

## PLANNING COMMITTEE

Minutes of special meeting held via Microsoft Teams on 29 March 2022

### Chair:

Councillor Isobel Dorman

### Councillors Present:

Councillor Alex Allison, Councillor John Anderson, Councillor John Bradley, Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Mark Horsham (Depute), Councillor Ian McAllan, Councillor Catherine McClymont (*substitute for Councillor Lynsey Hamilton*), Councillor Davie McLachlan, Councillor Carol Nugent, Councillor Graham Scott, Councillor Jim Wardhaugh

### Councillors' Apologies:

Councillor Fiona Dryburgh, Councillor Lynsey Hamilton, Councillor Ian Harrow, Councillor Ann Le Blond, Councillor Martin Lennon, Councillor Joe Lowe, Councillor Lynne Nailon, Councillor John Ross (ex officio), Councillor David Shearer, Councillor Bert Thomson

### Attending:

B Darroch, Planning and Building Standards Manager (East); P Elliott, Head of Planning and Economic Development; T Finn, Planning and Building Standards Manager (Headquarters); I Hamilton, Planning Officer; F Jack, Team Leader, Development Management Team, Roads and Transportation Services; D King, Planning Officer; S Laird, Traffic and Transportation Engineer; T Meikle, Planning and Building Standards Manager (West)

### Finance and Corporate Resources

M Cannon, Solicitor; S Jessup and K McLeod, Administration Assistants; S McLeod, Administration Officer

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### Opening Remarks

Councillor Devlin asked that her concern regarding the estimated duration of the meeting be noted.

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### 1 Declaration of Interests

No interests were declared.

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### 2 Application P/21/0739 for Erection of Houses, Formation of Vehicular Access, Parking and Landscaping (Planning Permission in Principle) at Land Adjacent to 129 Main Street, Blantyre

A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0739 by I McKillop for the erection of houses, formation of vehicular access, parking and landscaping (planning permission in principle) at land adjacent to 129 Main Street, Blantyre.

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/21/0739 by I McKillop for the erection of houses, formation of vehicular access, parking and landscaping (planning permission in principle) at land adjacent to 129 Main Street, Blantyre 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 between the Council, site owner(s) and applicant to ensure the provision of appropriate community facilities, either on site or off
  - ◆ 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)]*

*The Team Leader, Development Management Team, Roads and Transportation Services joined the meeting following consideration of the above item of business*

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**3 Application P/21/1616 for Erection of 294 Residential Houses with Associated Access, Roads, Landscaping and Associated Infrastructure (Approval of Matters Specified in Conditions 1 (a to k), 2, 3, 4, 5, 10, 11, 13, 14, 16, 17, 18, 19, 20, 21, 24, 25, 26 and 27 of Planning Permission in Principle EK/11/0202) at East Kilbride Community Growth Area - North, Eaglesham Road, Jackton, East Kilbride**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1616 by BDW Trading Limited/Jackton Estates Limited for the erection of 294 residential houses with associated access, roads, landscaping and associated infrastructure (approval of matters specified in conditions 1 (a to k), 2, 3, 4, 5, 10, 11, 13, 14, 16, 17, 18, 19, 20, 21, 24, 25, 26 and 27 of planning permission in principle EK/11/0202) at East Kilbride Community Growth Area – North, Eaglesham Road, Jackton, East Kilbride.

Points raised in 2 further representations were referred to at the meeting and addressed by officers.

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

**The Committee decided:**

that planning application P/21/1616 by BDW Trading Limited/Jackton Estates Limited for the erection of 294 residential houses with associated access, roads, landscaping and associated infrastructure (approval of matters specified in conditions 1 (a to k), 2, 3, 4, 5, 10, 11, 13, 14, 16, 17, 18, 19, 20, 21, 24, 25, 26 and 27 of planning permission in principle EK/11/0202) at East Kilbride Community Growth Area – North, Eaglesham Road, Jackton, East Kilbride be granted subject to conditions specified in the Executive Director's report.

*[Reference: Minutes of 27 March 2012 (Paragraph 3)]*

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**4 Application P/21/2071 for Erection of 155 Houses, Associated Infrastructure and Landscaping (Approval of Matters Specified in Conditions 1 (a to r), 2, 3, 4, 5, 6, 8, 9, 10 and 12 of Planning Permission in Principle EK/09/0218) at Land 275 Metres Northeast of Easter House, Jackton Road, Jackton, East Kilbride**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/2071 by Barratt Homes West Scotland for the erection of 155 houses, associated infrastructure and landscaping (approval of matters specified in conditions 1 (a to r), 2, 3, 4, 5, 6, 8, 9, 10 and 12 of planning permission in principle EK/09/0218) at land 275 metres northeast of Easter House, Jackton Road, Jackton, East Kilbride.

