

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 8 October 2019

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Bradley, Councillor Archie Buchanan, Councillor Stephanie Callaghan, Councillor Gerry Convery (*substitute for Councillor Walter Brogan*), Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Mark Horsham (Depute), Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Kenny McCreary, Councillor Davie McLachlan, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Graham Scott, Councillor Collette Stevenson, Councillor Bert Thomson, Councillor Jim Wardhaugh, Councillor Jared Wark (*substitute for Councillor Ann Le Blond*)

Councillors' Apologies:

Councillor Walter Brogan, Councillor Jackie Burns, Councillor Ann Le Blond, Councillor John Ross, Councillor David Shearer

Attending:

Community and Enterprise Resources

B Darroch, Area Manager, Planning and Building Standards Services (Hamilton); P Elliott, Head of Planning and Economic Development; T Finn, Headquarters and Area Manager (Clydesdale), Planning and Building Standards Services; F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride)

Finance and Corporate Resources

J Davitt, Public Relations Officer; P MacRae, Administration Officer; K Moore, Legal Services Adviser; A Norris, Administration Assistant; A Thompson, Media Officer

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Dryburgh	Application P/19/0662 – Change of Use from Agricultural Field to 3 Dog Running Fields, Erection of 3 Shelters and Formation of 2 Car Parks (Retrospective) at Land 180 Metres South Southwest of Loanend Cottages, Loanend Road, Cambuslang	User of the facility

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 10 September 2019 were submitted for approval as a correct record.

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

3 Application HM/16/0541 for Importation of Inert Waste to Restore Former Reservoir to Agricultural Land and Temporary Operation of Inert Construction Waste Recycling Facility at Wellbrae Reservoir, Muttonhole Road, Hamilton

A report dated 16 September 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/16/0541 by Advance Construction (Scotland) Limited for the importation of inert waste to restore former reservoir to agricultural land and temporary operation of inert construction waste recycling facility at Wellbrae Reservoir, Muttonhole Road, Hamilton.

After a full 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 Donnelly, seconded by Councillor Thomson, moved as an amendment that consideration of the application be continued to a future meeting of the Committee to allow for further information to be provided on road access/issues, including details of potential road realignment. On a vote being taken by a show of hands, 20 members voted for the amendment and 3 for the motion. The amendment was declared carried.

The Committee decided:

that consideration of planning application HM/16/0541 by Advance Construction (Scotland) Limited for the importation of inert waste to restore former reservoir to agricultural land and temporary operation of inert construction waste recycling facility at Wellbrae Reservoir, Muttonhole Road, Hamilton be continued to a future meeting of the Committee to allow for further information to be provided on road access/issues, including details of potential road realignment.

[Reference: Minutes of 23 August 2011 (Paragraph 3)]

4 Application P/19/1038 for Installation of New Access to Public Road and Access Track to Serve Proposed Restoration of Former Reservoir to Agricultural Land at Wellbrae Reservoir, Muttonhole Road, Hamilton

A report dated 16 September 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1038 by Advance Construction (Scotland) Limited for the installation of a new access to the public road and access track to serve the proposed restoration of a former reservoir to agricultural land at Wellbrae Reservoir, Muttonhole Road, Hamilton.

After a full 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 Donnelly, seconded by Councillor Thomson, moved as an amendment that consideration of the application be continued to a future meeting of the Committee to allow for further information to be provided on road access/issues, including details of potential road realignment. On a vote being taken by a show of hands, 20 members voted for the amendment and 3 for the motion. The amendment was declared carried.

The Committee decided:

that consideration of planning application P/19/1038 by Advance Construction (Scotland) Limited for the installation of a new access to the public road and access track to serve the proposed restoration of a former reservoir to agricultural land at Wellbrae Reservoir, Muttonhole Road, Hamilton be continued to a future meeting of the Committee to allow for further information to be provided on road access/issues, including details of potential road realignment.

[Reference: Minutes of 23 August 2011 (Paragraph 3)]

5 Application P/19/0662 for Change of Use from Agricultural Field to 3 Dog Running Fields, Erection of Boundary Fencing, Erection of 3 Shelters and Formation of 2 Car Parks (Retrospective) at Land 180 Metres South Southwest of Loanend Cottages, Loanend Road, Cambuslang

A report dated 26 September 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0662 by Run Free Dog Fields Limited for the change of use from an agricultural field to 3 dog running fields, erection of boundary fencing, erection of 3 shelters and formation of 2 car parks (retrospective) at land 180 metres south southwest of Loanend Cottages, Loanend Road, Cambuslang.

