

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
LEGAL SERVICES	PLANNING COMMITTEE	18 APRIL 2018	6
DELEGATED AUTHORITY TO REVOKE PLANNING PERMISSIONS			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

1. Since April 2015, when determining planning applications, Local Planning Authorities have not been entitled to take into account a financial contribution "*for the funding or provision of an infrastructure project*" where five or more separate planning obligations have already been sought for the funding or provision of that project from other sources. Such payments are commonly referred to as "pooled contributions".
2. Officers have been looking at ways to reduce the potential impact of pooling restrictions and as part of this work have uncovered instances where alternative proposals for the same site have been approved, each with a Sn 106 agreement that contributes to the pooling.
3. Section 97 of the Town and Country Planning Act 1990 empowers a Local Planning Authority to revoke a planning permission where it considers it expedient to do so. By revoking these planning permissions, an associated Sn 106 agreement would no longer have effect and so no longer be counted towards the pooled contributions for a particular project.
4. The council's Constitution does not currently include provision to delegate authority to the Director of Development Services to revoke planning permissions and therefore committee are requested to grant delegated authority to the Director Development Services to make an order revoking planning permissions in cases where the person(s) affected by it has indicated that the order is likely to be unopposed.

RECOMMENDATIONS

1. To grant delegated authority to the Director of Development Services to make an order revoking planning permissions under section 97 of the Town and Country Planning Act 1990 in cases where the person(s) affected by it has indicated that the order is likely to be unopposed.

SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

1. Members will be aware that since April 2015, when determining planning applications, Local Planning Authorities have not been entitled to take into account a financial contribution "*for the funding or provision of an infrastructure project*" where five or more separate planning obligations have already been sought for the funding or provision of that project from other sources (i.e. financial contributions secured in other Section 106 agreements). All payments, secured through Sn 106 agreements back to 6 April 2010, are taken into account. Such payments are commonly referred to as "pooled contributions".
2. This can cause issues where multiple applications for developments are made leading to the limit of five financial contributions being sought for one infrastructure project being reached in a short space of time.
3. Officers have been looking at ways to reduce the potential impact of pooling restrictions and as part of this work have uncovered instances where alternative proposals for the same site have been approved, each with a Sn 106 agreement that contributes to the pooling, but where it is only possible to implement one of the permissions. This can arise where a developer applies for a different scheme following the approval of a previous proposal.
4. In these circumstances, once the developer has implemented the permission of their choice they are unable to implement the alternative permission, but the obligation to pay the contribution continues to be taken into account as a "pooled contribution".
5. Section 97 of the Town and Country Planning Act 1990 empowers a Local Planning Authority to revoke a planning permission where it considers it expedient to do so and it is your officers' view that in circumstances where a planning permission that can no longer be implemented, planning permission should be revoked. This means that the "pooled contribution" linked to the planning permission will fall away and there will be an opportunity to seek an alternative contribution in the future.
6. There are two procedures for revoking a planning permission – opposed and unopposed. The opposed procedure must be followed where the person benefiting from the planning permission opposes the revocation of it. In these circumstances the council must seek confirmation of the order revoking the permission from the Secretary of State. In unopposed cases the LPA must advertise the order revoking the permission and it can take effect without confirmation from the Secretary of State.
7. The council's Constitution does not include delegated authority to the Director of Development Services to revoke planning permissions and therefore committee are requested to grant delegated authority to the Director of Development Services to make an order revoking a planning permissions in cases where the person(s) affected by it has indicated that the order is likely to be unopposed.

IMPLICATIONS	
Finance	None arising directly from this report.
Legal	Contained in the report.
Community Safety	None arising directly from this report.
Human Rights and Equalities	None arising directly from this report.
Sustainability and Environmental Impact	None arising directly from this report.
Health & Safety and Risk Management	None arising directly from this report.

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

