

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 13 February 2018

Chair:

Councillor Alistair Fulton

Councillors Present:

Alex Allison, John Anderson (*substitute for Councillor Shearer*), John Bradley, Walter Brogan, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Isobel Dorman (Depute), Fiona Dryburgh, Mark Horsham, Ann Le Blond, Martin Lennon, Richard Lockhart, Kenny McCreary, Julia Marrs, Richard Nelson, Carol Nugent, Graham Scott, Collette Stevenson, Bert Thomson, Jim Wardhaugh

Councillors' Apologies:

Mary Donnelly, John Ross (ex officio), David Shearer, Sheena Wardhaugh

Attending:

Community and Enterprise Resources

G Cameron, Headquarters Manager, Planning and Building Standards Services; L Campbell, Area Manager, Planning and Building Standards Services (Hamilton); P Elliott, Head of Planning and Economic Development; T Finn, Area Manager, Planning and Building Standards Services (Clydesdale); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; G Rae, Planning Team Leader, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride); J Wright, Minerals Officer, Planning and Building Standards Services

Finance and Corporate Resources

J Davitt, Media Officer; P MacRae, Administration Officer; K McLeod, Administration Assistant; K Moore, Legal Services Advisor

1 Declaration of Interests

The following interests were declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Allison	Application CL/16/0170 – Phased Extraction of Sand and Gravel by Quarrying Methods, Erection of Associated Plant Site and Access Road at Overburns Farm, Lamington, Biggar	Previous expression of a view on the application
Dorman	Application HM/17/0460 – Residential Development Including Demolition of the Former School Annexe and Adjoining Snooker Hall, Conversion of Listed Building to Form 16 Flats Together with the Erection of 12 Flats and 6 Cottage Flats and Associated Infrastructure at Former Glengowan Primary School, Academy Street, Larkhall	Relative of the applicant

Application HM/17/0448 – Residential

Development Comprising Conversion of Building to Form 16 Flats, Together with the Erection of 12 Flats, 6 Cottage Flats and Associated Infrastructure, Demolition of the Former School Annexe Building and Adjoining Snooker Club (Listed Building Consent) at Former Glengowan Primary School, Academy Street, Larkhall

Bradley

Application CR/17/0233 – Alterations to Accommodate Attic Conversion Including the Formation of a Rear Dormer at 23 Burnside Road, Rutherglen Applicant

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 19 December 2017 were submitted for approval as a correct record.

The Head of Planning and Economic Development advised that, in respect of item 3 of the minutes, the Scottish Ministers had advised that they did not intend to call in planning application CL/17/0436 for the erection of a detached house at Holm Road, Crossford, for their own determination.

The Committee decided:

- (1) that the minutes be approved as a correct record; and
- (2) that the position in relation to planning application CL/17/0436 be noted.

3 Application CL/16/0170 - Phased Extraction of Sand and Gravel by Quarrying Methods, Erection of Associated Plant Site and Access Road at Overburns Farm, Lamington, Biggar

A report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/16/0170 by Patersons of Greenoakhill Limited for the phased extraction of sand and gravel by quarrying methods, erection of associated plant site and access road at Overburns Farm, Lamington, Biggar.

Officers advised that the applicants had requested that consideration of the application be continued to a future meeting of the Committee to allow consideration to be given to the notice of a potential legal challenge intimated by lawyers acting on behalf of objectors to the proposal.

Councillor Fulton, seconded by Councillor Dorman, moved that consideration of the application be deferred to allow the applicants to consider the issues raised in relation to a potential legal challenge. Councillor Nelson, seconded by Councillor Le Blond, moved as an amendment that consideration of the application be not deferred. On a vote being taken by a show of hands, 4 members voted for the amendment and 18 for the motion which was declared carried.

The Committee decided: that consideration of planning application CL/16/0170 by Patersons of Greenoakhill Limited for the phased extraction of sand and gravel by quarrying methods, erection of associated plant site and access road at Overburns Farm, Lamington, Biggar be continued to a future meeting of the Committee.

[Reference: Minutes of 27 March 2012 (Paragraph 4)]

Councillor Allison, having declared an interest in this application, withdrew from the meeting during its consideration

4 Application HM/17/0460 - Residential Development Including Demolition of the Former School Annexe and Adjoining Snooker Hall, Conversion of Listed Building to Form 16 Flats Together With the Erection of 12 Flats and 6 Cottage Flats and Associated Infrastructure at Former Glengowan Primary School, Academy Street, Larkhall

A report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0460 by Rosewood Homes and Properties Limited for a residential development including demolition of the former school annexe and adjoining snooker hall, conversion of listed building to form 16 flats together with the erection of 12 flats and 6 cottage flats and associated infrastructure at the former Glengowan Primary School, Academy Street, Larkhall.

