

## PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 21 June 2005

### **Chair:**

Councillor Graham Scott

### **Councillors Present:**

Archie Buchanan, Tony Carlin, Cathie Condie, Gerry Convery, Jim Docherty, Tommy Gilligan, Ian Gray, James Handibode, Hector Macdonald, James Malloy, Tom McAlpine, Billy McCaig, Michael McCann, John McGuinness, Ian McInnes, Denis McKenna (Depute), Mary McNeill, Brian Reilly, Bob Rooney

### **Councillors' Apologies:**

David Baillie, Sam Casserly, Pam Clearie, Jim Daisley, Alan Dick, Gerry Docherty, Allan Falconer, Carol Hughes, Edward McAvoy, Alex McInnes, Chris Thompson, Jim Wardhaugh

### **Attending:**

#### **Corporate Resources**

P MacRae, Administration Officer

#### **Enterprise Resources**

S Ferrie, Area Manager, Planning and Building Control (Clydesdale); M Little, Operations and Area Manager, Planning and Building Control (Hamilton); C McDowall, Head of Planning and Building Control; G McKillop, Planning Officer; J McGuire, Assistant Transportation Engineering Officer; T Meikle, Area Manager, Planning and Building Control (East Kilbride); L Murphy, Legal Manager

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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 7 June 2005 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/04/0587 – Extension to Existing Industrial Estate (Outline) at Hamilton Road Industrial Estate, Strathaven**

A report dated 6 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application EK/04/0587 by Strathaven Construction Services Limited for an extension to existing industrial estate (outline) at land to the rear of Hamilton Road Industrial Estate, Strathaven.

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 Committee heard:-

- ◆ S McGarvie, Director of Planning, James Barr and Son, agent on behalf of the applicant
- ◆ M Falder, A Hughes and J Turkington, objectors

The application had been assessed against the relevant policies and criteria contained in the Glasgow and Clyde Valley Joint Structure Plan and the Council's Adopted East Kilbride and District Local Plan. Details of the assessment were provided in the report. The application site was located within the Greenbelt as designated in the Adopted East Kilbride and District Local Plan where Policy ENV1 applied. This Policy stated that the Council would resist the encroachment of urban uses into the Greenbelt and that there would be a general presumption against all development except where it could be shown to be necessary for the furtherance of agriculture, forestry or other appropriate Greenbelt uses. The proposal for industrial development within the Greenbelt did not meet those criteria and was, therefore, contrary to Policy ENV1.

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 was a need to provide additional land for business/industry uses within Strathaven to address the local imbalance of the industrial land supply which currently provided this land within East Kilbride
- ◆ the Glasgow and Clyde Valley Joint Structure Plan required the Council to assess the need for an additional 5 to 10 hectares of business/industrial land in Strathaven
- ◆ proposal IND3 of the East Kilbride and District Local Plan stated that the Council would assess all opportunities to identify and provide sites suitable for industrial and business development in or around Strathaven
- ◆ there were no suitable sites within Strathaven and this proposal constituted an expansion of the existing industrial estate which enabled use of existing infrastructure and transport links
- ◆ the only area to be developed for industrial land would be released from the Greenbelt with the proposed planting remaining within the Greenbelt

**The Committee decided:**

that planning application EK/04/0587 by Strathaven Construction Services Limited for an extension to existing industrial estate (outline) at land to the rear of Hamilton Road Industrial Estate, Strathaven be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ the following additional conditions:-  
 "14 That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by West of Scotland Archaeology Service and approved by the Council. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resource within the site is in agreement with the Planning Authority in agreement with West of Scotland Archaeology Service.

15 That before development starts, a report from a professionally qualified source detailing the soil and ground conditions prevailing over the application site (including details of the nature, concentration, and distribution of any contaminants) shall be submitted to and approved by the Council as Planning Authority, and the development shall not be commenced until such action as is recommended by this report, in order to remove or render harmless, any such contaminants, has been implemented and completed to the satisfaction of the said authority. The Council shall give the Council's Environmental Health Service notice in writing at least 7 working days prior to the commencement of any decontamination works on the site.

