

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1 and via Microsoft Teams, Council Offices, Almada Street, Hamilton on 25 August 2020

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Bradley, Councillor Archie Buchanan, Councillor Stephanie Callaghan, Councillor Margaret Cooper (*substitute for Councillor Jackie Burns*), Councillor Gerry Convery (*substitute for Councillor Davie McLachlan*), Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Kenny McCreary, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Collette Stevenson, Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Jackie Burns, Councillor Lynsey Hamilton, Councillor Davie McLachlan, Councillor John Ross (ex officio)

Attending:

Community and Enterprise Resources

B Darroch, Area Manager, Planning and Building Standards Services (Hamilton); P Elliott, Head of Planning and Economic Development; T Finn, Headquarters and Area Manager (Clydesdale), 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); J Wright, Minerals Officer, Planning and Building Standards Services

Finance and Corporate Resources

M Canning, Legal Adviser; A Livingston, Public Relations Officer; P MacRae, Administration Adviser; S McLeod, Administration Officer

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Allison	Application P/19/1807 - Section 42 Application to Vary Condition 25 of Planning Consent CL/12/0511, Relating to the Formation of Fishing Ponds and Associated Facilities at Woodend Farm, B7016 from Forth to Carnwath A70, Carnwath, Lanark	Business connection with an objector to the proposal

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 23 June 2020 were submitted for approval as a correct record.

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

3 Application P/20/0338 for Retention of Facade and Part Full Height Gable Wall of Former Hotel, Alterations and Extensions to Form Mixed Use Building Consisting of 15 Flats and 1 Commercial Ground Floor Unit (Class 3) at Royal Oak Hotel, 39 Bannantyne Street, Lanark

Prior to consideration of planning application P/20/0338, the Planning and Building Standards Headquarters and Area Manager (Clydesdale) updated the Committee on developments in relation to the Proposed South Lanarkshire Local Development 2. He advised that, on 17 August 2020, the Directorate for Planning and Environmental Appeals had issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy had been recommended. For the purposes of determining planning applications, the Council was, therefore, required to assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporter's amendments. Whilst the Reporter's amendments had yet to be ratified by South Lanarkshire Council, they were, nevertheless, a material planning consideration.

The Committee then proceeded to consider a report dated 13 August 2020 by the Executive Director (Community and Enterprise Resources) on planning application P/20/0338 by Burgess Homes RO Limited for the retention of façade and part full height gable wall of former hotel and alterations and extensions to form mixed use building consisting of 15 flats and 1 commercial ground floor unit (Class 3) at the Royal Oak Hotel, 39 Bannantyne Street, Lanark.

The Committee decided: that planning application P/20/0338 by Burgess Homes RO Limited for the retention of façade and part full height gable wall of former hotel and alterations and extensions to form mixed use building consisting of 15 flats and 1 commercial ground floor unit (Class 3) at the Royal Oak Hotel, 39 Bannantyne Street, Lanark be granted subject to the conditions specified in the Executive Director's report.

In terms of Standing Order No 13, the Chair adjourned the meeting following this item of business at 10.30am. The meeting reconvened at 10.40am

4 Application CR/17/0039 for Residential Development Comprising 26 Houses with Associated Roads, Landscaping, Footpath/Clyde Link and SUDs at Gilbertfield Road, Cambuslang

A report dated 13 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CR/17/0039 by Dundas Estates and Development Company for a residential development comprising 26 houses with associated roads, landscaping, footpath/Clyde link and SUDs at Gilbertfield Road, Cambuslang.

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 CR/17/0039 by Dundas Estates and Development Company for a residential development comprising 26 houses with associated roads, landscaping, footpath/clyde link and SUDs at Gilbertfield Road, Cambuslang be granted subject to:-

- ◆ the conditions specified in the Executive Director's report

- ♦ prior conclusion of a Legal Agreement and/or other appropriate agreement between the Council and the applicant to ensure appropriate financial contributions were made towards improvement/upgrading of education and community facilities and affordable housing provision in the area
 - ♦ the applicants meeting the Council's legal costs associated with the Section 75 Agreement 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 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 would 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 Planning Obligation.

