

## PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 23 March 2010

### **Chair:**

Councillor Graham Scott

### **Councillors Present:**

Alex Allison, 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, Chris Thompson, Jim Wardhaugh

### **Councillor's Apology:**

Edward McAvoy

### **Attending:**

#### **Corporate Resources**

L Carstairs, Public Relations Officer; P MacRae, Administration Officer

#### **Enterprise Resources**

G Cameron, Headquarters Manager, Planning and Building Standards Services; 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); M McGlynn, Head of Planning and Building Standards Services; S McMillan, Planning Team Leader (Headquarters); T Meikle, Area Manager, Planning and Building Standards Services (East Kilbride)

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### **1 Declaration of Interests**

No interests were declared.

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### **2 Minutes of Previous Meeting**

The minutes of the meeting of the Planning Committee held on 23 February 2010 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/09/0202 - Phased Removal of Cadzow Bing: Phase 1 - Slope Stabilisation and Associated Works and Phase 2 - Removal of Bing at Cadzow Bing, off Cadzow Industrial Estate, Hamilton**

A report dated 16 March 2010 by the Executive Director (Enterprise Resources) was submitted on planning application HM/09/0202 by Cruden Estates for the phased removal of Cadzow Bing comprising slope stabilisation and associated works as phase 1 and the removal of the bing as phase 2 at Cadzow Bing, off Cadzow Industrial Estate, Hamilton.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Minerals Local Plan, the Adopted South Lanarkshire Local 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 (Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ following assessment, it was clear that the environmental impact of the proposal could be mitigated to an acceptable level
- ◆ significant measures had been identified and could be put in place to minimise the development's impact on the local community through the methods of working, mitigation and monitoring
- ◆ the proposed impact from noise, dust, vibration and traffic movements was unlikely to significantly affect nearby residents

**The Committee decided:**

that planning application HM/09/0202 by Cruden Estates for the phased removal of Cadzow Bing comprising slope stabilisation and associated works as phase 1 and the removal of the bing as phase 2 at Cadzow Bing, off Cadzow Industrial Estate, Hamilton be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ the conclusion of a Section 75 Agreement to control the following:-
  - ◆ off site monitoring programmes relating to noise, dust and vibration
  - ◆ establishment of a Cadzow Bing Community Liaison Group
  - ◆ contribution to the ongoing employment of a Minerals Planning Monitoring and Enforcement Officer
  - ◆ the haul route and the conveying of vehicles to and from the site to the trunk road network
  - ◆ access to the site for the Council to carry out works or operations permitted by the consent, where necessary
  - ◆ responsibility of the applicant to meet the Council's costs associated with the legal agreements referred to
- ◆ prior submission of a Restoration and Aftercare Guarantee Bond to cover the full costs of restoring the site
- ◆ prior conclusion of a Section 96 Agreement for contributions towards the maintenance of the public road network where extraordinary wear and tear would be experienced as a result of the development

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**4 Application EK/09/0112 - Erection of 5 Class 1 Retail Units, Car Parking, Landscaping, Servicing and Associated Works at Lindsayfield Road, East Kilbride**

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A report dated 16 March 2010 by the Executive Director (Enterprise Resources) was submitted on planning application EK/09/0112 by Lidl UK GMBH for the erection of 5 Class 1 retail units, car parking, landscaping, servicing and associated works at Lindsayfield Road, East Kilbride.

**The Committee decided:** that planning application EK/09/0112 by Lidl UK GMBH for the erection of 5 Class 1 retail units, car parking, landscaping, servicing and associated works at Lindsayfield Road, East Kilbride be refused for the reasons detailed in the Executive Director's report.

*[Reference: Minutes of 23 January 2007 (Paragraph 11)]*

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## **5 Application CL/09/0455 - Residential Development (Planning Permission in Principle) at Bellefield Road, Lanark**

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A report dated 15 March 2010 by the Executive Director (Enterprise Resources) was submitted on planning application CL/09/0455 by A McRae for a residential development (planning permission in principle) at Bellefield Road, Lanark.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local 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 (Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the site was considered a brownfield site and the removal of unsightly sheds would result in environmental improvements
- ◆ the site was visually contained from the wider countryside by topography and woodland and could be additionally screened through further planting
- ◆ there would be no impact on the residential amenity of existing properties along Bellefield Road

**The Committee decided:** that planning application CL/09/0455 by A McRae for a residential development (planning permission in principle) at Bellefield Road, Lanark be granted subject to the conditions specified in the Executive Director's report.

