

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 4 December 2018

Chair:

Councillor Alistair Fulton

Councillors Present:

Councillor Alex Allison, Councillor John Bradley, Councillor Jackie Burns (*substitute for Councillor Jim Wardhaugh*), Councillor Stephanie Callaghan, Councillor Peter Craig (*substitute for Councillor Archie Buchanan*), Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Isobel Dorman (Depute), Councillor Fiona Dryburgh, Councillor Martin Lennon, Councillor Julia Marrs, Councillor Catherine McClymont (*substitute for Councillor Walter Brogan*), Councillor Kenny McCreary, Councillor Lynne Nailon (*substitute for Councillor Richard Nelson*), Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Sheena Wardhaugh

Councillors' Apologies:

Councillor Walter Brogan, Councillor Archie Buchanan, Councillor Margaret Cowie, Councillor Mark Horsham, Councillor Ann Le Blond, Councillor Richard Lockhart, Councillor Richard Nelson, Councillor John Ross (ex officio), Councillor Collette Stevenson, Councillor Bert Thomson, Councillor Jim Wardhaugh

Attending:

Community and Enterprise Resources

L Campbell, Area Manager, Planning and Building Standards Services (Hamilton and Clydesdale); P Elliott, Head of Planning and Economic Development; T Finn, Headquarters Manager, Planning and Building Standards Services; T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride)

Finance and Corporate Resources

P MacRae, Administration Officer; K McLeod, Administration Assistant; K Moore, Legal Services Adviser

Chair's Remarks

The Chair referred to the Council's success at the Scottish Awards for Quality in Planning held in Edinburgh on 21 November 2018 where South Lanarkshire Council had received awards in the categories of Place and Partnership respectively for the following projects:-

- ♦ the rehabilitation of an abandoned listed building at Blairtum House, Rutherglen and the construction of 5 houses in the grounds of the property
- ♦ the redevelopment, in partnership with Clyde Gateway and Forestry Commission Scotland, of a 15 hectare abandoned site adjacent to the River Clyde in Rutherglen to form a large urban woodland park (Cunningar Loop)

On behalf of the Committee, the Chair congratulated the lead officer, Declan King, and all the officers involved in the award winning projects.

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 6 November 2018 were submitted for approval as a correct record.

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

3 Application CL/17/0233 for a Residential Development (Planning Permission in Principle) at Milton Ground, Lesmahagow

A report dated 16 November 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0233 by Patersons of Greenoakhill Limited for a residential development (planning permission in principle) at Milton Ground, Lesmahagow.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application CL/17/0233 by Patersons of Greenoakhill Limited for a residential development (planning permission in principle) at Milton Ground, Lesmahagow be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Planning Obligation and/or other agreement between the Council, the applicant and the site owner(s) to ensure that appropriate financial contributions were made at appropriate times during the development towards the provision of:-
 - ◆ recreation and leisure facilities
 - ◆ education facilities
 - ◆ affordable housing
 - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Obligation 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 Planning Obligation 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 Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

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

4 Application P/18/0434 for Erection of 12 Flats in a 4 Storey Block and Formation of Associated Car Parking at Land to the Rear of St Andrew's Parish Church, Avon Street, Hamilton

A report dated 23 November 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0434 by C Smith for the erection of 12 flats in a 4 storey block and formation of associated car parking at land to the rear of St Andrew's Parish Church, Avon Street, Hamilton.

The Committee decided: that planning application P/18/0434 by C Smith for the erection of 12 flats in a 4 storey block and formation of associated car parking at land to the rear of St Andrew's Parish Church, Avon Street, Hamilton be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ consent being withheld until an appropriate financial contribution towards the upgrading of community facilities was received from the applicant

5 Application P/18/0072 – Section 42 Application to Vary Conditions 1, 8, 9, 17, 18, 20, 32, 35, 36 and 45 of Planning Consent CL/08/0727 for Erection of 9 Wind Turbines and Associated Infrastructure, Including 4 Borrow Pits and New Access Tracks, at Proposed Windfarm at Penbreck and Carmacoup Forest, Glentaggart Road, Glespin

A report dated 12 November 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0072 by Brookfield Renewable UK Limited under Section 42 of the Town and Country Planning (Scotland) Act to vary Conditions 1, 8, 9, 17, 18, 20, 32, 35, 36 and 45 of planning consent CL/08/0727 for the erection of 9 wind turbines and associated infrastructure, including 4 borrow pits and new access tracks, at the proposed windfarm at Penbreck and Carmacoup Forest, Glentaggart Road, Glespin.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

(1) that planning application P/18/0072 by Brookfield Renewable UK Limited under Section 42 of the Town and Country Planning (Scotland) Act to vary Conditions 1, 8, 9, 17, 18, 20, 32, 35, 36 and 45 of planning consent CL/08/0727 for the erection of 9 wind turbines and associated infrastructure, including 4 borrow pits and new access tracks, at the proposed windfarm at Penbreck and Carmacoup Forest, Glentaggart Road, Glespin be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ prior conclusion of a Section 75 Planning Obligation and/or other agreement between the Council, the applicant and the site owner(s) to ensure the following:-
 - ◆ submission of a Bond for the restoration and aftercare of the site
 - ◆ provision of an Ecological Clerk of Works
 - ◆ a contribution to the Council's Renewable Energy Fund
 - ◆ 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
 - ♦ the applicants meeting the Council's legal costs associated with the Section 75 Obligation 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 Planning Obligation 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 Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

[Reference: Minutes of 24 June 2014 (Paragraph 13) and 7 July 2015 (Paragraph 15)]

6 Application P/18/1145 for Installation of Access Track, Including Upgrading of Existing Track, at Proposed Windfarm at Penbreck and Carmacoup Forest, Glentaggart Road, Glespin

