

PLANNING COMMITTEE

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 30 April 2024

Chair:

Councillor Richard Nelson

Councillors Present:

Councillor Alex Allison, Councillor Gerry Convery (Depute), Councillor Margaret Cowie, Councillor Maureen Devlin, Councillor Colin Dewar, Councillor Mary Donnelly, Councillor Elise Frame, Councillor Celine Handibode, Councillor Graeme Horne, Councillor Ross Lambie, Councillor Lesley McDonald, Councillor Davie McLachlan, Councillor Julia Marrs (*substitute for Councillor Archie Buchanan*), Councillor Norman Rae, Councillor John Ross, Councillor David Shearer, Councillor Bert Thomson (*substitute for Councillor Graham Scott*), Councillor David Watson

Councillors' Apologies:

Councillor Ralph Barker, Councillor Archie Buchanan, Councillor Ross Clark, Councillor Joe Fagan (ex officio), Councillor Alistair Fulton, Councillor Martin Lennon, Councillor Monique McAdams, Councillor Graham Scott, Councillor Helen Toner

Attending:

Community and Enterprise Resources

F Carlin, Head of Planning and Regulatory Services; F Jack, Team Leader, Development Management Team, Roads, Transportation and Fleet Services; I Morton, Planning Team Leader (West Team)

Finance and Corporate Resources

S Jessup, Administration Assistant; S McLeod, Administration Officer

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 12 March 2024 were submitted for approval as a correct record.

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

3 Application P/21/1590 for Erection of 14 Dwellings with Associated Landscaping and Roads (Amendment to Planning Consent EK/17/0021) at Land at Newlands Dairy, East Kilbride

A report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1590 by KR Clyde Valley Six Limited for the erection of 14 dwellings with associated landscaping and roads (amendment to planning consent EK/17/0021) at land at Newlands Dairy, East Kilbride.

The Committee decided: that planning application P/21/1590 by KR Clyde Valley Six Limited for the erection of 14 dwellings with associated landscaping and roads (amendment to planning consent EK/17/0021) at land at Newlands Dairy, East Kilbride be refused for the reason detailed in the Executive Director's report.

4 Application P/21/2019 for Formation of Vehicular Access Road, Erection of 18 Houses, Associated Landscaping and Infrastructure for Area A – Phase 1 (Approval of Matters Specified in Conditions 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24 and 25 of Planning Consent CL/16/0336) at Birkwood Estate, Lesmahagow, Lanark

A report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/2019 by Sunnyside Homes (Birkwood) Limited for the formation of a vehicular access road, erection of 18 houses, associated landscaping and infrastructure for Area A - Phase 1 (approval of matters specified in conditions 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 28, 19, 21, 24 and 25 of planning consent CL/16/0336) at Birkwood Estate, Lesmahagow, Lanark.

The Committee decided: that planning application P/21/2019 by Sunnyside Homes (Birkwood) Limited for the formation of a vehicular access road, erection of 18 houses, associated landscaping and infrastructure for Area A - Phase 1 (approval of matters specified in conditions 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 28, 19, 21, 24 and 25 of planning consent CL/16/0336) at Birkwood Estate, Lesmahagow, Lanark be granted subject to the conditions specified in the Executive Director's report.

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

5 Application P/22/0477 for Erection of Single Storey House with Attic Accommodation (4 Bedroom (Including 3 Guest Bedrooms)) and Stabling for a Maximum of 3 Horses Associated with the Establishment of a Bed and Breakfast Facility at Land at Westsidewood Road, Carnwath

A report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0477 by D and J Knight for the erection of a single storey house with attic accommodation (4 bedroom (including 3 guest bedrooms)) and stabling for a maximum of 3 horses associated with the establishment of a bed and breakfast facility at land at Westsidewood Road, Carnwath.

The application had been referred to Committee for consideration, as requested by Councillor Allison, in terms of section 2.4 of the Council's Planning Application Decision Making Process.

