

## Decision under Delegated Powers

### Officer Requesting Decision

Principal Planning Officer - Strategic Development

### Officer Making the Decision

Head of Planning and Growth

### Recommendation

That authority is given to the Head of Planning and Growth to grant planning permission under Section 73 of The Town and Country Planning Act for the variation of Condition 2 (Approved Plans), 3 (Highways Layout), 5 (Private Drainage and External Works), 6 (Solar Panels and EV) and 8 (Bin Collection) under planning application referenced P/23/0499/2 which was granted approval of reserved matters by Plans Committee for 107 dwellings and associated infrastructure at Parcel 1, Phase 1 of the North of Birstall Sustainable Urban Extension.

### Reason

Reserved Matters (layout, scale, design, landscaping and access) for Parcel 1 at Broadnook SUE was resolved to be approved at Plans Committee in October 2023 and approval subsequently granted (P/23/0499/2).

A Section 73 application has been submitted which seeks to substitute house / garage types and amend the layout of a number of plots (approx. 40), including a change to the housing mix (P/24/0502/2). The proposed changes are considered to be acceptable in relation to policy and associated approved documents established as part of the outline consent for the Broadnook SUE (originally P/16/1660/2).

It is considered that the proposed changes do not present a significant change to the planning balance which informed the determination of the original reserved matters application by Plans Committee.

### Authority for Decision

An application to remove or vary a planning condition where the planning permission for the development was granted by the Plans Committee can be delegated to the Head of Planning and Growth provided, following consultation with the Chair and Vice-Chair of the Plans Committee and relevant ward councillors, the Head of Planning and Growth is of the opinion that the variation is minor in nature.

The Chair and Vice-Chair and the relevant ward councillors were consulted on the application made under Section 73 of the Town and Country Planning Act 1990 to vary a number of conditions attached to the reserved matters

approval in August 2024 and none opposed its progression through the use of delegated powers.

## Decision and Date

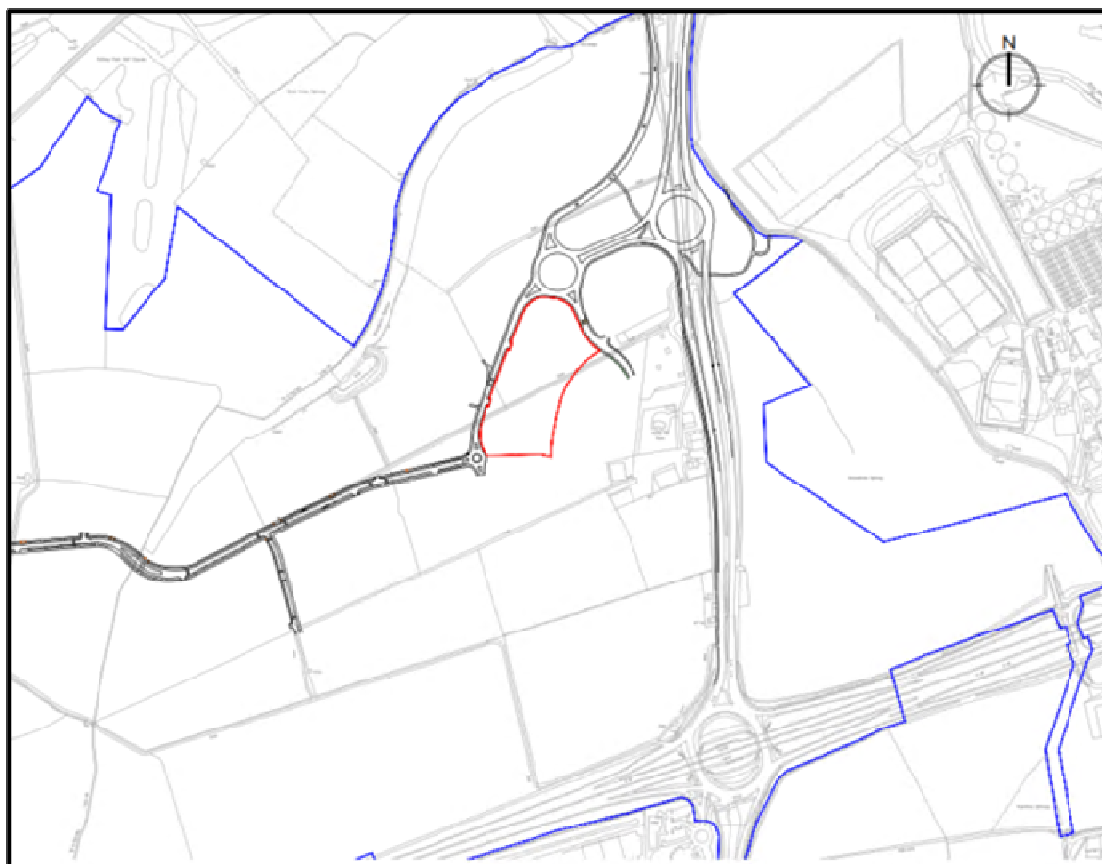


30 September 2024

## Background

Hybrid permission was granted in November 2020, reference P/16/1660/2, for up to 1950 dwellings, including full details of 193 dwellings, and outline consent for the remaining parcels, including 13ha employment land, a local centre, extra care accommodation, retirement accommodation, a primary school, public open space, allotments, travelling show people sites, access and associated infrastructure on land allocated to the north of Birstall, known as the North of Birstall Sustainable Urban Extension (Broadnook SUE).

The application site relates to Parcel 1 of Phase 1, as shown in the plan below. It has a site area of 2.85ha and its northern boundary meets the new roundabout that serves the Broadnook SUE off the A6.



This parcel was originally granted outline planning permission as part of P/16/1660/2 and through the subsequent S73 permissions and S96a amendments, with the most recent P/23/1555/2.

Reserved matters approval was subsequently granted in October 2023 (P/23/0499/2) at the site for 107 dwellings and associated infrastructure at the site, including discharge of condition 16 iii (housing mix), 16 iv (site wide affordable housing strategy) and condition 17 (programme of reserved matters).

This application seeks to vary condition 2 (Approved Plans), 3 (Highways Layout), 5 (Private Drainage and External Works), 6 (Solar Panels and EV) and 8 (Bin Collection Points) of the reserved matters approval. The changes include the substitution of house/garage types and amendments to the layout of a number of plots (approx. 40) and a change to the housing mix to deliver a greater proportion of 1 and 4+ bed properties, with fewer 3 bed properties.

The proposed amendments would not result in a change to the description of the development, the quantum of the development nor any of the principles established through the outline permission and the reserved matters approval and therefore officers recommend the application is approved.

Local ward members, along with the Chair and Vice Chair of Plans Committee were consulted in relation to determination of this application with delegated authority in August 2024 and raised no objections.

**Comments from HR Advisor:**

Not Applicable

**Financial Implications**

None

**Risk Management**

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Amended scheme subject to the S73 is not implemented.	Very Low	Very Low	Very Low (1 - 2)	N/A – Officers consider either scheme advanced, the original reserved matters approval or the scheme proposed under the S73, would be acceptable.

**Key Decision No**

**Background Papers**

All contained on planning file P/24/0502/2, which can be found at the following link:

<https://planningexplorer.charnwood.gov.uk/Assure/ES/Presentation/Planning/OnlinePlanning/OnlinePlanningOverview?applicationNumber=P%2F24%2F0502%2F2>