

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 12 July 2005

Chair:

Councillor Graham Scott

Councillors Present:

David Baillie, Archie Buchanan, Sam Casserly, Pam Clearie, Alan Dick, Gerry Docherty, Tommy Gilligan, James Handibode, Carol Hughes, Hector Macdonald, James Malloy, Billy McCaig, John McGuinness, Alex McInnes, Ian McInnes, Brian Reilly, Bob Rooney, Chris Thompson, Jim Wardhaugh

Councillors' Apologies:

Tony Carlin, Cathie Condie, Gerry Convery, Jim Daisley, Jim Docherty, Allan Falconer, Ian Gray, Tom McAlpine, Edward McAvoy, Michael McCann, Denis McKenna (Depute), Mary McNeill

Attending:

Corporate Resources

L Paterson, Administration Officer

Enterprise Resources

G Cameron, Area Manager, Planning and Building Control (Cambuslang/Rutherglen); I Hamilton, Planning Officer; M Little, Operations and Area Manager, Planning and Building Control (Hamilton); C McDowall, Head of Planning and Building Control; T Meikle, Area Manager, Planning and Building Control (East Kilbride); G Rae, Planning Officer; C Park, Assistant Transportation 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 21 June 2005 were submitted for approval as a correct record.

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

3 Application CL/04/0895 – Change of Use of Open Space to Form Garden Ground (Retrospective) on Area of Ground to Rear of 16 Clyde Court, Carluke

A report dated 29 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CL/04/0895 by D and W Nimmo Limited for a change of use of open space to form garden ground (retrospective) on an area of ground to rear of 16 Clyde Court, Carluke.

Because the development constituted Development Contrary to the Development Plan, the opportunity of a hearing had been offered to the objectors to the proposal and the applicant. The objectors were not present at the meeting and, therefore, there was no requirement to hear the applicant.

In terms of Local Plan Policy, the site was identified in the Adopted Lower Clydesdale Local Plan as being within an open space area within the settlement boundary for Carluke where policy LR1 (Open Space/Community Facilities) applied. This Policy stated that the Council would recognise the importance of and would seek to protect and enhance both private and public open space/community facilities. The loss of such facilities for other uses would only be permitted where it could be demonstrated that participation levels and public enjoyment would be unaffected; a replacement facility of comparable quality and accessibility was to be provided in the locality or there was a clear long-term surplus in provision. The amount of land involved in the change of use equated to 1.5% of the total open space provision and it was considered that the loss of this small area of open space would have an insignificant effect on public enjoyment or participation levels.

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

- ◆ the area of open space to be lost amounted to only 1.5% of the total area
- ◆ the open space was not used for active leisure pursuits and the loss of this small area would have an insignificant impact on public enjoyment of it

The Committee decided: that planning application CL/04/0895 by D and W Nimmo Limited for a change of use of open space to form garden ground (retrospective) on an area of ground to rear of 16 Clyde Court, Carluke be granted subject to the conditions specified in the Executive Director's report.

4 Application HM/04/0870 – Residential Development (Outline) at Brae House, Patrick Brae, Larkhall

A report dated 29 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application HM/04/0870 by J Baird for the erection of a residential development (outline) at Brae House, Patrick Brae, Larkhall.

The Committee decided: that planning application HM/04/0870 by J Baird for the erection of a residential development (outline) at Brae House, Patrick Brae, Larkhall be refused for the reasons detailed in the Executive Director's report.

5 Application CL/05/0302 – Erection of 14 Houses, 11 Flats, Formation of Vehicular Access and Associated Landscaping at Carnwath Road, Carluke

A report dated 4 July 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CL/05/0302 by Highline Construction/Clydesdale Housing Association for the erection of 14 houses, 11 flats, formation of vehicular access and associated landscaping at Carnwath Road, Carluke.

The Committee decided: that planning application CL/05/0302 by Highline Construction/Clydesdale Housing Association for the erection of 14 houses, 11 flats, formation of vehicular access and associated landscaping at Carnwath Road, Carluke be granted subject to:-

- ◆ the conditions specified in the Executive Director's report

- ◆ prior agreement for the applicant to make a financial contribution of £6,250 towards recreational provision in the area
- ◆ the promotion of a Footpath Diversion Order, the cost of which to be met by the applicant

6 Application EK/05/0351 – Erection of Retail Unit (Class 1) at Peel Park, Eaglesham Road, East Kilbride

A report dated 28 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application EK/05/0351 by Lidl UK GMBH for the erection of a retail unit (Class 1) at Peel Park, Eaglesham Road, East Kilbride.

