

Appendix 1

Application Site	Planning Reference	Development Description	Applicant	Date of Committee Approval	Category of Planning Application	Background and Recommendation
1. St Marys Hospital off St Leonard Street/A743 Lanark	CL/06/0869	Erection of 209 dwellinghouses, 24 flatted dwellings, formation of roundabout, play areas, associated roadworks and landscaping.	Persimmon Homes (West Scotland) Ltd	26 February 2008	(iii)	<p>Reason S75/Financial contribution required</p> <p>The consent was to be withheld until financial contributions of £70,000 for offsite road improvements and £150,000 for the provision/upgrade of recreational/community facilities in the area were submitted, together with a landscaping bond</p> <p>Progress</p> <p>Committee approval was given in October 2008 to enter into a Section 75 Agreement to ensure the phased submission of the contributions and the submission of a landscaping bond prior to work starting on site. Very little progress has been made on the drafting of the legal agreement in the interim period. It is also understood that the applicants no longer have an interest in purchasing the site from the current owners.</p>

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						<p>Recommendation</p> <p>Refuse detailed planning permission unless the Planning Obligation is concluded within six months of the date of the Planning Committee or the applicant enters into a Processing Agreement within three months of that date.</p> <p>Reasons for Refusal</p> <p>The proposal is contrary to the terms of STRAT 10 – Developers’ Contributions Policy, RES 6 Residential Land Use Policy and the Residential Design Guide of the South Lanarkshire Local Plan (adopted 2009); Policy 5 – Community Infrastructure Assessment, Policy 4 Development Management and Place Making of the South Lanarkshire Local Development Plan; and Design and Development Management Place Making and Community Infrastructure Assessment Supplementary Guidance as the Planning Obligation to ensure an appropriate contribution towards</p>
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						the upgrading of recreational provision in the area and off site road improvements has not been completed.
2. Gatehouse Winston Barracks Lanark ML11 9TA	CL/09/0125	Demolition of Category C(s) Listed Gatehouse and Erection of 13 Terraced houses	Mr S Fleming	23 June 2009	(i)	<p>Reason S75/Financial contribution required</p> <p>The consent is to be withheld until modifications made to an earlier legal agreement covering the wider Winston Barracks site in terms of phasing of the development of the larger site</p> <p>Progress</p> <p>The applicants have been advised that a formal application to modify the legal agreement is required to be made but to date this has not been submitted. In addition, it is understood that the original applicant and a subsequent landowner have gone into receivership.</p> <p>Recommendation</p> <p>Refuse detailed planning</p>

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						<p>permission.</p> <p>Reasons for Refusal An application under section 75A of the Town and Country Planning (Scotland) Act 1997 to vary the Planning Obligation associated with the application site has not been submitted and therefore the phasing of new build development in relation to the conversion of listed buildings at Winston Barracks has not been revised to the detriment of the wider planning interests of the area.</p>
3. Land adjacent to 21 Braidwood Road Braidwood	CL/10/0271	Erection of 25 dwellinghouses, associated roadworks and landscaping	Lynnet Leisure Properties Ltd	8 February 2011	(iii)	<p>Reason S75/Financial contribution required</p> <p>A contribution of £15,000 towards the upgrading of community facilities before the start of construction of the 6th house on the site</p> <p>Progress</p> <p>The legal agreement has been signed but immediately prior to the registration of the Deed a competing title to part of the</p>

