

EAST RENFREWSHIRE COUNCIL23 March 2016Report by Director of EnvironmentNETHERPLACE WORKS, NEWTON MEARNS, PLANNING APPLICATION 2014/0372/TP**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Council's agreement to refuse planning application reference 2014/0372/TP, for the erection of a retirement residential community comprising 320 apartments (in total), 66 bed care home and multipurpose village centre that includes apartments and residential rooms with the formation of a new access road from Aurs Road at Netherplace Works, Newton Mearns.

RECOMMENDATIONS

2. The Council is asked to refuse planning application reference 2014/0372/TP, for the reasons outlined in this report.

BACKGROUND AND REPORT

3. Planning application 2014/0372/TP for the development at Netherplace Works was the subject of a pre-determination hearing by the Planning Applications Committee on 25 February 2015, as the development was considered to be a significant departure from the Development Plan.

4. The Planning Applications Committee recommended to the Council that the Council **be disposed to grant** the application subject to the;

- Conditions detailed in the report; and
- Conclusion of a legal agreement relating to affordable housing contributions and developer contributions

5. The Council on 25th February 2016 agreed that it was **disposed to grant** the application again subject to the following

- The conditions detailed in the report; and
- The conclusion of a legal agreement(s) relation to the delivery of affordable housing and developer contributions

6. The legal agreement in relation to this proposed development was prepared and agreed with the applicants. A final version of the agreement was issued to the applicant's legal representatives in March 2015. The applicants have had around a year to conclude matters and sign the agreement but have not done so. This is considered a reasonable period of time to have given the applicant to sign the agreement. Despite a number of communications with the applicant and their various representatives, no update has been offered nor any explanation given as to why the legal agreement has not been concluded.

7. The legal agreement is required to ensure the development fully complies with the Council's policies on affordable housing and development contributions (Policies SG5 and Strategic Policy 3 of the adopted East Renfrewshire Council Local Development Plan respectively).

8. Scottish Ministers expect all planning services to pursue continuous improvement, including the continuous reduction in the time taken to process planning applications. The Council is monitored carefully by the Scottish Government through the Planning Performance Framework. In relation to planning obligations and recognizing the need for efficient decision making, the Council's agreed protocol states that "concluding the obligation is integral to the decision making process and should be given priority by all parties..... it will be expected that the obligation is concluded within 3 months of the recommendation unless exceptional circumstances can be demonstrated by the applicant/developer. Should progress not be made.....it is likely that the application will then be recommended for refusal".

9. Taking all this into account, it is being recommended that the Council now refuse planning application reference 2014/0372/TP.

FINANCE AND EFFICIENCY

10. This application is proposed to be refused in keeping with the terms of the agreed protocols in place. These are designed to ensure efficient decision making, in accordance with Scottish Government Planning guidance.

CONSULTATION

11. There has been consultation with legal colleagues in relation to this report.

PARTNERSHIP WORKING

12. There was no partnership working associated with this report.

IMPLICATIONS OF THE PROPOSALS

13. There are no staffing, property, sustainability, IT, equalities or other implications associated with this report.

CONCLUSIONS

14. As the developer has failed to conclude the legal agreement in accordance with the approved protocol in place (and as referenced in paragraph 8 of this report), it is proposed that the application be refused.

RECOMMENDATIONS

15. The Council is asked to refuse planning application reference 2014/0372/TP, for the reasons outlined in this report.

Director of Environment

Further information can be obtained from: Iain MacLean, Head of Environment on 0141 577 3720 or iain.maclea@eastrenfrewshire.gov.uk

March 2016

KEY WORDS - Netherplace Works planning application, 2013/0372/TP

BLANK PAGE