**The Committee decided:**

that planning application P/21/2071 by Barratt Homes West Scotland for the erection of 155 houses, associated infrastructure and landscaping (approval of matters specified in conditions 1 (a to r), 2, 3, 4, 5, 6, 8, 9, 10 and 12 of planning permission in principle EK/09/0218) at land 275 metres northeast of Easter House, Jackton Road, Jackton, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 13 December 2011 (Paragraph 3)]*

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**5 Application P/21/0638 for Change of Use of Communal Open Space to Garden Ground at Land Adjacent to 17-1 Hunthill Road, Blantyre**

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A report dated 10 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0638 by D Szafranek for the change of use of communal open space to garden ground at land adjacent to 17-1 Hunthill Road, Blantyre.

At its meeting on 16 November 2021, the Committee deferred the application on the grounds that enforcement action should be completed or the applicant's business be relocated prior to consideration of the application. Following the serving of a Planning Contravention Notice, the business had been relocated and the Planning Enforcement Team had been satisfied that the business had ceased operating from 17-1 Hunthill Road, Blantyre.

There followed a discussion on the application during which an officer responded to members' questions on aspects of the report.

**The Committee decided:**

that planning application P/21/0638 by D Szafranek for the change of use of communal open space to garden ground at land adjacent to 17-1 Hunthill Road, Blantyre be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 16 November 2021 (Paragraph 7)]*

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**6 Application P/21/1014 for Erection and Operation of Wind Farm Consisting of 17 Turbines (12 within South Lanarkshire) up to a Maximum Height to Blade Tip of 180 Metres (Consultation from Scottish Ministers Under Section 36 of the Electricity Act 1989) at Daer Wind Farm, Elvanfoot**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1014 by RWE Renewables UK Developments Limited for the erection and operation of a wind farm consisting of 17 turbines (12 of which would be located within the boundary of South Lanarkshire Council) up to a maximum height to blade tip of 180 metres (consultation from Scottish Ministers under Section 36 of the Electricity Act 1989) at Daer Wind Farm, Elvanfoot.

The proposal had been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as the proposal related to a wind farm with a generating capacity of over 50 megawatts (MW). As a result, the Council was a consultee to the application and not the consenting authority.

The application was considered acceptable on the basis that it:-

- ◆ accorded with the relevant policies in the Development Plan
- ◆ accorded with National Policy
- ◆ would not have any significant adverse impact within the surrounding area

**The Committee decided:**

- (1) that the Scottish Government be informed that the Council had no objections to planning application P/21/1014 by RWE Renewables UK Developments Limited for the erection and operation of a wind farm consisting of 17 turbines (12 of which would be located within the boundary of South Lanarkshire Council) up to a maximum height to blade tip of 180 metres (consultation from Scottish Ministers under Section 36 of the Electricity Act 1989) at Daer Wind Farm, Elvanfoot, subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ the conclusion of legal agreements to secure:-
    - ◆ community contribution payments
    - ◆ the funding of a Planning Monitoring Officer
  - ◆ the applicant meeting the Council's costs associated with the legal agreements and the restoration guarantee quantum
- (2) that the Head of Planning and Economic Development be authorised to undertake any discussions in relation to further agreements on the proposed conditions and planning obligations, if required, with the Scottish Government.

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## **7 Application P/21/1335 for the Erection of 3 Detached Houses with Detached Garages and Associated Engineering Works at Land at Baron Court, Thorntonhall**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1335 by Abbey Construction for the erection of 3 detached houses with detached garages and associated engineering works at land at Baron Court, Thorntonhall.

Points raised in a further representation were referred to at the meeting and addressed by officers.

**The Committee decided:** that planning application P/21/1335 by Abbey Construction for the erection of 3 detached houses with detached garages and associated engineering works at land at Baron Court, Thorntonhall be granted subject to the conditions specified in the Executive Director's report.

