

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 10 March 2020

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Bradley, Councillor Walter Brogan (*substitute for Councillor Margaret Cowie*), Councillor Stephanie Callaghan, Councillor Gerry Convery (*substitute for Councillor Bert Thomson*), Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Lynsey Hamilton, Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Richard Lockhart, Councillor Kenny McCreary, Councillor Davie McLachlan, Councillor Lynne Nailon, Councillor Graham Scott, Councillor David Shearer, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Margaret Cowie, Councillor Martin Lennon, Councillor Carol Nugent, Councillor John Ross (ex officio), Councillor Collette Stevenson, Councillor Bert Thomson

Attending:

Community and Enterprise Resources

B Darroch, Area Manager, Planning and Building Standards Services (Hamilton); 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

M Canning, Legal Adviser; P MacRae, Administration Officer; G McCann, Head of Administration and Legal Services; K McLeod, Administration Assistant; A Thompson, Public Relations Officer

1 Declaration of Interests

The following interests were declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Horsham	Application P/20/0069 for Erection of House (Substitution of House Type) (Amendment to Planning Application EK/17/0063) at 1 Floors Farm, Stonehouse Road, Strathaven	Close family member submitted a representation on the application
Shearer	Application P/20/0069 for Erection of House (Substitution of House Type) (Amendment to Planning Application EK/17/0063) at 1 Floors Farm, Stonehouse Road, Strathaven	Employed by an objector to the proposal
Allison	Application P/19/1180 for Demolition of Existing House, Erection of Replacement One and Half Storey Detached House and Ancillary Detached Vehicle Storage and Repair Building at The Manse, Main Street, Carnwath	Applicant known to him

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 11 February 2020 were submitted for approval as a correct record.

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

3 Application P/20/0069 for Erection of House (Substitution of House Type) (Amendment to Planning Application EK/17/0063) at 1 Floors Farm, Stonehouse Road, Strathaven

A report dated 19 February 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0069 by Burnhead Group Limited for the erection of a house (substitution of house type) (amendment to planning application EK/17/0063) at 1 Floors Farm, Stonehouse Road, Strathaven.

The Committee heard Councillor Campbell, a local member, on the application.

The Committee decided: that planning application P/20/0069 by Burnhead Group Limited for the erection of a house (substitution of house type) (amendment to planning application EK/17/0063) at 1 Floors Farm, Stonehouse Road, Strathaven be granted subject to the conditions specified in the Executive Director's report.

Councillors Horsham and Shearer, having declared an interest in the above application, withdrew from the meeting during its consideration

Councillor Campbell, having made representations to the Committee on this application, as local member, then withdrew from the meeting during its consideration

4 Application P/19/1180 for Demolition of Existing House, Erection of Replacement One and Half Storey Detached House and Ancillary Detached Vehicle Storage and Repair Building at The Manse, Main Street, Carnwath

A report dated 20 February 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1180 by Mr and Mrs Henderson for the demolition of an existing house, erection of a replacement one and a half storey detached house and ancillary detached vehicle storage and repair building at The Manse, Main Street, Carnwath.

The Committee decided: that planning application P/19/1180 by Mr and Mrs Henderson for the demolition of an existing house, erection of a replacement one and a half storey detached house and ancillary detached vehicle storage and repair building at The Manse, Main Street, Carnwath be granted subject to the conditions specified in the Executive Director's report.

Councillor Allison, having declared an interest in the above application, withdrew from the meeting during its consideration

5 Application P/19/1809 for Erection of 28 Flats with Associated Car Parking and Works at West Mains Garage, West Mains Road, East Kilbride

A report dated 18 February 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1809 by Carmichael Homes and Interiors for the erection of 28 flats with associated car parking and works at West Mains Garage, West Mains Road, East Kilbride.

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/19/1809 by Carmichael Homes and Interiors for the erection of 28 flats with associated car parking and works at West Mains Garage, West Mains Road, East Kilbride be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Legal Agreement and/or other appropriate agreement between the Council and the applicant to ensure appropriate financial contributions were made at appropriate times during the development towards the provision of affordable housing, education facilities and community facilities
 - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Agreement 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 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 would 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 Planning Obligation.

[Reference: Minutes of 7 July 2015 (Paragraph 15)]

6 Application P/19/1546 – Section 42 Application to Amend Planning Conditions 1(e) and 3 of Planning Permission in Principle CL/16/0536, Relating to Boundary Planting, to Amend Planting Details and Devise a Scheme for Ongoing Maintenance of Boundary Planting at Dalquhandy Opencast Coal Site, Middlemuir Road, Coalburn

A report dated 20 February 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1546 by Hargreaves Land Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary Conditions 1(e) and 3 of planning permission in principle CL/16/0536, relating to boundary planting at Dalquhandy opencast coal site, Middlemuir Road, Coalburn.

Details were given on the amendments to the conditions proposed by the applicant.

The Committee decided: that planning application P/19/1546 by Hargreaves Land Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary Conditions 1(e) and 3 of planning permission in principle CL/16/0536, relating to boundary planting at Dalquhandy Opencast Coal site, Middlemuir Road, Coalburn be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 1 November 2016 (Paragraph 21)]

7 Review of Legacy Planning Applications

A report dated 27 February 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning applications which had been approved by the Committee but for which consents had not been issued due to delays or failure to complete the associated Planning Obligations.

The Planning Service had undertaken a review of planning applications which were over a year old and for which the required Planning Obligation had not been concluded. Where little or no progress had been made, the applicant/agent had been contacted to seek a conclusion to the matter and allow a decision notice to be issued. Currently, 4 applications fell into this category and it appeared unlikely that the applications would be concluded in the near future, if at all. The relevant applications were detailed in the appendix to the report as follows:-

- ◆ HM/10/0414 for erection of 45 houses and associated works at Toftcombs Crescent, Stonehouse
- ◆ HM/15/0261 for erection of 31 houses and associated works at Wellhall Road, Hamilton
- ◆ HM/15/0470 for erection of 26 houses with associated works and landscaping at land to west of Toftcombs Crescent, Stonehouse
- ◆ HM/15/0471 for erection of 36 houses with associated works and landscaping at land to west of Toftcombs Crescent, Stonehouse

Those applications fell into the following 2 categories:-

- ◆ where it was understood that that the applicant was no longer operating and there was no legal entity with whom to negotiate an agreement
- ◆ where the applicant had refused to conclude or had delayed conclusion of the Planning Obligation

It was proposed that the applications be refused for the reasons detailed in respect of each as outlined in the appendix to the report .

The Committee decided: that the planning applications detailed in the appendix to the report be refused for the reasons detailed for each application.

8 Urgent Business

There were no items of urgent business.