

PLANNING COMMITTEE

Minutes of meeting held via Confero and in the Council Chamber, Council Offices, Almada Street, Hamilton on 22 November 2022

Chair:

Councillor Richard Nelson

Councillors Present:

Councillor Alex Allison, Councillor Ralph Barker, Councillor Archie Buchanan, Councillor Ross Clark, Councillor Gerry Convery (Depute), Councillor Margaret Cowie, Councillor Maureen Devlin, 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 Julia Marrs (*substitute for Councillor John Ross*), Councillor Norman Rae, Councillor Dr Ali Salamati, Councillor Graham Scott, Councillor David Shearer, Councillor Helen Toner, Councillor David Watson

Councillors' Apologies:

Councillor Mary Donnelly, Councillor Joe Fagan (ex officio), Councillor Monique McAdams, Councillor John Ross

Attending:

Community and Enterprise Resources

B Darroch, Planning and Building Standards Manager (East); T Finn, Planning and Building Standards Manager (Headquarters); S Laird, Engineering Manager (Transportation Engineering); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Planning and Building Standards Manager (West); I Morton, Planning Team Leader (West Team)

Finance and Corporate Resources

M Cannon, Solicitor; S Jessup, Administration Assistant; S McLeod, Administration Officer

Chair's Opening Remarks

The Chair welcomed Tina Meikle, Planning and Building Standards Manager (West), on her return following a period of absence.

1 Declaration of Interests

The following interests were declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Marrs and Scott	Application P/21/2167 for Change of Use of After School Care Facility to Class 1 Retail Premises and Associated External Alterations at Cruse House, 20 Argyle Drive, Hamilton	Insufficient information to determine due to having been unable to attend the site visit

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 11 October 2022 were submitted for approval as a correct record.

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

3 Application P/21/2167 for Change of Use of After School Care Facility to Class 1 Retail Premises and Associated External Alterations at Cruse House, 20 Argyle Drive, Hamilton

A report dated 4 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/2167 by 1A Real Estate Limited for the change of use of an after school care facility to Class 1 retail premises and associated external alterations at Cruse House, 20 Argyle Drive, Hamilton.

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 11 October 2022, the Committee deferred the application to allow a site visit to take place. Members of the Planning Committee had since undertaken an accompanied site visit on Friday 28 October 2022.

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

The Committee decided: that application P/21/2167 by 1A Real Estates Limited for the change of use of an after school care facility to Class 1 retail premises and associated external alterations at Cruse House, 20 Argyle Drive, Hamilton be refused on the grounds of public safety due to insufficient parking provision, including for the receipt of deliveries, given the layout of the road and number of residential properties.

[Reference: Minutes of 11 October 2022 (Paragraph 3)]

Councillors Marrs and Scott, having declared an interest in this item, withdrew from the meeting during its consideration. Councillor Frame left the meeting during this item of business

4 Application P/21/1901 for Erection of 71 Residential Units, Consisting of 62 Detached, Semi-Detached and Terraced Units, 9 Flats, Including 17 Affordable Housing Units, Formation of 2 New Vehicular Accesses and Associated Infrastructure at Former Hoover Site Phase 4, Dale Avenue, Cambuslang

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1901 by Dawn Homes Limited for the erection of 71 residential units, consisting of 62 detached, semi-detached and terraced units and 9 flats, including 17 affordable housing units, the formation of 2 new vehicular accesses and associated infrastructure at the former Hoover Site Phase 4, Dale Avenue, Cambuslang.

