

Committee: Planning Committee

Agenda Item

Date: 8th February 2012

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Title: UTT/1032/11/FUL : 2 dwellings on phase G, Foresthall Park, Stansted

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Item for decision

Summary

To change the recommendation for approval for the application from:

“Recommendation: UTT/1032/11/FUL approval with conditions and S106 Legal Agreement”

To

“Recommendation: UTT/1032/11/FUL approval with conditions and S106 Obligation”

Recommendation

Allow the change to the wording of the recommendation of approval for the planning application.

Financial Implications

None

Background Papers

1. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Current drafts of the section 106 obligation relating to this development.

Impact

2.

Communication/Consultation	This report is submitted after consultation with the Applicant
Community Safety	No impact
Equalities	No effect
Health and Safety	No issues

Human Rights/Legal Implications	None
Sustainability	No issues
Ward-specific impacts	None
Workforce/Workplace	No issues

Situation

3. The resolution to grant was made on 24 August 2011. As the obligation under Section 106 was for the payment of two contributions, Community payment of £3,174 and Highway Contribution £2,480 it was agreed with the applicants that a unilateral undertaking would be acceptable. The undertaking was prepared and sent to Essex County Council Legal Services for approval on 3 January 2012. Despite reminders we have not received a reply.
4. The original resolution to grant required there to be a "Legal Agreement", which means that UDC cannot accept a Unilateral Undertaking unless ECC "agree" to this. By changing the resolution to "an obligation" under section 106, UDC can accept the Unilateral Undertaking provides all the contributions, required by ECC to make the development acceptable are secured.

Risk Analysis

5.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	None

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.