

PLANNING COMMITTEE

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 5 September 2023

Chair:

Councillor Richard Nelson

Councillors Present:

Councillor Alex Allison, Councillor Ralph Barker, Councillor Archie Buchanan, Councillor Ross Clark, Councillor Gerry Convery (Depute), Councillor Margaret Cowie, Councillor Maureen Devlin, Councillor Colin Dewar, Councillor Gladys Ferguson-Miller, Councillor Elise Frame, Councillor Celine Handibode, Councillor Mark Horsham, Councillor Ross Lambie, Councillor Lesley McDonald, Councillor Davie McLachlan, Councillor Norman Rae, Councillor John Ross, Councillor Graham Scott, Councillor David Shearer, Councillor Helen Toner, Councillor David Watson

Councillors' Apologies:

Councillor Joe Fagan (ex officio), Councillor Alistair Fulton, Councillor Martin Lennon, Councillor Monique McAdams

Attending:

Community and Enterprise Resources

F Carlin, Head of Planning and Regulatory Services; B Darroch, Planning and Building Standards Manager (East); F Jack, Team Leader, Development Management Team, Roads and Transportation Services

Finance and Corporate Resources

M Cannon, Legal Services Adviser; S Jessup, Administration Assistant; S McLeod, Administration Officer

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 8 August 2023 were submitted for approval as a correct record.

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

3 Application P/19/0097 for Erection of 3 Wind Turbines with a Blade Tip Height of 24.8 Metres and a Hub Height of 18.3 Metres at Land 210 Metres West of O'Cathian House, Hayhill Road, Thortonhall

A report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0097 by Jackton Estates Limited for the erection of 3 wind turbines with a blade tip height of 24.8 metres and a hub height of 18.3 metres at land 210 metres west of O'Cathian House, Hayhill Road, Thorntonhall.

At its meeting on 9 May 2023, the Committee deferred the application to allow the applicant more time to engage with National Air Traffic Services (NATS) and BAA Glasgow, in terms of the Radar Mitigation Scheme, on the grounds that jobs and further employment opportunities were potentially at stake. However, it was understood that no further consultation had taken place with NATS or BAA Glasgow and no confirmation had been provided by the applicant of an agreement being reached in relation to a Radar Mitigation Scheme, therefore, the proposal was considered to have unresolved aviation safety objections.

The Committee decided: that planning application P/19/0097 by Jackton Estates Limited for the erection of 3 wind turbines with a blade tip height of 24.8 metres and a hub height of 18.3 metres at land 210 metres west of O'Cathian House, Hayhill Road, Thorntonhall be refused for the reasons detailed in the Executive Director's report.

[Reference: Minutes of 9 May 2023 (Paragraph 3)]

4 Application P/22/0205 for Erection of Residential Development (81 Houses) with Associated Roads, Parking, Amenity Space and Associated Works at Land 115 Metres South of 122 Goremire Road, Goremire Road, Carluke

A report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0205 by JR Construction (Scotland) Limited for the erection of a residential development (81 houses) with associated roads, parking, amenity space and associated works at land 115 metres south of 122 Goremire Road, Goremire Road, Carluke.

There followed a discussion on the report during which an officer responded to a member's question on an aspect of the report.

The Committee decided: that planning application P/22/0205 by JR Construction (Scotland) Limited for the erection of a residential development (81 houses) with associated roads, parking, amenity space and associated works at land 115 metres south of 122 Goremire Road, Goremire Road, Carluke be granted subject to the conditions specified in the Executive Director's report.

Councillor McLachlan joined the meeting during consideration of the above item of business

5 Application P/22/0345 for Change of Use of Farm Steading to Form 2 Houses, Restoration of Farmhouse to Form 1 House, Erection of 3 Houses and Associated Access Improvements (Renewal of Planning Consent P/18/0374) at Orchard Farm, Waygateshaw Road, Carluke

A report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0345 by Taylor Homes (Scotland) Limited for a change of use of farm steading to form 2 houses, restoration of farmhouse to form 1 house, erection of 3 houses and associated access improvements (renewal of planning consent P/18/0374) at Orchard Farm, Waygateshaw Road, Carluke.

