

## PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 5 September 2006

### **Chair:**

Councillor Graham Scott

### **Councillors Present:**

Archie Buchanan, Sam Casserly, Pam Clearie, Cathie Condie, Gerry Convery, Jim Docherty, Allan Falconer, Tommy Gilligan, Ian Gray, James Handibode, Billy McCaig, Michael McCann, John McGuinness, Alex McInnes, Ian McInnes, Denis McKenna (Depute), Mary McNeill, Brian Reilly, Bob Rooney

### **Councillors' Apologies:**

David Baillie, Tony Carlin, Jim Daisley, Alan Dick, Gerry Docherty, Stan Hogarth, Carol Hughes, James Malloy, Edward McAvoy, Hamish Stewart, Chris Thompson, Jim Wardhaugh

### **Attending:**

#### **Corporate Resources**

P MacRae, Administration Officer

#### **Enterprise Resources**

A Brown, Planning Team Leader (Hamilton); G Cameron, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen); T Finn, Planning Team Leader (Clydesdale); C McDowall, Head of Planning and Building Standards Services; G McKillop, Planning Officer; C Park, Assistant Transportation Officer

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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 15 August 2006 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/06/0472 - Change of Use from Class 1 (Retail) to Class 2 (Financial, Professional and Other Services) at 84 High Street, Lanark**

A report dated 18 August 2006 by the Executive Director (Enterprise Resources) was submitted on planning application CL/06/0472 by A and H G Properties for the change of use from Class 1 (Retail) to Class 2 (Financial, Professional and Other Services) at 84 High Street, Lanark.

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 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 Lower Clydesdale Local Plan, the South Lanarkshire Local Plan (Finalised) 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 would bring back into use a vacant unit in a prominent location in Lanark town centre
- ◆ the proposal would extend the range of facilities and vitality of the town centre
- ◆ the proposal accorded with the provisions of National Planning Policy Guideline (NPPG) 8
- ◆ there would be no adverse impact on the amenity or character of the area
- ◆ the applicant had adequately demonstrated that the property had been unsuccessfully marketed for an appropriate period of time

**The Committee decided:** that planning application CL/06/0472 by A and H G Properties for the change of use from Class 1 (Retail) to Class 2 (Financial, Professional and Other Services) at 84 High Street, Lanark be granted subject to the conditions specified in the Executive Director's report.

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#### **4 Application HM/05/0864 – Erection of Restaurant and 2 Retail Units with Flat Above at 280 Main Street, High Blantyre**

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A report dated 28 August 2006 by the Executive Director (Enterprise Resources) was submitted on planning application HM/05/0864 by R Niu for the erection of a restaurant and 2 retail units with flat above at 280 Main Street, High Blantyre.

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 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 Hamilton District Local Plan and the South Lanarkshire Local Plan (Finalised). 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:-

- ◆ Proposal EN12 had been implemented through the formation of the formal entrance to Kirkton Park as part of the adjacent car park development. As such, the objective of Proposal EN12 had been achieved
- ◆ the proposals were consistent with the terms of Policy ED18 as they provided uses that were compatible with the town centre designation
- ◆ there were no amenity or infrastructure issues arising from the development
- ◆ there was a precedent of development on the site, with the former use being a fish processing unit

**The Committee decided:** that planning application HM/05/0864 by R Niu for the erection of a restaurant and 2 retail units with flat above at 280 Main Street, High Blantyre be granted subject to the conditions specified in the Executive Director's report.

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## **5 Application HM/06/0133 - Demolition of House, Formation of 12 House Plots and Construction of Road at 44 Millheugh Brae, Larkhall**

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A report dated 23 August 2006 by the Executive Director (Enterprise Resources) was submitted on planning application HM/06/0133 by Greystones (Northern) Limited for the demolition of a house, the formation of 12 house plots and the construction of a road at 44 Millheugh Brae, Larkhall.

Because the development 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 had declined the opportunity of a hearing 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) and government advice/policy. Details of the assessment were provided in the report.