***Reasons***

14 In order to comply with the requirements of West of Scotland Archaeology Service.

15 To ensure the site is free from contamination and suitable for development."

- ◆ referral of the application to the Scottish Ministers as the application constituted a departure from the Adopted Local Plan and investigations were currently ongoing to ascertain whether the Council had an interest in the land

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#### **4 Application EK/05/0212 – Erection of 16 Flats at Philipshill Garden Centre, Philipshill Road, East Kilbride**

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A report dated 13 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application EK/05/0212 by Springfield Homes Scotland Limited for the erection of 16 flats at the Philipshill Garden Centre site, Philipshill Road, East Kilbride.

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 Committee heard:-

- ◆ D Toner, agent on behalf of the applicant
- ◆ J Allan and G Murray, objectors

The application had been assessed against the relevant policies and criteria contained in the Glasgow and Clyde Valley Joint Structure Plan and the Council's Adopted East Kilbride and District Local Plan. Details of the assessment were provided in the report. Policy ENV1 of the Adopted Local Plan set out the Greenbelt land use policy and Policy SLP1 provided detailed development control policies for the Greenbelt. The proposal was contrary to the Greenbelt policies contained in the Adopted Local Plan as there was no agriculture or other justification for the development.

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 proposed houses were well designed and met with Policy SLP6 of the Adopted East Kilbride and District Local Plan
- ◆ the application site was a Brownfield site currently occupied by a garden centre. As a result, the site did not represent a critical part of the Greenbelt resource
- ◆ the proposal did not set a precedent for other developments within the Greenbelt given the unique nature of the site

**The Committee decided:**

that planning application EK/05/0212 by Springfield Homes Scotland Limited for the erection of 16 flats at the Philipshill Garden Centre site, Philipshill Road, East Kilbride be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ referral of the application to the Scottish Ministers as the proposal constituted a significant departure from the approved Structure Plan

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## **5 Application HM/04/0890 – Residential Development (Outline) at Clyde Valley Garden Centre, Lanark Road, Garrion Bridge, Larkhall**

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A report dated 7 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application HM/04/0890 by the Clyde Valley Garden Centre for a residential development (outline) at the Clyde Valley Garden Centre, Lanark Road, Garrion Bridge, Larkhall.

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

The application had been assessed against the relevant policies and criteria contained in National Planning Guidelines and the Council's Adopted Hamilton District Local Plan. Details of the assessment were provided in the report. The proposal to develop the site for housing was contrary to the Adopted Hamilton District Local Plan as the site was identified as lying within the Greenbelt.

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 was located at the end of a ribbon development. The development of the site for housing would not have an adverse impact on the landscape character of the areas subject to sensitive site, design and landscape treatment
- ◆ the development of the land for housing would integrate the site within the adjacent built environment at Garrion Bridge without any adverse impact on the Greenbelt
- ◆ the closure of the A72 at its junction with the A71 had resulted in the creation of a cul-de-sac which, together with the new bypass, would permanently alter the character of the area
- ◆ the application site was not of a size or shape to allow a viable agricultural or horticultural operation to be carried out on the land

**The Committee decided:** that planning application HM/04/0890 by the Clyde Valley Garden Centre for a residential development (outline) at the Clyde Valley Garden Centre, Lanark Road, Garrion Bridge, Larkhall be granted subject to the conditions specified in the Executive Director's report.

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**6 Application EK/05/0193 – Erection of Replacement Primary and Nursery Schools, Integrated Children's Services Accommodation and Associated Works at Greenhills Primary School, Cedar Drive, East Kilbride**

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A report dated 13 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application EK/05/0193 by Bovis Lend Lease for the erection of replacement primary and nursery schools, Integrated Children's Services accommodation and associated works at Greenhills Primary School, Cedar Drive, East Kilbride.

**The Committee decided:** that planning application EK/05/0193 by Bovis Lend Lease for the erection of replacement primary and nursery schools, Integrated Children's Services accommodation and associated works at Greenhills Primary School, Cedar Drive, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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**7 Application CL/04/0904 – Variation of Condition Under Planning Consent CL/97/0252 to Permit Extended Operating Hours at Newbigging Quarry, Carnwath**

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A report dated 7 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CL/04/0904 by Tarmac Limited for the variation of a condition under planning consent CL/97/0252 to permit extended operating hours at Newbigging Quarry, Carnwath.

