

**Committee: Planning**

**Agenda Item**

**Date: 30<sup>th</sup> May 2012**

**5**

**Title: UTT/1960/11/FUL - 4 dwellings on Phase H,  
Foresthall Park, Stansted**

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**Key decision: No**

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## Summary

1. This report recommends that the Committee's resolution of 14<sup>th</sup> December 2011 is amended to accurately reflect the requirements of the original S106 agreement signed in 2004 relating to the provision of a shop.

## Recommendation

2. That Point iii) of the Committee's resolution of 14<sup>th</sup> December 2011 is amended to "Safeguarding of Plot 164 as shown on drawing PH085-02-27 in the event that a shop is required".

## Financial Implications

3. None

## Background Papers

4. 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 draft of the S106 Agreement relating to this development

## Impact

- 5.

Communication/Consultation	This report is submitted following discussions with the developer about the currently draft S106 Agreement
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None

Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

**Situation**

6. The Committee resolved to grant planning permission for these 4 houses on 14<sup>th</sup> December 2011 subject to a S106 Agreement to secure the following:
  - i) Pro-rate uplift in highways contribution
  - ii) Pro-rata uplift in community payment
  - iii) Safeguarding of land in the event that a shop is required
  - iv) Pay Council's reasonable costs
  
7. In relation to Point iii), the requirement on the developer under the original 2004 S106 Agreement is to "provide within the site a plot of land and building suitable for use as a retail shop to serve the needs of the development and adjoining properties". Prior to submitting the application, discussions were held with the developer which concluded that the northernmost of the four plots (Plot 164 shown on drawing PH085-02-27) would suffice for the retail shop.
  
8. Unfortunately, the Committee report referred to "ensuring the dwellings are not built in the event of the shop being required" when it should just have referred to the dwelling on Plot 164. The minute of the meeting also reflected that error, and the draft S106 Agreement has been worded accordingly.
  
9. The developer has commented that it is not necessary to prevent the erection of houses on the other 3 plots in the event that the shop is required, and officers agree with this. However, the Committee's original resolution prevents the draft agreement from being reworded unless the resolution is changed.
  
10. It is therefore recommended that Point iii) of the Committee's resolution of 14<sup>th</sup> December 2011 on UTT/1960/11/FUL be amended to "Safeguarding of Plot 164 as shown on drawing PH085-02-27 in the event that a shop is required". This amendment would then tie in with the original 2004 agreement.

**Risk Analysis**

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.