

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 26 March 2019

Chair:

Councillor Alistair Fulton

Councillors Present:

Councillor Alex Allison, Councillor John Bradley, Councillor Walter Brogan, Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Stephanie Callaghan, Councillor Gerry Convery (*substitute for Councillor Martin Lennon*), Councillor Peter Craig (*substitute for Councillor Collette Stevenson*), Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Isobel Dorman (Depute), Councillor Fiona Dryburgh, Councillor Mark Horsham, Councillor Richard Lockhart, Councillor Catherine McClymont (*substitute for Councillor Margaret Cowie*), Councillor Kenny McCreary, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Bert Thomson, Councillor Jared Wark (*substitute for Councillor Ann Le Blond*)

Councillors' Apologies:

Councillor Margaret Cowie, Councillor Ann Le Blond, Councillor Martin Lennon, Councillor John Ross (ex officio), Councillor Collette Stevenson, Councillor Jim Wardhaugh, Councillor Sheena Wardhaugh

Attending:

Community and Enterprise Resources

L Campbell, Area Manager, Planning and Building Standards Services (Hamilton and Clydesdale); P Elliott, Head of Planning and Economic Development; 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)

Finance and Corporate Resources

P MacRae, Administration Officer; K McLeod, Administration Assistant; K Moore, Legal Services Adviser; A Thompson, Media 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 26 February 2019 were submitted for approval as a correct record.

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

3 Application P/18/0723 for Erection of Class 1 (Retail) Unit with Associated Access, Car Parking, Service Yard and Other Associated Works at 1A Clyde Gateway Trade Park, Dalmarnock Road, Rutherglen

A report dated 15 March 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0723 by Rubicon Land Limited and T J Morris Limited for the erection of a Class 1 (retail) unit with associated access, car parking, service yard and other associated works at 1A Clyde Gateway Trade Park, Dalmarnock Road, Rutherglen.

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 proposal offered an opportunity to provide a commercial development, on the edge of an industrial and business zoned area, where there had been a difficulty in marketing residual land for industrial use
- ◆ the proposal had been assessed against Policy 7, Employment, and the Supplementary Guidance Policy ICD1 and it complied with the criteria contained in those policies
- ◆ the proposal was fully compliant with Policy 4 of the Adopted South Lanarkshire Local Development Plan and Policies DM1 and DM8 of the Supplementary Guidance
- ◆ the development would provide local employment opportunities
- ◆ the site could be developed without adversely affecting the amenity of the surrounding area

The Committee decided:

that planning application P/18/0723 by Rubicon Land Limited and T J Morris Limited for the erection of a Class 1 (retail) unit with associated access, car parking, service yard and other associated works at 1A Clyde Gateway Trade Park, Dalmarnock Road, Rutherglen 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 objected in principle to the grant of planning permission on the basis of potential flood risk

4 Application P/18/0949 for Erection of Coffee Shop with Drive Through Facility, Associated Car Parking and Landscaping at Land 100 Metres West of McDonalds Restaurant, Dalmarnock Trading Estate, Dalmarnock Road, Rutherglen

A report dated 15 March 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0949 by Rubicon Land Limited for the erection of a coffee shop with a drive through facility, associated car parking and landscaping at land 100 metres west of McDonalds restaurant, Dalmarnock Trading Estate, Dalmarnock Road, Rutherglen.

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.

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- ◆ the proposal was fully compliant with Policy 4 of the Adopted South Lanarkshire Local Development Plan and Policies DM1 and DM8 of the Supplementary Guidance
- ◆ the development would provide local employment opportunities
- ◆ the site could be developed without adversely affecting the amenity of the surrounding area

The Committee decided:

that planning application P/18/0949 by Rubicon Land Limited for the erection of a coffee shop with a drive through facility, associated car parking and landscaping at land 100 metres west of McDonalds restaurant, Dalmarnock Trading Estate, Dalmarnock Road, Rutherglen 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 objected in principle to the grant of planning permission on the basis of potential flood risk

5 Application CL/17/0514 for Erection of 16 Houses, Formation of Access and Associated Ground Works at Land at Site of Former Lanark Grammar School, Albany Drive, Lanark

A report dated 15 March 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0514 by Lovell Partnership Limited for the erection of 16 houses, formation of access and associated ground works at land at the site of the former Lanark Grammar School, Albany Drive, Lanark.

Points raised in a letter of representation from Councillor Marrs were referred to at the meeting and addressed by officers.

The Committee decided:

that planning application CL/17/0514 by Lovell Partnership Limited for the erection of 16 houses, formation of access and associated ground works at land at the site of the former Lanark Grammar School, Albany Drive, Lanark be granted subject to the conditions specified in the Executive Director's report.

6 Application P/19/0071 – Section 42 Application to Delete Condition 36 (Restriction of Construction Traffic Accessing Site Between 8.00am and 9.30am and 3.00pm and 5.00pm on Weekdays) Attached to Planning Consent P/18/0603 for 157 Houses at Muirhead Drive, Law

A report dated 15 March 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0071 by Persimmon Homes for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to delete Condition 36 attached to planning consent P/18/0603 for 157 houses at Muirhead Drive, Law.

At its meeting on 25 September 2018, the Committee had approved planning application P/18/0603 for a residential development at Muirhead Drive, Law subject to the conditions specified in the Executive Director's report and the inclusion of an additional condition restricting construction traffic accessing the site between the hours of 8.00am to 9.30am and 3.00pm to 5.00pm on weekdays.

The applicant had subsequently advised that they considered the condition to be unreasonably onerous, however, in recognition of residents' concerns about construction traffic, they had submitted an updated Traffic Management Plan which included measures to ensure that there was no impediment to school pupils travelling safely along Muirhead Drive. Consequently, the applicant had now requested that the condition restricting construction traffic, attached to planning consent P/18/0603, be deleted.

Following discussion, Councillor Craig, seconded by Councillor Fulton, moved that planning application P/19/0071 to delete Condition 36 attached to planning consent P/18/0603 be refused but that Condition 36 be varied to restrict construction traffic accessing the site between the hours of 8.00am to 9.15am and 2.45pm to 3.30pm on weekdays and that this condition be enforced. Councillor Shearer, seconded by Councillor Donnelly, moved as an amendment that planning application P/19/0071 to delete Condition 36 attached to planning consent P/18/0603 be refused, that the condition be not deleted and that it be enforced. On a vote being taken by a show of hands, 17 members voted for the amendment and 6 for the motion. The amendment was declared carried.

The Committee decided:	that planning application P/19/0071 by Persimmon Homes for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to delete Condition 36 attached to planning consent P/18/0603 for 157 houses at Muirhead Drive, Law be refused and that Condition 36 attached to planning consent P/18/0603 be enforced.
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[Reference: Minutes of 25 September 2018 (Paragraph 4)]

7 Urgent Business

There were no items of urgent business.