

PLANNING COMMITTEE

Minutes of meeting held via Microsoft Teams on 14 December 2021

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Anderson, Councillor John Bradley, Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Gerry Convery (*substitute for Councillor Maureen Devlin*), Councillor Margaret Cooper (*substitute for Councillor Joe Lowe*), Councillor Margaret Cowie, Councillor Peter Craig, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Allan Falconer (*substitute for Councillor Lynsey Hamilton*), Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Martin Lennon, Councillor Ian McAllan, Councillor Davie McLachlan, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Maureen Devlin, Councillor Lynsey Hamilton, Councillor Ian Harrow, Councillor Joe Lowe, Councillor Lynne Nailon, Councillor John Ross (ex officio)

Attending:

Community and Enterprise Resources

B Darroch, Planning and Building Standards Manager (East); P Elliott, Head of Planning and Economic Development; T Finn, Planning and Building Standards Manager (Headquarters); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Planning and Building Standards Manager (West)

Finance and Corporate Resources

M Cannon, Solicitor; J Davitt, Public Relations Officer; S Jessup and K McLeod, Administration Assistants; S McLeod, Administration Officer

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Cowie	Application P/21/0662 for Erection of Single Storey Front and Rear Extension to Existing Semi-Detached House at 62 Fernbrae Avenue, Rutherglen	Known to applicant and objectors

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 16 November 2021 were submitted for approval as a correct record.

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

Councillor Falconer joined the meeting during consideration of the above item of business

3 Application P/21/0662 for Erection of Single Storey Front and Rear Extension to Existing Semi-Detached House at 62 Fernbrae Avenue, Rutherglen

A report dated 24 November 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0662 by S Zazia for the erection of a single storey front and rear extension to an existing semi-detached house at 62 Fernbrae Avenue, Rutherglen.

The Committee decided: that planning application P/21/0662 by S Zazia for the erection of a single storey front and rear extension to an existing semi-detached house at 62 Fernbrae Avenue, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

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

4 Application P/21/0332 for Land Engineering/Remodelling Operations to Provide Hardstanding for External Storage and Distribution Purposes and Formation of Perimeter Landscaped Bund with Associated Land Drainage at Marshalls PLC, Roadmeetings, Yieldshields Road, Carluke

A report dated 3 December 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0332 by Marshalls PLC for land engineering/remodelling operations to provide hardstanding for external storage and distribution purposes and formation of perimeter landscaped bund with associated land drainage at Marshalls PLC, Roadmeetings, Yieldshields Road, Carluke.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

The Committee decided:

- (1) that planning application P/21/0332 by Marshalls PLC for land engineering/remodelling operations to provide hardstanding for external storage and distribution purposes and formation of perimeter landscaped bund with associated land drainage at Marshalls PLC, Roadmeetings, Yieldshields Road, Carluke be granted subject to:-
 - ◆ conditions specified in the Executive Director's report
 - ◆ the decision notice being withheld until a financial contribution of £10,072.50 had been paid for upgrading the road surface of the B7056 (Yieldshields Road) from the entrance to Marshalls PLC to the junction with the A721 (Kilncadzow Road)
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards making the payment 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 could 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)]

5 Application P/21/0333 for Land Engineering/Remodelling Operations to Provide Hardstanding for External Storage and Distribution Purposes and Formation of Perimeter Landscaped Bund with Associated Land Drainage at Marshalls PLC, Roadmeetings, Yieldshields Road, Carlisle

A report dated 3 December 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0333 by Marshalls PLC for land engineering/remodelling operations to provide hardstanding for external storage and distribution purposes and formation of perimeter landscaped bund with associated land drainage at Marshalls PLC, Roadmeetings, Yieldshields Road, Carlisle.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

The Committee decided:

- (1) that planning application P/21/0333 by Marshalls PLC for land engineering/remodelling operations to provide hardstanding for external storage and distribution purposes and formation of perimeter landscaped bund with associated land drainage at Marshalls PLC, Roadmeetings, Yieldshields Road, Carlisle be granted subject to:-
- ◆ conditions specified in the Executive Director's report
 - ◆ the decision notice being withheld until a financial contribution of £10,072.50 had been paid for upgrading the road surface of the B7056 (Yieldshields Road) from the entrance to Marshalls PLC to the junction with the A721 (Kilncadzow Road)
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards making the payment 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 could 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 Nugent joined the meeting during consideration of the above item of business

