

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>13</h1>
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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>26 January 2010</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/07/0845
Planning Proposal:	Erection Of 16 Dwellinghouses And Associated Infrastructure On Land To Southwest Of 3 Lockhart Drive, Lanark (Planning Consent CL/07/0845)

## 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 Southvale Homes (Lanark) Ltd to require the submission of a financial contribution in respect of upgrading recreational provision in the area prior to work starting on site.

## 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 a financial contribution for upgrading recreational provision in the area prior to work starting on site.

## 3 Background

3.1 Members will recall that the Planning Committee agreed at its meeting on 13 May 2008 to grant detailed planning permission to Southvale Homes (Lanark) Ltd for the erection of 16 dwellinghouses with associated infrastructure on land to the southwest of 3 Lockhart Drive, Lanark. Committee agreed to withhold the planning consent until the applicants had lodged a financial contribution of £9,600 for the upgrading of recreational provision in the area.

3.2 The applicants have subsequently advised that due to the current downturn in the housing market, they are unwilling to provide the £9,600 contribution 'up-front'. They have therefore requested that the Council consider phasing the payment of the contribution through a Section 75 Agreement, suggesting that the payment of the financial contribution be made following the completion of the 8<sup>th</sup> house.

3.3 In the circumstances I am satisfied that the Section 75 Agreement will provide comfort that the payment will be made and therefore request that Committee give authorisation for officers to negotiate with the applicants.

## 4 Employee Implications

4.1 None.

## 5 Final 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.

**Colin McDowall**

**Executive Director (Enterprise Resources)**

**18 January 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 13 May 2008 on planning application ref no CL/07/0845

### **List of Background Papers**

- Planning Application Report on CL/07/0845

### **Contact for Further Information**

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

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