

PLANNING COMMITTEE

Minutes of meeting held via Microsoft Teams on 1 December 2020

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Bradley, Councillor Archie Buchanan, Councillor Stephanie Callaghan, Councillor Gerry Convery (*substitute for Councillor Lynsey Hamilton*), Councillor Margaret Cooper (*substitute for Councillor Joe Lowe*), Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Ian Harrow, Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Collette Stevenson, Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Lynsey Hamilton, Councillor Joe Lowe, Councillor Davie McLachlan, Councillor John Ross (ex officio)

Councillor Also Attending:

Councillor Monique McAdams

Attending:

Community and Enterprise Resources

M McGlynn, Executive Director; S Alderson, Planning Officer; B Darroch, Planning and Building Standards Manager (East); P Elliott, Head of Planning and Economic Development; T Finn, Planning and Building Standards Manager (Headquarters); L Gaddis, Planning Officer; F Jack, Team Leader, Development Management Team, Roads and Transportation Services; G McCracken, Team Leader, Planning and Building Standards (Headquarters); P McMorran, Planning Officer; T Meikle, Planning and Building Standards Manager (West)

Finance and Corporate Resources

J Burke, Administration Assistant; M Cannon, Solicitor; J Davitt, Public Relations Team Leader; S McLeod, Administration Officer

Order of Business

The Committee decided: that the items of business be dealt with in the order minuted below.

1 Declaration of Interests

The following interest was declared:-

Councillor(s)

Allison

Item(s)

Application P/20/1355 for Erection of Farm Building (Calving and Bull Pens with Cattle Handling Facility) at Easton Farm, Medwynbank Road, Dunsyre, Lanark

Nature of Interest(s)

Applicant

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 3 November 2020 were submitted for approval as a correct record.

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

3 Application P/20/0382 for Erection of Two Storey Rear Extension and Upper Floor Side/Front Extension at 38 Castle Wynd, Bothwell

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0382 by G Williamson and R Paterson for the erection of a two storey rear extension and upper floor side/front extension at 38 Castle Wynd, Bothwell.

A request for a hearing in respect of the application had been received, however, the application did not meet the criteria for a hearing.

The Planning and Building Standards Manager (East) advised that an error had been identified in the shadow analysis and a revised shadow analysis had since been conducted. He added that, whilst there had been no material change in terms of the outcome of the shadow analysis, he recommended that, in the interests of fairness and transparency, the report be continued for consideration at a future meeting to allow the objectors an opportunity to review the revised shadow analysis and submit any additional comments.

The Committee decided: that consideration of planning application P/20/0382 by G Williamson and R Paterson for the erection of a two storey rear extension and upper floor side/front extension at 38 Castle Wynd, Bothwell be continued to a future meeting of the Committee to allow the objectors the opportunity to review the revised shadow analysis and submit any additional comments for the Committee's consideration.

4 South Lanarkshire Local Development Plan 2 Examination Report – Statement of Decisions and Pre-Adoption Modifications – Notification of Intention to Adopt

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on the Council's responses to the Directorate for Planning and Environmental Appeals' recommendations in the Examination Report entitled South Lanarkshire Local Development Plan 2: Local Development Plan Examination Statement of Decisions and Pre-Adoption Modifications.

The Directorate for Planning and Environmental Appeals had issued its report on the Examination of the South Lanarkshire Local Development Plan 2 (SLLDP2) on 17 August 2020. The Council had successfully defended its position on the vast majority of issues considered during the Examination of the SLLDP2 and the Reporters had broadly accepted the policy direction set out in the SLLDP2. The main issues arising from the Examination of the Plan were summarised in the Executive Director's report and a list of the modifications put forward by the Reporters, together with the Council's proposed responses, were detailed in Appendix 1 to the report.

Following receipt of the Reporters' recommendations, the Council had received correspondence from the developers' agent in relation to the proposed redesignation of a site at Peel Road, Thorntonhall from Green Belt to a Residential Masterplan site. Details of the points raised by the agent and the Council's responses were provided in Appendix 2 to the report.

