

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 17 December 2019

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Anderson (*substitute for Councillor Stephanie Callaghan*), Councillor John Bradley, Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Mark Horsham (Depute), Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Colin McGavigan (*substitute for Councillor Kenny McCreary*), Councillor Davie McLachlan, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor John Ross (ex officio), Councillor Graham Scott, Councillor David Shearer, Councillor Collette Stevenson, Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Stephanie Callaghan, Councillor Margaret Cowie, Councillor Lynsey Hamilton, Councillor Ann Le Blond, Councillor Kenny McCreary

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); C Park, Engineering Manager, Roads and Transportation Services

Finance and Corporate Resources

J Davitt, Public Relations Team Leader; P MacRae, Administration Officer; G McCann, Head of Administration and Legal Services; 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)
Bradley and Ross	Application P/19/1530 for Erection of 45 Units (Single and 2 Storey Units and Three 3 Storey Flats) and a 2 Storey Community Care Facility and Associated Roads, Parking and Landscaping at Land at Site of Former St Joseph's Primary School, Joanna Terrace, Blantyre	Prior expression of a view on the application

Shearer	Application P/19/1578 for Erection for 8 Terraced Houses and 12 Flats and Associated Access Roads, SUDs, Landscaping and Amenity Space at Site Adjacent to Law Primary School, Lawhill Road, Law, Carluke	Prior expression of a view on the application
Horsham	Application P/18/0573 for Partial Demolition of Birkwood House (Listed Building Consent) at Birkwood House, New Trows Road, Lesmahagow	Prior expression of a view on the application
Dryburgh	Application P/19/1502 for Erection of 254 Houses and Associated Works (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 to the Southwest of East Kilbride, Largely Bounded by Eaglesham Road, Jackton Road and Newlands Road, East Kilbride	Request to address the Committee on the application as a local member

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 19 November 2019 were submitted for approval as a correct record.

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

3 Application P/19/1530 for Erection of 45 Units (Single and 2 Storey Units and Three 3 Storey Flats) and 2 Storey Community Care Facility and Associated Roads, Parking and Landscaping at Land at Site of Former St Joseph's Primary School, Joanna Terrace, Blantyre

A report dated 29 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1530 by South Lanarkshire Council for the erection of 45 units (single and 2 storey units and three 3 storey flats) and a 2 storey community care facility and associated roads, parking and landscaping at land at the site of the former St Joseph's Primary School, Joanna Terrace, Blantyre.

In response to members' questions, the Head of Administration and Legal Services referred to the Councillors' Code of Conduct and advised on guidance provided by the Standards Commission for Councillors taking decisions on quasi-judicial or regulatory applications.

Points raised in a late consultation response from Blantyre Community Council were referred to at the meeting and addressed by officers.

Following discussion, Councillor Dorman, seconded by Councillor Horsham, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Scott, seconded by Councillor Thomson, moved as an amendment that consideration of the application be deferred on the grounds that a feasibility study should be initiated regarding access to and egress from Glasgow Road. On a vote being taken by a show of hands, 4 members voted for the amendment and 16 for the motion which was declared carried.

The Committee decided:

that planning application P/19/1530 by South Lanarkshire Council for the erection of 45 units (single and 2 storey units and three 3 storey flats) and a 2 storey community care facility and associated roads, parking and landscaping at land at the site of the former St Joseph's Primary School, Joanna Terrace, Blantyre be granted subject to the conditions specified in the Executive Director's report.

Councillors Bradley and Ross, having declared an interest in the above application, withdrew from the meeting during its consideration. Following consideration of the application, the meeting continued without the attendance of Councillor Ross

4 Application P/19/1578 for Erection of 8 Terraced Houses and 12 Flats and Associated Access Roads, SUDs, Landscaping and Amenity Space at Site Adjacent to Law Primary School, Lawhill Road, Law, Carluke

A report dated 29 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1578 by South Lanarkshire Council for the erection of 8 terraced houses and 12 flats and associated access roads, SUDs, landscaping and amenity space at a site adjacent to Law Primary School, Lawhill Road, Law, Carluke.

A request for a hearing had been received, however, the application did not meet the criteria for a hearing.

The Committee decided:

that planning application P/19/1578 by South Lanarkshire Council for the erection of 8 terraced houses and 12 flats and associated access roads, SUDs, landscaping and amenity space at a site adjacent to Law Primary School, Lawhill Road, Law, Carluke be granted subject to the conditions specified in the Executive Director's report.

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

5 Application P/18/0573 for Partial Demolition of Birkwood House (Listed Building Consent) at Birkwood House, New Trows Road, Lesmahagow

A report 28 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0573 by Birkwood Estates (in administration) for the partial demolition of Birkwood House (listed building consent) at Birkwood House, New Trows Road, Lesmahagow.

