

Report

Report to:	Planning Committee
Date of Meeting:	5 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1888
Planning proposal:	Deletion of part 9 of Section 75 Agreement associated with consent HN/95/0630 prohibiting development other than access roads.

1 Summary application information

Application type:	Modification or discharge of planning obligation
Applicant:	Bellway Homes
Location:	Land at Torheads Farm Meikle Earnock Road Hamilton

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

(1) Grant the modification to the Planning Obligation

2.2 Other actions/notes

(1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 19 Hamilton South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 – Spatial Strategy
Policy 12 – Housing Land
Policy 14 – Green Network and Green Spaces

South Lanarkshire Local Development Plan 2 (proposed)

Policy 1 – Spatial Strategy
Policy 11 – Housing

Policy 13 – Green Network and Green Spaces

◆ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

None required

Planning Application Report

1 Application Site

- 1.1 The application site relates to previously undeveloped land located to the north side of Meikle Earnock Road, which lies to the west of Hamilton. The site formed part of the Torheads residential area which was constructed in the late 1990's (application ref. HN/95/0630).
- 1.2 It is noted that the application site and parts of the adjoining land are identified as being part of the Hamilton Community Growth Area (CGA) within both the adopted South Lanarkshire Local Development Plan (SLLDP) and the emerging South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard, it is noted that "Planning in Principle" was granted in May 2017, following the conclusion of the associated planning obligation under Section 75 of the Planning Act, for the development of parts of the designated Hamilton CGA (Application no. HM/10/0052). In addition, a number of detailed submissions for residential development have been approved and works have commenced on site to deliver these proposals at Meikle Earnock Road and Highstonehall Road. Meikle Earnock Road has been upgraded along the frontage of the current application site as part of these proposals.

2 Proposal(s)

- 2.1 The applicant seeks to modify the planning obligation through the deletion of part 9 of the Section 75 Agreement associated with consent HN/95/0630 which prohibits development within the site, other than for access roads and amenity purposes.
- 2.2 Following the removal of this restriction, if successful, it is intended to develop the site for residential purposes in association with the Hamilton Community Growth Area. It is advised that a separate planning application for the development of 56 residential units is presented separately to this Committee for consideration (Application ref.: P/19/1792).

3 Background

3.1 Local Plan Policy

- 3.1.1 In terms of current local plan policies the site is primarily designated, within the adopted South Lanarkshire Local Development Plan (SLLDP) as being both a Housing Land Supply site and forming part of the Hamilton Community Growth Area (HCGA) (Policies 1 and 12). As part of the proposals for the HCGA part of the site is identified as a landscape buffer (Policy 14 applies).
- 3.1.2 With regard to an assessment against local plan policies the previous development restrictions for the site were part of a residential development on the outer edge of the urban settlement. The restriction of further development within an area

designated, at that time, as Green Belt was in accordance with policies and guidance applicable at that time. However, the land use designation of the surrounding area has changed significantly through the designation of the Hamilton Community Growth Area. The implementation of which is now underway and, in particular, on land immediately adjoining the application site.

4 Consultation(s)

4.1 None required

5 Representation(s)

5.1 Under the requirements of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006 and The Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010 notifications were issued to interested parties. No representations were received in response to this process.

6 Assessment and Conclusions

6.1 The application site is now largely identified within the adopted, and emerging, South Lanarkshire Local Development Plans for residential purposes as part of the Hamilton Community Growth Area, and as part of the Council's Housing Land Supply.

6.2 The proposals to redevelop the site for residential purposes will be considered against relevant policies and guidance through the assessment of the associated application, reference P/19/1792.

6.3 In terms of the deletion of part 9 of the planning obligation, it is considered that the removal of this restrictive planning obligation is acceptable in this instance as:

- i) It has been accepted that the need for the restriction is no longer appropriate in this instance; and
- ii) Removing the restriction would have no material impact and would not adversely affect the character of the area, nor raise any issues or concerns in policy terms.

6.4 In view of the above, it is considered that the deletion of part 9 of the restrictive planning obligation is acceptable in this instance. Removing the restriction would have no material impact and would not adversely affect the character or integrity of the area. The modification of the planning obligation is therefore considered to be acceptable. However, the applicants shall be responsible for the Council's legal fees and any outlays incurred in respect of this application, where applicable.

