

TRAFFORD COUNCIL

Report to: Planning Development Control Committee
Date: 12th December 2013
Report for: Information
Report of: Head of Planning

Report Title

Changes to Scheme of Delegation pertaining to planning applications subject to unsigned S106 agreements.

Summary

This report seeks Members agreement to delegate to the Head of Planning the re-calculation of S106 contributions relating to planning applications subject to unsigned S106 agreements, in line with the current SPD1 'Planning Obligations'. These planning applications already have a Committee resolution to grant planning permission under the old S106 regime. Delegated powers will help the service to deal with such matters more expeditiously. In the event that the applicants raise viability arguments in respect of the new contributions, the applications will still be reported back to Committee.

Recommendation

That Members approve a change to the Scheme of Delegation to allow the Head of Planning to re-calculate S106 contributions relating to planning applications already subject to a resolution to grant planning permission, in line with SPD1 'Planning Obligations'.

Contact person for access to background papers and further information:

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Background Papers:
Scheme of Delegation

Background Information

Implications:

Relationship to Corporate Priorities	Economic Growth and Development
Financial	Variation of S106 income received on each planning application.
Legal Implications	The new arrangement will require an amendment to the Scheme of Delegation.
Equality/Diversity Implications	None directly from this report
Sustainability Implications	None directly from this report
Staffing/E-Government/Asset Management Implications	Decision notices in respect of these applications should be issued quicker.
Risk Management Implications	None directly from this report
Health and Safety Implications	None directly from this report

1.0 Background

There are currently approximately 34 planning applications which are subject to as yet unsigned S106 obligations which were considered by Committee under the old S106 regime (pre February 2012).

As the service looks to reduce the backlog of old undetermined applications, these applications must be determined in accordance with the up to date Development Plan, having regard to the NPPF and other material considerations such as the Council's supplementary planning documents. These applications are currently re-assessed by officers against the Development Plan to see what implications the Core Strategy, NPPF and SPD's will have on the determination of the application. With a number of the applications considered so far, the only material change has been that the application of the new (February 2012) SPD1 'Planning Obligations' results in a revised S106 contribution being sought. This figure could be higher or lower than that previously sought.

2.0 Proposed Changes to Scheme of Delegation

A number of these applications have been reported back to Committee in recent months. Following a discussion with the Chairman, and as the Committee have already resolved to grant planning permission for these developments, it was agreed to put a request to Committee to seek delegated powers for the Head of Planning to determine these applications. Should the application re-assessment process conclude that there are other material changes in circumstances which might warrant a different decision being made, not related to financial contributions, the applications would be reported back to committee in the usual way.

There may also be occasions where the re-assessment of the application and the revised financial contribution results in the applicant wishing to submit a viability assessment. In most instances, and in accordance with the Validation Checklist, it would be expected that this would result in the submission of a fresh planning application. However, where it is considered that this approach is unreasonable, and

where Officers concur with the findings of the viability assessment and consider that a reduced contribution is justified, the application will be reported back to Committee as is currently the case.

Similarly, in the event that an applicant refuses to enter into a S106 obligation and make the required contribution, such applications would normally be reported back to Committee with a recommendation for refusal.

DP