A report dated 12 November 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1145 by Brookfield Renewable UK Limited for the installation of an access track, including upgrading of the existing track, at the proposed windfarm at Penbreck and Carmacoup Forest, Glentaggart Road, Glespin.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application P/18/1145 by Brookfield Renewable UK Limited for the installation of an access track, including upgrading of the existing track, at the proposed windfarm at Penbreck and Carmacoup Forest, Glentaggart Road, Glespin be granted subject to:-
- ♦ the conditions specified in the Executive Director's report
 - ♦ prior conclusion of a Section 75 Planning Obligation and/or other agreement between the Council, the applicant and the site owner(s) to ensure the following:-
 - ♦ provision of an Ecological Clerk of Works
 - ♦ 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
 - ♦ the applicants meeting the Council's legal costs associated with the Section 75 Obligation 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 Planning Obligation 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 Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

[Reference: Minutes of 24 June 2014 (Paragraph 13) and 7 July 2015 (Paragraph 15)]

7 Application P/18/0782 for Partial Change of Use of House to Boarding Kennels, Erection of 1.2 Metres High Timber Fence and Gates to Front of Property and Erection of Timber Stable Block at 65 Wilsontown Road, Wilsontown, Lanark

A report dated 16 November 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0782 by D Sitek for the partial change of use of a house to boarding kennels, erection of a 1.2 metres high timber fence and gates to the front of the property and the erection of a timber stable block at 65 Wilsontown Road, Wilsontown, Lanark

At its meeting on 6 November 2018, the Committee had agreed that consideration of planning application P/18/0782 be continued to a future meeting to allow for further investigation to take place in respect of the proposal and for mitigation to be received from the applicant. The Area Manager, Planning and Building Standards Services (Hamilton and Clydesdale) updated the Committee in respect of the proposal.

Points raised in a further objection to the proposal from E Somerville were referred to at the meeting and addressed by officers.

The Committee decided: that planning application P/18/0782 by D Sitek for the partial change of use of a house to boarding kennels, erection of a 1.2 metres high timber fence and gates to the front of the property and the erection of a timber stable block at 65 Wilsontown Road, Wilsontown, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 6 November 2018 (Paragraph 10)]

8 Application P/18/0847 for Erection of Single Storey Side and Rear Extension and Formation of Front and Rear Dormer Windows at 12 Stephenson Terrace, East Kilbride

A report dated 9 November 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0847 by S Cullie for the erection of a single storey side and rear extension and the formation of front and rear dormer windows at 12 Stephenson Terrace, East Kilbride.

The Committee decided:

that planning application P/18/0847 by S Cullie for the erection of a single storey side and rear extension and the formation of front and rear dormer windows at 12 Stephenson Terrace, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

9 New Lanark and Falls of Clyde Conservation Area Appraisal

A report dated 14 November 2018 by the Executive Director (Community and Enterprise Resources) was submitted on the New Lanark and Falls of Clyde Conservation Area Appraisal (CAA).

The New Lanark and Falls of Clyde CAA consisted of 5 main parts which:-

- ◆ provided a summary of the legislative background behind Conservation Areas and the purpose of carrying out a Conservation Area Appraisal
- ◆ outlined the historical development of New Lanark from the medieval period to the 20th century
- ◆ provided an assessment of the significance of key characteristics of historical and cultural value
- ◆ provided an analysis of the key townscape characteristics which included topography, setting, views and vistas, building materials and architectural character
- ◆ outlined the Council's existing policies and proposals for preservation and enhancement, including a new Article 4 Direction

At its meeting on 23 August 2011, the Committee had approved the Conservation Area Appraisal for New Lanark and the Falls of Clyde and its adoption as supplementary guidance. However, following a review of householder permitted development rights by the Scottish Government in 2011, classes of development previously identified in the CAA had been removed or altered and new classes had been introduced. As a result, the publication of the CAA had been delayed.

It was considered that the CAA, approved in 2011, and, in particular, the proposals for preservation and enhancement, remained relevant and fit for purpose. The use of an Article 4 Direction to control certain types of development was still considered to be appropriate. It was, therefore, proposed that the CAA, as previously approved, be published subject to some minor changes to reflect the current position on permitted development rights and the continuing need for an Article 4 Direction.

If approved, the CAA would be:-

- ◆ made available on the Council's website
- ◆ adopted as non-statutory planning guidance and a material consideration in determining applications affecting New Lanark and Falls of Clyde Conservation Area

The Committee decided:

- (1) that the Conservation Area Appraisal for New Lanark and Falls of Clyde be approved and adopted as non-statutory planning guidance; and
- (2) that the Head of Planning and Economic Development be authorised to modify the document to take account of minor drafting changes and technical matters.

[Reference: Minutes of 23 August 2011 (Paragraph 19)]

10 Tree Preservation Order – Beechwood Avenue, Rutherglen

A report dated 16 November 2018 by the Executive Director (Community and Enterprise Resources) was submitted on the promotion of a Tree Preservation Order (TPO) under the terms of Section 164 of the Town and Country Planning (Scotland) Act 1997 on a group of mature beech trees located along the southern side of Beechwood Avenue, Rutherglen, near its junction with Calderwood Road, as detailed on the plan attached to the Executive Director's report.

The TPO was required to ensure that no inappropriate work was undertaken to the trees which were considered to contribute to the character, amenity and sense of place within the local area.

The Committee decided:

- (1) that a TPO be promoted under the terms of Section 164 of the Town and Country Planning (Scotland) Act 1997 on the trees identified on the plan attached to the report; and
- (2) that, should there be no objections to the TPO, the Order be confirmed within 6 months from the date of its promotion.

11 Urgent Business

There were no items of urgent business.