

## PLANNING COMMITTEE

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

**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, Edward McAvoy, Michael McCann, Clare McColl, Lesley McDonald, Alex McInnes, Denis McKenna, Mary McNeill, Patrick Ross-Taylor (Depute), Hamish Stewart, Chris Thompson, Jim Wardhaugh

**Attending:**

**Corporate Resources**

P MacRae, Administration Officer

**Enterprise Resources**

C Bradley, Planning Team Leader (East Kilbride); T Finn, Area Manager, Planning and Building Standards Services (Clydesdale); S Laird, Transportation Engineer; C McDowall, 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 10 February 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 CL/08/0499 - Erection of 4 Houses at Cornhill House Hotel, Coulter, Biggar

A report dated 2 March 2009 by the Executive Director (Enterprise Resources) was submitted on planning application CL/08/0499 by Mr and Mrs Fraioli for the erection of 4 houses at Cornhill House Hotel, Coulter, Biggar.

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.

The application had been assessed against the relevant policies and criteria contained in the Adopted Upper 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 site was adequately accessed and there were no known infrastructure problems
- ◆ the proposed housing would be self contained in mature woodland and, as such, would not be readily visible from the surrounding road network or within the grounds of Cornhill House Hotel. There would be no adverse impact on the rural character of the area or the setting of Cornhill House
- ◆ the sale of the land would finance the conversion of the Court of Offices and increase the number of bedrooms. This would provide benefits for the local economy and help develop tourism in the area
- ◆ the sale of the land would finance the sensitive and high quality restoration of the Category B listed Court of Offices building
- ◆ there would be no adverse impact on residential amenity
- ◆ there would be no adverse effect on habitats within the site and the woodland would be subject to long-term management

**The Committee decided:**

- (1) that planning application CL/08/0499 by Mr and Mrs Fraioli for the erection of 4 houses at Cornhill House Hotel, Coulter, Biggar be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Section 75 Agreement between the Council and the applicant and a Standard Security to ensure the transfer of money from the sale of the land for the residential development to finance the restoration and conversion of the Court of Offices and control the phasing of those works and the erection of the proposed houses;
- (2) that a Provisional Tree Preservation Order (TPO) be promoted under the terms of Section 163 of the Town and Country Planning (Scotland) Act 1997 on the trees and woodland within the grounds of Cornhill House; and
- (3) that, should there be no objections to the Provisional TPO, the Order be confirmed within 6 months of the date of its promotion.

*[Reference: Minutes of 12 July 2004 (Paragraph 5)]*

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#### **4 Application CL/08/0500 - Change of Use, Alteration and Extension of Vacant Building (Court of Offices) to Form Additional Hotel Accommodation at Cornhill House Hotel, Coulter, Biggar**

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A report dated 24 February 2009 by the Executive Director (Enterprise Resources) was submitted on planning application CL/08/0500 by Mr and Mrs Fraioli for the change of use, alteration and extension of a vacant building (Court of Offices) to form additional hotel accommodation at Cornhill House Hotel, Coulter, Biggar.

**The Committee decided:** that planning application CL/08/0500 by Mr and Mrs Fraioli for the change of use, alteration and extension of a vacant building (Court of Offices) to form additional hotel accommodation at Cornhill House Hotel, Coulter, Biggar be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 12 July 2004 (Paragraph 5)]*

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**5 Application CL/08/0483 - Alterations and Extension to Former Estate Office (Court of Offices) (Listed Building Consent) at Cornhill House Hotel, Coulter, Biggar**

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A report dated 23 February 2009 by the Executive Director (Enterprise Resources) was submitted on planning application CL/08/0483 by Mr and Mrs Fraioli for alterations and extension to the former estate office (Court of Offices) (listed building consent) at Cornhill House Hotel, Coulter, Biggar.

**The Committee decided:** that planning application CL/08/0483 by Mr and Mrs Fraioli for alterations and extension to the former estate office (Court of Offices) (listed building consent) at Cornhill House Hotel, Coulter, Biggar be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ referral of the application to the Scottish Ministers as the proposal involved a Category B listed building

*[Reference: Minutes of 12 July 2004 (Paragraph 5)]*

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**6 Application EK/08/0487 - Erection of 4 Houses at Vacant Land at Whitemoss Grove, East Kilbride**

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A report dated 3 March 2009 by the Executive Director (Enterprise Resources) was submitted on planning application EK/08/0487 by Admiral Homes (Scotland) Limited for the erection of 4 houses at vacant land at Whitemoss Grove, East Kilbride.

**The Committee decided:** that planning application EK/08/0487 by Admiral Homes (Scotland) Limited for the erection of 4 houses at vacant land at Whitemoss Grove, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*Councillor Manson entered the meeting during consideration of this item*

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**7 Application EK/08/0163 - Erection of 68 Flats with Associated Car Parking and Landscaping at Vacant Ground Adjacent to Eaglesham Road at the Roundabout Serving the Police College, East Kilbride**

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A report dated 2 March 2009 by the Executive Director (Enterprise Resources) was submitted on planning application EK/08/0163 by BMJ Limited for the erection of 68 flats with associated car parking and landscaping at vacant ground adjacent to Eaglesham Road at the roundabout serving the Police College, East Kilbride.

