

Report to Planning Committee

Application Number: 2008/0287

Location: SOL Construction Ltd, Vale Road, Colwick

Proposal: Erection of 44 dwellings with associated roads & sewers

Summary

Authorisation is sought to instruct the Service Manager for Legal Services to enter into a Deed of Variation to vary the S106 Planning Obligation dated 7th June 2011 that requires a financial contribution for off-site open space.

The applicant is asking the Council to agree to enter into a Deed of Variation so as to include the same terms on an updated planning application no: 2016/0347, which has been made for amendments to be made to condition 12 of the original planning permission reference no:2008/0287.

Background

Full planning permission was granted on 3rd July 2008 under planning application no: 2008/0287 for the demolition of offices, car parking and storage areas and the erection of 44 dwellings with associated roads and sewers.

This was subject to a condition requiring the applicant to enter into separate S106 Planning Obligations with the County Council as Highway Authority and Local Education Authority for a financial contribution for the development of integrated transport measures and education facilities and with the Borough Council for a financial contribution for off-site open space.

These Planning Obligations were completed on 27th May 2011 and 7th June 2011 respectively.

Condition 12 of planning permission no: 2008/0287 states that the development shall be carried out in accordance with the approved plans reference 919/SS/01, PL/1, PL/2, PL/3, PL/4, PL/5, PL/11, PL/12, PL/13, PL/14 Rev A, PL/17, PL/18, PL/G02, PL/G04 and SK/02 Rev B unless otherwise prior agreed in writing by the Borough Council.

In March 2016, the applicant submitted an application to vary the above condition, so as to relate to amended plans showing minor changes to the proposed layout and elevations.

As this will result in a new planning permission, it is necessary for the terms to the original S106 planning obligation to be varied so as to ensure these also apply to the new planning permission.

A similar request has been made to the County Council.

Considerations

There are no financial implications to the Borough Council and the decision notice on the planning application can be issued under delegated powers, once the Deeds of Variation have completed with the County Council and Borough Council.

Recommendation:

That the Service Manager for Legal Services be instructed to undertake the necessary work to prepare and finalise a Deed of Variation to the Planning Obligation lodged with the Borough Council dated 7th June 2011, in relation to the development permitted by planning permission no: 2008/0287.