

## PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 26 June 2018

### Chair:

Councillor Alistair Fulton

### Councillors Present:

Alex Allison, John Bradley, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Isobel Dorman, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Martin Lennon, Richard Lockhart, Catherine McClymont (*substitute for Councillor Brogan*), Kenny McCreary, Julia Marrs, Lynne Nailon (*substitute for Councillor Nelson*), Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh, Sheena Wardhaugh

### Councillors' Apologies:

Walter Brogan, Richard Nelson, John Ross (ex officio)

### Attending:

#### Community and Enterprise Resources

L Campbell, Area Manager, Planning and Building Standards Services (Hamilton and Clydesdale); T Finn, Headquarters Manager, 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); A Pepler, Planning Officer, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride); J Wright, Minerals Officer, Planning and Building Standards Services

#### Finance and Corporate Resources

J Davitt, Media Officer; P MacRae, Administration Officer; K McLeod, Administration Assistant; K Moore, Legal Services Advisor

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## 1 Declaration of Interests

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The following interests were declared:-

| <b>Councillor(s)</b>            | <b>Item(s)</b>                                                                                                                                                                                                                                                                       | <b>Nature of Interest(s)</b>           |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Callaghan, McCreary and Thomson | Application HM/17/0260 – Erection of Waste Processing Facility Including Waste Recovery Plant and Thermal Treatment Facility for Energy Recovery with Associated Landscaping, Access, Parking Infrastructure and Education and Visitor Centre at Site at Whistleberry Road, Hamilton | Campaigned against the proposal        |
| Allison                         | Application EK/17/0390 – Demolition of an Existing Single Storey House and Change of Use of Industrial Yard for the Erection of 19 Houses, Public Open Space and Associated Garages and Car Parking at Turner's Yard, Drumclog, Strathaven                                           | Business connection with the applicant |

Fulton

Application P/18/0511 – Erection of 30 Houses, Associated Roads, Infrastructure, Amenity Areas, Landscaping and Formation of SUDs Ponds (Approval of Matters Specified in Conditions 1(A) – 1(G), 3, 4, 5, 8 and 10 of Planning Permission CL/17/0199) at Nether Kypeside Farm, Deadwaters, Lesmahagow

Professional connection in respect of the proposal

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## **2 Minutes of Previous Meeting**

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The minutes of the meeting of the Planning Committee held on 29 May 2018 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 HM/17/0260 - Erection of Waste Processing Facility Including Waste Recovery Plant and Thermal Treatment Facility for Energy Recovery with Associated Landscaping, Access, Parking Infrastructure and Education and Visitor Centre at Site at Whistleberry Road, Hamilton**

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A report dated 7 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0260 by Clean Power Properties Limited for the erection of a waste recovery plant and thermal treatment facility for energy recovery with associated landscaping, access, parking infrastructure and education and visitor centre at Whistleberry Road, Hamilton.

The Headquarters Manager, Planning and Building Standards Services, advised of receipt of the following representations:-

- ◆ objections to the proposal from Councillors Callaghan and McLachlan respectively
- ◆ an objection from Halfway Community Council which had not been summarised in the Executive Director's report

Points raised in those representations were referred to and addressed by officers.

Representations received from the applicant in respect of the Executive Director's report were referred to and addressed by officers. This included a reference to PAN63, which was referred to in the report, as having been replaced by Planning and Waste Management advice produced by the Scottish Government. In response, it was highlighted to members that the general advice in this document was broadly similar to PAN63 and that it had been taken into account in reaching the recommendation.

A request for a hearing had been received from Blantyre Community Council, however, the application did not meet the criteria for a hearing.

**The Committee decided:**

that planning application HM/17/0260 by Clean Power Properties Limited for the erection of a waste recovery plant and thermal treatment facility for energy recovery with associated landscaping, access, parking infrastructure and education and visitor centre at Whistleberry Road, Hamilton be refused for the reasons detailed in the Executive Director's report.