**The Committee decided:** that planning application EK/08/0163 by BMJ Limited for the erection of 68 flats with associated car parking and landscaping at vacant ground adjacent to Eaglesham Road at the roundabout serving the Police College, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 10 October 2006 (Paragraph 3)]*

*Councillor Ross-Taylor entered the meeting during consideration of this item*

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**8 Application CL/08/0038 – Sub-Division of House to Form 2 Semi-Detached Houses, Erection of 7 x 1½ Storey Houses and Formation of Associated Access at The Hainings and Land at The Hainings, 95A Carlisle Road, Abington**

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A report dated 24 February 2009 by the Executive Director (Enterprise Resources) was submitted on planning application CL/08/0038 by Fraser Properties (Scotland) Limited for the sub-division of a house to form 2 semi-detached houses, erection of 7 x 1½ storey houses and formation of associated access at The Hainings and land at The Hainings, 95A Carlisle Road, Abington.

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 Upper 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 site had been identified in the South Lanarkshire Local Plan (Finalised after modifications) as being within the settlement of Abington and the age of the Adopted Upper Clydesdale Local Plan meant that the South Lanarkshire Local Plan should be accorded more weight
- ◆ the proposal would not have an adverse impact on the amenity and character of the surrounding rural area or the setting of Abington
- ◆ the proposed layout at the side of the houses was in keeping with the character of the area
- ◆ there were no infrastructure implications and access on to the public road could be achieved which met the Council guidelines

**The Committee decided:** that planning application CL/08/0038 by Fraser Properties (Scotland) Limited for the sub-division of a house to form 2 semi-detached houses, erection of 7 x 1½ storey houses and formation of associated access at The Hainings and land at The Hainings, 95A Carlisle Road, Abington be granted subject to the conditions specified in the Executive Director's report.

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**9 Application EK/08/0490 - Erection of Class 1 Retail Food Superstore with Associated Car Parking and Landscaping at Land at West Mains Road, 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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**10 Application EK/08/0544 - Erection of Hotel and Associated Car Parking Provision (Outline) at Playsport, Stewartfield Way, East Kilbride**

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A report dated 23 February 2009 by the Executive Director (Enterprise Resources) was submitted on planning application EK/08/0544 by Playgolf Kilmartin for the erection of a hotel and associated car parking provision (outline) at Playsport, Stewartfield Way, East Kilbride.

**The Committee decided:** that planning application EK/08/0544 by Playgolf Kilmartin for the erection of a hotel and associated car parking provision (outline) at Playsport, Stewartfield Way, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 17 May 2005 (Paragraph 5)]*

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## **11 Application EK/08/0359 - Erection of Internally Illuminated Advertising Hoarding Between the Whirlies Bypass Roundabout and Nerston Roundabout, East Kilbride**

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A report dated 23 February 2009 by the Executive Director (Enterprise Resources) was submitted on planning application EK/08/0359 by Phoenix Outdoor Advertising Limited for the erection of an internally illuminated advertising hoarding between the Whirlies Bypass Roundabout and Nerston Roundabout, East Kilbride.

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 East Kilbride and 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:-

- ◆ the proposal complied with Policy DM11 of the South Lanarkshire Local Plan (Finalised after modifications)
- ◆ the advertisement hoarding was of a size, scale, position and design appropriate to the appearance and characteristics of the surrounding area
- ◆ the advertisement hoarding would not detract from the amenity of the area given that it was currently overgrown, close to a number of large commercial developments
- ◆ the advertisement hoarding was located in such a position so as to have no adverse impact on public safety by virtue of causing distraction to pedestrians, cyclists or drivers

**The Committee decided:** that planning application EK/08/0359 by Phoenix Outdoor Advertising Limited for the erection of an internally illuminated advertising hoarding between the Whirlies Bypass Roundabout and Nerston Roundabout, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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## **12 The South Lanarkshire Development Plan Scheme 2009**

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A report dated 25 February 2009 by the Executive Director (Enterprise Resources) was submitted on the South Lanarkshire Development Plan Scheme 2009 which set out the Council's programme for preparing its Development Plans.

The Planning Etc (Scotland) Act 2006 introduced a new statutory basis for development planning in Scotland. This included the replacement of Structure and Local Plans by Strategic Development Plans (SDPs) and Local Development Plans (LDPs). All planning authorities had to prepare a Development Plan Scheme, as required by the Act, by the end of March 2009. The Scheme would set out the authority's programme for preparing and reviewing its Strategic Development Plans or Local Development Plan. Once proposed, the Scheme had to be kept up to date by at least annual review.