The Headquarters and Area Manager (Clydesdale):-

- ◆ advised that a letter had been received from Ged Killin, MP requesting a hearing and a site visit in respect of the application but that, in both cases, the criteria had not been met
- ◆ referred to and addressed points raised in late letters of representation from Councillor Fulton, a local member, and Clare Haughey, MSP
- ◆ advised that further representations had been received from Halfway Community Council but that these had raised no new issues

The Committee heard Councillor Loudon, a local member, on concerns raised by local residents in relation to the proposal, including:-

- ◆ impact on the amenity of adjacent residential properties
- ◆ lack of on-site monitoring by the applicant

After a full discussion, Councillor Dorman, seconded by Councillor Horsham, moved that the application be granted subject to the conditions specified in the Executive Director's report but that consent for the third (Halfway) dog running field be for a temporary period of 1 year. Councillor Lockhart, seconded by Councillor Craig, moved as an amendment that the application be granted subject to the conditions specified in the Executive Director's report but that the consent be restricted to 2 of the 3 dog running fields and that no consent be granted for the third (Halfway) dog running field. On a vote being taken by a show of hands, 16 members voted for the amendment and 5 for the motion. The amendment was declared carried.

The Committee decided:

that planning application P/19/0662 for the change of use from an agricultural field to 3 dog running fields, erection of boundary fencing, erection of 3 shelters and formation of 2 car parks (retrospective) at land 180 metres south southwest of Loanend Cottages, Loanend Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report but that the consent be restricted to 2 of the 3 dog running fields and, consequently, that an additional condition be attached to the consent as follows:-

"That no consent is granted for the use of Halfway Field as a dog running field.

Reason

To safeguard the residential amenity of the area"

Councillor Dryburgh, having declared an interest in the above application, withdrew from the meeting during its consideration. Councillor Loudon, having made representations to the Committee on this application as a local member, then withdrew from the meeting during its consideration

In terms of Standing Order No 13, the Chair adjourned the meeting at 11.20am for a 10 minute period. The meeting reconvened at 11.30am

6 Application P/19/0970 for Installation of 13 Kilometres of Underground Electrical Cable, Erection of New Sub-station and Extension to Existing Sub-station with Associated Access, Infrastructure and Ancillary Works (Including Temporary Construction Compounds) at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark

A report dated 17 September 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0970 by Brookfield Renewable UK Limited for the installation of 13 kilometres of underground electrical cable, erection of a new sub-station and extension to existing sub-station with associated access, infrastructure and ancillary works (including temporary construction compounds) at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark.

The Committee decided:

that planning application P/19/0970 by Brookfield Renewable UK Limited for the installation of 13 kilometres of underground electrical cable, erection of a new sub-station and extension to existing sub-station with associated access, infrastructure and ancillary works (including temporary construction compounds) at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 4 December 2018 (Paragraph 6)]

7 Application P/19/1145 for Erection of 19 Wind Turbines, 180 Metres Maximum Height to Blade Tip, Access Tracks, Sub-station and Other Associated Infrastructure (Section 36C Application) at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark

A report dated 16 September 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1145 by Brookfield Renewables UK Limited for the erection of 19 wind turbines with a maximum height to blade tip of 180 metres, access tracks, sub-station and other associated infrastructure at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark.

At its meeting on 24 March 2015, the Committee had agreed that the Scottish Government be advised that the Council had no objections to an application (CL/13/0042) under Section 36 of the Electricity Act 1989 for the erection of 19 wind turbines, 145 metres maximum height to blade tip and other works at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark. The current application (P/19/1145) had been made to the Scottish Government to amend the original consent under Section 36C of the Electricity Act 1989 to increase the height of the turbines to 180 metres to blade tip and to increase the consented steel lattice anemometer mast from 90 metres to 113.5 metres.

