

PLANNING COMMITTEE

Minutes of meeting held via Confero and in the Council Chamber, Council Offices, Almada Street, Hamilton on 21 March 2023

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 Mary Donnelly, Councillor Gladys Ferguson-Miller, Councillor Elise Frame, Councillor Alistair Fulton, Councillor Celine Handibode, Councillor Mark Horsham, Councillor Ross Lambie, Councillor Davie McLachlan, Councillor Julia Marrs (*substitute for Councillor Dr Ali Salamati*), Councillor Norman Rae, Councillor John Ross, Councillor Graham Scott, Councillor David Shearer, Councillor Helen Toner, Councillor David Watson

Councillors' Apologies:

Councillor Joe Fagan (ex officio), Councillor Monique McAdams, Councillor Lesley McDonald, Councillor Dr Ali Salamati

Attending:

Community and Enterprise Resources

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

Finance and Corporate Resources

M Cannon, Solicitor; M Gordon, Administration Assistant; S McLeod, Administration Officer; L Wyllie, Administration Assistant

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 24 January 2023 were submitted for approval as a correct record.

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

3 National Planning Framework 4 - Update

A report dated 10 March 2023 by the Executive Director (Community and Enterprise Resources) was submitted:-

- ◆ advising of transitional arrangements for National Planning Framework 4 (NPF4) that had been published by the Scottish Government
- ◆ summarising the key issues contained within the NPF4 document and their contribution to future decision-making in relation to planning matters

NPF4 had been formally adopted and published by Scottish Ministers on 13 February 2023. At the same time, provisions in the Planning (Scotland) Act 2019 had given NPF4 the status of being part of the statutory development plan, alongside Local Development Plans, with immediate effect. There was a 6-week period from 13 February 2023 during which a legal challenge could be made to the courts.

A letter from the Chief Planner and the Minister for Public Finance, Planning and Community Wealth, which set out the transitional arrangements for NPF4, had been published on 8 February 2023 and was attached as an appendix to the report. The main implications in terms of the development plan could be summarised as follows:-

- ◆ NPF4 had superseded the previous National Planning Framework 3 and Scottish Planning Policy
- ◆ Strategic Development Plans (SDPs) had ceased to have effect and no longer formed part of the development plan. The Planning (Scotland) Act 2019 and NPF4 allowed local authorities to come together to prepare Regional Spatial Strategies to inform the direction of Local Development Plans. Regulations on how the Regional Spatial Strategies were to be prepared had not yet been published
- ◆ Local Development Plans which had already been adopted would continue to form part of the development plan. Existing Local Development Plan land allocations would be maintained. Legislation stated that, in the event of any incompatibility between a provision of NPF4 and a provision in a Local Development Plan, whichever was produced later would take precedence
- ◆ the Act required planning authorities to prepare a Local Development Plan for their areas at least every 10 years. It was expected that the new style of Local Development Plans introduced under the Act would be in place within approximately 5 years of the new development plan regulations coming into force. It was anticipated that the new development plan regulations would come into force in the spring of 2023

The letter also highlighted that the 33 national policies contained in NPF4 must be read and applied as a whole when assessing applications. Potential conflict between policies could be expected and, in such cases, the factors for and against development should be weighed before coming to a judgement. It should be noted that the 6 spatial principles included in NPF4 (Just Transition, Conserving and Recycling Assets, Local Living, Compact Urban Growth, Rebalanced Development and Rural Revitalisation) were to be used in developing the strategy and proposals in Local Development Plans and not applied unilaterally to decision-making on planning applications.

The adoption of NPF4 formed a significant element of the Scottish Government's reform of the planning system. It sought to align decision-making on planning applications and the future direction of Local Development Plans to the wider policy agenda for Scotland. There was a clear expectation that the planning process would contribute to delivering the national outcomes in the National Performance Framework and the United Nations' Sustainable Development Goals. Key themes included radical change to tackle and adapt to climate change, restoring biodiversity, improving health and wellbeing, reducing inequalities, building a wellbeing economy and creating high quality places.

The adopted South Lanarkshire Local Development Plan 2 (SLLDP2) was part of the development plan and would continue to have a significant role in decision-making. An initial assessment had found that NPF4 and SLLDP2 were generally complimentary, although there were differences which would become apparent through their application. However, there were several areas in NPF4 where there was no, or very little, policy position in SLLDP2 and further guidance from the Scottish Government would be critical in ensuring that national policies were fully and properly taken into account.

In the longer term, the Scottish Government had advised that the regulations for the preparation of Local Development Plans, Open Space Strategies and Play Sufficiency Assessments would be laid before the Scottish Parliament during the spring and summer of 2023 and, thereafter, would be approved and published. Work on the preparation of the Council's Local Development Plan 3 would then start formally and a report would be brought to this Committee at the appropriate time outlining the steps and timescales involved.

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

The Committee decided: that the transitional arrangements for National Planning Framework 4 that had been published by the Scottish Government and the associated implications for decision-making in relation to planning matters be noted.

[Reference: Minutes of 24 January 2023 (Paragraph 3)]

4 Changes to General Permitted Development Rights and Use Classes Order - Update

A report dated 28 February 2023 by the Executive Director (Community and Enterprise Resources) was submitted advising of changes to the:-

- ◆ Town and Country Planning (General Permitted Development) (Scotland) Order 1992
- ◆ Town and Country Planning (Use Classes) (Scotland) Order 1997

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GPDO) granted planning permission for specific types of development without a planning application requiring to be submitted. These grants were known as permitted development rights.

The Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO) grouped together various land uses into separate classes. Changes of use within a single class did not constitute development for planning purposes and, therefore, planning permission was not required.

