

Record of Officer's Decision

The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Date of Decision:	10 th July 2025
Decision Maker (Officer):	Deputy Chief Executive & Director of Place and Wellbeing
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	Cabinet decision dated 27 th June 2025.
Identify which Portfolio Holder(s)/Committee Chairman consulted?	N/A
Ward Member(s) consulted?	N/A
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	To enter into a unilateral undertaking with the Planning Authority pursuant to section 106, Town and Country Planning Act and Planning Application reference: 24/01890/FUL in respect of land at High Street Car Park Carnarvon Road Clacton On Sea Essex CO15 6QF.
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	The Cabinet at its meeting on the 27th June 2025 approved appropriation of land at Carnarvon Terrace for development purposes. In addition, the Cabinet delegated authority to the Deputy Chief Executive & Director of Place and Wellbeing, in consultation with the Corporate Director (Finance and IT) & Section 151 Officer and Legal Services to approve the final terms of the necessary legal instrument required for the purposes of the unilateral undertaking to be given to

	the planning authority by the Council in its capacity as the owner and developer of land. The planning committee sitting on the 8th July 2025, approved the revised recommendations allowing the issue of unilateral undertaking. The unilateral undertaking has now been considered by the lawyers for the Planning Authority and the Developer. Once sealed, the Planning Authority will be notified so that the planning decision notice can be issued. Publication of planning decision notice together with the appropriation, will minimise/mitigate risks of challenge to the proposed development.	
Highlight any associated risks/finance/legal/equality considerations:	None	
Details of any Alternative Options Considered and rejected (together with reasons):	None	
Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision) If relevant, a note of the dispensation granted by the Monitoring Officer:	N/A	
Reason Decision, or supporting Report, is not published: <i>Tick one or more of the specific exemptions,</i> <u>and</u>	X	Not applicable – Decision to be published
		N/A
		The report supporting the Decision contains confidential information
		The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:
		• Relates to an individual
		• Likely to reveal the identity of an individual
		• Relating to financial or business affairs of a person or organisation

<i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i>		
		• Relates to a claim for legal professional privilege in legal proceedings
		• Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment
		• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime <u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information Reasons: N/A

Officers

Signed: Lee Heley

Title: Deputy Chief Executive & Director of Place and Wellbeing

Signed:

Lee Heley

In consultation with:

[1] Corporate Director (Finance and IT) & Section 151 Officer

Names in capital:

Signature:

[2] Legal Services

Names in capital:

Signature: