

## PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 26 January 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, Archie Manson, Michael McCann, Clare McColl, Lesley McDonald, Alex McInnes, Denis McKenna, Mary McNeill, Patrick Ross-Taylor (Depute), Hamish Stewart, Chris Thompson, Jim Wardhaugh

**Councillors' Apologies:**

Bill Holman, Edward McAvoy

**Attending:**

**Corporate Resources**

M Barr, Senior Public Relations Officer; P MacRae, Administration Officer

**Enterprise Resources**

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; T Meikle, Area Manager, Planning and Building Standards Services (East Kilbride)

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### 1 Declaration of Interests

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No interests were declared.

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### 2 Minutes of Previous Meeting

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The minutes of the meeting of the Planning Committee held on 1 December 2009 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 EK/06/0311 - Erection of 11 Wind Turbines and Associated Infrastructure Including Sub-Station, Access Tracks, Construction Compound and Borrow Pit at Bankend Rig Windfarm, Glengavel

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A report dated 19 January 2010 by the Executive Director (Enterprise Resources) was submitted on planning application EK/06/0311 by I and H Brown, Bankend Rig Limited for the erection of 11 wind turbines and associated infrastructure including sub-station, access tracks, construction compound and borrow pit at Bankend Rig Windfarm, Glengavel.

In terms of the Environmental Impact Assessment (Scotland) Regulations 1999, reasons required to be given for approving planning applications which had been submitted with an Environmental Statement. The application was considered acceptable on the basis of the following:-

- ♦ the proposal was consistent with Structure and Local Plan policy

- ◆ the proposal was consistent with relevant government guidance
- ◆ the accompanying Environmental Statement was a comprehensive document which adequately assessed key impacts
- ◆ there were no significant landscape and visual issues
- ◆ there were no significant ornithological issues
- ◆ the satisfactory development and operation of the site could be controlled by means of condition and legal agreement

**The Committee decided:**

that planning application EK/06/0311 by I and H Brown, Bankend Rig Limited for the erection of 11 wind turbines and associated infrastructure including sub-station, access tracks, construction compound and borrow pit at Bankend Rig Windfarm, Glengavel be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ the conclusion of a Section 75 Agreement between the Council, the applicant and landowners and Scottish Natural Heritage which ensured:-
  - ◆ submission of a bond for the restoration and aftercare of the site
  - ◆ provision of community benefit funds to the satisfaction of the Council
  - ◆ preparation and implementation of a television reception remedial procedure
  - ◆ preparation and implementation of a Habitat Management Plan to the satisfaction of the Council and Scottish Natural Heritage
  - ◆ provision of an Ecological Clerk of Works
  - ◆ funding of a Planning Monitoring Officer to be appointed by the Council
  - ◆ access to the site had been secured in planning terms
- ◆ planning consent being withheld until a Section 96 (Roads Scotland Act) Agreement between the Council and the applicant had been concluded to ensure the satisfactory procedure and control over turbine transportation and the satisfactory and timely remedy of resultant damage to roads
- ◆ planning consent being withheld until a legal agreement or indemnification between the applicant and the Council, as roads authority, was completed outlining the indemnity insurance requirements that the applicant required to maintain for the duration of the turbine transportation period
- ◆ all costs associated with the legal agreement, including the Council's costs, being met by the applicant

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**4 Application EK/09/0386 - Provision of Temporary Modular Classrooms and Ancillary School Accommodation and Car Parking within Existing Primary School Grounds to Provide Decant Teaching Facility at Heatheryknowe Primary School, Whitehills Terrace, East Kilbride**

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A report dated 21 December 2009 by the Executive Director (Enterprise Resources) was submitted on planning application EK/09/0386 by South Lanarkshire Council for the provision of

temporary modular classrooms and ancillary school accommodation and car parking within the existing primary school grounds to provide a decant teaching facility at Heatheryknowe Primary School, Whitehills Terrace, East Kilbride.

**The Committee decided:** that planning application EK/09/0386 by South Lanarkshire Council for the provision of temporary modular classrooms and ancillary school accommodation and car parking within the existing primary school grounds to provide a decant teaching facility at Heatheryknowe Primary School, Whitehills Terrace, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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**5 Application EK/09/0362 - Refurbishment of Existing School Building, Construction of New 3 Classroom Extension, Formation of Multi-Use Games Area (MUGA) Pitch and Hard/Soft Landscaping at St Louise's Primary School, Whitehills Terrace, East Kilbride**

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A report dated 11 January 2010 by the Executive Director (Enterprise Resources) was submitted on planning application EK/09/0362 by Currie and Brown for the refurbishment of the existing school building, construction of a new 3 classroom extension, formation of Muga pitch and hard/soft landscaping at St Louise's Primary School, Whitehills Terrace, East Kilbride.