Following discussion, during which an officer responded to members' questions on various aspects of the report, Councillor Nelson, seconded by Councillor Convery, moved that the application be refused for the reasons detailed in the Executive Director's report. Councillor Allison, seconded by Councillor Lambie, moved that the application be granted subject to appropriate conditions, to be prepared by officers, on the grounds that the development would be an additional resource for the rural area. On a vote being taken using the electronic voting system, 9 members voted for the motion and 10 for the amendment which was declared carried.

The Committee decided: that planning application P/22/0477 by D and J Knight for the erection of a single storey house with attic accommodation (4 bedroom (including 3 guest bedrooms)) and stabling for a maximum of 3 horses associated with the establishment of a bed and breakfast facility at land at Westsidewood Road, Carnwath be granted subject to the conditions attached as Appendix 1 to this minute.

6 Application P/23/1383 for Erection of Neighbourhood Centre Development Incorporating Multi-Use Community Facility, Nursery, Retail/Business/Commercial Units, Medical Facility, Indoor/Outdoor Fitness Facility, Community Gardens, Local Hybrid Energy Facility and Solar EV Charging with Associated Access and Landscaping (Planning Permission in Principle) at Land Between Bystone Cottage and White Gables, Peel Road, Thorntonhall

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

The Committee decided: to note the position.

7 Application P/24/0010 for Erection of 5 Detached Houses, Formation of Vehicular Access, Parking and Associated Works at Land 75 Metres West of The Manse, Manse Road, Stonehouse

A report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/24/0010 by C Rock for the erection of 5 detached houses, formation of vehicular access, parking and associated works at land 75 metres west of The Manse, Manse Road, Stonehouse.

The application had been referred to Committee for consideration, as requested by Councillor Cooper, in terms of section 2.4 of the Council's Planning Application Decision Making Process.

The Committee decided: that planning application P/24/0010 by C Rock for the erection of 5 detached houses, formation of vehicular access, parking and associated works at land 75 metres west of The Manse, Manse Road, Stonehouse be refused for the reasons detailed in the Executive Director's report.

8 Application P/24/0019 for Substitution of House Types (Amendment to Planning Consent P/22/1377) for the Erection of 182 Houses with Associated Roads, Drainage, Landscaping and Open Space at Land 360 Metres North Northeast of Hallside Manse, Manse Brae, Cambuslang

A report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/24/0019 by Miller Homes Limited for the substitution of house types (amendment to planning consent P/22/1377) for the erection of 182 houses with associated roads, drainage, landscaping and open space at land 360 metres north northeast of Hallside Manse, Manse Brae, Cambuslang.

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

The Committee decided: that planning application P/24/0019 by Miller Homes Limited for the substitution of house types (amendment to planning consent P/22/1377) for the erection of 182 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 21 March 2023 (Paragraph 9)]

9 Application P/24/0076 for Erection of 126 Houses, Associated Infrastructure and Landscaping (Approval of Matters Specified in Conditions 1(a-r), 3, 4, 6, 8, 9, 10 and 12 of Planning Permission in Principle EK/09/0218) at East Kilbride Community Growth Area – Cala Phase 3, Newhouse Road, East Kilbride

A report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/24/0076 by Cala Management Limited for the erection of 126 houses, associated infrastructure and landscaping (approval of matters specified in conditions 1(a-r), 3, 4, 6, 8, 9, 10 and 12 of planning permission in principle EK/09/0218) at East Kilbride Community Growth Area – Cala Phase 3, Newhouse Road, East Kilbride.

There followed a discussion on the application during which the Chair and an officer responded to a member's questions on aspects of the report.

