

PLANNING COMMITTEE

Minutes of meeting held via Microsoft Teams and in the Banqueting Hall, Council Offices, Almada Street, Hamilton on 21 June 2022

Chair:

Councillor Richard Nelson

Councillors Present:

Councillor Alex Allison, Councillor Ralph Barker, Councillor Robert Brown (*substitute for Councillor Norman Rae*), Councillor Archie Buchanan, Councillor Ross Clark, Councillor Gerry Convery (Depute), Councillor Margaret Cowie, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Gladys Ferguson-Miller, Councillor Elise Frame, Councillor Alistair Fulton, Councillor Celine Handibode, Councillor Mark Horsham, Councillor Ross Lambie, Councillor Lesley McDonald, Councillor Davie McLachlan, Councillor John Ross, Councillor Dr Ali Salamati, Councillor Graham Scott, Councillor Bert Thomson (*substitute for Councillor Monique McAdams*), Councillor Helen Toner, Councillor David Watson

Councillors' Apologies:

Councillor Joe Fagan, Councillor Monique McAdams, Councillor Norman Rae, Councillor David Shearer

Councillor Also Attending:

Councillor Ian McAllan

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; I Morton, Planning Officer; J Weir, Planning Officer

Finance and Corporate Resources

M Cannon, Solicitor; J Davitt, Public Relations Officer; S Jessup, Administration Assistant; G McCann, Head of Administration and Legal Services; S McLeod, Administration Officer

Opening Remarks

At the request of the Chair, the Administration Officer provided an update on the Councillor's Code of Conduct and Guidance in relation to the attendance of non-committee members at this Committee.

1 Declaration of Interests

No interests were declared.

2 Application P/21/2044 for Residential Development (Houses and Flats) Together with Access, Landscaping, Open Space and Associated Works (Planning Permission in Principle) at Land 90 Metres Northeast of 38 Laighlands Road, Laighlands Road, Bothwell

A report dated 10 June 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/2044 by Bothwell Land and Development Limited for the erection of a residential development (houses and flats) together with access, landscaping, open space and associated works (planning permission in principle) at land 90 metres northeast of 38 Laighlands Road, Laighlands Road, Bothwell.

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

The Committee decided: that planning application P/21/2044 by Bothwell Land and Development Limited for the erection of a residential development (houses and flats) together with access, landscaping, open space and associated works (planning permission in principle) at land 90 metres northeast of 38 Laighlands Road, Laighlands Road, Bothwell be refused for the reasons detailed in the Executive Director's report.

3 Application P/22/0135 for Demolition of House and Outbuildings and Erection of 49 Residential Houses, Formation of Access Road, Pumping Station, Landscaping, Open Space and Associated Infrastructure at Land off Barbana Road, East Kilbride

The Chair advised that this application had been withdrawn at the request of the applicant.

The Committee decided: to note the position.

4 Application P/19/0776 for Formation of 36 House Plots at Land 130 Metres North of Greenacres, Access for Kersewell College from A70 to Kersewell Avenue, Carnwath

A report dated 10 June 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0776 by A Early for the formation of 36 house plots at land 130 metres north of Greenacres, access for Kersewell College from A70 to Kersewell Avenue, Carnwath.

At its meeting on 29 March 2022, the Committee deferred the application on the grounds that further information was required to provide clarity in relation to concerns regarding access to the proposed development via Kersewell Avenue.

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

Since the previous meeting, one further letter of representation had been received, the points of which were addressed by an officer.

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 heard Councillor McAllan, a local member, on concerns raised by local residents in relation to the application.

There followed a discussion on the application during which officers responded to members' questions on various aspects of the report and Councillor Allison highlighted the following concerns that he had in relation to road and public safety:-

- ◆ there was approximately a 1 kilometre stretch of Kersewell Avenue that people walked on with no pavement, lighting or refuge areas and very few passing places
- ◆ Kersewell Avenue was in darkness at peak travel times during the winter months
- ◆ it was not just during peak times that pedestrians would meet traffic on Kersewell Avenue
- ◆ he did not consider that the proposed conditions fully addressed the safety issues on Kersewell Avenue

Councillor Nelson, seconded by Councillor Convery, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Donnelly, seconded by Councillor Ross, moved as an amendment that the application be deferred on the grounds that further information was required to address members' concerns. Councillor Allison, seconded by Councillor Lambie, having moved as a further amendment that the application be refused on the grounds of road safety for the reasons stated in the bullet points above, Councillors Donnelly and Ross formally withdrew their original amendment.