6 Application P/21/1525 for Construction and Operation of a Battery Energy Storage System for the Storage of Electricity, Including up to 24 Battery Storage Containers, Ancillary Infrastructure, Substation, Access Road, 2.4 Metre High Security Fencing, CCTV and Security Lighting at Land 70 Metres Southwest of Sanmex Buildings, Downiebrae Road, Rutherglen

A report dated 24 November 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1525 by EcoDev Group for the construction and operation of a battery energy storage system for the storage of electricity, including up to 24 battery storage containers, ancillary infrastructure, substation, access road, 2.4 metre high security fencing, CCTV and security lighting at land 70 metres southwest of Sanmex Buildings, Downiebrae Road, Rutherglen.

Following discussion, during which officers responded to members' questions on various aspects of the report, Councillor Lennon, seconded by Councillor Scott, moved that the application be refused on the grounds of loss of amenity to local residents and impact in terms of economic development. Councillor Donnelly, seconded by Councillor Cooper, moved as an amendment that the application be deferred for consideration at a future meeting on the grounds that further information was required on the impact on the travelling show people community at Cuningar Estate and fire risk in relation to the proposed development. On a vote being taken by roll call, members voted as follows:-

Motion

Margaret Cowie, Gerry Convery, Allan Falconer, Martin Lennon, Davie McLachlan, Graham Scott, Bert Thomson

Amendment

Alex Allison, John Anderson, John Bradley, Jackie Burns, Margaret Cooper, Peter Craig, Mary Donnelly, Isobel Dorman, Mark Horsham, Ian McAllan, Carol Nugent, David Shearer, Jim Wardhaugh

7 members voted for the motion and 13 for the amendment which was declared carried.

The Committee decided:

that planning application P/21/1525 by EcoDev Group for the construction and operation of a battery energy storage system for the storage of electricity, including up to 24 battery storage containers, ancillary infrastructure, substation, access road, 2.4 metre high security fencing, CCTV and security lighting at land 70 metres southwest of Sanmex Buildings, Downiebrae Road, Rutherglen be deferred for consideration at a future meeting on the grounds that further information was required on the impact on the travelling show people community at Cuningar Estate and fire risk in relation to the proposed development.

[Reference: Minutes of 8 March 2016 (Paragraph 7)]

Councillor Buchanan joined the meeting during consideration of the above item of business and was, therefore, unable to participate in the vote. Councillors Dryburgh and Le Blond left the meeting during consideration of the above item of business and prior to the vote

7 Application P/21/1228 for Erection of Agricultural Worker's House at Unused Field, Gated Entrance off Millwell Road, Opposite Laigh Cleughearn Farm, East Kilbride

A report dated 24 November 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1228 by W Allison for the erection of an agricultural worker's house at unused field, gated entrance off Millwell Road, opposite Laigh Cleughearn Farm, East Kilbride.

There followed a full discussion on the application during which an officer responded to a members' questions on an aspect of the report.

The Committee decided: that planning application P/21/1228 by W Allison for the erection of an agricultural worker's house at unused field, gated entrance off Millwell Road, opposite Laigh Cleughearn Farm, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

In terms of Standing Order No 13, the Chair adjourned the meeting at 11.13am for a 7 minute period. The meeting recommenced at 11.20am without the attendance of Councillor Burns

8 Application P/21/1148 for Further Application in Relation to Planning Consent P/19/1232 for Residential Development Involving House Substitutions on 79 Plots (Plots 3 to 6, 12 to 15 and 38 to 108) at Area D, Site of Former Brackenhill Farm, Meikle Earnock Road, Hamilton

A report dated 3 December 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1148 by Stewart Milne Homes for a residential development involving house substitutions on 79 plots (plots 3 to 6, 12 to 15 and 38 to 108) at Area D, Site of Former Brackenhill Farm, Meikle Earnock Road, Hamilton.

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

The Committee decided: that planning application P/21/1148 by Stewart Milne Homes for a residential development involving house substitutions on 79 plots (plots 3 to 6, 12 to 15 and 38 to 108) at Area D, Site of Former Brackenhill Farm, Meikle Earnock Road, Hamilton be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 19 November 2019 (Paragraph 9)]

9 Application P/21/1391 for Residential Development Comprising 105 Houses, MUGA, Landscaping and Associated Infrastructure at Land 115 Metres Northwest of 52 Rickard Avenue, Rickard Avenue, Strathaven

A report dated 2 December 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1391 by Bancon Homes and HJ Paterson for a residential development comprising 105 houses, MUGA, landscaping and associated infrastructure at land 115 metres northwest of 52 Rickard Avenue, Rickard Avenue, Strathaven.

