

# PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 28 August 2018

## Chair:

Councillor Alistair Fulton

## Councillors Present:

Alex Allison, Walter Brogan, Archie Buchanan, Stephanie Callaghan, Peter Craig (*substitute for Councillor Bradley*), Maureen Devlin, Isobel Dorman (Depute), Fiona Dryburgh, Mark Horsham, Ann Le Blond, Martin Lennon, Richard Lockhart, Catherine McClymont (*substitute for Councillor Cowie*), Kenny McCreary, Richard Nelson, Carol Nugent, Graham Scott, Bert Thomson, Jim Wardhaugh, Sheena Wardhaugh

## Councillors' Apologies:

John Bradley, Margaret Cowie, Mary Donnelly, Julia Marrs, John Ross (ex officio), David Shearer, Collette Stevenson

## 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; 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

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

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## 1 Declaration of Interests

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The following interest was declared:-

<b>Councillor(s)</b>	<b>Item(s)</b>	<b>Nature of Interest(s)</b>
Horsham	Application P/18/0616 – Change of Use of Shop (Class 1) to Class 10 (Non-Residential Institution) at 36 New Street, Stonehouse, Larkhall	Representation on the proposal from a family member

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## 2 Minutes of Previous Meeting

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The minutes of the meeting of the Planning Committee held on 26 June 2018 were submitted for approval as a correct record.

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

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## 3 Application P/18/0576 - Installation and Operation of 15 Monitoring Boreholes with Associated Infrastructure, Including Monitoring Equipment Cabinets, Access Tracks and Fencing, at Downiebrae Road, Rutherglen

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A report dated 17 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0576 by British Geological Survey for the installation and operation of 15 monitoring boreholes with associated infrastructure, including monitoring equipment cabinets, access tracks and fencing, at Downiebrae Road, Rutherglen.

**The Committee decided:** that planning application P/18/0576 by British Geological Survey for the installation and operation of 15 monitoring boreholes with associated infrastructure, including monitoring equipment cabinets, access tracks and fencing, at Downiebrae Road, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

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**4 Application P/18/0616 - Change of Use of Shop (Class 1) to Class 10 (Non-Residential Institution) at 36 to 38 New Street, Stonehouse, Larkhall**

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A report dated 17 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0616 by the Trust Jack Foundation for the change of use of a shop (Class 1) to Class 10 (non-residential institution) at 36 to 38 New Street, Stonehouse, Larkhall.

**The Committee decided:** that planning application P/18/0616 by the Trust Jack Foundation for the change of use of a shop (Class 1) to Class 10 (non-residential institution) at 36 to 38 New Street, Stonehouse, Larkhall be granted subject to the conditions specified in the Executive Director's report.

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

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**5 Application P/18/0822 - Section 42 Application to Delete Condition 5 of Planning Consent EK/16/0229 to Allow Permanent Use of Outdoor Seating Area as Part of Existing Coffee Shop Operating from 11am until 3pm Monday to Saturday at 2 Thomson Street, Strathaven**

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A report dated 24 July 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0822 by R Gillies for an application under Section 42 of the Town and Country Planning (Scotland) Act to delete Condition 5 of planning consent EK/16/0229 to allow permanent use of an outdoor seating area as part of an existing coffee shop operating from 11.00am until 3.00pm Monday to Saturday at 2 Thomson Street, Strathaven.

At its meeting on 9 July 2013, the Committee had approved planning application EK/13/0122 for part change of use of a church to form a coffee shop at The Epicentre, 4 Thomson Street, Strathaven. A further application, EK/16/0229, for temporary consent to use the rear garden area for seating for customers of the coffee shop had been approved on 7 November 2016. The applicants now wished Condition 5 of planning consent EK/16/0229 to be deleted to allow permanent use of the outdoor seating area.

**The Committee decided:** that planning application P/18/0822 by R Gillies for an application under Section 42 of the Town and Country Planning (Scotland) Act to delete Condition 5 of planning consent EK/16/0229 to allow permanent use of an outdoor seating area as part of an existing coffee shop operating from 11.00am until 3.00pm Monday to Saturday at 2 Thomson Street, Strathaven be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 9 July 2013 (Paragraph 12)]*

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**6 Application P/18/0458 - Erection of Commercial Dog Kennels at The Maynes,**

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**Burnhead Road, Symington, Biggar**

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A report dated 10 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0458 by Mr and Mrs Stuart for the erection of commercial dog kennels at The Maynes, Burnhead Road, Symington, Biggar.

