



URGENT BUSINESS

THURSDAY, 19 DECEMBER 2013

Please find enclosed Urgent Business Notices in connection with the following:

**UB90 VARIATION TO PLANNING AND HIGHWAYS REGULATORY COMMITTEE
RESOLUTION - MOSSGATE PARK, HEYSHAM (Pages 1 - 4)**

The Chief Executive has consulted with the Chairman of the Planning & Highways Regulatory Committee to take an Urgent Business Decision. The reason for the urgency in this case is that refusal to permit an extension of one week could result in a subsequent delay in resubmission which could prejudice external funding from the Homes and Communities Agency to assist in the delivery of affordable housing for the site.

Queries regarding these documents

Please contact Liz Bateson - Democratic Services - telephone 01524 582047, or email: ebateson@lancaster.gov.uk.

Democratic Services,
Town Hall,
Dalton Square,
Lancaster LA1 1PJ

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PLANNING

URGENT BUSINESS 18 December 2013

Report of Chief Officer (Regeneration & Planning)

PURPOSE OF REPORT

To agree a variance to the resolution of Planning and Highways Regulatory Committee on 11th November 2013 to delay the issuing of a decision on Miller Homes planning application 13/00964/FUL for one week .

This report is public

RECOMMENDATIONS

- (1) **That there be a variation to Planning and Highways Regulatory Committees resolution on 11th November 2013 in accordance with minute 78 which enables the Chief Officer (Regeneration and Planning) to either issue the decision as originally resolved or refuse the application should the legal agreement not be signed, completed, and sealed before 21st December 2013.**

1.0 Introduction

- 1.1 On 11th November 2013 The Planning and Highways regulatory committee resolved to grant planning permission for 54 homes on land at Mossgate Park, Heysham. The developer is Miller Homes and the land is in the ownership of the Council.
- 1.2 The application had been presented to Committee before the expiration of the consultation period to enable a legal agreement to provide a financial contribution to community facilities and affordable housing arrangements to be negotiated before the determination deadline relating to the application expired.
- 1.3 In line with normal practice the Committee agreed the resolution to approve and delegated the issuing of the decision to the Chief Officer after the expiry of the consultation period, and subject to the necessary legal agreement (a planning obligation) being in place.
- 1.4 On this occasion however the Committee also felt it appropriate to set a firm deadline for the developer to sign the legal agreement and accordingly delegated to the Chief Officer the power to refuse the application if that

agreement was not completed by the determination date for the application (13th December 2013).

2.0 Proposal Details

2.1 By the deadline date the developer had put in place arrangements to sign the legal agreement and had also made the appropriate arrangements with a Registered Housing Provider to deliver affordable home on the site. Officers had been advised however that all the necessary legal documents could not be signed until 20th December 2013.

2.2 Whilst the delay of one week should not cause operational difficulties and an extension of time can be agreed to avoid the application being listed as a decision “out of time”, a variation to the Committee resolution needs to be recorded as the resolution did not give discretion along with the delegated power over the date which the application should be refused.

3.0 Details of Consultation

3.1 The Chairman of the Planning and Highways Regulatory Committee has been consulted and has agreed that a variation under urgent business could be given to delay the decision by one week (20th December 2013).

4.0 Options and Options Analysis (including risk assessment)

	Option 1: To vary the resolution to allow one more week for the decision to be made.	Option 2: Not to vary and to issue a refusal	
Advantages	Enables the development to be approved securing affordable housing and the community contribution	The developer would be sanctioned for not meeting an agreed deadline	
Disadvantages	The developer has not delivered to the deadline set.	A significant delay would be caused whist a resubmitted application is considered. That delay could prejudice the affordable housing contribution.	
Risks	A further delay at the point of the next deadline might occur.	Loss of a significant and important supply of affordable housing.	

5.0 Conclusion

5.1 In the circumstances the developer has taken reasonable steps to secure the signing of the legal agreement and it is expedient to vary the terms of the

resolution to enable the decision to be issued.

CONCLUSION OF IMPACT ASSESSMENT

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

The provision of affordable housing is a priority for the City Council. The payment of further roof tax for the scheme will assist with completing the Heysham Mossgate community facilities

LEGAL IMPLICATIONS

The Council manages the distribution of the roof tax from the scheme to ensure that it is spent appropriately.

FINANCIAL IMPLICATIONS

There are implications for the Council as the owner of the land arising from the decision. However the planning issues and those associated with disposal are quite separate matters. The other financial implications arise from costs associated with entering into the legal agreement and these highlighted above.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

Land disposal associated with development

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

Planning and Highways Regulatory Committee agenda 11th November 2013.

Contact Officer: Andrew Dobson

Telephone: 01524 582303

E-mail: adobson@lancaster.gov.uk

Ref: 13/00964/FUL

URGENT BUSINESS – VARIATION IN PLANNING AND HIGHWAYS REGULATORY COMMITTEE RESOLUTION – MOSSGATE PARK, HEYSHAM

Councillor Consultation

*I am/~~am not~~ (***please delete as appropriate**) in agreement with the recommendation: -

To agree: -

- (1) **That there be a variation to Planning and Highways Regulatory Committees resolution on 11th November 2013 in accordance with minute 78 which enables the Chief Officer (Regeneration and Planning) to either issue the decision as originally resolved or refuse the application should the legal agreement not be signed, completed, and sealed before 21st December 2013.**

Signed: Councillor Keith Budden

Position Held: Chairman of the Planning & Highways Regulatory Committee

Dated: 18.12.13-----

Chief Executive Decision

*I agree/~~do not agree~~ (***please delete as appropriate**) to exercise my delegated authority and approve: -

- ((1) **That there be a variation to Planning and Highways Regulatory Committees resolution on 11th November 2013 in accordance with minute 78 which enables the Chief Officer (Regeneration and Planning) to either issue the decision as originally resolved or refuse the application should the legal agreement not be signed, completed, and sealed before 21st December 2013.**

Signed: Mark Cullinan -----

Chief Executive

Dated: 19.12.13 -----

Please return to: Liz Bateson
Democratic Services,
Town Hall,
Dalton Square,
LANCASTER. LA1 1PJ
Ref: UB90