

## PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 8 February 2011

### Chair:

Councillor Graham Scott

### Councillors Present:

Alex Allison, Eileen Baxendale, Archie Buchanan, Jackie Burns, Gordon Clark, Pam Clearie, Jim Docherty, Hugh Dunsmuir, Tommy Gilligan, Ian Gray, Jim Handibode, Bill Holman, Edward McAvoy, Clare McColl, Lesley McDonald, Alex McInnes, Denis McKenna, Mary McNeill, Archie Manson, Hamish Stewart, Chris Thompson, Jim Wardhaugh

### Councillor's Apology:

Patrick Ross-Taylor (Depute)

### Attending:

#### Corporate Resources

K Bartie, Administration Assistant; L Carstairs, Public Relations Officer; P MacRae, Administration Officer; G McCann, Head of Legal Services

#### Enterprise Resources

G Cameron, Headquarters Manager, Planning and Building Standards Services; T Finn, Area Manager, Planning and Building Standards Services (Clydesdale); S Laird, Transportation Engineer; M Little, Operations and Area Manager, Planning and Building Standards Services (Hamilton); T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride); M McGlynn, Head of Planning and Building Standards Services; D Wilkins, Minerals Officer, Planning and Building Standards Services

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### 1 Declaration of Interests

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No interests were declared.

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### 2 Minutes of Previous Meeting

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The minutes of the meeting of the Planning Committee held on 14 December 2010 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 HM/10/0345 - Construction and Operation of a Waste Sorting and Resource Recovery Facility, with Capacity to Process up to 150,000 Tonnes of Waste per Annum, at Dovesdale Farm, Carlisle Road, Stonehouse

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A report dated 31 January 2011 by the Executive Director (Enterprise Resources) was submitted on planning application HM/10/0345 by Scotgen (South Lanarkshire) Limited for the construction and operation of a waste sorting and resource recovery facility, with capacity to process up to 150,000 tonnes of waste per annum, at Dovesdale Farm, Carlisle Road, Stonehouse.

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:-

- ◆ L Brotherton and J Cook, on behalf of the applicant
- ◆ G Haddow, G Jones and A Walker, on behalf of the objectors to the proposal

The Committee also heard Councillor Craig, a local member.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Plan, the Glasgow and Clyde Valley Joint Structure Plan 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 (Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ there was a clear need for the proposed facility, which was set out within national planning and waste policy guidelines, particularly the Zero Waste Plan and the Thermal Treatment of Waste Guidelines, to enable waste to be moved up the waste hierarchy, improving recycling and resource recovery rates and thereby reducing landfill rates
- ◆ there were no alternative sites, in this instance, which were more appropriate for the proposed facility
- ◆ the proposed development site was well located in relation to waste sources (settlements) and the principal transportation link within South Lanarkshire (M74) and was, therefore, in accordance with the proximity principle
- ◆ the proposed facility was located adjacent to existing waste management related activities and had opportunities to export heat to adjacent users
- ◆ the local road network could accommodate the traffic generated by the operation of the facility
- ◆ measures had been proposed as part of the development's design and layout to mitigate its impact on the amenity of the area
- ◆ the characteristics of the application site enabled the dispersion of air emissions from the facility, consistent with SEPA requirements, whilst ensuring landscape and visual impacts of the proposed development were minimised
- ◆ the proposed development would have minimal impact on nearby sensitive receptors such as residential properties by way of noise, dust, vibration and odour
- ◆ the proposed development would result in the creation of 50 full time permanent jobs
- ◆ the proposed development would not significantly affect protected species or designated sites as a result of its operation
- ◆ no objections had been received from any key agencies

Councillor Allison requested that a suspensive condition be imposed to address the proposal's potential effect on agricultural activities and businesses in the vicinity of the application site.