*Councillors Callaghan, McCreary and Thomson, having declared an interest in the above application, withdrew from the meeting during its consideration*

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**4 Application EK/09/0218 - Mixed Use Development Comprising Residential, Retail and Education Uses and Associated Engineering Works for Site Infrastructure, New Access and Distributor Road and Formation of Open Space Framework with Landscaping Works (Planning Permission in Principle) (Revised Masterplan) at Land to South West of East Kilbride, Largely Bounded by Eaglesham Road, Jackton Road and Newlands Road**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/09/0218 by Cala Homes (West) Limited/Lynch Homes for a mixed use development comprising residential, retail and education uses and associated engineering works for site infrastructure, new access and distributor road and formation of open space framework with landscaping works (planning permission in principle) (revised masterplan) at land to the south west of East Kilbride, largely bounded by Eaglesham Road, Jackton Road and Newlands Road.

A request for a hearing had been received from Jackton and Thorntonhall Community Council, however, the application did not meet the criteria for a hearing.

The Planning Committee had approved this application on 13 December 2011, however, the required legal agreement had not been concluded and the decision notice had not been issued. A revised masterplan had subsequently been submitted, which, due to the scale of the changes to the proposal, required to be submitted to the Planning Committee for further determination. Details of the proposed changes contained in the revised masterplan were given in the report.

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 Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

**The Committee decided:**

**(1)** that planning application EK/09/0218 by Cala Homes (West) Limited/Lynch Homes for a mixed use development comprising residential, retail and education uses and associated engineering works for site infrastructure, new access and distributor road and formation of open space framework with landscaping works (planning permission in principle) (revised masterplan) at land to the south west 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
- ◆ prior conclusion of a Section 75 Planning Obligation and/or other agreement between the Council and the applicants to ensure that financial contributions were made during the development towards the provision of:-
  - ◆ additional nursery, primary and secondary education accommodation, as required, to address the effect of the proposed development

- ◆ improvements to roads infrastructure including identified off-site junction improvements
  - ◆ upgraded community facilities
  - ◆ transportation infrastructure and services provision, including subsidised bus routes and contribution to cycling/pedestrian provision
  - ◆ affordable housing, either on-site, by way of a commuted sum or a mixture of both
  - ◆ improved park and ride facilities in East Kilbride
  - ◆ the applicants meeting the Council's legal costs associated with the Section 75 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 13 December 2011 (Paragraph 3) and 7 July 2015 (Paragraph 15)]*

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**5 Application EK/17/0305 - Formation of a Primary Road, with Associated Engineering, Drainage and Landscaping for the East Kilbride Community Growth Area (Part) at Land to the South West of East Kilbride, Largely Bounded by Eaglesham Road, Jackton Road and Newlands Road**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0305 by Cala Homes (West) Limited/Lynch Homes for the formation of a primary road, with associated engineering, drainage and landscaping for the East Kilbride Community Growth Area (part) at land to the south west of East Kilbride, largely bounded by Eaglesham Road, Jackton Road and Newlands Road.

**The Committee decided:** that planning application EK/17/0305 by Cala Homes (West) Limited/Lynch Homes for the formation of a primary road, with associated engineering, drainage and landscaping for the East Kilbride Community Growth Area (part) at land to the south west 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.

*[Reference: Minutes of 29 May 2018 (Paragraph 10) and 26 June 2018 (Paragraph 4)]*

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**6 Application P/18/0264 - Demolition of Existing Hotel and Erection of 96 Bedroom Hotel with Ancillary Restaurant and Additional Class 3 Unit at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0264 by New Dimension Group (Hamilton) Limited and Whitbread PLC for the demolition of an existing hotel and the erection of a 96 bedroom hotel with ancillary restaurant and additional Class 3 unit at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton.

**The Committee decided:** that planning application P/18/0264 by New Dimension Group (Hamilton) Limited and Whitbread PLC for the demolition of an existing hotel and the erection of a 96 bedroom hotel with ancillary restaurant and additional Class 3 unit at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*Councillor Stevenson left the meeting during consideration of this item of business*

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**7 Application P/18/0265 - Demolition of Hotel (Conservation Area Consent) at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0265 by New Dimension Group (Hamilton) Limited/ Whitbread PLC for the demolition of a hotel (conservation area consent) at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton.

**The Committee decided:** that planning application P/18/0265 by New Dimension Group (Hamilton) Limited/ Whitbread PLC for the demolition of a hotel (conservation area consent) at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 26 June 2018 (Paragraph 6)]*

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**8 Application P/18/0278 - Demolition of Hotel (Listed Building Consent) at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0278 by New Dimension Group (Hamilton) Limited and Whitbread PLC for the demolition of a hotel (listed building consent) at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton.

