

PLANNING COMMITTEE

Minutes of meeting held via Microsoft Teams on 23 March 2021

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Bradley, Councillor Archie Buchanan, Councillor Stephanie Callaghan, Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Lynsey Hamilton, Councillor Ian Harrow, Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Davie McLachlan, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Graham Scott, Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Joe Lowe, Councillor John Ross (ex officio), Councillor David Shearer, Councillor Collette Stevenson

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; T Meikle, Planning and Building Standards Manager (West)

Finance and Corporate Resources

J Davitt, Public Relations Officer; G McCann, Head of Administration and Legal Services; K McLeod, Administration Assistant; S McLeod, Administration Officer; G Stewart, Solicitor

Chair's Remarks

The Chair intimated that, should the meeting continue until 12.00 noon, there would be a minute's silence to observe the national day of reflection marking the first anniversary of the first UK COVID-19 lockdown and to provide an opportunity to reflect on the country's collective loss.

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 23 February 2021 were submitted for approval as a correct record.

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

3 Application Hearing P/20/1365 for Erection of Child Care Nursery (113 Children), Associated Car Parking, Drop-off/Pick-up Facilities, External Play Area, 2.4 Metre High Weld Mesh Fencing and Relocation of Electrical Substation at Land 30 Metres North of 21 Clyde Terrace, Bothwell

A report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1365 by South Lanarkshire Council for the erection of a child care nursery (113 children), associated car parking, drop-off/pick up facilities, external play area, 2.4 metre high weld mesh fencing and relocation of electrical substation at land 30 metres north of 21 Clyde Terrace, Bothwell.

Points raised in 4 further letters of representation were referred to at the meeting and addressed by officers.

A further late representation had been received in relation to the handling of the application which would be dealt with in terms of stage 2 of the Council's Complaints Handling Procedure.

Because of the level of public interest in the proposed development, the opportunity of a hearing had been offered to the objectors to the proposal and the applicant.

The Committee heard:-

- ◆ L Sherry, M McDonald and V Sinclair, on behalf of the applicant
- ◆ D Budge, M McLaughlin and J Pugh, on behalf of the objectors to the proposal

At 12.00 noon, as a mark of respect, all present observed a minute's silence.

Following discussion, it was proposed that the matter be deferred to allow for further consideration of parking and transport arrangements. In response to points raised by members in relation to consideration of the potential site options, the Head of Planning and Economic Development advised that this was a matter outwith the remit of the Planning Committee and might be best addressed by a more appropriate forum.

The Committee decided:

that planning application P/20/1365 by South Lanarkshire Council for the erection of a child care nursery (113 children), associated car parking, drop-off/pick up facilities, external play area, 2.4 metre high weld mesh fencing and relocation of electrical substation at land 30 metres north of 21 Clyde Terrace, Bothwell be continued to a future meeting of the Committee to allow for further consideration of parking and transport arrangements.

In terms of Standing Order No 13, the Chair adjourned the meeting at 12.15pm for a 15 minute period. The meeting recommenced at 12.30pm without the attendance of Councillors Bradley and Harrow

4 Application P/20/1578 for Replacement of Existing Sign to LED Sign at Advertising Station, 99 Glasgow Road, Cambuslang

A report dated 24 February 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1578 by Global for the replacement of an existing sign to an LED sign at the advertising station, 99 Glasgow Road, Cambuslang.

The Committee decided: that planning application P/20/1578 by Global for the replacement of an existing sign to an LED sign at the advertising station, 99 Glasgow Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

5 Application P/20/1751 for Partial Demolition of B-Listed Annex Building and Conversion of Retained Element to Form 8 Flats and Construction of 31 New Houses in the Cleared Area and Adjacent Playground Along with Associated Ancillary Works at Lanark Grammar Annex, Hyndford Road, Lanark

A report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1751 by Wilson Developments and Clyde Valley Housing Association for the partial demolition of a B-listed annex building and conversion of a retained element to form 8 flats and construction of 31 new houses in the cleared area and adjacent playground along with associated ancillary works at Lanark Grammar Annex, Hyndford Road, Lanark.