The Scottish Government had been carrying out a review of Permitted Development Rights (PDR) as part of its wider planning reform programme. Phase 2 of this review focused on measures to help support the following:-

- ◆ rollout of electric vehicle (EV) charging infrastructure
- ◆ resilience and recovery of city, town and local centres
- ◆ operational development at Scottish ports

Details of the changes in terms of the rollout of EV charging infrastructure and the resilience and recovery of city, town and local centres, which would come into force on 31 March 2023, were provided in the report. The changes relating to town and local centres would allow movement between compatible uses to be carried out without the need for planning permission, however, the Council would be able to operate controls through roads legislation and licensing provisions.

The Committee decided: that the changes to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997 be noted.

5 Review of Legacy Planning Applications

A report dated 9 March 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning applications which had been approved by the Committee but for which consents had not been issued due to delays or failure to complete the associated Planning Obligations.

The Planning Service had undertaken a review of planning applications which were over a year old and for which the required Planning Obligation had not been concluded. Where little or no progress had been made, the applicant/agent had been contacted to seek a conclusion to the matter and allow a decision notice to be issued. Currently, 3 applications fell into this category and it appeared unlikely that the applications would be concluded in the near future, if at all. The relevant applications were detailed in the appendix to the report as follows:-

- ◆ P/20/1847 for erection of residential (over 55's community) houses, 60 bedroom care home, associated onsite commercial centre and leisure facilities, and associated roads, access, landscaping, open space, parking and supporting infrastructure (Planning Permission in Principle) at Kersewell Mains Farm, Kersewell
- ◆ P/21/0739 for erection of houses, formation of vehicular access, parking and landscaping (Planning Permission in Principle) at land adjacent to 129 Main Street, Blantyre
- ◆ HM/15/0487 for Residential Development (Planning Permission in Principle) at land at Strathaven Road, West Mains, Stonehouse

It was proposed that the applications be refused for the reasons detailed in respect of each, as outlined in the appendix to the report.

It was noted within the report that National Planning Framework 4, which had been laid before the Scottish Parliament on 8 November 2022 and adopted by Scottish Ministers on 13 February 2023, had not introduced any policy implications that conflicted with the original recommendations made to this Committee in respect of the 3 applications. Accordingly, there were no further reasons proposed for refusal other than those relating to the respective Planning Obligations.

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

The Committee decided: that the planning applications detailed in the appendix to the report be refused for the reasons detailed for each application.

[Reference: Minutes of 26 April 2016 (Paragraph 6), 10 August 2021 (Paragraph 9) and 29 March 2022 (Paragraph 2)]

6 Application P/20/0548 for Demolition of Existing Farm Steading and Erection of Residential Development Comprising 15 Houses with Roads, Landscaping and Other Associated Works, Including Stabilisation Works to Gilbertfield Castle, Gilbertfield Farm, Gilbertfield Road, Cambuslang

A report dated 9 March 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0548 by R Taylor and Sons for the demolition of an existing farm steading and erection of a residential development comprising of 15 houses with roads, landscaping and other associated works, including stabilisation works to Gilbertfield Castle, Gilbertfield Farm, Gilbertfield Road, Cambuslang.

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

The Committee decided:

that application P/20/0548 by R Taylor and Sons for the demolition of an existing farm steading and erection of a residential development comprising of 15 houses with roads, landscaping and other associated works, including stabilisation works to Gilbertfield Castle, Gilbertfield Farm, Gilbertfield Road, Cambuslang be refused for the reasons detailed in the Executive Director's report.

7 Application P/21/1764 for Erection of up to 1,012 Dwellings, 3 Retail Units (Class 1), 1 Office Unit (Class 2), 1 Business Unit (Class 4), 1 Nursery (Class 10) and Associated Access, Parking, SuDS Basins and Landscaping (Planning Permission in Principle) at Langlands West, Auldhouse Road, East Kilbride

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

The Committee decided:

to note the position.

8 Application P/22/1030 for Erection of 18 Houses and Associated Infrastructure at Site of Former Netherburn Primary School, Draffan Road, Netherburn, Larkhall

A report dated 9 March 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1030 by C and S Partnership Homes for the erection of 18 houses and associated infrastructure at the site of the former Netherburn Primary School, Draffan Road, Netherburn, Larkhall.

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

The Committee decided:

- (1) that planning application P/22/1030 by C and S Partnership Homes for the erection of 18 houses and associated infrastructure at the site of the former Netherburn Primary School, Draffan Road, Netherburn, 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 a financial contribution in relation to the phasing, improvement and upgrading of community facilities
 - ◆ the applicant meeting the Council's costs associated with the legal agreement
- (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)]

9 Application P/22/1377 for Substitution of House Types (Amendment to P/20/0023 for the Erection of 190 Houses with Associated Roads, Drainage, Landscaping and Open Space) at Land 360 Metres North Northeast of Hallside Manse, Manse Brae, Cambuslang

A report dated 9 March 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1377 by the Walker Group for the substitution of house types (amendment to P/20/0023 for the erection of 190 houses with associated roads, drainage, landscaping and open space) at land 360 metres north northeast of Hallside Manse, Manse Brae, Cambuslang.

The Committee decided:

that application P/22/1377 by the Walker Group for the substitution of house types (amendment to P/20/0023 for the erection of 190 houses with associated roads, drainage, landscaping and open space) at land 360 metres north northeast of Hallside Manse, Manse Brae, Cambuslang be granted subject to the conditions specified in the Executive Director's Report.

[Reference: Minutes of 8 June 2021 (Paragraph 4)]

10 Urgent Business

There were no items of urgent business.