

## PLANNING COMMITTEE

Minutes of meeting held via Confero and in the Council Chamber, Council Offices, Almada Street, Hamilton on 13 September 2022

### Chair:

Councillor Richard Nelson

### Councillors Present:

Councillor Alex Allison, Councillor Ross Clark, Councillor Gerry Convery (Depute), Councillor Margaret Cowie, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Gladys Ferguson-Miller, Councillor Alistair Fulton, Councillor Celine Handibode, Councillor Mark Horsham, Councillor Ross Lambie, Councillor Lesley McDonald, Councillor Davie McLachlan, Councillor Julia Marrs (*substitute for Councillor David Shearer*), Councillor Norman Rae, Councillor Dr Ali Salamati, Councillor Bert Thomson (*substitute for Councillor Ralph Barker*), Councillor Helen Toner, Councillor David Watson

### Councillors' Apologies:

Councillor Ralph Barker, Councillor Archie Buchanan, Councillor Joe Fagan (ex officio), Councillor Elise Frame, Councillor Monique McAdams, Councillor John Ross, Councillor Graham Scott, Councillor David Shearer

### Attending:

#### Community and Enterprise Resources

B Darroch, Planning and Building Standards Manager (East); 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 Team)

#### Finance and Corporate Resources

M Cannon, Solicitor; S Jessup, Administration Assistant; S McLeod, Administration Officer

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### Death of HRH Queen Elizabeth II

The Chair referred to the death of HRH Queen Elizabeth II. As a mark of respect, all present stood and observed a minute's silence.

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## 1 Declaration of Interests

The following interests were declared:-

<b>Councillor(s)</b>	<b>Item(s)</b>	<b>Nature of Interest(s)</b>
Donnelly	Application P/22/0954 for Erection of Single Storey Rear Extension at 59 Newfield Crescent, Hamilton	Applicant
Marrs	Application P/22/0954 for Erection of Single Storey Rear Extension at 59 Newfield Crescent, Hamilton	Friend of the applicant

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## 2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 16 August 2022 were submitted for approval as a correct record.

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

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### **3 Application P/22/0954 for Erection of Single Storey Rear Extension at 59 Newfield Crescent, Hamilton**

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A report dated 24 August 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0954 by M Donnelly for the erection of a single storey rear extension at 59 Newfield Crescent, Hamilton.

**The Committee decided:** that planning application P/22/0954 by M Donnelly for the erection of a single storey rear extension at 59 Newfield Crescent, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*Councillors Donnelly and Marrs, having declared an interest in this item, withdrew from the meeting during its consideration*

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### **4 Application P/22/0524 for Erection of 296 Houses and Associated Infrastructure Works (Approval of Matters Specified in Conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of Planning Consent EK/09/0218 at Bellway Phase 2, East Kilbride Community Growth Area (CGA), Newhouse Road, East Kilbride**

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A report dated 1 September 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0524 by Bellway Homes Limited and Abbey Developments (Jackton) Limited for the erection of 296 houses and associated infrastructure works (approval of matters specified in conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of planning consent EK/09/0218 at Bellway Phase 2, East Kilbride Community Growth Area (CGA), Newhouse Road, East Kilbride.

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/22/0524 by Bellway Homes Limited and Abbey Developments (Jackton) Limited for the erection of 296 houses and associated infrastructure works (approval of matters specified in conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of planning consent EK/09/0218 at Bellway Phase 2, East Kilbride Community Growth Area (CGA), Newhouse Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 26 June 2018 (Paragraph 4)]*

*Councillor Watson, as the mover of an amendment which failed to find a seconder, asked that his dissent be recorded*

*Councillor Rae joined the meeting during this item of business*

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### **5 Application P/22/0851 for Erection of 55 Houses with Associated Infrastructure and Landscaping at Land 165 Metres Southwest of South Lanarkshire Lifestyles Stonehouse, Strathaven Road, Stonehouse, Larkhall**

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A report dated 25 August 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0851 by Miller Homes for the erection of 55 houses with associated infrastructure and landscaping at land 165 metres southwest of South Lanarkshire Lifestyles Stonehouse, Strathaven Road, Stonehouse, Larkhall.

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:**

- (1) that planning application P/22/0851 by Miller Homes for the erection of 55 houses with associated infrastructure and landscaping at land 165 metres southwest of South Lanarkshire Lifestyles Stonehouse, Strathaven Road, Stonehouse, Larkhall 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 and the applicant to ensure a financial contribution was made for the improvement/upgrading of educational and community facilities and the provision of off-site affordable housing
  - ♦ 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 26 April 2016 (Paragraph 6)]*

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**6 Application P/22/0469 for Discharge of Conditions 1 (Excluding 1(f)), 6, 8, 9, 10, 11, 12, 13, 14, 16 and 18 of Consent HM/17/0488 (Mixed Use Development Incorporating Residential Houses, Hotel, Office, Care Home, Retail, Restaurant/Cafe, Open Space and Associated Works (Planning Permission in Principle) (Approval of Matters Specified in Conditions) at Former University of the West of Scotland, Almada Street, Hamilton**

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A report dated 2 September 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0469 by First Endeavour LLP and the University of the West of Scotland for the discharge of conditions 1 (excluding 1(f)), 6, 8, 9, 10, 11, 12, 13, 14, 16 and 18 of Consent HM/17/0488 (mixed use development incorporating residential houses, hotel, office, care home, retail, restaurant/café, open space and associated works (Planning Permission in Principle) (Approval of Matters Specified in Conditions) at the site of the former University of the West of Scotland, Almada Street, Hamilton.