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 proposal was considered acceptable on the basis that:-

- ◆ the increase in turbine height did not have any significant, adverse impact in relation to the previous consented development
- ◆ it was consistent with National Policy and the relevant provisions of the development plan

The Committee decided:

- (1) that the Scottish Government be advised that the Council had no objections to planning application P/19/1145, for the erection of 19 wind turbines with a maximum height to blade tip of 180 metres, access tracks, sub-station and other associated infrastructure under Section 36C of the Electricity Act 1989, subject to conditions based on the conditions attached to 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
 - ◆ control over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements
- (3) that the applicant be responsible for the Council's costs associated with the legal agreements; and
- (4) that the Head of Planning and Economic Development be authorised to undertake any discussions, further agreements of conditions and planning obligations, if required, with the Scottish Government.

[Reference: Minutes of 24 March 2015 (Paragraph 14)]

8 Application P/18/1629 for Erection of 112 Houses and Associated Infrastructure Works (Approval of Matters Specified in Conditions 1 (a to r), 3, 4, 6 to 10 and 12 of Planning Permission in Principle EK/09/0218) at Land to the Southwest of East Kilbride, Largely Bounded by Eaglesham Road, Jackton Road and Newlands Road

A report dated 26 September 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1629 by Abbey Developments (Jackton) Limited/Bellway Homes Limited Scotland for the erection of 112 houses and associated infrastructure works (approval of matters specified in Conditions 1 (a to r), 3, 4, 6 to 10 and 12 of planning permission in principle EK/09/0218) at land to the southwest of East Kilbride, largely bounded by Eaglesham Road, Jackton Road and Newlands Road.

The Committee decided:

that planning application P/18/1629 by Abbey Developments (Jackton) Limited/Bellway Homes Limited Scotland for the erection of 112 houses and associated infrastructure works (approval of matters specified in Conditions 1 (a to r), 3, 4, 6 to 10 and 12 of planning permission in principle EK/09/0218) at land to the southwest of East Kilbride, largely bounded by Eaglesham Road, Jackton Road and Newlands Road be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ an amended Condition 11 as follows:-
"That notwithstanding the plans hereby approved and prior to the start of the development, a construction and traffic management plan to include development phasing, location of construction compounds, appropriate turning and parking facilities, construction routes and hours of operation, where required, shall be submitted to and approved in writing by the Planning Authority

Reason:

To ensure that sufficient facilities are in place to minimise disturbance during construction"

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

9 Application P/19/1100 for Erection of 57 Residential Units (Including 12 Cottage Flats) with Associated Roads and Landscaping at Land 45 Metres South of 56 Ell Crescent, Cambuslang

A report dated 19 September 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1100 by Persimmon Homes and South Lanarkshire Council for the erection of 57 residential units (including 12 cottage flats) with associated roads and landscaping at land 45 metres south of 56 Ell Crescent, Cambuslang.

Points raised in a letter from Councillor Walker were referred to at the meeting and addressed by officers.

The Committee decided: that planning application P/19/1100 by Persimmon Homes and South Lanarkshire Council for the erection of 57 residential units (including 12 cottage flats) with associated roads and landscaping at land 45 metres south of 56 Ell Crescent, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of Housing and Technical Resources Committee of 15 June 2019 (Paragraph 10)]

Councillor Nugent left the meeting following consideration of this item of business

10 Application P/19/0368 for Erection of 11 Houses, Associated Access Road and Ground and Retention Works at Land 140 Metres West of 165 Lanark Road, Crossford, Carluke

The Chair advised that this application had been withdrawn at the request of the applicant.

The Committee decided: to note the position.

11 Application P/19/1022 for Extension to Church to Form New Entrance at Moncrieff Parish Church, Maxwellton Road, East Kilbride

A report dated 26 September 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1022 by Moncrieff Parish Church for an extension to a church to form a new entrance at Moncrieff Parish Church, Maxwellton Road, East Kilbride.

The Committee decided: that planning application P/19/1022 by Moncrieff Parish Church for an extension to a church to form a new entrance at Moncrieff Parish Church, Maxwellton Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

12 Application P/19/1045 for Erection of 19 Single Storey and Two Storey Detached Houses, Detached Garages, Associated Access Road, Infrastructure and Landscaping at Land East of Hyndford Road, Hyndford Bridge, Lanark

A report dated 17 September 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1045 by Hyndford Development Company Limited for the erection of 19 single storey and two storey detached houses, detached garages, associated access road, infrastructure and landscaping at land east of Hyndford Road, Hyndford Bridge, Lanark.