**The Committee decided:** that planning application P/18/0458 by Mr and Mrs Stuart for the erection of commercial dog kennels at The Maynes, Burnhead Road, Symington, Biggar be granted subject to the conditions specified in the Executive Director's report.

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**7 Application P/18/0857 - Erection of Single Storey Side and Rear Extensions with Associated Alterations (Retrospective) at Alison Lea Community Centre, Alison Lea, Calderwood, East Kilbride**

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A report dated 8 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0857 by Alison Lea Community Centre for the erection of single storey side and rear extensions with associated alterations (retrospective) at Alison Lea Community Centre, Alison Lea, Calderwood, East Kilbride.

**The Committee decided:** that planning application P/18/0857 by Alison Lea Community Centre for the erection of single storey side and rear extensions with associated alterations (retrospective) at Alison Lea Community Centre, Alison Lea, Calderwood, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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**8 Application P/18/0054 - Change of Use of Redundant Agricultural Outbuildings to Music School (Retrospective) at Udston Farm, Udston Mill Road, Stonehouse, Larkhall**

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A report dated 9 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0054 by A Tennant for the change of use of redundant agricultural outbuildings to a music school (retrospective) at Udston Farm, Udston Mill Road, Stonehouse, Larkhall.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance, the Proposed South Lanarkshire Local Development Plan 2 and government advice/policy. 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 would assist in meeting the needs of the local community
- ◆ the grant of temporary planning consent would allow the applicant time to secure more appropriate accommodation in a more sustainable location without prejudicing the existing business
- ◆ the proposal made use of an existing outbuilding on a temporary basis and there was no new building involved within the designated Green Belt

**The Committee decided:** that planning application P/18/0054 by A Tennant for the change of use of redundant agricultural outbuildings to a music school (retrospective) at Udston Farm, Udston Mill Road, Stonehouse, Larkhall be granted subject to the conditions specified in the Executive Director's report.

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## **9 Application P/18/0060 - Change of Use from Agricultural Shed to a Gym (Retrospective) at Udston Farm, Udston Mill Road, Stonehouse, Larkhall**

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A report dated 9 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0060 by C Cameron for the change of use from an agricultural shed to a gym (retrospective) at Udston Farm, Udston Mill Road, Stonehouse, Larkhall.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance, the Proposed South Lanarkshire Local Development Plan 2 and government advice/policy. 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 would assist in meeting the needs of the local community
- ◆ the grant of temporary planning consent would allow the applicant time to secure more appropriate accommodation in a more sustainable location without prejudicing the existing business
- ◆ the proposal made use of an existing outbuilding on a temporary basis and there was no new building involved within the designated Green Belt

**The Committee decided:** that planning application P/18/0060 by C Cameron for the change of use from an agricultural shed to a gym (retrospective) at Udston Farm, Udston Mill Road, Stonehouse, Larkhall be granted subject to the conditions specified in the Executive Director's report.

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## **10 Application EK/17/0197 - Residential Development (89 Units) with Associated Access and Landscaping at Land at Redwood Crescent, East Kilbride**

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A report dated 17 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0197 by SC East Kilbride Limited for a residential development (89 units) with associated access and landscaping at land at Redwood Crescent, 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, the Proposed South Lanarkshire Local Development Plan 2 and government advice/policy. 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 accorded with the Proposed South Lanarkshire Local Development Plan 2 which was a material consideration in the determination of the application in that the application site formed part of a wider development framework site where a range of uses, including residential, might be acceptable
- ◆ the proposal would not have any adverse impact on operational industrial or business premises in the vicinity of the site

- ◆ the proposal would not prejudice the development of the remainder of the wider development framework site in terms of access or impact on amenity
- ◆ there were no road safety or infrastructure issues

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 EK/17/0197 by SC East Kilbride Limited for a residential development (89 units) with associated access and landscaping at land at Redwood Crescent, East Kilbride 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:-
    - ◆ community 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 24 June 2014 (Paragraph 3) and 7 July 2015 (Paragraph 15)]*

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**11 Application P/18/0172 - Erection of 3 Retail Units and Repositioning of Block D (Formerly Block C1) (Amendment to Planning Consent HM/17/0312) at Carlisle Road, Ferniegair, Hamilton**

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A report dated 10 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0172 by Clyde Valley Housing Association for the erection of 3 retail units and repositioning of block D (formerly block C1) (amendment to planning consent HM/17/0312) at Carlisle Road, Ferniegair, Hamilton.

