

East Staffordshire Borough Council

**Rule 12 – Urgent Business**

Meeting of the Planning Committee on 17<sup>th</sup> January 2017

Notice of Motion – Demolition of existing warehouse building, storage tanks and electricity sub-station to facilitate the erection of 47 dwellings including construction of vehicular access, associated landscaping and community open space (variation of time limit condition) - **Proposed Residential Development, Victoria Crescent, Burton Upon Trent, Staffordshire**

The following motion had been received on behalf of Councillor G Hall under Procedural Rule 14 and the Planning Committee is asked to consider it as urgent business.

“That Members should consider the report of Sal Khan, Head of Service in respect of the Proposed Residential Development, Victoria Crescent, Burton Upon Trent, Staffordshire, and decide upon the recommendations set out in the report which will be available at the meeting”.

Dated: 12-1-17

.....  
Councillor G Hall

Received by the Proper Officer at 9.15<sup>a.m.</sup> on 13/1/17



**Agenda Item: URGENT ITEM**

**Site:** Proposed Residential Development, Victoria Crescent, Burton Upon Trent, Staffordshire

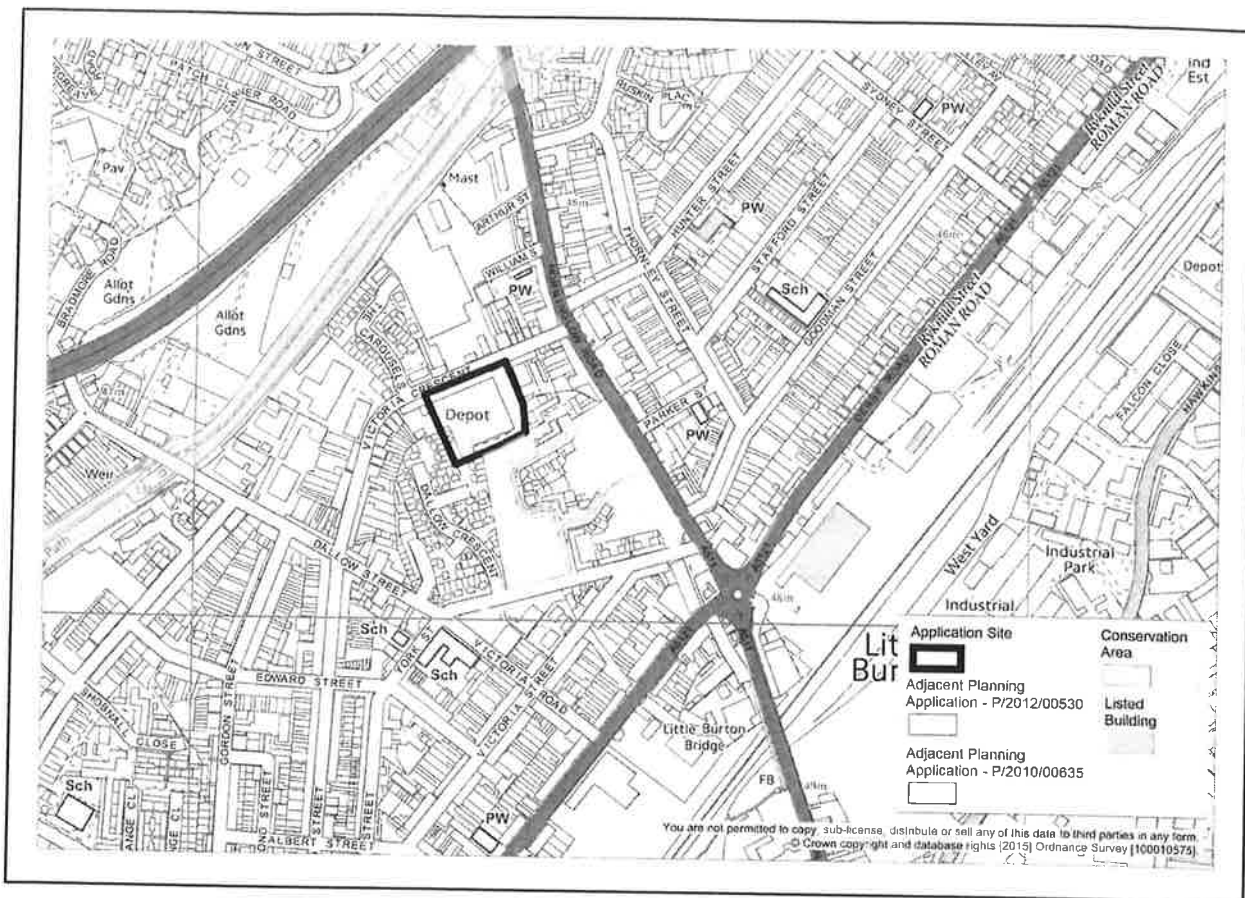
**Proposal:** Demolition of existing warehouse building, storage tanks and electricity sub-station to facilitate the erection of 47 dwellings including construction of vehicular access, associated landscaping and community open space (variation of time limit condition).

