

Forest Heath District Council

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Report of the Head of Planning and Regulatory Services

**DEVELOPMENT
CONTROL
COMMITTEE**

5 MARCH 2014

DEV14/108

UPDATE AND CLARIFICATION REGARDING THE DETERMINATION OF PLANNING APPLICATION F/2012/0552/OUT – LAND SOUTH OF BURWELL ROAD, EXNING

1. Summary and reasons for recommendation(s)

1. Planning Application F/2012/0552/OUT was approved by Members at the Development Control Committee meeting held on 6 March 2013. It should be noted that this current paper does not re-open the debate on the development or the decision to approve the application.
2. The purpose of this report is to seek clarification on the wording of the additional condition to secure phasing of the development to 30 market dwellings per year, which was recommended by, and approved, by Members.
3. It is understood that the intention of the condition was to phase the development so that no more than 30 market dwellings could be occupied per year. Following some confusion with the wording of the minutes for the meeting on 6 March 2013 which stated "phased construction of 30 market dwellings per year", the matter was addressed again on 3 April 2013 where it was clarified that the intention of the condition was to phase the development to the occupation of 30 market dwellings per year. However, it was not possible to change the wording of the minutes and this was clarified at the meeting on 1 May 2013.
4. The S106 agreement to secure affordable housing, open space provisions and developer contributions is near to completion and once completed planning permission can be issued. However, to prevent any ambiguity and potential challenge to the planning permission in the future, Officers recommend that Members clarify and agree the wording of the additional phasing condition.
5. It is understood that the intention of the phasing condition was to ensure that the development was carried out over a period of time and that this could be controlled by restricting occupation to 30 market dwellings per year. Officers consider it unreasonable and not economically viable to restrict the approved development to 30 market dwellings being built per year.

2. Recommendation(s)

2.1 Members are recommended to agree the suggested wording of the condition below for inclusion in the final planning permission:

"There shall be no more than 30 market dwellings occupied within each 12 month period following the date of first occupation of the development.

Reason: To ensure the development proceeds at an appropriate rate in the interests of the general amenities of the area"

Contact details

Name

Title

Telephone

E-mail

Portfolio holder

Councillor Rona Burt

Cabinet Member for Planning,
Housing and Transport

01638 712309

[rona.burt@forest-
heath.gov.uk](mailto:rona.burt@forest-heath.gov.uk)

Lead officer

Rachel Almond

Development Manager

01638 719455

Rachel.almond@westsuffolk.gov.uk

3. How will the recommendations help us meet our strategic priorities?

3.1 The approved scheme will deliver housing, including affordable housing, and benefits to the community in terms of open space provision and improvements to infrastructure.

4. Key issues

4.1 To clarify the precise wording of the condition that will ensure the phasing of the development.

5. Other options considered

5.1 None.

6. Community impact

6.1 **Crime and disorder impact** *(including Section 17 of the Crime and Disorder Act 1998)*

6.1.1 Crime and disorder requirements were taken into account during the consideration of the planning application.

6.2 **Diversity and equality impact** *(including the findings of the Equality Impact Assessment)*

6.2.1 There is not considered to be an adverse impact on diversity and equality

6.3 **Sustainability impact** *(including completing a Sustainability Impact Assessment)*

6.3.1 The sustainability of the scheme was taken into account during the consideration of the planning application.

6.4 **Other impact** *(any other impacts affecting this report)*

6.4.1 None.

7. Consultation *(what consultation has been undertaken, and what were the outcomes?)*

7.1 Internal legal advice has been sought.

8 Financial and resource implications *(including asset management implications)*

8.1 There is not considered to be any cost or resource implications for the Council.

9. Legal and policy implications

9.1 Once the S106 legal agreement (to secure affordable housing, open space provisions and developer contributions) has been completed, the planning permission can be issued.

10. Ward(s) affected:

10.1 Exning

11. Background papers

11.1 Planning application F/2012/0552/OUT.