

## **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 11<sup>th</sup> 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 11<sup>th</sup> 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 21<sup>st</sup> December 2013.**

##### **1.0 Introduction**

- 1.1 On 11<sup>th</sup> 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 (13<sup>th</sup> 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 20<sup>th</sup> 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 (20<sup>th</sup> December 2013).

## 4.0 Options and Options Analysis (including risk assessment)

	<b>Option 1:</b> To vary the resolution to allow one more week for the decision to be made.	<b>Option 2:</b> 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 11<sup>th</sup> November 2013.

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