**Report of Head of Service (Section 151 Officer)**

This report has been checked on behalf of Legal Services by John Kirkham

**Hyperlink to Application Details**

<b>Application Number:</b>	P/2014/01488	
<b>Planning Officer:</b>	Charlotte El Hakiem/Naomi Perry	
<b>Type of Application:</b>	Detailed Planning Application	
<b>Applicant:</b>	Coleman Investments Ltd	
<b>Ward:</b>	Eton Park	
<b>Ward Member (s):</b>	Councillor R J Clarke Councillor S Andjelkovic	
<b>Date Registered:</b>	17 December 2014	
<b>Date Expires:</b>	Extension Of Time 20 <sup>th</sup> January 2017	

**Map of site****1. Background**

- 1.1 Planning Application P/2014/01488 was taken to Planning Committee on 16<sup>th</sup> August 2016.
- 1.2 The proposal sought detailed planning consent for 47 dwellings, including access, affordable housing, landscaping and community open space on land at Victoria Crescent, Burton upon Trent.
- 1.3 The application was given a resolution to approve (subject to conditions) by committee and since that time the S106 has been negotiated. Planning Committee voted to include a time limit to ensure that the development proposed would commence within 12 months of the date of the decision.
- 1.4 The S106 is now close to being completed and the application is due to be determined by 20<sup>th</sup> January 2017, hence the urgency.

**2. Proposal**

- 2.1 The applicant has approached the Local Planning Authority with regard to the amendment to the time limit condition.
- 2.2 The applicant is now requesting that the time limit is increased on planning application P/2014/01488 to commence development within 18 months of the date of this planning permission rather than 12 months. The reasons for such a request are set out in *italics* below:

- 2.3 *Due to the location of the site, the nature of the high density development and the resulting marginal viability of the site, it is not considered that there is any market for onward sale to a standard house builder. In this case a Joint Venture arrangement is therefore proposed as the realistic way forward with the applicant working with another party to bring the development forward. Whilst some initial discussions have taken place, the site cannot be put to the market to seek a partner until the S106 agreement and full planning permission has been granted. The process of then agreeing a working arrangement and formally signing a contract is likely to take 4 -6 months. However, a suitable partner needs firstly to be found and this could take some further months.*
- 2.4 *In addition to securing a Joint Venture agreement with a partner, the applicant has 13 pre-commencement conditions to discharge. Again, these details cannot be finalised until a partner is identified to take forward the development and several of the conditions require detailed schemes to be formulated and approved by statutory consultees. This in itself is another lengthy process that can easily take 6 months to fully satisfy all of the conditions.*
- 2.5 *Taking on board the need to find, negotiate and sign up a partner for a joint venture and then discharge 13 complex pre-commencement conditions, a period of 12 months is not considered to offer enough flexibility to secure the implementation of the residential development at Victoria Crescent. The applicant is committed to redeveloping the site, having already sought separate demolition consent to remove the dilapidated factory building. There does need to be a pragmatic approach taken, particularly as the applicant has worked with the council for over 3 years to bring this site forward for significant improvement and contribution to the housing in such a sustainable location. It is therefore requested that a further 6 months is added giving an 18 month period of commencement of development within proposed Condition 1 of the planning consent.*

### **3. Assessment**

- 3.1 The standard time limit to commence development is 3 years. Within the Planning Committee meeting on 16th August 2016 there was resolution by members to reduce the standard time limit to one year to speed up the delivery of the development.
- 3.2 The applicant considers it impracticable to commence development within 12 months of the date of the decision, due to a third party developing the site and the ability to discharge all relevant conditions within 12 months. The applicant therefore requests an extension to the time limit to 18 months. Having considered the information provided by the applicant, Officers consider this is a reasonable request.

#### 4. Recommendation

- 4.1 The recommendation is **that the request be agreed and that condition 1 agreed at Planning Committee 16<sup>th</sup> August 2016 be amended as set out below:**

##### Original Condition 1:

*The development hereby permitted shall be begun before the expiration of one year from the date of this permission.*

*Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

##### Be amended to read:

✓ The development hereby permitted shall be begun before the expiration of 18 months from the date of this permission.

**Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**

- 4.2 All other conditions will be applied to the decision as per the previous resolution of Planning Committee of 16<sup>th</sup> August 2016.

#### 5. Background papers

- 5.1 The following papers were used in the preparation of this report: All papers on file P/2014/01488 and email from applicant dated 12<sup>th</sup> January 2017.

#### 6. Human Rights Act 1998

- 6.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

#### 7. Crime and Disorder Implications

- 7.1 It is considered that the proposal does not raise any crime and disorder implications.

#### 8. Equalities Act 2010

- 8.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.