**The Committee decided:** that planning application P/18/0278 by New Dimension Group (Hamilton) Limited and Whitbread PLC for the demolition of a hotel (listed building consent) at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 26 June 2018 (Paragraph 7)]*

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**9 Application EK/17/0390 - Demolition of an Existing Single Storey House and Change of Use of Industrial Yard for the Erection of 19 Houses, Public Open Space and Associated Garages and Car Parking at Turner's Yard, Drumclog, Strathaven**

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A report dated 14 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0390 by E and D Turner for the demolition of an existing single storey house and change of use of an industrial yard for the erection of 19 houses, public open space and associated garages and car parking at Turner's Yard, Drumclog, Strathaven.

**The Committee decided:** that planning application EK/17/0390 by E and D Turner for the demolition of an existing single storey house and change of use of an industrial yard for the erection of 19 houses, public open space and associated garages and car parking at Turner's Yard, Drumclog, Strathaven 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*

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**10 Application CR/17/0195 - Erection of 86 Units, Comprising 4 and 6 Storey Flatted Blocks and 2 Storey Terraced and Semi-detached Houses, with Associated Parking, Roads and Landscaping at Site Located off Bridge Street, Cambuslang**

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A report dated 14 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CR/17/0195 by Link Group Limited for the erection of 86 units, comprising 4 and 6 storey flatted blocks and 2 storey terraced and semi-detached houses, with associated parking, roads and landscaping at a site located off Bridge Street, Cambuslang.

Points raised in a further letter of objection from the Forrest Group were referred to at the meeting and addressed by officers.

**The Committee decided:** that planning application CR/17/0195 by Link Group Limited for the erection of 86 units, comprising 4 and 6 storey flatted blocks and 2 storey terraced and semi-detached houses, with associated parking, roads and landscaping at site located off Bridge Street, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 27 March 2012 (Paragraph 3)]*

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**11 Application P/18/0478 - Formation of 18 House Plots Together with Associated Access Road at Land Adjacent to Holm Road, Crossford, Carluke**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0478 by N Pringle for the formation of 18 house plots together with associated access road at land adjacent to Holm Road Crossford, Carluke.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance, the Proposed South Lanarkshire Local Development Plan 2, the Strategic Development Plan and government advice/policy. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

In the view of the Executive Director (Community and Enterprise Resources) a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the objectives of Scottish Planning Policy in terms of the purposes of the Green Belt would not be compromised
- ◆ the proposal would enable the rounding off of the settlement edge and the creation of a robust and defensible boundary
- ◆ the scale of the development would not have an adverse impact on the character of the area
- ◆ the established ponds had enhanced the landscape character and amenity of the area
- ◆ the proposed houses would be located around the established ponds which would form a central focal point and feature enabling visual integration
- ◆ there would be no adverse impact on residential or visual amenity, infrastructure or biodiversity

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 Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

**The Committee decided:**

- (1) that planning application P/18/0478 by N Pringle for the formation of 18 house plots together with associated access road at land adjacent to Holm Road, Crossford, Carluke be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ referral of the application to the Scottish Ministers, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, as SEPA had advised against the grant of planning permission by objecting in principle on the basis of potential flood risk, to allow the Scottish Ministers the opportunity to consider whether to call in the application for their own determination
  - ◆ prior conclusion of a Section 75 Planning Obligation and/or other appropriate agreement between the Council, the applicants and the site owner(s) to ensure that a financial contribution of £27,000 was made towards the provision of community facilities in the area
  - ◆ the applicants and site owners meeting the Council's legal costs associated with the Section 75 Obligation and/or other agreement
- (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 7 July 2015 (Paragraph 15) and 19 December 2017 (Paragraph 3)]*

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## **12 Application CL/18/0041 - Erection of 12 Semi-detached Two Storey Houses and 2 Single Storey Bungalows at Heathland Terrace, Forth**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/18/0041 by Castlebank Homes Limited for the erection of 12 semi-detached two storey houses and 2 single storey bungalows at Heathland Terrace, Forth.

The applicant had submitted a financial contribution of £21,000 towards the improvement of leisure and recreational facilities within the locality of the application site.

