

# PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 21 June 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, Jim Handibode, Bill Holman, Clare McColl, Lesley McDonald, Alex McInnes, Denis McKenna, Mary McNeill, Patrick Ross-Taylor (Depute), Hamish Stewart, Chris Thompson, Jim Wardhaugh

**Councillors' Apologies:**

Ian Gray, Edward McAvoy, Archie Manson

**Attending:**

**Corporate Resources**

K Bartie, Administration Assistant; L Carstairs, Public Relations Officer; P MacRae, Administration Officer

**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

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## 1 Declaration of Interests

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The following interests were declared:-

<b>Councillor(s)</b>	<b>Item(s)</b>	<b>Nature of Interest(s)</b>
Ross-Taylor, Stewart and Thompson	Application CL/11/0022 – Extension to Existing Surface Coal Mine to Extract 150,000 Tonnes of Coal (Variation to Conditions 1 and 2 of Planning Consent CL/08/0011) to Extend Operational Period of Site by 10 Months at Wilsontown Revised Surface Mine, Cleugh Farm, Wilsontown	Members of the South Lanarkshire Rural Communities Trust Fund

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## 2 Minutes of Previous Meeting

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The minutes of the meeting of the Planning Committee held on 24 May 2011 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/10/0052 - Development of Community Growth Area Comprising Housing, Neighbourhood Centre, Community Facilities, Access Roads, Open Space and Landscaping (Planning Permission in Principle) at Land to the South and West of Hamilton at Strathaven Road and Highstonehall Road**

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A report dated 14 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application HM/10/0052 by Hamilton West Consortium for the development of a community growth area comprising housing, neighbourhood centre, community facilities, access roads, open space and landscaping (planning permission in principle) at land to the south and west of Hamilton at Strathaven Road and Highstonehall Road.

**The Committee decided:**

that planning application HM/10/0052 by Hamilton West Consortium for the development of a community growth area comprising housing, neighbourhood centre, community facilities, access roads, open space and landscaping (planning permission in principle) at land to the south and west of Hamilton at Strathaven Road and Highstonehall Road be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ prior conclusion of a Section 75 Obligation between the Council, the applicant and the site owners to ensure that appropriate financial contributions were made at the relevant times during the development towards the following:-
  - ◆ provision of additional nursery, primary and secondary education accommodation as required to address the effect of the proposed development
  - ◆ provision of improvements to roads infrastructure including junction improvements including Peacock Cross
  - ◆ provision of appropriate community facilities on-site or off, in order to support the population associated with the proposed development. This included upgrading Eddlewood Hall and other community facilities
  - ◆ provision of open space, landscaping, recreational areas and fixed play areas
  - ◆ transportation infrastructure and services provision, including subsidised bus routes
  - ◆ affordable housing on-site, a commuted sum or mixture of both
  - ◆ the provision of a neighbourhood centre and commercial facilities to serve the development
- ◆ the applicant meeting the Council's legal costs associated with the Section 75 Obligation
- ◆ the following additional conditions:-
  - "24 Unless otherwise agreed in writing by the planning authority, after consultation with Transport Scotland – TRBO, the proposed Class 9 residential development shall not exceed 2000 units.
  - 25 Prior to the occupation of any part of the development, modifications to the junction of the A725 eastbound slip roads with the B758 Douglas Street to provide for signalisation of the junction shall

be completed to the satisfaction of the planning authority in consultation with Transport Scotland – TRBO and in compliance with the requirements of the Design Manual for Roads and Bridges (DMRB). The traffic signals shall incorporate MOVA control, or other approved system, and queue detection and management facilities on the A725 slip road.

26 Prior to the occupation of any part of the development, modifications to the junction of Sydes Brae with the A725 westbound on slip/Hillhouse Road to provide for signalisation of the junction shall be completed to the satisfaction of the planning authority in consultation with Transport Scotland – TRBA and in compliance with the requirements of the Design Manual for Roads and Bridges (DMRB). The traffic signals shall incorporate MOVA control, or other approved system, and queue detection and management facilities on Hillhouse Road.

27 Prior to the occupation of any part of the development the modifications to the Douglas Street/A725 westbound off ramp/Hillhouse Road/B758 roundabout shall be completed to the satisfaction of the planning authority in consultation with Transport Scotland – TRBA and in compliance with the requirements of the Design Manual for Roads and Bridges (DMRB).

