

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>10</h1>
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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>6 July 2010</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Subject:	<b>Erection of 112 Dwellings, Formation of Roundabout, Associated Roadworks and Landscaping at Land to Southwest of Muirfoot Road, Rigsid</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ Seek approval for the Council to enter into a Section 75 Agreement with the applicant, Grantly Developments (Rigsid) Ltd., to ensure a landscaping scheme and open space required in association with a residential development at Muirfoot Road in Rigsid is carried out and completed in a phased manner.

## 2. Recommendation(s)

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

- (1) That authorisation is given for officers to conclude a Section 75 Agreement to ensure that the landscaping of the application site is carried out and completed in a phased manner instead of the submission of a landscaping bond. The applicant will be responsible for the Council's legal costs in this matter.

## 3. Background

- 3.1. Members will recall that the Planning Committee agreed at its meeting on 9 October 2007 to grant detailed planning permission to Grantly Developments (Rigsid) Ltd for the erection of 112 dwellings, formation of roundabout, associated roadworks and landscaping on land to the southwest of Muirfoot Road, Rigsid. Committee agreed to withhold the planning consent until the applicants had lodged a financial contribution of £4,050 for the upgrading of recreational provision in the area as well as the submission of a landscaping bond to ensure that all areas of open space and landscaping, including boundary structural landscaping within the development are laid out, planted and completed to the Council's satisfaction. The provision of structural landscaping was a significant factor in the approval of the development.
- 3.2. The applicant submitted the financial contribution in January 2008, however, to date, the landscaping bond has not been submitted. They have advised that due to the current downturn in the housing market, insurance brokers and banks are not prepared to take on the underwriting of a landscaping bond. They have therefore requested that the Council consider the replacement of the bond with another more suitable mechanism that allows the Council to control the quality and implementation of the landscaping proposals whilst allowing the planning consent to be issued.

- 3.3. I consider the appropriate mechanism in this instance would be the conclusion of a Section 75 Agreement between the applicants and the Council to ensure the provision of open space and landscaping within the application site is carried out in a phased manner. In this way, the developers will be obliged to carry out landscaping associated with a particular phase of the development before work can start on any subsequent phases. I am satisfied that this will provide safeguard that the landscaping scheme will be carried out to our satisfaction and therefore request that Committee give authorisation for officers to negotiate with the applicants.

**4. Employee Implications**

- 4.1. None.

**5. Financial Implications**

- 5.1. None. The applicants will be expected to meet the legal expenses of the Council.

**6. Other Implications**

- 6.1 There are no risks associated with this proposal or sustainable development issues.

**7. Equality Impact Assessment and Consultation Arrangements**

- 7.1 This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore no impact assessment is required.

**Colin McDowall**

**Executive Director (Enterprise Resources)**

**22 June 2010**

**Links to Council Objectives/values**

- Improve the quality of the physical environment
- Improve the quality, access and availability of housing

**Previous References**

- Report to Planning Committee on 9 October 2007 on planning application ref no CL/06/0739

**List of Background Papers**

- Planning Application Report on CL/06/0739

**Contact for Further Information**

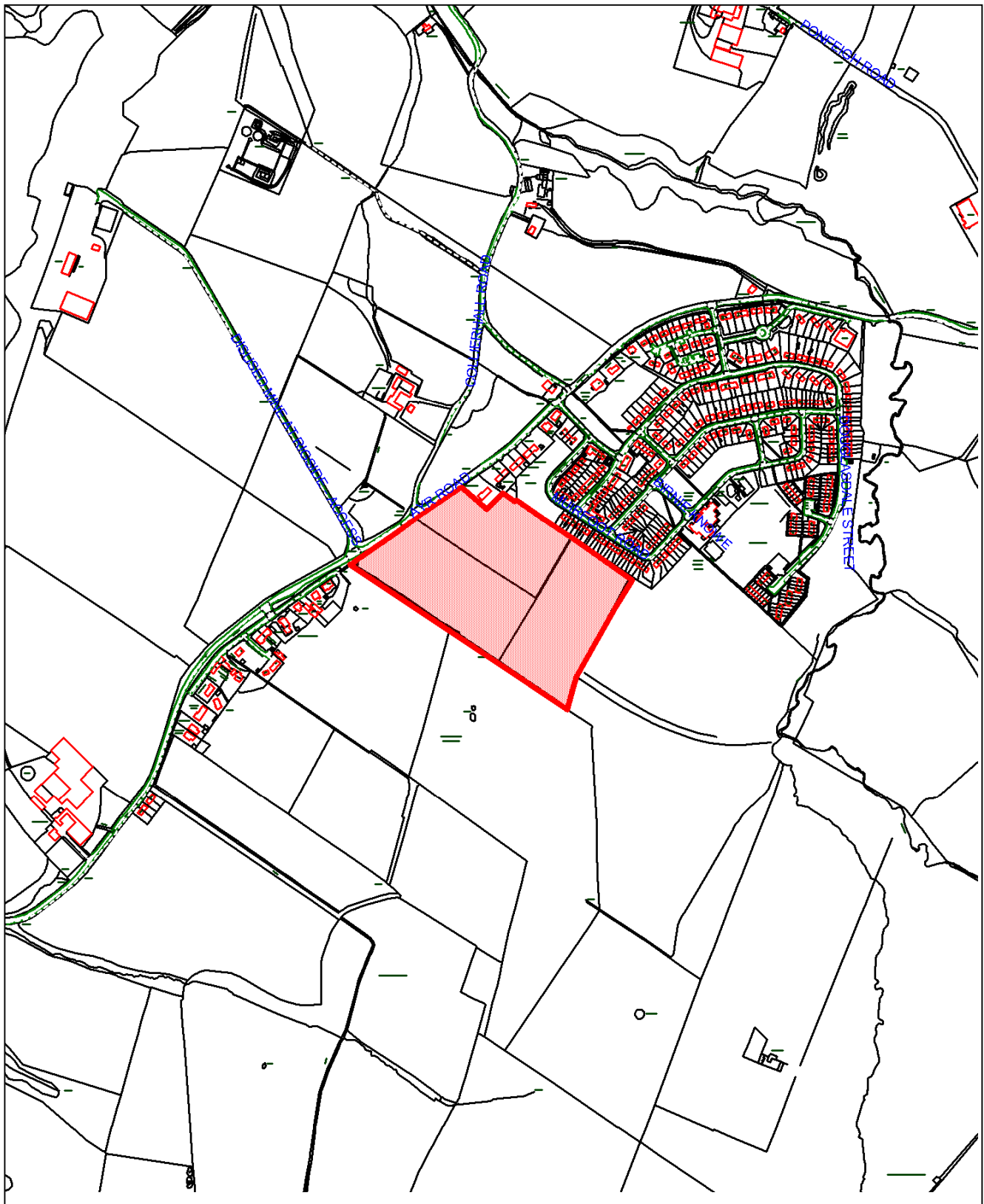
If you would like to inspect the background papers or want further information, please contact:-

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For information only



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