**The Committee decided:** that planning application CL/18/0041 by Castlebank Homes Limited for the erection of 12 semi-detached two storey houses and 2 single storey bungalows at Heathland Terrace, Forth be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 19 June 2007 (Paragraph 9)]*

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## **13 Application P/18/0454 - Residential Development (Planning Permission in Principle) at Land Near Blair Cottage, Blair Road, Crossford, Carluke**

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A report dated 8 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0454 by J Macgillivray for a residential development (planning permission in principle) at land near Blair Cottage, Blair Road, Crossford, Carluke.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance, the Proposed South Lanarkshire Local Development Plan 2 and government advice/policy. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

In the view of the Executive Director (Community and Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the proposed development at the site was low in numbers and would not conflict with other sites being considered for the emerging development plan
- ◆ it was considered the inclusion of this site was not premature to the development plan
- ◆ the proposed site had been highlighted in the Main Issues Report and Proposed Plan for inclusion in the emerging development plan as a new settlement
- ◆ the proposal was small scale in nature and additional tree planting would enhance the landscape character of the area
- ◆ the proposal was adjacent to a grouping of houses and was not an isolated or sporadic position
- ◆ there would be no significant adverse issues upon residential or visual amenity, infrastructure or biodiversity



**The Committee decided:** that planning application P/18/0454 by J Macgillivray for a residential development (planning permission in principle) at land near Blair Cottage, Blair Road, Crossford, Carluke be granted subject to the conditions specified in the Executive Director's report.

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**14 Application P/18/0491 - Erection of 2 Blocks of Flats (18 Units), Associated Parking and Landscaping at Vacant Land at 3 Dundas Place, East Kilbride**

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A report dated 8 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0491 by Carnbroe Estates Limited for the erection of 2 blocks of flats (18 units), associated parking and landscaping at vacant land at 3 Dundas Place, East Kilbride.

**The Committee decided:** that planning application P/18/0491 by Carnbroe Estates Limited for the erection of 2 blocks of flats (18 units), associated parking and landscaping at vacant land at 3 Dundas Place, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*Councillor McClymont left the meeting during consideration of this item of business*

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**15 Application P/18/0511 - Erection of 30 Houses, Associated Roads, Infrastructure, Amenity Areas, Landscaping and Formation of SUDS Ponds (Approval of Matters Specified in Conditions 1(A) to 1(G), 3, 4, 5, 8 and 10 of Planning Consent CL/17/0199) at Nether Kypeside Farm, Deadwaters, Lesmahagow**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0511 by Kypeside Developments Limited for the erection of 30 houses, associated roads, infrastructure, amenity areas, landscaping and formation of SUDS ponds (approval of matters specified in Conditions 1(A) to 1(G), 3, 4, 5, 8 and 10 of planning consent CL/17/0199) at Nether Kypeside Farm, Deadwaters, Lesmahagow.

**The Committee decided:** that planning application P/18/0511 by Kypeside Developments Limited for the erection of 30 houses, associated roads, infrastructure, amenity areas, landscaping and formation of SUDS ponds (approval of matters specified in Conditions 1(A) to 1(G), 3, 4, 5, 8 and 10 of planning consent CL/17/0199) at Nether Kypeside Farm, Deadwaters, Lesmahagow be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 29 November 2016 (Paragraph 9)]*

*Councillor Fulton, having declared an interest in the above item, withdrew from the meeting during its consideration. Councillor Dorman took the Chair for this item only*

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**16 Application P/18/0171 - Erection of a 2 Storey Detached House at East Overton House, Hamilton Road, Strathaven**

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A report dated 7 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0171 by A Raeburn for the erection of a 2 storey house at East Overton House, Hamilton Road, Strathaven.

**The Committee decided:** that planning application P/18/0171 by A Raeburn for the erection of a 2 storey house at East Overton House, Hamilton Road, Strathaven be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 17 December 2013 (Paragraph 4)]*

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**17 Application P/18/0587 - Erection of Single Storey Front, Side and Rear Extension to House at 7 East Milton Grove, East Kilbride**

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A report dated 7 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0587 by R Patterson for the erection of a single storey front, side and rear extension to a house at 7 East Milton Grove, East Kilbride.

A request for a hearing had been received in relation to the proposal, however, the application did not meet the criteria for a hearing.

**The Committee decided:** that planning application P/18/0587 by R Patterson for the erection of a single storey front, side and rear extension to a house at 7 East Milton Grove, East Kilbride be granted subject to the conditions specified in the Executive Director's report.