

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>15</h1>
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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>10 March 2009</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Subject:	<b>Proposed Residential Development at John Ogilvie High School, Farm Road, Hamilton (Planning Consent HM/07/0046)</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 Barratt West Scotland and any other necessary parties to require the submission of financial contributions from the developer in respect of the above site towards the upgrading of existing sports facilities in the area

## **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 the phased submission of final contributions towards the existing sports facilities in the area.

## **3. Background**

- 3.1. Members will recall that the Planning Committee agreed at its meeting on 13 May 2008 to grant detailed planning permission for the erection of 111 flats with associated roadworks on land formerly associated with John Ogilvie High School, Hamilton. The application required the submission of a financial contribution and the referral of the application to the Scottish Ministers due to the loss of open space. The Scottish Ministers advised in August 2008 that they did not intend to call-in the application and that the Council could deal with the application in the manner it thinks fit.
- 3.2. With regards to the financial contribution, Committee agreed to withhold the consent until the applicants had lodged a sum of £49,950 towards the upgrading of existing sports facilities in the area.
- 3.3. The applicants have subsequently advised that without a formal planning consent for this development they are unable to finalise any additional costs that require to be outlaid following receipt of Roads Construction and drainage approval for the site. Due to the current downturn in the housing market, they are unable to provide the £49,950 contribution 'upfront'. They have therefore requested that the Council consider phasing the payment of the contributions through a Section 75 agreement,

the purpose of which would ensure that the full payment of £49,950 shall be paid to the Council prior to the occupation of the 35th unit.

- 3.4. In the circumstances I am satisfied that the Section 75 agreement will provide comfort that these payments will be made and therefore request that Committee give authorisation for officers to negotiate with the applicant.

**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. None

**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.
- 7.2. 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.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

19 February 2009

**Link(s) to Council Objectives/Value**

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

**Previous References**

- ♦ Report to Planning Committee on 13 May 2008 on planning application reference HM/07/0046.

**List of Background Papers**

- ♦ Planning Application Report on HM/07/0046.

**Contact for Further Information**

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

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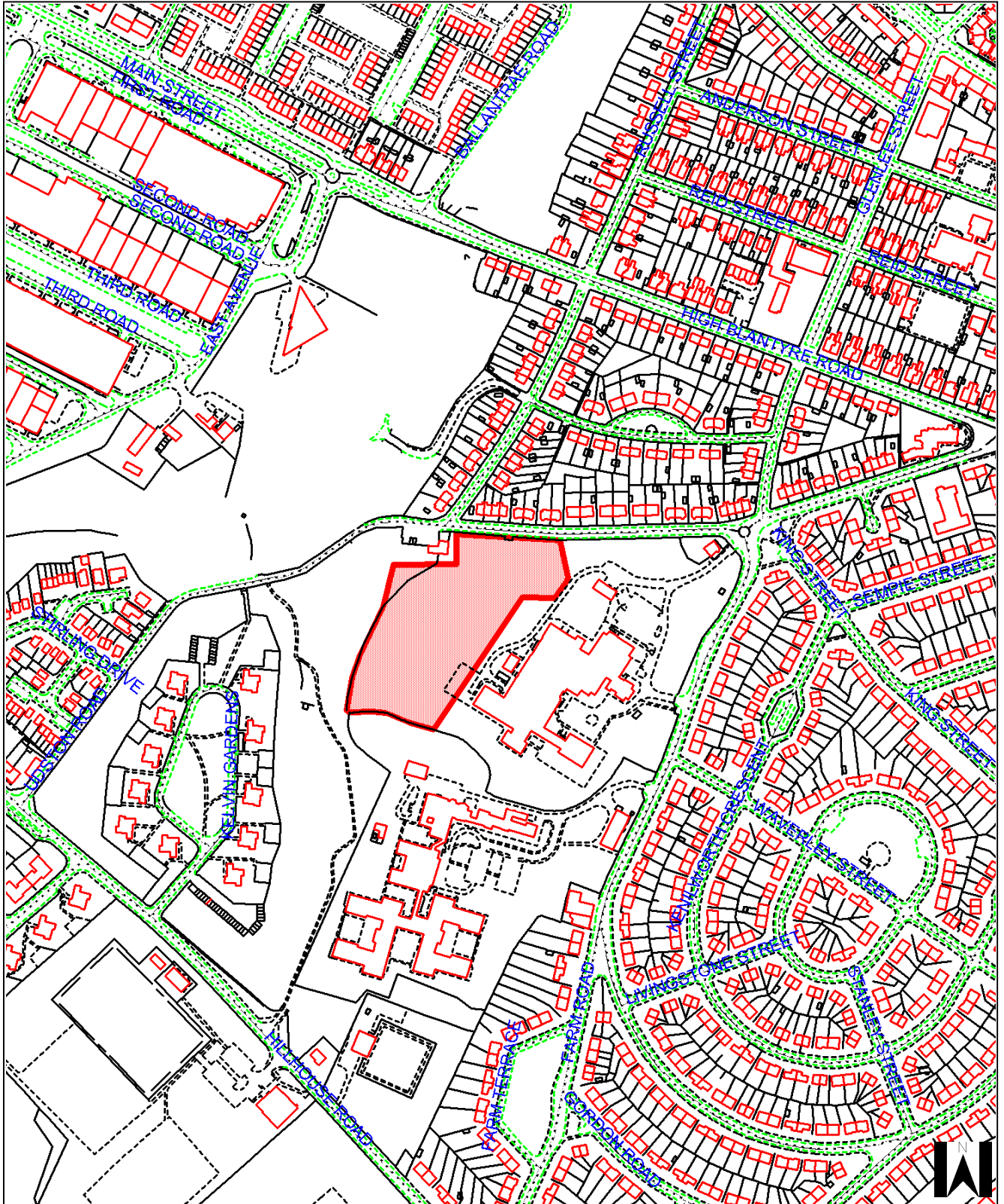
HM/07/0046

John Ogilvie High School, Farm Road, Hamilton

Planning and Building Standards Services

Scale: 1: 5000

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