

27 June 2017

**AT A MEETING**

of the

**draft**

**WIXAMS JOINT DEVELOPMENT CONTROL COMMITTEE**

held in the Council Chamber, Borough Hall, Bedford on the 27<sup>th</sup> day of June 2017 at 6.30 pm

**PRESENT:**

Bedford Borough Council

Councillors Coombes, Gambold (substitute for Councillor Smith), Holland, W Hunt, S Hunt, Masud, McMurdo and Wheeler

Central Bedfordshire Council

Councillors Barker, Blair, Downing, Duckett, Gomm, (substitute for Councillor Matthews) and Turner

Apologies for absence were received from Councillors Hill and Smith (Bedford Borough Council), Chapman, Clark, Jamieson, and Matthews (Central Bedfordshire Council)

**1. ELECTION OF CO-CHAIRS**

**RESOLVED:**

That Councillors Coombes and Matthews be elected Co-Chairs for the current Municipal Year.

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## **2. QUESTIONS FROM MEMBERS OF THE CONSTITUENT COUNCILS AND MEMBERS OF THE PUBLIC**

Councillor McMurdo referred to a suggestion made by Members of Central Bedfordshire Council that membership of this joint Committee should be reduced from its current membership of nine Councillors from each Authority to three Councillors from each Authority. The Committee subsequently agreed that membership of this Committee should be reduced to six Members from each Authority.

The Solicitor, Team Leader (Governance, Property, Planning, Litigation), Bedford Borough Council, advised that any change to the Committee's membership would need to be considered by the relevant Committee of each Authority.

Councillor S Hunt referred to a meeting held between the Developers and residents of Wixams when the proposed Railway Station had been discussed. Residents were concerned that they had bought their properties in good faith that there would be a railway station that they could use but still this had not been provided. Councillor Coombes advised that both he and Councillor Barker had attended this meeting and he expressed disappointment about the long list of things Gallagher Estates was no longer going to provide. It was unacceptable that the railway station had been delayed for so long.

Councillor S Hunt suggested that a letter be sent to Central Government stating the Committee's misgivings over the 'watering down' of Section 106 Agreements.

Mr A Hare expressed concern over the possibility of the proposed Wixams Station being relocated into Elstow to facilitate an East West Rail link. He suggested that there was no room for a station in Elstow and asked where it could be sited. He also asked why Gallaghers could not be forced to provide the station.

Responding, the Chair advised that he did not know where this idea had come from. The Assistant Director (Planning) suggested that all options for a station were being explored and he confirmed that no specific date for the start of a station was included in the Section 106 Agreement.

In response to a question by Councillor W Hunt on how concern could be registered about two very large distribution centres which were planned, the Assistant Director (Planning) advised that outline planning permission had been granted for this development.

Councillor Barker advised that an application for 650 homes at Wixams south extension was currently out for consultation and she suggested that a representative of Gallagher Estates should have attended this meeting to answer questions. In response, the Solicitor,

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Team Leader (Governance, Property, Planning, Litigation), Bedford Borough Council, advised that neither Local Authority had the power to compel Gallagher Estates to attend.

RESOLVED:

That the proposal to reduce membership of this Committee to six Councillors from each Authority be considered under the relevant governance arrangement for each Council.

**3. MINUTES**

RESOLVED:

That the Minutes of the meeting of the Committee held on 15 March 2016 be confirmed.

**4. DISCLOSURES OF LOCAL AND/OR DISCLOSABLE PECUNIARY INTERESTS**

<b>Item and Minute Number</b>	<b>Member Disclosing an Interest</b>	<b>Nature of Interest</b>	<b>Present or Absent During Discussion of Item</b>
Item 1 and 2 Minute Nos. 5 and 6	Councillors Barker and Coombes	Local – Ward Councillors for Wixams	Present
Item 1 Minute No. 5	Councillor S Hunt	Local – she is a Bedfordshire Pilgrims Housing Association Board Member	Present
Item 1 Minute No. 5	Councillors Holland, S Hunt and McMurdo	Local – they are the Council’s Representatives on the Bedfordshire and River Ivel Internal Drainage Board	Present

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## **5. REVISION TO THE AFFORDABLE HOUSING PROVISIONS CONTAINED IN THE WIXAMS SECTION 106 AGREEMENT**

The Assistant Director (Planning), Bedford Borough Council, and the Development Infrastructure Group Manager, Central Bedfordshire Council, jointly reported on proposed changes to the Affordable Housing provisions within the Wixams Section 106 Agreement required to enable Village 2 to proceed.

