

Redevelopment to provide multiplex cinema, ten pin bowling and associated commercial leisure and hotel facilities together with the construction of a public library, offices and residential development – land North East of County Hall, Bythesea Road, Trowbridge

Officer – David Hubbard, Development Control Service Manager.

1. Purpose

The report seeks to amend that part of the decision reached by the committee at the meeting of 16th, February in respect of the above planning application.

In particular it seeks to change the form of the planning obligation to secure the provision of sufficient affordable housing, education provision and a negotiated sum for the provision of public art from a unilateral agreement to a section 106 agreement.

2. Background

The planning application for the above development was considered by the Planning Committee at its meeting on 16th February.

‘The Committee resolved that the application be referred, on completion of the statutory consultation period, to the Secretary of State as a departure from the Development Plan and for development within the conservation area, which the Council is minded to grant permission subject to the satisfactory completion of a Unilateral Agreement to secure the provision of sufficient affordable housing, education provision and a negotiated sum for the provision of public art in accordance with adopted development plan policy. The Development Control Manager be authorised to issue the decision on completion of the above’.

The resolution also included 24 planning conditions and an informative note

3. Key issues

The key issue is the form the agreement should take.

The Legal and Democratic Services Manager advises that although a "Unilateral Agreement" can be given under S.106 of the Town and Country Planning Act 1990, a "Unilateral Agreement" would only provide for the giving of undertakings by one party to another. Due to the complexities of the issues that need to be addressed in respect of this application by the giving of undertakings between two or more

parties, it would be in the best interests of the Council to be able to enter into a "Section 106 Agreement"

Financial implications: None

Legal issues: The report addresses the form a planning obligation between the applicant and the council should take.

Other implications: None.

Human rights: None.

4. List of background papers

Planning application 05/02884/OUT
Report 1 of the planning applications for determination in the papers for the Planning Committee meeting of 16th February, 2006.

5. Recommendation (s)

The resolution of the Committee of 16th February, 2006 in respect of this planning application be amended to read as follows:-

‘The Committee resolved that the application be referred, on completion of the statutory consultation period, to the Secretary of State as a departure from the Development Plan and for development within the conservation area, which the Council is minded to grant permission subject to the satisfactory completion of a Section 106 Agreement to secure the provision of sufficient affordable housing, education provision and a negotiated sum for the provision of public art in accordance with adopted development plan policy. The Development Control Manager be authorised to issue the decision on completion of the above’.

Plain English Guidance Given 