

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 10 September 2019

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Bradley, Councillor Walter Brogan, Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Stephanie Callaghan, Councillor Gerry Convery (*for Councillor Cowie*), Councillor Peter Craig (*for Councillor Ross*), Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Mark Horsham, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Kenny McCreary, Councillor Colin McGavigan (*for Councillor Le Blond*), Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Collette Stevenson, Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Margaret Cowie, Councillor Ann Le Blond, Councillor Davie McLachlan, Councillor John Ross (ex officio)

Attending:

Community and Enterprise Resources

B Darroch, Area Manager, Planning and Building Standards Services (Hamilton); P Elliott, Head of Planning and Economic Development; T Finn, Headquarters and Area Manager (Clydesdale), 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; G McCann, Head of Administration and Legal Services, K McLeod, Administration Assistant; K Moore, Legal Services Adviser; A Thompson, Media Officer

1 Declaration of Interests

The following interests were declared:-

Councillor(s)

Horsham

Item(s)

Application P/18/1298 – Erection of Detached Kennel, Cattery and Office Building with Access, Parking, Entrance Wall and Associated Works (Retrospective) at Brae Farm, A726 from Chapelton to Strathaven, Chapelton, Strathaven

Application P/18/1308 – Erection of a Timber Tool Shed and Child's Play House Within Curtilage of House (Retrospective) at Brae Farm, A726 from Chapelton to Strathaven, Chapelton, Strathaven

Nature of Interest(s)

Close family member made representations on the application

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 13 August 2019 were submitted for approval as a correct record.

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

3 Application P/18/1298 for Erection of Detached Kennel, Cattery and Office Building with Access, Parking, Entrance Wall and Associated Works (Retrospective) at Brae Farm, A726 from Chapelton to Strathaven, Chapelton, Strathaven

Prior to consideration of planning application P/18/1298, members requested clarification in relation to guidance issued by the Standards Commission for Scotland on the process for local members who wished to address the Committee. In terms of Standing Order No 13, the Chair adjourned the meeting at 10.15am for a 5 minute period to allow the Head of Administration and Legal Services to attend and respond to members' questions. The meeting reconvened at 10.20am.

The Head of Administration and Legal Services responded to members' questions on the matter and advised of:-

- ◆ the provisions of the Councillors' Code of Conduct and associated Guidance in respect of representations by members to Committee
- ◆ the statutory position of the Code and associated Guidance

Having heard the Head of Administration and Legal Services, the Committee then proceeded to consider planning application P/18/1298.

A report dated 30 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1298 by A Simpson and S Bennett for the erection of a detached kennel, cattery and office building with access, parking, entrance wall and associated works (retrospective) at Brae Farm, A726 from Chapelton to Strathaven, Chapelton, Strathaven.

The Committee heard Councillor Campbell, a local member, on his objection to the proposal.

There followed a full discussion during which officers responded to members' questions on various aspects of the application.

The Committee decided: that planning application P/18/1298 by A Simpson and S Bennett for the erection of a detached kennel, cattery and office building with access, parking, entrance wall and associated works (retrospective) at Brae Farm, A726 from Chapelton to Strathaven, Chapelton, Strathaven be refused for the reasons detailed in paragraphs 5(a) to 5(h) of the Executive Director's report.

Councillor Horsham, having declared an interest in this and the following application, withdrew from the meeting during their consideration

Councillor Campbell, having made representations to the Committee on this application as a local member, then withdrew from the meeting during its consideration

Councillors Burns and Scott left the meeting following consideration of this item of business

4 Application P/18/1308 for Erection of a Timber Tool Shed and Child's Play House Within Curtilage of House (Retrospective) at Brae Farm, A726 from Strathaven to Chapelton, Chapelton, Strathaven

A report dated 22 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1308 by A Simpson and S Bennett for the erection of a timber tool shed and child's play house within the curtilage of a house (retrospective) at Brae Farm, A726 from Strathaven to Chapelton, Chapelton, Strathaven.

The Committee decided: that planning application P/18/1308 by A Simpson and S Bennett for the erection of a timber tool shed and child's play house within curtilage of a house (retrospective) at Brae Farm, A726 from Strathaven to Chapelton, Chapelton, Strathaven be granted subject to the conditions specified in the Executive Director's report.