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

Motion

Ross Clark, Gerry Convery, Margaret Cowie, Maureen Devlin, Alistair Fulton, Celine Handibode, Davie McLachlan, Richard Nelson, Graham Scott, Bert Thomson

Amendment

Alex Allison, Ralph Barker, Robert Brown, Archie Buchanan, Mary Donnelly, Gladys Ferguson-Miller, Elise Frame, Mark Horsham, Ross Lambie, Lesley McDonald, John Ross, Dr Ali Salamati, Helen Toner, David Watson

10 members voted for the motion and 14 for the amendment. The amendment was declared carried.

The Committee decided: that planning application P/19/0776 by A Early for the erection of 36 house plots at land 130 metres north of Greenacres, access for Kersewell College from A70 to Kersewell Avenue, Carnwath be refused on the grounds of road safety for the reasons stated in the bullet points above.

[Reference: Minutes of 29 March 2022 (Paragraph 14)]

5 Application P/22/0148 for Erection of 15 Houses with Associated Access, Parking and Landscaping at Site of Former Laburnum House, Laburnum Avenue, East Kilbride

A report dated 9 June 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0148 by Scott Homes (Builders) Limited for the erection of 15 houses with associated access, parking and landscaping at the site of the former Laburnum House, Laburnum Avenue, East Kilbride.

The Committee decided: that planning application P/22/0148 by Scott Homes (Builders) Limited for the erection of 15 houses with associated access, parking and landscaping at the site of the former Laburnum House, Laburnum Avenue, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 29 January 2008 (Paragraph 10)]

6 Application P/22/0089 for Erection of 2 Storey Side Extension to Existing Attached Garage to Form Enlarged Garage with Habitable Rooms Above at 57 Royal Gardens, Bothwell

A report dated 1 June 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0089 by G Balmer for the erection of a 2 storey side extension to an existing attached garage to form an enlarged garage with habitable rooms above at 57 Royal Gardens, Bothwell.

Points raised in 2 further representations were referred to at the meeting and addressed by an officer. A request for the application to be deferred had also been received, however, the officer advised that no new issues requiring deferral of the application had been raised.

Councillor Nelson, seconded by Councillor Convery, moved that the application be granted, subject to the conditions specified in the Executive Director's report. Councillor Devlin, seconded by Councillor Scott, moved as an amendment that the application be deferred for consideration at a future meeting on the grounds that it would allow objectors further opportunity to liaise with planning officers.

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

Motion

Alex Allison, Ralph Barker, Robert Brown, Ross Clark, Gerry Convery, Alistair Fulton, Celine Handibode, Mark Horsham, Ross Lambie, Lesley McDonald, Davie McLachlan, Richard Nelson, John Ross, Dr Ali Salamati, Bert Thomson, Helen Toner, David Watson

Amendment

Archie Buchanan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Gladys Ferguson-Miller, Elise Frame, Graham Scott

17 members voted for the motion and 7 for the amendment. The motion was declared carried.

The Committee decided: that planning application P/22/0089 by G Balmer for the erection of a 2 storey side extension to an existing attached garage to form an enlarged garage with habitable rooms above at 57 Royal Gardens, Bothwell be granted subject to the conditions specified in the Executive Director's report.

In terms of Standing Order No 14, the Chair adjourned the meeting at 11.35am for a 10 minute period. The meeting recommenced at 11.45am

7 Application P/22/0108 for Erection of First Floor Extension to Detached Garage at 7 Manse Avenue, Bothwell

A report dated 10 June 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0108 by W Hyslop for the erection of a first floor extension to a detached garage at 7 Manse Avenue, Bothwell.

The Committee decided: that planning application P/22/0108 by W Hyslop for the erection of a first floor extension to a detached garage at 7 Manse Avenue, Bothwell be granted subject to the conditions specified in the Executive Director's report.

8 Application P/22/0246 for Demolition of Rear Conservatory, Garage and Chimney and Erection of Side and Rear Extensions with Associated Raised Decking at the Rear at 19 Fergus Gardens, Hamilton

A report dated 26 May 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0246 by K Fairfull for the demolition of a rear conservatory, garage and chimney and the erection of side and rear extensions with associated raised decking at the rear at 19 Fergus Gardens, Hamilton.

The Committee decided: that planning application P/22/0246 by K Fairfull for the demolition of a rear conservatory, garage and chimney and the erection of side and rear extensions with associated raised decking at the rear at 19 Fergus Gardens, Hamilton be granted subject to the conditions specified in the Executive Director's report.

9 South Lanarkshire Development Plan Scheme 2022

A report dated 30 May 2022 by the Executive Director (Community and Enterprise Resources) was submitted on the South Lanarkshire Development Plan Scheme 2022 which set out the Council's programme for preparing its Development Plan. In terms of the Town and Country Planning (Scotland) Act 1997, the Scheme had to be kept up to date by at least carrying out an annual review.

