

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 1 May 2018

Chair:

Councillor Alistair Fulton

Councillors Present:

John Anderson (*substitute for Councillor Donnelly*), John Bradley, Walter Brogan, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Isobel Dorman (Depute), Fiona Dryburgh, Mark Horsham, Ann Le Blond, Martin Lennon, Kenny McCreary, Mark McGeever (*substitute for Councillor Allison*), Julia Marrs, Lynne Nailon (*substitute for Councillor Lockhart*), Richard Nelson, Carol Nugent, Graham Scott, Collette Stevenson, Bert Thomson, Jim Wardhaugh

Councillors' Apologies:

Alex Allison, Mary Donnelly, Richard Lockhart, John Ross (ex officio), David Shearer, Sheena Wardhaugh

Attending:

Community and Enterprise Resources

L Campbell, Area Manager, Planning and Building Standards Services (Hamilton); P Elliott, Head of Planning and Economic Development; T Finn, Headquarters Manager, Planning and Building Standards Services; F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/ Rutherglen and East Kilbride)

Finance and Corporate Resources

S Burrows, Media Officer; P MacRae, Administration Officer; K Moore, Legal Services Advisor; L Paterson, Administration Officer

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Marrs	Application CL/17/0474 – Erection of 25 Houses and Formation of Associated Access, Sustainable Urban Drainage System (SUDS), Landscaping and Playpark at Land West of Byretown Grove, Kirkfieldbank	Prior involvement in the application

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 13 March 2018 were submitted for approval as a correct record.

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

3 Application CL/16/0170 - Phased Extraction of Sand and Gravel by Quarrying Methods and Erection of Associated Plant Site and Access Road at Overburns Farm, Lamington, Biggar

A report dated 13 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/16/0170 by Patersons of Greenoakhill Limited for the phased extraction of sand and gravel by quarrying methods and erection of associated plant site and access road at Overburns Farm, Lamington, Biggar.

Because of the level of public interest in the proposed development, the opportunity of a hearing had been offered to the objectors to the proposal and the applicant.

The Committee heard:-

- ◆ C Hume and K Lindsey, on behalf of the applicant
- ◆ J McLatchie, P O'Donnell and J Welch, on behalf of the objectors to the proposal

The Committee also heard Councillors Allison, Holford and McAllan, local members, on their objections to the proposal.

At its meeting on 13 February 2018, the Committee had, at the applicant's request, agreed to continue consideration of the application to a future meeting of the Committee. This was to allow consideration to be given to a late representation asserting that the planning application lacked details of a barrier as required by Regulation 16 of The Quarrier Regulations 1999. The Headquarters Manager advised that the applicant had clarified the position in respect of the barrier and it was considered that the application was in accordance with the relevant regulations.

The application had been assessed against the relevant criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance, Non-Statutory Planning Guidance – Minerals 2017 and government advice/policy. Details of the assessment were provided in the report.

Having heard the Headquarters Manager and after discussion, Councillor Fulton, seconded by Councillor Dorman, moved that the application be granted subject to the conditions and other actions specified in the Executive Director's report. Councillor Buchanan, seconded by Councillor J Wardhaugh, moved as an amendment that the application be refused as:-

- ◆ the proposed development would have a significant adverse effect and significant harm on the landscape in and around the application site
- ◆ the visual impact of the proposed development would cause significant adverse effects from viewpoints in and around the application site
- ◆ the proposed development would cause a significant risk of flooding in and around the application site and would cause waste materials from the extraction works and other detritus to be washed into and deposited in the River Clyde and the land surrounding the application site
- ◆ the nature and volume of objections and serious concerns raised by the local community and special interest groups in respect of the adverse effect of the proposed development on the local environment, recreation and economy, which objections and concerns could not be mitigated by the applicant, were such that the planning authority could not support the proposed development

On a vote being taken by a show of hands 20 members voted for the amendment and 2 for the motion. The amendment was declared carried.

