

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 10 February 2009

Chair:

Councillor Graham Scott

Councillors Present:

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

Councillors' Apologies:

Tommy Gilligan, Archie Manson

Attending:

Corporate Resources

P MacRae, Administration Officer

Enterprise Resources

I Urquhart, Executive Director; G Cameron, Area Manager, Planning and Building Standards Services (Cambuslang and Rutherglen); T Finn, Area Manager, Planning and Building Standards Services (Clydesdale); B Kerr, Planning Officer; 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; M McGlynn, Headquarters Manager, Planning and Building Standards Services; S McMillan, Planning Team Leader

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the special meeting of the Planning Committee held on 27 January 2009 were submitted for approval as a correct record.

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

3 Application CL/08/0367 - Extraction of Coal and Fireclay by Opencast Methods with Restoration to Agriculture and Woodland at Land at Mainhill Adjoining A70 and B7078, near Newmains Farm, Douglas

A report dated 3 February 2009 by the Executive Director (Enterprise Resources) was submitted on planning application CL/08/0367 by the Scottish Coal Company Limited for the extraction of coal and fireclay by opencast methods with restoration to agriculture and woodland at land at Mainhill adjoining the A70 and B7078, near Newmains Farm, Douglas.

Because the application 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 objectors were not present at the meeting and, therefore, there was no requirement to hear the applicant.

Points raised in a further letter of representation from K Sludden were referred to at the meeting and addressed by officers.

The application had been assessed against the relevant policies and criteria contained in the Adopted Lower Clydesdale Local Plan, the South Lanarkshire Local Plan (Finalised after modifications), the South Lanarkshire Minerals Local Plan, the Glasgow and Clyde Valley Structure Plan and government advice/policy. Details of the assessment were provided in the report.

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 potential environmental impacts on the residents caused by noise, dust and vibration had been taken into account in designing the opencast operations and could be suitably mitigated by the imposition of conditions
- ◆ operations were phased and for a limited time period only, thereby minimising the extent of their potential impact

The Committee decided:

that planning application CL/08/0367 by the Scottish Coal Company Limited for the extraction of coal and fireclay by opencast methods with restoration to agriculture and woodland at land at Mainhill adjoining the A70 and B7078, near Newmains Farm, Douglas be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ referral of the application to the Scottish Ministers as the proposed development constituted "EIA Development" as defined by Regulation 2 of the Environmental Impact Assessment (Scotland) Regulations 1999
- ◆ prior conclusion of a Section 75 Agreement between the Council and applicant covering the following issues:-
 - ◆ contributions to a separate Trust, the scope of and arrangements for which had yet to be finalised for the benefit of Douglas and the surrounding area, or the South Lanarkshire Rural Communities Trust. Once those arrangements were finalised, they would be reported to the Enterprise Resources Committee
 - ◆ the lodging of a Restoration Guarantee Bond to cover the full cost of restoring the site
 - ◆ contribution to the ongoing employment of a Mineral Planning Monitoring and Enforcement Officer by the Council
 - ◆ the incorporation of Mainhill into the existing Section 48/96 Agreement and related traffic management and routing agreement
 - ◆ scope to reserve land at Eggerton Bridge should road improvement be required
 - ◆ provision of an alternative water supply for Newmains Farm, South Lodge and Parkhead should there be a requirement
 - ◆ establishment of a Mainhill Community Liaison Group

- ♦ the location and details of advanced warning signs related to the site
- ♦ the applicant meeting the Council's reasonably incurred legal expenses in respect of the Section 75 and other related Agreements
- ♦ the deletion of Condition 20
- ♦ an additional condition as follows:-
 "That within 1 year of the date of commencement, as defined by Condition 3 (and on that date each year thereafter), the operator shall submit to the Council, as Planning Authority, an annual progress plan detailing:-
 - ♦ the extent of extraction operations undertaken that year
 - ♦ areas prepared for extraction
 - ♦ the extent of backfilling or restoration operations carried out
 - ♦ the extent of landscaping, nature conservation and agricultural works that have been implemented
 - ♦ recent site survey
 - ♦ current and anticipated production figures
 - ♦ remaining reserves
 - ♦ compliance with statutory permissions
 - ♦ site complaint logs and actions taken
 - ♦ any proposed changes or departures from the approval set out in this consent and addressing any implications that these may have on the final restoration end use or operational aspects of the site

Reason

To assist with the ongoing monitoring of the site."

4 Application HM/07/0785 - Residential Development (Outline) at Premises to North of Bellshill Road, Uddingston

A report dated 3 February 2009 by the Executive Director (Enterprise Resources) was submitted on planning application HM/07/0785 by Sunvic Control Limited and Mr and Mrs Orr for a residential development (outline) at premises to the north of Bellshill Road, Uddingston.