The following changes to the existing legal structure of the affordable housing planning obligations were sought:

- (1) A new Agreement concluded with BDW Trading (Barratt Homes and David Wilson Homes) regarding Village 2 with the following Heads of Terms:
  - Incorporation of Affordable Rent;
  - Changes to the affordable housing mix, tenure balance and some unit sizes;
  - The removal of Low Cost Housing as an Affordable Tenure;
  - The removal of the Completed Unit Price and the associated tenure Adjustment Mechanism;
  - Amendments to the Mortgagee in Possession Clause;
  - Change to the Triggers which govern the delivery of the Affordable Housing.
  
- (2) A consequential variation to the existing Section 106 Agreement to be concluded with Gallagher Estates regarding the Low Cost Housing on the whole of the development. The following were the suggested Heads of Terms for the new Agreement with Gallagher Estates:
  - Amendment to Clause 8.1 of the existing Section 106 Agreement which defines the level of Low Cost Housing to be provided in the settlement as a whole;
  - A separate Deed of Variation due to land ownership issues.

The completion of the Legal Agreements was dependent upon each other and would be linked.

In response to a question on whether, in view of Gallagher Estates being bought out, the new trading name should be included in the Heads of Terms, the Solicitor, Team Leader (Governance, Property, Planning, Litigation), Bedford Borough Council, advised that Section 106 Agreements were binding upon successors in title.

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In response to concern expressed on the proposal to remove Low Cost Housing as an Affordable Tenure from the Agreement, the Assistant Director Planning advised that the operation of the low cost purchase mechanism had proved problematic and the units were not well-targeted at those in greatest needs. In response to a question about the affordability of rents, the Housing Development and Viability Officer, Bedford Borough Council, advised that the Housing Association which was currently in discussion with Barratt Homes had confirmed their policy was to cap affordable rents and Local Housing Allowance level.

RESOLVED:

That the revised Heads of Terms of the Section 106 Agreement, as set out in Section 5.2 of the joint report of the Assistant Director (Planning), Bedford Borough Council, and the Development Infrastructure Group Manager, Central Bedfordshire Council, be agreed.

**6. WIXAMS RAILWAY STATION POSITION STATEMENT**

The Assistant Director (Planning), Bedford Borough Council and the Development Infrastructure Manager, Central Bedfordshire Council, jointly reported on the current position on the delivery of the proposed Wixams Railway Station.

Wixams Railway Station formed an integral part of the Wixams settlement and the Local Authorities and main developer remained committed to its delivery. Members expressed concern that the developer contribution towards the station was currently around £13 million but the current forecast of the cost of the station was expected to be in the order of £30 million. Applications for grants from various sources to cover the funding gap had been made but so far none had been successful.

Full planning consent for the station had been granted in 2012 but had lapsed in 2015 due to the lack of available funding.

Wixams Railway Station might also be affected by the East West Rail Project. Central Government had announced in the 2016 Autumn Statement that funds would be made available to investigate the case for a scheme to link Bedford, Sandy and Cambridge. Until this work was sufficiently developed to inform a decision on Wixams Railway Station it would not be possible to gain the consents needed, irrespective of the funding position.

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It was anticipated that the earliest that this position could be reviewed was late 2017. In the interim, the Local Authorities and the Developer would continue to explore how the full cost of the station might be funded.

The Committee noted that the revised cost of providing the station had been provided by Gallagher Estates and Members questioned the accuracy of the revised estimate.

RESOLVED:

- (1) That the report be noted.
- (2) That the Assistant Director (Planning), Bedford Borough Council, and the Development Infrastructure Manager, Central Bedfordshire Council, be requested to arrange a meeting between Members, Gallagher Estates and Network Rail to discuss issues arising from the proposed provision of the Wixams Railway Station.

The meeting closed at 8.00 pm