Councillor Scott, seconded by Councillor Docherty, moved that the application be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ conclusion of the Section 75 and Section 96 Agreements covering the matters detailed in the Executive Director's report
- ◆ an additional, suspensive condition to address the proposal's potential effect on agricultural activities and businesses in the vicinity of the application site

Councillor Gray, seconded by Councillor Manson, moved as an amendment that the application be refused. On a vote being taken by roll call, members voted as follows:-

**Motion:**

Alex Allison, Eileen Baxendale, Jackie Burns, Pam Clearie, Jim Docherty, Hugh Dunsmuir, Jim Handibode, Edward McAvoy, Alex McInnes, Denis McKenna, Mary McNeill, Graham Scott, Hamish Stewart, Chris Thompson

**Amendment:**

Archie Buchanan, Gordon Clark, Tommy Gilligan, Ian Gray, Bill Holman, Archie Manson, Clare McColl, Lesley McDonald, Jim Wardhaugh

9 members voted for the amendment and 14 for the motion which was declared carried.

**The Committee decided:**

that planning application HM/10/0345 by Scotgen (South Lanarkshire) Limited for the construction and operation of a waste sorting and resource recovery facility, with capacity to process up to 150,000 tonnes of waste per annum at Dovesdale Farm, Carlisle Road, Stonehouse be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ prior conclusion of a Section 75 Agreement covering the following matters:-
  - ◆ community benefit payments to provide a financial contribution towards community projects as a result of the renewable energy produced
  - ◆ community liaison meetings, to allow members of the community to meet with the Council, SEPA and the developer/operator on a regular basis to discuss the construction and operation of the facility
  - ◆ a routing agreement to ensure lorries' minimised impact on the surrounding road network
  - ◆ a contribution to mitigation works at Canderside Moss Site of Special Scientific Interest
- ◆ prior conclusion of a Section 96 Agreement to cover extraordinary wear and tear on the public road network as a result of construction traffic
- ◆ the applicant meeting the Council's legal costs associated with the Section 75 and 96 Agreements
- ◆ the following additional, suspensive condition  
"Before development commences, a report, the detailed scope of which is to be approved by the Council as Planning Authority, setting out any potential impacts arising from the operation of the proposed development on agricultural activities and businesses in the vicinity of the application site shall be submitted to and approved by the Council as Planning Authority in consultation, as required, with SEPA, NHS, Environmental Services and any other relevant bodies as appropriate, and any approved

mitigation measures identified in the report shall be implemented, in accordance with an approved programme, to the satisfaction of the Council as Planning Authority.

**Reason**

In the interest of agricultural business.”

*In terms of Standing Order No 13, the Chair adjourned the meeting at 12.05pm for a 5 minute period. The meeting recommenced at 12.10pm without the attendance of Councillors Buchanan and McColl*

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**4 Application HM/10/0538 - Erection of 14.8 Metres Telecoms Mast and Associated Equipment at Footway Adjacent to Carlisle Road, Hamilton**

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A report dated 31 January 2011 by the Executive Director (Enterprise Resources) was submitted on planning application HM/10/0538 by Vodafone UK Limited for the erection of a 14.8 metres telecoms mast and associated equipment at the footway adjacent to Carlisle Road, Hamilton.

**The Committee decided:** that planning application HM/10/0538 by Vodafone UK Limited for the erection of a 14.8 metres telecoms mast and associated equipment at the footway adjacent to Carlisle Road, Hamilton be granted subject to the conditions specified in the Executive Director’s report.

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**5 Application CR/10/0202 - Internal Refurbishment and Conversion of Primary School to a Business Centre (Listed Building Consent) at Former Burgh Primary School, King Street, Rutherglen**

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A report dated 24 January 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CR/10/0202 by South Lanarkshire Council for the internal refurbishment and conversion of a primary school to a business centre (listed building consent) at the former Burgh Primary School, King Street, Rutherglen.

**The Committee decided:** that planning application CR/10/0202 by South Lanarkshire Council for the internal refurbishment and conversion of a primary school to a business centre (listed building consent) at the former Burgh Primary School, King Street, Rutherglen 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 works to a Category B listed building

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**6 Application CR/10/0213 - Change of Use from Primary School to Business Centre at Former Burgh Primary School, King Street, Rutherglen**

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A report dated 24 January 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CR/10/0213 by South Lanarkshire Council for the change of use from a primary school to a business centre at the former Burgh Primary School, King Street, Rutherglen.

