

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 28 April 2009

Chair:

Councillor Graham Scott

Councillors Present:

Eileen Baxendale, Archie Buchanan, Gordon Clark, Pam Clearie, Gerry Convery, Jim Docherty, Hugh Dunsmuir, Tommy Gilligan, Ian Gray, Bill Holman, Archie Manson, Michael McCann, Clare McColl, Lesley McDonald, Alex McInnes, Denis McKenna, Mary McNeill, Patrick Ross-Taylor (Depute), Hamish Stewart, Jim Wardhaugh

Councillors' Apologies:

Alex Allison, Edward McAvoy, Chris Thompson

Attending:

Corporate Resources

P MacRae, Administration Officer

Enterprise Resources

G Cameron, Area Manager, Planning and Building Standards Services (Cambuslang and Rutherglen); T Finn, Area Manager, Planning and Building Standards Services (Clydesdale); S Laird, Transportation Engineer; M Little, Operations and Area Manager, Planning and Building Standards Services (Hamilton); C McDowall, Head of Planning and Building Standards Services; T Meikle, Area Manager, Planning and Building Standards Services (East Kilbride)

Chair's Remarks

The Chair, on behalf of the members of the Committee, congratulated Colin McDowall on his recent appointment to the post of Executive Director (Enterprise Resources).

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Gray	Application CL/08/0731 – Erection of Class 1 foodstore (net sales area 2,750 square metres), petrol filling station and associated car parking and access at Loch Park Stadium, Shieldhill Road, Carluke	Previous expression of a view on the application

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 10 March 2009 were submitted for approval as a correct record.

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

3 Application CL/08/0731 - Erection of Class 1 Foodstore (Net Sales Area 2,750 Square Metres), Petrol Filling Station, Car Wash and Associated Car Parking and Access at Loch Park Stadium, Shieldhill Road, Carluke

A report dated 21 April 2009 by the Executive Director (Enterprise Resources) was submitted on planning application CL/08/0731 by Tesco Stores Limited for the erection of a Class 1 foodstore (net sales area 2,750 square metres), petrol filling station, car wash and associated car parking and access at Loch Park Stadium, Shieldhill Road, Carluke.

Points raised in a further, late letter of representation from C Young were referred to at the meeting and addressed by officers.

The Committee decided: that planning application CL/08/0731 by Tesco Stores Limited for the erection of a Class 1 foodstore (net sales area 2,750 square metres), petrol filling station, car wash and associated car parking and access be granted subject to the conditions specified in the Executive Director's report.

Councillor Gray, having declared an interest in the above item, withdrew from the meeting during its consideration

4 Application HM/08/0268 - Residential Development and Provision of Recreation Area (Outline) at Beech Avenue, Quarter

A report dated 20 April 2009 by the Executive Director (Enterprise Resources) was submitted on planning application HM/08/0268 by S Miller for a residential development and provision of recreation area (outline) at Beech Avenue, Quarter.

The Committee decided: that planning application HM/08/0268 by S Miller for a residential development and provision of recreation area (outline) at Beech Avenue, Quarter be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ the prior conclusion of a Section 75 Agreement between the Council and the applicant to ensure the provision of a play pitch to a standard acceptable to the Council. The Council's legal expenses in connection with the Agreement to be borne by the applicant

5 Application EK/08/0154 - Installation of 2 x 6 Kilowatt Wind Turbines on 15 Metre Poles at Blacklaw Primary School, Glen Arroch, St Leonards, East Kilbride

A report dated 6 April 2009 by the Executive Director (Enterprise Resources) was submitted on planning application EK/08/0154 by Bovis Lend Lease Limited for the erection of 2 x 6 kilowatt wind turbines on 15 metre poles at Blacklaw Primary School, Glen Arroch, St Leonards, East Kilbride.

