



Date of Meeting	2 <sup>nd</sup> August 2017
Portfolio	Planning & Development
Report Author	Keith Dawson
Public/Private Document	Public

## Township Planning Panels

### Executive Summary

1. Setting out proposals for the determination of Township engagement with current and emerging Planning Proposals and priorities for the use of current or prospective S106 funds.

### Recommendation

2. That consideration of allocation of S106 funds relating to projects within the Township be delegated to the Township Delegated Sub-Committee.
  - 2.1 Determine the structure and appoint Members of the Township Committee to sit on a Planning consultative panel for the consideration of Planning Applications or preliminary development enquiries within the Township.

### Reason for Recommendation

3. The report is presented for the township to determine the most appropriate way forward to engage in planning proposals in the Township

### Key Points for Consideration

4. In October 2016 the Council approved arrangements for a centralised planning function and the transfer of all planning related delegated functions from Township Planning Sub Committees to the Planning and Licensing Committee.
  - 4.1 To retain the benefits of local knowledge and involvement in planning decisions it was proposed that Township Members should be involved on a consultative panel basis for significant emerging development proposals. This would allow for early engagement, at pre-application and application stages, on proposals relating to those wards falling within that Township , and Member involvement in establishing priorities for infrastructure and S106 expenditure.
  - 4.2 Early engagement from a consultative panel can help to identify problems to

be addressed as proposals for the development are put together and is consistent with Government advice to provide greater certainty for developers engaging in the planning process. It will allow Officers to offer more robust pre application advice for developers as priorities for the scope and use of any S106 contributions are identified early and Councillors views on targeted local spends can be sought and embedded into the scheme. This is especially critical given legislative changes which have imposed a restriction on the Councils ability to pool developer contributions to deliver infrastructure and the need to specify the purpose for seeking any S106 contribution at the planning decision stage.

## **Role of Township Members**

### **Planning applications - Township Panels**

- 4.3 The Panel receives and reviews in advance a weekly list of planning applications, considers selected planning applications where appropriate, and provides comments which are reported to the Planning and Licensing Committee where the application is to be considered by the Committee. It is proposed that the Panels focus initially on these areas which can be expanded at a later date into a range of options for the Panel to receive information on pre-application discussions and upcoming significant developments in township and enable the Panel to take a central role in engaging with development proposals. A typical agenda may include:
- The Weekly List of planning applications received
  - An update on S106 funds available and progress on local projects
  - An update on Pre- application discussions
  - An early briefing on forthcoming significant development proposals
- 4.4 For major schemes the Panel would receive information on proposals both at the pre application stage and when the application has been submitted.
- 4.5 The Panel could also receive updates on S106 availability, expenditure and projects in the township but would not have any decision making powers to determine spend.

### **Infrastructure/Section 106 agreements**

- 4.6 Currently, reports are presented to Township seeking Members approval for the allocation of funds paid to the Council to comply with the terms of existing S106 agreements. These payments are typically made following the completion of the development. The Council has adopted planning policies which restrict and guide how any contributions can be spent. There are also various legal tests around the reasonableness and relevance of any required contribution to the proposed development, without which that development could not otherwise acceptably take place.
- 4.7 Recent legislative changes now mean the Council has to justify and determine the need for any required infrastructure improvement, and use of any contribution, at the planning application stage. This, in conjunction with the

centralisation of planning decision making, provides an opportunity to engage those Members not sitting on the Planning and Licensing Committee in the development process, to shape emerging development proposals at the pre planning application stage. A devolved Sub Committee of the Township could be utilised for this purpose thereby involving a greater number of Members. This Sub Committee could also receive updates on S106 availability, expenditure and projects in the Township to ensure all ward members are informed and consulted. In respect of Rochdale Township, which involves a greater number of Members, the sub committee would still appear workable. However it is suggested that relevant Ward members be engaged in these emerging development projects before any reports are presented to that Committee.

### **Make up of Township Panels**

- 4.8 Planning decisions can be very controversial and it is important that decision making is open and transparent and should leave no grounds for suggesting that those participating in the decision were biased or that a decision was procedurally improper. The makeup of Panels must be carefully considered to avoid any issues or perception of procedural impropriety or predetermination so for example a Member sitting on the Planning and Licensing Committee should not sit on their respective Township Panel.
- 4.9 It is proposed that the Panel should be a small group of the relevant township members consisting of the Chair of the Township Committee plus one member per ward for each township who do not sit on the Planning and Licensing Committee. Where the Chair of a Township also sits on Planning and Licensing Committee it is proposed that the vice chair should chair the Panel. This is to ensure that any Member sitting on the Planning and Licensing Committee does not sit on their respective Township Panel to avoid any perception of predetermination.
- 4.10 The Panel is likely to require professional advice and a development management officer will act as advisor to the Panel. It is proposed that an experienced Planning Officer will be made available to each Panel to provide support and professional advice. The Panel would be a private meeting.

### **Frequency of Township Panel Meetings**

- 4.11 The Council is expected to make robust planning decisions in an efficient and effective manner to meet government performance targets and minimise delays to securing new investment. It can be a difficult balance to take quick decisions whilst enabling those with an interest in the development to understand and help to shape development proposals.
- 4.12 The Township Panels must be convened in a way that does not impact on performance, although certainty at pre application stage may help to minimise delays. This will mean regular meetings early in the application process before the conclusion of any public/stakeholder consultation in order the application can be reported to the Planning and Licensing Committee for a decision within timescale.

- 4.13 Given the pressures on performance this is likely to mean that meetings will need to be held on a monthly basis. Subject to Members views, it is suggested these are scheduled around existing meetings or working groups within each Township.

#### **Alternatives Considered**

- 4.14 The alternative option is to retain existing arrangements. Officers have discounted this option as it would not realise the benefits of local knowledge the Townships can input into planning decisions.

<b>Costs and Budget Summary</b>
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5. Within existing budgets.

<b>Risk and Policy Implications</b>
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6. There is a risk of perception of predetermination in planning decision making. This risk is mitigated by ensuring that a Member sitting on the Planning and Licensing Committee does not sit on their respective Township Panel.

<b>Consultation</b>
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7. Briefing with Leader and Portfolio holder.

<b>Background Papers</b>	<b>Place of Inspection</b>
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| 8. None |  |
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<b>For Further Information Contact:</b>	Keith Dawson <a href="mailto:Keith.dawson@rochdale.gov.uk">Keith.dawson@rochdale.gov.uk</a> 01706 924388
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