**The Committee decided:** that planning application EK/09/0362 by Currie and Brown for the refurbishment of the existing school building, construction of a new 3 classroom extension, formation of MUGA pitch and hard/soft landscaping at St Louise's Primary School, Whitehills Terrace, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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**6 Application CL/09/0458 - Demolition of Existing High Mill/Victoria Park School and Erection of 1 and 2 Storey Replacement School with Associated Parking and Playground Areas at High Mill/Victoria Park School, Market Road, Carluke**

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A report dated 7 January 2010 by the Executive Director (Enterprise Resources) was submitted on planning application CL/09/0458 by Bovis Lend Lease for the demolition of the existing High Mill/Victoria Park School and the erection of a 1 and 2 storey replacement school with associated parking and playground areas at High Mill/Victoria Park School, Market Road, Carluke.

**The Committee decided:** that planning application CL/09/0458 by Bovis Lend Lease for the demolition of the existing High Mill/Victoria Park School and the erection of a 1 and 2 storey replacement school with associated parking and playground areas at High Mill/Victoria Park School, Market Road, Carluke be granted subject to the conditions specified in the Executive Director's report.

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**7 Application EK/09/0390 - Erection of New Primary School with Multi-Use Games Area (MUGA) Pitch at Canberra Primary School, Belmont Drive, East Kilbride**

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A report dated 19 January 2010 by the Executive Director (Enterprise Resources) was submitted on planning application EK/09/0390 by Bovis Lend Lease for the erection of a new

primary school with Multi-Use Games Area (MUGA) pitch at Canberra Primary School, Belmont Drive, East Kilbride.

**The Committee decided:** that planning application EK/09/0390 by Bovis Lend Lease for the erection of a new primary school with MUGA pitch at Canberra Primary School, Belmont Drive, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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**8 Application CL/09/0265 - Erection of Class 1 Retail Store Together with Associated Landscaping, Car Parking and Improvements to Road Layout and Access (Planning Permission in Principle) at Former High School Site, Lesmahagow**

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A report dated 18 January 2010 by the Executive Director (Enterprise Resources) was submitted on planning application CL/09/0265 by Muse Developments Limited for the erection of a Class 1 retail store together with associated landscaping, car parking and improvements to the road layout and access (planning permission in principle) at the former high school site, Lesmahagow.

**The Committee decided:** that planning application CL/09/0265 by Muse Developments Limited for the erection of a Class 1 retail store together with associated landscaping, car parking and improvements to the road layout and access (planning permission in principle) at the former high school site, Lesmahagow be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 7 September 2004 (Paragraph 8)]*

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**9 Application CL/08/0617 - Erection of Class 1 Retail Store and Petrol Station Together with the Formation of Associated Car Park, Service Areas and Vehicular Access at Europa Truck Stop, Wellburn Interchange, Teiglum Road, Lesmahagow**

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A report dated 18 January 2010 by the Executive Director (Enterprise Resources) was submitted on planning application CL/08/0617 by Tesco Stores Limited for the erection of a Class 1 retail store and petrol station together with the formation of an associated car park, service areas and vehicular access at Europa Truck Stop, Wellburn Interchange, Teiglum Road, Lesmahagow.

**The Committee decided:** that planning application CL/08/0617 by Tesco Stores Limited for the erection of a Class 1 retail store and petrol station together with the formation of an associated car park, service areas and vehicular access at Europa Truck Stop, Wellburn Interchange, Teiglum Road, Lesmahagow be granted subject to:-

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

- ♦ the applicant entering into a Section 75 Agreement with the Council prior to consent being issued to ensure the applicant submitted an agreed financial contribution towards environmental improvements in Lesmahagow prior to the development coming into operation

*[Reference: Minutes of 15 June 2004 (Paragraph 11)]*

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#### **10 Application CL/08/0309 - Erection of 60 Detached Houses with Associated Roadworks, Landscaping and Drainage at Valley International Park, Crossford**

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A report dated 18 January 2010 by the Executive Director (Enterprise Resources) was submitted on planning application CL/08/0309 by MacTaggart and Mickel Limited and C and N Properties for the erection of 60 detached houses with associated roadworks, landscaping and drainage at Valley International Park, Crossford.

Points raised in 5 further letters of representation were referred to at the meeting and addressed by officers.

