

# Halfway Community Council

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## Lindsay Freeland

Chief Executive

South Lanarkshire Council

Almada Street

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cc. Alistair Fulton, Chair of Planning Committee

Our ref: HCC/DB/LH1

Date: 21st June 2017

Dear Mr Freeland

## **FORMAL COMPLAINT STAGE 2 - DEVELOPMENT PROPOSED TO SOUTH of Gilbertfield Road, Cambuslang (CR/15/0239)**

I write to you on behalf of Halfway Community Council (HCC) following South Lanarkshire Council's Mr McGlynn's, Planning Officer's report and recommendation to approve application CR/15/0239 and the subsequent Planning Committee's majority decision to approve this application on the 28<sup>th</sup> of March 2017.

We wish to make a formal complaint against SLC's Planning Department's:-

- (a) sub-standard service and mal-administration on the grounds that relevant information was withheld by Planning Officers from elected members of the Planning Committee which resulted in misleading the committee by its omission and
- (b) non-compliance of procedures, evidence bias and unprofessional planning practice which resulted in councillors making a perverse decision at the Planning Committee meeting of the 28<sup>th</sup> of March 2107 in relation to planning application CR/15/0239.

We believe previous complaints submitted by councillor Walter Brogan and members of the community – Stephen Towill and Dave Hutton in relation this development proposal have already been dealt with informally and exhausted under your stage 1 of your procedures so we would now like to proceed with a full and independent investigation by impartial councillors under stage 2 of your procedures.

By way of a resolution to the complaint outlined in this letter, we suggest that the issuing and signing of the legal notice and decision on the current planning development application – CR/15/0239 that was approved on the 28<sup>th</sup> of March 2017 **is immediately put on hold** until a full and independent investigation has taken place and your Complaints procedure has been exhausted.

Following the outcome of that investigation we request that the new Planning Committee re-consider the planning application along with a site visit and all additional and accurate information that was not previously considered, and which would appear to have “misled by omission.”

## **1. Grounds for Complaint – Substandard Public Service and Mal-administration**

### **1.1. Ignored Objections not considered**

1.11 The planning report omitted key information that should have been made public and brought to the attention of all the Councillors on the Planning Committee on the 28<sup>th</sup> of March 2017 around the nature and number of formal objections made against the planning development proposal. In keeping this information from the Planning Committee the Planning Officer deliberately misled the councillors of the Planning Committee on the nature, volume and impact of these objections.

1.12 *Section 6.10 of the Planning Report states that there were “62 letters of representation, 6 letters of comment and 1 letter of support have been received together with an on-line petition with 1,192 signatures were received in respect of the proposal which have been addressed in Section 5 above.”*

An additional 60 plus objections from members of the public and others were not logged in time for the Planning committee to consider them and neither were these listed & summarised in a written “UPDATE NOTE” circulated on the committee day to elected members. Comments made in this 3-day window period up to about an hour before the start of the Planning Committee (usually 2pm) should have at the very least been mentioned verbally at the Committee.

Formal objections submitted between the 20<sup>th</sup> and 27<sup>th</sup> of March from the following people who represent the interests of members in their constituencies in Cambuslang East and West were completely ignored and not recorded in the Planning report or even referred to at the Planning Committee meeting on the 28<sup>th</sup> March :-

MP Margaret Ferrier (27/3/17)

**Halfway Community Council (23/3/17)**

**Cambuslang Community Council (23/3/17)**

**Councillor Walter Brogan (23/3/17)**

Councillor Tullet (26/3/17)

Councillor Stuart Gallagher (27/3/17)

**Councillor Pam Clearie (20/3/17)**

**MSP James Kelly (22/3/17)**

**MSP James Claire Haughey (21/3/17)**

Those highlighted in bold meet the three day window timescale which should have been circulated to the Planning Committee.

This significant body of local, national and UK wide representation objecting to this development should have been made available to the Councillors sitting on the Planning Committee, yet it was deliberately hidden from them.

A formal objection was lodged by the Lowland Reserve Forces who are extremely concerned and raised significant issues in writing to the Planning Department back in December 2015 about the bordering residential development and whose long established shooting range will be 160m from the nearest property. This letter was only acknowledged with no follow up from the Planning Department or the developer. Their issues were repeated in their more recent correspondences and in their formal objection of the **22<sup>nd</sup> of March**. Yet this formal objection was yet again ignored both by the Planning Department and the developer and hidden from the Planning Committee. No contact was made with the Lowland Reserve to discuss the concerns from December 2015 and the latest objection dated 22<sup>nd</sup> of March was not even referred to within the Planning report or indeed advised verbally at the Planning Committee meeting of the 28<sup>th</sup> of March. The Lowland Reserves Forces, a Mr Neil Farquar, also advised the planning authority not to grant the application without a proper noise assessment and agreed mitigation in place. There is no excuse for not informing the Planning Committee of the Lowland forces objection and in fact begs the question why was their such a rush not to address these issues? Was it anything to do with a rush to submit to committee before the elections? Surely it is the responsibility of the council to ensure that matters such as this are fully resolved before presenting an application for approval? Waiting for residents to complain about the noise is surely not a cost effective and concerned community approach to handle this? Point 5m states that the NIA "has been fully assessed by Environmental Services." It is a fact that the developer ignored the request to carry out a NIA during the weekend when the noise impact is most significant. A fact that would have not have been overlooked if the Planning department had required an EIA to be carried out for this significant development. The EIA would then have allowed for a comprehensive overview of all environmental issues associated with this site.

## **1.2 No Community Representation Allowed at the Planning Committee Meeting**

A member of the local community, Stephen Towill had his request to attend the meeting and represent the community refused on the following basis:-

*5.3 A request for a hearing at Planning Committee has also been received. In terms of the Council's criteria for hearings, a hearing must be offered in respect of major developments where they are significantly contrary in terms of the development plan. However in this case, the site has been designated as a housing site in the Local Development Plan and therefore complies with the relevant planning policy. In all other cases, the guidance states that requests should only be favourably considered where in the view of the Head of Planning in consultation with the Committee Chair, an application has attracted a substantial body of objection relative to the proposal/location and the recommendation is to grant consent. However, is not considered that this is the case in respect of this particular application.*