**The Committee decided:** that planning application CR/10/0213 by South Lanarkshire Council for the change of use from a primary school to a business centre at the former Burgh Primary School, King Street, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

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**7 Application CL/10/0211 - Erection of Primary School Incorporating a Community Hall and Nursery, Formation of MUGA Pitch with 5 Metres Ballstop Fence, Increase in Ground Level of Existing Sports Pitch and Installation of 3 Metres Ballstop Fence Around Perimeter and Formation of Car Parking and Landscaping at Blackwood Primary School, Carlisle Road, Kirkmuirhill**

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A report dated 31 January 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CL/10/0211 by Morgan Ashurst for the erection of a primary school, incorporating a community hall and nursery, formation of a MUGA pitch with a 5 metres ballstop fence, increase in ground level of the existing sports pitch and installation of a 3 metres ballstop fence around the perimeter and formation of car parking and landscaping at Blackwood Primary School, Carlisle Road, Kirkmuirhill.

**The Committee decided:** that planning application CL/10/0211 by Morgan Ashurst for the erection of a primary school, incorporating a community hall and nursery, formation of a MUGA pitch with a 5 metres ballstop fence, increase in ground level of the existing sports pitch and installation of a 3 metres ballstop fence around the perimeter and formation of car parking and landscaping at Blackwood Primary School, Carlisle Road, Kirkmuirhill be granted subject to the conditions specified in the Executive Director's report.

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**8 Application CL/10/0473 - Demolition of Primary School and Erection of Replacement Primary School and Detached Youth Facility with Associated Upgraded Accesses, Car Parking, Landscaping and Grass Sports Pitch (Amendment to Planning Consent CL/09/0365) at Douglas Primary School, Ayr Road, Douglas**

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A report dated 31 January 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CL/10/0473 by Morgan Sindall for the demolition of a primary school and the erection of a replacement primary school and detached youth facility with associated upgraded accesses, car parking, landscaping and grass sports pitch (amendment to planning consent CL/09/0365) at Douglas Primary School, Ayr Road, Douglas.

**The Committee decided:** that planning application CL/10/0473 by Morgan Sindall for the demolition of a primary school and the erection of a replacement primary school and detached youth facility with associated upgraded accesses, car parking, landscaping and grass sports pitch (amendment to planning consent CL/09/0365) at Douglas Primary School, Ayr Road, Douglas be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 3 November 2009 (Paragraph 17)]*

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## **9 Application CL/10/0271 - Erection of 25 Houses, Associated Roadworks and Landscaping at Land Adjacent to 21 Braidwood Road, Braidwood**

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A report dated 31 January 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CL/10/0271 by Lynnet Leisure (Properties) Limited for the erection of 25 houses, associated roadworks and landscaping at land adjacent to 21 Braidwood Road, Braidwood.

Points raised in 3 further letters of objection from R, J and E Muirhead respectively were referred to at the meeting and addressed by officers.

**The Committee decided:** that planning application CL/10/0271 by Lynnet Leisure (Properties) Limited for the erection of 25 houses, associated roadworks and landscaping at land adjacent to 21 Braidwood Road, Braidwood be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ prior conclusion of a Section 75 Agreement between the applicant and the Council to ensure the submission by the applicant of a financial contribution of £15,000 for the improvement of community facilities in the area
- ◆ the applicant meeting the Council's legal costs associated with the Section 75 Agreement

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## **10 Application HM/09/0438 - Residential Development (26 Units) with Associated Car Parking/Landscaping and Formation of Roundabout at Former Waterworks Site, Strathaven Road, Hamilton**

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A report dated 20 January 2011 by the Executive Director (Enterprise Resources) was submitted on planning application HM/09/0438 by Paterson Partners for a residential development (26 units) with associated car parking/landscaping and the formation of a roundabout at the former waterworks site, Strathaven Road, Hamilton.