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## **8 Application P/21/0704 for Erection of Retail Development Comprising 3 Class 1 and 1 Class 2 Units and Formation of Access Roads (Including Access Road to Serve Adjacent Land), Car Parking, External Seating Area, Children's Play Area, Earth Works and Associated Works at Land to the North of B764, Eaglesham Road, Jackton**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0704 by Mackay Planning for the erection of a retail development comprising 3 class 1 and 1 class 2 units and formation of access roads (including access road to serve adjacent land), car parking, external seating area, children's play area, earth works and associated works at land to the north of B764, Eaglesham Road, Jackton.

The application had been assessed against the relevant policies and criteria contained in the adopted 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, 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 offered an opportunity to provide a commercial development within a generally residential area which would provide significant amenity benefit to local residents
- ◆ the proposal supported the principles of climate change by providing locally beneficial amenities to residents of the area, reducing the requirement for longer car trips
- ◆ the proposal complied with the provisions of Policies 1, 3, 5, 10, 13, 14, 15, DM1, DM15, DM16 and SDCC3 of the South Lanarkshire Local Development Plan 2
- ◆ it had been demonstrated that the proposed development would not create any flood risk issues
- ◆ the development would provide local employment opportunities
- ◆ there would be no infrastructure implications arising from the development

If members were minded to approve the planning application, consent could not be granted or issued as the application would require to be referred to Scottish Ministers, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, as SEPA had objected to the development on the basis of potential flood risk. In the event that the application was approved, Scottish Ministers would be required to consider whether to call in the application for their own determination.

Points raised in further representations received from the applicant were referred to at the meeting and addressed by officers.

**The Committee decided:**

- (1) that planning application P/21/0704 by Mackay Planning for the erection of a retail development comprising 3 class 1 and 1 class 2 units and formation of access roads (including access road to serve adjacent land), car parking, external seating area, children's play area, earth works and associated works at land to the north of B764, Eaglesham Road, Jackton be granted subject to the conditions specified in the Executive Director's report; and
- (2) that Scottish Ministers be formally notified, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, of the decision to grant the application, subject to the specified conditions, to allow them to consider whether to call in the application for their own determination.

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**9 Application P/21/1517 for the Erection of 151 Houses with Associated Engineering, Landscape and Infrastructure Works at Land 142 Metres East Northeast of 43 Clyde Avenue, Ferniegair, Hamilton**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1517 by Mr and Mrs Harvey/Robertson Living for the erection of 151 houses with associated engineering, landscape and infrastructure works at land 142 metres east northeast of 43 Clyde Avenue, Ferniegair, Hamilton.

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

Points raised in a further representation were referred to at the meeting and an officer advised that practical support and advice could be offered to the objector in terms of reasonable adjustments that could be made to mitigate the impact of the construction and that, if approval was granted, the developer would be asked to contact neighbouring residents to advise them of the development timetable and vehicle movements.

There followed a discussion on the application during which an officer responded to members' questions on aspects of the report.

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/21/1517 by Mr and Mrs Harvey/Robertson Living for the erection of 151 houses with associated engineering, landscape and infrastructure works at land 142 metres east northeast of 43 Clyde Avenue, Ferniegair, 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 between the Council, site owner(s) and applicant to ensure the submission of a viability assessment and the provision of:-
    - ◆ additional nursery, primary and secondary education accommodation, as appropriate

- ◆ appropriate community facilities, either on site or off
  - ◆ affordable housing by way of a commuted sum
  - ◆ roads infrastructure
  - ◆ 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)]*

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**10 Application P/21/1177 for Formation of Car Storage Depot (Class 6) for the Storage, Distribution and Processing of Vehicles, Erection of Ancillary Buildings, Car Parking, Access and Associated Infrastructure at Land 220 Metres South Southeast of 12 Stroud Road, Stroud Road, East Kilbride**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1171 by Copart UK for the formation of a car storage depot (class 6) for the storage, distribution and processing of vehicles, erection of ancillary buildings, car parking, access and associated infrastructure at land 220 metres south southeast of 12 Stroud Road, Stroud Road, East Kilbride.

There followed a discussion on the application during which officers responded to members' questions on aspects of the report.

**The Committee decided:** that planning application P/21/1177 by Copart UK for the formation of a car storage depot (class 6) for the storage, distribution and processing of vehicles, erection of ancillary buildings, car parking, access and associated infrastructure at land 220 metres south southeast of 12 Stroud Road, Stroud Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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**11 Application P/21/0947 for Change of Use of Bookmakers to Hot Food Takeaway and Installation of Extract Flue at Rear of 253 Glasgow Road, Blantyre**

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A report dated 10 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0947 by A Mohammed for the change of use of a bookmakers to hot food takeaway and the installation of an extract flue at the rear of 253 Glasgow Road, Blantyre.

