

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 11 February 2020

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Bradley, Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Fiona Dryburgh, Councillor Mark Horsham (Depute), Councillor Martin Lennon, Councillor Catherine McClymont (*substitute for Councillor Lynsey Hamilton*), Councillor Kenny McCreary, Councillor Colin McGavigan (*substitute for Councillor Ann Le Blond*), Councillor Davie McLachlan, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Collette Stevenson, Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Stephanie Callaghan, Councillor Mary Donnelly, Councillor Lynsey Hamilton, Councillor Ann Le Blond, Councillor Richard Lockhart, Councillor Lynne Nailon, Councillor John Ross (ex officio)

Attending:

Community and Enterprise Resources

B Darroch, Area Manager, Planning and Building Standards Services (Hamilton); P Elliott, Head of Planning and Economic Development; T Finn, Headquarters and Area Manager (Clydesdale), Planning and Building Standards Services; F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride)

Finance and Corporate Resources

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

1 Declaration of Interests

The following interests were declared:-

| Councillor(s) | Item(s) | Nature of Interest(s) |
|----------------------|--|------------------------------|
| Dorman | Application P/19/1315 for Erection of Flatted Development (25 Units) with Associated Parking, Access, Bicycle and Bin Stores at Press Buildings, Campbell Street, Hamilton | Relative of the applicant |

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 17 December 2019 were submitted for approval as a correct record.

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

3 Application HM/16/0541 for Importation of Inert Waste to Restore Former Reservoir to Agricultural Land and Temporary Operation of Inert Waste Recycling Facility at Wellbrae Reservoir, Muttonhole Road, Hamilton

A report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/16/0541 by Advance Construction (Scotland) Limited for the importation of inert waste to restore former reservoir to agricultural land and temporary operation of inert waste recycling facility at Wellbrae Reservoir, Muttonhole 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.

The Committee decided:

- (1) that planning application HM/16/0541 by Advance Construction for the importation of inert waste to restore former reservoir to agricultural land and temporary operation of inert waste recycling facility at Wellbrae Reservoir, Muttonhole Road, Hamilton be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ the deletion of "2 weeks" in Condition 8, to be replaced by "1 week"
 - ◆ prior conclusion of a Legal Agreement and/or other appropriate mechanism between the Council and the applicant to ensure:-
 - ◆ financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development
 - ◆ provision of the road widening measures identified and proposed within the document titled, 'Sydes Brae, South Lanarkshire – Review of Road Layout and Geometry – November 2019 (Transport Planning)
 - ◆ 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 8 October 2019 (Paragraph 3)]

Councillor McGavigan entered the meeting during consideration of this item of business

4 Application P/19/1038 for Installation of New Access to Public Road and Access Track to Serve Proposed Restoration of Former Reservoir to Agricultural Land (Relating to Planning Application HM/16/0541) at Wellbrae Reservoir, Muttonhole Road, Hamilton

A report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1038 by Advance Construction (Scotland) Limited for the installation of a new access to the public road and access track to serve the proposed restoration of former reservoir to agricultural land (relating to planning application HM/16/0541) at Wellbrae Reservoir, Muttonhole 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.

The Committee decided:

- (1) that planning application P/19/1038 by Advance Construction (Scotland) Limited for the installation of a new access to public road and access track to serve the proposed restoration of former reservoir to agricultural land (relating to planning application HM/16/0541) at Wellbrae Reservoir, Muttonhole Road, Hamilton be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ the deletion of "2 weeks" in Condition 4, to be replaced by "1 week"
 - ◆ prior conclusion of a Legal Agreement and/or other appropriate mechanism between the Council and the applicant to ensure:-
 - ◆ financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development
 - ◆ provision of the road widening measures identified and proposed within the document titled, 'Sydes Brae, South Lanarkshire – Review of Road Layout and Geometry – November 2019 (Transport Planning)
 - ◆ 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 8 October 2019 (Paragraph 4)]

5 Application P/19/1694 – Section 42 Application to Vary Condition 2 of Appeal Decision PPA-380-2080 to Enable Removal of Restrictions Affecting Non-construction Vehicles at Land 140 Metres Northwest of 7 Muirhead Drive, Law, Carluke

A report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1694 by Persimmon Homes for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary Condition 2 of appeal decision PPA-380-2080 to enable the removal of restrictions affecting non-construction vehicles at land 140 metres northwest of 7 Muirhead Drive, Law, Carluke.

