

Land East of Bell College, Saffron Walden

Development Control, item 6

Committee:	Development Control	Agenda Item
Date:	23 November 2005	6
Title:	Land East of Bell College, Saffron Walden	
Author:	Hilary Lock, Planning Control Manager	Item for
	North, extn. 486	decision

Summary

This item seeks Members consent to modify the Section 106 agreement attached to outline planning permission UTT/0790/03/REN in the interests of health and safety of the public using the site.

Recommendations

That Members agree to modify the terms of the Section 106 agreement to allow for

- the sports pitch and multi-use games area being laid out for use prior to the occupation of the first dwelling, but their transfer to the District Council, and use by the general public, upon the occupation of the 22nd dwelling (Plot 8).
- the provision of the pavilion and the public open space, and their transfer to the District Council, prior to the occupation of the 22nd dwelling.
- In the event of construction work on site ceasing prematurely, and the 22nd house not being built or occupied, safeguards within the agreement to require the provision of all facilities.

Background Papers

A letter from Countryside Properties dated 23 September 2005, and subsequent e-mail of 21 October 2005.

Impact

Communication/Consultation	Public consultation was undertaken on the original planning application UTT/0790/03/REN, and subsequent reserved matters applications. This proposal does not materially affect local residents, and no further consultations are considered necessary.
Community Safety	The purpose of this amendment is to minimise the risks to users of the pitch during the construction period of the adjacent houses.
Equalities	None

Land East of Bell College, Saffron Walden

Development Control, item 6

Finance	None
Human Rights	None
Legal implications	If agreed by this Committee, the amendment would be addressed in a Supplementary Agreement
Ward-specific impacts	Saffron Walden Shire
Workforce/Workplace	None

Situation

- 1 The outline planning permission for the change of use of land at Bell College to residential and public open space was renewed in November 2004. The permission was subject to a Section 106 legal agreement, which amongst other matters included a requirement to level, drain, grass and mark as appropriate a senior sized football pitch for public use, laying out of a multi-use games area, construction of a pavilion and parking spaces, laying out of a public open space, and the transfer of the facilities to the District Council within 20 days of their completion. All of these works were required to be undertaken prior to the first occupation of any of the dwellings on the site.
- 2 The applicant has made representations concerned at the health and safety implications of allowing access to these facilities prior to occupation of the dwellings, given their location deep in the site. This would result in the public passing through a construction site to gain access to the public open space and sports pitches, with clear safety implications. In any event, due to the requirement for settlement of the pitch, it would not be useable as a football pitch for at least a year.
- 3 In order to reduce the risk to the public and the liability to the developer, it is now proposed that the sports pitch and multi-use games area will be laid out for use prior to the occupation of the first dwelling, but they would not be transferred to the District Council and made available for public use until the occupation of the 22nd dwelling (Plot 8, this being the most suitable point to avoid conflict with construction traffic).
- 4 In view of the above, there would be no point in building the pavilion and parking, which would stand empty, or providing the public open space which would be unused, until occupation of the 22nd dwelling also. It is therefore requested that the construction of these elements is also deferred until occupation of the 22nd building.
- 5 A further safeguarding clause would be required to ensure the delivery of all these facilities in the event of construction works on site ceasing prematurely, and the 22nd unit not being built (or more particularly, occupied).

Risk Analysis

Land East of Bell College, Saffron Walden

Development Control, item 6

Risk	Likelihood	Impact	Mitigating actions
That the facilities do not get provided	low	significant	Safeguards would be built into the legal agreement to require provision of all facilities if construction work on site ceases.
That the agreement is not modified, and a member of the public is harmed on site	medium	Significant	Amendment to the agreement would minimise the likelihood of this occurring.