The Committee decided:

that planning application P/22/0345 by Taylor Homes (Scotland) Limited for a change of use of farm steading to form 2 houses, restoration of farmhouse to form 1 house, erection of 3 houses and associated access improvements (renewal of planning consent P/18/0374) at Orchard Farm, Waygateshaw Road, Carlisle be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 27 January 2015 (Paragraph 17)]

Councillor Ross joined the meeting during consideration of the above item of business

6 Application P/22/1646 for Erection of 7 Wind Turbines with Associated Infrastructure and Meteorological Mast to 105 Metres - Section 42 Application to Vary Condition 12 (Operational Lifetime), Condition 23 (Restoration Period) and Conditions 11, 13, 15, 17 and 19 (Vary Timing of Information Submission) of Planning Consent P/19/1803 at Priestgill Wind Farm, Little Gill Farm, Abington

A report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1646 by Priestgill Wind Farm Limited for the erection of 7 wind turbines with associated infrastructure and meteorological mast to 105 metres, under Section 42 of the Town and Country Planning (Scotland) Act 1997, to vary condition 12 (operational lifetime), condition 23 (restoration period) and conditions 11, 13, 15, 17 and 19 (vary timing of information submission) of planning consent P/19/1803 at Priestgill Wind Farm, Little Gill Farm, Abington. Details were given on the amendments to the conditions proposed by the applicant.

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/22/1646 by Priestgill Wind Farm Limited for the erection of 7 wind turbines with associated infrastructure and meteorological mast to 105 metres, under Section 42 of the Town and Country Planning (Scotland) Act 1997, to vary condition 12 (operational lifetime), condition 23 (restoration period) and conditions 11, 13, 15, 17 and 19 (vary timing of information submission) of planning consent P/19/1803 at Priestgill Wind Farm, Little Gill Farm, Abington 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:-
 - ◆ community contributions per megawatt generated
 - ◆ the setting up of a Habitat Management Group
 - ◆ the repair of roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements
- ◆ the applicant meeting the Council's legal costs associated with the Legal Agreement and the restoration guarantee quantum

- (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 1 December 2020 (Paragraph 9)]

7 Application P/23/0071 for Refurbishment and Alterations to Former Student Accommodation to Form 26 Residential Flats with Associated Parking at 2 Barrack Street, Hamilton

A report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0071 by C&S Group for the refurbishment and alterations to former student accommodation to form 26 residential flats with associated parking at 2 Barrack Street, Hamilton.

The Committee decided: that planning application P/23/0071 by C&S Group for the refurbishment and alterations to former student accommodation to form 26 residential flats with associated parking at 2 Barrack Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

8 Application P/23/0301 for Erection of a 1.5 Storey House with Associated Works at 8A Abbeygreen, Lesmahagow

A report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0301 by Mr and Mrs B Hood for the erection of a 1.5 storey house with associated works at 8A Abbeygreen, Lesmahagow.

The Committee decided: that planning application P/23/0301 by Mr and Mrs B Hood for the erection of a 1.5 storey house with associated works at 8A Abbeygreen, Lesmahagow be granted subject to the conditions specified in the Executive Director's report.

9 Application P/23/0308 for Erection of 6 Wind Turbines, Access Tracks and Ancillary Infrastructure - Section 42 Application to Amend Condition 1 of Planning Consent P/20/0406 to Extend Time Period to 16 April 2054 and Condition 15 to Extend Period for Decommissioning to 3 Years at Muirhall Wind Farm, Auchengray, Lanark

A report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0308 by Muirhall Wind Farm Limited for the erection of 6 wind turbines, access tracks and ancillary infrastructure, under Section 42 of the Town and Country Planning (Scotland) Act 1997, to amend condition 1 of planning consent P/20/0406 to extend the time period of consent to 16 April 2054 and condition 15 to extend the period for decommissioning to 3 years at Muirhall Wind Farm, Auchengray, Lanark.

The original permission had been subject to a Legal Agreement to ensure that a habitat management plan was implemented throughout the lifetime of the wind farm and to secure yearly contributions (£2,500 per megawatt generated) to the South Lanarkshire Renewable Energy Fund. The Legal Agreement had been structured in such a way that any permission that superseded the original permission would also be subject to the provisions of the Legal Agreement and, therefore, a variation of the Agreement was not required.

The Committee decided:

that planning application P/23/0308 by Muirhall Wind Farm Limited for the erection of 6 wind turbines, access tracks and ancillary infrastructure, under section 42 of the Town and Country Planning (Scotland) Act 1997, to amend condition 1 of planning consent P/20/0406 to extend the time period of consent to 16 April 2054 and condition 15 to extend the period for decommissioning to 3 years at Muirhall Wind Farm, Auchengray, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 25 August 2020 (Paragraph 13)]

10 Application P/23/0309 for Extension to Existing Muirhall Wind Farm Involving Erection of Two 145 Metre High Wind Turbines and Associated Infrastructure - Section 42 Application to Amend Condition 2 of Planning Consent P/20/0409 to Extend Time Period to 16 April 2054 and Condition 4 to Extend Period for Decommissioning to 3 Years at Muirhall Wind Farm, Auchengray, Lanark

A report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0309 by Muirhall WF Extension Limited for an extension to existing Muirhall Wind Farm involving erection of two 145 metre high wind turbines and associated infrastructure, under Section 42 of the Town and Country Planning (Scotland) Act 1997, to amend condition 2 of planning consent P/20/0409 to extend the time period of consent to 16 April 2054 and condition 4 to extend the period for decommissioning to 3 years at Muirhall Wind Farm, Auchengray, Lanark.