Councillor Fulton, seconded by Councillor Anderson, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Nelson, seconded by Councillor McCreary, moved as an amendment that consideration of the application be continued to allow further consultation with the local community to take place. On a vote being taken by a show of hands, 5 members voted for the amendment and 17 for the motion which was declared carried.

The Committee decided: that planning application HM/17/0460 by Rosewood Homes and Properties Limited for a residential development including demolition of the former school annexe and adjoining snooker hall, conversion of listed building to form 16 flats together with the erection of 12 flats and 6 cottage flats and associated infrastructure at the former Glengowan Primary School, Academy Street, Larkhall be granted subject to the conditions specified in the Executive Director's report.

Councillor Dorman, having declared an interest in this and the following application, withdrew from the meeting during their consideration

5 Application HM/17/0448 - Residential Development Comprising Conversion of Building to Form 16 Flats, Together With the Erection of 12 Flats, 6 Cottage Flats and Associated Infrastructure, Demolition of the Former School Annexe Building and Adjoining Snooker Club (Listed Building Consent) at Former Glengowan Primary School, Academy Street, Larkhall

A report dated 30 January 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0448 by Rosewood Homes and Properties Limited for a residential development comprising conversion of building to form 16

flats, together with the erection of 12 flats, 6 cottage flats and associated infrastructure, demolition of the former school annexe building and adjoining snooker club (listed building consent) at the former Glengowan Primary School, Academy Street, Larkhall.

Councillor Nelson, having moved as an amendment that consideration of the application be continued to allow further consultation with the local community to take place and having been seconded by Councillor McCreary, subsequently advised that he wished to withdraw his amendment. Councillor McCreary indicated his agreement to this.

The Committee decided: that planning application HM/17/0448 by Rosewood Homes and Properties Limited for a residential development comprising conversion of building to form 16 flats, together with the erection of 12 flats, 6 cottage flats and associated infrastructure, demolition of the former school annexe building and adjoining snooker club (listed building consent) at the former Glengowan Primary School, Academy Street, Larkhall be granted subject to the conditions specified in the Executive Director's report.

6 Application CL/17/0383 - Erection of Primary School Building Incorporating Nursery, Formation of MUGA Sports Pitch, Formation of Vehicular Access and Car Parking, Landscaping and Boundary Fencing at Land at Elsrickle, Biggar

A report dated 29 January 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0383 by South Lanarkshire Council for the erection of a primary school building incorporating nursery, formation of MUGA sports pitch, formation of vehicular access and car parking, landscaping and boundary fencing at land at Elsrickle, Biggar.

The Committee decided: that planning application CL/17/0383 by South Lanarkshire Council for the erection of a primary school building incorporating nursery, formation of MUGA sports pitch, formation of vehicular access and car parking, landscaping and boundary fencing at land at Elsrickle, Biggar be granted subject to the conditions specified in the Executive Director's report.

7 Application HM/17/0484 - Erection of 48 Houses at Carlisle Road, Strutherhill, Larkhall

A report dated 29 January 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0484 by AS Homes Scotland Limited for the erection of 48 houses at Carlisle Road, Strutherhill, Larkhall.

The Committee decided: that planning application HM/17/0484 by AS Homes Scotland Limited for the erection of 48 houses at Carlisle Road, Strutherhill, Larkhall be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 21 November 2017 (Paragraph 4)]

8 Application CL/17/0477 - Section 42 Application to Vary Conditions 1, 27, 37 and 45 of Planning Consent CL/15/0273 to Revise Wind Farm Layout, Increase Turbine Height and Export Capacity and to Delete Conditions 17 to 21 of Wood Fuel Drying Facility at Douglas West and Dalquhandy Disposal Point Renewable Energy Project, Former Dalquhandy Opencast Coal Site, West of Junction 11 of M74, South Lanarkshire

A report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0477 by Douglas West Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act to vary Conditions 1, 27, 37 and 45 of planning consent CL/15/0273 to revise the wind farm layout, increase the turbine height and export capacity and to delete Conditions 17 to 21 of the wood fuel drying facility at Douglas West and Dalquhandy Disposal Point Renewable Energy Project, former Dalquhandy Opencast Coal Site, west of junction 11 of M74, South Lanarkshire.

At its meeting on 17 November 2015, the Committee approved planning application CL/15/0273 by 3R Energy Solutions Limited for the erection of 15 wind turbines, 126.5 metres maximum height to blade tip, access tracks, substation and other associated infrastructure and wood fuel drying facility at Douglas West and Dalquhandy Disposal Point Renewable Energy Project, Former Dalquhandy Opencast Coal Site, west of junction 11 of M74, South Lanarkshire. The maximum height to blade tip had subsequently been increased to 131 metres through a non-material variation.

