

3/14/0528/OP – Outline application for approximately 100 houses. All matters reserved except for access – at Area 2, land south of Hare Street Road, Buntingford, SG9 9JQ – for Wheatley Homes Ltd

3/14/0531/OP – Outline application for approximately 80 houses. All matters reserved except for access – at Area 3, land south of Hare Street Road, Buntingford, SG9 9JQ – for Wheatley Homes Ltd

Date of Receipt: 21.03.2014

Type: Full – Major

Parish: BUNTINGFORD

Ward: BUNTINGFORD

RECOMMENDATION:

That (A) the Committee endorse the view of the Vice–Chairman and local Ward Members, reached through their delegated consideration of these applications, that were the Council in a position to reach a determination on these proposals, it would be minded to **GRANT** planning permission subject to appropriate conditions and the conclusion of a Section 106 legal agreement

(B) Authority be delegated to the Head of Planning and Building Control and the Head of Democratic and Legal Services, in consultation with the Chairman of the Committee and a minimum of one of the two local Ward Members (whilst informing both Ward Members at all stages of any relevant action or decision), to determine any resubmitted applications, with the conditions and legal agreement requirements and timing to be in accordance with the details detailed in paragraphs 3.5, 3.6 and 3.7 of this report.

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1.0 Background

1.1 Members will recall that full details in relation to these proposals were submitted to the 17 September 2014 meeting of this Committee. At that meeting Members resolved that, if it had been in a position to make a decision on the applications, the Council would not be minded to support them.

1.2 Members will be aware that appeals in relation to the non determination of the proposals have already been submitted. Given the ‘non-support’ decision made and because the appeals are proceeding, the Committee also delegated authority to the Head of Planning and Building Control, in consultation with the Chairman of the Committee and at least one of the two local Ward Members (whilst informing both), to further formulate, review and update the Councils case for submission to the appeal inquiry.

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- 1.3 The Chairman of the Committee declared an interest in this matter and delegated her responsibility to the Vice–Chairman.
- 1.4 Following the Committee, the Vice–Chairman, both local Members and the Head of Planning and Building Control met to consider the Councils appeal case in detail at a meeting of 26 September 2014. The purpose of this report is to update Members following that meeting in relation to matters that were considered under the delegation arrangements given and to seek authority to take further steps in this matter.

2.0 Update

- 2.1 Commentary on the considerations in relation to these proposals was set out in full in the report submitted to the 17 September 2014 meeting of the Committee. When published in advance of the Committee, it was recommended in that report that the Council should determine that it would have been minded to support the proposals, had it been able to make a decision on them, but with caveats in relation to employment, highway and education matters.
- 2.2 Subsequent to the publication of the report, Members were updated in relation to these caveated matters in the additional representations schedule provided to the meeting. In that paper it was set out that the caveated matters were, by that time, considered to have been satisfactorily met. As a result, the Council could now determine that it would have been minded to support the proposals (subject to the normal range of conditions and matters to be covered in a planning legal agreement) without caveat.
- 2.3 Both the previous report and relevant part of the additional representations schedule are appended as Essential Reference Papers A and B to this report. Members need to bear in mind the full detail set out in those papers when considering this report.
- 2.4 At the meeting referred to above, a very careful scrutiny of the details of the applications, infrastructure capacity expansion and phasing proposals and the evidence that the Council would be in a position to submit to an appeal, was undertaken. The ability of the Council to submit a cogent case supported by the necessary evidence was considered in full detail. Ultimately a view was reached that matters should be moved forward by the Council now determining that, subject to the funding support to service provision and phasing controls previously being offered by the appellant still being in place, it would now be minded to support the development proposals.

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- 2.5 The appellant has confirmed that the service funding support and phasing restrictions are still offered and, in addition, has confirmed that £20,000 will be made available to support the delivery of employment provision at the former Sainsbury's depot site and has indicated that up to £115,000 would be available to fund highway improvement works which may be identified as a result of any modeling work. The details of the range of mitigation measures to be secured by means of a legal agreement will be circulated in advance of the meeting.
- 2.6 Given this position, the Committee is being asked now to endorse the decision of the Vice-Chairman and local Ward Members, reached through their delegated consideration of the matter, and to resolve that, were the Council in a position to reach a decision on these proposals, it would be minded to support them, subject to conditions and the conclusion of a s106 legal agreement.

3.0 Further Action

- 3.1 At this time the submitted appeals remain outstanding. The appeal inquiry is timetabled to commence 6 January 2015 with the deadline for the submission of full evidence being 2 Dec 2014. The deadline for the submission of outline cases, of 1 October, has now passed.
- 3.2 If the Committee is minded to indicate that it would support the development proposals, this will still give insufficient certainty to the appellant because no actual planning application determination has taken place. It is likely that the appeals will remain in place. To that end, the appellant is to submit a further set of proposals on which a determination will be sought prior to the appeal evidence submission date. It is likely that these applications will have been submitted prior to the date of this Committee and Members will be updated in respect of that at the meeting.
- 3.3 Resubmitted proposals will be the subject of consultation and consideration in the normal way. However, in order to ensure the timely consideration of the proposals in advance of the inquiry evidence deadline and in order to ensure inquiry and preparation time is not utilised unnecessarily, further delegation is sought from the Committee in order to deal with the proposals as set out below.
- 3.4 The further delegated authority sought is as follows:
- 3.5 First: Following the resubmission of the development proposals, the Head of Planning and Building Control and Head of Democratic and Legal Services be delegated to determine the proposals, in consultation

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with the Chairman of the Committee (or delegated to the Vice-Chairman if appropriate) and at least one of the two local Ward Members (ensuring that both are informed).

- 3.6 Second: If, after consideration of the proposals, it is determined that there is no change to any relevant matters such that the Councils position of support (if it is reached here) should be changed, then any supporting determination will be subject to the conditions and legal agreement provisions which will be provided at the meeting, or in substantially likewise form (any changes to be the subject of the same consultation arrangements as set out above).
- 3.7 Thirdly: Officers be delegated to deal with matters expediently and in an appropriate timescale in relation to the timetable for the submission of evidence in relation to the extant appeals (again subject to the same consultation arrangements)

4.0 Conclusion

- 4.1 As set out in this report, following the consideration of this matter at the 17 September 2014 meeting of this Committee, relevant matters have been considered in full and careful detail by Officers in consultation with Members as delegation arrangements permitted. That process resulted in the view that, as a result, that the Council should indicate that it is minded to support the proposals, subject to appropriate conditions and legal agreement requirements. The actions set out in this report reflect that view and set out a process by which matters can be moved forward.