



Planning Management Committee – 22 June 2016

Planning Application ref: 14/02372/OUT Proposal for 110 dwellings at Land between Benefield Road & Old Dry Lane, Brigstock

Purpose of report

To seek agreement from Planning Management Committee to allow the Head of Planning Services to withdraw refusal reasons under Delegation in respect of planning application 14/02372/OUT which is currently subject to an appeal Public Inquiry

1.0 Background

1.1 At the Planning Management Committee meeting on 1 April 2015, Committee resolved to refuse outline planning permission for the construction of 110 dwellings at land between Benefield Road and Old Dry Lane in Brigstock for eight reasons. A resubmission was subsequently made under planning reference 16/00654/OUT which is being considered by this meeting (22 June 2016).

1.2 Local Planning Authorities are required to behave reasonably in relation to procedural matters at an appeal and, in the event that the applicant/appellant has provided additional information to address/overcome a refusal reason, the authority is required to reconsider whether it would be necessary to pursue a refusal reason at an appeal. Failure to do this could lead to further work being undertaken by the opposite party and extend the duration of the appeal, leading to costs which could have been avoided.

2.0 Refusal Reasons Under Consideration

2.1 In order to allow the appeal for planning application reference 14/02372/OUT to be handled efficiently and to avoid unnecessary costs for the parties involved at the forthcoming Public Inquiry, authorisation from Committee is requested to allow the Head of Planning Services to:

(1) Withdraw refusal reason 3 of planning application reference 14/02372/OUT concerning housing mix, for the reasons set out in the Committee Report for 16/00654/OUT and in order to be consistent with the decision made for the resubmitted application;

(2) Withdraw refusal reason 8 of planning application reference 14/02372/OUT concerning the impact of the reservoir proposals, subject to the appellant formally applying to the Planning Inspectorate to amend the appeal application to withdraw proposals for the reservoir and subject to such an application being granted by the Planning Inspectorate.

2.2 In addition, authorisation is requested to allow the Head of Planning Services to withdraw refusal reasons for planning application ref: 14/02372/OUT in the following circumstances, or as which may be considered to be appropriate, under delegation:

(3) To withdraw refusal reason 4, in the event that the appellant agrees to the S106 contributions and provides a satisfactory legal agreement or agrees to the use of conditions to secure the required infrastructure prior to or at the Public Inquiry;

(4) To withdraw refusal reason 6, in the event that the applicant carries out the

recommended archaeological field investigations and upon confirmation from NCC Archaeology that the works and proposals are satisfactory.

- (5) To withdraw refusal reason 7, in the event that the surface water drainage issues are resolved and the Environment Agency and/or Lead Local Flood Authority withdraws their objection prior to or at the Public Inquiry.

3.0 Equality and Diversity Implications

3.1 There are no equality and diversity implications arising from the proposals.

4.0 Legal Implications

4.1 There are no legal implications arising from the proposals.

5.0 Risk Management

5.1 There are no risks arising from the proposed recommendations in this report.

6.0 Resource and Financial Implications

6.1 The report and recommendations have been submitted to reduce the risk of a costs application being submitted against the Council.

7.0 Constitutional and Customer Services Implications

7.1 There are no constitutional or customer services implications arising from this report.

8.0 Corporate Outcomes

8.1 This proposals in this report link to the Corporate Plan Outcome of effective management by reducing the risks of a costs application being submitted against the Council.

9.0 Recommendation

9.1 The Committee is recommended to:

(1) Withdraw refusal reasons 3 and 8 of planning application reference 14/02372/OUT for the reasons set out in paragraph 2.1 Items (1) and (2) of this report;

(2) To delegate authority to Head of Planning Services to withdraw refusal reasons 4, 6 and 7 of planning application reference 14/02372/OUT in the circumstances set out in paragraph 2.2 Items (3), (4) and (5) of this report.

Legal	Power: Scheme of Delegation in Part 3.2 of the Council's Constitution (2015)				
	Other considerations: National Planning Policy Guidance (NPPG) 2014				
Background Papers: List of Planning Applications Item 16/0654/OUT at Appendixes					
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Date: 3 June 2016					
CFO		MO		CX	