**The Committee decided:** that planning application CL/04/0904 by Tarmac Limited for the variation of a condition under planning consent CL/97/0252 to permit extended operating hours at Newbigging Quarry, Carnwath be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of Planning and Development Committee of 7 April 1998 (Paragraph 3)]*

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**8 Application HM/05/0131 – Erection of Covered Walkway Between Car Park and Train Station (Notice of Intention to Develop) at Hamilton Central Station/Duke Street Multi-Storey Car Park, Hamilton**

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A report dated 7 June 2005 by the Executive Director (Enterprise Resources) was submitted on application HM/05/0131 by South Lanarkshire Council for the erection of a covered walkway between the car park and train station (Notice of Intention to Develop) at Hamilton Central Station/Duke Street Multi-Storey Car Park, Hamilton.

**The Committee decided:** that a Notice of Intention to Develop be issued for the erection of a covered walkway between the car park and

train station (application reference HM/05/0131) at Hamilton Central Station/Duke Street Multi-Storey Car Park, Hamilton.

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## **9 Application EK/05/0194 – Erection of Replacement Primary and Nursery School with Associated Works at St Vincent's Primary School, Crosshouse Road, East Kilbride**

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A report dated 13 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application EK/05/0194 by Bovis Lend Lease for the erection of a replacement primary and nursery school with associated works at St Vincent's Primary School, Crosshouse Road, East Kilbride.

**The Committee decided:** that planning application EK/05/0194 by Bovis Lend Lease for the erection of a replacement primary and nursery school with associated works at St Vincent's Primary School, Crosshouse Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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## **10 Application CL/05/0139 – Erection of Extension to Existing Warehouse at 39a Wildman Road, Law**

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A report dated 3 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CL/05/0139 by Buildbase Limited for the erection of an extension to existing warehouse at 39a Wildman Road, Law.

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

The application had been assessed against the relevant policies and criteria contained in the Scottish Planning Policies and the Council's Adopted Lower Clydesdale Local Plan. Details of the assessment were provided in the report. The application was contrary to Policy ENV1 of the Adopted Lower Clydesdale Local Plan which stated that, within the Greenbelt, the Council would strongly resist the encroachment or introduction of urban uses. The policy further stated that there would be a general presumption against all development except where it could be shown to be necessary for the furtherance of agriculture, horticulture, forestry, recreation establishments and institutions standing in extensive grounds or other uses considered by the Council to be appropriate to the Greenbelt.

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 issues
- ◆ the proposed extension would be situated in an area where currently 3 buildings existed, as such, it would consolidate the accommodation at the site and would not extend beyond the currently developed area
- ◆ the proposed extension would generally improve the environment at this site
- ◆ the extension would allow development of the business to meet demands

**The Committee decided:**

that planning application CL/05/0139 by Buildbase Limited for the erection of an extension to existing warehouse at 39a Wildman Road, Law be granted subject to the conditions specified in the Executive Director's report.

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**11 Application EK/05/0168 – Erection of Hotel and Restaurant/Public House with Associated Access, Parking and Landscaping Works at Land at Kingsway East/Meadow Place, Nerston, East Kilbride**

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A report dated 13 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application EK/05/0168 by Whitbread Plc/Vico Properties Scotland Limited for the erection of a hotel and restaurant/public house with associated access, parking and landscaping works at land at Kingsway East/Meadow Place, Nerston, East Kilbride.

**The Committee decided:**

that planning application EK/05/0168 by Whitbread Plc/Vico Properties Scotland Limited for the erection of a hotel and restaurant/public house with associated access, parking and landscaping works at land at Kingsway East/Meadow Place, Nerston, East Kilbride be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ prior conclusion of a Legal agreement requiring the applicant to submit a financial contribution for associated road improvements at a cost of £25,000 plus VAT

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**12 Application CL/05/0320 – Change of Use from Vacant Agricultural Land to Residential Curtilage and Amendment to House Types in Respect of Consent CL/03/0465 (Plots 5, 6 and 7) at Former Woodside Nursery, Howes Way, Carstairs Junction**

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A report dated 6 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CL/05/0320 by Allanton Properties Limited for the change of use from vacant agricultural land to residential curtilage and amendment to house types in respect of planning consent CL/03/0465 (Plots 5, 6 and 7) at former Woodside Nursery, Howes Way, Carstairs Junction.

