

## PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1 and via Microsoft Teams, Council Offices, Almada Street, Hamilton on 22 September 2020

### Chair:

Councillor Isobel Dorman

### Councillors Present:

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

### Councillors' Apologies:

Councillor Fiona Dryburgh, Councillor Lynsey Hamilton, Councillor Ann Le Blond, Councillor John Ross (ex officio), Councillor Bert Thomson

### 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; P Kelly, Environmental Health Officer - Team Leader; T Meikle, Planning and Building Standards Manager (West); C Park, Engineering Manager/Transportation Engineering

#### Finance and Corporate Resources

J Davitt, Public Relations Team Leader; P MacRae, Administration Adviser; K McLeod, Administration Assistant; S McLeod, Administration Officer; K Moore, Legal Adviser

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### Order of Business

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

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### 1 Declaration of Interests

The following interests were declared:-

<b>Councillor(s)</b>	<b>Item(s)</b>	<b>Nature of Interest(s)</b>
Horsham	Application P/19/0816 for Change of Use of Land from Agriculture to Storage or Distribution (Class 6), Installation of Modular Office Building, Erection of Vehicle Washing Bay and Creation of Hardstanding Area (Retrospective) at Townhead Farm, Ponfeigh Road, Sandilands, Lanark	Prior involvement in the application

Allison	Application P/19/1807 – Section 42 Application to Vary Condition 25 of Planning Consent CL/12/0511, for Formation of Fishing Ponds and Associated Facilities at Woodend Farm, B7016 from Forth to Carnwath A70, Carnwath, Lanark	Business connection with an objector to the proposal
Nugent	Application P/20/0624 for Formation of Extension to Cuningar Loop Woodland Park Incorporating Open Space, Path Network, Woodland Planting, Land Regrading, Paths, Boardwalk, Street Furniture and Associated Works at Cuningar Woodland Park, Downiebrae Road, Rutherglen	Member of the Board of Clyde Gateway Developments Limited
Lockhart	BT Payphone Removal	Objector to a number of the proposals detailed in the report

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## 2 Minutes of Previous Meeting

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The minutes of the meeting of the Planning Committee held on 25 August 2020 were submitted for approval as a correct record.

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

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## 3 Application P/19/0816 for Change of Use of Land from Agriculture to Storage or Distribution (Class 6), Installation of Modular Office Building, Erection of Vehicle Washing Bay and Creation of Hardstanding Area (Retrospective) at Townhead Farm, Ponfeigh Road, Sandilands, Lanark

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0816 by JHP Transport Lanark Limited for the change of use of land from agriculture to storage or distribution (Class 6), installation of modular office building, erection of vehicle washing bay and creation of hardstanding area (retrospective) at Townhead Farm, Ponfeigh Road, Sandilands, Lanark.

Points raised in a questionnaire received from the applicant were referred to at the meeting and addressed by the officer. The officer also advised that 90 letters of support had been received in respect of the application.

Following discussion, the Head of Planning and Economic Development advised that, if Committee approved the recommendations contained in the report, the supports that had been offered to the applicant in terms of the continued operations, either at the present site or an alternative site, would be re-iterated. She added that a period of 3 months would be allowed in terms of the proposed enforcement action.

Following further discussion, Councillor Dorman, seconded by Councillor Buchanan, moved that planning permission be refused for the reasons detailed in the Executive Director's report and appropriate enforcement action be taken to ensure all operations on the site be ceased and the site be returned to agricultural use. Councillor Scott, seconded by Councillor Devlin, moved as an amendment that the application be deferred for a period of 4 weeks to allow further negotiations between the Council and the applicant. On a vote being taken by roll call, members voted as follows:-

#### **Motion**

Alex Allison, John Bradley, Archie Buchanan, Stephanie Callaghan, Mary Donnelly, Isobel Dorman, Richard Lockhart, Kenny McCreary, Lynne Nailon, Carol Nugent, Collette Stephenson, Jim Wardhaugh

#### **Amendment**

Walter Brogan, Margaret Cowie, Peter Craig, Maureen Devlin, Allan Falconer, Ian Harrow, Martin Lennon, Joe Lowe, Davie McLachlan, Graham Scott, David Shearer

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

#### **The Committee decided:**

- (1) that planning application P/19/0816 by JHP Transport Lanark Limited for the change of use of land from agriculture to storage or distribution (Class 6), installation of modular office building, erection of vehicle washing bay and creation of hardstanding area (retrospective) at Townhead Farm, Ponfeigh Road, Sandilands, Lanark be refused for the reasons detailed in the Executive Director's report; and
- (2) that appropriate enforcement action be taken to ensure all operations on the site be ceased and the site be returned to agricultural use.

