

PLANNING COMMITTEE: 29th October 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2008/1036 Demolition of existing buildings and erection of 23 flats with associated access and car parking, land at Balmoral Road

WARD: Trinity

APPLICANT: Babington Properties
AGENT: Shoosmiths

REFERRED BY: Head of Planning
REASON: To confirm previous Committee decision

DEPARTURE: Yes

1. RECOMMENDATION

1.1 That the planning application is **FINALLY DISPOSED OF** under the provisions of The Town and Country Planning (Development Management Procedure) (England) Order 2010.

2. THE PROPOSAL

2.1 An application for full planning permission was submitted to the Council in September 2008 to demolish the existing buildings and erect 23 flats arranged within two blocks. 23 car parking spaces would be provided that would be accessed from Balmoral Road.

3. SITE DESCRIPTION

3.1 The site is in an allocated business area. The surrounding area primarily comprises residential accommodation. The application site is in close proximity to the widely used Kingsthorpe Road.

4. RELEVANT PLANNING HISTORY

4.1 99/0074 – Demolition of existing and erection of 36no residential flats – outline application – Undetermined
N/2004/1112 – Erection of 20no. flats – Approved
N/2007/1045 – Erection of 36no. flats and associated parking, cycle

and bin stores – Allowed on Appeal
N/2008/0261 – Demolition of existing buildings and erection of 22no.
flats with associated access and parking – Withdrawn

4.2 This application (N/2008/1036) was reported to the Planning Committee on the 17th December 2008. Members resolved to approve the application subject to the completion of a Section 106 Agreement securing on site affordable housing and a payment for education provision. A draft Section 106 Agreement has been produced; however, there has been little progress in the completion of this document.

4.3 A report was considered by the Planning Committee at the meeting held on the 5th March 2013, where members resolved to Finally Dispose a number of applications, including this particular application. Unfortunately, the published minutes from that meeting erroneously did not include this particular application. The purpose of this report is therefore to request that members confirm their decision to dispose of this application.

5. APPRAISAL

5.1 The Development Management Procedure Order (Part 7, Article 36, Paragraph 13) allows for Local Authorities to Finally Dispose applications for which the statutory period for determination has elapsed and the subsequent period for appealing against non-determination has passed. The age of the application is such that there would need to be a thorough reassessment of the proposal prior to determination, which could include requiring additional information to be submitted.

5.2 An option available to the Council would be to refuse the application. However, this would be subject to challenge by appeal and this would detrimentally affect performance statistics through no fault of the Council. The proper procedure in cases where there has been a long period of inactivity is in any event for the application to be Finally Disposed.

6. CONCLUSION

6.1 It is considered by officers that this application is unlikely to be progressed by the applicants or their agents. With this in mind and given the considerable passage of time and the changes in planning circumstances that have occurred in the intervening period, Committee is asked to confirm that the application be Finally Disposed Of.

7. BACKGROUND PAPERS

7.1 N/2008/1036

8. LEGAL IMPLICATIONS

8.1 None.

9. SUMMARY AND LINKS TO CORPORATE PLAN

- 9.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.