28 Prior to the occupation of any part of the development, modifications to the A725 westbound on slip road to provide a Type B merge shall be completed to the satisfaction of the planning authority in consultation with Transport Scotland – TRBA and in compliance with the requirements of the Design Manual for Roads and Bridges (DMRB).”

**Reason**

24 To relate the scale of permitted development to that considered within the supporting Transport Assessment.

**Reason**

25 To ensure that the safe and efficient operation of the trunk road network is not adversely affected by the proposed development.

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**Reason**

28 To ensure that the safe and efficient operation of the trunk road network is not adversely affected by the proposed development.”

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

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**4 Application CL/10/0095 - Erection of 17 x 115 Metres High Wind Turbines, 2 x 73 Metres High Wind Monitoring Masts, Access Tracks, a Sub-Station and Control Building, 2 Borrow Pits and Associated Works at Harrows Law, Dunsyre**

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A report dated 13 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CL/10/0095 by SSE Renewables Developments (UK) Limited for the erection of 17 x 115 metres high wind turbines, 2 x 73 metres high wind monitoring masts, access tracks, a sub-station and control building, 2 borrow pits and associated works at Harrows Law, Dunsyre.

Points raised in a late letter of representation received from Doctor Parrish were referred to at the meeting and addressed by officers.

**The Committee decided:** that planning application CL/10/0095 by SSE Renewables Developments (UK) Limited for the erection of 17 x 115 metres high wind turbines, 2 x 73 metres high wind monitoring masts, access tracks, a sub-station and control building, 2 borrow pits and associated works at Harrows Law, Dunsyre be refused for the reasons detailed in the Executive Director's report.

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**5 Application CR/11/0058 – Temporary Change of Use of Vacant Land to Car Wash and Valet Service (Retrospective) at 84 Hamilton Road, Cambuslang**

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A report dated 13 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CR/11/0058 by Splash Autocare for the temporary change of use of vacant land to a car wash and valet service (retrospective) at 84 Hamilton Road, Cambuslang.

**The Committee decided:** that planning application CR/11/0058 by Splash Autocare for the temporary change of use of vacant land to a car wash and valet service (retrospective) at 84 Hamilton Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of Cambuslang and Rutherglen Area Committee of 25 September 2007 (Paragraph 5)]*

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**6 Application CR/11/0070 – Temporary Siting of Hot Food Takeaway and Convenience Store Unit (Retrospective) at 84 Hamilton Road, Cambuslang**

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A report dated 13 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CR/11/0070 by C Marco for the temporary siting of a hot food takeaway and convenience store unit (retrospective) at 84 Hamilton Road, Cambuslang.

**The Committee decided:** that planning application CR/11/0070 by C Marco for the temporary siting of a hot food takeaway and convenience store unit (retrospective) at 84 Hamilton Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of Cambuslang and Rutherglen Area Committee of 25 September 2007 (Paragraph 5)]*

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**7 Application HM/10/0493 - Erection of Food Superstore (Class 1), Petrol Filling Station, Car Parking, Landscaping, Access, Alterations and Improvements to Existing Shopping Parade (Planning Permission in Principle) at Hillhouse Road/Argyle Crescent, Hamilton**

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A report dated 14 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application HM/10/0493 by Macdonald Estates plc for the erection of a food superstore (Class 1), petrol filling station, car parking, landscaping, access, alterations and improvements to the existing shopping parade (planning permission in principle) at Hillhouse Road/Argyle Crescent, Hamilton.

**The Committee decided:** that planning application HM/10/0493 by Macdonald Estates plc for the erection of a food superstore (Class 1), petrol filling station, car parking, landscaping, access, alterations and improvements to the existing shopping parade (planning permission in principle) at Hillhouse Road/Argyle Crescent, Hamilton be granted subject to the conditions specified in the Executive Director's report.

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**8 Application EK/11/0037 - Change of Use of Shop to Licensed Lounge Bar and Alterations to Shop Front at 17 Stuart Street, East Kilbride**

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A report dated 6 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application EK/11/0037 by Village Enterprises Limited for the change of use of a shop to a licensed lounge bar and alterations to the shop front at 17 Stuart Street, East Kilbride.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Plan. 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:-

- ◆ the proposal complied with Policies DM1 and ENV25 of the Adopted South Lanarkshire Local Plan
- ◆ the proposal was not considered to adversely affect the amenity or vitality of the surrounding area
- ◆ there were no adverse infrastructure issues

Councillor Scott, seconded by Councillor Ross-Taylor, 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 a vote being taken by a show of hands, 5 members voted for the amendment and 16 for the motion which was declared carried.