At its meeting on 26 March 2019, the Committee had refused permission for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (P/19/1694) to delete Condition 36 attached to planning consent P/18/0603 for 157 houses at Muirhead Drive Law. The applicant had appealed this decision to the Scottish Ministers and the appeal had been upheld in part. The effect of the appeal decision was that a new permission was issued with fresh conditions, including Condition 2 which restricted access to the site for non-construction vehicles.

Councillor Dorman, seconded by Councillor Horsham, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Shearer, seconded by Councillor Stevenson, moved as an amendment that the application be refused and that Condition 2 of appeal decision PPA-380-2080 be not varied. On a vote being taken by a show of hands, 9 members voted for the amendment and 12 for the motion which was declared carried.

The Committee decided: that planning application P/19/1694 by Persimmon Homes under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary Condition 2 of appeal decision PPA-380-2080 to enable the removal of restrictions affecting non-construction vehicles at land 140 metres northwest of 7 Muirhead Drive, Law, Carluke be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 26 March 2019 (Paragraph 6)]

6 Application P/19/1206 for Residential Development and Associated Works (Planning Permission in Principle) at Land Surrounding Kilnhill Farm, Limekilnburn Road, Quarter, Hamilton

A report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1206 by Advance Construction (Scotland) Limited for a residential development and associated works (planning permission in principle) at land surrounding Kilnhill Farm, Limekilnburn Road, Quarter, Hamilton.

Points raised in 25 late letters of representation in support of the application were referred to at the meeting and addressed by officers.

Councillor Dorman, seconded by Councillor Horsham, moved that the application be refused for the reasons detailed in the Executive Director's report. Councillor Burns, seconded by Councillor Lennon, moved as an amendment that consideration of the application be deferred to allow revised public transport proposals and a public transport strategy to be submitted. On a vote being taken by a show of hands, 8 members voted for the amendment and 13 for the motion which was declared carried.

The Committee decided: that planning application P/19/1206 by Advance Construction (Scotland) Limited for a residential development and associated works (planning permission in principle) at land surrounding Kilnhill Farm, Limekilnburn Road, Quarter, Hamilton be refused for the reasons detailed in the Executive Director's report.

7 Application P/19/1631 for Erection of 167 Residential Units Comprising 78 Houses and 89 Flats with Associated Infrastructure (Approval of Matters Specified in Conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of Planning Permission in Principle EK/09/0218) at Land 85 Metres East Northeast of Jackton Cottage, Eaglesham Road, Jackton

A report dated 23 January 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1631 by Cala Management Limited for the erection of 167 residential units comprising 78 houses and 89 flats with associated infrastructure (approval of matters specified in Conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of planning permission in principle EK/09/0218) at land 85 metres east northeast of Jackton Cottage, Eaglesham Road, Jackton.

The Committee decided: that planning application P/19/1631 by Cala Management Limited for the erection of 167 residential units comprising 78 houses and 89 flats with associated infrastructure (approval of matters specified in Conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of planning permission in principle EK/09/0218) at land 85 metres east northeast of Jackton Cottage, Eaglesham Road, Jackton be granted subject to the conditions specified in the Executive Director's report.

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

8 Application P/19/1315 for Erection of Flatted Development (25 Units) with Associated Parking, Access, Bicycle and Bin Stores at Press Buildings, Campbell Street, Hamilton

A report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1315 by Rosewood Homes and Properties Limited for the erection of a flatted development (25 units) with associated parking, access, bicycle and bin stores at the Press Buildings, Campbell Street, Hamilton.

The Committee decided: that planning application P/19/1315 by Rosewood Homes and Properties Limited for the erection of a flatted development (25 units) with associated parking, access, bicycle and bin stores at the Press Buildings, Campbell Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

Councillor Dorman, having declared an interest in the above application, withdrew from the meeting during its consideration. Councillor Horsham took the Chair for this item only

9 Application P/19/0964 for Change of Use of Land from Yard Area to Form Aggregate Recycling and Storage with Ancillary Crushing and Wash Plant and Associated Vehicle Storage Yard at Waterbank Farm, Westerfield Road, Carmunnock

A report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0964 by Bedrock Plant Limited for the change of use of land from a yard area to form aggregate recycling and storage with ancillary crushing and wash plan and associated vehicle storage yard at Waterbank Farm, Westerfield Road, Carmunnock.