The Committee decided: that planning application EK/05/0351 by Lidl UK GMBH for the erection of a retail unit (Class 1) at Peel Park, Eaglesham Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

7 Application CR/04/0113 – Erection of Extension and Conversion of Nursing Home to Form 8 Flats, Erection of 9 Detached Houses, Formation of Parking Areas and Associated Alterations at Cathkin House, Rutherglen

A report dated 4 July 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CR/04/0113 by Balvaird Homes Limited for the erection of an extension and conversion of nursing home to form 8 flats, erection of 9 detached houses, formation of parking areas and associated alterations at Cathkin House, Rutherglen.

The Committee decided: that planning application CR/04/0113 by Balvaird Homes Limited for the erection of an extension and conversion of nursing home to form 8 flats, erection of 9 detached houses, formation of parking areas and associated alterations at Cathkin House, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

8 Application CR/04/0114 – Erection of Extension and Conversion of Nursing Home to Form 8 Flats, Erection of 9 Detached Houses, Formation of Parking and Associated Alterations (Listed Building Consent) at Cathkin House, Rutherglen

A report dated 4 July 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CR/04/0114 by Balvaird Homes Limited for the erection of an extension and conversion of nursing home to form 8 flats, erection of 9 detached houses, formation of parking and associated alterations (Listed Building Consent) at Cathkin House, Rutherglen.

The Committee decided: that planning application CR/04/0114 by Balvaird Homes Limited for the erection of an extension and conversion of nursing home to form 8 flats, erection of 9 detached houses, formation of parking and associated alterations (Listed Building Consent) at Cathkin House, Rutherglen be granted subject to:-

- ◆ the conditions specified in the Executive Director's report

- ◆ referral of the application to the Scottish Ministers as the proposal affected a Category B listed building

9 Application HM/05/0139 – Alterations and Extension to Commuter Car Park including Upfilling of Land and Installation of Lighting Columns (Notice of Intention to Develop) at Uddingston Station Car Park, North Side of Railway Line, by 1 Glasgow Road, Uddingston

A report dated 4 July 2005 by the Executive Director (Enterprise Resources) was submitted on application HM/05/0139 by South Lanarkshire Council for alterations and extension to commuter car park including upfilling of land and installation of lighting columns (Notice of Intention to Develop) at Uddingston Station Car Park, north side of railway line, by 1 Glasgow Road, Uddingston.

The Committee decided:

that a Notice of Intention to Develop be issued for the alterations and extension to commuter car park including upfilling of land and installation of lighting columns (application reference HM/05/0139) at Uddingston Station Car Park, north side of railway line, by 1 Glasgow Road, Uddingston subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ referral of the application to the Scottish Ministers as objections to the proposal had been received and the Council was the applicant

10 Application CL/05/0250 – Erection of House at Plot 2, Railway Road, Coalburn

A report dated 29 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CL/05/0250 by W Mitchell for the erection of a house at Plot 2, Railway Road, Coalburn.

The application had been advertised as Development Potentially Contrary to the Development Plan, however, no objections had been received.

In terms of Local Plan Policy, the Adopted Lower Clydesdale Local Plan identified the site as within the Rural Area where Policy ENV2 applied. This Policy generally favoured development of an appropriate form in the Rural Area subject to criteria contained within SLP2 (Rural Areas) Policy. The proposal did not meet the criteria and was, therefore, contrary to the Development Plan. However, the application site consisted of unused vacant ground and it was considered that it had little or no potential for an alternative appropriate rural use. The development complied with the Residential Development Guide.

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

- ◆ there were no infrastructure implications
- ◆ the proposal reused vacant, underutilised land and would broaden housing choice consistent with the principles of SPP3: Planning for Housing
- ◆ the proposal did not effectively extend the settlement due to the location of residential development to the north of the site

The Committee decided:

that planning application CL/05/0250 by W Mitchell for the erection of a house at Plot 2, Railway Road, Coalburn be granted subject to the conditions specified in the Executive Director's report.

11 Application CL/05/0225 – Erection of House at Plot 3, Railway Road, off Bellfield Road, Coalburn

A report dated 29 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CL/05/0225 by Mr and Mrs McGowan for the erection of a house at Plot 3, Railway Road, off Bellfield Road, Coalburn.

The application had been advertised as Development Potentially Contrary to the Development Plan, however, no objections had been received.

In terms of Local Plan Policy, the Adopted Lower Clydesdale Local Plan identified the site as within the Rural Area where Policy ENV2 applied. This Policy generally favoured development of an appropriate form in the Rural Area subject to criteria contained within SLP2 (Rural Areas) Policy. The proposal did not meet the criteria and was, therefore, contrary to the Development Plan. However, the application site consisted of unused vacant ground and it was considered that it had little or no potential for an alternative appropriate rural use. The development complied with the Residential Development Guide.

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

- ◆ there were no infrastructure implications
- ◆ the proposal reused vacant, underutilised land and would broaden housing choice consistent with the principles of SPP3: Planning for Housing
- ◆ the proposal did not effectively extend the settlement due to the location of residential development to the north of the site

The Committee decided:

that planning application CL/05/0225 by Mr and Mrs McGowan for the erection of a house at Plot 3, Railway Road, off Bellfield Road, Coalburn be granted subject to the conditions specified in the Executive Director's report.

