

	<h1>Report</h1>	Agenda Item <h1>17</h1>
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Report to:	Planning Committee
Date of Meeting:	01 November, 2011
Report by:	Executive Director (Enterprise Resources)

Subject:	Proposed Residential Development at Ashgillhead Road, Shawsburn (Planning Consent HM/10/0429)
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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 Obligation with Paradigm Real Estate Managers Limited to ensure the submission of:
 - (a) a commuted sum equivalent to the cost of providing 25% of the site's overall capacity in the form of serviced land for the provision of affordable housing by the Council or a Registered Social Landlord (RSL)
 - (b) a financial contribution of £24,000 to the Council for the improvement of existing recreational facilities in the area (in lieu of providing such facilities within the site), and
 - (c) a landscaping bond.

2. Recommendation(s)

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

- (1) That authorisation is given to officers to conclude a Section 75 Obligation to ensure the submission of:
 - (a) a commuted sum equivalent to the cost of providing 25% of the sites overall capacity in the form of serviced land for the provision of affordable housing by the Council or a Registered Social Landlord (RSL)
 - (b) a financial contribution of £24,000 to the Council for the improvement of existing recreational facilities in the area (in lieu of providing such facilities within the site), and
 - (c) a landscaping bond is submitted.

The Council's legal expenses in connection with the above obligation will be borne by the applicant.

3. Background

3.1 Members will recall that Planning Committee agreed at its meeting on 24 May 2011 to grant detailed planning permission for the erection of 48 dwellinghouses and associated engineering operations on land at Ashgillhead Road, Shawsburn (HM/10/0429). The Committee also agreed to withhold the consent until the applicants had:

- (a) lodged a commuted sum equivalent to the cost of providing 25% of the site's overall capacity in the form of serviced land for the provision of affordable housing by the Council or a Registered Social Landlord (RSL).

- (b) provided a financial contribution of £24,000 for the improvement of existing recreational facilities in the area, and
- (c) submitted a landscaping bond.

- 3.2 The applicants have subsequently advised that due to the down turn in the economy, and the fact that Paradigm Real Estate Managers Limited will not be the site developer, they request that the Council consider addressing the payment of the commuted sum, financial contribution and the submission of the landscaping bond through a Section 75 Obligation.
- 3.3 In the circumstances it is considered that the conclusion of a Section 75 Obligation will provide an appropriate mechanism to ensure the required payments are made. This mechanism has been used recently in connection with various other developments in South Lanarkshire as developers are finding it increasingly difficult to fund required payments up front.

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.

Colin McDowall
Executive Director (Enterprise Resources)

12 October, 2011

Link(s) to Council Objectives/Values/Improvement Themes

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

Previous References

- Report to Planning Committee on 24 May 2011 on planning application reference HM/10/0429.

Contact for Further Information

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

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