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

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#### **4 Application P/19/0983 for Erection of Single Storey Extension to House to Form 'Granny Annex' at 7 Douglas Drive, Cambuslang**

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0983 by J Beek for the erection of a single storey extension to house to form 'granny annex' at 7 Douglas Drive, Cambuslang.

#### **The Committee decided:**

that planning application P/19/0983 by J Beek for the erection of a single storey extension to house to form 'granny annex' at 7 Douglas Drive, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of the Cambuslang and Rutherglen Area Committee of 11 February 2020 (Paragraph 4)]*

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## **5 Application P/20/0129 for Erection of 19 Houses, Formation of Access Road, Associated Parking, Landscaping and Fencing at Land at Bartie Gardens, Ashgill, Larkhall**

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0129 by Future Development Properties Limited for the erection of 19 houses, formation of access road, associated parking, landscaping and fencing at land at Bartie Gardens, Ashgill, Larkhall.

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

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/20/0129 by Future Development Properties Limited for the erection of 19 houses, formation of access road, associated parking, landscaping and fencing at land at Bartie Gardens, Ashgill, Larkhall 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 appropriate financial contributions were made at appropriate times towards improvement/upgrading of community facilities in the area
  - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Agreement 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 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 would 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 Planning Obligation.

*[Reference: Minutes of 7 July 2015 (Paragraph 15)]*

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## **6 Application P/19/1794 for Erection of 50 Residential Houses, Associated Landscaping and Infrastructure at Land 110 Metres Northwest of Littlepark Cottage, Jackton Road, East Kilbride**

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1794 by Stewart Milne Homes Central Scotland for the erection of 50 residential houses, associated landscaping and infrastructure at land 110 metres northwest of Littlepark Cottage, Jackton Road, East Kilbride.

**The Committee decided:** that planning application P/19/1794 by Stewart Milne Homes Central Scotland for the erection of 50 residential houses, associated landscaping and infrastructure at land 110 metres northwest of Littlepark Cottage, Jackton Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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

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**7 Application P/19/1807 - Section 42 Application to Vary Condition 25 of Planning Consent CL/12/0511 for Formation of Fishing Ponds and Associated Facilities at Woodend Farm, B7016 from Forth, A706 to Carnwath A70, Carnwath, Lanark**

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1807 by Onyx Leisure Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 25 of planning consent CL/12/0511 for the formation of fishing ponds and associated facilities at Woodend Farm, B7016 from Forth, A706 to Carnwath A70, Carnwath, Lanark.

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

At its meeting on 25 August 2020, the Committee decided to defer the application to a future meeting to allow for further information to be provided on issues raised by members in respect of the application, including roads issues. Officers spoke in explanation of the further information requested, which was contained within the report.

The Committee heard Councillor Allison, a local member, on concerns raised by local residents in relation to the proposal.

There followed a full discussion on the application.

**The Committee decided:** that planning application P/19/1807 by Onyx Leisure Limited for an application under section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 25 of planning consent CL/12/0511 for the formation of fishing ponds and associated facilities at Woodend Farm, B7016 from Forth, A706 to Carnwath A70, Carnwath, Lanark be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 25 August 2020 (Paragraph 18)]*

*Councillor Allison, having declared an interest in the application, made representations to the Committee as a local member, then withdrew from the meeting during consideration of the application*

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## **8 Application P/20/0542 for Residential Development and Associated Works, Including Demolition of Buildings and Land Re-profiling Operations (Planning Permission in Principle), at Former Philips Factory, Wellhall Road, Hamilton**

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0542 by Signify Commercial UK Limited for a residential development and associated works, including demolition of buildings and land re-profiling operations (planning permission in principle), at the former Philips Factory, Wellhall Road, Hamilton.

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.

Following discussion, the Head of Planning and Economic Development advised that, should Committee approve the planning permission in principle, she would advise Education Resources of the concerns raised regarding the capacities of the local schools and would provide an update to members.