The original permission had been subject to a Legal Agreement to ensure that a habitat management plan was implemented throughout the lifetime of the wind farm and to secure yearly contributions (£2,500 per megawatt generated) to the South Lanarkshire Renewable Energy Fund. The Legal Agreement had been structured in such a way that any permission that superseded the original permission would also be subject to the provisions of the Legal Agreement and, therefore, a variation of the Agreement was not required.

The Committee decided:

that planning application P/23/0309 by Muirhall WF Extension Limited for an extension to existing Muirhall Wind Farm involving erection of two 145 metre high wind turbines and associated infrastructure, under Section 42 of the Town and Country Planning (Scotland) Act 1997, to amend condition 2 of planning consent P/20/0409 to extend the time period of consent to 16 April 2054 and condition 4 to extend the period for decommissioning to 3 years at Muirhall Wind Farm, Auchengray, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 25 August 2020 (Paragraph 16)]

11 Application P/23/0431 for Substitution of House Types and Reduction of Units Consisting of 55 Detached, Semi-Detached and Terraced Units and 9 Flats, Including 17 Affordable Housing Units and Associated Road Realignment (Amendment to Planning Consent P/21/1901) at Former Hoover Site Phase 4, Dale Avenue, Cambuslang

A report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0431 by Dawn Homes Limited for the substitution of house types and reduction of units consisting of 55 detached, semi-detached and terraced units and 9 flats, including 17 affordable housing units and associated road realignment (amendment to planning consent P/21/1901) at former Hoover Site Phase 4, Dale Avenue, Cambuslang.

The Committee decided: that planning application P/23/0431 by Dawn Homes Limited for the substitution of house types and reduction of units consisting of 55 detached, semi-detached and terraced units and 9 flats, including 17 affordable housing units and associated road realignment (amendment to planning consent P/21/1901) at former Hoover Site Phase 4, Dale Avenue, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 22 November 2022 (Paragraph 4)]

12 Application P/23/0748 for Erection of 44 Semi-Detached Houses and Associated Works at Site of Former Cairns Primary School, Cairnswell Avenue, Cambuslang

A report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0748 by South Lanarkshire Council for the erection of 44 semi-detached houses and associated works at site of former Cairns Primary School, Cairnswell Avenue, Cambuslang.

The Committee decided: that planning application P/23/0748 by South Lanarkshire Council for the erection of 44 semi-detached houses and associated works at site of former Cairns Primary School, Cairnswell Avenue, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

13 Application P/23/0848 for Erection of House with Associated Access and Parking (In Part Retrospective) at Land 50 Metres South Southwest of 1 Milton Cottage, Milton Road, Carluke

A report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0848 by Mr and Mrs D Cornwell for the erection of a house with associated access and parking (in part retrospective) at land 50 metres south southwest of 1 Milton Cottage, Milton Road, Carluke.

The application had been referred to Committee for consideration, as requested by Councillor Shearer, in terms of section 2.4 of the Council's Planning Application Decision Making Process.

Points raised in further representations to elected members were referred to at the meeting and addressed by an officer.

Following discussion, during which an officer responded to members' questions on aspects of the report, Councillor Nelson, seconded by Councillor Convery, moved that the application be refused for the reasons detailed in the Executive Director's report. Councillor Shearer, seconded by Councillor Allison, moved that the application be granted subject to appropriate conditions, to be prepared by officers, on the grounds that the application site was deemed to be a brownfield site. The Legal Services Adviser highlighted that, if the application was granted, it would result in a determination contrary to the development plan. On a vote being taken using the electronic voting system, 7 members voted for the amendment and 14 for the motion which was declared carried.

The Committee decided: that planning application P/23/0848 by Mr and Mrs D Cornwell for the erection of a house with associated access and parking (in part retrospective) at land 50 metres south southwest of 1 Milton Cottage, Milton Road, Carluke be refused for the reasons detailed in the Executive Director's report.

[Reference: Minutes of 6 June 2023 (Paragraph 7)]

Councillor Toner joined the meeting during consideration of the above item of business and was, therefore, unable to participate in the vote

14 Urgent Business

There were no items of urgent business.