

## **Decision under Delegated Powers**

### **Officer Requesting Decision**

Principal Planning Officer, Development Management

### **Officer Making the Decision**

Head of Planning and Growth

### **Recommendation**

That all of the Reasons for Refusal in relation to planning application P/21/2639/2, which the Plans Committee resolved to adopt as being the Council's position at the forthcoming planning appeal be withdrawn.

### **Reason**

To enable the planning authority to submit its statement of case in relation to planning application P/21/2639/2 to the Planning Inspectorate by the deadline of 12 September 2023.

### **Authority for Decision**

The Plans Committee resolved to support Recommendation B at their meeting on 17<sup>th</sup> August 2023, which read:

"That delegated authority be given to the Head of Planning and Growth to respond to any changed circumstances in the context of the non-determination planning appeal which might alter the council's position. This authority would extend to whether to withdraw some or all reasons for refusal. It would also authorize him to agree the terms of a S106 agreement and planning conditions, which will be required by the Planning Inspectorate, regardless of the recommended decision."

### **Decision and Date**



12 September 2023

### **Background**

The Application P/21/2639/2 'Outline application for up to 195 dwellings with all matters reserved except access' was validated on 20<sup>th</sup> December 2021. Following a lengthy period of consideration of the application during which time delays were occasioned by the absence of formal comments from the Highway Authority, the appellant made an appeal to the Planning Inspectorate on 13<sup>th</sup> July on the basis of its non-determination. The appeal site is outside the adopted Limits to Development of Syston, north of Barkby Road. It is an allocated site in the emerging Local Plan

At the date the appeal was made, the application did not benefit from support from the Highway Authority. That position changed on 17<sup>th</sup> August 2023, with a consultation response from Highway Authority saying that the proposal was compliant with the relevant policies, subject to planning conditions and obligations to be secured by a planning legal agreement. This response was received on the same day as the Plans Committee meeting leaving little time to digest the response and to advise the committee of officer's informed view. In this context the committee resolved to give delegated authority to the Head of Planning and Growth to respond to any changing circumstances, which might alter the council's position through the appeal. This authority would extend to whether to withdraw some or all reasons for refusal. It would also authorize him to agree the terms of a S106 agreement and planning conditions.

In accordance with the PINS process, a Statement of Case must be submitted by the Council to the Planning Inspectorate by the end of the day on 12<sup>th</sup> September 2023. The guidance published by the Inspectorate, and the Code of Conduct for members of the Royal Town Planning Institute require that officers present the Council's case with integrity, having carefully considered the material circumstances. Those circumstances changed between the date of preparation of the officer's report to the Plans Committee and the evening of the Committee's deliberation.

Now that the Council's planning and legal officers have had an opportunity to consider that Highway Authority response, it is the considered opinion of the Head of Planning and Growth that the Planning Authority should withdraw all of the proposed reasons for refusal of planning permission.

Differences remain between the parties about the necessary planning conditions and about obligations, which will be resolved by the Planning Inspectorate after Inquiry.

### Financial Implications

None

### Risk Management

Risk Identified	Likelihood	Impact	Overall	Risk Management
Applicant doesn't comply with the S106 Agreement	Very Low	Low	Very Low (1 - 2)	Routine monitoring of the S106 Agreement.

Key Decision:

No

Background Papers:

Planning application and appeal ref. P/21/2639/2 report available at <https://charnwood.moderngov.co.uk/documents/s12170/P2126392%20-%20Land%20off%20Barkby%20Road%20Syston.pdf> 7

Minutes of Committee meeting (draft):

<https://charwood.moderngov.co.uk/documents/g898/Printed%20minutes%2017th-Aug-2023%2017.00%20Plans%20Committee.pdf?T=1>