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## **6 Application EK/10/0019 - Change of Use of Land to Hand Car Wash, Formation of Car Park and Erection of Security Gate at East Kilbride Thistle Football Club, The Show Park, Maxwell Drive, The Village, East Kilbride**

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The Chair advised that this application had been withdrawn at the request of the applicant.

**The Committee decided:** to note the position.

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## **7 Application CL/09/0447 - Formation of House Plot (Planning Permission in Principle) at The Bramblings, Midloan Street, Braidwood**

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A report dated 15 March 2010 by the Executive Director (Enterprise Resources) was submitted on planning application CL/09/0447 by A Majumdar for the formation of a house plot (planning permission in principle) at The Bramblings, Midloan Street, Braidwood.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local 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 (Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the proposal would allow a rounding off of the settlement edge
- ◆ there would be no adverse impact on the rural character of the area or on the function of the Greenbelt
- ◆ there would be no adverse impact on residential amenity
- ◆ the site could be safely accessed and there were no known infrastructure problems

**The Committee decided:** that planning application CL/09/0447 by A Majumdar for the formation of a house plot (planning permission in principle) at The Bramblings, Midloan Street, Braidwood be granted subject to the conditions specified in the Executive Director's report.

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## **8 Application CL/09/0472 - Subdivision of Garden Ground and Erection of House (Planning Permission in Principle) at Ar Dachaidh, Woodhall Road, Braidwood**

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A report dated 15 March 2010 by the Executive Director (Enterprise Resources) was submitted on planning application CL/09/0472 by Mr and Mrs Jackson for the subdivision of garden ground and the erection of a house (planning permission in principle) at Ar Dachaidh, Woodhall Road, Braidwood.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local 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 (Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the principle of backland development had already been established by the houses which straddled the application site
- ◆ the site was considered an appropriate infill development, rounding off an existing grouping of buildings
- ◆ the scale and form of the house would be similar to that of the existing houses in the immediate vicinity
- ◆ the site was self-contained by woodland to the rear and mature hedges on each side boundary and could not be viewed easily from the public road due to the position of the host house
- ◆ there would be no impact on the residential amenity of the existing properties
- ◆ the overall objectives of Greenbelt policy would not be compromised
- ◆ there were no infrastructure issues

**The Committee decided:**

that planning application CL/09/0472 by Mr and Mrs Jackson for the subdivision of garden ground and the erection of a house (planning permission in principle) at Ar Dachaidh, Woodhall Road, Braidwood be granted subject to the conditions specified in the Executive Director's report.

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## **9 The South Lanarkshire Development Plan Scheme 2010**

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A report dated 10 March 2010 by the Executive Director (Enterprise Resources) was submitted on the South Lanarkshire Development Plan Scheme 2010 which set out the Council's programme for preparing its Development Plans. At its meeting on 10 March 2009, the Committee had approved the Scheme for 2009. In terms of the Planning etc (Scotland) Act 2006, the Scheme had to be kept up to date by at least annual review.

The proposed Development Plan Scheme 2010 for South Lanarkshire was attached as an appendix to the report.

The Scheme dealt with:-

- ◆ the current coverage of Development Plans (Structure and Local Plans) in South Lanarkshire
- ◆ proposals for new Local Development Plans (LDPs) for the area and the context for those to be set by the proposed Glasgow and Clyde Valley Strategic Development Plan
- ◆ the timescale for preparation of those LDPs
- ◆ details, as appropriate, of the key components of each stage of preparation
- ◆ a participation statement, giving an account of when consultation would take place, with whom and in what form, during the preparation of the LDPs
- ◆ details on how to access information and how to get in touch with the Council

If approved, the Scheme would be:-

- ◆ submitted to the Scottish Ministers
- ◆ published in hard copy and on the Council's website
- ◆ available in public libraries

**The Committee decided:**

that the South Lanarkshire Development Plan Scheme 2010, as detailed in the appendix to the report, be approved and published.

