

## PLANNING COMMITTEE

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 12 March 2024

### Chair:

Councillor Richard Nelson

### Councillors Present:

Councillor Alex Allison, Councillor Ralph Barker, Councillor Walter Brogan (*substitute for Councillor Celine Handibode*), Councillor Archie Buchanan, Councillor Ross Clark, Councillor Gerry Convery (Depute), Councillor Margaret Cowie, Councillor Maureen Devlin, Councillor Colin Dewar, Councillor Mary Donnelly, Councillor Elise Frame, Councillor Alistair Fulton, Councillor Graeme Horne, Councillor Ross Lambie, Councillor Lesley McDonald, Councillor Davie McLachlan, Councillor Norman Rae, Councillor John Ross, Councillor Graham Scott, Councillor David Shearer, Councillor David Watson

### Councillors' Apologies:

Councillor Joe Fagan (ex-officio), Councillor Celine Handibode, Councillor Martin Lennon, Councillor Monique McAdams, Councillor Helen Toner

### Attending:

#### Community and Enterprise Resources

F Carlin, Head of Planning and Regulatory Services; B Darroch, Planning and Building Standards Manager (East); F Jack, Team Leader, Development Management Team, Roads, Transportation and Fleet Services

#### Finance and Corporate Resources

S Jessup, Administration Assistant; S McLeod, Administration 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 13 February 2024 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 Applications EK/18/0023 and EK/18/0024 for Erection of 35 Houses with Associated Infrastructure and Landscaping and Erection of 14 Houses with Associated Landscaping and Infrastructure at Land 110 Metres Northwest of Littlepark Cottage, Jackton Road, East Kilbride

A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning applications EK/18/0023 and EK/18/0024 by CSK Land Limited for the erection of 35 houses with associated infrastructure and landscaping and erection of 14 houses with associated landscaping and infrastructure, respectively, at land 110 metres northwest of Littlepark Cottage, Jackton Road, East Kilbride.

**The Committee decided:**

that planning applications EK/18/0023 and EK/18/0024 by CSK Land Limited for the erection of 35 houses with associated infrastructure and landscaping and erection of 14 houses with associated landscaping and infrastructure, respectively, at land 110 metres northwest of Littlepark Cottage, Jackton Road, East Kilbride be refused for the reasons detailed in the Executive Director's report.

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**4 Application P/21/1072 for Residential Development (Erection of 23 Houses, Formation of Access Road and Associated Works) (Planning Permission in Principle) at Loaningdale School, B7016 from Carnwath to Biggar, Biggar**

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The Chair advised that this application had been withdrawn at the request of the applicant.

**The Committee decided:**

to note the position.

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**5 Application P/22/1466 for Residential Development with Associated Parking, Landscaping, Open Space and Drainage (Planning Permission in Principle) at Land Adjacent to Stewart Avenue, Hamilton**

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A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1466 by T Barr for a residential development with associated parking, landscaping, open space and drainage (planning permission in principle) at land adjacent to Stewart Avenue, Hamilton.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

**The Committee decided:**

(1) that planning application P/22/1466 by T Barr for a residential development with associated parking, landscaping, open space and drainage (planning permission in principle) at land adjacent to Stewart Avenue, Hamilton be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure financial contributions towards:-
  - ◆ educational facilities
  - ◆ roads infrastructure
  - ◆ community facilities
- ◆ the applicant meeting the Council's costs associated with the legal agreement

(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 Legal Agreement 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 could be secured by the Legal Agreement, the proposed development would be unacceptable; and

- (3) that it be noted that, if the Legal Agreement 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 Legal Agreement.

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

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## **6 Application P/23/0485 for Extraction of Sand and Gravel with Restoration to Form Balancing Pond, Wetland, Agriculture and Grassland (Section 42 Application to Amend Conditions 22 and 23 of Planning Consent CL/17/0092 to Permit Quarry Operations to Start at 07:00 Monday to Saturday) at Ryeflatt Quarry, Carnwath**

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A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0485 by Tillicoultry Quarries Limited for the extraction of sand and gravel with restoration to form a balancing pond, wetland, agriculture and grassland (Section 42 of the Town and Country Planning (Scotland) Act application to amend conditions 22 and 23 of planning consent CL/17/0092 to permit quarry operations to start at 07:00 Monday to Saturday) at Ryeflatt Quarry, Carnwath.

At its meeting on 15 August 2017, the Committee approved planning application CL/17/0092 by Tillicoultry Quarries Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act to amend Condition 2 of planning consent CL/05/0806 for the extraction of sand and gravel with restoration to form balancing pond, wetland, agriculture and grassland at Ryeflatt Quarry, Carstairs.