The South Lanarkshire Development Plan Scheme 2022 dealt with:-

- ◆ the current coverage of development plans (strategic and local development plans) in South Lanarkshire
- ◆ proposals for the preparation of the next South Lanarkshire Local Development Plan (SLLDP3)
- ◆ the anticipated timescale for preparation of SLLDP3
- ◆ details, as appropriate and where known, of the key components of each stage of preparation
- ◆ a participation statement, giving an account of when consultation would take place, with whom and in what form, during the preparation of SLLDP3
- ◆ details of the preparation of other supporting planning guidance associated with SLLDP3
- ◆ details on how to access information and how to get in touch with the Council

The Scheme also reflected that the development plan process was in a period of transition due to changes brought about by the Planning (Scotland) Act 2019 including:-

- ◆ the repeal of Strategic Development Plans and their replacement by non-statutory Regional Spatial Strategies (RSS)
- ◆ combining the existing National Planning Framework and Scottish Planning Policy into a single document to be called National Planning Framework 4 (NPF4) which, in turn, would form part of SLLDP3
- ◆ the need to replace Local Development Plans at least every 10 years as opposed to 5 years at present

- ◆ the repeal of the ability to prepare Supplementary Guidance (SG)
- ◆ enabling greater public involvement by allowing local communities to prepare Local Place Plans (LPPs) which would require to accord with the Local Development Plan

It was anticipated that the approved NPF4 would be published following the summer in 2022 and the regulations and guidance for local development plan preparation would be finalised later in 2022. Thereafter, the relevant parts of the Planning (Scotland) Act 2019 and the approved secondary legislation would take effect, following which, the Council would begin formal preparation of SLLDP3. The Development Plan Scheme included an initial programme for each stage of the process, however, this could not be prepared in detail until NPF4 and the secondary legislation for local development plans were approved. An updated programme and a participation statement, which would outline wider and more intensive engagement and consultation with local communities and stakeholders, would be included in the Development Plan Scheme for 2023. Transitional arrangements published by the Scottish Government had included the expectation that the new form of local development plans would be adopted by all councils by 2027.

The report also provided details on the following which would be the subject of future reports to this Committee:-

- ◆ non-statutory Supporting Planning Guidance previously approved by this Committee which had since been the subject of public consultation
- ◆ further non-statutory Supporting Planning Guidance which would be produced on a range of topics

If approved, the Development Plan Scheme would be submitted to the Scottish Ministers, published on the Council's website and made available in public libraries.

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

The Committee decided: that the South Lanarkshire Development Plan Scheme 2022, attached as Appendix 1 to the report, be approved, published and submitted to the Scottish Ministers.

[Reference: Minutes of 11 May 2021 (Paragraph 9)]

10 South Lanarkshire Local Development Plan 2 Supporting Planning Guidance - Local Nature Reserves

A report dated 30 May 2022 by the Executive Director (Community and Enterprise Resources) was submitted on the preparation of Supporting Planning Guidance (SPG) in relation to the South Lanarkshire Local Development Plan 2 (SLLDP2) on Local Nature Reserves.

The purpose of Supporting Planning Guidance was to support the policy approach contained within the adopted SLLDP2 by providing more detailed information, guidance and advice.

During the preparation of SLLDP2, the provision of 16 new Local Nature Reserves, as detailed in the report, and an extension to the Local Nature Reserve at Langlands Moss, East Kilbride had been proposed and this Committee, at its meeting held on 5 October 2021, had approved the designation of the 16 new Local Nature Reserves and the extension to the Local Nature Reserve at Langlands Moss, as indicated in the associated boundary maps, in terms of Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended).

The proposed SPG on Local Nature Reserves consolidated the approved boundary maps into one easy to use document which would sit alongside the adopted SLLDP2. The Local Nature Reserves had previously been subject to consultation through the local development plan process and were the subject of draft Management Statements and maps which were available on the Council website. On that basis, and in view of the fact that the SPG did not introduce any new policy or set out any detailed requirements for developers, it was proposed that the SPG on Local Nature Reserves, attached as an appendix to the report, be approved without the requirement for further consultation.

There followed a discussion during which an officer responded to a member's question on an aspect of the report.

The Committee decided:

- (1) that the Supporting Planning Guidance on Local Nature Reserves, attached as an appendix to the report, be approved; and
- (2) that the Head of Planning and Economic Development be authorised to make drafting and technical changes to the Supporting Planning Guidance prior to its publication.

[Reference: Minutes of 5 October 2021 (Paragraph 10)]

11 Urgent Business

There were no items of urgent business.

Chair's Closing Remarks

The Chair advised that this would be the last meeting that Pauline Elliott, Head of Planning and Economic Development would be attending prior to her forthcoming retirement. The Chair, on behalf of the members of the Committee, thanked Pauline Elliott for her valuable contribution, assistance and advice to the Committee over the years and wished her well on her retirement.