**The Committee decided:** that planning application EK/11/0037 by Village Enterprises Limited for the change of use of a shop to a licensed lounge bar and alterations to the shop front at 17 Stuart Street, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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**9 Application CL/10/0379 - Erection of 90 Bed Care Home and Formation of Associated Vehicular Access, Parking Areas and Groundworks at Springfield, Cleghorn**

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A report dated 2 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CL/10/0379 by A Ulhaq for the erection of a 90 bed care home and the formation of associated vehicular access, parking areas and groundworks at Springfield, Cleghorn.

**The Committee decided:** that planning application CL/10/0379 by A Ulhaq for the erection of a 90 bed care home and the formation of associated vehicular access, parking areas and groundworks at Springfield, Cleghorn be granted subject to the conditions specified in the Executive Director's report.

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**10 Application HM/11/0101 - Change of Use from Restaurant to Hot Food Takeaway (Retrospective) at 71 Church Street, Larkhall**

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A report dated 7 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application HM/11/0101 by K Ali for the change of use from a restaurant to a hot food takeaway (retrospective) at 71 Church Street, Larkhall.

Points raised in a late letter of representation received from Derek Scott Planning on behalf of the applicant were referred to at the meeting and addressed by officers.

**The Committee decided:** that planning application HM/11/0101 by K Ali for the change of use from a restaurant to a hot food takeaway (retrospective) at 71 Church Street, Larkhall be refused for the reasons detailed in the Executive Director's report.

*[Reference: Minutes of 14 December 2010 (Paragraph 9)]*

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**11 Application CL/11/0204 - Erection of Primary School and Community Facilities, Formation of Car Parking and Demolition of Existing School and Community Hall at Blackwood Primary School, Carlisle Road, Kirkmuirhill**

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A report dated 13 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CL/11/0204 by Morgan Sindall for the erection of a primary school and community facilities, formation of car parking and demolition of the existing school and community hall at Blackwood Primary School, Carlisle Road, Kirkmuirhill.

**The Committee decided:** that planning application CL/11/0204 by Morgan Sindall for the erection of a primary school and community facilities, formation of car parking and demolition of the existing school and community hall at Blackwood Primary School, Carlisle Road, Kirkmuirhill be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 8 February 2011 (Paragraph 7)]*

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**12 Application CL/11/0206 - Erection of Floodlighting on 12 Metres High Columns and 5 Metres High Perimeter Fencing with Overhead Ball Stop Netting Around the Perimeter of the Sports Pitch at Blackwood Primary School, Carlisle Road, Kirkmuirhill**

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A report dated 13 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CL/11/0206 by Morgan Sindall for the erection of floodlighting on 12 metres high columns and 5 metres high perimeter fencing with overhead ball stop netting around the perimeter of the sports pitch at Blackwood Primary School, Carlisle Road, Kirkmuirhill.

**The Committee decided:** that planning application CL/11/0206 by Morgan Sindall for the erection of floodlighting on 12 metres high columns and 5 metres high perimeter fencing with overhead ball stop netting around the perimeter of the sports pitch at Blackwood Primary School, Carlisle Road, Kirkmuirhill be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 8 February 2011 (Paragraph 7)]*

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**13 Application HM/11/0127 – Demolition of Existing Primary School and Erection of New 2 Storey Primary School, Associated Car Parking, Playground, Multi Use Games Area (MUGA) Pitch and CCTV Cameras at Stonehouse Primary School, Townhead Street, Stonehouse**

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A report dated 7 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application HM/11/0127 by Lend Lease for the demolition of existing primary school and the erection of a new 2 storey primary school with associated car parking, playground, MUGA pitch and CCTV cameras at Stonehouse Primary School, Townhead Street, Stonehouse.

**The Committee decided:** that planning application HM/11/0127 by Lend Lease for the demolition of existing primary school and the erection of a new 2 storey primary school, associated car parking with playground MUGA pitch and CCTV cameras at Stonehouse Primary School, Townhead Street, Stonehouse be granted subject to the conditions specified in the Executive Director's report.

