

5 DISCHARGE OF SECTION 50 AGREEMENT OVER LAND TO SOUTH OF SOUTH ROAD (AN203-2007)

Members will recall the approval, subject to completion of a Section 75 Agreement, of Planning Application 05/00517/FUL by Tesco Stores Ltd for a supermarket at South Road by the Development Quality Committee at its meeting on 25 September 2006.

In the process of preparing the Section 75 Agreement with Tesco Stores Ltd an existing Section 50 Agreement over part of the land covered by the planning application has been identified. This agreement relates to a previous planning permission for a non-food retail unit and contained the standard restrictions imposed on such proposals. Although the agreement was entered into by the applicants the unit was never developed. Tesco Stores Ltd being heritable proprietors of the land now wish to discharge this Section 50 Agreement. The area of land bound by this Section 50 Agreement is only a small part of the land covered by the planning application in the south west corner of the site. The only part of the proposed development to take place on this piece of land is the proposed petrol filling station and some car parking. It is considered that the discharge of this Section 50 Agreement would have no adverse affect on any future development of this land.

It is recommended that the Committee agree to authorise the discharge of this existing Section 50 Agreement as part of the terms of the proposed Section 75 Agreement.