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

**The Committee decided:** that planning application P/21/0947 by A Mohammed for the change of use of a bookmakers to hot food takeaway and the installation of an extract flue at the rear of 253 Glasgow Road, Blantyre be granted subject to the conditions specified in the Executive Director's report.

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**12 Application P/21/1231 for Erection of 18 Flats with Associated Works at Land 48 Metres North of 5 Bosfield Corner, Bosfield Corner, East Kilbride**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1231 by East Kilbride Housing Association for the erection of 18 flats with associated works at land 48 metres north of 5 Bosfield Corner, Bosfield Corner, East Kilbride.

There followed a discussion on the application during which officers responded to a member's question on aspects of the report.

**The Committee decided:** that planning application P/21/1231 by East Kilbride Housing Association for the erection of 18 flats with associated works at land 48 metres north of 5 Bosfield Corner, Bosfield Corner, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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**13 Application P/21/0061 for Siting of Caravan for use as Welfare Unit (Non-Residential) and the Erection of a Boundary Fence (Retrospective) at Land 140 Metres South of 1 Heather Road, Heather Road, Nemphlar, Lanark**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0061 by Forestfield for the siting of a caravan for use as a welfare unit (non-residential) and the erection of a boundary fence (retrospective) at land 140 metres south of 1 Heather Road, Heather Road, Nemphlar, Lanark.

A further representation had been received in relation to materials being burned on site and an officer confirmed that this matter was addressed in the proposed conditions attached to the report.

**The Committee decided:** that planning application P/21/0061 by Forestfield for the siting of a caravan for use as a welfare unit (non-residential) and the erection of a boundary fence (retrospective) at land 140 metres south of 1 Heather Road, Heather Road, Nemphlar, Lanark be granted subject to the conditions specified in the Executive Director's report.

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**14 Application P/19/0776 for Formation of 36 House Plots at Land 130 Metres North of Greenacres, Access for Kersewell College from A70 to Kersewell Avenue, Carnwath, Lanark**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0776 by A Early for the formation of 36 house plots at land 130 metres north of Greenacres, access for Kersewell College from A70 to Kersewell Avenue, Carnwath, Lanark.

A request for a pre-determination hearing in respect of the application had been received, however, the application did not meet the criteria for a hearing.

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.

There followed a discussion on the application during which officers responded to members' questions on aspects of the report.

**The Committee decided:** that planning application P/19/0776 by A Early for the formation of 36 house plots at land 130 metres north of Greenacres, access for Kersewell College from A70 to Kersewell Avenue, Carnwath, Lanark be deferred for consideration at a future meeting on the grounds that further information was required to provide clarity in relation to concerns regarding access to the proposed development via Kersewell Avenue.

*Councillor Cowie left the meeting during consideration of the above item of business*

*In terms of Standing Order No 13, the Chair adjourned the meeting at 12.20pm for a 30 minute period. The meeting recommenced at 12.50pm without the attendance of Councillors Burns, McLachlan and McClymont*

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### **15 Application P/22/0056 for Section 42 Application for Variation of Condition 8 of Planning Permission P/21/1391 to Enable up to 15 Houses to be Occupied Prior to the Agreed Road Upgrade Scheme Being Implemented in Full at Land 115 Metres Northwest of 52 Rickard Avenue, Rickard Avenue, Strathaven**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0056 by Bancon Homes and HJ Paterson for a section 42 application for variation of condition 8 of planning permission P/21/1391 to enable up to 15 houses to be occupied prior to the agreed road upgrade scheme being implemented in full at land 115 metres northwest of 52 Rickard Avenue, Rickard Avenue, Strathaven.

Following discussion, during which officers responded to members' questions on various aspects of the report, Councillor Anderson, seconded by Councillor Bradley, moved that condition 8 be amended to include the wording 'No more than 15 dwellinghouses shall be constructed and no dwellinghouses shall be occupied'. Councillor Scott, seconded by Councillor Devlin, moved that the variation of condition 8 be refused on the grounds of providing comfort to the objectors. On a vote being taken by roll call, members voted as follows:-

#### **Motion**

Alex Allison, John Anderson, John Bradley, Archie Buchanan, Peter Craig, Mary Donnelly, Isobel Dorman, Mark Horsham, Ian McAllan, Carol Nugent, Jim Wardhaugh

#### **Amendment**

Maureen Devlin, Graham Scott

11 members voted for the motion and 2 for the amendment. The motion was declared carried.

