



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Officer Delegated Decision

17 April 2024

Richard Wyles, Deputy Chief Executive
& S151 Officer



Appointment of Consultant – Garden Village Planning Application

To authorise the appointment of a consultant to provide professional advice and act as case officer in respect of the Spitalgate Garden Village Planning Application

Contact

Emma Whittaker Assistant Director of Planning and Growth

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Decision made by:	Richard Wyles
Decision:	Officer Delegated Decision
Public or Exempt:	Public (exempt appendices)
Reasons for exemption:	There is exempt information contained within the appendices. This information is exempt under Paragraph 3 of Schedule 12A of the Local Government Act 1972 because it contains sensitive information relating to the financial or business affairs of a particular person (including the Council). It is considered that the public interest in maintain the content of Appendices A & B as exempt from publication outweighs the public interest in disclosing the information, as doing so would prejudice the Council's commercial position.
Conflicts of interest:	No
Policy compliant:	Yes
Details of delegation:	Delegated Authority is given by virtue of Part 3 (c) of the Councils constitution (section 27 Tendering) and section 2.18.3 of the Contract Procedure Rules which authorises a Director to agree to the award of contracts of the appropriate value.

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance

- 1.1 The expenditure has matching funding, which can be incorporated into the budget, which covers off any financial risk of the decision.

Completed by: (Paul Sutton Interim Head of Finance)

Procurement

- 1.2 A contract of this value would usually be competed in line with SKDCs Contract Procedure Rules, however due to the need for a continued, reliable service and the need for continuity for this project, the current consultant is needed in order to complete the work already started.
- 1.3 It is argued that due to the work already being started by one provider, it would not be feasible to change provider at this stage of the project.
- 1.4 The total value of this requirement is £77K which is well under the threshold of the procurement regulations and is therefore of minimum risk of challenge.

Completed by: Helen Baldwin, Procurement Lead

Legal and Governance

- 1.5 The decision-taker has the delegated authority to take this decision in accordance with the delegated powers to officers within the Council's Constitution (Part 3 – Responsibility for Functions). Accordingly, the relevant Assistant Director, also has authority to take this decision based upon the financial thresholds in the Council's Financial Regulations and Contract Procedure Rules but has opted to utilise this route for openness and transparency, demonstrating good governance.

Completed by: Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

2. The Purpose of the Report

- 2.1 The Council's Corporate Plan (2024-2027) prioritises housing delivery through a range of sustainable housing and community facilities to meet the needs of our

existing and future communities. To facilitate this, the Council needs to have an effective and efficient planning service that can process and determine planning applications appropriately.

- 2.2 The Council has a pending application for the development of a mixed-use scheme including up to 3,700 dwellings; this is known as the Spitalgate Garden Village. The Garden Village is part of Homes England Garden Village's programme and has previously received funding to facilitate the delivery of the scheme. The application has been with the Council since 2014 and is long overdue a decision. The Planning Committee did consider the scheme in 2017 and again in 2019 and in both instances, it was resolved to grant planning permission subject to a number of matters being resolved. Unfortunately, these matters were not satisfactorily concluded, and planning permission has not been granted.
- 2.3 The Council has previously engaged this consultant through an approved framework to provide professional planning advice and act as the case officer on the planning application since 2022. This has been partly funded through grant funding from Homes England and partly through the planning budgets. That contract came to an end on March 31st 2024, and cannot be renewed through the previous framework provider.
- 2.4 Since the appointment of the consultant, significant progress has been made on the application. The applicant has been required to revisit a significant number of matters in order to ensure that the application will be compliant with the current Local Plan (2020) and with National Planning Policy. There have been a series of workshops over the last 18 months to specific parts of the application proposals. It is anticipated that this will culminate in a suite of amended planning application documents to be submitted in the next few months and a potential Committee date towards the end of the summer. This work has taken longer than it was previously anticipated.
- 2.5 Whilst the Planning team is fully staffed, there isn't currently the capacity within the team for the planning officer support required to complete the work required on the Garden Village application and take the proposals to Planning Committee. It should be noted that the project team working on the proposals already includes the Planning Policy Manager, the Principal Urban Design Officer and the Assistant Director for Planning and Growth. Other stakeholders such as Lincolnshire County Council (Education and Highways) have also been heavily involved. This "whole team" approach to the application is an appropriate approach to delivering large projects such as the Garden Village. However, the approach can only succeed with a dedicated planning case officer to project manage and co-ordinate the project.
- 2.6 The post would be funded through existing budgets and further details of the funding arrangement and hours are appended to this report (**see Appendix A**).

2.7 Whilst this is technically a new contract, as the Council has previously used this contractor albeit through a framework, it is appropriate to be aware of the combined value of the spend; this is set out in the additional information appended to this report (**Appendix A**).

3. Available Options Considered

3.1 The alternative is to test the market in terms of procurement however this would cause further delays in the determination of this application. Additionally, should a different contractor be appointed, there would be additional costs to the Council whilst that contractor reviewed the extensive planning history of the site.

4. Preferred Option

4.1 The preferred option is to directly award the contract to the contractor.

5. Reasons for the Decision(s)

5.1 The Council has a statutory duty to determine planning applications and in relation to this particular application this can not be resourced through the existing planning team. The contractor has built up good relationships with the project team, developer and other stakeholders and has been instrumental in the good progress made over the last 18 months. It is important that the Council continues to progress this application as it is a significant allocation for housing delivery in the Local Plan.

6. Appendices

6.1 Appendix A – Additional information - *Exempt from publication*

Signed by: **Richard Wyles**

Dated: 17 April 2024