It was proposed that the recommendations set out in the Examination Report be accepted as it was considered that the criteria for opposing modifications, as set out in the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009, had not been met.

If approved, the proposed SLLDP2 would be sent to the Scottish Ministers, together with revised Environmental Assessments, the modifications made in response to the Reporters' recommendations and a copy of the notice to be placed in all local newspapers advising of the Council's intention to adopt the SLLDP2. In addition, letters would be sent to all parties who made representations on the SLLDP2, informing them of the Council's intention to adopt the Plan. The Plan would then be adopted on or after 28 days from 1 December 2020, unless the Scottish Ministers directed that the Plan should not be adopted until further notice or should not have effect unless they had approved it. This stage would be followed by a 6 week period during which adoption of the Plan could be challenged at the Court of Session.

The SLLDP2 and supporting documents, together with the Council's responses to the Reporters' recommendations, would, subject to the legislation in place on making documents available to the public, be made available:-

- ◆ on the Council's website
- ◆ in public libraries

Councillor Dorman, seconded by Councillor Horsham, moved that the recommendations contained in the report be approved. Councillor Cooper, seconded by Councillor Wardhaugh, moved that the proposed housing development site at Peel Road, Thorntonhall remain in the Local Development Plan 2 on the basis that it was a sustainable site and would provide benefits to the local community, including the creation of 250 jobs.

On a vote being taken by roll call, members voted as follows:-

Motion

Alex Allison, John Bradley, Archie Buchanan, Stephanie Callaghan, Gerry Convery, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Isobel Dorman, Fiona Dryburgh, Ian Harrow, Mark Horsham, Ann Le Blond, Martin Lennon, Richard Lockhart, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson

Amendment

Margaret Cooper, Jim Wardhaugh

2 members voted for the amendment and 22 members voted for the motion, which was declared carried.

The Committee decided:

- (1) that the responses to the recommendations in the Examination Report – South Lanarkshire Local Development Plan 2 Examination Statement of Decisions and Pre-Adoption Modifications, detailed in Appendix 1 to the report, be approved;
- (2) that the publication and public deposit (in line with current legislation) of the Statement of Decisions and Pre-Adoption Modifications be approved and the Plan, as modified, and its associated Environmental Reports, be sent to Scottish Ministers;
- (3) that the South Lanarkshire Local Development Plan 2 be adopted, as modified, following receipt of the Report of Examination, on or after 28 days from when the Plan was sent to Scottish Ministers, unless Scottish Ministers directed that the Plan should not be adopted until further notice or should not have effect unless approved by them; and

- (4) that the Head of Planning and Economic Development be authorised to undertake the appropriate statutory procedures and to make any presentational changes, as required, prior to the publication of the South Lanarkshire Local Development Plan 2.

[Reference: Minutes of 3 November 2020 (Paragraph 3)]

5 Application EK/17/0350 for Erection of 24 Flats Comprising 5 Double Blocks with Associated Car Parking and Landscaping at Vacant Land Adjacent to Eaglesham Road, Jackton

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0350 by Robertson Frame Limited for the erection of 24 flats comprising 5 double blocks with associated car parking and landscaping at vacant land adjacent to Eaglesham Road, Jackton.

The Committee decided: that planning application EK/17/0350 by Robertson Frame Limited for the erection of 24 flats comprising 5 double blocks with associated car parking and landscaping at vacant land adjacent to Eaglesham Road, Jackton be refused for the reasons detailed in the Executive Director's report.

6 Application P/20/1039 for Change of Use of Bank (Class 2) to Restaurant (Class 3), Installation of Flue within Internal Wall Exiting 700 Millimetres Above Existing Chimney at 2 Wellgate, Lanark

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1039 by A Rahman for a Change of Use of Bank (Class 2) to Restaurant (Class 3) and installation of flue within the internal wall, exiting 700 millimetres above the existing chimney at 2 Wellgate, Lanark.

