

**Committee: Planning**

**Agenda Item**

**Date: 10 April 2019**

**[?]**

**Title: UTT/18/0386/FUL; Demolition of existing out buildings and erection of eight detached dwellings and a block of garages. Great Chalks, High Street, HATFIELD BROAD OAK**

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Development Manager**

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### **Summary**

1. The above planning application was reported to Planning Committee on 26 September 2018 with a recommendation for approval subject to planning conditions and the completion of a Section 106 Obligation.
2. It has since transpired that the Heads of Terms of an S106 agreement contained in the report to Committee only referred to the making of contributions to off-site affordable housing. During the debate upon the matter the issue of the provision of public car parking was considered, in addition to other matters related to the management and maintenance of the landscaping and green space.
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3. Although these matters are mentioned in the approved minutes, this is only in the context of the matter being suggested by the Development Manager as potential mitigation measures.. The matter was fully discussed, but the minutes do not reflect whether the issue was accepted by members or what the the mechanism to deliver these matters would be. The recollection of officers and the Applicant from the meeting confirmed by the audio recording was that these matters were considered by the Committee and it was resolved to include these matters within the Section 106 agreement.
4. Officers consider it prudent to clarify this matter before the completion of the Section 106 Obligation and the issuing of the planning permission. The purpose of this report is to clarify the terms of the resolution to approve and not to revisit these terms or indeed the merits of the case.

### **Recommendations**

**It be confirmed that Planning Committee on 26 September 2018 resolved to APPROVE planning permission subject to conditions**

**SUBJECT TO S106 LEGAL OBLIGATION**

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Director: Legal & Governance, in which case he shall be authorised to conclude such an agreement to secure the following:
- (i) Financial contributions in respect of affordable housing;
  - (ii) Securing the ongoing management of the public open space and associated landscaping;
  - (iii) The provision and the ongoing securing of the public car parking provided on the site
  - (iv) Pay the Council's reasonable legal costs
  - (v) Pay the monitoring fee
- (II) In the event of such an agreement being made, the Assistant Director Planning be authorised to grant permission subject to the conditions set out and agreed by Planning Committee on 26 September 2018
- (III) If the freehold owner shall fail to enter into such an agreement the Assistant Director Planning shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:
- (i) Lack of contribution in respect of affordable housing
  - (ii) Lack of provision and ongoing securing of public car parking
  - (iii) Lack of provision and ongoing maintenance of public open space.

### **Financial Implications**

1. None. There are no costs associated with the recommendation.

### **Background Papers**

Planning Application Reference UTT/18/0386/FUL; Planning Committee Report 26 September 2018 and Associated Minutes

## Impact

1.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## Risk Analysis

1.

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.