

PLANNING COMMITTEE

Minutes of meeting held via Microsoft Teams on 5 October 2021

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Anderson, Councillor John Bradley, Councillor Walter Brogan (substitute for Councillor Lynsey Hamilton), Councillor Archie Buchanan, Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Ian Harrow, Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Joe Lowe, Councillor Ian McAllan, Councillor Davie McLachlan, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Lynsey Hamilton, Councillor John Ross (ex officio)

Attending:

Community and Enterprise Resources

B Darroch, Planning and Building Standards Manager (East); P Elliott, Head of Planning and Economic Development; T Finn, Planning and Building Standards Manager (Headquarters); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; I Morton, Planning Team Leader (West)

Finance and Corporate Resources

M Cannon, Solicitor; S Jessup, Administration Assistant; A Livingston, Public Relations Officer; K McLeod, Administration Assistant; S McLeod, Administration Officer

1 Declaration of Interests

The following interests were declared:-

| Councillor(s) | Item(s) | Nature of Interest(s) |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Dorman | Application P/21/0150 for Erection of Single Storey House and Outbuilding at Avondyke Training Centre, Dykehead Road, Stonehouse | Known to objectors |
| | Designation of Local Nature Reserves | Member of Friends of Stonehouse Park |
| Horsham | Application P/21/0849 for Change of Use of Former Horticultural Site to an Eco Storage Facility and the Erection of Building, Storage of Materials, Parking and Alterations to Access (Retrospective) at Hapenton Nursery, 290 Strathaven Road, Limekilnburn, Hamilton | Involvement of close family member, in capacity as elected representative, in relation to proposals at the site |

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 7 September 2021 were submitted for approval as a correct record.

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

3 Application P/20/1410 for Erection of 2 Bungalows and Acoustic Fence at Land 36 Metres West of 53 Mill Road, Mill Road, Thankerton, Biggar

A report dated 15 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1410 by M McDonald for the erection of 2 bungalows and an acoustic fence at land 36 metres west of 53 Mill Road, Mill Road, Thankerton, Biggar.

The Committee decided: that planning application P/20/1410 by M McDonald for the erection of 2 bungalows and an acoustic fence at land 36 metres west of 53 Mill Road, Mill Road, Thankerton, Biggar be granted subject to the conditions specified in the Executive Director's report.

4 Application P/21/0150 for Erection of Single Storey House and Outbuilding at Avondyke Training Centre, Dykehead Road, Stonehouse

A report dated 15 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0150 by Clyde Scouts for the erection of a single storey house and outbuilding at Avondyke Training Centre, Dykehead Road, Stonehouse.

The Committee decided: that planning application P/21/0150 by Clyde Scouts for the erection of a single storey house and outbuilding at Avondyke Training Centre, Dykehead Road, Stonehouse be granted subject to the conditions specified in the Executive Director's report.

Councillor Dorman, having declared an interest in the above item, withdrew from the meeting during its consideration. Councillor Horsham took the Chair for this item

5 Application P/21/0730 for Erection of 52 Houses with Associated Infrastructure Including Roads, Drainage, SUDS Pond and Landscaping at Site Next to Hillcrest, Strathaven Road, Hamilton

A report dated 24 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0730 by Robertson Homes for the erection of 52 houses with associated infrastructure including roads, drainage, SUDS pond and landscaping at site next to Hillcrest, Strathaven Road, Hamilton.

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.

On points raised regarding the increased traffic resulting from the development and proposed traffic measures, officers undertook to provide the members with an update in relation to the transport assessment and proposed traffic measures.

The Committee decided:

- (1) that planning application P/21/0730 by Robertson Homes for the erection of 52 houses with associated infrastructure including roads, drainage, SUDS pond and landscaping at site next to Hillcrest, Strathaven Road, Hamilton be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement on an equitable financial contribution, on an agreed pro-rata basis, in relation to infrastructure and other costs associated with the Hamilton Community Growth Area, for the improvement/upgrading of roads infrastructure, educational provision, community facilities and affordable housing provision
 - ◆ the applicant meeting the Council's costs associated with the 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 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)] and 8 October 2019 (Paragraph 13)]

Councillor Buchanan left the meeting during this item of business and Councillor Lowe left the meeting after this item of business

6 Application P/20/1777 for Erection of 2 Storey House and Associated Works at Plot 4, Springbank House, West Mains Road, East Kilbride

A report dated 15 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1777 by S Mohammed for the erection of a 2 storey house and associated works at Plot 4, Springbank House, West Mains Road, East Kilbride.

The Committee decided: that planning application P/20/1777 by S Mohammed for the erection of a 2 storey house and associated works at Plot 4, Springbank House, West Mains Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 29 November 2011 (Paragraph 14)]

7 Application P/21/0849 for Change of Use of Former Horticultural Site to an Eco Storage Facility and the Erection of Building, Storage of Materials, Parking and Alterations to Access (Retrospective) at Hapenton Nursery, 290 Strathaven Road, Limekilnburn, Hamilton

A report dated 24 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0849 by Pro-Cast Group for the change of use of a former horticultural site to an eco storage facility and the erection of a building, storage of materials, parking and alterations to access (retrospective) at Hapenton Nursery, 290 Strathaven Road, Limekilnburn, Hamilton.