In the view of the Executive Director (Community and Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the site had been subject to an appropriate marketing appraisal for uses within classes 4, 5 and 6 and had been actively marketed for more than 6 months with no success
- ◆ the site presented limited options for industrial development due to its immediate proximity to existing residential development where potential constraints might be imposed on industrial operations on the site in terms of noise limits and hours of operation
- ◆ the residential development proposal would be an extension of the previous phases of residential development and would be unlikely to adversely affect the industrial operation, amenity, industrial character or function of the area as it would benefit from the existing tree buffer with the Trade Team Tennent's Distribution Depot to the north-west of the site

- ◆ the proposal supported the principles of climate change by redeveloping previously developed vacant land bringing it back into use and was within walking distance of Cambuslang Town Centre, Cambuslang Train Station and local bus services, thus reducing the need for private car journeys
- ◆ the proposal complied with the provisions of Policies 2, 5, 11, 12, 13, 15, 16, DM1, DM15, SDCC2 and SDCC3 of the South Lanarkshire Local Development Plan 2
- ◆ an appropriate obligation would be sought between the applicant and the Council for a financial contribution in respect of the phasing, improvement and upgrading of educational and community facilities and the implementation of on-site affordable housing provision
- ◆ there were no infrastructure implications as a result of the proposed development

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.

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

The Committee decided:

- (1) that planning application P/21/1901 by Dawn Homes Limited for the erection of 71 residential units, consisting of 62 detached, semi-detached and terraced units and 9 flats, including 17 affordable housing units, the formation of 2 new vehicular accesses and associated infrastructure at the former Hoover Site Phase 4, Dale Avenue, Cambuslang 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 a financial contribution in relation to the phasing, improvement and upgrading of educational and community facilities and the implementation of on-site affordable housing provision
 - ◆ the applicant meeting the Council's costs associated with the 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 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 13 August 2019 (Paragraph 6)]

Councillor Ferguson-Miller joined the meeting during this item of business

5 Application P/22/0771 for Demolition of Building and Derelict Railway Bridge and Erection of 3 Houses, Access Roads and Footpath at Land 60 Metres North of 68 Biggar Road, Biggar Road, Symington, Biggar

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0771 by M Gaffney for the demolition of a building and derelict railway bridge and the erection of 3 houses, access roads and footpath at land 60 metres north of 68 Biggar Road, Biggar Road, Symington, Biggar.

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

In response to a Point of Order raised by Councillor Lambie on deferring the application based on possible future legislation and the potential for leaving the Council open to procedural legal challenge, the Chair advised that the intention of deferring the application was to allow planning officers to provide the Committee with information on the Council's legislative responsibilities in relation to potential reinstatement of the railway track bed and associated infrastructure.

The Committee decided:

that planning application P/22/0771 by M Gaffney for the demolition of a building and derelict railway bridge and the erection of 3 houses, access roads and footpath at land 60 metres north of 68 Biggar Road, Biggar Road, Symington, Biggar be deferred to a future meeting of the Planning Committee to allow information to be provided on the Council's legislative responsibilities in relation to potential reinstatement of the railway track bed and associated infrastructure.

6 Application P/22/0251 for Revision to Layout, Substitution of House Types and Erection of Additional 13 Houses (267 in Total) at Previously Approved Housing Development with Associated Landscaping and Parking (Amendment to Planning Consent P/19/1502) at Land 148 Metres North Northwest of Dunrobin, Newlands Road, East Kilbride

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0251 by Avant Homes Scotland for the revision to the layout, substitution of house types and erection of additional 13 houses (267 in total) at previously approved housing development with associated landscaping and parking (amendment to planning consent P/19/1502) at land 148 metres north northwest of Dunrobin, Newlands Road, East Kilbride.

The Committee decided:

that planning application P/22/0251 by Avant Homes Scotland for the revision to the layout, substitution of house types and erection of additional 13 houses (267 in total) at previously approved housing development with associated landscaping and parking (amendment to planning consent P/19/1502) at land 148 metres north northwest of Dunrobin, Newlands Road, East Kilbride be approved subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 17 December 2019 (Paragraph 8)]

In terms of Standing Order No 14, the Chair adjourned the meeting at 11.07am and reconvened at 11.15am

7 Application P/22/0363 for Erection of 64 Houses, Associated Infrastructure and Landscaping (Approval of Matters Specified in Conditions 1(a-r), 3, 4, 6, 8, 9, 10 and 12 of Planning Permission in Principle EK/09/0218) at Cala Development Site, 250 Metres East of Easter House, Jackton Road, Jackton, East Kilbride

A report dated 14 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0363 by CALA Homes (West) for the erection of 64 houses, associated infrastructure and landscaping (approval of matters specified in conditions 1(a-r), 3, 4, 6, 8, 9, 10 and 12 of planning permission in principle EK/09/0218) at the Cala Development Site, 250 metres east of Easter House, Jackton Road, Jackton, East Kilbride.