Reasons for Decision

- 7.1 The Council is satisfied that due to changes in the designation of the application site within the adopted, and emerging, South Lanarkshire Local Development Plans, there is no longer a requirement for its development to be restricted.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 7 April 2020

Previous references

- ◆ HM/95/0630

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Interested Parties Notification letter dated 21 January 2020

- ▶ Consultations
None

- ▶ Representations
None

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

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Email: james.watters@southlanarkshire.gov.uk

Modification or discharge of planning obligation

PAPER APART – APPLICATION NUMBER: P/19/1888

CONDITIONS

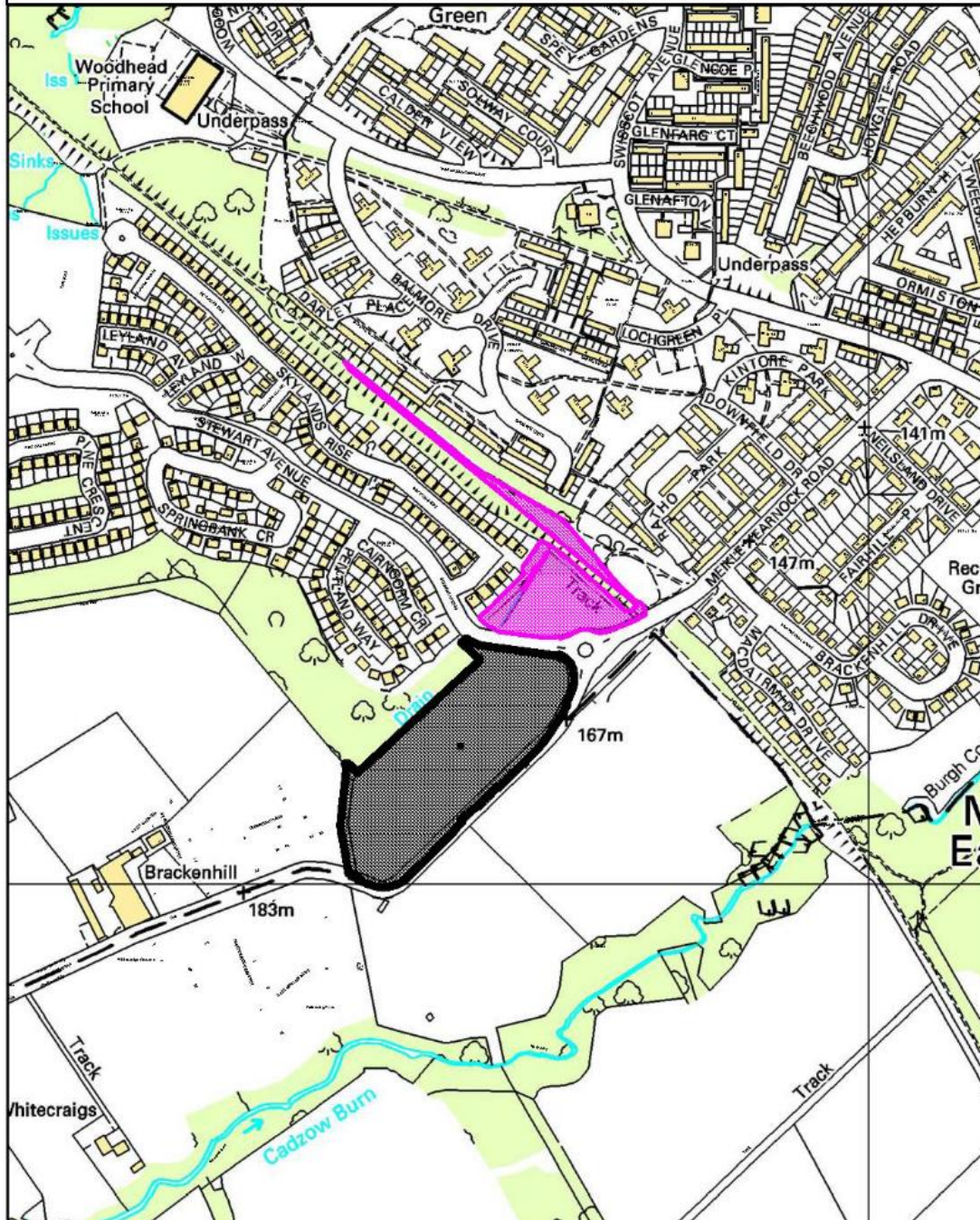
1 None

REASONS

1.1 Planning permission is granted unconditionally.

P/19/1888

Land at Torheads Farm Phase 8, Meikle Earnock Road, Hamilton



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Scale:
1:5,000
Date:
01/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development