The application had been assessed against the relevant policies and criteria contained in the Glasgow and the Clyde Valley Strategic Development Plan 2017 and the Adopted 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:-

- ◆ that the provision of additional job opportunities within the area would assist the Council in supporting economic growth and regeneration by encouraging the development of business in South Lanarkshire
- ◆ that the expansion of the existing business operation would assist the Council in its aims to minimise and mitigate against the effects of climate change and support renewable energy development
- ◆ that the reuse of the vacant site would assist in the protection and enhancement of the natural environment
- ◆ there were no infrastructure implications associated with the development and there would not be an adverse impact on the built and natural environment

The Committee decided:

that planning application P/21/0849 by Pro-Cast Group for the change of use of a former horticultural site to an eco storage facility and the erection of a building, storage of materials, parking and alterations to access (retrospective) at Hapenton Nursery, 290 Strathaven Road, Limekilnburn, Hamilton be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ a revised Condition 6 as follows:-

"That no development shall commence until details of surface water drainage and sewerage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage and sewerage arrangements will require to comply with the principles of sustainable urban drainage systems and the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface water drainage and sewerage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water and sewerage 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 also to alleviate the potential for on-site and off-site flooding."

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

8 Application P/21/0613 for Re-profiling of Existing Ground Levels to Facilitate Future Residential Development, Including Associated Retaining Walls, Construction of New Residential Access Road and SUDS Basin (Approval of Matters Specified in Condition 1 (A, C, F and M) of Planning Application EK/09/0218) at Land 250 Metres East of Easter House, Jackton Road, Jackton, East Kilbride

A report dated 15 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0613 by Cala Management Limited and John Lynch (Builders) Limited for the re-profiling of existing ground levels to facilitate future residential development, including associated retaining walls, construction of new residential access road and SUDs basin (approval of matters specified in Condition 1 (a, c, f and m) of planning application EK/09/0218) at land 250 metres east of Easter House, Jackton Road, Jackton, East Kilbride.

The Committee decided: that planning application P/21/0613 by Cala Management Limited and John Lynch (Builders) Limited for the re-profiling of existing ground levels to facilitate future residential development, including associated retaining walls, construction of new residential access road and SUDs basin (approval of matters specified in Condition 1 (a, c, f and m) of planning application EK/09/0218) at land 250 metres east of Easter House, Jackton Road, Jackton, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 26 June 2018 (Paragraph 4) and 11 February 2020 (Paragraph 10)]

9 South Lanarkshire Local Development Plan 2 – Legal Challenge

A report dated 16 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted:-

- ◆ advising of a legal challenge to part of the adopted South Lanarkshire Local Development Plan 2
- ◆ on Supporting Planning Guidance and an associated Development Brief in relation to a site at Law Place in East Kilbride

The Committee agreed, at its meeting on 1 December 2020, to the necessary steps to adopt the South Lanarkshire Local Development Plan 2 (SLLDP2), including submitting the Plan to Scottish Ministers. Notice was received from Scottish Ministers in March 2021 that adoption could proceed and adverts providing notice of the adoption of the Plan were subsequently placed in local newspapers in April 2021.

The relevant Regulations included provision for a legal challenge in relation to the validity of the Plan to be made to the Court of Session within 6 weeks of the publication of the notice. On 27 May 2021, the Council received notice of an appeal that had been lodged at the Court of Session by Law Place (East Kilbride) Limited (the appellant) against the adoption of SLLDP2. The legal challenge to the procedural aspects of the preparation of the Development Plan related to the designation of part of the former Rolls Royce site, East Kilbride as a Core Industrial and Business Area on the grounds that the relevant parts of the Town and Country Planning (Scotland) Act 1997 had not been complied with. Details of the appellant's position, including the contention that the Plan, or such part of it as the Court of Session saw fit, should be quashed, were provided in the report.

Background details regarding the designation of the Rolls Royce site as a Development Framework Site (DFS) in the South Lanarkshire Local Development Plan 1, adopted in 2015, and the reason for removing this designation from the East Kilbride Settlement Plan during the preparation of the SLLDP2 were provided in the report. Following the decision to remove the DFS designation, the Settlement Plan base map should have been updated to reflect the uses shown on the approved Masterplan, however, due to a technical error, the industrial and retail elements of the Masterplan had not been identified on the Settlement Plan as intended.

Having identified the error, the Council listed the proposed change to the designation of the site as a Core Industrial and Business Area as one of several technical modifications submitted to the Examination. The adopted version of SLLDP2, approved by the Planning Committee in December 2020, incorporated all the modifications required by the Reporter, following the Examination, and the technical changes sought by the Council. The appeal site had, therefore, been shown as a Core Industrial and Business Area on the settlement map for East Kilbride in the adopted Plan.

Following receipt of the notice of the legal challenge and on the basis of consultation with legal Counsel, the Head of Administration and Legal Services had taken the decision to concede the appeal, in terms of the Council's Scheme of Delegation, which covered the discharge of the functions of the Council in relation to any type of judicial or quasi-judicial proceedings.