The Committee decided:

that planning application P/21/1391 by Bancon Homes and HJ Paterson for a residential development comprising 105 houses, MUGA, landscaping and associated infrastructure at land 115 metres northwest of 52 Rickard Avenue, Rickard Avenue, Strathaven be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ a revised Condition 8 as follows:-
"No development shall take place on the site until a scheme, approved in writing by the Planning Authority, for the carriageway widening of Berebriggs Road to permit two-way flow along its entire length has been implemented in full in accordance with the agreed scheme."

[Reference: Minutes of 27 March 2012 (Paragraph 5)]

Councillor Nugent left the meeting during consideration of the above item of business

10 Application P/21/1183 for Substitution of House Types (Amendment to Planning Consent CL/15/0445) at Land 125 Metres East of 15 Lanark Road, Lanark Road, Braidwood, Carluke

A report dated 3 December 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1183 by Allanwater Homes and Upper Braidwood Development Consortium for the substitution of house types (amendment to planning consent CL/15/0445) at land 125 metres east of 15 Lanark Road, Lanark Road, Braidwood, Carluke.

The Committee decided:

that planning application P/21/1183 by Allanwater Homes and Upper Braidwood Development Consortium for the substitution of house types (amendment to planning consent CL/15/0445) at land 125 metres east of 15 Lanark Road, Lanark Road, Braidwood, Carluke be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 26 April 2016 (Paragraph 3)]

Councillor Buchanan left the meeting during consideration of the above item of business

11 Planning Enforcement Charter

A report dated 2 December 2021 by the Executive Director (Community and Enterprise Resources) was submitted on proposed amendments to the Council's Planning Enforcement Charter.

Section 158A of the Town and Country Planning (Scotland) Act 1997 required a Planning Authority to prepare an enforcement charter which contained the Council's policies for taking enforcement action and on how members of the public reported breaches of planning control as well as information on how the enforcement system worked. The charter required to be kept under review and updated and re-published at least every 2 years.

Scottish Government policy on planning enforcement was set out in Circular 10/2009. As a general principle, it stated that Planning Authorities had discretion to take enforcement action against any breach of planning control if they considered such action to be expedient, having due regard to the provisions of the Development Plan and any other material considerations. Details of the matters that required to be considered when deciding if enforcement action was appropriate were provided in the report.

A key part of the review of the current Planning Enforcement Charter, approved by the Planning Committee at its meeting on 26 February 2019, had been to consider whether the process for dealing with the increasing number of enforcement cases remained appropriate. This had resulted in the inclusion of the following 4 stage enforcement process in the proposed revised Charter:-

- ◆ stage 1 – receipt of enquiry
- ◆ stage 2 – investigation
- ◆ stage 3 – triage assessment
- ◆ stage 4 – outcomes

The outcomes at stage 4 would range from taking no action to taking action which would involve the following main approaches:-

- ◆ negotiate a solution
- ◆ requirement for the submission of a retrospective planning application
- ◆ formal enforcement action

It would only be in the case of a failure to comply with the requirements of a notice that an offence would be committed under the Planning Act. The options available to the Council in such circumstances were detailed in the report.

If approved, the revised Charter, attached as Appendix 1 to the report, would be published on the Council's website and form the basis for the Planning Service's approach to the application of its enforcement powers. In addition, the Charter would be sent to the Scottish Ministers and would be made available in the Council's public libraries once they had reopened.

There followed a full discussion on the proposed amendments to the Charter during which officers responded to members' questions on various aspects of the report.

The Committee decided:

- (1) that the Council's amended Planning Enforcement Charter, attached as Appendix 1 to the report, be approved; and
- (2) that the Head of Planning and Economic Development be authorised to modify the document to take account of drafting, presentational and technical matters, prior to publication.

[Reference: Minutes of 26 February 2019 (Paragraph 11)]

12 Urgent Business

There were no items of urgent business.

Chair's Closing Remarks

The Chair extended the compliments of the season to all members and officials present.