The Committee decided: that planning application P/19/1045 by Hyndford Development Company Limited for the erection of 19 single storey and two storey detached houses, detached garages, associated access road, infrastructure and landscaping at land east of Hyndford Road, Hyndford Bridge, Lanark be granted subject to the conditions specified in the Executive Director's report.

Councillor Cowie left the meeting following consideration of this item of business

13 Application HM/17/0089 for Formation of Roundabout, SUDs Pond and Associated Works at Land at Former Waterworks Site, Strathaven Road, Hamilton

A report dated 26 September 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0089 by Robertson Homes and Paterson Partners for the formation of a roundabout, SUDs pond and associated works at land at the former waterworks site, 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 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 HM/17/0089 by Robertson Homes and Paterson Partners for the formation of a roundabout, SUDs pond and associated works at land at the former waterworks site, Strathaven Road, Hamilton be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Planning Obligation to ensure the submission of an equitable financial contribution, on an agreed pro-rata basis, in relation to infrastructure and other costs associated with the Hamilton Community Growth Area namely:-
 - ◆ roads infrastructure
 - ◆ education provision
 - ◆ community facilities
 - ◆ affordable housing
 - ◆ the applicants 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 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 would be secured by the Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation 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.

[Reference: Minutes of 21 June 2011 (Paragraph 3) and 7 July 2015 (Paragraph 15)]

14 Application HM/17/0090 for a Residential Development (37 Units) and Associated Drainage, Infrastructure and Landscape Works at Land at Former Waterworks Site, Strathaven Road, Hamilton

A report dated 26 September 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0090 by Robertson Homes and Paterson Partners for a residential development (37 units) and associated drainage, infrastructure and landscape works at land at the former waterworks site, 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 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 HM/17/0090 by Robertson Homes and Paterson Partners for a residential development (37 units) and associated drainage, infrastructure and landscape works at land at the former waterworks site, Strathaven Road, Hamilton P/19/1038 be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Planning Obligation to ensure the submission of an equitable financial contribution, on an agreed pro-rata basis, in relation to infrastructure and other costs associated with the Hamilton Community Growth Area namely:-
 - ◆ roads infrastructure
 - ◆ education provision
 - ◆ community facilities
 - ◆ affordable housing
 - ◆ the applicants 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 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 would be secured by the Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation 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.

[Reference: Minutes of 21 June 2011 (Paragraph 3) and 7 July 2015 (Paragraph 15)]

15 Application P/19/0628 for Erection of 13 Wind Turbines with a Maximum Height of 200 Metres to Blade Tip (Section 36 Consultation) at Douglas West Wind Farm, Middlemuir Road, Coalburn, Lanark

A report dated 19 September 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0628 for the erection of 13 wind turbines with a maximum height of 200 metres to blade tip at Douglas West Wind Farm, Middlemuir Road, Coalburn, Lanark.

The proposal had been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it added additional capacity to an existing 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 Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance

- ♦ 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 objection to the proposed erection of 13 wind turbines with a maximum height of 200 metres to blade tip at Douglas West Wind Farm, Middlemuir Road, Coalburn, Lanark subject to conditions based on the conditions attached to the Executive Director's report;
- (2) that the Head of Planning and Economic Development be authorised to undertake any discussions or agreements on the proposed conditions and planning obligations, if required, with the Scottish Government;
- (3) that the Scottish Government be advised that approval should be subject to a legal agreement(s) covering:-
 - ♦ community contribution payments
 - ♦ the funding of a Planning Monitoring Officer
 - ♦ control over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements; and
- (4) that the applicant be responsible for meeting the Council's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

16 Application P/19/1126 for Erection of 48 Houses (Including Cottage Flats) with Associated Roads, Parking and Landscaping at Land 350 Metres East of Kennedies Farm of Highstonehall Road, Hamilton

A report dated 26 September 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1126 by South Lanarkshire Council/HUB for the erection of 48 houses (including cottage flats) with associated roads, parking and landscaping at land 350 metres east of Kennedies Farm of Highstonehall Road, Hamilton.

The Committee decided:

that planning application P/19/1126 by South Lanarkshire Council/HUB for the erection of 48 houses (including cottage flats) with associated roads, parking and landscaping at land 350 metres east of Kennedies Farm of Highstonehall Road, Hamilton be granted subject to the conditions specified in the Executive Director's report.

17 Urgent Business

There were no items of urgent business.