Application EB/2002/0739

Clifton Nursery & 252

Kings Drive Eastbourne

Late urgent item

Planning & Licensing Committee

17 June 2003

Background

1. At the meeting on 1 April 2003 the Committee resolved to grant permission for the above application.

2. The resolution provides that permission is to be granted "subject to the prior conclusion of a legal agreement in respect of off-site highway improvement works and contributions towards affordable housing, open space and flood storage." Also, various conditions were set out in the resolution.

3. The resolution needs to be amended to reflect the fact that the legal agreement with the County Council will not cover contributions towards affordable housing, open space and flood storage.

4. Rather, the resolution should follow the approach taken in respect of the earlier outline application. Here, the legal agreement related to off-site highway improvement works. It was a condition of the permission that prior to commencement of development, provision should be made for contributions towards affordable housing, open space and flood storage."

5. The reason why the outline resolution did not refer to contributions towards affordable housing, open space and flood storage, was that these issues are dealt with by the Borough Council acting as local planning authority. As landowner the Council cannot enter into a contract with itself, through a legal agreement, to provide contributions towards affordable housing, open space and flood storage.

6. In this particular case the appropriate mechanism for securing the contributions towards affordable housing, open space and flood storage, is a planning condition.

Recommendation

That the minute of 1 April 2003 be amended as follows:

Deletion of the words "and contributions towards affordable housing, open space and flood storage" in respect of the legal agreement.

Addition of a further planning condition as follows:

"That prior to commencement of the development provision shall be made for contributions towards affordable housing, open space and flood storage."

Mark Reynard

Head of Legal Services

17 June 2003