

## PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 10 October 2006

### **Chair:**

Councillor Graham Scott

### **Councillors Present:**

Archie Buchanan, Tony Carlin, Sam Casserly, Pam Clearie, Jim Docherty, Ian Gray, James Handibode, Carol Hughes, Billy McCaig, Michael McCann, John McGuinness, Ian McInnes, Denis McKenna (Depute), Mary McNeill, Brian Reilly, Bob Rooney, Hamish Stewart, Chris Thompson, Jim Wardhaugh

### **Councillor Also Present:**

Alice Marie Mitchell

### **Councillors' Apologies:**

David Baillie, Cathie Condie, Gerry Convery, Jim Daisley, Alan Dick, Gerry Docherty, Allan Falconer, Tommy Gilligan, Stan Hogarth, James Malloy, Edward McAvoy, Alex McInnes

### **Attending:**

#### **Corporate Resources**

L Carstairs, Public Relations Officer; P MacRae, Administration Officer

#### **Enterprise Resources**

G Cameron, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen); M Little, Operations and Area Manager, Planning and Building Standards Services (Hamilton); C McDowall, Head of Planning and Building Standards Services; T Meikle, Area Manager, Planning and Building Standards Services (East Kilbride); M McGlynn, Planning Headquarters Manager; 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 26 September 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 EK/06/0264 - Erection of 34 Flats with Associated Access Road, Car Parking and Landscaping at Vacant Ground Adjacent to Eaglesham Road at the Roundabout Serving the Police College, East Kilbride**

A report dated 3 October 2006 by the Executive Director (Enterprise Resources) was submitted on planning application EK/06/0264 by BMJ Properties Limited for the erection of 34 flats with associated access road, car parking and landscaping at vacant ground adjacent to Eaglesham Road at the roundabout serving the Police College, 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 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 criteria contained in South Lanarkshire Local Plan (Finalised) and the Adopted East Kilbride and District Local Plan. 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 majority of the site benefited from outline planning consent with only the Sustainable Urban Drainage Systems (SUDS) area located outwith the approved application area. It was considered that the SUDS area could be justified as an acceptable use in the Greenbelt as it involved the introduction of an attenuation pond with no built form on this part of the site
- ◆ there were no outstanding infrastructure issues which could not be dealt with by means of condition
- ◆ the development complied with the South Lanarkshire Local Plan (Finalised)

**The Committee decided:**

that planning application EK/06/0264 by BMJ Properties Limited for the erection of 34 flats with associated access road, 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
- ◆ 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 and the Council had a financial interest in the land

*[Reference: Minutes of 26 April 2005 (Paragraph 5)]*

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#### **4 Application EK/06/0060 - Erection of 82 Detached Houses with Associated Roads at Land Between Eaglesham Road and Hayhill Road, Jackton, East Kilbride**

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A report dated 3 October 2006 by the Executive Director (Enterprise Resources) was submitted on planning application EK/06/0060 by Cala Management Limited for the erection of 82 detached houses with associated roads at land between Eaglesham Road and Hayhill Road, Jackton, East Kilbride. Points raised in a further, late letter of representation from J Earley were referred to at the meeting and addressed by officers.

**The Committee decided:**

that planning application EK/06/0060 by Cala Management Limited for the erection of 82 detached houses with associated roads at land between Eaglesham Road and Hayhill Road, Jackton, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 26 April 2005 (Paragraph 5)]*

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**5 Application HM/06/0059 - Demolition of Car Showroom and Garage and Erection of Flatted Development (42 Units) at 3-11 Bothwell Road, Hamilton**

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A report dated 21 September 2006 by the Executive Director (Enterprise Resources) was submitted on planning application HM/06/0059 by Wilburn Central Limited for the demolition of a car showroom and garage and the erection of a flatted development (42 units) at 3-11 Bothwell Road, Hamilton.

**The Committee decided:** that planning application HM/06/0059 by Wilburn Central Limited for the demolition of a car showroom and garage and the erection of a flatted development (42 units) at 3-11 Bothwell Road, Hamilton be granted subject to the conditions specified in the Executive Director's report.

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**6 Application CR/06/0184 - Erection of 16 Flats (13 x 3 Apartment and 3 x 2 Apartment) (3 Storey High) With Basement Parking at 180 Dukes Road, Rutherglen**

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A report dated 2 October 2006 by the Executive Director (Enterprise Resources) was submitted on planning application CR/06/0184 by Bavaird Developments for the erection of 16 flats (13 x 3 apartment and 3 x 2 apartment) (3 storey high) with basement parking at 180 Dukes Road, Rutherglen.

**The Committee decided:** that planning application CR/06/0184 by Bavaird Developments for the erection of 16 flats (13 x 3 apartment and 3 x 2 apartment) (3 storey high) with basement parking at 180 Dukes Road, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

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**7 Application HM/06/0521 - Change of Use from Amenity Ground to Garden Ground and Erection of Fence (Retrospective) at Land Adjacent to 11 Gemmell Way, Stonehouse**

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A report dated 27 September 2006 by the Executive Director (Enterprise Resources) was submitted on planning application HM/06/0521 by A Robb for the change of use from amenity ground to garden ground and erection of a fence (retrospective) at land adjacent to 11 Gemmell Way, Stonehouse.

