

Committee: Planning Committee

Agenda Item

Date: 9 April 2014

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Title: UTT/13/2839/FUL development at Silverdale, The Street, Takeley and UTT/13/2912/FUL development ay Land Adjacent Village Hall, Dunmow Road, High Roding

Author: Andrew Taylor, Assistant Director
Planning and Building Control

Summary

1. Following the adoption of a revised Developer Contributions Guide by Cabinet there is a need to remove the requirement to enter into a S106 legal obligation to secure financial contributions ftowards affordable housing.

Recommendation

2. Resolve to approve both applciations subject to the same planning conditions as previously, but without a S106 legal obligation.

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.

Committee reports from 15 January 2014 and 11 December 2013.

Impact

- 5.

| | |
|----------------------------|--|
| Communication/Consultation | This report is submitted after consultation with the Applicant abnd following the decision of Cabinet. |
| Community Safety | No impact |
| Equalities | Ensures that all live planning applications are treated in the same way. |
| Health and Safety | No issues |

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

Situation

6. The resolution to grant was made on 15 January 2014 and 11 December 2013 respectively. Since then negotiations for the completion of section 106 obligations have proceeded.
7. At the same time ongoing discussions have been had with the Local Plan Working group and Cabinet regarding the Developers Contribution Guide. As a result the document has been amended and a new version adopted in March 2014.
8. This document removes the requirement for a financial contribution from developments of single dwellings. As a result a number of delegated decisions have now been issued without a S106 legal obligation. However, there were two cases which have been reported to the Planning Committee for their consideration. It is these two cases which are being reported back.

UTT/13/2839 FUL development at Silverdale, The Street, Takeley

9. This application is for the conversion of an existing dwelling to a pair of semi-detached dwellings thereby creating one additional dwelling. This was recommended for an approval by officers and supported by the Committee.

UTT/13/2912/FUL development ay Land Adjacent Village Hall, Dunmow Road, High Roding

10. This application is for the erection of one dwelling on a vacant plot of land. This was recommended for refusal by officers but supported by the Committee.

Conclusion

11. It is important that there is consistency of decision making within the Council. Following the newly adopted Developer Contributions Guide all live delegated decisions for single dwellings have been issued without the requirement for a S106 legal obligation. These two Committee cases are being reported back with a recommendation to do likewise.

Risk Analysis

| Risk | Likelihood | Impact | Mitigating actions |
|---|---|--|---|
| 1 – Inconsistency in Council decision making could lead to challenges of decisions. | 2 – Some risk arising from the a lack of consistency. | 2 – A challenge could result in legal or other fees for which the Council would be liable. | Amend the recommendation to remove the requirement for a S106 legal obligation. |

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.