Subsequently, the Council had agreed a joint minute with the appellants agreeing the reasons for and extent of the quashing of this part of the Plan. By joint motion, the parties agreed that the Council had failed to comply with the terms of Section 18 and 19 of the Town and Country Planning (Scotland) Act 1997 when changing the designation of the site and, thereby, had erred in law. The Court of Session, by court order dated 23 September 2021, quashed the SLLDP2 insofar as part of the former Rolls Royce Site, Mavor Avenue, East Kilbride was designated as a Core Industrial and Business Area.

The Council was required to publicise the decision of the Court and that part of the SLLDP2 was not effective. In terms of addressing the resultant gap in the proposals map relating to the site, circular 6/2013 – Development Planning stated that planning authorities could issue non-statutory planning guidance without having to comply with the procedures involved in the production of statutory Supplementary Guidance (SG). Non-statutory planning guidance could be used to provide detail on a range of subject areas and although it would not form part of the Development Plan, adoption of the guidance would give it formal status, meaning that it would be a material consideration in decision making on planning applications. On that basis, it had been considered appropriate to prepare non-statutory Supporting Planning Guidance (SPG) and an associated Development Brief, attached as Appendix 1 to the report, to establish the Council's position in terms of spatial planning policy for the site.

Notwithstanding the quashing of this part of the Development Plan, it was considered that the intended designation of the land as a Core Industrial and Business Area remained appropriate.

If approved, the proposed (SPG) and associated Development Brief would require to be subject to a public consultation exercise undertaken over a 6 week period. The consultation exercise would include informing the relevant landowners and advertisement in the local press. The outcome of the consultation exercise would be submitted to a future meeting of this Committee.

The Committee decided:

- (1) that the implications and outcome of the legal challenge to part of the adopted South Lanarkshire Local Development Plan 2 be noted;
- (2) that the Supporting Planning Guidance and associated Development Brief in relation to the site at Law Place in East Kilbride, attached as Appendix 1 to the report, be approved and a public consultation exercise be undertaken; and
- (3) that the Head of Planning and Economic Development Services be authorised to make drafting and technical changes to the draft document prior to its publication for consultation.

[Reference: Minutes of 1 December 2020 (Paragraph 4)]

10 Designation of Local Nature Reserves

A report dated 14 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted on the declaration of 16 new Local Nature Reserves (LNRs) and an extension to the existing LNR at Langlands Moss, East Kilbride.

LNRs were areas of natural heritage that were locally important and combined protection of natural heritage with opportunities for people to enjoy, learn about and experience nature close to their communities. Local authorities had powers to select and designate LNRs under Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended).

There were 75 LNRs in Scotland, including 1 in South Lanarkshire at Langlands Moss, East Kilbride. The designation of LNRs had been identified as an action in the Council's Biodiversity Duty Implementation Plan 2018 to 2022. In addition, the South Lanarkshire Biodiversity Strategy 2018 to 2022: Strategic Outcome 2 stated that designated and locally important sites were to be conserved and that LNRs were to be identified and designated.

During the preparation of the South Lanarkshire Local Development Plan 2 (SLLDP2), the provision of 16 new LNRs and an extension to the Langlands Moss LNR, as detailed in the report and indicated in the maps attached as appendices to the report, had been proposed.

Details of the consultation that had been carried out in terms of the process for the adoption of the SLLDP2, which had received responses regarding the proposed LNRs, and consultation with NatureScot regarding the designation of the sites as LNRs were provided in the report.

Draft management statements had been prepared for each site and details of the next steps, including the requirement to prepare a management plan for each site within 3 years of formal designation as LNRs, were contained in the report.

All of the proposed sites were located within and owned by South Lanarkshire Council, with the exception of Fernbrae Meadows in Rutherglen, which included an area that, while within the administrative boundaries of South Lanarkshire Council, was owned and managed by Glasgow City Council and would require an agreement to be entered into with Glasgow City Council to designate the site as an LNR.

Further consultation would also be required prior to designation in relation to the sites at Backmuir Woods and Low Parks in Hamilton, in terms of the Community Empowerment (Scotland) Act 2015, as both sites included Common Good Assets.

A Local Nature Reserve declaration would be published to provide public notification of the existence of the newly declared sites. Once declared, the areas would be managed as nature reserves, as outlined in the draft management statements.

On points raised regarding availability of funding for the sites and the location of all LNRs, including those under private ownership, officers undertook to provide the members with information regarding available funding streams and the locations of all LNRs and Sites of Special Scientific Interest (SSSIs) within South Lanarkshire.

The Committee decided: that the designation of 16 new LNRs and an extension to the existing LNR at Langlands Moss, East Kilbride, as detailed in the report and indicated in the maps attached as appendices to the report, be declared under Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended).

[Reference: Minutes of 1 December 2020 (Paragraph 4)]

Councillor Dorman, having declared an interest in the above item, withdrew from the meeting during its consideration

11 Urgent Business

There were no items of urgent business.