

Planning and Highways Regulatory Committee

Monitoring of Planning Obligations

Monday 2nd November 2009

Report of Head of Planning Services

PURPOSE OF REPORT

This report informs Members of the progress made in the monitoring and implementation of planning obligations within the City Council boundary following the appointment of the Planning Contributions Officer in May 2008.

This report is public

RECOMMENDATIONS

- (1) That Committee notes the contents of this first progress review and monitoring report.

1.0 Introduction

- 1.1 Following the appointment of the Planning Contributions Officer in May 2008 and completion of the first 12 months of an initial 24 month contract funded by Planning Delivery Grant it is considered appropriate to report on the progress made in the various areas of responsibility of the post holder, outlining progress to date. The intention is that henceforth, a twice yearly progress report will be presented to Members for consideration and comment.

2.0 Review of the Past Year

- 2.1 Principal outturns include the following:

- a) Interrogation of Council records to identify all planning obligations entered into since 2000.
- b) Establishment of a database to enable capture of key information on all planning obligations entered into since 2000. Records currently indicate that some 80+ agreements have been entered into since 2000.
- c) Review of terms of all agreements and compliance thereof.

- d) Establishment of operational links and development of process and procedures with other Council functions (notably Legal, Finance, Strategic Housing and Grounds Maintenance) to improve monitoring, compliance, financial accountability, delivery and quality of outcomes.
- e) Commencement of statutory consultation procedures preparatory to the drafting of a Planning Obligations Supplementary Planning Document as part of the Local Development Framework for approval and adoption by spring 2010.
- f) Securing of planning obligation payments to the authority in excess of £0.5million in financial year 2008/9. (Table A refers)

TABLE A

Site/Development	Sum secured	Purpose
Aalborg Place, Lancaster	£385,390 £5,000	Affordable Housing Electronic Transport Info System
White Lund, Lancaster	£33,488	Improvements to transport facilities
White Lund, Lancaster	£42,804	Improvements to transport facilities
Moneyclose Lane, Heysham	£25,000	Highway improvements
Total	£491,482	

Table B: Further payments already made or due to be made in financial year 2009/10

TABLE B

Site/Development	Sum secured	Purpose
Aalborg Place, Lancaster	£385,390 (Dec 2009) £5,000 (Dec 2009)	Affordable Housing Electronic Transport Info System
Morecambe FC, Westgate, Morecambe	£44,259 (June 2009) £40,000 (Dec 2009)	Highway/Cycleway/Bus Stop improvements & TRO
Knightsbridge Development, Aldcliffe Road, Lancaster	£140,000 (April 2009) £20,000 (April 2009)	Affordable Housing Public Realm Improvements
Total	£334,649	

NB: It is anticipated that a report setting out the delivery options and process for securing spending of the accrued Affordable Housing monies shown in tables A & B will be taken to Cabinet in the near future.

Table C lists current unimplemented, valid permissions for which Planning Obligations have been entered into together with the financial contributions that would be received should the developments be implemented.

TABLE C

Site/Development	Sum secured	Purpose
Hotel & Retail on Old Cinema Site, King Street, Lancaster	£70,000 £40,000	Highway improvements Conservation Area Improvements
Redevelopment of Toll Bar Garage site for Residential, Scotforth Road, Lancaster	£22,050	Sustainable Transport Improvements
Outline 440 dwellings, Lancaster Moor Hospital, Quernmore Road, Lancaster	£148,158 £500,000	Public Open Space Transportation Improvements
Residential Development, Nightingale Hall, Quernmore Road, Lancaster	£20,000 To be calculated To be calculated	Public Open Space Highway Improvements Transportation Contribution
Business/Industrial Dev Carnforth Business Park, Kellet Road, Carnforth	£100,000	Contribution to Rural Bus provision
Office Dev Land to rear of 17 -49 Bulk Road, Lancaster	£32,000 £2,500	Public Trans Improvements Residents Parking
356 Res Units & 136,305 sq.ft of Ind/Commercial usage Luneside West, Lancaster	£400,000 £22,000 £175,000 £12,707	Public Trans Contribution 2 Quality Bus Stops Intel Trans System Air Quality Equipment
Total	£1,544,315	

2.2 Development activity has been suppressed owing to the present financial climate. Nevertheless it is anticipated that activity will begin to pick up again in 2010 and in addition to securing appropriate and proportionate financial contributions to be used to mitigate development specific impacts, there will be a continued requirement to utilise S106 agreements to control the use and scope of developments where the use of conditions would not secure the same outcome.

2.3 Table C indicates that there are significant infrastructure and community benefits "locked" within these unimplemented schemes of development. However there are some indications from ongoing discussions with prospective developers and their agents and funding partners that indicates that some of these schemes could have a realistic prospect of moving forward toward implementation in the next 2 years. Nevertheless it is also anticipated that there will be amended proposals submitted to reflect the altered financial climate which will require re-negotiated S106 agreements.

3.0 Details of Consultation

3.1 There is no requirement to undertake external consultation upon this matter.

4.0 Conclusion

4.1 Members are requested to endorse the contents of the Report. Members should also be aware that the introduction of the Community Infrastructure Levy next year, which will in part replace Section 106 procedures, is likely to have a significant impact on the way in which the Council manages future infrastructure provision. A further report on this will be brought to Committee when the arrangements on CIL are finalised.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

There are no impacts relating to the above arising from this report

FINANCIAL IMPLICATIONS

Budgetary arrangements have been established with Financial Services for the management and monitoring of funds which are received by the Council in relation to Section 106 contributions, however overall responsibility for ensuring contributions are allocated and spent in accordance with statutory requirements and specific individual obligations remains with Planning and Building Control Services.

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has been consulted and has no comments to add.

LEGAL IMPLICATIONS

Legal Services are involved in the drawing up of the original Section 106 documents to ensure they meet statutory requirements but are not involved in subsequent arrangements for managing the received contributions

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

There are no background papers to this report

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