

**Case Officer:** David Lowin

**Recommendation:** Approval

**Applicant:** Lone Star Land Limited

**Proposal:** Erection of up to 49 dwellings, associated open space, sustainable urban drainage systems, and access from Balmoral Avenue

**Expiry Date:** 28 February 2022

**Committee Date:** 10 February 2022

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## 1. Introduction

- 1.1. This report provides an update following the application being considered at Planning Committee on 10 February 2022 ([Minutes](#)).

## 2. Scope of Delegation

- 2.1 The resolution of the Committee was

That authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to:

- i. No objections and recommended conditions from the county archaeologist following submission by the applicant of the results of the onsite trial trenches; and
- ii. The conditions set out in the published report (and any amendments to those conditions as deemed necessary); and
- iii. Completion of a section 106 agreement to provide contributions as set out in S106 Head of Terms.

## 3. Post Committee Matters

### ***Archaeology***

- 3.1 At the time of the original Planning Committee consideration (February 2022), there remained detailed points of negotiation and submission of archaeological investigation information to CDC. The submitted material has been considered by the OCC Archaeologist, who has required resolution through the imposition of conditions, which are now incorporated at Conditions 24 & 25.

### ***Conditions***

- 3.2 With the exception of the additional archaeology conditions, there are no other changes to the conditions from those set out in the published committee report and minute of Planning Committee.

### Section 106

- 3.3 The S106 Heads of Terms set out in the published committee report have been secured with the following amendments:

Heads of Terms	Final Agreement	Reason
Contribution towards off site outdoor sports and recreation £1,992.73 per dwelling	£2,017.03 per dwelling	Contribution changed following reconsideration by appropriate Dept
Payment of a financial contribution towards the provision of community hall facilities for the development based on 2.46 persons per dwelling and providing 0.185 sq. m per person plus £200 per dwelling for public art and 5% management and 7% maintenance.	Community Hall Contribution of 0.185 sq. m per person based on occupancy of 2.49 persons per dwelling - £2,482 per sq. m	Error in the published minutes excluded the cost per sq. m.  The occupancy rate altered to reflect 2.49(average occupancy per dwelling). Reconsultation to ensure accuracy of persons per dwelling  Public Art dealt with separately
Educational - £15,221 per dwelling (£745,829)	Primary education – £320,926  Secondary education - £365,607  Secondary land - £36,663  SEN - £22,654	Same total contribution (£745,850) but split between different educational needs
Payment for public art £224 per dwelling, and £200 per dwelling for public art and 5% management and 7% maintenance.	£200 per dwelling for public art plus 5% of that sum for management and 7% maintenance.	Revision of cost per dwelling following reconsideration by CDC recreation and leisure
CDC and OCC monitoring costs.	As set out in section 8 of S106, £1400 CDC and £6000 OCC.	Not finalised at time of Committee minute.
	Open space and Suds comprising Hedgerows £26.60 per linear metre,	Not in Heads of Terms but required to ensure that approved

	<p>informal open space £12.65 per sq m, LAP commuted sum £39528.11, Man Co monitoring by CDC £15000, Man Co default deposit £2205.71 per LAP, Mature trees commuted sum £280.04 per mature tree, SUDS Commuted sum £66.05 per sq m of retention basin and balancing ponds,</p> <p>And £74.43 per sq m attenuation tanks: and £120.32 per linear m for swales or other linear features</p>	<p>pre commencement SUDS drainage scheme, Open space scheme and LEMP to be approved by planning conditions is funded.</p>
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#### ***Other changes***

- 3.4 There have been no policy changes or other material changes in circumstances since the Committee resolution which, in the view of officers, would trigger a requirement for this application to be referred back to the Planning Committee for reconsideration.

#### **4. Post Committee Submissions / Representations**

- 4.1 None

#### **5. Summary and Recommendation**

- 5.1 It is considered that the terms of the Committee resolution have now all been met.
- 5.2 The alterations to the obligations secured by the S106 are considered to be minor and continue to fall within the scope of the Committee's delegation. There have been no other material changes in circumstances or considerations since the Committee resolution that would require the application to be referred back to the Planning Committee.
- 5.3 The terms of the delegation have been met and therefore it is requested at authorisation be given for the decision to be issued.

Case Officer: David Lowin

DATE: 23 June 2022

Checked By: Alex Chrusciak

DATE: 23 June 2022

Authorised By: David Peckford

DATE: 23 June 2022 (via email)