The Committee decided:

that planning application CL/16/0170 by Patersons of Greenoakhill Limited for the phased extraction of sand and gravel by quarrying methods and erection of associated plant site and access road at Overburns Farm, Lamington, Biggar be refused for the following reasons:-

- ◆ the proposed development would have a significant adverse effect and significant harm on the landscape in and around the application site
- ◆ the visual impact of the proposed development would cause significant adverse effects from viewpoints in and around the application site
- ◆ the proposed development would cause a significant risk of flooding in and around the application site and would cause waste materials from the extraction works and other detritus to be washed into and deposited in the River Clyde and the land surrounding the application site
- ◆ the nature and volume of objections and serious concerns raised by the local community and special interest groups in respect of the adverse effect of the proposed development on the local environment, recreation and economy, which objections and concerns could not be mitigated by the applicant, were such that the planning authority could not support the proposed development

[Reference: Minutes of 13 February 2018 (Paragraph 3)]

In terms of Standing Order No 13, the Chair adjourned the meeting at 11.50am for a 15 minute period. The meeting recommenced at 12.05pm.

4 Application CL/17/0474 - Erection of 25 Houses and Formation of Associated Access, Sustainable Urban Drainage System (SUDS), Landscaping and Playpark at Land West of Byretown Grove, Kirkfieldbank

A report dated 12 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0474 by Allied Contracts UK Limited for the erection of 25 houses and formation of associated access, sustainable urban drainage system, landscaping and playpark at land west of Byretown Grove, Kirkfieldbank.

The Committee decided:

- (1) that planning application CL/17/0474 by Allied Contracts UK Limited for the erection of 25 houses and formation of associated access, sustainable urban drainage system, landscaping and playpark at land west of Byretown Grove, Kirkfieldbank be granted subject to:-
- ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Planning Obligation and/or other agreement between the Council, the applicants and the site owners to ensure financial contributions were made at appropriate times during the development towards:-
 - ◆ affordable housing provision
 - ◆ education facilities

- ♦ the applicants meeting the Council's legal costs associated with the Section 75 Obligation and/or other legal agreements
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Planning Obligation within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

[Reference: Minutes of 7 July 2015 (Paragraph 15)]

Councillor Marrs, having declared an interest in the above application, withdrew from the meeting during its consideration

5 Application EK/17/0266 - Erection of Class 1 Foodstore with Associated Car Parking, Vehicular Access and Landscaping at the Site of the Former Atholl House, Avondale Avenue, East Kilbride

A report dated 20 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0266 by Lidl UK GmbH for the erection of a Class 1 foodstore with associated car parking, vehicular access and landscaping at the site of the former Atholl House, Avondale Avenue, East Kilbride.

Points raised in late representations from E and J McHugh and J Lange were referred to at the meeting and addressed by officers.

The Committee heard Councillor Fagan, a local member on his objections to the proposal.

Having heard the Area Manager (Cambuslang/Rutherglen and East Kilbride) in explanation of the report and after discussion, Councillor Fulton, seconded by Councillor Dorman, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor J Wardhaugh, seconded by Councillor Buchanan, moved as an amendment that the application be refused on the grounds of the impact on road safety and on the viability and vitality of The Village, East Kilbride. On a vote being taken by a show of hands, 10 members voted for the amendment and 11 for the motion which was declared carried.

The Committee decided: that planning application EK/17/0266 by Lidl UK GmbH for the erection of a Class 1 foodstore with associated car parking, vehicular access and landscaping at the site of the former Atholl House, Avondale Avenue, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

Councillor Callaghan entered the meeting at the start of this item. Councillors Horsham and Marrs left the meeting following consideration of the above application

6 Application HM/17/0388 - Residential Development Comprising 14 Houses (Mix of 2 Bed Cottage Flats and 2 and 3 Bed Semi Detached Houses) at Morven Avenue, Blantyre

A report dated 11 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0388 by South Lanarkshire Council for a residential development comprising 14 houses (mix of 2 bed cottage flats and 2 and 3 bed semi-detached houses) at Morven Drive, Blantyre.