**The Committee decided:** that planning application P/18/0172 by Clyde Valley Housing Association for the erection of 3 retail units and repositioning of block D (formerly block C1) (amendment to planning consent HM/17/0312) at Carlisle Road, Ferniegair, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 10 October 2017 (Paragraph 5)]*

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## **12 Application EK/17/0378 - Erection of 105 Houses for Social Rent (95 Flats and 10 Houses), with Associated Amenity Space, Landscaping, Car Parking and Infrastructure at 2 Law Place, Nerston Industrial Estate, East Kilbride**

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A report dated 1 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0378 by Link Group Limited for the erection of 105 houses for social rent (95 flats and 10 houses), with associated amenity space, landscaping, car parking and infrastructure at 2 Law Place, Nerston Industrial Estate, East Kilbride.

**The Committee decided:** that planning application EK/17/0378 by Link Group Limited for the erection of 105 houses for social rent (95 flats and 10 houses), with associated amenity space, landscaping, car parking and infrastructure at 2 Law Place, Nerston Industrial Estate, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 26 September 2006 (Paragraph 4)]*

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## **13 Consultation Response to Scottish Ministers - Application by North Lowther Energy Initiative for the Erection of 30 Wind Turbines at Queensberry Estate, Dumfries and Galloway**

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A report dated 17 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on a consultation request from the Scottish Ministers in relation to an application by North Lowther Energy Initiative for the erection of 30 wind turbines at Queensberry Estate, Dumfries and Galloway.

The proposal, which had been submitted to the Scottish Government for consideration and determination, involved an electrical generation output of over 50 megawatts (MW) and, therefore, the application had been made under Section 36 of the Electricity Act 1989.

The application site was located within the boundary of Dumfries and Galloway Council which had been consulted as the relevant planning authority. However, the eastern boundary of the site adjoined South Lanarkshire and this Council had also been consulted on the application. Details were given on planning policy in relation to the proposal. The Council's consideration of the proposal had been limited to the potential impact on the landscape character, setting of settlements, residential amenity and road safety within South Lanarkshire.

It was considered that:-

- ◆ the proposal would have a significantly detrimental visual impact within the surrounding area in terms of the effect on the landscape of the Lowther Hills as well as for users of the Southern Upland Way
- ◆ the landscape was currently that of natural, undeveloped land and the introduction of 4 turbines on the south western boundary of South Lanarkshire would significantly impact on the natural setting of the landscape
- ◆ the introduction of windfarm development on an elevated position adjacent to Leadhills would have an adverse impact on the village setting
- ◆ the significant visual impact of the windfarm would outweigh the Scottish Planning Policy presumption in favour of sustainable development

**The Committee decided:**

- (1) that the Scottish Government be advised that South Lanarkshire Council objected to the North Lowther Wind Farm application under Section 36 of the Electricity Act 1989 and that, should consent be granted contrary to the Council's position, the Council be consulted in relation to any conditions in respect of noise and any legal agreement relating to routing

and wear and tear of the public road network in South Lanarkshire for the reasons detailed in the Executive Director's report; and

- (2) that the Head of Planning and Economic Development be authorised to undertake the appropriate statutory procedures to participate in any Public Inquiry that might be held in connection with the North Lowther Wind Farm application and maintain South Lanarkshire Council's objection to the wind farm

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#### **14 South Lanarkshire Council Tree Preservation Order No SL50 (2018) 26 Grenville Drive, Cambuslang**

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A report dated 7 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on South Lanarkshire Council Tree Preservation Order (TPO) No SL50 (2018) on 2 trees located within the front garden of a property at 26 Grenville Drive, Cambuslang as detailed on the plan attached to the Executive Director's report.