The Committee decided:

that planning application P/18/0573 by Birkwood Estates (in administration) for the partial demolition of Birkwood House (listed building consent) at Birkwood House, New Trows Road, Lesmahagow be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 1 November 2016 (Paragraph 17)]

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

6 Application P/19/1405 for Erection of Extensions to Care Home, Associated Alterations Including Access Ramps, Landscaping, 2.4 Metres High Fencing and Erection of Garden Summer House at Duchess Nina Care Home, 13 Limekilnburn Road, Quarter, Hamilton

A report dated 28 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1405 by Cygnet Health Care for the erection of extensions to a care home, associated alterations including access ramps, landscaping, 2.4 metres high fencing and erection of a garden summer house at Duchess Nina Care Home, 13 Limekilnburn Road, Quarter, Hamilton.

Following discussion, Councillor Dorman, seconded by Councillor Horsham, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Burns, seconded by Councillor Wardhaugh, moved as an amendment that the application be refused. On a vote being taken by a show of hands, 2 members voted for the amendment and 19 for the motion which was declared carried.

The Committee decided: that planning application P/19/1405 by Cygnet Health Care for the erection of extensions to a care home, associated alterations including access ramps, landscaping, 2.4 metres high fencing and erection of a garden summer house at Duchess Nina Care Home, 13 Limekilnburn Road, Quarter, Hamilton be granted subject to the conditions specified in the Executive Director's report.

7 Application P/19/1598 for Creation of Fenced Allotment Site Comprising 12 Raised Beds and up to 70 Allotment Plots in Total, Including Associated Hardstanding, SUDs Pond, Landscaping and Composting Areas with Associated Access and Parking at Lammermoor Recreation Area, Kenilworth, East Kilbride

A report dated 29 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1598 by South Lanarkshire Council for the creation of a fenced allotment site comprising 12 raised beds and up to 70 allotment plots in total, including associated hardstanding, SUDs pond, landscaping and composting areas with associated access and parking at Lammermoor Recreation Area, Kenilworth, East Kilbride.

Points raised in 4 late letters of objection to the proposal, including a letter from Councillor Miller, were referred to at the meeting and addressed by officers.

Following discussion, Councillor Dorman, seconded by Councillor Horsham, moved that the application be granted subject to the conditions specified in the Executive Director's report and an additional condition requiring fencing details to be agreed by the Council as planning authority. Councillor Wardhaugh, seconded by Councillor Burns, moved as an amendment that the application be refused. On a vote being taken by a show of hands, 6 members voted for the amendment and 15 for the motion which was declared carried.

The Committee decided: that planning application P/19/1598 by South Lanarkshire Council for the creation of a fenced allotment site comprising 12 raised beds and up to 70 allotment plots in total, including associated hardstanding, SUDs pond, landscaping and composting areas with associated access and parking at Lammermoor Recreation Area, Kenilworth, East Kilbride be granted subject to:-

- ◆ the conditions specified in the Executive Director's report

- ♦ an additional condition requiring fencing details to be agreed by the Council as planning authority

In terms of Standing Order No 13, the Chair adjourned the meeting at 11.50am for a 10 minute period. The meeting reconvened at 12.00 noon without the attendance of Councillors Burns, Devlin, Lennon, McLachlan, Nugent and Anderson

8 Application P/19/1502 for Erection of 254 Houses and Associated Infrastructure Works (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 to the Southwest of East Kilbride, Largely Bounded by Eaglesham Road, Jackton Road and Newlands Road, East Kilbride

A report dated 5 December 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1502 by Avant Homes for the erection of 254 houses and associated infrastructure works (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 to the southwest of East Kilbride, largely bounded by Eaglesham Road, Jackton Road and Newlands Road, East Kilbride.

The Committee heard Councillor Dryburgh, a local member, on traffic congestion and infrastructure concerns in connection with the proposal.

The Committee decided:

that planning application P/19/1502 by Avant Homes for the erection of 254 houses and associated infrastructure works (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 to the southwest of East Kilbride, largely bounded by Eaglesham Road, Jackton Road and Newlands Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 8 October 2019 (Paragraph 8)]

Councillor Dryburgh, having declared an interest in the above application and having made representation to the Committee on the application as a local member, then withdrew from the meeting during its consideration

9 Application P/19/1258 for Erection of Wind Turbine, 180 Metres in Height to Tip, at Draffanmarshill, Draffan Road, Lanark

A report dated 27 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1258 by A Stewart for the erection of a wind turbine, 180 metres in height to tip, at Draffanmarshill, Draffan Road, Lanark.

