

Item Number: 9
Application No: 22/01052/73
Parish: Claxton Parish Council
Appn. Type: Material Amendment
Applicant: Claxton Grange Venture LLP
Proposal: Removal of condition 02 of planning approval 15/00014/MFUL dated 10.09.2015 to allow the removal of local needs occupancy condition to dwellings 03, 08, 11, 12 and 14
Location: Claxton Grange Malton Road Claxton Malton North Yorkshire YO60 7RE

Registration Date: 15 September 2022
8/13 Wk Expiry Date: 10 November 2022
Overall Expiry Date: 26 October 2022
Case Officer: Alan Goforth **Ext:** 43332

CONSULTATIONS:

Claxton Parish Council Objects to this application, as it does not support young people living in the area

Representations (1): Mr Mark Groves (objection)

BACKGROUND:

The application was reported to the meeting of the Council's Planning Committee held on 20 December 2022. Members resolved to defer the determination of the application in order to establish the status of the Public Open Space payment required by the Section 106 Legal Agreement associated with the earlier planning permission (ref. 15/00014/MFUL dated 10.09.2015).

Public Open Space payment

The Third Schedule of the Section 106 Legal Agreement dated 1 September 2015 requires the payment of an off-site Public Open Space Commuted Sum of £28,500. It states:

'The Owners covenant not to permit Occupation of more than six Dwellings on the Site unless and until the Owners have paid to the Council the Public Open Space Commuted Sum'.

The Council's records show that, to date, the payment has not been received. In light of this it is necessary for the planning obligations contained within the Section 106 Legal Agreement to continue to apply following the grant of this application made under Section 73 of the Town and Country Planning Act 1990.

The recommendation is unchanged save for the requirement for a deed of variation of the Section 106 legal agreement to ensure that the Public Open Space Commuted Sum planning obligation contained within the Section 106 Legal Agreement continues to apply.

RECOMMENDATION: **Approval** subject to the completion of a deed of variation for the Section 106 legal agreement relating to the Public Open Space Commuted Sum and the conditions as listed in the earlier report