12 Application EK/05/0361 – Erection of College with Associated Parking and Landscaping at Plot 3, Scottish Enterprise Technology Park, East Kilbride

A report dated 4 July 2005 by the Executive Director (Enterprise Resources) was submitted on planning application EK/05/0361 by South Lanarkshire College for the erection of a college with associated parking and landscaping at Plot 3, Scottish Enterprise Technology Park, East Kilbride.

The Committee decided:

that planning application EK/05/0361 by South Lanarkshire College for the erection of a college with associated parking and landscaping at Plot 3, Scottish Enterprise Technology Park, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

13 Application CL/05/0326 – Erection of Workshop and Temporary Office Accommodation at Market Road, Biggar

A report dated 29 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CL/05/0326 by Scotia Golf Cars Limited for the erection of a workshop and temporary office accommodation at Market Road, Biggar.

The application had been advertised as Development Potentially Contrary to the Development Plan, however, no objections had been received.

In terms of Local Plan Policy, Policy 70 of the Adopted Upper Clydesdale Local Plan identified the site as part of the Auction Market. The Local Plan position had been overtaken by events with permission granted for the redevelopment of the site as an element of the Biggar Business and Retail Park. The application was for a storage and distribution business which fell within Class 6 of the 1997 Use Classes (Scotland) Order and the nature of this use was considered compatible with other land uses in the area.

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

- ◆ the application site formed part of the consented Biggar Business and Retail Park that had established the principle of development in the area designated as being an Auction Market in the Upper Clydesdale Local Plan
- ◆ no infrastructure or amenity issues were raised

The Committee decided: that planning application CL/05/0326 by Scotia Golf Cars Limited for:-

- ◆ the erection of a workshop; and
- ◆ temporary office accommodation to 12 July 2007

at Market Road, Biggar be granted subject to the conditions specified in the Executive Director's report.

14 Application CL/04/0826 – Erection of House (Outline) at Greentowers Road, Cartland, Lanark

A report dated 29 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CL/04/0826 by Greentowers Farms Limited for the erection of a house (outline) at Greentowers Road, Cartland, Lanark.

The application had been advertised as Development Potentially Contrary to the Development Plan, however, no objections had been received.

The Lower Clydesdale Local Plan defined a development boundary around Cartland. The application site lay immediately outwith the settlement envelope where the Rural Area designation applied. Policy ENV2 (Rural Area) and Policy STRAT2 (Small Settlements) were both relevant to the assessment of the application. The site also lay within an area of Great Landscape Value where Policy ENV7 : Area of Great Landscape Value applied.

It was considered that the proposed development was not at odds with the overall principles of safeguarding the setting of existing communities and integrating development with existing building groups. The development would integrate easily with existing development and would re-define the settlement edge which would strengthen the Council's position to resist further encroachment into the rural area, particularly at the eastern edge of Cartland.

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

- ◆ no infrastructure issues were raised by the development
- ◆ no precedent was being set by this limited encroachment into the rural area
- ◆ the development of this site would lead to the creation of a more defensible settlement edge
- ◆ the proposal was not harmful to the special landscape qualities which categorised the Area of Great Landscape Value

The Committee decided: that planning application CL/04/0826 by Greentowers Farms Limited for the erection of a house (outline) at Greentowers Road, Cartland, Lanark be granted subject to the conditions specified in the Executive Director's report.

15 Tree Preservation Order – Kirkland House, Bothwell

A report dated 29 June 2005 by the Executive Director (Enterprise Resources) was submitted on a Provisional Tree Preservation Order (TPO) on those trees lying within the grounds of Kirkland House, Bothwell. The Provisional Tree Preservation Order was required to ensure that adequate protection was given to 3 trees, 1 oak, 1 beech and 1 lime, in any future proposals for the site.

The Committee decided:

- (1) that, under the terms of Section 163 (Provisional Tree Preservation Order) of the Town and Country Planning (Scotland) Act 1997, a Provisional Tree Preservation Order be made on the trees within the grounds of Kirkland House, Bothwell as detailed on the plan attached to the report; and
- (2) that, should there be no objection to the Provisional Tree Preservation Order, the Order be confirmed 6 months from the date of its promotion

16 Revised Scheme of Delegation – Planning and Building Control

A report dated 29 June 2005 by the Executive Director (Enterprise Resources) was submitted on the revised Scheme of Delegation approved by the Council on 22 June 2005. The specific revisions in relation to planning and building control were detailed.

The revised Scheme of Delegation for building control had taken place immediately and the Scheme of Delegation for planning would be implemented with effect from 1 August 2005.

The Committee decided: that the report be noted.

[Reference: Minutes of the Council of 22 June 2005 (Paragraph 3)]

17 Urgent Business

There were no items of urgent business.