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/19/1258 by A Stewart for the erection of a wind turbine, 180 metres in height to tip, at Draffanmarshill, Draffan Road, Lanark be granted subject to:-
 - ♦ the conditions specified in the Executive Director's report
 - ♦ prior conclusion of a Legal Agreement and/or other appropriate mechanism between the Council and the applicant to ensure:-
 - ♦ community benefit contributions
 - ♦ payments to offset damage to the unclassified road network resulting from the abnormal load delivery associated with the turbine delivery
 - ♦ 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)]

10 Application P/19/1393 for Erection of 49 Flats for Use as Social Rented and Sheltered Accommodation with Associated External Works, Parking and Landscaping at Murray House, The Murray Road, East Kilbride

A report dated 26 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1393 by Wilson Developments (Scotland) Limited for the erection of 49 flats for use as social rented and sheltered accommodation with associated external works, parking and landscaping at Murray House, The Murray Road, East Kilbride.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance and the Proposed South Lanarkshire Local Development Plan 2. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

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 proposal complied with Policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan as well as Policies DM1 and DM13 of the associated Supplementary Guidance related to development management, placemaking and design
- ♦ the proposal would facilitate the enhancement of the areas of greenspace that would be retained within the site and would ensure that these areas contributed positively to the local environment

- ◆ the proposal was fully compliant with the green network and greenspace policy as set out in the Proposed South Lanarkshire Local Development Plan 2
- ◆ there were no infrastructure issues

The Committee decided: that planning application P/19/1393 by Wilson Developments (Scotland) Limited for the erection of 49 flats for use as social rented and sheltered accommodation with associated external works, parking and landscaping at Murray House, The Murray Road, East Kilbride be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ an additional condition in relation to traffic management

11 Application P/19/1203 for Change of Use of Former University Accommodation (Caird Building) to Student Accommodation (110 Bed Spaces and Associated Communal Facilities) with Associated Alterations and the Erection of a 4 Storey Building to Provide 96 Bed Spaces with Associated Parking at Caird Centre, Caird Park, Hamilton Business Park, Hamilton

A report dated 21 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1203 by A Lusk for the change of use of former university accommodation (Caird Building) to student accommodation providing 110 bed spaces and associated communal facilities with associated alterations and the erection of a 4 storey building to provide 96 bed spaces with associated parking at the Caird Centre, Caird Park, Hamilton Business Park, Hamilton.

The Committee decided: that planning application P/19/1203 by A Lusk for the change of use of former university accommodation (Caird Building) to student accommodation providing 110 bed spaces and associated communal facilities with associated alterations and the erection of a 4 storey building to provide 96 bed spaces with associated parking at the Caird Centre, Caird Park, Hamilton Business Park, Hamilton be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 13 February 2018 (Paragraph 5)]

12 Application P/18/1671 for Erection of 18 Detached Houses, Formation of 1 Residential Plot and Creation of Associated Play Area, Open Space, Access and SUDs Arrangements at Land 68 Metres Southeast of 21 Braidwood Road, Braidwood, Carluke

A report dated 26 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1671 by Modern Housing for the erection of 18 detached houses, formation of 1 residential plot and creation of associated play area, open space, access and SUDs arrangements at land 68 metres southeast of 21 Braidwood Road, Braidwood, Carluke.

The Committee decided: that planning application P/18/1671 by Modern Housing for the erection of 18 detached houses, formation of 1 residential plot and creation of associated play area, open space, access and SUDs arrangements at land 68 metres southeast of 21 Braidwood Road, Braidwood, Carlisle be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 8 February 2011 (Paragraph 9)]

13 Application P/19/0015 for Residential Development (Planning Permission in Principle) at Land Adjacent to Walston Primary School, Elsrickle, Biggar

A report dated 28 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0015 by Mr and Mrs Campbell for a residential development (planning permission in principle) at land adjacent to Walston Primary School, Elsrickle, Biggar.

The Committee decided: that planning application P/19/0015 by Mr and Mrs Campbell for a residential development (planning permission in principle) at land adjacent to Walston Primary School, Elsrickle, Biggar be granted subject to the conditions specified in the Executive Director's report.

14 Tree Preservation Order – Hozier House, Lanark

A report dated 22 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on the promotion of a Provisional Tree Preservation Order (TPO) on a group of trees located to the front and two side boundaries of Hozier House, Lanark, as detailed on the plan attached to the Executive Director's report.

The Provisional TPO was required to ensure that no inappropriate work was undertaken to the trees, which were considered to contribute to the character, amenity, sense of place and surrounding area as well as providing an attractive setting for the listed Hozier House.

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 group of 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 of the date of its promotion.

15 Urgent Business

There were no items of urgent business.