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

5 Application CR/17/0076 for Residential Development Comprising 47 Houses with Associated Roads, SUDs and Landscaping at Gilbertfield Road, Cambuslang

A report dated 13 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CR/17/0076 by Dundas Estates and Development Company for a residential development comprising 47 houses with associated roads, SUDs and Landscaping at Gilbertfield Road, Cambuslang.

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 CR/17/0076 by Dundas Estates and Development Company for a residential development comprising 47 houses with associated roads, SUDs and Landscaping at Gilbertfield Road, Cambuslang 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 appropriate financial contributions were made towards improvement/upgrading of education and community facilities and affordable housing provision in the area
 - ♦ the applicants meeting the Council's legal costs associated with the Section 75 Agreement 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 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 would 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 Planning Obligation.

[Reference: Minutes of 7 July 2015 (Paragraph 15) and 9 February 2016 (Paragraph 7)]

6 Application P/20/0466 - Section 42 Application to Amend Condition 1 of Planning Consent CL/13/0098 for the Extraction of Peat at Hillhouse Farm, Eastertown Road, Sandilands, Lanark

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

The Committee decided: to note the position.

7 Application P/19/1829 for Erection of Wind Turbine, up to a Maximum Blade Tip Height of 150 Metres, with Associated Infrastructure Including Crane Pad, Access Track and Electrical Housing at West Dykes Farm, C133 Waterhead Peelhill and Linbank Highway, Strathaven

A report dated 13 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1829 by R Johnson for the erection of a wind turbine, up to a maximum blade tip height of 150 metres, with associated infrastructure including crane pad, access track and electrical housing at West Dykes Farm, C133 Waterhead Peelhill and Linbank Highway, Strathaven.

Points raised in 18 further letters of representation were referred to at the meeting and addressed by officers

The Committee decided: that planning application P/19/1829 by R Johnson for the erection of a wind turbine, up to a maximum blade tip height of 150 metres, with associated infrastructure including crane pad, access track and electrical housing at West Dykes Farm, C133 Waterhead Peelhill and Linbank Highway, Strathaven be refused for the reasons detailed in the Executive Director's report.

[Reference: Minutes of 17 November 2015 (Paragraph 14)]

8 Application P/19/0884 for Residential Development (21 Units) and Associated Works at Land at Bellfield Road, Coalburn

A report dated 3 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0884 by D Meikle for a residential development (21 units) and associated works at land at Bellfield Road, Coalburn.

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/19/0884 by D Meikle for a residential development (21 units) and associated works at land at Bellfield Road, Coalburn be granted subject to:-
- ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Legal Agreement and/or other appropriate agreement between the Council, the applicant and the site owners to ensure appropriate financial contributions were made towards:-
 - ◆ the provision of off-site affordable housing by way of a commuted sum
 - ◆ the provision of nursery, primary and secondary education accommodation as required to address the effect of the proposed development
 - ◆ investment in community assisted assets and for access improvements in the Coalburn area
 - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Agreement 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 Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development should be refused on the basis that:-
- ◆ it was contrary to the requirements of Policy 5 of the South Lanarkshire Local Development Plan as the works, which were required to ensure the educational/transport/community impacts of the development were addressed, could not be undertaken
 - ◆ it was contrary to the requirements of Policy 13 of the South Lanarkshire Local Development Plan as the contribution required to meet the affordable housing needs across South Lanarkshire would not be provided; 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 Planning Obligation.

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

9 Application P/20/0523 for Residential Development and Associated Roads, Footpaths, Open Space and Landscaping (37 Units) (Approval of Matters Specified in Conditions 1 a-i, 6, 24, 28, 29, 30 of Planning Permission in Principle EK/12/003) at Land 115 Metres Southeast of East Overton House, Glassford

A report dated 13 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0523 by Bancom Homes Limited and Paterson Partners for a residential development and associated roads, footpaths, open space and landscaping (37 units) (approval of matters specified in conditions 1 a-i, 6, 24, 28, 29, 30 of planning permission in principle EK/12/003) at land 115 metres southeast of East Overton House, Glassford.