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**14 Application CR/11/0036 - Variation of Condition 3 of Planning Consent CR/06/0167 to Allow Use of Garden Area Between 4.00pm and 6.00pm During Term Time and 10.00am and 6.00pm During School Holidays at 6 Upper Bourtree Drive, Rutherglen**

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A report dated 3 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CR/11/0036 by Oakwood After School Care for the variation of Condition 3 of planning consent CR/06/0167 to allow use of the garden area between 4.00pm and 6.00pm during term time and 10.00am and 6.00pm during school holidays at 6 Upper Bourtree Drive, Rutherglen.

**The Committee decided:**

that planning application CR/11/0036 by Oakwood After School Care for the variation of Condition 3 of planning consent CR/06/0167 to allow use of the garden area between 4.00pm and 6.00pm during term time and 10.00am and 6.00pm during school holidays at 6 Upper Bourtree Drive, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

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**15 Application CL/11/0022 - Extension to Existing Surface Coal Mine to Extract 150,000 Tonnes of Coal (Variation to Conditions 1 and 2 of Planning Consent CL/08/0011) to Extend Operational Period of Site by 10 Months at Wilsontown Revised Surface Mine, Cleugh Farm, Wilsontown**

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A report dated 7 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CL/11/0022 by Hall Construction Services Limited for an extension to existing surface coal mine to extract 150,000 tonnes of coal (variation to conditions 1 and 2 of planning consent CL/08/0011) to extend the operational period of the site by 10 months at Wilsontown Revised Surface Mine, Cleugh Farm, Wilsontown.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Plan, Adopted South Lanarkshire Minerals Local Plan, proposed Minerals Local Development 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:-

- ◆ the development had been found to comply with all other policies within the adopted South Lanarkshire Local Plan, the adopted Minerals Local Plan and the proposed Minerals Local Development Plan
- ◆ the proposed development would only exceed guideline noise levels, as set out within PAN 50, at a limited number of properties during a limited time period during certain operations and by the minimum level that was audible
- ◆ Scottish Planning Policy noted that coal played a significant role in ensuring diverse and sustainable supplies of energy at competitive prices and coal extraction was necessary and important in the national interest
- ◆ operations at the site had been undertaken for a number of years without resulting in a significant level of objection
- ◆ the proposed development would sustain 24 jobs for a further 10 month period directly involved in the coal extraction operation
- ◆ no objections had been received from consultees including Environmental Services

**The Committee decided:**

that planning application CL/11/0022 by Hall Construction Services Limited for an extension to the existing surface coal mine to extract 150,000 tonnes of coal (variation to Conditions 1 and 2 of planning consent CL/08/0011) to extend the operational period of the site by 10 months at Wilsontown Revised Surface Mine, Cleugh Farm, Wilsontown be granted subject to the conditions specified in the Executive Director's report.

*Councillors Ross-Taylor, Stewart and Thompson having declared an interest in the above application, withdrew from the meeting during its consideration*



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**16 Application CR/11/0057 - Overcladding of Flats, Formation of Internal Parking Court, Formation of Central Concierge Access to Building and Landscaping at Blocks 1 to 5, Greenhill Court, Rutherglen**

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A report dated 14 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CR/11/0057 by South Lanarkshire Council for the overcladding of flats, formation of internal parking court and central concierge access to the building and associated landscaping works at Blocks 1 to 5 Greenhill Court, Rutherglen.

**The Committee decided:** that planning application CR/11/0057 by South Lanarkshire Council for the overcladding of flats, formation of internal parking court and central concierge access to building and associated landscaping works at Blocks 1 to 5 Greenhill Court, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

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**17 Application CL/11/0184 - Change of Use of Agricultural Land to Cemetery, Creation of Vehicular Access, Car Park and Associated Landscaping at Land to North of Winston Barracks, A70 (Hyndford Bridge to Carstairs), Lanark**

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A report dated 13 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CL/11/0184 by South Lanarkshire Council for the change of use of agricultural land to cemetery, creation of vehicular access, car park and associated landscaping at land to the north of Winston Barracks, A70 (Hyndford Bridge to Carstairs), Lanark.