Condition 22 attached to planning consent CL/17/0092 required that the site operated between the hours of 08.00 and 19.00 on weekdays and between 08.00 and 13.00 on Saturdays. The applicant had now requested that Condition 22 be amended to permit commencement of operations from 07.00 on weekdays and Saturdays.

Condition 23 related to the control of noise resulting from the operations at the site and reflected the operating hours detailed in Condition 22. The applicant had now requested that Condition 23 be amended to reflect the extended operating hours.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

### **The Committee decided:**

- (1) that planning application P/23/0485 by Tillicoultry Quarries Limited for the extraction of sand and gravel with restoration to form a balancing pond, wetland, agriculture and grassland (Section 42 of the Town and Country Planning (Scotland) Act application to amend conditions 22 and 23 of planning consent CL/17/0092 to permit quarry operations to start at 07:00 Monday to Saturday) at Ryeflatt Quarry, Carnwath be granted subject to:-
- ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure:-
    - ◆ a restoration guarantee bond to secure restoration of the site should the applicant not fulfil or be able to fulfil this task
    - ◆ financial contributions towards the South Lanarkshire Rural Communities Trust Fund
    - ◆ hydrological monitoring and water flow equipment maintenance

- ♦ the applicant meeting the Council's costs associated with the legal agreement and the restoration guarantee quantum
- (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 Legal Agreement 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 could be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement 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 Legal Agreement.

*[Reference: Minutes of 7 July 2015 (Paragraph 15) and 15 August 2017 (Paragraph 11)]*

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## **7 Application P/23/0851 for Erection of a Restaurant and Drive-Through Hot Food Takeaway, Associated Car Parking, Access, External Seating Area, Play Structure, Landscaping and Associated Structures/Works at 1 Lindsayfield Road, East Kilbride**

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A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0851 by McDonald's Restaurant Limited for the erection of a restaurant and drive-through hot food takeaway, associated car parking, access, external seating area, play structure, landscaping and associated structures/works at 1 Lindsayfield Road, East Kilbride.

There followed a discussion on the application during which officers responded to members' questions on aspects of the report.

### **The Committee decided:**

that planning application P/23/0851 by McDonald's Restaurant Limited for the erection of a restaurant and drive-through hot food takeaway, associated car parking, access, external seating area, play structure, landscaping and associated structures/works at 1 Lindsayfield Road, East Kilbride be granted subject to:-

- ♦ the conditions specified in the Executive Director's report
- ♦ an amended Condition 2 as follows:-  
that all deliveries shall be restricted to between the hours of 07:00 and 22:00  
**Reason:**  
In the interests of amenity
- ♦ an amended Condition 3 as follows:-  
that the proposed opening hours shall be restricted to between the hours of 06:00 and 23:00  
**Reason:**  
In the interests of amenity

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**8 Application P/23/0992 for Erection of Portal Frame Structure to Use as Car Workshop with Small Office (Planning Permission in Principle) at Caldwellside Industrial Estate, Lanark**

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A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0992 by W and J Boyd's Properties Limited for the erection of a portal frame structure to use as a car workshop with small office (planning permission in principle) at Caldwellside Industrial Estate, Lanark.

**The Committee decided:** that planning application P/23/0992 by W and J Boyd's Properties Limited for the erection of a portal frame structure to use as a car workshop with small office (planning permission in principle) at Caldwellside Industrial Estate, Lanark be granted subject to the conditions specified in the Executive Director's report.

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**9 Application P/23/1214 for Installation of 50 Megawatt Battery Energy Storage Facility with Associated Infrastructure at Land Southeast of Seath Road, Rutherglen**

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A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/1214 by GPC 016 Limited for the installation of a 50 megawatt battery energy storage facility with associated infrastructure at land southeast of Seath Road, Rutherglen.

The Head of Planning and Regulatory Services referred to a further representation received from the applicant's agent in respect of the proposal and advised that it raised no new issues.

There followed a discussion on the application during which an officer responded to a member's question on an aspect of the report.

**The Committee decided:** that planning application P/23/1214 by GPC 016 Limited for the installation of a 50 megawatt battery energy storage facility with associated infrastructure at land southeast of Seath Road, Rutherglen be refused for the reasons detailed in the Executive Director's report.

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**10 Application P/23/1409 for Change of Use of Office Space to Form 6 Flatted Dwellings at 29 St James Avenue, East Kilbride**

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A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/1409 by CVO Limited for the change of use of office space to form 6 flatted dwellings at 29 St James Avenue, East Kilbride.

