

# **REGENERATION SERVICES COMMITTEE**

## **MINUTES AND DECISION RECORD**

22 October 2018

The meeting commenced at 4.00 pm in the Civic Centre, Hartlepool

**Present:**

Councillor Kevin Cranney (In the Chair)

Councillors: Paddy Brown, Jim Lindridge, Shane Moore, Leisa Smith and Mike Young

Also Present: In accordance with Council Procedure Rule 5.2 Councillor Ann Marshall was in attendance as substitute for Councillor Rob Cook

Officers: Jim Ferguson, Planning and Development Manager  
Denise Wimpenny, Principal Democratic Services Officer

### **24. Apologies for Absence**

An apology for absence was submitted on behalf of Councillor Rob Cook.

### **25. Declarations of Interest**

None

### **26. Minutes of the meeting held on 24 September 2018**

Received

### **27. Negotiating Planning Obligations** *(Assistant Director Environment and Neighbourhood Services)*

**Type of decision**

Key Decision – tests (ii) applies - The Committee was advised that this was a key decision and not a budget and policy framework decision, as indicated in the report. The item had been included in the forward plan.

## **Purpose of report**

To seek Members support to allow the Planning and Development Manager the discretion to refer cases, where discussions on planning obligations required in connection with development, had reached an impasse, to the District Valuer for advice.

## **Issue(s) for consideration by the Committee**

The report provided background information in relation to planning obligations and the circumstances in which they may be required. The Planning and Development Manager reported that planning obligations assisted in mitigating the impact of unacceptable development to make it acceptable in planning terms, examples of which were provided.

Details of current practice in terms of the planning application process and the role of the Council's Planning Policy Team to identify any planning obligations and notify the applicant were outlined. The applicant may agree to the obligations in which case the application could proceed to determination and the obligations would normally be secured through conditions or the completion of an appropriate legal agreement. However, if the applicant raised concerns regarding the obligations further negotiations may take place until either an agreed position or impasse was reached. It was usually the case that an agreement can be reached. In the event that impasse was reached it was likely that the application would be recommended for refusal on the grounds that the application cannot support the delivery of the required infrastructure and was therefore unsustainable.

It was proposed that in cases where an impasse was reached in respect of negotiations on planning obligations the Planning and Development Manager be granted the discretion to refer the case to the District Valuer for advice on whether the obligations could be met with the costs for this service to be met by the applicant. The Planning and Development Manager highlighted that following consideration of the proposals by Committee today, and given that this was a Policy Committee decision, it was the intention that the report would be referred to Planning Committee for noting purposes and not endorsement as indicated in the report.

In the discussion that followed presentation of the report, the Planning and Development Manager responded to queries raised by Members in relation to the proposals. Examples were provided of the circumstances in which an impasse might be reached. Clarification was provided in relation to the benefits of the proposals. In response to a query as to whether the proposal to refer the matter to the District Valuer would slow down the decision making process, the Committee was advised that it was envisaged that utilising the District Valuer might speed up the process given that it would bring discussions to a conclusion and might also potentially

reduce the number of appeals. It was noted that the cases where an impact was reached were rare and referrals to the District Valuer for an opinion was in effect a form of independent arbitration.

Given that the need for an impasse was rare, a Member sought clarification on the background to the proposals. The Planning and Development Manager reported that other authorities adopted this approach and the Council was constantly looking to achieve improvements in working practices. Whilst this had not been an issue in the past, it was reported that more recently, there had been some cases where negotiations had been prolonged in terms of reaching an agreement resulting in delays in the process.

Whilst in support of the proposals, the Chair proposed a slight amendment to the recommendations, as set out in the report, that discretion be granted to the Planning and Development Manager to refer matters to the District Valuer, be undertaken in consultation with the Chair of Planning Committee, and that the matter be referred to Planning Committee for information purposes. The amendments were supported by Members.

### **Decision**

- (i) The Committee approved the proposal that in cases where an impasse was reached in respect of negotiations on planning obligations the Planning and Development Manager be given the discretion, in consultation with the Chair of Planning Committee, to refer the case to the District Valuer. The payment of this service to be met by the applicant.
- (ii) That the matter be referred to the Planning Committee for noting purposes.

## **28. Date and Time of Next Meeting**

It was reported that the next meeting would be held on Monday 19 November 2018 at 2.00 pm.

The meeting concluded at 4.25 pm.

**H MARTIN**

**CHIEF SOLICITOR**

**PUBLICATION DATE: 29 OCTOBER 2018**