### **The Committee decided:**

- (1) that planning application P/20/0542 by Signify Commercial UK Limited for a residential development and associated works including demolition of buildings and land re-profiling operations (planning permission in principle) at the former Philips Factory, Wellhall Road, Hamilton be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Legal Agreement and/or other appropriate agreement between the Council and the applicant to ensure appropriate financial contributions were made at appropriate times towards:-
    - ◆ additional nursery, primary and secondary education as appropriate
    - ◆ provision of community facilities, either on or off site
    - ◆ provision of affordable housing on site or by way of a commuted sum
  - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Agreement 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 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 would 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 Planning Obligation.

*[Reference: Minutes of 7 July 2015 (Paragraph 15)]*

*In terms of Standing Order No 13, the Chair adjourned the meeting following this item of business at 12.10pm. The meeting reconvened at 12.25pm*

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**9 Application P/20/0624 for Formation of Extension to Cuningar Loop Woodland Park Incorporating Open Space, Path Network, Woodland Planting, Land Regrading, Paths, Boardwalk, Street Furniture and Associated Works at Cuningar Woodland Park, Downiebrae Road, Rutherglen**

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A report dated 3 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0624 by Clyde Gateway Developments Limited for the formation of an extension to Cuningar Loop Woodland Park incorporating open space, path network, woodland planting, land regrading, paths, boardwalk, street furniture and associated works at Cuningar Woodland Park, Downiebrae Road, Rutherglen.

**The Committee decided:** that planning application P/20/0624 by Clyde Gateway Developments Limited for the formation of an extension to Cuningar Loop Woodland Park incorporating open space, path network, woodland planting, land regrading, paths, boardwalk, street furniture and associated works at Cuningar Woodland Park, Downiebrae Road, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 16 April 2013 (Paragraph 4)]*

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

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**10 Application P/20/0800 for Erection of 7 Tourist Accommodation Pods, Associated Vehicular Access, Car Parking Area, Landscape Bund, Landscaping and Access Footpaths at Cornhill House Hotel, Coulter, Biggar**

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0800 by Manorview Group for erection of 7 tourist accommodation pods, associated vehicular access, car parking area, landscaping bund, landscaping and access footpaths at Cornhill House Hotel, Coulter, Biggar.

**The Committee decided:** that planning application P/20/0800 by Manorview Group for erection of 7 tourist accommodation pods, associated vehicular access, car parking area, landscaping bund, landscaping and access footpaths at Cornhill House Hotel, Coulter, Biggar be granted subject to the conditions specified in the Executive Director's report.

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**11 Application P/20/0244 for Erection of 2 Storey Side/Rear Extension and Front Porch at 44 Grant Court, Hamilton**

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0244 by B Glancy for the erection of a 2 storey side/rear extension and front porch at 44 Grant Court, Hamilton.

**The Committee decided:** that planning application P/20/0244 by B Glancy for the erection of a 2 storey side/rear extension and front porch at 44 Grant Court, Hamilton be granted subject to the conditions specified in the Executive Director's report.

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## **12 Application P/20/0495 for Erection and Operation of 8 Wind Turbines at a Height of 180 Metres to Blade Tip (Section 36 Consultation) at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark**

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A report dated 28 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0495 by Brookfield Renewables for the erection of 8 wind turbines with a maximum height to blade tip of 180 metres, access tracks, sub-station and other associated infrastructure at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark.

At its meeting on 8 October 2019, the Committee agreed that the Scottish Government be advised that the Council had no objections to an application (P/19/1145) under Section 36 of the Electricity Act 1989 for the erection of 19 wind turbines with a maximum height to blade tip of 180 metres, access tracks, sub-station and other associated infrastructure at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark. The current application (P/20/0495) had been made to the Scottish Government to amend the original consent under Section 36 of the Electricity Act 1989 to extend the consented Wind Farm by an additional 8 wind turbines.

The proposal had been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it had an electricity generating capacity of over 50 megawatts (MW). As a result, the Council was a consultee to the application and not the consenting authority.

