

REPORT

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| TO: | PLANNING & DEVELOPMENT (BUILDINGS AND PROPERTY) SUBCOMMITTEE | | SUBJECT: LAND AT ROSE PARK AVENUE, FALLSIDE, UDDINGSTON MINUTE OF WAIVER |
| FROM: | DIRECTOR OF PLANNING & DEVELOPMENT | | |
| DATE: | 16 FEBRUARY 1999 | REF: X8894153 L&R2341)/WP/HM | |

1. PURPOSE OF REPORT

This Report concerns a proposal to grant a Minute of Waiver so as to relax restrictive use provisions contained within a Feu Disposition granted by North Lanarkshire Council when they sold land at Rosepark Avenue, Fallside, to Mr Tom Balmer.

2. BACKGROUND

The subject site extends to 1,508 square metres or thereby and is highlighted on the accompanying plan. Mr Tom Balmer purchased the land from the Council in March 1998 for a consideration of £15,000. The Feu Disposition stipulates that the subjects shall be used for the provision of car parking and ancillary landscaping or alternatively for the erection of private dwellinghouses not exceeding 2 storeys in height.

The subject site was originally declared surplus by Motherwell District Council's Leisure & Recreation Department in 1992 (paragraph 302 of the Leisure & Recreation Committee of 8 June 1992). The site was released to the open market in July 1992 and Mr Balmer was the only person to submit an offer at £10,000. This offer was rejected. The site was then re-advertised which generated one bid from another source at a figure of £20,000. This offer was accepted by Motherwell District Council although the prospective purchaser backed out and the sale did not proceed. A further re-advertising exercise was undertaken in 1993 which resulted in a single bid again from Mr Balmer but this time at a figure of £15,000. This offer was accepted by Motherwell District Council (paragraph 1830 of the Leisure & Recreation Committee of 10 January 1994). Due to a series of difficulties, most of which related to the title, it took a number of years to finally tie up the transaction, but this eventually happened in March 1998.

3. PLANNING PERMISSION FOR A RESIDENTIAL NURSING UNIT

Mr Balmer owns Rosepark Nursing Home which is located on the site immediately adjacent to the land which he acquired from North Lanarkshire Council. The Planning & Development Committee at their Meeting on 18 November 1998 approved an application for the development of a 17 bed residential care unit on the land acquired from the Council. The proposed expansion of the nursing home contravened the terms of the Feu Disposition as the planning use classes differentiate between residential care institutions and general residential dwellings. This prompted a letter to be issued to Mr Balmer informing him that he would require a Minute of Waiver from the Council if he were of a mind to implement the planning permission granted for the 17 bed unit.

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4. MINUTE OF WAIVER

In early January 1999 Mr Balmer verbally approached the Property Division in relation to the availability of a Minute of Waiver which would allow him to implement the planning permission which he obtained last November. Following negotiations, it has been provisionally agreed that a Minute of Waiver be granted in exchange for a consideration of £3,500. Mr Balmer will also be responsible for meeting the Council's reasonable legal costs and outlays. The Minute of Waiver will relax the restrictive use provisions so as to allow him to construct an extension to Rosepark Nursing Home on the land which he acquired from the Council.

5. RECOMMENDATION

It is recommended that the SubCommittee approve the grant of a Minute of Waiver on the terms detailed herein.

All other terms and conditions to be adjusted by the Head of Economic Development & Property.



STANLEY COOK
Director of Planning & Development



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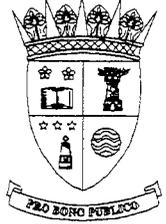
LOCATION PLAN - For Information Only

Title : 32/34 Rosepark Avenue

Scale: 1:1250

Town: Uddingston (1508 sqm or thereby)

Date : 25 Jan 99



Property Division



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DEPARTMENT OF PLANNING & DEVELOPMENT

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