The Committee decided: that planning application P/20/1751 by Wilson Developments and Clyde Valley Housing Association for the partial demolition of a B-listed annex building and conversion of a retained element to form 8 flats and construction of 31 new houses in the cleared area and adjacent playground along with associated ancillary works at Lanark Grammar Annex, Hyndford Road, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 20 March 2007 (Paragraph 14)]

6 Application P/20/1752 for Partial Demolition of Annex Building and Conversion of Retained Element to Form 8 Flats (Listed Building Consent) at Lanark Grammar Annex, Hyndford Road, Lanark

A report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1752 by Wilson Developments and Clyde Valley Housing Association for the partial demolition of a B-listed annex building and conversion of a retained element to form 8 flats (listed building consent) at Lanark Grammar Annex, Hyndford Road, Lanark.

The Committee decided: that planning application P/20/1752 by Wilson Developments and Clyde Valley Housing Association for the partial demolition of a B-listed annex building and conversion of a retained element to form 8 flats (listed building consent) at Lanark Grammar Annex, Hyndford Road, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 20 March 2007 (Paragraph 14)]

7 Application P/20/1661 for Change of Use of Agricultural Land to Form Additional Garden Ground (Retrospective), Erection of Rear Extension and Side Extension to Form Garage at 16 Southend Court, Strathaven

A report dated 5 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1661 by A Bulloch for the change of use of agricultural land to form additional garden ground (retrospective), erection of rear extension and side extension to form garage at 16 Southend Court, Strathaven.

The application had been assessed against the relevant policies and criteria contained in the adopted South Lanarkshire Local Development Plan 2015, associated Supplementary Guidance and the proposed South Lanarkshire Local Development Plan 2. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

In the view of the Executive Director (Community and Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the proposal complied with policies 2, 4, 6 and DM2 of the adopted South Lanarkshire Local Development Plan
- ◆ the proposal complied with policies 2, 3, 5 and DM2 of the proposed South Lanarkshire Local Development Plan 2
- ◆ the proposal would have no adverse impact on residential or visual amenity
- ◆ the proposal was an extension to an existing residential property

The Committee decided: that planning application P/20/1661 by A Bulloch for the change of use of agricultural land to form additional garden ground (retrospective), erection of rear extension and side extension to form garage at 16 Southend Court, Strathaven be granted subject to the conditions specified in the Executive Director's report.

8 Application P/20/1730 for Erection and Operation of Windfarm Consisting of 21 Turbines, up to a Maximum Height to Blade Tip of 200 Metres (Consultation from Scottish Ministers Under Section 36 of the Electricity Act 1989) at Cumberhead West Wind Farm, Cumberhead Forest, Near Coalburn

A report dated 2 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1730 by Cumberhead West Wind Farm Limited for the erection and operation of a windfarm consisting of 21 turbines, up to a maximum height to blade tip of 200 metres (consultation from Scottish Ministers under Section 36 of the Electricity Act 1989) at Cumberhead West Wind Farm, Cumberhead Forest, Near Coalburn.

The proposal had been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it had an electricity 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 adopted South Lanarkshire Local Development Plan, associated Supplementary Guidance and the proposed South Lanarkshire Local Development Plan 2
- ◆ accorded with National Policy
- ◆ would not have any significant adverse impact within the surrounding area

The Committee decided:

- (1) that the Scottish Government be advised that the Council had no objections to planning application P/20/1730 by Cumberhead West Wind Farm Limited for the erection and operation of a windfarm consisting of 21 turbines, up to a maximum height to blade tip of 200 metres (consultation from Scottish Ministers under Section 36 of the Electricity Act 1989) at Cumberhead West Wind Farm, Cumberhead Forest, Near Coalburn, subject to the conditions specified in the Executive Director's report;
- (2) that, in addition, the Scottish Government be advised that approval should be subject to the conclusion of legal agreements covering:-
 - ◆ community contribution payments
 - ◆ the funding of a Planning Monitoring Officer
- (3) that the applicant be responsible for the Council's costs associated with the legal agreements and the restoration guarantee quantum; and
- (4) 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.

9 Application P/20/1838 for Change of Use from Public House to Retail Unit and External Alterations to Existing Building at The Old Original Bar, 285 Glasgow Road, Blantyre

A report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1838 by GHSL Limited for the change of use from public house to retail unit and external alterations to the existing building at The Old Original Bar, 285 Glasgow Road, Blantyre.