**The Committee decided** that planning application HM/09/0438 by Paterson Partners for a residential development (26 units) with associated car parking/landscaping and the formation of a roundabout at the former waterworks site, Strathaven Road, Hamilton be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ prior conclusion of a Section 75 Agreement covering the following matters:-
  - ◆ the submission of an equitable financial contribution, on an agreed pro-rata basis, in relation to infrastructure and other costs associated with the Hamilton Community Growth Area
  - ◆ payment of the agreed pro-rata contribution to South Lanarkshire Council upon receipt of the completion certificate for the first residential unit on the application site (or as otherwise agreed)

- ◆ the provision of a new roundabout on the A723 to serve the development, designed and located entirely to the Roads and Transportation Service's requirements and guidelines
- ◆ the promotion and implementation of a Traffic Regulation Order to ensure that the existing 30 miles per hour speed limit on the A723 was extended to the southern boundary of the site as identified by the Roads and Transportation Service. The implementation included new gateway signing/features and speed limit countdown signage/road markings
- ◆ the implementation of the extension of the system of street lighting on the A723 to cover the extended 30 miles per hour speed limit
- ◆ the provision of bus shelters on either side of the A723 in front of the site
- ◆ the provision of an equipped play area, designed to the Council's requirements, within the application site
- ◆ the submission of a landscaping bond
- ◆ the applicant meeting the Council's legal costs associated with the Section 75 Agreement

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### **11 Application CL/10/0466 - Erection of Agricultural Building, Formation of Access Road and Engineering Works (Retrospective) at Newmill Farm, Dolphinton**

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A report dated 21 January 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CL/10/0466 by D Gilchrist for the erection of an agricultural building, formation of an access road and engineering works (retrospective) at Newmill Farm, Dolphinton.

**The Committee decided:** that planning application CL/10/0466 by D Gilchrist for the erection of an agricultural building, formation of an access road and engineering works (retrospective) at Newmill Farm, Dolphinton be granted subject to the conditions specified in the Executive Director's report.

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### **12 Amendment to Heads of Terms for Section 75 Agreement at Former Gasworks Site, Bothwell Road, Uddingston (Planning Application HM/05/0571)**

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A report dated 25 January 2011 by the Executive Director (Enterprise Resources) was submitted on a proposed amendment to the Heads of Terms for the Section 75 Agreement associated with planning application HM/05/0571 for the proposed residential development at land at Bothwell Road, Uddingston.

The original Heads of Terms for the Section 75 Agreement with the applicant, National Grid, were intended to ensure:-

- ◆ the provision of 15% social/rented housing and play facilities within the site
- ◆ the provision of a financial contribution to upgrade community facilities in the area

Planning application HM/05/0571 had been approved on 31 October 2006 by the Planning Committee, subject to conditions and the conclusion of a Section 75 Agreement. Since then, detailed discussion had been ongoing in relation to the Section 75 Agreement in light of the changes to the economic and funding circumstances surrounding the proposal. As a result, it was proposed to amend the Heads of Terms of the Section 75 Agreement to include a clause to allow for the 15% affordable housing contribution to be provided as a commuted payment in the event that on site delivery could not be achieved. The Section 75 Agreement would also ensure that the provision of a financial contribution to upgrade play facilities in the area would be addressed.

**The Committee decided:**

- (1) that the Heads of Terms for the Section 75 Agreement in respect of planning application HM/05/0571 for a residential development at land at Bothwell Road, Uddingston be amended to ensure the provision of 15% social/rented housing within the site or submission of a commuted payment in the event that on site delivery could not be achieved due to funding or economic conditions and the provision of a financial contribution to upgrade play facilities in the area; and
- (2) that the applicant meet the Council's legal costs associated with the Section 75 Agreement.

*[Reference: Minutes of 31 October 2006 (Paragraph 3)]*

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### **13 Urgent Business**

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There were no items of urgent business.