5 Application P/18/1515 for Approval of Matters Specified in Conditions 1, 2, 5, 6, 7, 8, 10, 12 and 13 of Planning Permission in Principle HM/16/0174 in Relation to Site Layout, House Design, Road Layout and Pedestrian Links, Drainage and Phasing etc at Site of Former Stonehouse Hospital, Strathaven Road, Stonehouse

A report dated 30 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1515 by Persimmon Homes for approval of matters specified in Conditions 1, 2, 5, 6, 7, 8, 10, 12 and 13 of planning permission in principle HM/16/0174 in relation to site layout, house design, road layout and pedestrian links, drainage and phasing etc at the site of the former Stonehouse Hospital, Strathaven Road, Stonehouse.

The Committee heard Councillor Campbell, a local member, on concerns relating to:-

- ◆ tree planting
- ◆ provision of a roundabout

The Committee decided: that planning application P/18/1515 by Persimmon Homes for approval of matters specified in Conditions 1, 2, 5, 6, 7, 8, 10, 12 and 13 of planning permission in principle HM/16/0174 in relation to site layout, house design, road layout and pedestrian links, drainage and phasing etc at the site of the former Stonehouse Hospital, Strathaven Road, Stonehouse be granted subject to the conditions specified in the Executive Director's report.

Councillor Campbell, having made representations to the Committee on this application as a local member, then withdrew from the meeting during its consideration

Councillor Buchanan left the meeting following consideration of this item of business

6 Application P/18/1409 - Section 42 Application to Vary Conditions 75, 79 and 83 of Planning Consent EK/06/0311 for Erection of 11 Wind Turbines and Associated Infrastructure Including Sub-Station, Access Tracks, Construction Compound and Borrow Pit at Bankend Rig Wind Farm, Waterhead Peelhill and Linbank Highway, Strathaven

A report dated 22 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1409 by Wilson Renewables LLP for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to vary Conditions 75, 79 and 83 of planning consent EK/06/0311 for the erection of 11 wind turbines and associated infrastructure including sub-station, access tracks, construction compound and borrow pit at Bankend Rig Wind Farm, Waterhead Peelhill and Linbank Highway, Strathaven.

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 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application P/18/1409 for an application by Wilson Renewables LLP under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to vary Conditions 75, 79 and 83 of planning consent EK/06/0311 for the erection of 11 wind turbines and associated infrastructure including sub-station, access tracks, construction compound and borrow pit at Bankend Rig Wind Farm, Waterhead Peelhill and Linbank Highway, Strathaven be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Planning Obligation and/or other agreement between the Council and the applicant to ensure:-
 - ◆ provision of Community Benefit funds to the satisfaction of the Council
 - ◆ preparation and implementation of a television reception remedial procedure
 - ◆ preparation and implementation of a Habitat Management Plan to the satisfaction of the Council and Scottish Natural Heritage
 - ◆ provision of an Ecological Clerk of Works
 - ◆ the funding of a Planning Monitoring Officer to be appointed by the Council
 - ◆ access to the site being secured in Planning terms
 - ◆ control over turbine transportation and the repair of any damage to the roads
 - ◆ indemnification between the applicant and the Council as Roads authority outlining the indemnity insurance requirements of the turbine transportation period
 - ◆ the applicant meeting the Council's legal costs associated with the Planning 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 26 January 2010 (Paragraph 3) and 7 July 2015 (Paragraph 15)]

7 Application P/19/0567 for Erection of 66 Houses and Associated Infrastructure and Landscaping at Site of Former Roadmeetings Hospital, Goremire Road, Carluke

A report dated 29 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0567 by Persimmon Homes for the erection of 66 houses and associated infrastructure and landscaping at the site of the former Roadmeetings Hospital, Goremire Road, Carluke.

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 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application P/19/0567 by Persimmon Homes for the erection of 66 houses and associated infrastructure and landscaping at the site of the former Roadmeetings Hospital, Goremire Road, Carluke be granted subject to:-
- ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Planning Obligation and/or other appropriate agreement between the Council, the applicant and the site owner(s) to ensure:-
 - ◆ appropriate financial contributions were made at appropriate times during development towards the provision of educational facilities and the upgrade of community facilities
 - ◆ on-site provision of 14 residential units, to be built by the developer and then transferred to the Council in a turnkey arrangement to form part of the housing stock
 - ◆ the applicants meeting the Council's legal costs associated with the 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 7 July 2015 (Paragraph 15)]

8 Application P/19/0267 for Erection of Extension to Side and Rear of Existing Class 2 Office Premises at 18 Glasgow Road, Uddingston

A report dated 20 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0267 by Beattie Communications for the erection of an extension to the side and rear of existing Class 2 office premises at 18 Glasgow Road, Uddingston.

The Committee decided: that planning application P/19/0267 by Beattie Communications for the erection of an extension to the side and rear of existing Class 2 office premises at 18 Glasgow Road, Uddingston be refused for the reasons detailed in the Executive Director's report.