The Committee decided:

that planning application P/20/0523 by Bancom Homes Limited and Paterson Partners for a residential development and associated roads, footpaths, open space and landscaping (37 units) (approval of matters specified in conditions 1 a-i, 6, 24, 28, 29, 30 of planning permission in principle EK/12/003) at land 115 metres southeast of East Overton House, Glassford be granted subject to the conditions specified in the Executive Director's report.

10 Application P/19/1105 for Demolition of Former School and Erection of 4 Townhouses and 8 Flats and Associated Car Parking at 142 Main Street, Carnwath, Lanark

A report dated 4 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1105 by MPV Limited for the demolition of a former school and erection of 4 townhouses and 8 flats and associated car parking at 142 Main Street, Carnwath, Lanark.

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/19/1105 by MPV Limited for the demolition of a former school and erection of 4 townhouses and 8 flats and associated car parking at 142 Main Street, Carnwath, Lanark be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Legal Agreement and/or other appropriate agreement between the Council, the applicant and the site owners to ensure appropriate financial contributions were made at appropriate times during the development towards leisure and recreation facilities
 - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Agreement 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 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 would 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 Planning Obligation.

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

11 Application P/18/1540 for Erection of 14 Wind Turbines (12 x 149.9 Metres Maximum Height to Tip and 2 x 180 Metres Height to Tip) with a Maximum Output of up to 50 Megawatts and Associated Infrastructure Including Substation, Control Building, Crane Hardstandings, Underground Cabling, Transformer Enclosures, Temporary Construction Compounds, Borrow Pits, Permanent Wind Monitoring Mast and New and Upgrading of Existing Access Tracks at Cumberhead Wind Farm, Stockbriggs from New Trows (c13) To Cumberhead, Lesmahagow, Lanark

A report dated 3 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1540 by Cumberhead Windfarm Energy Limited for the erection of 14 wind turbines (12 x 149.9 metres maximum height to tip and 2 x 180 metres height to tip) with a maximum output of up to 50 megawatts and associated infrastructure including substation, control building, crane hardstandings, underground cabling, transformer enclosures, temporary construction compounds, borrow pits, permanent wind monitoring mast and new and upgrading of existing access tracks at Cumberhead Wind Farm, Stockbriggs from New Trows (c13) to Cumberhead, Lesmahagow, Lanark.

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/18/1540 by Cumberhead Windfarm Energy Limited for the erection of 14 wind turbines (12 x 149.9 metres maximum height to tip and 2 x 180 metres height to tip) with a maximum output of up to 50 megawatts and associated infrastructure including substation, control building, crane hardstandings, underground cabling, transformer enclosures, temporary construction compounds, borrow pits, permanent wind monitoring mast and new and upgrading of existing access tracks at Cumberhead Wind Farm, Stockbriggs from New Trows (c13) to Cumberhead, Lesmahagow, Lanark be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Legal Agreement and/or other appropriate mechanism between the Council and the applicant to ensure:-
 - ◆ community benefit contributions
 - ◆ funding of an independent Planning Monitoring Officer
 - ◆ the repair of any damage to roads and bridges arising from any extraordinary wear and tear associated with the development and associated indemnity insurance requirements
 - ◆ the applicant meeting the Council's legal 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 9 February 2016 (Paragraph 4)]

Councillor Cooper left the meeting during consideration of this item of business

12 Application P/19/1636 for 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, Lanark

A report dated 6 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on 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, Lanark.

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/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, Lanark be granted subject to:-
- ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Legal Agreement and/or other appropriate mechanism 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 any extraordinary wear and tear associated with the development and associated indemnity insurance requirements
 - ◆ the applicant meeting the Council's legal 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 26 April 2016 (Paragraph 5)]

13 Application P/20/0406 - Section 42 Application to Amend Condition 1 of Planning Consent CL/08/0613 for Erection of 6 Wind Turbines, Access Tracks and Ancillary Infrastructures at Muirhall Wind Farm, C37 From Harelaw Roundabout at A706 to A70 at Tarbrax, Auchengray, Lanark

A report dated 31 July 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0406 by Muirhall Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 of planning consent CL/08/0613, to extend the time period of consent to 28 March 2041, for the erection of 6 wind turbines, access tracks and ancillary infrastructures at Muirhall Wind Farm, C37 from Harelaw roundabout at A706 to A70 at Tarbrax, Auchengray, Lanark.