**The Committee decided:**

that planning application P/22/0056 by Bancon Homes and HJ Paterson for a section 42 application for variation of condition 8 of planning permission P/21/1391 to enable up to 15 houses to be occupied prior to the agreed road upgrade scheme being implemented in full at land 115 metres northwest of 52 Rickard Avenue, Rickard Avenue, Strathaven be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ a revised Condition 8 as follows:-  
"No development shall take place on the site until a scheme, approved in writing by the Planning Authority, for the carriageway widening of Berebriggs Road to permit two-way flow along its entire length has commenced. No more than 15 dwellinghouses shall be constructed and no dwellinghouses shall be occupied until the agreed scheme has been implemented in full or unless otherwise agreed in writing with the planning authority."

*[Reference: Minutes of 14 December 2021 (Paragraph 9)]*

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**16 Application P/21/1476 for Erection of House at 1 Gillfoot Nursery, Waygateshaw Road, Crossford, Carluke**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1476 by Woodside Developments Scotland Limited for the erection of a house at 1 Gillfoot Nursery, Waygateshaw Road, Crossford, Carluke.

**The Committee decided:**

that planning application P/21/1476 by Woodside Developments Scotland Limited for the erection of a house at 1 Gillfoot Nursery, Waygateshaw Road, Crossford, Carluke be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of Clydesdale Area Committee of 13 February 2018 (Paragraph 4)]*

*Councillors Bradley and Buchanan left the meeting during consideration of the above item of business*

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**17 Land at Law Place, East Kilbride – Preparation of Supporting Planning Guidance and Development Brief**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted:-

- ◆ on the outcome of public consultation on Supporting Planning Guidance and associated Development Brief prepared in respect of land at Law Place in East Kilbride
- ◆ requesting approval of the revised Supporting Planning Guidance and associated Development Brief, attached as appendix 1 to the report

At its meeting on 5 October 2021, the Committee had noted the implications and outcome of the legal challenge to part of the adopted South Lanarkshire Local Development Plan 2 (SLLDP2) which related to the designation of part of the former Rolls Royce site at Mavor Avenue in East Kilbride, as a Core Industrial and Business Area. The outcome of the legal challenge had resulted in a gap in the proposals map relating to the site and the Council had been required to publicise the decision of the Court and the fact that part of the SLLDP2 was not effective.

In terms of addressing the resultant gap in the proposals map, the Planning Committee, at its meeting on 5 October 2021, had approved Supporting Planning Guidance (SPG) and an associated Development Brief in relation to land at Law Place in East Kilbride, subject to a public consultation exercise being undertaken.

This consultation had subsequently been carried out between 20 October and 3 December 2021 and details of the method of the consultation and a summary of the points raised in the 16 letters of representation which had been received were provided in the report.

Following consideration of the representations, it was proposed that the original principles of the SPG and associated Development Brief, including the designation of the land as a Core Industrial and Business Area, remained unchanged. The reasons for this were set out in the report.

A number of minor amendments had been made to the proposed SPG and associated Development Brief to reflect responses to the public consultation, as well as changes to national and local policy and guidance, which had been implemented since the draft documents had been published.

Following discussion, during which officers responded to members' questions on various aspects of the report, Councillor Dorman, seconded by Councillor Horsham, moved the recommendations contained in the report. Councillor Scott, seconded by Councillor Devlin, moved that the approval of the SPG be refused and the land at Law Place, East Kilbride remain undesignated in the Local Development Plan in line with the outcome of the consultation exercise. On a vote being taken by roll call, members voted as follows:-

#### **Motion**

Alex Allison, Peter Craig, Mary Donnelly, Isobel Dorman, Mark Horsham, Ian McAllan, Carol Nugent, Jim Wardhaugh

#### **Amendment**

John Anderson, Maureen Devlin, Graham Scott

8 members voted for the motion and 3 for the amendment. The motion was declared carried.

#### **The Committee decided:**

- (1)** that the Supporting Planning Guidance and associated Development Brief in relation to land at Law Place in East Kilbride, attached as Appendix 1 to the report, be approved; and
- (2)** 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.