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

- ◆ the South Lanarkshire Local Plan (Finalised) designated the site for residential use within the settlement boundary of Larkhall
- ◆ the development of the land for housing would not have an adverse impact on the landscape character of the area subject to sensitive design and boundary treatment and would represent a more logical long term Greenbelt boundary than that presently identified
- ◆ the development of the land for housing would integrate the site with the adjacent built environment at Millheugh Brae without any adverse impact and would enhance an area that had become derelict
- ◆ there were no infrastructure implications

### **The Committee decided:**

that planning application HM/06/0133 by Greystones (Northern) Limited for the demolition of a house, formation of 12 house plots and the construction of a road at 44 Millheugh Brae, Larkhall be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ referral of the application to the Scottish Ministers as the proposal related to development partially in the Greenbelt and constituted a departure from the Development Plan

*[Reference: Minutes of Hamilton Area Committee of 4 July 2001 (Paragraph 2)]*

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## **6 Application CL/06/0380 – Formation of 2 House Plots (Outline) at Abington Road, Symington**

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A report dated 18 August 2006 by the Executive Director (Enterprise Resources) was submitted on planning application CL/06/0380 by K Lean for the formation of 2 house plots (outline) at Abington Road, Symington.

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) and government advice/policy.

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 development complied with the South Lanarkshire Local Plan (Finalised)
- ◆ the development of the site conformed with the existing residential areas to the north and east and represented a rounding off of the settlement boundary
- ◆ there were no outstanding infrastructure issues that could not be adequately safeguarded by means of condition

**The Committee decided:** that planning application CL/06/0380 by K Lean for the formation of 2 house plots (outline) at Abington Road, Symington be granted subject to the conditions specified in the Executive Director's report.

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#### **7 Application CR/06/0192 - Erection of 24 Flats with Associated Parking and Landscaping at the Former Swimming Baths Site, Off Greenhill Road, Rutherglen**

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A report dated 21 August 2006 by the Executive Director (Enterprise Resources) was submitted on planning application CR/06/0192 by Reigart Contracts Limited for the erection of 24 flats with associated parking and landscaping at the site of the former swimming baths, off Greenhill Road, Rutherglen.

**The Committee decided:** that planning application CR/06/0192 by Reigart Contracts Limited for the erection of 24 flats with associated parking and landscaping at the site of the former swimming baths, off Greenhill Road, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

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#### **8 Application CL/06/0489 - Change of Use and Alteration of Existing Farm Outbuildings to Form 5 Houses and Erection of 11 Attached Houses (Amendment to Planning Consent CL/05/0094) at Libberton Mains Farm, Biggar Road, Libberton**

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A report dated 21 August 2006 by the Executive Director (Enterprise Resources) was submitted on planning application CL/06/0489 by FM Developments Limited for the change of use and alteration of existing farm outbuildings to form 5 houses and the erection of 11 attached houses (amendment to planning consent CL/05/0094) at Libberton Mains Farm, Biggar Road, Libberton.

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) 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 proposed extension of the development into the Remoter Rural Area would not create a visually obtrusive incursion into the countryside due to the limited extent of the incursion

- ♦ the proposed new boundary of the extended area would be subject to landscape planting which would create a defensible boundary for this part of the village of Libberton

**The Committee decided:** that planning application CL/06/0489 by FM Developments Limited for the change of use and alteration of existing farm buildings to form 5 houses and the erection of 11 attached houses (amendment to planning consent CL/05/0094) at Libberton Mains Farm, Biggar Road, Libberton be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 7 June 2005 Paragraph 11]*

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## **9 Application CR/06/0196 - Erection of 40 Flats (4 Storey Blocks) with Associated Car Parking, Landscaping and Improvement and Upgrading of Existing Vehicular Access at Bogleshole Road, Cambuslang**

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A report dated 21 August 2006 by the Executive Director (Enterprise Resources) was submitted on planning application CR/06/0196 by Carronvale Homes Limited for the erection of 40 flats (4 storey blocks) with associated car parking, landscaping and improvement and upgrading of existing vehicular access at Bogleshole Road, Cambuslang.

