

Committee:	Development Control Committee	Agenda Item
Date:	22 July 2009	7
Title:	Amendment to Affordable Housing Development at Langley Upper Green UTT/1380/08/FUL	
Author:	Michael Ovenden (Head of Development Control 01799 510476)	Item for decision

Summary

- 1 A request has been received from the applicant to reduce the site area of the development and to vary other aspects of the proposal. This report seeks the Committee's acceptance to the revised site area and to some variations to the approved scheme.

Recommendation

- 2 **That the committee accept the revised drawing reducing the application site area to allow the S106 agreement to be signed and the permission issued and the minor alterations referred to in the report.**

Background Papers

- 3 Application UTT/1380/08/FUL, the associated committee report and applicant's letter dated 1 July 2009 (copy of both attached).

Impact

Communication/Consultation	The Parish Council and neighbours have been given an opportunity to comment on the application and the proposed revisions. Comments received are summarised in the report.
Community Safety	None
Equalities	None
Finance	None
Human Rights	None
Legal implications	The S106 agreement will relate to the application site area
Sustainability	None
Ward-specific impacts	Agreement to this change will permit the

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	provision of affordable housing
Workforce/Workplace	None

Situation

4 On the morning of 25 February 2009 the Committee visited the site of the proposed development for eight affordable dwellings at Langley Upper Green and later that day resolved to grant planning permission subject to conditions and a S106 agreement, to secure the occupation of the dwellings as affordable units. The report and minutes are attached to this report as appendices.

5 During the subsequent negotiation of the S106 agreement the landowner confirmed that he was not willing to sign the S106 agreement as drafted and wanted to retain an area of land measuring approximately 600 sqm. As owner of the site the landowner must be a signatory to the S106 agreement or the agreement cannot be completed. If the S106 cannot be completed, the permission cannot be issued and the development cannot go ahead. This has led the applicant to request the reduction in the size of the site, removing the 600 sqm of land that the landowner wishes to retain from the application site. The revised application site area is shown on the attached map. This issue is brought to Committee because it is a significant change to the proposal that the committee resolved to approve in February.

6 The amended site would allow a development which would be similar in most respects – for example number of dwellings, their position etc and retain an open area available for recreation of 1200sqm including the courtyard. Had the application originally been made for the amended site it would have been recommended for approval.

7 It is not clear what the landowner intends to do with the piece of land or why he wishes to retain it. However its lawful use is as agricultural land and therefore its use for another purpose will require planning permission. If a planning application is made it will be judged on its merits starting with the Development Plan policies that exist at that time. Currently in accordance with existing policies there appears to be no development potential on this site.

8 In the circumstances outlined above there appears on balance to be no reason to reject the reduced site area as the resultant development would be satisfactory. Conversely the rejection of the reduced site area would risk the loss of the affordable housing development.

9 Other variations are proposed:

- Change from mains drainage to klargester treatment plant
- Provision of open parking rather than in cartlodges
- Minor changes to window and doors

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10 The provision of a Klargestar is a common and satisfactory way of dealing with foul water from small developments and will deal adequately with foul water. The omission of cartlodes and the minor changes to the windows and doors are minor items that raise no planning issues. These alterations would normally be considered at officer level but are included as part of this report so that they can all be considered together.

11 The proposal also includes the provision of a 'grasscrete' track across the remaining open land towards the land to be omitted. This is a requirement of the landowner.

Comments from the Parish Council and residents

12 The Parish Council and local residents have been notified of the revisions. The following issues are raised in six letters received before drafting this report:

- Use of Klargestar
- Possible future development on land to be retained
- Use of closeboarded fencing and changes to the car parking layout
- Objections to the principle of the development and over highway safety
- Issues about the identity of the applicant/developer

Remarks on comments raised

13 The use of a Klargestar, future development of the retained land and omission of cart lodges is addressed above; the extent of close boarded fencing is limited with most of the site boundary being planted and fenced with 1.2 metre high chain link fencing. The issues of principle of development, highway safety and identity of the applicant were considered prior to the committee's resolution to grant permission and are not affected by the requested changes.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Inability to issue permission if amendment is refused	3/4 Medium-High	3/4 Failure to provide affordable housing on the site to meet local community housing needs	Agree to amendment
Future development of the portion of land removed from site	1. Low risk	2. Additional development outside the development limit	Future proposal will have to be considered in the planning circumstances that exist at the time of any future application