**The Committee decided:** that planning application P/23/1409 by CVO Limited for the change of use of office space to form 6 flatted dwellings at 29 St James Avenue, East Kilbride be refused for the reasons detailed in the Executive Director's report.

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**11 Application P/23/1532 for Erection of 10 Wind Turbines (149.9 Metres to Tip Height) and Associated Infrastructure Including Access Tracks, Cabling and Transformer Equipment (Section 42 Application to Re-site Turbine 8 (T8), Installation of a Meter Housing Adjacent to Turbine 2 and to Extend the Operational Lifetime of the Wind Farm Previously Approved Under Consent P/19/1636 for a Further 5 Years, to 30 Years from the Date of Final Commissioning) at Broken Cross Wind Farm, Tower Road, Douglas**

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A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/1532 by Broken Cross Wind Farm Limited for the erection of 10 wind turbines (149.9 metres to tip height) and associated infrastructure including access tracks, cabling and transformer equipment (Section 42 of the Town and Country Planning (Scotland) Act application to re-site turbine 8 (T8), installation of a meter housing adjacent to turbine 2 and to extend the operational lifetime of the wind farm previously approved under planning consent P/19/1636 for a further 5 years, to 30 years from the date of final commissioning) at Broken Cross Wind Farm, Tower Road, Douglas.

At its meeting on 25 August 2020, the Committee approved planning application P/19/1636 by Broken Cross Wind Farm Limited for the erection of 10 wind turbines (149.9 metres to tip height) and associated infrastructure including access tracks, cabling and transformer equipment at Broken Cross Open Cast Mine, Tower Road, Douglas.

Condition 3 attached to planning consent P/19/1636 required that the development be decommissioned no later than 25 years from the date of final commissioning. The applicant had now requested that Condition 3 be amended to extend the operational lifetime of the wind farm to 30 years.

Condition 15 attached to planning consent P/19/1636 required that each turbine be located in the position indicated. The applicant had now requested that condition 15 be amended to allow the relocation of turbine 8 and the installation of a meter housing adjacent to turbine 2.

Following consultation with National Air Traffic Safety (NATS), conditions 17 and 18 had also been required to be amended, as detailed in the report.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

**The Committee decided:**

- (1) that planning application P/23/1532 by Broken Cross Wind Farm Limited for the erection of 10 wind turbines (149.9 metres to tip height) and associated infrastructure including access tracks, cabling and transformer equipment (Section 42 of the Town and Country Planning (Scotland) Act application to re-site turbine 8 (T8), installation of a meter housing adjacent to turbine 2 and to extend the operational lifetime of the wind farm previously approved under planning consent P/19/1636 for a further 5 years, to 30 years from the date of final commissioning) at Broken Cross Wind Farm, Tower Road, Douglas be granted subject to:-
- ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure:-

- ♦ community contributions per megawatt generated
  - ♦ the setting up of a Habitat Management Group
  - ♦ the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements
  - ♦ the applicant meeting the Council's costs associated with the legal agreement and the restoration guarantee quantum
- (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 Legal Agreement 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 could be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement 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 Legal Agreement.

*[Reference: Minutes of 7 July 2015 (Paragraph 15) and 25 August 2020 (Paragraph 12)]*

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## **12 Application P/23/1543 for Demolition and Rebuild of 2-Storey House at 9 Sunningdale Wynd, Bothwell**

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A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/1543 by A Waseem for the demolition and rebuild of a 2-storey house at 9 Sunningdale Wynd, Bothwell.

There followed a discussion on the application during which the Chair and an officer responded to members' questions on aspects of the report.

**The Committee decided:** that planning application P/23/1543 by A Waseem for the demolition and rebuild of a 2-storey house at 9 Sunningdale Wynd, Bothwell be deferred to a future meeting of the Planning Committee to allow further information to be provided regarding construction arrangements, in terms of public safety on Sunningdale Wynd.

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## **13 Application P/23/1586 for Change of Use of Former Betting Shop (Sui Generis) to Hot Food Takeaway (Sui Generis) with Associated Flue at 100 Union Street, Larkhall**

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A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/1586 by J Ali for the change of use of a former betting shop (sui generis) to hot food takeaway (sui generis) with associated flue at 100 Union Street, Larkhall.

**The Committee decided:** that planning application P/23/1586 by J Ali for the change of use of a former betting shop (sui generis) to hot food takeaway (sui generis) with associated flue at 100 Union Street, Larkhall be granted subject to the conditions specified in the Executive Director's report.

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**14 Urgent Business**

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There were no items of urgent business.