9 Application P/18/1424 for Erection of 46 Houses, Associated Roads, Infrastructure, Amenity Areas and Landscaping (Approval of Matters Specified in Conditions in Relation to Planning Consent CL/15/0395) at The Pleasance, Byretown Road, Kirkfieldbank, Lanark

A report dated 29 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1424 by GP Properties Limited for the erection of 46 houses, associated roads, infrastructure, amenity areas and landscaping (approval of matters specified in conditions in relation to planning consent CL/15/0395) at The Pleasance, Byretown Road, Kirkfieldbank, Lanark.

The Committee decided: that planning application P/18/1424 by GP Properties Limited for the erection of 46 houses, associated roads, infrastructure, amenity areas and landscaping (approval of matters specified in conditions in relation to planning consent CL/15/0395) at The Pleasance, Byretown Road, Kirkfieldbank, Lanark be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ the decision notice being withheld until a financial contribution of £69,000 had been paid by the applicant to allow the provision or upgrading of community facilities in Kirkfieldbank identified through consultation with the residents of Kirkfieldbank

[Reference: Minutes of 17 November 2015 (Paragraph 10)]

Councillor Brogan left the meeting following consideration of this item of business

10 Application CL/17/0325 for a Residential Development Including the Formation of a New Vehicle Access (Planning Permission in Principle) at Goremore Road/Old Lanark Road, Carluke

A report dated 20 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0325 by Green Shoots Land Limited for a residential development including the formation of a new vehicle access (planning permission in principle) at Goremore Road/Old Lanark Road, Carluke.

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 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application CL/17/0325 for residential development including the formation of a new vehicle access (planning permission in principle) at Goremore Road/Old Lanark Road, Carluke be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Planning Obligation and/or other appropriate agreement between the Council, the applicant and the site owner(s) to ensure that appropriate financial contributions were made at appropriate times during development towards the provision of:-
 - ◆ educational facilities
 - ◆ an upgrade of community facilities
 - ◆ affordable housing
 - ◆ the applicants meeting the Council's legal costs associated with the 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 7 July 2015 (Paragraph 15) and 8 March 2016 (Paragraph 12)]

11 Application P/19/0166 for Change of Use From House to Residential Care Home for Children at 295 Lanark Road, Auchenheath, Lanark

A report dated 22 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0166 by Inspire Scotland for the change of use from a house to a residential care home for children at 295 Lanark Road, Auchenheath, Lanark.

The Committee decided:

that planning application P/19/0166 by Inspire Scotland for the change of use from a house to a residential care home for children at 295 Lanark Road, Auchenheath, Lanark be granted subject to the conditions specified in the Executive Director's report.

12 Application P/18/1545 for Demolition of House and Erection of 11 Flats with Associated Parking and Landscaping at 41 Carlisle Road, Hamilton

A report dated 21 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1545 by Mr Perella for the demolition of a house and the erection of 11 flats with associated parking and landscaping at 41 Carlisle Road, Hamilton.

The Committee decided: that planning application P/18/1545 by Mr Perella for the demolition of a house and the erection of 11 flats with associated parking and landscaping at 41 Carlisle Road, Hamilton be granted subject to the conditions specified in the Executive Director's report.

13 Update on the Planning (Scotland) Act 2019

A report dated 29 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on the Planning (Scotland) Act 2019 which had received Royal Assent on 25 July 2019 and the implications for the Council of the additional duties required by the Act.

Details were given on the main outcomes of the Act and the likely implications for the Council in relation to:-

- ◆ the definition of a 'purpose of planning'
- ◆ development planning including:-
 - ◆ strategic development
 - ◆ National Planning Framework
 - ◆ Local Development Plans
- ◆ Local Place Plans
- ◆ open space strategies
- ◆ development management including:-
 - ◆ short term holiday lets
 - ◆ pre application consultation
 - ◆ repeat applications
 - ◆ noise sensitive developments
 - ◆ provision of toilet facilities
 - ◆ planning application fees
- ◆ infrastructure levy
- ◆ elected member training

The provisions of the Act were not yet in force and many of those provisions would be subject to further secondary legislation and associated Regulations and guidance. As a result, they would not be enacted until those had been published. Exact timescales for this were unknown, however, it was anticipated that this would take place over a period of approximately 2 years. Further reports to update members and seek approval for changes to processes and procedures required as a result of the Act would be submitted to future meetings of the Committee, as necessary.