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

The Committee decided: that planning application P/22/0363 by CALA Homes (West) for the erection of 64 houses, associated infrastructure and landscaping (approval of matters specified in conditions 1(a-r), 3, 4, 6, 8, 9, 10 and 12 of planning permission in principle EK/09/0218) at the Cala Development Site, 250 metres east of Easter House, Jackton Road, Jackton, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 26 June 2018 (Paragraph 4)]

Councillor McLachlan left the meeting after this item of business

8 Application P/22/0105 for Extension to Extraction Area of Existing Quarry (Bankend Quarry) at Laigh Plewland Farm, Waterhead Peelhill and Linbank Highway, Strathaven

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0105 by Tarmac for an extension to the extraction area of an existing quarry (Bankend Quarry) at Laigh Plewland Farm, Waterhead Peelhill and Linbank Highway, Strathaven.

The Committee decided: that planning application P/22/0105 by Tarmac for an extension to the extraction area of an existing quarry (Bankend Quarry) at Laigh Plewland Farm, Waterhead Peelhill and Linbank Highway, Strathaven be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 29 November 2011 (Paragraph 25)]

9 Application P/22/0106 for Installation of Field Conveyor to Transport Sand and Gravel from Bankend Quarry to Snabe Quarry with Processing at Snabe Quarry (Section 42 Application to Amend Condition 4 of Application EK/11/0213 to Allow Continued Use Until 30 September 2036) at Snabe Farm Sand Quarry, Darvel Road, Drumclog, Strathaven

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0106 by Tarmac for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 4 of planning consent EK/11/0213 to extend the time period of consent to 30 September 2036 for the use of the field conveyor to transport sand and gravel from Bankend Quarry to Snabe Farm Sand Quarry at Darvel Road, Drumclog, Strathaven.

The Committee decided: that planning application P/22/0106 by Tarmac for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 4 of planning consent EK/11/0213 to extend the time period of consent to 30 September 2036 for the use of the field conveyor to transport sand and gravel from Bankend Quarry to Snabe Farm Sand Quarry, at Darvel Road, Drumclog, Strathaven be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 29 November 2011 (Paragraph 25)]

10 Application P/22/0712 for Demolition of House and Outbuildings and Erection of Residential Development of 12 Houses and Associated Works (Planning Permission in Principle) at Newhouse Farm, Westburn Road, Cambuslang

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0712 by Ashfield Land (Newton) Limited for the demolition of a house and outbuildings and erection of a residential development of 12 houses and associated works (planning permission in principle) at Newhouse Farm, Westburn Road, Cambuslang.

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

The Committee decided: that planning application P/22/0712 by Ashfield Land (Newton) Limited for the demolition of a house and outbuildings and erection of a residential development of 12 houses and associated works (planning permission in principle) at Newhouse Farm, Westburn Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

11 Application P/22/0360 for Erection of House (Planning Permission in Principle) at Land at Spittal Farm, Spittal Road, Carnwath, Lanark

A report dated 4 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0360 by K Brown for the erection of a house (planning permission in principle) at land at Spittal Farm, Spittal Road, Carnwath, Lanark.

Correspondence received from the applicant's agent was referred to at the meeting by an officer.

There followed a discussion on the application during which the Chair and officers responded to members' questions on the correspondence received from the agent and aspects of the report.

The Committee decided: that planning application P/22/0360 by K Brown for the erection of a house (planning permission in principle) at land at Spittal Farm, Spittal Road, Carnwath, Lanark be deferred to a future meeting of the Planning Committee to allow members to view the proposed site plan.