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					<p>application site was registered with the Land Register. The applicants and competing owner cannot reach agreement on full ownership of the site and the competing owners have advised they will not participate in the legal agreement. It would appear that there is little prospect of the agreement being registered to allow the consent to be issued.</p> <p>Recommendation</p> <p>Refuse detailed planning permission unless the Planning Obligation is concluded within six months of the date of the Planning Committee or the applicant enters into a Processing Agreement within three months of that date.</p> <p>Reasons for Refusal</p> <p>The proposal is contrary to the terms of STRAT 10 – Developers’ Contributions Policy, RES 6 Residential Land Use Policy and the Residential Design Guide of the South Lanarkshire Local Plan (adopted 2009;) Policy 5 – Community Infrastructure</p>
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						Assessment and Policy 4 Development Management and Place Making of the South Lanarkshire Local Development Plan; and Development Management Place Making and Design and Community Infrastructure Assessment Supplementary Guidance as the Planning Obligation to ensure an appropriate contribution towards the upgrading of recreational provision in the area has not been completed
4. Valley International Park Crossford Carluke ML8 5NJ	CL/14/0311	Section 42 application to vary condition 2 of planning permission CL/08/0309 to extend the time period for commencing the development by a further 3 years	Mr Jonathan Colin Smith	23 September 2014	(iii)	<p>Reason S75/Financial contribution required</p> <p>The Section 42 consent is not to be issued until a replacement Section 75 obligation has been concluded to ensure the applicants submit a financial contribution towards the provision of an extra classroom at Underbank Primary School.</p> <p>Progress</p> <p>A draft legal agreement was circulated to the applicant's</p>

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						<p>solicitors in October 2014. Despite a number of reminders no response has been received.</p> <p>Recommendation</p> <p>Refuse Section 42 application. This would have the effect of removing the previous consent for the site unless the Planning Obligation is concluded within six months of the date of the Planning Committee or the applicant enters into a Processing Agreement within three months of that date.</p> <p>Reasons for Refusal</p> <p>The proposal is contrary to the terms of Policy STRAT 10 (Developers' Contribution Policy) of the South Lanarkshire Local Plan (adopted 2009); Policy 5 (Community Infrastructure Assessment of the South Lanarkshire Local Development Plan and Community Infrastructure Assessment Supplementary Guidance as the proposal is unable to provide an appropriate contribution towards</p>
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						education provision.
5. Hillfoot Nursery Sidehead Road Stonehouse	HM/07/0136	Erection of 25 dwellinghouses	Consort Homes (Scotland) Ltd	3 November 2009	(iii)	<p>Reason S75/Financial contribution required</p> <p>Application presented to Committee November 2009. Resolved to issue consent subject to a landscaping bond being agreed and lodged with the Council and a financial contribution of £12 500 for improvement to Community Facilities being submitted.</p> <p>Progress</p> <p>It is understood that the applicant went into administration. The site has been 'bought over' by new company (Loch Tay Homes) who have agreed to pay financial contribution and lodge bond. Ongoing correspondence with legal to conclude requirements.</p> <p>Recommendation</p> <p>Refuse detailed planning permission unless the Planning</p>

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						<p>Obligations are concluded within six months of the date of the Planning Committee or the applicant enters into a Processing Agreement within three months of that date.</p> <p>Reasons for Refusal The proposal is contrary to the terms of STRAT 10 – Developers’ Contributions Policy, RES 6 Residential Land Use Policy and the Residential Design Guide of the South Lanarkshire Local Plan (adopted 2009); Policy 5 – Community Infrastructure Assessment and Policy 4 Development Management and Place Making of the South Lanarkshire Local Development Plan; and Development Management Place Making and Design and Community Infrastructure Assessment Supplementary Guidance as the appropriate contribution towards the upgrading of recreational provision in the area has not been completed.</p>
6. Toftcombs	HM/10/0414	Erection of 45	Clydeview	14 December	(iii)	Reason S75/Financial

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<p>Crescent Stonehouse</p>		<p>dwellinghouses and associated roads, drainage and landscaping works</p>	<p>Developments Ltd</p>	<p>2010</p>	<p>contribution required</p> <p>Application presented to Committee December 2010. Resolved to issue consent subject to a landscaping bond being agreed and lodged with the Council and a financial contribution of £23 500 for improvement to Community Facilities being submitted.</p> <p>Progress</p> <p>Recent correspondence from site owners legal representative and new agent. Understand that new application is to be lodged prior to 22 June 2015. Further advised that should this application be determined favourably then application HM/10/0414 will be withdrawn.</p> <p>Recommendation</p> <p>Refuse detailed planning permission unless the Planning Obligations are concluded within six months of the date of the Planning Committee or the applicant enters into a Processing Agreement within three months of that date.</p>
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						<p>Reasons for Refusal The proposal is contrary to the terms of STRAT 10 – Developers’ Contributions Policy, RES 6 Residential Land Use Policy and the Residential Design Guide of the South Lanarkshire Local Plan (adopted 2009); Policy 5 – Community Infrastructure Assessment and Policy 4 Development Management and Place Making of the South Lanarkshire Local Development Plan; and Development Management Place Making and Design and Community Infrastructure Assessment Supplementary Guidance as the appropriate contribution towards the upgrading of recreational provision in the area has not been completed.</p>
7. Ashgillhead Road, Shawsburn ML9 2TZ	HM/10/0429	Erection of 48 dwellinghouses and associated engineering operations	Paradigm Estate Management Ltd	24 May 2011	(iii)	<p>Reason S75/Financial contribution required Application presented to Committee May 2011. Resolved to issue consent subject to a landscaping bond being agreed and lodged with the Council, a</p>