The Committee decided:

- (1) that the report be noted; and

- (2) that it be noted that further reports would be submitted to the Committee when more detail was available following the introduction of secondary legislation and associated Regulations.

[Reference: Minutes of 13 February 2018 (Paragraph 12)]

14 BT Payphone Removal

A report dated 29 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on BT's proposals to remove 36 payphones throughout South Lanarkshire.

In July 2019, BT notified the Council of its proposal to remove 36 payphones from the network in South Lanarkshire. Prior to removal, BT was required to place a notice in each affected payphone advising of its proposed removal and allowing a period of 42 days for comments to be submitted to the Council's Planning Service. In addition, the Council was required to consult separately on the proposed removal of the payphones selected by BT. The Council had contacted all community councils providing details of the proposed payphone removals in their respective areas and had provided consultation through the Council's website. In addition, all elected members had been advised of the consultation process and had been given details of the payphones proposed for removal, together with the opportunity to make representations.

The Council could object to the removal of any payphone but was required to provide a reason for its objection. In coming to a view on whether to agree or object to the proposed removal of each payphone, the Council considered representations received, together with the outcome of a separate analysis undertaken on each payphone which included:-

- ◆ frequency of usage
- ◆ proximity of alternative payphones
- ◆ population profile
- ◆ housing tenure
- ◆ mobile coverage
- ◆ the need to make emergency calls

The analysis identified that a number of the payphones proposed for removal were located within some of the most poorly ranked areas in South Lanarkshire in terms of socio economic criteria. The full list of payphones proposed for removal was detailed in Appendix 1 to the report, together with the Council's view on whether it agreed or objected to the removal. The Council had objected to the removal of 29 payphones, the reasons for which were detailed in Appendix 1 to the report.

If approved, the Council would publish the decisions detailed in Appendix 1 in the form of a 'First Notification'. This would be sent to community councils and published on the Council's website. A further period of 1 month would be allowed for representations on the 'First Notification'. Following consideration of any additional comments, the Council would publish a 'Final Notification' setting out its final decisions and reasons. This required to be sent to BT by 28 October 2019 as well as to community councils and the Scottish Government's Department for Digital, Culture, Media and Sport.

The Committee decided:

- (1) that approval be given for the publication of a 'First Notification' stating the BT payphones which the Council agreed could be removed and those to which it objected, as detailed in Appendix 1 to the report; and

- (2) that the Head of Planning and Economic Development be authorised to consider any further representations received in response to consultation on the 'First Notification' of the Council's draft decisions and to prepare a 'Final Notification' setting out the Council's final decisions and reasons for publication and for submission to BT and the Scottish Government's Department for Digital, Culture, Media and Sport by 28 October 2019.

Councillor Stevenson left the meeting following consideration of this item of business

15 South Lanarkshire Council Tree Preservation Order No SL53 (2019) Blairbeth Terrace, Rutherglen

A report dated 7 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on South Lanarkshire Council Tree Preservation Order (TPO) No SL53 (2019) 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 11 June 2019, the Committee approved the promotion of a Provisional Tree Preservation Order (TPO) on those trees. The Provisional Order was required to ensure the future retention of the trees which were considered to contribute to the character, amenity and sense of place within the local area as well as providing an attractive setting for the B listed terrace. The site was identified in the Adopted South Lanarkshire Local Development Plan as being within a designated residential area.

Following consultation, 2 letters objecting to the Order had been received from residents of Blairbeth Terrace. The grounds of objection were detailed in the report. It was considered, however, that they did not merit withdrawal, alteration or modification of the Tree Preservation Order.

The Committee decided: that the South Lanarkshire Council Tree Preservation Order No SL53 (2019) 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, be confirmed.

[Reference: Minutes of 11 June 2019 (Paragraph 7)]

16 Tree Preservation Order – Beechwood Avenue, Rutherglen

A report dated 22 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on the promotion of a Provisional Tree Preservation Order (TPO) on a group of mature beech trees located along the side of Beechwood Avenue, Rutherglen, near the junction with Calderwood Road, as detailed on the plan attached to the Executive Director's report.

The Provisional TPO was required to ensure that no inappropriate work was undertaken to the trees, which were considered to contribute to the character, amenity and sense of place of Beechwood Avenue, Stonelaw High School and the surrounding area.

At its meeting on 4 December 2018, the Committee had approved the promotion of a Tree Preservation Order on those trees. However, confirmation of the TPO had not been completed and approval was again requested to promote the Provisional TPO.

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 group of mature beech trees identified 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

[Reference: Minutes of 4 December 2018 (Paragraph 10)]

17 Urgent Business

There were no items of urgent business.