*[Reference: Minutes of 10 March 2009 (Paragraph 12)]*

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## **10 South Lanarkshire Minerals Local Development Plan - Main Issues Report**

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A report dated 10 March 2010 by the Executive Director (Enterprise Resources) was submitted on the preparation of a Main Issues Report for the South Lanarkshire Minerals Development Plan.

The current South Lanarkshire Minerals Local Development Plan had been adopted on 12 September 2002 and now required to be reviewed in light of new national planning policy and legislation. The Main Issues Report formed the first published document in the preparation of the new Minerals Local Development Plan and was intended to be a focus for consultation and engagement before the Plan was prepared.

Details were given on:-

- ◆ consultation arrangements
- ◆ further assessments and reports
- ◆ the key areas addressed in the Main Issues Report

If approved, the Main Issues Report would be published and made available for public comment during April and May 2010. Following consideration of the comments received, a proposed plan would be prepared and presented to Committee by the end of 2010.

The Main Issues Report and its supporting documents would be available:-

- ◆ on the Council's website
- ◆ at Council planning offices
- ◆ in public libraries
- ◆ at Q and A offices

Copies would also be available for purchase and comments could be made online or by using a consultation forum. The consultation period would last for 6 weeks.

**The Committee decided:** that the South Lanarkshire Minerals Local Development Plan Main Issues Report be approved for consultation for a period of 6 weeks.

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## **11 Tree Preservation Order at Blackwood Estate, Blackwood**

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A report dated 9 March 2010 by the Executive Director (Enterprise Resources) was submitted on a Provisional Tree Preservation Order (TPO) on trees located within the boundary of Blackwood Estate as detailed on the plan attached to the Executive Director's report.

The Provisional TPO was required to ensure that the trees which consisted of a mix of native and ornamental broadleaf species, including copper beech and oak as well as lime trees, were adequately protected. The site was identified in the Adopted South Lanarkshire Local Plan as being a housing development site and planning consent had been granted for the erection of 5 houses on the site.

**The Committee decided:**

- (1) that a Provisional TPO be promoted under the terms of Section 163 of the Town and Country Planning (Scotland) Act 1987 on the trees located within the boundary of Blackwood Estate as indicated on the plan attached to the report; and
- (2) that, should there be no objections to the Provisional TPO, the Order be confirmed within 6 months from the date of its promotion.

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## **12 Urgent Business**

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In view of the length of time until the next meeting of the East Kilbride Area Committee, the Chair decided, in terms of Standing Order No 4, that consideration be given to the following 2 planning applications as a matter of urgency.

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**13 Application HM/09/0603 - Change of Use of Open Space to Form Extension to Existing Yard at King Street, Stonehouse**

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A report dated 26 February 2010 by the Executive Director (Enterprise Resources) was submitted on planning application HM/09/0603 by Galloway and MacLeod for the change of use of open space to form an extension to an existing yard at King Street, Stonehouse.

**The Committee decided:** that planning application HM/09/0603 by Galloway and MacLeod for the change of use of open space to form an extension to an existing yard at King Street, Stonehouse be granted subject to the conditions specified in the Executive Director's report.

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**14 Application HM/10/0091 - Alterations to Access Arrangements (Amendment to Planning Consent HM/09/0471) at Newfield Primary School, Muirhead, Stonehouse**

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A report dated 9 March 2010 by the Executive Director (Enterprise Resources) was submitted on planning application HM/10/0091 by A Stronach for alterations to access arrangements (amendment to planning consent HM/09/0471) at Newfield Primary School, Muirhead, Stonehouse.

**The Committee decided:** that planning application HM/10/0091 by A Stronach for alterations to access arrangements (amendment to planning consent HM/09/0471) at Newfield Primary School, Muirhead, Stonehouse be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 1 December 2009 (Paragraph 5)]*