The Committee decided:

that planning application P/20/0406 by Muirhall Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 of planning consent CL/08/0613, to extend the time period of consent to 28 March 2041, for the erection of 6 wind turbines, access tracks and ancillary infrastructures at Muirhall Wind Farm, C37 from Harelaw roundabout at A706 to A70 at Tarbrax, Auchengray, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 16 December 2008 (Paragraph 10)]

14 Application P/20/0407 - Section 42 Application to Amend Condition 3 of Planning Consent CL/09/0279 for Formation of Access Road Associated with Consented Wind Farm and for Timber Extraction at Muirhall Wind Farm, C37 from Harelaw Roundabout A706 to A70 at Tarbrax, Auchengray, Lanark

A report dated 31 July 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0407 by Muirhall Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 3 of planning consent CL/09/0279, to extend the time period of consent to 28 March 2041, for the formation of an access road associated with a consented wind farm and for timber extraction at Muirhall Wind Farm, C37 from Harelaw roundabout A706 to A70 at Tarbrax, Auchengray, Lanark.

The Committee decided:

that planning application P/20/0407 by Muirhall Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 3 of planning consent CL/09/0279, to extend the time period of consent to 28 March 2041, for the formation of an access road associated with a consented wind farm and for timber extraction at Muirhall Wind Farm, C37 from Harelaw roundabout A706 to A70 at Tarbrax, Auchengray, Lanark be granted subject to the conditions specified in the Executive Director's report.

15 Application P/20/0408 - Section 42 Application to Amend Condition 1 of Planning Consent CL/12/0496 for Construction of Sub-Station and Associated Ground Works at Muirhall Wind Farm, C203 from Woolfords to A70 Carnwath, Auchengray, Lanark

A report dated 31 July 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0408 by Muirhall Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 1 of planning consent CL/12/0496, to extend the time period of consent to 28 March 2041, for the construction of a sub-station and associated ground works at Muirhall Wind Farm, C203 from Woolfords to A70 Carnwath, Auchengray, Lanark.

The Committee decided:

that planning application P/20/0408 by Muirhall Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 1 of planning consent CL/12/0496, to extend the time period of consent to 28 March 2041, for the construction of sub-station and associated ground works at Muirhall Wind Farm, C203 from Woolfords to A70 Carnwath, Auchengray, Lanark be granted subject to the conditions specified in the Executive Director's report.

16 Application P/20/0409 - Section 42 Application to Amend Condition 1 of Planning Consent CL/08/0613 for Erection of 6 Wind Turbines, Access Tracks and Ancillary Infrastructure at Muirhall Wind Farm, C203 From Woolfords to A70 at Carnwath, Auchengray, Lanark

A report dated 31 July 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0409 by Muirhall Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 1 of planning consent CL/08/0613, to extend the time period of consent to 28 March 2014, for the erection of 6 wind turbines, access tracks and ancillary infrastructure at Muirhall Wind Farm, C203 from Woolfords to A70 at Carnwath, Auchengray, Lanark.

The Committee decided:

that planning application P/20/0409 by Muirhall Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 1 of planning consent CL/08/0613, to extend the time period of consent to 28 March 2041, for the erection of 6 wind turbines, access tracks and ancillary infrastructure at Muirhall Wind Farm, C203 from Woolfords to A70 at Carnwath, Auchengray, Lanark be granted subject to the conditions specified in the Executive Director's report.

17 Application P/19/0614 for Erection of 25 Detached Houses and Associated Access Road, Drainage and Ground Works at Land 65 Metres Northeast of 291 Carlisle Road, Kirkmuirhill, Lanark

A report dated 30 July 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0614 by T C Stewart and Son for the erection of 25 detached houses and associated access road, drainage and ground works at land 65 metres northeast of 291 Carlisle Road, Lanark.