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/19/0964 by Bedrock Plant Limited for the change of use of land from a yard area to form aggregate recycling and storage with ancillary crushing and wash plan and associated vehicle storage yard at Waterbank Farm, Westerfield Road, Carmunnock be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ the deletion of "2 weeks" in Condition 8, to be replaced by "1 week"
 - ◆ prior conclusion of a Legal Agreement and/or other appropriate mechanism between the Council and the applicant to ensure:-
 - ◆ financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development
 - ◆ provision of a vehicle routing agreement ensuring HGVs did not travel through the village of Carmunnock
 - ◆ provision of junction improvements to the Waterbank Road/Waterside Road priority junction
 - ◆ 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 6 November 2012 (Paragraph 3) and 7 July 2015 (Paragraph 15)]

10 Application P/19/1526 for Erection of Primary School and Nursery with Associated Infrastructure to Include Access, Parking, Landscaping, Floodlit 3G Pitch, and Playground Area (Approval of Matters Specified in Conditions 1 (a to r), 3, 4, 6, 8, 9, 10 and 12 of Planning Permission in Principle EK/09/0218) at Jackton Road, Jackton

A report dated 24 January 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1526 by South Lanarkshire Council for the erection of a primary school and nursery with associated infrastructure to include access, parking, landscaping, floodlit 3G pitch, and playground area (approval of matters specified in conditions 1 (a to r), 3, 4, 6, 8, 9, 10 and 12 of planning permission in principle EK/09/0218) at Jackton Road, Jackton.

The Committee decided: that planning application P/19/1526 by South Lanarkshire Council for the erection of a primary school and nursery with associated infrastructure to include access, parking, landscaping, floodlit 3G pitch, and playground area (approval of matters specified in conditions 1 (a to r), 3, 4, 6, 8, 9, 10 and 12 of planning permission in principle EK/09/0218) at Jackton Road, Jackton 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 following consideration of this item of business

11 Application P/19/1554 for Erection of 20 Houses (Cottage Flats) with Associated Parking and Landscaping at Drumgray Avenue, Uddingston

A report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1554 by South Lanarkshire Council for the erection of 20 houses (cottage flats) with associated parking and landscaping at Drumgray Avenue, Uddingston.

The Committee decided: that planning application P/19/1554 by South Lanarkshire Council for the erection of 20 houses (cottage flats) with associated parking and landscaping at Drumgray Avenue, Uddingston be granted subject to the conditions specified in the Executive Director's report.

12 Application P/19/1625 for Erection of 48 New Build Houses for Social Rent with Associated Drainage and Landscaping Works at Land 100 Metres East Southeast of 208 Woodland Crescent, Auld Kirk Road, Cambuslang

A report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1625 by Cruden Building and Renewals for the erection of 48 new build houses for social rent with associated drainage and landscaping works at land 100 metres east southeast of 208 Woodland Crescent, Auld Kirk Road, Cambuslang.

The Committee decided:

that planning application P/19/1625 by Cruden Building and Renewals for the erection of 48 new build houses for social rent with associated drainage and landscaping works at land 100 metres east southeast of 208 Woodland Crescent, Auld Kirk Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

13 Scottish Government Consultation on Planning Performance and Fees

A report dated 30 January 2020 by the Executive Director (Community and Enterprise Resources) was submitted on the Council's response to the Scottish Government's consultation on planning performance and fees.

The Planning (Scotland) Act 2019 received Royal Assent in July 2019. The new legislation aimed to put in place a range of new statutory duties and measures to make the planning system more efficient and effective and ensure it was capable of providing a high quality service. The Act required annual performance reporting by planning authorities on a statutory basis and introduced the role of a National Planning Improvement Co-ordinator. The Scottish Government had also recognised that resourcing was an important element in improving performance and service quality and proposed that any increase in planning fees should be matched by continuing improvements in performance. On 18 December 2019, the Scottish Government launched a consultation paper on Planning Performance and Fees.

Details were given on proposals contained in the consultation paper in relation to:-

- ♦ planning performance, including:-
 - ♦ the development of a statement about performance of the planning system
 - ♦ targeted customer engagement
 - ♦ the appointment of a National Planning Improvement Co-ordinator
- ♦ planning fees, including:-
 - ♦ changes to the current fee structure
 - ♦ the introduction of a range of additional and discretionary charges

The Council's proposed response to the consultation paper was detailed in the appendix to the Executive Director's report.

The Committee decided:

- (1) that the comments contained in the appendix to the report be submitted as the Council's response to the Scottish Government's consultation on planning performance and fees; and
- (2) that the Head of Planning and Economic Development be authorised to make drafting and technical changes to the response prior to its submission.

Councillors Buchanan, Cowie and Stevenson left the meeting during consideration of this item of business

14 Urgent Business

There were no items of urgent business.