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					<p>financial contribution of £24 000 for improvement to Community Facilities being submitted and a contribution towards affordable housing.</p> <p>Progress Revised draft of Section 75 Obligation issued May 2015 and now with respective solicitors to finalise.</p> <p>Recommendation Refuse detailed planning permission unless the Planning Obligations are concluded within six months of the date of the Planning Committee or the applicant enters into a Processing Agreement within three months of that date.</p> <p>Reasons for Refusal The proposal is contrary to the terms of STRAT 10 – Developers’ Contributions Policy, RES 6 Residential Land Use Policy and the Residential Design Guide of the South Lanarkshire Local Plan (adopted 2009); Policy 5 – Community Infrastructure</p>
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						Assessment and Policy 4 Development Management and Place Making of the proposed South Lanarkshire Local Development Plan; and Development Management Place Making and Design and Community Infrastructure Assessment Supplementary Guidance as the appropriate contribution towards the upgrading of recreational provision in the area has not been completed.
8. Bells Glenroyal Nursery Cathcart Road Rutherglen	CR/07/0383	Demolition of existing buildings and erection of 38 flats, formation of new vehicular access, car parking and landscaping	Laurieston Developments Ltd	8 July 2008	(ii)	<p>Reason S75/Financial contribution required A legal agreement was required for the payment of £500 per unit towards the upgrading of recreational provision in the area. The agreement stipulated that the payment was required prior to the issue of the consent.</p> <p>Progress There has been no contact from the applicant or agent since January 2009 and no further progress has been made on concluding an appropriate legal</p>

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						<p>agreement. There were discussions from the period of November 2012 until May 2014 regarding a revised scheme for the site with a third party. A revised scheme has not been submitted and payment of the financial contribution has not been concluded.</p> <p>Recommendation Refuse detailed planning permission.</p> <p>Reasons for Refusal The proposal is contrary to the terms of STRAT 10 – Developers’ Contributions Policy, RES 6 Residential Land Use Policy and the Residential Design Guide of the South Lanarkshire Local Plan (adopted 2009); Policy 5 – Community Infrastructure Assessment and Policy 4 Development Management and Place Making of the South Lanarkshire Local Development Plan; and Development Management Place Making and Design and Community Infrastructure Assessment Supplementary Guidance as the</p>
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						appropriate contribution towards the upgrading of recreational provision in the area has not been completed.
9. Townfoot Farm The Heads Glassford Strathaven	EK/09/0134	Change of use of dwellinghouse to form office and stores and erection of 1.5 storey dwellinghouse	Mr & Mrs Robert Struthers	17 June 2009	(ii)	<p>Reason S75/Financial contribution required A legal agreement was required to ensure that the development of a new-build dwellinghouse did not result in an additional dwellinghouse being constructed in the Green Belt. The agreement stipulated that the existing dwelling would be formally converted into an office prior to the new dwellinghouse being brought into use.</p> <p>Progress The applicants have failed to sign the legal agreement despite a number of reminders to the agent over an extended period of time. No response has been received.</p> <p>Recommendation Refuse detailed planning permission</p> <p>Reasons for Refusal</p>

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						<p>The application would be contrary to Policies STRAT 3 and CRE 1 of the adopted South Lanarkshire Local Plan and Policy 3 (Greenbelt and Rural Area) of South Lanarkshire Local Development Plan as it would result in the formation of an additional new build dwellinghouse in the Green Belt without appropriate justification being provided in accordance with these Policies.</p>
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