The Committee decided: that planning application P/20/1039 by A Rahman for a Change of Use of Bank (Class 2) to Restaurant (Class 3) and installation of flue within the internal wall, exiting 700 millimetres above the existing chimney at 2 Wellgate, Lanark be granted subject to the conditions specified in the Executive Director's report.

7 Application P/20/0971 for Erection of a Detached House at Land 75 Metres West of Woodend Cottage, Mousebank Road, Lanark

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0971 by J and C Cuthell for the erection of a detached house at land 75 metres west of Woodend Cottage, Mousebank Road, Lanark.

The Committee decided: that planning application P/20/0971 by J and C Cuthell for the erection of a detached house at land 75 metres west of Woodend Cottage, Mousebank Road, Lanark be granted subject to the conditions specified in the Executive Director's report.

8 Application P/20/0966 for Formation of Beer Garden at Rear of Premises at Machan Vaults, 8 Muir Street, Larkhall

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0966 by S Lamanuzzi for the formation of a beer garden at the rear of the Machan Vaults public house, 8 Muir Street, Larkhall.

The Committee decided: that planning application P/20/0966 by S Lamanuzzi for the formation of a beer garden at the rear of the Machan Vaults public house, 8 Muir Street, Larkhall be granted subject to the conditions specified in the Executive Director's Report.

9 Application P/19/1803 – Section 42 Application to Amend Condition 19 of Planning Consent CL/17/009 for Erection of 7 Wind Turbines at Priestgill Wind Farm, Little Gill Farm, Abington to Increase the Height of 5 Turbines to 200 Metres and 2 Turbines to 180 Metres to Blade Tip

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1803 by Priestgill Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 19 of planning permission CL/17/009 for the erection of 7 wind turbines, at a height of up to 145 metres to blade tip, at Priestgill Wind Farm, Little Gill Farm, Abington to increase the height of 5 turbines to 200 metres and 2 turbines to 180 metres to blade tip.

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/19/1803 by Priestgill Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 19 of planning permission CL/17/009 for the erection of 7 wind turbines, at a height of up to 145 metres to blade tip, at Priestgill Wind Farm, Little Gill Farm, Abington to increase the height of 5 turbines to 200 metres and 2 turbines to 180 metres to blade tip be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure:-
 - ◆ community benefit contributions per megawatt generated
 - ◆ the setting up of a Habitat Management Group
 - ◆ the repair of any damage to roads and bridges arising from any extraordinary wear and tear associated with the development and associated indemnity insurance requirements
 - ◆ the applicant meeting the Council's legal costs associated with the Legal Agreement 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 Legal Agreement 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 Legal Agreement, the proposed development would be unacceptable; and

- (3) that it be noted that, if the Legal Agreement 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 Legal Agreement.

[Reference: Minutes of 7 July 2015 (Paragraph 15) and 15 August 2017 (Paragraph 10)]

10 Application P/20/1180 for Sub-Division of Garden Ground and Erection of Single Storey Detached House and Associated Parking at 55 Dunedin Drive, East Kilbride

A report dated 9 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1180 by Mr and Mrs Robertson for the sub-division of garden ground and erection of a single storey detached house and associated parking at 55 Dunedin Drive, East Kilbride.

Councillor Dorman, seconded by Councillor Horsham, moved that planning permission be refused for the reasons detailed in the Executive Director's report. Councillor Scott, seconded by Councillor Harrow, moved as an amendment that the item be continued to a future meeting of the Committee to allow a further site visit and meeting between the applicants and Planning Officers to take place. On a vote being taken by roll call, members voted as follows:-

Motion

John Bradley, Archie Buchanan, Stephanie Callaghan, Peter Craig, Mary Donnelly, Isobel Dorman, Mark Horsham, Carol Nugent, David Shearer, Collette Stevenson, Jim Wardhaugh

Amendment

Alex Allison, Gerry Convery, Margaret Cooper, Margaret Cowie, Maureen Devlin, Fiona Dryburgh, Ian Harrow, Martin Lennon, Richard Lockhart, Lynne Nailon, Graham Scott, Bert Thomson

11 members voted for the motion and 12 members voted for the amendment, which was declared carried.