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

The application had been assessed against the relevant policies in the Adopted Upper Clydesdale Local Plan. Details of the assessment were provided in the report. The proposal would result in an extension of residential curtilage into the rural area, contrary to Policy 72 of the Adopted Upper Clydesdale Local 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:-

- ◆ no infrastructure issues were raised by the development
- ◆ no precedent was being set by the encroachment into the rural area

- ♦ the additional land would help create a better, more rounded development site

**The Committee decided:** that planning application CL/05/0320 by Allanton Properties Limited for the change of use from vacant agricultural land to residential curtilage and amendment to house types in respect of planning consent CL/03/0465 (Plots 5, 6 and 7) at the former Woodside Nursery, Howes Way, Carstairs Junction be granted subject to the conditions specified in the Executive Director's report.

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### **13 Application CL/05/0241 – Construction of Full Sized Synthetic Sports Pitch, Changing Facilities, Floodlighting and Associated Parking and Roadway (Notice of Intention to Develop) at Lanark Racecourse, Hyndford Road, Lanark**

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A report dated 14 June 2005 by the Executive Director (Enterprise Resources) was submitted on application CL/05/0241 by South Lanarkshire Council for the construction of a full sized synthetic sports pitch, changing facilities, floodlighting and associated parking and roadway (Notice of Intention to Develop) at Lanark Racecourse, Hyndford Road, Lanark.

Points raised in a late letter of representation dated 12 June 2005 from the Trekking and Riding Society of Scotland were referred to at the meeting and addressed by officers.

Reference was made to points raised in a further letter of representation dated 20 June 2005 from Shepherd and Wedderburn, Solicitors acting on behalf of the Scottish Equi Complex. Those points, which related to alleged factual inaccuracies and omissions in the report and to alleged procedural errors, were also referred to at the meeting and each point was addressed in turn by officers.

**The Committee decided:** that a Notice of Intention to Develop be issued for the construction of a full sized synthetic sports pitch, changing facilities, floodlighting and associated parking and roadway (application reference CL/05/0241) at Lanark Racecourse, Hyndford Road, Lanark 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

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### **14 Application HM/05/0212 – Extension to Secondary School and Associated Works at Hamilton Grammar School, Auchincampbell Road, Hamilton**

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A report dated 7 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application HM/05/0212 by InspirED for an extension to a secondary school and associated works at Hamilton Grammar School, Auchincampbell Road, Hamilton.

**The Committee decided:** that planning application HM/05/0212 by InspirED for an extension to a secondary school and associated works at Hamilton Grammar School, Auchincampbell Road, Hamilton be granted subject to the conditions specified in the Executive Director's report.



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**15 Application HM/05/0266 – Extension to Secondary School and Associated Works (Listed Building Consent) at Hamilton Grammar School, Auchincampbell Road, Hamilton**

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A report dated 8 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application HM/05/0266 by InspirED for an extension to a secondary school and associated works (Listed Building Consent) at Hamilton Grammar School, Auchincampbell Road, Hamilton.

**The Committee decided:**

that planning application HM/05/0266 by InspirED for an extension to a secondary school and associated works (Listed Building Consent) at Hamilton Grammar School, Auchincampbell Road, Hamilton 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

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**16 Application HM/05/0225 – Erection of New Secondary School, including All Weather Surface Sports Pitch, Grass Pitch and Associated Works at Broomhill Road, Larkhall**

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A report dated 13 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application HM/05/0225 by InspirED for the erection of a new secondary school, including an all weather surface sports pitch, grass pitch and associated works at Broomhill Road, Larkhall.

**The Committee decided:**

that planning application HM/05/0225 by InspirED for the erection of a new secondary school, including an all weather surface sports pitch, grass pitch and associated works at Broomhill Road, Larkhall be granted subject to the conditions specified in the Executive Director's report.

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**17 Application HM/03/0498 – Erection of 10 Houses and Associated Works at Vacant Land at Lanark Road, Garrion Bridge, Larkhall**

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A report dated 13 June 2005 by the Executive Director (Enterprise Resources) was submitted on planning application HM/03/0498 by S B Contracts for the erection of 10 houses and associated works at vacant land at Lanark Road, Garrion Bridge, Larkhall.

**The Committee decided:**

that planning application HM/03/0498 by S B Contracts for the erection of 10 houses and associated works at vacant land at Lanark Road, Garrion Bridge, Larkhall be refused for the reasons specified in the Executive Director's report.

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**18 Urgent Business**

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There were no items of urgent business.