The Committee decided: that planning application P/24/0076 by Cala Management Limited for the erection of 126 houses, associated infrastructure and landscaping (approval of matters specified in conditions 1(a-r), 3, 4, 6, 8, 9, 10 and 12 of planning permission in principle EK/09/0218) at East Kilbride Community Growth Area – Cala Phase 3, Newhouse Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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

10 Proposed Stopping Up of Public Road Under Section 207 of the Town and Country Planning (Scotland) Act 1997 – 4 Redwood Crescent, East Kilbride

A report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources) was submitted on arrangements for the promotion of a Stopping Up Order at 4 Redwood Crescent, East Kilbride.

In March 2024, planning consent had been granted, under delegated authority, in respect of application P/23/0981 for the erection of an office, workshop building and storage building with associated works on land to the north of 4 Redwood Crescent, East Kilbride. To facilitate the development at this location, the spur road that served that part of Redwood Crescent required to be stopped up.

In order to maintain suitable access and egress from the spur road, the applicants had proposed to construct a new section of road to replace the existing road that would be stopped up and a condition had been attached to the planning consent requiring the new road to be completed and brought into use before the current road was removed.

The stopping up of the road would be promoted under Section 207 of the Town and Country Planning (Scotland) Act 1997. The applicant would be responsible for the legal fees, including the Council's, associated with this Stopping Up Order.

The Committee decided: that the head of Planning and Regulatory Services, in consultation with the Head of Roads, Transportation and Fleet Services, be authorised to promote a Stopping Up Order under Section 207 of the Town and Country Planning (Scotland) Act 1997, to facilitate the development approved under planning consent P/23/0981 at 4 Redwood Crescent, East Kilbride.

11 Planning Appeal Decisions – November 2023 to March 2024

A report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application appeal decisions issued by the Scottish Government's Planning and Environmental Appeals Division during the period 1 November 2023 to 31 March 2024.

The Head of Planning and Regulatory Services advised that the appeal that had been outstanding at the time of writing the report had since been dismissed and would be detailed in a future report to the Committee.

There followed a discussion, during which members made a number of points, and the Chair requested that members contact the Head of Planning and Regulatory Services regarding any questions they had in terms of the interpretation of planning policy. The Chair continued by thanking Planning Officers for their work and stated that the report showed that planning policy was being implemented appropriately.

The Committee decided: that the decisions issued by the Scottish Government's Planning and Environmental Appeals Division in relation to South Lanarkshire Council, during the period 1 November 2023 to 31 March 2024, be noted.

12 Urgent Business

There were no items of urgent business.

Application P/22/0477 for the erection of a single storey house with attic accommodation (4 bedroom (including 3 guest bedrooms)) and stabling for a maximum of 3 horses associated with the establishment of a bed and breakfast facility at land at Westsidewood Road, Carnwath

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. Prior to commencement of work on the development, the stables hereby approved as part of this application shall be completed and available for use.

Reason: In the interests of a viable rural business.

03. Bedrooms 1, 2 and 3 as shown on the approved floor plan (Dr No: 1244/01 Rev F) shall be restricted to holiday occupation only and shall not be let or used as the sole residence of any one person, family or group. No individual, family, company, group or any other type of occupant shall occupy the accommodation for more than 12 weeks in any calendar year. To facilitate monitoring, a record system of all lettings, to include names, addresses and duration of stay, shall be in place at all times for Council inspection and shall be submitted to the Council as Planning Authority 12 months from the date of initial occupation or completion, whichever is the earlier, and every 12 months thereafter.

Reason: To ensure that the economic benefit of this tourism development is not lost by the accommodation becoming occupied by long term or permanent residents and to ensure compliance with local plan policy.

04. Prior to the occupation of the development, details of marketing and publicity for the B&B accommodation shall be submitted for the written approval of the Council as Planning Authority.

Reason: To ensure the establishment and availability of holiday accommodation.

05. Once the B&B operation has commenced, should it cease to operate at any point in the future, the occupation of the building as a residential dwellinghouse shall also cease and, if no new operator is identified to take on the business within 1 year of the B&B operation ceasing, the buildings shall be removed and the site restored to its original condition.

Reason: To ensure that the development is only occupied for the purposes of residential accommodation associated with the B&B use and does not become a standard residential dwelling.

06. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

07. That the roof of the approved building shall be clad externally in natural slate.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

08. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

09. That before the development is occupied, a 1.8 metre high screen fence shall be erected along a section of the southern boundary marked brown on the approved Block Plan (Dr No: 1244/01 Rev F).

Reason: To protect the privacy of the adjacent property and to prevent overlooking.

10. That before the development is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 08, shall be erected.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

11. That the existing tree within the application site shall not be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: To ensure the protection and maintenance of the existing mature trees within the site.

12. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of the tree and hedgerow planting scheme, shown on the Block Plan (Dr No: 1244/01 Rev F), shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Reason: To enhance the natural heritage of the area.

13. That the approved tree and hedgerow planting scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the development or completion of the development hereby approved, whichever is the sooner.

Reason: In the interests of the visual amenity of the area.

14. That the development shall not be occupied until the developer provides a written agreement from Scottish Water and SEPA that the site can be served by a water supply and sewerage scheme in accordance with relevant standards and regulations.

Reason: To ensure that the development is served by an appropriate effluent disposal system and water supply.

15. Prior to the commencement of works on site, the applicant will require to submit a flood risk assessment for the consideration and approval of the council. Self-certification and independent check certificates appendices A and B (refer to the Council's developer design guidance May 2020) duly signed by the relevant party are to be submitted.

Reason: To ensure that works proposed are not at risk of flooding and will not increase the likelihood of flooding elsewhere.

16. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Developer Design Guidance (May 2020) and shall include the following signed appendices: C 'Sustainable Drainage Design Compliance certificate', D 'Sustainable Drainage Design Independent Check Certificate' and E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus' . The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved in writing by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

17. That before the development hereby approved is brought into use, a 5.5 metre wide dropped kerb vehicular crossing to the site shall be constructed and available for use.

Reason: In the interests of traffic and public safety.

18. That before the development hereby approved is completed or brought into use, the first 6 metres of the access from the heel of the footway/service strip shall be hard surfaced, trapped and sealed across its full width to prevent deleterious material being carried onto the road.

Reason: To prevent deleterious material being carried onto the road.

19. That before the development hereby approved is completed or brought into use, 3 no. parking spaces (3.0m x 6.0m modules) and 2 horse box parking spaces (4.0m x 8.0m), within the application site, shall be laid out, constructed and available for use.

Reason: To ensure the provision of adequate parking facilities within the site.

20. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 60 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

21. That before the development hereby approved is completed or brought into use, visibility splays of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the driveways and vehicular access and everything exceeding 0.6 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.6 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of public safety.

22. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

23. Prior to the commencement of development on site, an energy statement covering the new build element of the approved development which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 10% reduction in CO₂ emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:-

- a) the total predicted energy requirements and CO₂ emissions of the development, clearly illustrating the additional 10% reduction beyond the 2007 building regulations CO₂ standard;
- b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
- c) an indication of the location and design of the on-site energy technologies; and
- d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

Reason: To secure a reduction in carbon dioxide emissions.

24. The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any of the approved buildings.

Reason: To secure the timeous implementation of on-site zero and low carbon energy technologies.

25. That prior to the commencement of works, the detail and location of charging point(s) for electrical cars, shall be submitted for the written approval of the Council as Planning Authority. Prior to the completion of the development the approved charging points shall be installed and available for use.

Reason: To ensure facilities for recharging electrical cars are available for the use of the residents.

26. Prior to the commencement of development, details for the storage and location of manure heaps and other waste from the stables, shall be submitted to and approved in writing by the Council as Planning Authority, and thereafter manure and other waste shall be stored in the approved location, unless otherwise agreed in writing with the applicant.

Reason: In the interests of amenity and to protect neighbouring residents from odours.

27. That no gates or other obstructions shall be erected within the first 8 metres of the driveway as measured from the edge of the carriageway.

Reason: In the interests of traffic and public safety.