The Committee decided:

that planning application P/20/1180 by Mr and Mrs Robertson for the sub-division of garden ground and erection of a single storey detached house and associated parking at 55 Dunedin Drive, East Kilbride be continued to a future meeting of the Committee to allow a further site visit and meeting between the applicants and Planning Officers to take place.

Councillor Le Blond left the meeting during consideration of this item of business

11 Application P/20/1355 for Erection of Farm Building (Calving and Bull Pens with Cattle Handling Facility) at Easton Farm, Medwynbank Road, Dunsyre, Lanark

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1355 by A Allison for the erection of a farm building (calving and bull pens with cattle handling facility) at Easton Farm, Medwynbank Road, Dunsyre, Lanark.

This application had been submitted for the Committee's determination on the basis that the applicant was a member of South Lanarkshire Council.

The Committee decided:

that planning application P/20/1355 by A Allison for the erection of a farm building (calving and bull pens with cattle handling facility) at Easton Farm, Medwynbank Road, Dunsyre, Lanark did not require the prior approval of the planning authority.

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

12 Public Path Diversion Order – Huntfield House (Quothquan), to Hillridge Farm (Biggar) Right of Way Number SL100

A report dated 11 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted requesting approval to:-

- ◆ promote a Public Path Diversion Order under the provisions of Section 35 of the Countryside (Scotland) Act 1967, in relation to diverting part of the Hillridge Farm (Biggar) to Huntfield House (Quothquan) Right of Way Number SL100
- ◆ confirm the Order, should no objections be received or, if objections were received which were not withdrawn or resolved, to refer it to the Scottish Ministers for determination

The proposed Order related to the Huntfield Right of Way, a section of which passed through the curtilage and was immediately adjacent to the front entrance of Huntfield House. In view of a number of incidents which had resulted from the increased use of the Right of Way, the owners of Huntfield House had approached the Council to examine options to address their concerns, one of which was to divert the route.

The proposed alternative route, as shown on the plan which was attached as an appendix to the report, would start 0.75 kilometres to the west of Huntfield House, providing more direct access to the Right of Way from the village of Quothquan and would result in less pedestrian traffic on a public highway. The proposed route would pass through a woodland shelterbelt, parallel to the existing route, before continuing over moorland and skirting the edge of a forestry before re-joining the existing Right of Way.

The proposed diversion would require some upgrading works, as detailed in the report, to ensure that the route was of an acceptable standard and the owner of Huntfield House, who owned all of the land that the proposed route would pass through, had agreed to carry out the works at their own expense.

It was considered that the proposed route would provide a more convenient path across the owner's land whilst addressing the concerns of the owner and it was recommended that the Council's Administration and Legal Services carry out the statutory process, as detailed in the report, to promote the Order.

The Committee decided:

- (1) that promotion of a Public Path Diversion Order under Section 35 of the Countryside (Scotland) Act 1967 in relation to diverting part of the Huntfield House (Quothquan) to Hillridge Farm (Biggar) Right of Way, as shown on the plan attached as an appendix to the report, be approved;
- (2) that approval of the Order be confirmed, should no objections be received;
- (3) that the Public Path Diversion Order be referred to Scottish Ministers for confirmation, in accordance with Schedule 3 of the Countryside (Scotland) Act 1967, should objections be received which were not withdrawn or resolved; and

- (4) that the landowner meet all of the Council's expenses relating to the promotion and confirmation of the Order and, if necessary, the referral of the Order to Scottish Ministers.

13 Urgent Business

There were no items of urgent business.