

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 16 JANUARY 2014
title: PLANNING APPLICATIONS WITH NON-COMPLETED LEGAL AGREEMENTS
submitted by: JOHN HEAP – DIRECTOR OF COMMUNITY SERVICES
principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

1 PURPOSE

- 1.1 To request Committee's authorisation to allow for an extension of time to complete the Section 106 Agreements in relation to the following planning applications:

3/2012/0786 Outline proposal for 57 residential units at Clitheroe Community Hospital
Chatburn Road Clitheroe

3/2012/0964 Full proposal for 30 units at Whalley Road Hurst Green

- 1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – Economic growth and delivery of employment.
- Corporate Priorities – To be a well-run and efficient Council.
- Other Considerations – None.

2 BACKGROUND

- 2.1 Members will be aware that a report was taken in October 2013 to deal with the procedure and delegation was given to the Director of Community Services and Head of Planning Services to determine applications as finally disposed of if it was deemed appropriate. The purpose was to allow the Council to issue such decisions on applications that are long standing and insufficient progress has been made to resolve outstanding issues.

- 2.2 The October report included a list of old applications that have non-completed legal agreements and it is evident that these have now been issued. It was hoped that the two applications referred to in this report would have decisions issued but following ongoing negotiations, this is not the case. Members will be aware that there have been recent changes to planning legislation that has put significant pressure for Councils to determine applications promptly. There are also targets in relation to determination rates and one such target would involve the failure to determine applications within such a period which could ultimately face Councils under what is called a "Special Measures", which would give the opportunity for developers to no longer submit major applications to the Council and submit straight to the Secretary of State.

3 ISSUES

- 3.1 It is important to progress applications in an efficient manner and it is disappointing that both these applications have not progressed but it is clear that in the case of the Hospital

application, there has been some problems in understanding the process and authorising the correct department to undertake the work. In relation to the Hurst Green proposal, there would appear to be some dispute in relation to the Educational contributions as well as the planning conditions.

3.2 As I emphasised in the October 2013 report, there may be some tendency for developers to view the decision of Committee as sufficient for their purposes and for that reason they do not prioritise the need to progress on a Section 106 Agreement. In this instance I am of the opinion that it would be reasonable to give the applicants a further 2 months and inform them that if the Section 106 has not been duly signed within 2 months, that the applications will be likely to be determined as Finally disposed unless there are exceptional circumstances (Appendix 1 gives details of the applications).

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – This will put more pressure to determine decision applications for efficiently and could have some implications regarding management of resources but not necessitate the need for additional resources.
- Technical, Environmental and Legal - No implications identified.
- Political – No implications identified.
- Reputation – Speedier determinations is an important feature and although initially this approach may be seen as less negotiable, I consider it in time improve the Council's reputation for speedier decision.
- Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

5.1 Authorise the applications in Appendix 1 of the report and referred to in the main body to be “finally disposed of” ie deemed withdrawn if no agreement has been resolved within 2 months of the date of this report unless exceptional circumstances have been submitted and agreed by Head of Planning Services.

JOHN MACHOLC
HEAD OF PLANNING SERVICES

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

Planning and Committee report 10th October 2013 Agenda item 6 - Planning applications with non completed legal agreements and time expired applications.

For further information please ask for John Macholc, extension 4502.

REF: JM/160114/P&D

APPENDIX 1

SECTION 106 APPLICATIONS TO BE 'FINALLY DISPOSED OF'

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	06/12/12	57
3/2012/0964	Land north of Whalley Road Hurst Green	06/12/12	30