**The Committee decided:** that planning application CR/06/0196 by Carronvale Homes Limited for the erection of 40 flats (4 storey blocks) with associated car parking, landscaping and improvement and upgrading of existing vehicular access at Bogleshole Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

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## **10 Application HM/06/0456 - Change of Use of Caravan Park to Form 27 Residential Units, Change of Use of Land to Caravan Sales, Erection of Showroom/Workshop and Erection of Boundary Wall at Cot Castle Caravan Site, Strathaven Road, Stonehouse, Larkhall**

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A report dated 28 August 2006 by the Executive Director (Enterprise Resources) was submitted on planning application HM/06/0456 by I McMillan for the change of use of a caravan park to form 27 residential units, change of use of land to caravan sales, erection of showroom/workshop and erection of boundary wall at Cot Castle Caravan Site, Strathaven Road, Stonehouse, Larkhall.

**The Committee decided:**

- (1) that planning application HM/06/0456 by I McMillan for the change of use of a caravan park to form 27 residential units, change of use of land to caravan sales, erection of showroom/workshop and erection of boundary wall be refused for the reasons detailed in the Executive Director's report;
- (2) that enforcement action be taken to ensure that the site was restored to its original condition and any authorised buildings or structures which had been erected were removed within 3 months of the date of any action taken; and

- (3) that enforcement action be taken to ensure that the unauthorised sale of caravans at the site ceased if a planning application was not submitted for this use within 1 month of the date of this decision.

*[Reference: Minutes of Hamilton Area Committee of 29 October 2003 (Paragraph 3)]*

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## **11 Application CL/05/0563 - Erection and Operation of Windfarm (Consultation from Scottish Executive Under Section 36 of the Electricity Act 1989) - Windfarm at Limmer Hill, near Rigside**

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A report dated 21 August 2006 by the Executive Director (Enterprise Resources) was submitted on a consultation request from the Scottish Executive on planning application CL/05/0563 by West Coast Energy for a 33 turbine windfarm at Limmer Hill, near Rigside.

It was proposed to erect 33 wind turbines, a meteorological mast, a controlled building/substation and linking access tracks at Limmer Hill, near Rigside. The site of the proposed windfarm was on land immediately east of the M74 between Junctions 12 and 13, near the settlements of Douglas, Robertson and Rigside. The height of each turbine from ground to blade tip would be 125 metres, consisting of an 80 metre high tubular tower connected to 3 blades with an overall diameter of up to 90 metres.

The application had been assessed against the relevant policies and criteria contained in national policy, the Adopted Upper Clydesdale Local Plan, the Adopted Lower Clydesdale Local Plan, the South Lanarkshire Local Plan (Finalised) and the Glasgow and Clyde Valley Joint Structure Plan (2000). Details of the assessment were provided in the report.

It was proposed that the Council object to the application on the following grounds:-

- ◆ the proposal was contrary to Policies 7, 8, 9 and 10 of the Approved Glasgow and Clyde Valley Joint Structure Plan (2000) and to the emerging Structure Plan Policies
- ◆ the proposal was contrary to Policies 60 and 76 of the Adopted Upper Clydesdale Local Plan
- ◆ the proposal was contrary to Policies ENV2, ENV8, SLP4 and ENV14 of the Lower Clydesdale Local Plan
- ◆ the proposal was contrary to Policies CRE2, ENV4, ENV14, ENV22 and ENV37 of the South Lanarkshire Local Plan (Finalised)
- ◆ the proposal would result in adverse cumulative visual impacts in conjunction with the existing and proposed windfarms and would be detrimental to the landscape character and visual amenity of the area
- ◆ archaeological issues had not been adequately addressed
- ◆ ornithological issues had not been adequately addressed
- ◆ the proposal did not comply with government advice namely National Planning Policy Guideline (NPPG) 6, Scottish Planning Policy 1, NPPG 14, and NPPG 11

If the Council formally objected to the proposal, a public inquiry would be held before the Scottish Executive made a determination on the application.

**The Committee decided:** that the Scottish Executive be advised that the Council objected to the proposed windfarm at Limmer Hill, near Rigside.



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## **12 Urgent Business**

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There were no items of urgent business.