At its meeting on 15 August 2018, the Committee approved the promotion of a Provisional Tree Preservation Order (TPO) on 2 trees located within the front garden of a property at 26 Grenville Drive, Cambuslang. The Provisional Order was required to ensure the future retention of the 2 mature oak trees at the site, which were considered to contribute to the character, amenity and sense of place within the local area as a result of their size, form and siting. The site was identified in the Adopted South Lanarkshire Local Development Plan as being within a designated residential area.

Following consultation, 3 letters objecting to the Order had been received from residents of an adjoining property. The grounds of objection were detailed in the report. It was considered, however, that they did not merit withdrawal, alteration or modification of the Tree Preservation Order.

**The Committee decided:** that the South Lanarkshire Council Tree Preservation Order No SL50 (2018) on 2 trees located within the front garden of a property at 26 Grenville Drive, Cambuslang, as detailed on the plan attached to the Executive Director's report, be confirmed.

*[Reference: Minutes of 15 August 2018 (Paragraph 13)]*

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#### **15 Proposed Alteration of Rights of Way SC79 and SC4 and Core Paths CR/125/1 and CR/125/2 Under Sections 206, 207 and 208 of the Town and Country Planning (Scotland) Act 1997**

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A report dated 2 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on a proposal to promote a diversion of Rights of Way SC79 and SC4 and core paths CR/125/1 and CR/125/2 under Sections 206, 207 and 208 of the Town and Country Planning (Scotland) Act 1997 at Newton Community Growth Area.

At its meeting on 14 December 2010, the Committee approved planning application CR/09/0139 by Taylor Wimpey Developments Limited and Ashfield Land Limited for an extension of the Newton Community Growth Area (CGA). The CGA included Rights of Way SC79 and SC4 and core paths CR/125/1 and CR125/2 within the proposed housing developments. The applicants had now applied to divert the Rights of Way and core paths outwith the housing areas to facilitate the development. The diverted routes would terminate at the same location as the original routes and there would be rights of public access over the diverted routes.

**The Committee decided:**

- (1) that the requirement to alter Rights of Way SC79 and SC4 and core paths CR/125/1 and CR/125/2 to those shown on the plan attached to the Executive Director's report on the basis that alternative Rights of Way would be provided over the altered routes be noted;
- (2) that authorisation be given for the preparation and promotion of the diversions and all actions necessary to achieve the confirmation of the Orders;
- (3) that authorisation be given for the referral of any of the Orders to the Scottish Government for determination, if objections to any of the Orders were received; and
- (4) that authorisation be given for all actions necessary to secure confirmation of the Order at any Public Inquiry or hearing held by the Scottish Government.

*[Reference: Minutes of 14 December 2010 (Paragraph 14)]*

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## **16 Exclusion of Press and Public**

**The Committee decided:** that, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting of the following item(s) of business on the grounds that it was likely that there would be disclosure of exempt information in terms of Paragraph(s) 12 of Part I of Schedule 7A of the Act.

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## **17 Item of Urgent Business – Planning Appeal – Application CL/16/0170 for Phased Extraction of Sand and Gravel by Quarrying Methods etc at Overburns Farm, Lamington, Biggar**

In terms of Standing Order No 4(c), in view of the timescales involved for lodging opposition to the appeal and to ensure that members were updated on the position in advance of this, the Chair decided that consideration be given to issues relating to an appeal lodged by Patersons of Greenoakhill Limited with the Scottish Government Planning and Environmental Appeals Division. The appeal was in respect of the Council's refusal of planning application CL/16/0170 for the phased extraction of sand and gravel by quarrying methods and erection of associated plant and access road at Overburns Farm, Lamington, Biggar.

The Legal Adviser provided the following update to the Committee:-

- ◆ the Council intended to oppose the appeal
- ◆ the Scottish Government's Planning and Environmental Appeals Division had indicated to the appellant and the Council that the appeal procedure would be by written submission
- ◆ it was the Council's intention to deal with the appeal in-house

There followed a full discussion on the matter during which officers responded to members' questions.

**The Committee decided:**

- (1) that it wished the appeal to be determined by means of a hearing or a Public Inquiry and that the relevant parties be advised accordingly;
- (2) that it be recommended to the Head of Administration and Legal Services that the Council instruct external legal advice in respect of the appeal; and
- (3) that further updates on the matter be submitted to future meetings of the Committee.

*[Reference: Minutes of 1 May 2018 (Paragraph 3)]*