### **The Committee decided:**

- (1) that the Scottish Government be advised that the Council had no objections to planning application P/20/0495 by Brookfield Renewables for the erection and operation of 8 wind turbines with a maximum height to blade tip of 180 metres, access tracks, sub-station and other associated infrastructure, under Section 36 of the Electricity Act 1989, at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark, subject to conditions based on the conditions attached to the Executive Director's report;
- (2) that, in addition, the Scottish Government be advised that approval should be subject to the conclusion of legal agreements covering:-
  - ◆ community contribution payments
  - ◆ the funding of a Planning Monitoring Officer
  - ◆ control over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements
- (3) that the applicant be responsible for the Council's costs associated with the legal agreements; and
- (4) that the Head of Planning and Economic Development be authorised to undertake any discussions, further agreements of conditions and planning obligations, if required, with the Scottish Government.

*[Reference: Minutes of 8 October 2019 (Paragraph 7)]*



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### **13 Application HM/15/0466 for Residential Development (Planning Permission in Principle) at Greyfriars, Greyfriars Road, Uddingston**

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A report dated 3 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on progress associated with the issue of the decision notice for planning application HM/15/0466 for a residential development (planning permission in principle) at Greyfriars, Greyfriars Road, Uddingston and a proposed amendment to the requirements of the associated Section 75 Planning Obligation.

At its meeting on 28 March 2017, the Committee had approved planning application HM/15/0466 by S Pisano, subject to conditions and the conclusion of a Section 75 Planning Obligation to secure financial contributions for community facilities in lieu of on-site play facilities, the provision of education facilities and affordable housing.

The following related planning applications had since been received:-

- ◆ HM/17/0415 for the conversion and extension to a Grade B listed building to form 10 flatted units (listed building consent)
- ◆ HM/17/0428 for the conversion and extension to a Grade B listed building to form 10 flatted units (detailed planning permission)

Planning applications HM/17/0415 and HM/17/0428 would be determined under the Council's approved Scheme of Delegation and would also form part of the Section 75 Planning Obligation. However, following detailed discussions to progress and conclude a legal agreement, the applicant had raised concerns that the level of financial contributions sought by the Council rendered the overall proposal unviable and requested that the financial contributions be removed from the agreement.

Following an independent assessment of the viability of the proposed development, Armour Construction Consultants had concluded that, based on the probable development costs, it was unlikely that there would be sufficient residual value to permit the payment of a financial contribution without affecting the viability of the project.

It was considered that the approval of additional residential units within the grounds of the former Greyfriars Monastery would be required to provide the necessary funding for works to retain the existing Category B listed building. Given the concerns about the deterioration of the building's condition, the potential for the building to be lost and the assessment of the viability of the proposed development, it was proposed that the requirements of the provision of a financial contribution be removed from the Section 75 Planning Obligation. However, it was considered that a Section 75 Planning Obligation would still be required so that the implementation of any new building works was carried out in a phased manner to ensure the retention, conversion and extension of the existing building on-site was undertaken within an appropriate timeframe.

Following a full discussion and exchange of views, Councillor Shearer proposed that the requirement of the associated Section 75 Planning Obligation for the provision of financial developer contributions remain in place with the extent of the contributions being assessed and reviewed as the development works progressed.

The Head of Planning and Economic Development and the Legal Adviser stated that the Section 75 Obligation could be amended as proposed and indicated that, if members of the Committee were minded to accept the proposal, it could be remitted to officers, in consultation with the Chair and Depute, to determine the amount and extent of the contributions.

### **The Committee decided:**

- (1) that the requirements of the associated Section 75 Planning Obligation be altered to ensure that the implementation of any new build works were carried out in a phased manner to ensure the retention, conversion and extension of the existing building on-site and that the conversion of the existing building was carried out within an appropriate timeframe simultaneously with the new building works; and
- (2) that the requirement of the associated Section 75 Planning Obligation for the provision of developer contributions remain in place but that the extent of the contribution be assessed and reviewed as the development works progressed and that it be remitted to officers, in consultation with the Chair and Depute, to determine the extent and amount of the contributions.

*[Reference: Minutes of 28 March 2017 (Paragraph 8)]*

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## **14 BT Payphone Removal**

A report dated 1 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on BT's proposal to remove 26 public payphones throughout South Lanarkshire.

In July 2020, BT notified the Council of its proposal to remove 26 public 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 23 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 2 November 2020 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 for submission to BT and the Scottish Government's Department for Digital, Culture, Media and Sport by 2 November 2020.

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

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**15 Urgent Business**

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There were no items of urgent business.