

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 18 NOVEMBER 2015**

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

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

1.00 APPLICATION NUMBER

1.01 045999

2.00 APPLICANT

2.01 N/A

3.00 SITE

3.01 Land adj. Morrisons supermarket, Saltney.

4.00 APPLICATION VALID DATE

4.01 N/A

5.00 PURPOSE OF REPORT

5.01 To seek authority for land to be transferred by Morrisons directly to the Town Council and to vary the 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 as required.

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 further 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. A report to Committee in Dec. 2014 obtained a resolution to renegotiate the clause within the Agreement 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. At that time the intention was to allow the land to be transferred to the Town Council to be used as a memorial garden. Currently the land is still in Morrisons' ownership.
- 6.03 Following further negotiations it is now intended that the land should be transferred by Morrisons directly to the Town Council and the current report seeks the authority to allow Morrisons to transfer the land directly to the Town Council which they have indicated that they are willing to do, and to vary the S.106 Agreement as required (including adding the Town Council as a party if necessary).
- 6.04 Clearly, as the intention is that the land is to be handed to the Town Council by Morrisons free of charge, it is likely that their solicitors would impose restrictions on its reuse, e.g. that it should not be used for any commercial, profit making purpose. The Town Council will also need to apply for planning permission for any proposed use of this land or for any development on it.

7.00 RECOMMENDATIONS

- 7.01 That the land be transferred directly to the Town Council and the existing Section 106 Agreement entered into in connection with planning permission ref. 045999, be varied as required.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
Section 106 Agreement dated August 2009

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