A proposed Development Plan Scheme 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 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 2009, as detailed in the appendix to the report, be approved and published.

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### **13 Proposed Residential Development at Site of Ballerup High School, Crosshouse Road, East Kilbride (Planning Consent EK/07/0016)**

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A report dated 19 February 2009 by the Executive Director (Enterprise Resources) was submitted on a proposal to enter into a Section 75 Agreement with Barratt West Scotland. The Agreement was required in respect of financial contributions from the developer of the proposed residential development at the site of the former Ballerup High School, Crosshouse Road, East Kilbride towards upgrading existing sports facilities in the area.

At its meeting on 29 January 2008, the Committee had agreed that:-

- ◆ planning permission be granted for the erection of 134 houses and 81 flats with associated roadworks at the site of the former Ballerup High School, Crosshouse Road, East Kilbride
- ◆ consent be withheld until the applicants had lodged financial contributions of £83,200 towards upgrading existing sports facilities in the area

The applicants had subsequently requested that the Council consider taking payment of the contributions through a Section 75 Agreement linked to the number of house completions. It was proposed that the full payment of £83,200 be made to the Council prior to the occupation of the 54th unit. The applicants would be expected to meet all legal expenses relating to the Agreement.

**The Committee decided:** that the relevant officers be authorised to conclude a Section 75 Agreement with Barratt West Scotland and any other necessary parties to ensure the phased submission of the final contributions towards upgrading existing sports facilities in the area in respect of planning consent EK/07/0016 for the erection of 134 houses and 81 flats with associated roadworks at the site of the former Ballerup High School, Crosshouse Road, East Kilbride.

*[Reference: Minutes of 29 January 2008 (Paragraph 6)]*

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#### **14 Proposed Residential Development at Hunter High School, Crawford Drive, East Kilbride (Planning Consent EK/06/0605)**

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A report dated 19 February 2009 by the Executive Director (Enterprise Resources) was submitted on a proposal to enter into a Section 75 Agreement with Barratt West Scotland. The Agreement was required in respect of financial contributions from the developer of the proposed residential development at the site of the former Hunter High School, Crawford Drive, East Kilbride towards upgrading existing sports facilities in the area.

At its meeting on 15 April 2008, the Committee had agreed that:-

- ◆ planning permission be granted for the erection of 79 houses and 132 flats with associated roadworks at the site of the former Hunter High School, Crawford Drive, East Kilbride
- ◆ consent be withheld until the applicants had lodged financial contributions of £70,600 towards upgrading existing sports facilities in the area

The applicants had subsequently requested that the Council consider taking payment of the contributions through a Section 75 Agreement linked to the number of house completions. It was proposed that the full payment of £70,600 be paid to the Council prior to the occupation of the 53rd unit. The applicants would be expected to meet all legal expenses relating to the Agreement.

**The Committee decided:** that the relevant officers be authorised to conclude a Section 75 Agreement with Barratt West Scotland and any other necessary parties to ensure the phased submission of the final contributions towards upgrading existing sports facilities in the area in respect of planning consent EK/06/0605 for the erection of 79 houses and 132 flats with associated roadworks at the site of the former Hunter High School, Crawford Drive, East Kilbride.

*[Reference: Minutes of 15 April 2008 (Paragraph 3)]*

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#### **15 Proposed Residential Development at John Ogilvie High School, Farm Road, Hamilton (Planning Consent HM/07/0046)**

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A report dated 19 February 2009 by the Executive Director (Enterprise Resources) was submitted on a proposal to enter into a Section 75 Agreement with Barratt West Scotland. The Agreement was required in respect of financial contributions from the developer of the proposed residential development at the site of the former John Ogilvie High School, Farm Road, Hamilton towards upgrading existing sports facilities in the area.

At its meeting on 13 May 2008, the Committee had agreed that:-

- ◆ planning permission be granted for the erection of 111 flats with associated roadworks at the site of the former John Ogilvie High School, Farm Road, Hamilton
- ◆ consent be withheld until the applicants had lodged financial contributions of £49,950 towards upgrading existing sports facilities in the area

The applicants had subsequently requested that the Council consider taking payment of the contributions through a Section 75 Agreement linked to the number of house completions. It was proposed that the full payment of £49,950 be paid to the Council prior to the occupation of the 35th unit. The applicants would be expected to meet all legal expenses relating to the Agreement.

**The Committee decided:** that the relevant officers be authorised to conclude a Section 75 Agreement with Barratt West Scotland and any other necessary parties to ensure the phased submission of the final contributions towards upgrading existing sports facilities in the area in respect of planning consent HM/07/0046 for the erection of 111 flats with associated roadworks at the site of the former John Ogilvie High School, Farm Road, Hamilton.

*[Reference: Minutes of 13 May 2008 (Paragraph 3)]*

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## **16 Urgent Business**

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There were no items of urgent business.