Because the application constituted Development Contrary to the Development Plan, the opportunity of a hearing had been offered to the objector to the proposal and the applicant. The objector was not present at the meeting and, therefore, there was no requirement to hear the applicant.

The application had been assessed against the relevant policies and criteria contained in the Adopted Hamilton District Local Plan, the South Lanarkshire Local Plan (Finalised after modifications) and government advice/policy. Details of the assessment were provided in the report.

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 area of land which formed the application site was designated for residential use by Policy RES 6, Residential Land Use Policy, of the South Lanarkshire Local Plan (Finalised after modifications)
- ◆ the application site was not part of the marketable industrial land supply and its rezoning would not raise issues in respect of the industrial land supply or demand for the area
- ◆ the site was suitable for residential development as it was currently bounded to the north and west by residential properties
- ◆ the site could be safely accessed with adequate levels of car parking provision and the proposal raised no significant environmental or infrastructure issues

The Committee decided:

that application HM/07/0785 by Sunvic Control Limited and Mr and Mrs Orr for a residential development (outline) at premises to the north of Bellshill Road, Uddingston be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ an amendment to the final sentence of Condition 14 to read as follows:-
"7.5% of the costs associated with the required works shall be borne by the applicant."

[Reference: Minutes of 5 June 2002 (Paragraph 9)]

5 South Lanarkshire Local Plan - Responses to Pre-Adoption Modifications and Notice of Intention to Adopt the Local Plan

A report dated 2 February 2009 by the Executive Director (Enterprise Resources) was submitted on the responses to Pre-Adoption Modifications in respect of the South Lanarkshire Local Plan.

The Statement of Decisions and Pre-Adoption Modifications had been placed on deposit on 28 November 2008 with the consultation period closing on 16 January 2009. During that time, 63 representations had been received, 53 of which were objections and 10 of which were letters of support. Details of the objections received were given in Appendices 1 and 2 to the report.

Following an assessment of the objections made to the Statement of Decisions and Pre-Adoption Modifications, it was considered that those objections did not require any further modification of the Plan or require the Council to hold a further Public Local Inquiry. The Council was, therefore, able to proceed to the next stage of the adoption process which involved:-

- ◆ publication in the local press of a Notice of Intention to Adopt the Plan
- ◆ submission of a certificate to the Scottish Ministers stating that this Notice had been published and distribution of a copy of the version of the Plan to be adopted to the Scottish Ministers and to the Glasgow and Clyde Valley Joint Strategic Development Plan Committee
- ◆ a period of 28 days in which the Scottish Ministers could consider the Plan and serve a direction on the Council that it should not adopt the Plan

On the basis that the Scottish Ministers allowed the Council to proceed to adoption, a Resolution would be made stating that, on 23 March 2009, the Plan would be adopted. A Notice of Adoption would then be published and the Plan would be operational. This final stage would be followed by a 6 week period during which the adoption of the Plan could be challenged at the Court of Session.

The Committee decided:

- (1) that the responses to the objections received to the Statement of Decisions and Pre-Adoptions Modifications, as detailed in Appendices 1 and 2 to the report, be approved;
- (2) that the responses contained in Appendix 3 be noted;
- (3) that the version of the Local Plan circulated to members be approved for adoption and that arrangements be made for the publication of the Notice of Intention to Adopt the South Lanarkshire Local Plan; and
- (4) that the following Resolution to adopt the South Lanarkshire Local Plan be approved:-

“In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983, South Lanarkshire Council hereby resolves to adopt the South Lanarkshire Local Plan as modified by the Council. This Resolution takes effect from 23 March 2009.”

[Reference: Minutes of 18 November 2008 (Paragraph 11)]

6 Application CR/08/0083 - Erection of 21 Flats, Formation of Access with Associated Parking and Landscaping at 260 Hamilton Road, Cambuslang

A report dated 26 January 2009 by the Executive Director (Enterprise Resources) was submitted on planning application CR/08/0083 by R Laurie for the erection of 21 flats, formation of access with associated parking and landscaping at 260 Hamilton Road, Cambuslang.

The Committee decided: that planning application CR/08/0083 by R Laurie for the erection of 21 flats, formation of access with associated parking and landscaping at 260 Hamilton Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

7 Application CL/08/0698 - Erection of Single Storey Primary School, Multi-Use Sports Pitch, Car Parking and Associated Landscaping and Demolition of Existing Primary School at Vacant Land South of Woodpark Primary School, Priory Road, Lesmahagow

A report dated 2 February 2009 by the Executive Director (Enterprise Resources) was submitted on planning application CL/08/0698 by Morgan Ashurst for the erection of a single storey primary school, multi-use sports pitch, car parking and associated landscaping and demolition of existing primary school at vacant land south of Woodpark Primary School, Priory Road, Lesmahagow.

