committee decided: that planning application CR/17/0165 by Miller Homes Limited for the erection of 123 houses and associated roads and landscaping at Newton 2G, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 24 March 2015 (Paragraph 18)]

6 Application CL/17/0234 - Section 42 Application to Amend Conditions of Planning Consent CL/98/0432 for the Extension of Sand and Gravel Quarry and Restoration of Working Area at Garvald Quarry, Dolphinton, West Linton

A report dated 7 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0234 by Tarmac Trading Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act to amend Conditions of planning consent CL/98/0432 for the extension of the sand and gravel quarry and restoration of working area at Garvald Quarry, Dolphinton, West Linton.

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/17/0234 by Tarmac Trading Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act to amend Conditions of planning consent CL/98/0432 for the extension of the sand and gravel quarry and restoration of working area at Garvald Quarry, Dolphinton, West Linton be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Planning Obligation, Section 96 Planning Obligation and/or other agreement between the Council and the applicant to ensure:-
 - ◆ contributions to the South Lanarkshire Rural Communities Trust Fund
 - ◆ the provision of a right hand turn lane on A702
 - ◆ a routing agreement to ensure vehicles use the A702
 - ◆ financial contributions to cover extraordinary wear and tear on the public road network
 - ◆ the applicant meeting the Council's legal costs associated with the Section 75 Planning Obligation, Section 96 Planning Obligation and/or other 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 7 July 2015 (Paragraph 15)]

Councillor Allison, having declared an interest in the above application, withdrew from the meeting during its consideration

7 Application HM/17/0447 - Erection of 20 Houses with Associated Amenity Open Space and Car Parking at Former Site of St Blane's Primary School, Blantyre

A report dated 7 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0447 by South Lanarkshire Council for the erection of 20 houses with associated amenity open space and car parking at the former site of St Blane's Primary School, Blantyre.

The Committee decided: that planning application HM/17/0447 by South Lanarkshire Council for the erection of 20 houses with associated amenity open space and car parking at the former site of St Blane's Primary School, Blantyre be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 19 June 2007 (Paragraph 6)]

8 Application EK/17/0307 - Erection of 16 Houses (4 Semi-detached Houses and 12 Flats) at Former Heathery Knowe Primary School, Whitehills Terrace, East Kilbride

A report dated 6 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0307 by South Lanarkshire Council for the erection of 16 houses (4 semi-detached houses and 12 flats) at the former site of Heathery Knowe Primary School, Whitehills Terrace, East Kilbride.

The Committee decided: that planning application EK/17/0307 by South Lanarkshire Council for the erection of 16 houses (4 semi-detached houses and 12 flats) at the former site of Heathery Knowe Primary School, Whitehills Terrace, East Kilbride be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ the following additional conditions:-
 - "16 That no construction vehicles associated with the development hereby approved shall access the site between the hours of 08.00 to 09.15 and 14.45 to 15.30. Furthermore, no construction vehicles shall be parked up waiting for the access to open, or for any other reason on the public road network.

17 That before any development commences on site, a Traffic Management Plan (TMP) shall be submitted to and approved by the Council as Planning Authority and, thereafter, shall be maintained to the satisfaction of the Council. The TMP shall include time restrictions for incoming and outgoing vehicular site traffic (08.00 hours to 09.15 hours and 14.45 hours to 15.30 hours).

Reason

16 In the interest of public safety

17 In the interest of public safety”

9 Application EK/17/0309 - Change of Use from Restaurant with Ancillary Takeaway to Form Takeaway with Ancillary Seating Area at 12 Green Street, Strathaven

A report dated 7 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0309 by M Ali for a change of use from restaurant with ancillary takeaway to a takeaway with ancillary seating area at 12 Green Street, Strathaven.

The Committee decided:

that planning application EK/17/0309 by M Ali for a change of use from a restaurant with ancillary takeaway to a takeaway with ancillary seating at 12 Green Street, Strathaven be granted subject to the conditions specified in the Executive Director's report.

10 Review of the Planning Application Decision Making Process Guidance

A joint report dated 13 November 2017 by the Executive Directors (Finance and Corporate Resources) and (Community and Enterprise Resources) was submitted on a review of the Council's Planning Application Decision Making Process guidance.

Following the implementation in 2009 of parts of the Planning etc (Scotland) Act 2006, the Council's Executive Committee at its meeting on 10 June 2009, approved a revised Scheme of Delegation and Planning Application Decision Making Process guidance.

A review of the current guidance, which was attached as Appendix 2 to the report, had recently been undertaken by the Head of Administration and Legal Services and the Head of Planning and Economic Development. This had highlighted amendments which were required to reflect changes in current working practice and statutory legislation.

Information was provided on the amendments required, the specifics of which were detailed in Appendix 1 to the report.

Following discussion, it was proposed that the Head of Planning and Economic Development, having taken into consideration members' comments, revisit the proposed amendments to the guidance and report back to a future meeting of this committee.

The Committee decided:

that consideration of the review of the Council's Planning Application Decision Making Process guidance be continued to a future meeting of this committee.

[Reference: Minutes of the Executive Committee of 10 June 2009 (Paragraph 13)]

Councillor Stevenson left the meeting during this item of business

11 Urgent Business

There were no items of urgent business.