

Decision under Delegated Powers

Officer Requesting Decision

Team Leader, Strategic Development (interim)

Officer Making the Decision

Head of Strategic Support

Recommendation

That a Section 106 Agreement be signed to secure planning obligations to be secured under Planning Permission reference **P/22/0333/2** amendments to site layout relating to Land North of Birstall Sustainable Urban Extension ('Broadnook') described as *"Variation of conditions 13 (compliance with plans), 15 (phasing and delivery), 18 (Broadnook Centre in accordance with Planning Brief), 21 (Development Framework Planning Brief for resi phase 2 and 3), 22 (Planning and Design Brief for employment area), 23 (landscape principles), 24 (surface water drainage), & 40 (approved drawings) of hybrid application P/16/1660/2 to amend the Illustrative Masterplan and Parameter Plans in order to transpose an employment parcel with a residential parcel to allow for a first phase of residential development"*

The S106 agreement will be required to enable the the grant of planning permission for P/22/0333/2 to permit a variation to the original permission P/16/1660/2. The application is made under provisions of s73 of the Town and Country Planning Act 1990 which allows for adjustments to earlier permissions, i.e. that the obligations and covenants in the Original Agreement (as varied where appropriate) (save to the extent that they have already been satisfied) continue to bind the development of the Application Site whether carried out pursuant to the Original Permission (P/16/1669/2) or the New Permission(P/22/0333/2).

The content of the s106 is very wide ranging and detailed and the above approach will ensure it is applied in full to the new permission in the same maneer as the existing. It includes:

- Site layout and phasing details
- Provision of primary schools, with details fo the timing of their delivery and funding
- Provision of a Local Centre
- Provision of Extra Care facilities
- Contribution ot Early Years facilities
- Affordable Housing, to be delivered via an agreed scheme
- A police facility on site
- Various highways improvements in the local area
- Funds for the expansion of Cedars Academy, Birstall
- Provision of allotments
- Sustainable travel options for future residents

- Provision of communal recreation facilities
- Provision of a Community Hall and Community Resource Centre
- Green Infrastructure
- Provision and funding of a healthcare facility
- Payment triggers, review clauses, payback clauses etc associated with all of the above

Reason

To allow the application to progress, a signed S106 agreement will be needed by 28th May 2022 prior to planning permission being granted. The amendment itself is of limited significance, exchanging 2 similarly sized parcels of land within the site originally assigned for employment and residential use for one another. The relocation does not materially affect the scale of overall provision of either, and the relocation of the residential allocation to a prominent position close to the main access to the whole site in place of employment use is considered beneficial to design quality.

The effect of s73 applications, where successful, is to create a new and separate planning permission from that they are amending. The existing s106 relates to the original planning permission and there is a need to 'roll forward' all of its content in order to relate to the permission being granted under s73 in terms equal to the original.

Authority for Decision

Authority to determine planning applications subject to certain caveats is delegated to the Head of Planning and Regeneration under the constitution scheme of delegation. This application is determined under delegated authority (following consultation with the Chair of Plans Committee) but a S106 agreement is required to secure the necessary infrastructure, phasing and other obligations associated with this very major development.

Further, the Head of Strategic Support has delegated authority to enter into and vary an agreement under Section 106 of the Town and Country Planning Act 1990.

Decision and Date

Background

Application P/16/1660/2 was granted planning permission on 5 November 2020. The 'section 73' application referred to above P/22/0333/2 was submitted on 1 March 2022 and is due determination following satisfactory completion of its administrative and consultation processes.

Financial Implications

None

Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Applicant doesn't comply with the S106 Agreement	Very Low (1)	Low (1)	Very Low (1)	Routine monitoring of the S106 Agreement.

Key Decision: No

Background Papers:

Planning application and appeal ref as set out in this report.