The Committee decided: that planning application EK/08/0154 by Bovis Lend Lease Limited for the installation of 2 x 6 kilowatt wind turbines on 15 metre poles at Blacklaw Primary School, Glen Arroch, St Leonards, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 31 October 2006 (Paragraph 15)]

6 Application HM/08/0080 - Residential Development (123 Units), Formation of Access Road and Associated Facilities at Former Earnock High School Site, Wellhall Road, Hamilton

A report dated 20 April 2009 by the Executive Director (Enterprise Resources) was submitted on planning application HM/08/0080 by Barratt West Scotland for a residential development (123 units), formation of access road and associated facilities at the former Earnock High School site, Wellhall Road, Hamilton.

The Committee decided:

that planning application HM/08/0080 by Barratt West Scotland for a residential development (123 units), formation of access road and associated facilities at the former Earnock High School site, Wellhall Road, Hamilton be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ the prior conclusion of a Section 75 Agreement between the Council and the applicant in respect of the lodging of appropriate funds to address the non-provision of play facilities (£55,300) and off-site road works (£79,400). The terms of the Section 75 Agreement to be on the basis of a phased financial contribution dependent on the completion/occupation of units and the requirement for the implementation of necessary works to be agreed between the applicant, Planning Services and Roads and Transportation Services in conjunction with Legal Services. The Council's legal expenses in connection with the Agreement to be borne by the applicant

[Reference: Minutes of 7 July 2005 (Paragraph 4)]

7 Application CR/09/0004 - Demolition of Existing Primary School and Erection of Replacement Primary School with Multi-Use Games Area (MUGA) and Security Fencing at St Anthony's Primary School, Lochaber Drive, Rutherglen

A report dated by 7 April 2009 by the Executive Director (Enterprise Resources) was submitted on planning application CR/09/0004 by South Lanarkshire Council for the demolition of an existing primary school and the erection of a replacement primary school with multi-use games area (MUGA) and security fencing at St Anthony's Primary School, Lochaber Drive, Rutherglen.

The Committee decided:

that planning application CR/09/0004 by South Lanarkshire Council for the demolition of an existing primary school and the erection of a replacement primary school with multi-use games area (MUGA) and security fencing at St Anthony's Primary School, Lochaber Drive, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 26 February 2008 (Paragraph 9)]

8 Application CL/06/0397 - Residential Development (Outline) at Lanark Road, Forth

A report dated 21 April 2009 by the Executive Director (Enterprise Resources) was submitted on planning application CL/06/0397 by Haven Homes (Scotland) Limited for a residential development (outline) at Lanark Road, Forth.

The Committee decided: that planning application CL/06/0397 by Haven Homes (Scotland) Limited for a residential development (outline) at Lanark Road, Forth be granted subject to the conditions specified in the Executive Director's report.

9 Application CR/08/0287 - Ground Re-profiling/Re-engineering Operations and Removal of Previously Tipped Demolition Material for Use in the Construction of the M74 Northern Extension at Clydebridge Works, Cambuslang

A report dated 8 April 2009 by the Executive Director (Enterprise Resources) was submitted on planning application CR/08/0287 by Interlink M74 JV for ground re-profiling/re-engineering operations and the removal of previously tipped demolition material for use in the construction of the M74 northern extension at Clydebridge Works, Cambuslang.

The Committee decided: that planning application CR/08/0287 by Interlink M74 JV for ground re-profiling/re-engineering operations and the removal of previously tipped demolition material for use in the construction of the M74 northern extension at Clydebridge Works, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 24 April 2001 (Paragraph 3)]

10 Application EK/09/0011 - Residential Development (Outline) at Land at Shields Road, East Kilbride

A report dated 21 April 2009 by the Executive Director (Enterprise Resources) was submitted on planning application EK/09/0011 by Taylor Wimpey Developments Limited for a residential development (outline) at land at Shields Road, East Kilbride.

The Committee decided: that planning application EK/09/0011 by Taylor Wimpey Developments Limited for a residential development (outline) at land at Shields Road, East Kilbride be refused for the reasons detailed in the Executive Director's report.