**The Committee decided:**

that planning application CL/08/0309 by MacTaggart and Mickel Limited and C and N Properties for the erection of 60 detached houses with associated roadworks, landscaping and drainage at Valley International Park, Crossford be granted subject to:-

- ♦ the conditions specified in the Executive Director's report
- ♦ prior conclusion of a Section 75 Agreement to ensure that the applicants submitted a financial contribution towards the provision of an extra classroom at Underbank Primary School

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#### **11 Application CL/08/0456 - Extension to Metal Fabrication Facility Including Provision of Material Storage Yard, Paint Shop and Propane Storage, Erection of 2 Storey Office Building, Formation of Additional Vehicular Access, Erection of Temporary Office Block and Associated Landscaping at Medwyn Park, Edinburgh Road, Carnwath**

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A report dated 11 January 2010 by the Executive Director (Enterprise Resources) was submitted on planning application CL/08/0456 by Brian Hewitt Construction Limited for an extension to a metal fabrication facility including provision of material storage yard, paint shop and propane storage, erection of a 2 storey office building, formation of additional vehicular access, erection of temporary office block and associated landscaping at Medwyn Park, Edinburgh Road, Carnwath.

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 immediately adjacent to established industrial premises and this proposal would provide an opportunity for the expansion of a major local employer
- ◆ the development would give the opportunity to create and maintain a more defensible edge to the settlement through the carrying out of substantial planting
- ◆ infrastructure issues, including site access, had been satisfactorily addressed

**The Committee decided:** that planning application CL/08/0456 by Brian Hewitt Construction Limited for an extension to a metal fabrication facility including provision of material storage yard, paint shop and propane storage, erection of a 2 storey office building, formation of additional vehicular access, erection of temporary office block and associated landscaping at Medwyn Park, Edinburgh Road, Carnwath be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 17 November 1999 (Paragraph 1)]*

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## **12 Erection of 44 Flats with Associated Roadway, Parking and Landscaping at Lanark Road, Braidwood (Planning Consent CL/08/0078)**

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A report dated 18 January 2010 by the Executive Director (Enterprise Resources) was submitted on a proposed Section 75 Agreement in respect of a residential development at Lanark Road, Braidwood.

At its meeting on 8 July 2008, the Committee granted detailed planning permission to Braidwood Developments for the erection of 44 flats with associated roadway, parking, landscaping and the formation of a roundabout at Lanark Road, Braidwood. The Committee had also agreed that planning consent be withheld until the applicants had lodged a financial contribution of £19,800 for upgrading recreational provision in the area, together with a roads bond for the construction of a roundabout on Lanark Road.

The applicants had now advised that, due to the current downturn in the housing market, they were unwilling to provide the £19,800 contribution in advance. They had requested that the Council consider phasing the payment of the financial contribution through a Section 75 Agreement, suggesting that payment of the contribution be made following the completion of the 14<sup>th</sup> flat. The applicants had also requested that the Section 75 Agreement allow the roads bond to be submitted before any work commenced on site.

**The Committee decided:** that a Section 75 Agreement be concluded between the applicants and the Council to ensure the phased submission of a financial contribution for upgrading recreational provision in the area as detailed in the report and the submission of a roads bond prior to work starting on site.

*[Reference: Minutes of 8 July 2008 (Paragraph 13)]*

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### **13 Erection of 16 Houses and Associated Infrastructure on Land to Southwest of 3 Lockhart Drive, Lanark (Planning Consent CL/07/0845)**

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A report dated 18 January 2010 by the Executive Director (Enterprise Resources) was submitted on a proposed Section 75 Agreement in respect of the erection of 16 houses with associated infrastructure on land to the southwest of 3 Lockhart Drive, Lanark.

At its meeting on 13 May 2008, the Committee granted detailed planning permission to Southvale Homes (Lanark) Limited for the erection of 16 houses with associated infrastructure on land to the southwest of 3 Lockhart Drive, Lanark. The Committee had also agreed that planning consent to be withheld until the applicants had lodged a financial contribution of £9,600 for upgrading recreational provision in the area.

The applicants had now advised that, due to the current downturn in the housing market, they were unwilling to provide the £9,600 contribution in advance. As a result, they had requested that the Council consider phasing the payment of the contribution through a Section 75 Agreement suggesting that payment of the financial contribution be made following the completion of the 8<sup>th</sup> house.

**The Committee decided:** that a Section 75 Agreement be concluded between the Council and the applicants to ensure the phased submission of a financial contribution for upgrading recreational provision in the area as detailed in the report.

*[Reference: Minutes of 13 May 2008 (Paragraph 10)]*

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### **14 Urgent Business**

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There were no items of urgent business.