*[Reference: Minutes of 5 October 2021 (Paragraph 9)]*

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## **18 Fees for Planning Applications - Update**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on:-

- ◆ changes to fees for planning applications following publication of the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022
- ◆ recommendations in relation to discretionary charging, the waiving or reducing of fees and applying a surcharge for retrospective applications

The Scottish Government had previously consulted on planning performance and fees and the Council's response had been approved by this Committee at its meeting on 11 February 2020.

The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 were laid before the Scottish Parliament on 11 February 2022 and would come into force on 1 April 2022. The new Regulations introduced a number of revised fees for planning applications, effective from 1 April 2022, details of which were summarised in the report. The Council's website would be updated to reflect the revised fees and further publicity to alert developers and agents would be carried out as appropriate.

In addition to the revised fees for planning applications, the Regulations also permitted Planning Authorities to:-

- ◆ introduce discretionary charges in relation to some of its functions
- ◆ waive or reduce certain fees
- ◆ apply a surcharge on retrospective applications

In light of the above, it was proposed that a fee of £200 for dealing with each request for a non-material variation of a planning permission (under section 64 of the Act) and a fee of £100 for the discharge of each individual condition attached to a planning permission be introduced with effect from 1 May 2022.

Further reports would be submitted to future meetings of the Committee in relation to:-

- ◆ surcharges for retrospective applications, how they would be calculated and under what circumstances they could be imposed
- ◆ waiving and reducing fees for applications that contributed to not-for-profit or social enterprises or that were likely to contribute to improving the health of residents in the area to which the application related
- ◆ a charter setting out the circumstances in which the waiving or reduction of fees would be considered
- ◆ proposals for the introduction of charging for pre-application discussions, how they would be calculated and under what circumstances the charge could be waived or reduced

There followed a discussion on the report during which an officer responded to a member's questions.

### **The Committee decided:**

- (1) that the revised fees for planning applications introduced by The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022, which were summarised in the report and would come into effect from 1 April 2022, be noted;
- (2) that a fee of £200 for dealing with each request for a non-material variation of a planning permission (under section 64 of the Act) and a fee of £100 for the discharge of each individual condition attached to a planning permission be introduced with effect from 1 May 2022; and

- (3) that it be noted that further reports would be submitted to future meetings of the Committee in relation to discretionary charging, the waiving or reducing of fees, applying surcharges for retrospective applications and the introduction of charging for pre-application discussions.

*[Reference: Minutes of 11 February 2020 (Paragraph 13)]*

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## **19 Scottish Government Consultations: National Planning Framework 4, Local Development Plan Regulations and Guidance and Open Space Strategies and Play Sufficiency Assessments Regulations**

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A report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources) was submitted on the Council's responses to the Scottish Government's consultations on the following:-

- ◆ draft National Planning Framework 4
- ◆ Local Development Plan Regulations and Guidance
- ◆ Open Space Strategies and Play Sufficiency Assessments Regulations

The Planning (Scotland) Act 2019 received Royal Assent in July 2019 and placed the planning system in a central role in support of the Scottish Government's objective of creating a more successful country with opportunities for all to flourish through increased wellbeing and sustainable and inclusive economic growth. The legislation put in place a range of new statutory duties and measures to achieve this objective and details of the proposals in terms of the National Planning Framework 4, local development plans and Open Space Strategies and Play Sufficiency Assessments were provided in the report.

The deadline for submitting responses to the consultations was 31 March 2022. The proposed responses, which reflected comments from various Council services, were attached as appendices to the report.

A further report would be submitted to a future meeting of the Committee once the outcome of the consultations and the approval process for the National Planning Framework 4 and the Regulations on Open Space Strategies and Play Sufficiency Assessments were known.

There followed a discussion on the report during which an officer responded to members' questions.

**The Committee decided:** that the responses to the Scottish Government consultations on the following, attached as appendices 2 to 4 of the report, be approved for submission to the Scottish Government:-

- ◆ draft National Planning Framework 4
- ◆ Local Development Plan Regulations and Guidance
- ◆ Open Space Strategies and Play Sufficiency Assessments Regulations

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## **20 Urgent Business**

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There were no items of urgent business.

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**Chair's Closing Remarks**

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The Chair advised that she would not be standing in the forthcoming elections and expressed her thanks to officers and members in the work of the Planning Committee over the current Council term. She wished those who were seeking re-election good luck in the forthcoming Local Government Elections.

The Head of Planning and Economic Development thanked Councillor Dorman for her chairmanship and support to the planning officers and wished her well for the future.