The applicants now proposed that Conditions 1, 27, 37 and 45 attached to planning consent CL/15/0273 be varied to allow for an amended wind farm development comprising 13 turbines, each with a maximum height to blade tip of 149.9 metres and with a blade length of 64 metres. Due to differing project timescales, a separate planning application, CL/16/0157, had been submitted for the wood fuel drying facility. That application had been approved and the wood fuel drying facility was now operational. The applicant had requested that Conditions 17 to 21 of planning consent CL/15/0273 be deleted as they had been incorporated into the planning consent for application CL/16/0157.

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/17/0477 by Douglas West Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act to vary Conditions 1, 27, 37 and 45 of planning consent CL/15/0273 to revise the wind farm layout, increase the turbine height and export capacity and to delete Conditions 17 to 21 of the wood fuel drying facility at Douglas West and Dalquhandy Disposal Point Renewable Energy Project, former Dalquhandy Opencast Coal Site, west of junction 11 of M74, South Lanarkshire 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 and the applicant to ensure:-
 - ♦ contributions 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 applicant meeting the Council's legal costs associated with the Section 75 Planning 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) and 17 November 2015 (Paragraph 8)]

9 Application HM/17/0488 - Mixed Use Development Incorporating Residential Dwellings, Hotel, Office, Care Home, Retail, Restaurant/Café, Open Space and Associated Works (Planning Permission in Principle) at University of the West of Scotland, Almada Street, Hamilton

A report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0488 by University of West of Scotland and South Lanarkshire Council for a mixed use development incorporating residential dwellings, hotel, office, care home, retail, restaurant/café, open space and associated works (planning permission in principle) at University of the West of Scotland, Almada Street, Hamilton.

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 HM/17/0488 by University of West of Scotland and South Lanarkshire Council for a mixed use development incorporating residential dwellings, hotel, office, care home, retail, restaurant/café, open space and associated works (planning permission in principle) at University of the West of Scotland, Almada Street, Hamilton be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Planning Obligation and/or other appropriate agreement between the Council, the applicants and the site owners to ensure that appropriate financial contributions were made at appropriate times during the development towards:-
 - ◆ additional nursery, primary and secondary school accommodation
 - ◆ affordable housing on site
 - ◆ off site roadworks
 - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Obligation and/or other legal agreement
 - ◆ the insertion of "1" between "phase" and "3" in Condition 16

- (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)]

10 Application CR/17/0233 - Alterations to Accommodate Attic Conversion, Including the Formation of a Rear Dormer, at 23 Burnside Road, Rutherglen

A report dated 29 January 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CR/17/0233 by J Bradley for alterations to accommodate an attic conversion, including the formation of a rear dormer, at 23 Burnside Road, Rutherglen.

The Committee decided: that planning application CR/17/0233 by J Bradley for alterations to accommodate an attic conversion, including the formation of a rear dormer, at 23 Burnside Road, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

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

11 Application HM/17/0536 - Application Regarding a High Hedge Situated Along the South West Boundary of Silverwood Court, Bothwell at 25 Langside Road, Bothwell

A report dated 30 January 2018 by the Executive Director (Community and Enterprise Resources) was submitted on application HM/17/0536 by L Polombo regarding a high hedge situated along the south west boundary of Silverwood Court, Bothwell at 25 Langside Road, Bothwell.

The High Hedges (Scotland) Act 2013 came into effect on 1 April 2014 and aimed to address the problem of high hedges at domestic properties where the issue could not be resolved amicably between neighbours. At its meeting on 11 March 2014, the Committee approved the procedures to be adopted by the Council when processing applications submitted under the terms of the legislation.

It was considered that the hedge which was the subject of the application fell within the definition of a high hedge under the High Hedges (Scotland) Act 2013. The Council's Arboriculture Manager had advised that the hedge required to be reduced in height and it was proposed that work be undertaken by the owner of 25 Langside Road, Bothwell to reduce the height of the hedge to 5 metres. The hedge would then require to be maintained on a biannual basis. The work required to be undertaken by 30 June 2018. In addition, the owners of the flats at Silverwood Court were entitled to cut back foliage overhanging into their property.

The Committee decided: that a High Hedge Notice be served on the owner of 25 Langside Road, Bothwell in accordance with The High Hedges (Scotland) Act 2013.

[Reference: Minutes of 11 March 2014 (Paragraph 10)]

12 Local Government and Communities Committee - Call for Views on the Planning (Scotland) Bill

A report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on the Council's response to the Scottish Parliament's Local Government and Communities Committee's call for views on the Planning (Scotland) Bill.