**The Committee decided:** that planning application CL/11/0184 by South Lanarkshire Council for the change of use of agricultural land to cemetery, creation of vehicular access, car park and associated landscaping at land to the North of Winston Barracks, A70 (Hyndford Bridge to Carstairs), Lanark be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of the Finance and Information Technology Resources Committee of 29 March 2011 (Paragraph 7)]*

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**18 Application CR/11/0068 - Substitution of House Type A to House Type B (Amendment to Planning Consent CR/04/0113) at Plot 3, Cathkin Gate, Rutherglen**

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A report dated 3 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CR/11/0068 by Cathkin Developments Limited for the substitution of house type A to house type B (amendment to planning consent CR/04/0113) at Plot 3, Cathkin Gate, Rutherglen.

**The Committee decided:** that planning application CR/11/0068 by Cathkin Developments Limited for the substitution of house type A to house type B (amendment to planning consent CR/04/0113) at Plot 3, Cathkin Gate, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 12 July 2005 (Paragraph 7)]*

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## **19 Application CL/11/0110 - Demolition of Community Hall and Erection of 12 Flats, Associated Car Parking and Ground Works at Carluke Welfare Hall, Sandy Road, Carluke**

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A report dated 6 June 2011 by the Executive Director (Enterprise Resources) was submitted on planning application CL/11/0110 by L Lauder for the demolition of a community hall and the erection of 12 flats with associated car parking and ground works at Carluke Welfare Hall, Sandy Road, Carluke.

**The Committee decided:**

that planning application CL/11/0110 by L Lauder for the demolition of a community hall and the erection of 12 flats, with associated car parking and ground works at Carluke Welfare Hall, Sandy Road, Carluke be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ prior conclusion of a Section 75 Obligation between the Council and the applicant to ensure the phased submission of a financial contribution of £6,000 by the applicant towards the upgrade of recreational/sport facilities in the area

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## **20 Proposed South Lanarkshire Minerals Local Development Plan**

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A report dated 7 June 2011 by the Executive Director (Enterprise Resources) was submitted on progress in relation to the proposed South Lanarkshire Minerals Local Development Plan (MLDP).

At its meeting on 14 December 2010, the Committee approved the proposed MLDP. The Plan was then published and made available for public comment during January and February 2011. A total of 308 representations had been received both in objection to and in support of various aspects of the Plan. Issues raised as a result of the consultation process were summarised in the report.

The proposed Plan, together with the representations received, would be lodged with the Directorate for Planning and Environmental Appeals (DPEA) and a Reporter would be allocated the task of examining the Plan. On completion of this examination, the Reporter would produce a report outlining findings and modifications.

The proposed MLDP and its supporting documents were available:-

- ◆ on the Council's website
- ◆ at Council Planning offices
- ◆ in public libraries
- ◆ at Q and A offices

A notice would be placed in local newspapers advising of the submission of the Plan and representations received to the DPEA for examination.

A further report would be presented to the Committee to advise of the outcome of the examination of the proposed MLDP and any proposed modifications to the Plan.

**The Committee decided:**

- (1) that the South Lanarkshire Minerals Local Development Plan and associated Schedule 4 Summary of Unresolved Issues be submitted to the Directorate for Planning and Environmental Appeals for examination; and
- (2) that the Head of Planning and Building Standards Services be authorised to take part in the examination of the proposed South Lanarkshire Minerals Development Plan and to modify the Schedule 4 Summary of Unresolved Issues to take account of minor drafting and technical matters prior to their submission.

*[Reference: Minutes of 14 December 2010 (Paragraph 1)]*

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**21 The South Lanarkshire Development Management Charter 2011**

A report dated 6 June 2011 by the Executive Director (Enterprise Resources) was submitted on the South Lanarkshire Development Management Charter 2011.

The Planning etc (Scotland) Act 2006 introduced a number of changes in the planning system which had an impact on the way in which the Council delivered its planning and more particularly its development management functions.

As a result, the Planning Service had produced a Development Management Charter which aimed to communicate with service users to:-

- ◆ provide information on the Planning Service's function
- ◆ provide a helpful, courteous service which treated all users fairly
- ◆ ensure the Service was easily understood by all who used it
- ◆ welcome the opportunity to discuss proposals before submission of a planning application for development
- ◆ give appropriate publicity to planning applications and ensure that sufficient time was given for comment
- ◆ clearly explain why proposals were acceptable or not

The Charter would be one of a number of Planning and Building Standards Guidance leaflets which set out information and Service standards for service users. Details were provided on proposed arrangements for the publication of the Charter which would also be made available on the Council's website.

**The Committee decided:** that the South Lanarkshire Development Management Charter 2011 be approved.

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**22 Urgent Business**

There were no items of urgent business.