The Committee decided: that planning application CL/08/0698 by Morgan Ashurst for the erection of a single storey primary school, multi-use sports pitch, car parking and associated landscaping and demolition of existing primary school at vacant land south of Woodpark Primary School, Priory Road, Lesmahagow be granted subject to the conditions specified in the Executive Director's report.

8 Application CL/08/0744 - Formation of Synthetic Football Pitch and 8 Lane Running Track, Erection of Sports Changing Pavilion and Standing Enclosure, Formation of New Access Road, Landscaping and Ground Works and Installation of Flood Lighting Columns at Carnwath Road, Carluke

A report dated 2 February 2009 by the Executive Director (Enterprise Resources) was submitted on planning application CL/08/0744 by South Lanarkshire Council for the formation of a synthetic football pitch and 8 lane running track, erection of sports changing pavilion and standing enclosure, formation of new access road, landscaping and ground works and installation of flood lighting columns at Carnwath Road, Carluke.

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 and criteria contained in the Adopted Lower Clydesdale Local Plan, the South Lanarkshire Local Plan (Finalised after modifications) and government advice/policy. Details of the assessment were provided in the report.

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 complied with Policies STRAT8, CTY3, ENV11, ENV29 and DM1 of the South Lanarkshire Local Plan (Finalised after modifications) and was supported by government guidance in SPP11 and SPP21
- ◆ the location of the stadium would complement existing facilities at the adjacent Leisure Centre and Carluke High School
- ◆ the cut and fill, land regrading, bunding and landscaping would allow visual integration and minimise the impacts upon neighbouring properties and the setting and landscape quality of the countryside
- ◆ the proposal would appear as a logical extension of the urban fringe and to the existing community facilities comprising the school and leisure centre. The school, as a backdrop, would reinforce the visual integration
- ◆ there were no infrastructure issues and there would be no adverse impact on public safety

The Committee decided:

that planning application CL/08/0744 by South Lanarkshire Council for the formation of a synthetic football pitch and 8 lane running track, erection of sports changing pavilion and standing enclosure, formation of new access road, landscaping and ground works and installation of floodlighting columns at Carnwath Road, Carluke be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ referral of the application to the Scottish Ministers as the proposal was contrary to the Development Plan and was located in the Greenbelt and the Council had an interest in the proposed development

9 Application CR/08/0241 - Erection of 56 Bedroom Limited Services Hotel with Associated Car Parking and Landscaping (Outline) at 31A Dalmarnock Road, Rutherglen

A report dated 2 February 2009 by the Executive Director (Enterprise Resources) was submitted on planning application CR/08/0241 by Springhill Developments for the erection of a 56 bedroom limited services hotel with associated car parking and landscaping (outline) at 31A Dalmarnock Road, Rutherglen.

The Committee decided: that planning application CR/08/0241 by Springhill Developments for the erection of a 56 bedroom limited services hotel with associated car parking and landscaping (outline) at 31A Dalmarnock Road, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 25 September 2007 (Paragraph 10)]

10 Application HM/07/0842 - Erection of 8 Houses and 12 Flats at 70 Carlisle Road, Ferniegair

A report dated 2 February 2009 by the Executive Director (Enterprise Resources) was submitted on planning application HM/07/0842 by Avonbridge Builders Limited for the erection of 8 houses and 12 flats at 70 Carlisle Road, Ferniegair.

The development constituted Development Contrary to the Development Plan and had been advertised as such. However, only 1 anonymous letter of objection had been received. The issues raised in the letter of objection had been addressed in the report.

The application had been assessed against the relevant policies and criteria contained in the Adopted Hamilton District Local Plan and the South Lanarkshire Local Plan (Finalised after modifications). Details of the assessment were provided in the report.

In the view of the Executive Director (Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ concerns regarding the safety impact of the increase in traffic caused by this development had not been supported by Roads and Transportation Services as the relevant increase in traffic relating to the new houses would be minimum. In addition, the development would be accessible to local public transport links
- ◆ further concerns over the provision of water and sewage facilities for the site and proposals for surface water drainage could be addressed by the use of conditions
- ◆ from a Development Plan viewpoint, the proposed development was contrary to the Greenbelt policy of the adopted local plan but did accord with the residential development site policy of the proposed replacement plan which, in this instance, had been given more weight as it represented the more up to date policy designation for the site
- ◆ the proposed development complied with the design and development management policies of both local plans

The Committee decided:

that planning application HM/07/0842 by Avonbridge Builders Limited for the erection of 8 houses and 12 flats at 70 Carlisle Road, Ferniegair be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ referral of the application to the Scottish Ministers as it constituted development within an area defined in the Development Plan as Greenbelt

[Reference: Minutes of 12 March 2003 (Paragraph 2)]

11 Urgent Business

There were no items of urgent business.