The Committee decided: that planning application P/20/1838 by GHSL Limited for the change of use from public house to retail unit and external alterations to the existing building at The Old Original Bar, 285 Glasgow Road, Blantyre be granted.

10 Application P/20/1665 for Change of Use from Dry Cleaners (Class 1) to Hot Food Takeaway (Sui Generis) at 36 Kirkton Park, East Kilbride

A report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1665 by Mayfair Cleaners for a change of use from dry cleaners (class 1) to hot food takeaway (sui generis) at 36 Kirkton Park, East Kilbride.

Points raised in letters of objection from Councillors Fagan and Ferguson were referred to at the meeting and addressed by officers.

Following discussion, Councillor Dorman, seconded by Councillor Horsham, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Scott, seconded by Councillor Wardhaugh, moved as an amendment that the application be refused on the grounds of road safety in terms of traffic volume and the amenity value of the area, including nuisance. On a vote being taken by roll call, members voted as follows:-

Motion

Stephanie Callaghan, Peter Craig, Isobel Dorman, Mark Horsham, Ann Le Blond

Amendment

Alex Allison, Archie Buchanan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Lynsey Hamilton, Martin Lennon, Richard Lockhart, Davie McLachlan, Lynne Nailon, Carol Nugent, Graham Scott, Bert Thomson, Jim Wardhaugh

5 members voted for the motion and 15 members voted for the amendment which was declared carried.

The Committee decided: that planning application P/20/1665 by Mayfair Cleaners for a change of use from dry cleaners (class 1) to hot food takeaway (sui generis) at 36 Kirkton Park, East Kilbride be refused on the grounds of road safety in terms of traffic volume and the amenity value of the area, including nuisance.

11 Planning Enforcement Charter

A report dated 3 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on proposed amendments to the Council's Planning Enforcement Charter.

The current Planning Enforcement Charter, approved by the Planning Committee at its meeting on 26 February 2019, included a priority system to assist officers in prioritising their responses to potential breaches which were most likely to have serious impact and which could affect important or sensitive sites.

Following the review of the Charter, the following amendments were proposed:-

- ◆ anonymous complaints would no longer be investigated unless the alleged unauthorised works related to a case which fell under the high priority category
- ◆ minor changes to the wording regarding the enforcement powers available to Planning and Economic Development Services and how to contact the Enforcement Team

In response to legislative requirements set out in the Planning (Scotland) Act 2019, the revised Charter had also been amended to:-

- ◆ reflect the increased penalties for non-compliance with notices served by the Council in terms of Section 42 of the Act
- ◆ include a statement in relation to the monitoring of compliance with planning permissions which had been granted in respect of major developments including how the Council would monitor compliance with such permissions, record its findings and make such records publicly available

If approved, the revised Charter, attached as an appendix to the report, would be published on the Council's website and would form the basis for the Planning Service's approach to the application of its enforcement powers.

The Committee decided:

- (1) that the amendments to the Council's Planning Enforcement Charter, as detailed in the appendix to the report, be approved; and

- (2) that the Head of Planning and Economic Development be authorised to modify the document to take account of drafting, presentational and technical matters prior to publication.

[Reference: Minutes of 26 February 2019 (Paragraph 11)]

Councillor Lockhart left the meeting during consideration of this item of business

12 Tree Preservation Order – Cityford Drive and Kingsbridge Drive, Rutherglen

A report dated 2 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on the promotion of a Provisional Tree Preservation Order (TPO) on trees located between Cityford Drive and Kingsbridge Drive, Rutherglen, as detailed on the plan attached to the Executive Director's report.

The Provisional TPO was required to ensure that no inappropriate work was undertaken to the trees, which were considered to contribute to the character, amenity and sense of place of the surrounding area of Bankhead, Rutherglen.

The Committee decided:

- (1) that a Provisional Tree Preservation Order be promoted under the terms of Section 163 (Provisional Tree Preservation Order) of the Town and Country Planning (Scotland) Act 1997 on the groups of trees within the areas identified on the plan attached to the report; and
- (2) that, should there be no objections to the Provisional Tree Preservation Order, the Order be confirmed within 6 months of the date of its promotion.

13 Urgent Business

There were no items of urgent business.