The Committee decided: that planning application HM/17/0388 by South Lanarkshire Council for a residential development comprising 14 houses (mix of 2 bed cottage flats and 2 and 3 bed semi-detached houses) at Morven Drive, Blantyre be granted subject to the conditions specified in the Executive Director's report.

7 Application P/18/0009 - Erection of 4 Agricultural Buildings Together with the Erection of 2 Managers' Houses at Park Farm, Biggar Road, Carnwath

A report dated 13 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0009 by Hewitt Farms for the erection of 4 agricultural buildings together with the erection of 2 managers' houses at Park Farm, Biggar Road, Carnwath.

The Committee decided: that planning application P/18/0009 by Hewitt Farms for the erection of 4 agricultural buildings together with the erection of 2 managers' houses at Park Farm, Biggar Road, Carnwath be granted subject to the conditions specified in the Executive Director's report.

8 Application EK/18/0041 - Section 42 Application to Vary Condition 2(a) of Planning Consent EK/14/0348 to Extend the Time Period Within Which Application(s) for Approval of Further Matters Must be Made at Eastern End of Olympia and Princes Malls and Whole of Olympia Arcade, East Kilbride

A report dated 4 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/18/0041 by Orion IV European 16 S.A.R.L. for an application under Section 42 of the Town and Country Planning (Scotland) Act to vary Condition 2(a) of planning consent EK/14/0348 to extend the time period for the submission of applications for approval of further matters specified in conditions at the eastern end of the Olympia and Princes Malls and the whole of the Olympia Arcade, East Kilbride for a further 3 years.

At its meetings on 29 November 2011 and 27 January 2015 respectively, the Committee had approved:-

- ♦ application EK/11/0250 for the reconfiguration and refurbishment of part of East Kilbride town centre (planning permission in principle) at the east end of Olympia and Princes Malls and the Olympia Arcade, East Kilbride
- ♦ application EK/14/0348 under Section 42 of the Town and Country Planning (Scotland) Act to vary Condition 3(a) of planning consent EK/11/0250 to extend the time period within which applications for approval of further matters specified in conditions required to be made by 3 years

The applicants had advised that, due to the recent focus on the development of “The Hub”, an adjacent leisure and recreation facility, it had not been possible to submit the further applications required by the specified date of 28 January 2018. As a result, the applicants now wished to extend the time period for the submission of applications for approval of further matters specified in conditions by a further 3 years.

The Committee decided:

that planning application EK/18/0041 by Orion IV European 16 S.A.R.L. for an application under Section 42 of the Town and Country Planning (Scotland) Act to vary Condition 2(a) of planning consent EK/14/0348 to extend the time period for the submission of applications for the approval of further matters specified in conditions at the eastern end of the Olympia and Princes Malls and the whole of the Olympia Arcade, East Kilbride for a 3 year period be granted subject to the conditions specified in the Executive Director’s report.

[Reference: Minutes of 29 November 2011 (Paragraph 4) and 27 January 2015 (Paragraph 16)]

9 Application CL/17/0343 - Erection of 19 Detached Houses and Associated Access Road, Landscaping and Drainage Works at Site at Lanark Road, Kirkmuirhill, Lanark

A report dated 12 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0343 by T C Stewart and Son for the erection of 19 detached houses and associated access road, landscaping and drainage works at Lanark Road, Kirkmuirhill, Lanark.

The Committee decided:

that planning application CL/17/0343 by T C Stewart and Son for the erection of 19 detached houses and associated access road, landscaping and drainage works at Lanark Road, Kirkmuirhill, Lanark be granted subject to:-

- ◆ the conditions specified in the Executive Director’s report
- ◆ an amendment to Condition 13 to read “a visibility splay of 4.5 metres by 120 metres measured from the road channel shall be provided”

[Reference: Minutes of 27 March 2012 (Paragraph 20)]

Councillor Stevenson left the meeting following consideration of the above application

10 Application HM/18/0014 - Residential Development (100 Units) at Brackenhill Farm, Meikle Earnock Road, Hamilton and Associated Roads, Footpaths, Open Space, SUDS and Landscaping (Approval of Matters Specified in Conditions 2, 5, 6, 8, 9, 10, 11, 14, 15, 16, 18, 19 and 20 of Planning Permission in Principle HM/10/0052)

A report dated 20 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/18/0014 by BDW Trading Limited for a residential development (100 units) at Brackenhill Farm, Meikle Earnock Road, Hamilton (approval of matters specified in Conditions 2, 5, 6, 8, 9, 10, 11, 14, 15, 16, 18, 19, and 20 of planning consent in principle HM/10/0052).