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

**The Committee decided:** that application P/22/0469 by First Endeavour LLP and the University of the West of Scotland for the discharge of conditions 1 (excluding 1(f)), 6, 8, 9, 10, 11, 12, 13, 14, 16 and 18 of Consent HM/17/0488 (mixed use development incorporating residential houses, hotel, office, care home, retail, restaurant/café, open space and associated works (Planning Permission in Principle) (Approval of Matters Specified in Conditions) at the site of the former University of the West of Scotland, Almada Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 13 February 2018 (Paragraph 9)]*

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**7 Application P/22/0348 for Erection of Restaurant with Ancillary Takeaway and New Vehicular Access, Parking and Associated Works at 235 Stonelaw Road, Rutherglen**

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A report dated 25 August 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0348 by M Naveed for the erection of a restaurant with ancillary takeaway and new vehicular access, parking and associated works at 235 Stonelaw Road, Rutherglen.

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

**The Committee decided:** that application P/22/0348 by M Naveed for the erection of a restaurant with ancillary takeaway and new vehicular access, parking and associated works at 235 Stonelaw Road, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 6 November 2018 (Paragraph 5)]*

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**8 Application P/21/1127 for Erection of 6 Wind Turbines (5 With a Maximum Height to Tip of 250 Metres and 1 with a Maximum Height to Tip of 209 Metres) and Associated Infrastructure Including Access Tracks and Electrical Control Building at Mill Rig Wind Farm, Waterhead Peelhill and Linbank Highway, Strathaven**

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A report dated 2 September 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1127 by Mill Rig Wind Farm LLP, c/o Banks Renewables Limited for the erection of 6 wind turbines (5 with a maximum height to tip of 250 metres and 1 with a maximum height to tip of 209 metres) and associated infrastructure including access tracks and electrical control building at Mill Rig Wind Farm, Waterhead Peelhill and Linbank Highway, Strathaven.

The application was considered acceptable on the basis that the proposal was consistent with:-

- ◆ relevant government policy and guidance
- ◆ the adopted South Lanarkshire Local Development Plan 2

At its meeting on 7 July 2025, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Planning Obligation and/or other agreement and the approved procedure would apply.

**The Committee decided:-**

- (1) that planning application P21/1127 by Mill Rig Wind Farm LLP, c/o Banks Renewables Limited for the erection of 6 wind turbines (5 with a maximum height to tip of 250 metres and 1 with a maximum height to tip of 209 metres) and associated infrastructure including access tracks and electrical control building at Mill Rig Wind Farm, Waterhead Peelhill and Linbank Highway, Strathaven be granted subject to:-
  - ◆ the conditions specified in the Executive Director's Report
  - ◆ the conclusion of a Planning Obligation and/or other legal agreements between the Council and the applicant to ensure:-
    - ◆ a bridge assessment analysis was undertaken to ensure that all bridges affected by the proposals could safely accommodate abnormal loads and that a report be submitted (which demonstrated suitable check certification had been carried out) for the Council, as Roads Authority, to approve
    - ◆ any remediation works required to be carried out on any bridge not considered to be capable of carrying the proposed loads, following approval of the works by the Council, as Roads Authority, be carried out by the applicant
    - ◆ a suitable inspection regime of the bridges during construction of the wind turbines, which would inform the resultant requirements and responsibilities of the applicant, be detailed in the legal agreement
    - ◆ the provision of community contribution payments
  - ◆ the applicant meeting the Council's legal costs associated with the Planning Obligation and/or other 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 Planning Obligation and/or other legal agreements within 6 months of the date of the Committee at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which would be secured by the Planning Obligation and/or other legal agreements, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation and/or other legal agreements 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 Planning Obligation and/or other legal agreements.

*[Reference: Minutes of 7 July 2015 (Paragraph 15) and 10 September 2019 (Paragraph 6)]*

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**9 Application P/22/0349 for Extension to Time Period of Planning Permission P/19/0076 for a Further 3 Years at Larkhall Community Growth Area, Summerlee Road, Larkhall**

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A report dated 5 September 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0349 by Persimmon Homes for an extension to the time period of planning permission P/19/0076 for a further 3 years at Larkhall Community Growth Area, Summerlee Road, Larkhall.

**The Committee decided:** that application P/22/0349 by Persimmon Homes for an extension to the time period of planning permission P/19/0076 for a further 3 years at Larkhall Community Growth Area, Summerlee Road, Larkhall be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 19 November 2019 (Paragraph 5)]*

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## **10 Urgent Business**

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There were no items of urgent business.