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/19/0614 by T C Stewart and Son for the erection of 25 detached houses and associated access road, drainage and ground works at land 65 metres northeast of 291 Carlisle Road, Lanark be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Legal Agreement and/or other appropriate agreement between the Council, the applicant and the site owners to ensure appropriate financial contributions were made towards improvement/upgrading of education, leisure and affordable housing provision in the area
 - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Agreement 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 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 would 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 Planning Obligation.

[Reference: Minutes of 12 March 2012 (Paragraph 20) and 7 July 2015 (Paragraph 15)]

18 Application P/19/1807 - Section 42 Application to Vary Condition 25 of Planning Consent CL/12/0511, Relating to the Formation of Fishing Ponds and Associated Facilities at Woodend Farm, B7016 from Forth to Carnwath A70, Carnwath, Lanark

A report dated 13 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1807 by Onyx Leisure Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 25 of planning consent CL/12/0511 relating to the formation of fishing ponds and associated facilities at Woodend Farm, B7016 from Forth to Carnwath A70, Carnwath, Lanark.

A request for a hearing in respect of the application had been received, however, the application did not meet the criteria for a hearing.

The Committee heard Councillor Allison, a local member, on concerns raised by local residents in relation to the proposal.

There followed a full discussion on the application.

The Committee decided:

that consideration of planning application P/19/1807 by Onyx Leisure Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 25 of planning consent CL/12/0511 relating to the formation of fishing ponds and associated facilities at Woodend Farm, B7016 from Forth to Carnwath A70, Carnwath, Lanark be continued to a future meeting of the Committee to allow for further information to be provided on issues raised by members in respect of the application, including roads issues.

[Reference: Minutes of 16 April 2013 (Paragraph 12)]

Councillor Allison, having declared an interest in the application, made representations to the Committee as a local member, then withdrew from the meeting during consideration of the application

19 Application P/20/0239 for Sub-division of Auchenheath House to form 4 Flats, Conversion of 2 Buildings to form 2 Detached Houses, Erection of 5 Detached Houses and Formation of New Roads, Passing Places and Parking Areas at Auchenheath House, Lanark Road, Auchenheath, Lanark

A report dated 13 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0239 by E Whittow for the sub-division of Auchenheath House to form 4 flats, conversion of 2 buildings to form 2 detached houses, erection of 5 detached houses and formation of new roads, passing places and parking areas at Auchenheath House, Lanark Road, Auchenheath, Lanark.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance, the Proposed South Lanarkshire Local Development Plan 2 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 new build development would enable the retention and restoration of listed buildings within the estate and their positive re-use for residential restoration
- ◆ the siting of the new house would not detract from the setting of the listed buildings nor the landscape character of the wider area
- ◆ the design of the houses would be of a high quality which would complement the character of the existing natural and built environment

The Committee decided:

that planning application P/20/0239 by E Whittow for the subdivision of Auchenheath House to form 4 flats, conversion of 2 buildings to form 2 detached houses, erection of 5 detached houses and formation of new roads, passing places and parking areas at Auchenheath House, Lanark Road, Auchenheath, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of the Clydesdale Area Committee of 3 November 2009 (Paragraph 10)]

20 Application P/20/0758 for Change of Use from Open Amenity Ground (Sui Generis) to Residential Garden Ground (Class 9) and Erection of 0.9 Metres Timber Fence and Gate at Land 20 Metres East North East of 23 Couthally Terrace, Carnwath, Lanark

A report dated 30 July 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0758 by Mrs Reid and Mrs McClymont for the change of use from open amenity ground (sui generis) to residential garden ground (Class 9) and erection of 0.9 metres timber fence and gate at land 20 metres east north east of 23 Couthally Terrace, Carnwath, Lanark.

The Committee decided:

that planning application P/20/0758 by Mrs Reid and Mrs McClymont for the change of use from open amenity ground (sui generis) to residential garden ground (Class 9) and erection of 0.9 metres timber fence and gate at land 20 metres east north east of 23 Couthally Terrace, Carnwath, Lanark be granted subject to the conditions specified in the Executive Director's report.

21 Urgent Business

There were no items of urgent business.