The Committee decided: that planning application HM/18/0014 by BDW Trading Limited for a residential development (100 units) at Brackenhill Farm, Meikle Earnock Road, Hamilton (approval of matters specified in Conditions 2, 5, 6, 8, 9, 10, 11, 14, 15, 16, 18, 19, and 20 of planning consent in principle HM/10/0052) be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 28 March 2017 (Paragraph 16)]

11 Application P/18/0226 - Erection of 7 Detached Houses (Amendment to Planning Consent CL/16/0277 Involving Changes to Site Boundaries, House Types and an Additional House) at Clydegrove, Holm Road, Crossford

A report dated 10 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0226 by J Allan for the erection of 7 detached houses (amendment to planning consent CL/16/0277 involving changes to site boundaries, house types, and an additional house) at Clydegrove, Holm Road, Crossford.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance and government advice/policy. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

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

- ◆ the objectives of Scottish Planning Policy in terms of the purposes of the Green Belt would not be compromised
- ◆ the proposal would visually integrate with an existing group of buildings
- ◆ the small scale nature of the development would not have an adverse impact on the character of the area
- ◆ there would be no adverse impact on residential or visual amenity, infrastructure or biodiversity

The Committee decided: that planning application P/18/0226 by J Allan for the erection 7 detached houses (amendment to planning consent CL/16/0277 involving changes to site boundaries, house types, and an additional house) at Clydegrove, Holm Road, Crossford be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 24 June 2014 (Paragraph 5)]

12 Appeal Against Non-determination of Planning Application HM/17/0159 for the Erection of a 61 Bedroom Care Home with Associated Car Parking and Landscaping at 1 Hamilton Road, Bothwell

A report dated 19 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0159 by Balmer Developments Limited for the erection of a 61 bedroom care home with associated car parking and landscaping at 1 Hamilton Road, Bothwell which was now the subject of a planning appeal to the Scottish Ministers.

The Council could not now take a decision on the application as the applicant had lodged an appeal to the Scottish Ministers against non-determination of the application. However, it was required to make observations on the proposals and submit them to the Scottish Ministers as part of the appeal process.

The proposal had been assessed against the relevant policies and criteria contained in government advice/policy and the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance. Details of the assessment were provided in the appendix to the report.

The Committee decided: that, had the Committee determined the matter, planning application HM/17/0159 by Balmer Developments Limited for the erection of a 61 bedroom care home with associated car parking and landscaping at 1 Hamilton Road, Bothwell would have been refused for the reasons detailed in the appendix to the report.

13 Appeal Against Non-determination of Application HM/17/0204 for Conservation Area Consent for the Demolition of Former Office Building, House and Outbuildings at 1 Hamilton Road, Bothwell

A report dated 19 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0204 by Balmer Developments Limited for the demolition of a former office building, house and outbuildings (conservation area consent) at 1 Hamilton Road, Bothwell which was now the subject of a planning appeal to the Scottish Ministers.

The Council could not now take a decision on the application as the applicant had lodged an appeal to the Scottish Ministers against non-determination of the application. However, it was required to make observations on the proposals and submit them to the Scottish Ministers as part of the appeal process.

The proposal had been assessed against the relevant policies and criteria contained in government advice/policy and the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance. Details of the assessment were provided in the appendix to the report.

The Committee decided: that, had the Committee determined the matter, planning application HM/17/0204 by Balmer Developments Limited for the demolition of a former office building, house and outbuildings (conservation area consent) at 1 Hamilton Road, Bothwell would have been refused for the reasons detailed in the appendix to the report.

14 Urgent Business

There were no items of urgent business.