

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **WEDNESDAY, 17 DECEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **GENERAL MATTERS - PROPOSED AMENDMENT TO SECTION 106 AGREEMENT - MORRISON'S SUPERMARKET, HIGH STREET, SALTNEY**

1.00 APPLICATION NUMBER

1.01 045999

2.00 APPLICANT

2.01 Wm. Morrison Supermarkets Plc

3.00 SITE

3.01 Chester Road, Saltney

4.00 APPLICATION VALID DATE

4.01 Not applicable.

5.00 PURPOSE OF REPORT

5.01 To seek authority to amend a Section 106 Agreement entered into by the Council with Morrisons in connection with the planning permission for the erection of the store at Chester Road, Saltney in 2009.

6.00 REPORT

6.01 Planning permission was granted in August, 2009 for the erection of a retail superstore with associated external works including car parking, trolley storage shelters, landscaping and enclosed service yard with separate vehicular access and ancillary works at the former G.T.Owens site. The planning permission was subject to a Section 106 Agreement which, amongst other matters, required of Morrisons the transfer of a plot of land to the Council for the erection of a new

library building to serve Saltney. The land concerned covers approximately 0.3 acres and is located at the eastern end of the site, to the east of the supermarket access road.

- 6.02 The Agreement requires that the land be transferred back to Morrisons (or any subsequent owner of the retail store) if the library building has not been built within seven years of the date of the permission. There is no requirement for Morrisons to construct the library building and it would also be the responsibility of the Council to obtain planning permission for it. In the current financial position there is no finance available for this project and no foreseeable prospect of this coming forward, certainly not before August 2016, when the land would be reclaimed by Morrisons. A further factor is the existing high voltage electricity cable which is buried within the site and constrains the position and design of any built development.
- 6.03 This report seeks authority to renegotiate the S.106 Agreement with Morrisons to allow the land to be retained by the Council beyond the August, 2016 cut-off, providing it is used for some benefit to the community.
- 6.04 Clearly, as the land is being handed to the Council by Morrisons free of charge, it cannot be used for any commercial, profit making purpose, which would breach the standards covering legal agreements under S.106. Initial meetings have been held with representatives of Morrisons and the Saltney Town Council to consider potential alternative uses which might include a memorial garden or similar low key development, which Morrisons should not have cause to take issue with. If the land was seen to have a commercial value, Morrisons would be unlikely to allow the Council to benefit from this without some recompense.
- 6.05 The terms of any revised Agreement would need to be settled but it is important that sufficient time is available before August, 2016 to allow negotiations to take place, hence the timing of this report to Committee.

7.00 RECOMMENDATIONS

- 7.01 That the Chief Officer (Planning and Environment) be given delegated authority to re-negotiate the clause within the existing Section 106 Agreement entered into in connection with planning permission ref. 045999, to allow the land to be developed for community use (subject to the relevant planning permission being obtained).

LIST OF BACKGROUND DOCUMENTS

Planning Application, Section 106 Agreement & Supporting Documents.

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