

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 December 2017

AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/0243/16/FL

Parish(es): Bassingbourn

Proposal: New vehicular and pedestrian access off Guise Lane.
Realignment of boundary perimeter fence, New Car Park
and Footpath to connect to the existing Club House

Site address: Bassingbourn Snowsports Centre, Bassingbourn
Barracks, Bassingbourn, Royston, Hertfordshire, SG8
5LX

Applicant(s): Martin Middleton, Bassingbourn Snowsports Club

Recommendation: Delegated approval subject to the completion of a legal
agreement.

Committee Site Visit: No

Departure Application: No

Presenting Officer: Julie Ayre Team Leader East

**Application brought to
Committee because:** (i)The Parish Council objects to the application, which
conflicts with officers' recommendation, and
(ii)an amended resolution is required to deal with the
£5,000 contribution towards the provision of improved
pedestrian crossing facilities on Bassingbourn High
Street.

Date by which decision due: 15 January 2018

Considerations

- 1.1 In September 2016 the Planning Committee considered the above planning application after a site visit and resolved to grant a conditional planning permission subject to a Section 106 agreement (appendix 1) requiring a contribution of £5,000 towards the provision of improved pedestrian crossing facilities on Bassingbourn High Street. This matter is being brought back to Planning Committee because the applicants are not able to bind the current land owner (Ministry of Defence) to complete such an agreement.

The Council has received a cheque for the £5,000 contribution from the Trustees of

- 1.2 Bassingbourn Snow Sports Club but they do not currently for section 106 purposes have a legal interest in the land which is the subject of the planning application. In these circumstances the Trustees have offered up a signed Legal agreement made pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 which secures the payment of the £5,000 and its release towards the provision of improved off site pedestrian crossing facilities on Bassingbourn High Street on implementation of the Planning Permission. It is officers' view that the alternative form of Agreement satisfactorily secures the provision of the £5,000 required by members and that is open to members to simply resolve in similar terms as previously but to delete that part of the reference to a Legal Agreement being "...under Section 106 of the Town & Country Planning Act 1990.."
- 1.3 On completion of the Section 111 agreement the applicant pays to the Council £5,000 to be held by the Council and to be used only of purposes of the provisions of improved off site pedestrian crossing facilities on Bassingbourn High Street. The applicant covenants that on acquiring a legal interest in the site and prior to commencement, they shall enter into the Planning Obligation, Section legal agreement 106.
- 1.4 All other considerations in respect of the merits of the earlier planning application remain as before officers consider therefore that subject to the alternative means of funding the off-site matters the application can be approved.
- 1.5 The decision to the varying of the Legal agreement on this application has no material consequence to the decision members have already taken on this proposal.

Recommendation

It is recommended that the Planning Committee grants officers delegated powers to agree the provision of a legal agreement Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 to allow the issuing of the decision notice.

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File References: S/0243/16/FL

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