The Scottish Government considered that the Bill, which had been published on 4 December 2017, could provide a platform for improving, strengthening and simplifying the planning system. Details were given on the proposed changes set out in the Bill which covered:-

- ◆ development planning
- ◆ simplified development zones
- ◆ development management
- ◆ related matters (fees, fines, training and performance monitoring)
- ◆ infrastructure levy

The Scottish Parliament's Local Government and Communities Committee had launched a call for written evidence on the Bill on 15 December 2017. The call for evidence set out 12 questions in relation to the Bill and responses required to be submitted by 2 February 2018. The Council's response, which had been submitted by the designated date, was detailed in the appendix to the report, however, the Committee had been advised that it required to be approved by the Planning Committee. If the response was approved, the Local Government and Communities Committee would be advised accordingly and the Council's views would then inform the Committee's scrutiny of the Bill prior to its consideration by the Scottish Parliament later this year.

The Committee decided: that the response contained in the appendix to the Executive Director's report be approved as the Council's response to the Local Government and Communities Committee's call for views on the Planning (Scotland) Bill.

[Reference: Minutes of 15 August 2017 (Paragraph 12)]

Councillors Nugent and Thomson left the meeting during consideration of this item of business

13 The South Lanarkshire Development Plan Scheme 2018

A report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on the South Lanarkshire Development Plan Scheme 2018 which set out the Council's programme for preparing its Development Plans. In terms of the Planning etc (Scotland) Act 2006, the Scheme had to be kept up to date by at least carrying out an annual review.

The South Lanarkshire Development Plan Scheme 2018 dealt with:-

- ◆ the current coverage of Development Plans in South Lanarkshire
- ◆ proposals for a new Local Development Plan (LDP2) for the Council area and the context set for this by the Glasgow and Clyde Valley Strategic Development Plan (SPD2)
- ◆ the timescale for preparation of the LDP
- ◆ details, as appropriate, of the key components of each stage of preparation
- ◆ a participation statement, giving an account of when consultation would take place, with whom and in what form, during the preparation of the LDP
- ◆ details on how to access information and how to get in touch with the Council

The Scheme highlighted progress made in preparing and publishing a range of Plans and Supplementary Guidance. Details were given on work which had been completed in 2017/2018.

At its meeting on 8 March 2016, the Committee had agreed that the Minerals Development Plan (MLDP) and the second South Lanarkshire Local Development Plan (SLLDP2) would be amalgamated into one LDP. However, to ensure that there remained clear policy context against which to assess mineral proposals while SLLDP2 was being prepared, the existing adopted MLDP would be translated into planning guidance.

If approved, the Scheme would be:-

- ◆ submitted to the Scottish Ministers
- ◆ published on the Council's website
- ◆ made available in public libraries

The Committee decided: that the South Lanarkshire Development Plan Scheme 2018, as detailed in the appendix to the report, be approved, published and submitted to the Scottish Government.

[Reference: Minutes of 8 March 2016 (Paragraph 18)]

14 Review of the Planning Application Decision Making Process Guidance

A joint report dated 25 January 2018 by the Executive Directors (Finance and Corporate Resources) and (Community and Enterprise Resources) was submitted on a proposed amendment to the Council's guidance on the Planning Application Decision Making Process.

At its meeting on 21 November 2017, the Committee had agreed that consideration of a report on the review of the Planning Application Decision Making Process guidance be continued to a future meeting of the Committee. A review of the guidance had been required to address a number of issues, including the establishment of a comprehensive process for dealing with decisions made against officer recommendation and this issue was addressed in the report.

The proposed revised guidance regarding decisions taken by Committee contrary to officer recommendation was detailed in the appendix to the report.

Following discussion, it was proposed that the Head of Planning and Economic Development, having taken into consideration members' comments, revisit the proposed amendment to the guidance and report back to a future meeting of the Committee.

The Committee decided:

that consideration of the review of the Council's Planning Application Decision Making Process guidance in respect of the process for dealing with decisions made against officer recommendation be continued to a future meeting of the Committee.

[Reference: Minutes of 21 November 2017 (Paragraph 10)]

Councillor Stevenson left the meeting during consideration of this item of business

15 Tree Preservation Order - Broughton Road, Biggar

A report dated 29 January 2018 by the Executive Director (Community and Enterprise Resources) was submitted on a Provisional Tree Preservation Order (TPO) on 2 beech trees located on Broughton Road, Biggar, approximately 52 metres southeast of the junction with Stephen Avenue and 15 metres northwest of the junction with Dene Park, as detailed on the plan attached to the Executive Director's report.

The Provisional TPO was required to ensure that the trees, which were considered to contribute to the character, amenity and sense of place within the local area, were adequately protected. A pre application enquiry had been received proposing the development of the area, which involved a new access between the beech trees.

The Committee decided:

- (1) that a Provisional TPO be promoted under the terms of Section 163 (Provisional Tree Preservation Order) 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 Provisional TPO, the Order be confirmed within 6 months from the date of its promotion.

Councillor Buchanan left the meeting during consideration of this item of business

16 Urgent Business

There were no items of urgent business.