In terms of Standing Order No 14, the Chair adjourned the meeting at 11.58am and reconvened at 12.05pm

12 Application P/22/0931 for Erection of 5 Houses with Associated Works (Approval of Matters Specified in Conditions Imposed on Consent P/18/1126) at Hallhill, Hunterlees Road, Glassford, Strathaven

A report dated 14 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0931 by MPS (Glassford) Limited for the erection of 5 houses with associated works (approval of matters specified in conditions imposed on planning consent P/18/1126) at Hallhill, Hunterlees Road, Glassford, Strathaven.

The Committee decided: that planning application P/22/0931 by MPS (Glassford) Limited for the erection of 5 houses with associated works (approval of matters specified in conditions imposed on planning consent P/18/1126) at Hallhill, Hunterlees Road, Glassford, Strathaven be approved subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 6 October 2015 (Paragraph 6)]

13 Application P/22/1047 for Change of Use of Public Open Space to Private Garden Ground and the Erection of Fencing at 53 Mull, East Kilbride

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1047 by F Glen for the change of use of public open space to private garden ground and the erection of fencing at 53 Mull, East Kilbride.

There followed a discussion on the application during which officers responded to members' questions on aspects of the report. Councillor Nelson, seconded by Councillor Convery, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Watson, seconded by Councillor Buchanan, moved as an amendment that the application be refused on the grounds of public interest and adverse impact on the environment of the area. On a vote being taken using the electronic voting system, 9 members voted for the amendment and 12 for the motion which was declared carried.

The Committee decided: that planning application P/22/1047 by F Glen for the change of use of public open space to private garden ground and the erection of fencing at 53 Mull, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

14 Application P/21/1350 for Erection of Residential Development (23 Flatted Units), Associated Amenity Space and Repairs and Alteration of Existing Facade at Former Vogue Cinema and Bingo Hall, 11 Keith Street, Hamilton

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1350 by Clyde Valley Housing Association for the erection of a residential development (23 flatted units), associated amenity space and repairs and alteration of existing facade at the former Vogue Cinema and Bingo Hall, 11 Keith Street, Hamilton.

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

The Committee decided: that planning application P/21/1350 by Clyde Valley Housing Association for the erection of a residential development (23 flatted units), associated amenity space and repairs and alteration of existing facade at the former Vogue Cinema and Bingo Hall, 11 Keith Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 10 June 2008 (Paragraph 7)]

15 South Lanarkshire Local Development Plan 2 – Supporting Planning Guidance – Preparation of Development at a Dwellinghouse

A report dated 10 November 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 Carrying Out Development at a Dwellinghouse.

At its meeting held on 16 November 2021, this Committee had approved draft SPG on Carrying Out Development at a Dwelling House. The SPG provided detailed guidance to homeowners proposing to extend or alter their home and updated the advice previously set out in the Development Management and Placemaking Supplementary Guidance associated with the former South Lanarkshire Local Development Plan.

Public consultation had since been carried out over a 6 week period, resulting in 7 responses, the content of which was summarised in the report.

A number of updates had been included in the revised SPG, attached as an appendix to the report, to reflect the responses and improve the SPG in terms of its clarity and level of detailed guidance which now included:-

- ◆ up-to-date advice on the operation of short-term lets from houses
- ◆ a matrix to advise on window-to-window distances and information on how to assess overlooking of main habitable windows

Subject to the Committee's approval, the updated SPG would be published on the Council's website and become a material consideration in the determination of planning applications alongside the adopted South Lanarkshire Local Development Plan 2.

The Committee decided:

- (1) that the Supporting Planning Guidance for Carrying Out Development at a Dwellinghouse, attached as an appendix to the report, be approved; and

- (2) that the Head of Planning and Regulatory Services be authorised to undertake the appropriate procedures and to make drafting and technical changes to the Supporting Planning Guidance prior to its publication.

[Reference: Minutes of 16 November 2021 (Paragraph 10)]

16 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.