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 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:-

- ◆ the area of land that formed the application site was zoned as RES1 and RES6 and was of a scale and position that its conversion to garden ground would have a minimum impact on the adjoining residential area
- ◆ the area of land in question was overgrown and unmaintained. The proposed scheme was considered to be an improvement to the visual appearance of the area

**The Committee decided:**

that planning application HM/06/0521 by A Robb for the change of use from amenity ground to garden ground and erection of a fence (retrospective) at land adjacent to 11 Gemmell Way, Stonehouse be granted subject to the conditions specified in the Executive Director's report.

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**8 Application EK/06/0400 - Demolition of Existing 2 Storey House and Erection of 6 Flats in a 2 Storey Block with Associated Parking at 8 Graham Avenue, The Village, East Kilbride**

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A report dated 3 October 2006 by the Executive Director (Enterprise Resources) was submitted on planning application EK/06/0400 by P Kiel for the demolition of an existing 2 storey house and erection of 6 flats in a 2 storey block with associated parking at 8 Graham Avenue, The Village, East Kilbride. Points raised in a further, late letter of representation from Mr and Mrs Sanaghan were referred to at the meeting and addressed by officers.

**The Committee decided:**

that planning application EK/06/0400 by P Kiel for the demolition of an existing 2 storey house and erection of 6 flats in a 2 storey block with associated parking at 8 Graham Avenue, The Village, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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**9 Application HM/06/0534 - Extension to Unit 4 and Sub-division to Form 2 Units, Extension to Unit 5, Erection of New Restaurant Unit and Installation of ATM at Hamilton Palace Grounds Retail Park, Motherwell Road, Hamilton**

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A report dated 27 September 2006 by the Executive Director (Enterprise Resources) was submitted on planning application HM/06/0534 by Keppie Design for extension to Unit 4 and sub-division to form 2 units, extension to Unit 5, erection of new restaurant unit and installation of ATM at Hamilton Palace Grounds Retail Park, Motherwell Road, Hamilton.

**The Committee decided:**

that planning application HM/06/0534 by Keppie Design for extension to Unit 4 and sub-division to form 2 units, extension to Unit 5, erection of new restaurant unit and installation of ATM at Hamilton Palace Grounds Retail Park, Motherwell Road, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 11 November 2003 (Paragraph 9)]*

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**10 Application CL/05/0238 - Extraction of Sand and Gravel from Below Water Table with Restoration of the Site to a Landscaped Loch for Angling and Nature Conservation Purposes at Land at Westend Wood Quarry, Carstairs**

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A report dated 27 September 2006 by the Executive Director (Enterprise Resources) was submitted on planning application CL/05/0238 by RMC (UK) Limited for the extraction of sand and gravel from below the water table with restoration of the site to a landscaped loch for angling and nature conservation purposes at land at Westend Wood Quarry, Carstairs.

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), the South Lanarkshire Minerals Local Plan, the Glasgow and Clyde Valley Joint Structure Plan and government advice/policy. Details of the assessment were provided in the report. It was considered that the application was consistent with the terms of those documents.

**The Committee decided:**

that planning application CL/05/0238 by RMC (UK) Limited for the extraction of sand and gravel from below the water table with restoration of the site to a landscaped loch for angling and nature conservation purposes at land at Westend Wood Quarry, Carstairs be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ the conclusion of a Restoration Guarantee Bond to cover the full costs of restoring the site, to be provided by a recognised financial institution or by a recognised industry guarantee fund, if considered appropriate
- ◆ the completion of a Section 75 Agreement between the applicant and the Council securing contributions to the South Lanarkshire Rural Communities Trust Fund
- ◆ the applicant meeting the Council's reasonably incurred legal fees in respect of the Section 75 and other related agreements

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**11 Cartland Gates (Gates, Gatepiers and Railings) Listed Building Repairs Notice at former Auction Room and Cattle Market, Hyndford Road, Lanark**

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A report dated 2 October 2006 by the Executive Director (Enterprise Resources) was submitted on a proposal to serve a Listed Building Repairs Notice under Section 43 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 in respect of the Cartland Gates, Lanark.

The Cartland Gates occupied a prominent position on Hyndford Road, Lanark adjacent to the former Auction Room and Cattle Market. The gates, gatepiers and railings had been listed by Historic Scotland in 1994 as a Building of Special Architectural or Historic Interest and had been designated Category A status in view of their national importance.

The gates had been in a state of disrepair over a number of years and the current owners had been asked by the Council to carry out works to ensure their proper preservation. The owners had indicated their willingness to carry out works to the gates in accordance with a specification prepared by a consultant appointed by them. Historic Scotland had assessed this specification and considered it to be inadequate. It was proposed to serve a Listed Building Repairs Notice under Section 43 of the Planning (Listed Building and Conservation Area) (Scotland) Act 1997 on the owners of the Cartland Gates to provide the necessary impetus for them to proceed with a preservation scheme to a satisfactory specification. If the repairs notice was not complied with within a specified period, the use of statutory compulsory purchase powers could be considered. If this was the case, a further report would be submitted to Committee.

**The Committee decided:**

that a Listed Building Repairs Notice be served on the owners of the Cartland Gates under Section 43 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

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## **12 Urgent Business**

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There were no items of urgent business.