11 Proposed Windfarm at Nutberry Hill, near Douglas (Planning Application CL/06/0662)

A report dated 21 April 2009 by the Executive Director (Enterprise Resources) was submitted on planning application CL/06/0662 by Nutberry Wind Energy Limited for the erection of 6 wind turbines at Nutberry Hill, Cumberhead Forest Complex, approximately 7 kilometres south of Lesmahagow, known as Nutberry Windfarm.

At its meeting on 9 September 2008, the Committee had agreed that planning permission for the erection of 6 turbines and associated infrastructure at Nutberry Hill, near Douglas be refused for the reasons detailed in the Executive Director's report.

The applicant had subsequently lodged an appeal with the Scottish Ministers against this decision. However, the applicant had also attempted to address the Council's reasons for refusing the application. It was now considered that the concerns that had led to the refusal of the application by the Council had been addressed. Consequently, it was now proposed that the Council remove its objections to the application by Nutberry Wind Energy Limited to erect 6 wind turbines at Nutberry Hill, near Douglas.

The Committee decided:

- (1) that the Scottish Ministers be advised that the Council's objections to the proposed development of 6 wind turbines at Nutberry Hill had been removed;
- (2) that, in the event that planning permission was granted by the Scottish Ministers, authorisation be given to appropriate officials to negotiate and conclude a Section 75 Legal Agreement between the Council and the applicant prior to the issue of the consent that encompassed the following:-
 - ◆ the preparation and implementation of a Habitat Management Plan with a commitment to its review and development
 - ◆ the funding mechanism for the Habitat Management Plan with provision for aftercare beyond the operational life of the windfarm
 - ◆ a commitment by the applicant to meet the costs of investigating and rectifying television/radio reception problems arising from the development
 - ◆ appropriate finances being put aside to mitigate against adverse environmental impact
 - ◆ the cost of employing a Planning Monitoring Officer during the construction, operation, decommissioning and subsequent restoration of the site
 - ◆ the applicant meeting all reasonable costs incurred by the Council in terms of the legal expenses in concluding the Section 75 Agreement
 - ◆ ongoing financial contributions, to be agreed between the Council and the applicant, being made to the South Lanarkshire Council Renewable Energy Fund during the operational period of the windfarm
- (3) that the conditions detailed in the appendix to the Executive Director's report be approved for onward submission to the Scottish Ministers;
- (4) that, in the event that planning consent was granted by the Scottish Ministers, a:-
 - ◆ Section 96 Agreement be concluded due to the increase in heavy goods traffic
 - ◆ Restoration and Decommissioning Bond be agreed to guarantee that the site was decommissioned and restored in a satisfactory manner

[Reference: Minutes of 9 September 2008 (Paragraph 7)]

12 Tree Preservation Order at Merlewood Avenue, Bothwell

A report dated 9 April 2009 by the Executive Director (Enterprise Resources) was submitted on a Provisional Tree Preservation Order (TPO) on trees situated at an area of ground at Merlewood Avenue, Bothwell. The Provisional TPO was required to ensure that the trees, which were currently under threat due to works which were taking place in the surrounding area, were given adequate protection.

In terms of the Council's approved Scheme of Delegation, the Executive Director (Enterprise Resources), in consultation with the Chair and the local members, had authorised the making of the Provisional TPO under the terms of Section 163 of the Town and Country Planning (Scotland) Act 1997.

The Committee decided:

- (1) that the action taken, in terms of the Council's approved Scheme of Delegation, by the Executive Director (Enterprise Resources), in consultation with the Chair and the local members, in authorising the making of the Provisional TPO under the terms of Section 163 of the Town and Country Planning (Scotland) Act 1997 on the trees situated at an area of ground at Merlewood Avenue, Bothwell, identified on the plan attached to the report, be noted; and
- (2) that, should there be no objection to the Provisional TPO, the Order be confirmed within 6 months from the date of its promotion.

13 Urgent Business

There were no items of urgent business.