

Application No: 13/4904N

Location: Land off Wrens Close, Nantwich

Proposal: Full planning permission for 11 dwellings including access and associated infrastructure.

Applicant: Mr F Lloyd-Jones, Thomas Jones and Sons

Expiry Date: 19-Feb-2014

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:-

Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety and Traffic Generation
Landscape Impact
Hedgerow and Tree Matters
Ecology
Design
Amenity
Sustainability
Education

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a small scale major development and a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The application site is an area of land approximately 0.33 hectares in size, to the south of Wren's Close, Nantwich. It is a predominantly flat site with the southern and western boundaries adjacent to properties on Audlem Road, the northern boundary is adjacent to the 5 properties that make up Wrens Close and to the east is open countryside.

The land to the east is currently subject to an appeal against refusal for 189 dwellings contrary to open countryside policies (12/3747N).

The site is designated as being within the Open Countryside in the adopted local plan.

DETAILS OF PROPOSAL

This is a full planning application for the erection of 11 dwelling houses on land south of Wrens Close, Nantwich. They consist of 10 semidetached properties and 1 detached. The properties would be accessed from Peter Destapleigh Way, passing Wrens Close and each property would have 2 parking spaces.

RELEVANT HISTORY

P05/0033 2005 Approval for 5 dwellings.

POLICIES

National Guidance

National Planning Policy Framework

Local Policy

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 2 Efficient Use of Land
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy SE 12 Pollution, Land Contamination and Land Instability
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy PG5 Open Countryside
Policy EG1 Economic Prosperity

The relevant policies saved in the **Congleton Borough Local Plan First Review** are:

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing Developments

CONSULTATIONS (External to Planning)

Environment Agency:

Request conditions and informatives to control noise, dust, air quality and contaminated land.

Strategic Highways Manager:

Parking Provision

Following the receipt of revised site plan 1851-110-Rev A, 200% parking is now provided at each dwelling, which is consistent with Cheshire East Highways (CEH) parking standards for 2/3 dwelling houses.

Car and Service Access

The proposed access into the site would take the form of a 4.5m single carriageway shared surface with 2.0m service strips. The site will take access onto the main public highway at the

existing junction of Wren's Close/Peter Destapleigh Way. It is considered that, in view of the number of dwellings within the new development, the existing access will be adequate.

A Swept Path Analysis was provided, SCP/14045/ATR02, which demonstrates that a refuse vehicle could enter the site, manoeuvre and exit in a forward gear within the carriageway and service strips. Therefore, the carriageway layout is acceptable.

The proposed access road would appear to be potentially suitable for adoption, and given the number of dwellings, it would be preferable that the road were offered for adoption under the s.38 process. Simon Skates would be the contact for this.

Pedestrian Access

Connectivity to the nearest public footway in the plans provided would require residents to walk on the private shared surface on Wrens Close to reach a gate, which in turn provides access to a public footway located outside of the site. The use of this space as a pedestrian route to the new dwellings is not considered appropriate due to its use for parking and manoeuvring combined with its restricted width. In addition, it is not clear whether residents of the new development would have a right of access over this land to reach the gate connecting to the public footway.

To alleviate this concern, I would recommend that the existing pedestrian footway outside the site should be extended along the to the vehicular access, to run parallel to the metal fencing on Wrens Close. A recommended condition/informative wording is provided below:

Condition:- Prior to first occupation the developer will construct and provide a 2.0 metre wide footpath fronting Peter Destapleigh Way to connect the joint use surface of Wrens Close to the existing footpath at the junction of Peter Destapleigh Way with Audlem Road.

Environmental Health:

Recommend conditions relating to contaminated land, noise generation, electric vehicle infrastructure and travel plans.

VIEWS OF THE PARISH COUNCIL

Nantwich Town Council object on the grounds that this site was not identified in the Town Strategy and is not a preferred site in the Core Strategy the site is not brownfield land and that development will add to the overall housing figure for the town in excess of the proposed requirement in the Core Strategy. They also object on the grounds of highway safety.

OTHER REPRESENTATIONS

At the time of report writing, approximately 13 objections have been received relating to this application. These can be viewed on the application file. They express concerns about the following:

- Highway safety
- Inadequate parking provision

- Access issues
- Flood risk and drainage
- Noise generation
- Site is outside the settlement boundary (contrary to NE.2 and RES.5)
- The site is not a windfall site
- Impact on wildlife
- No affordable housing provision
- Loss of privacy and overlooking
- Overbearing development
- Loss of light
- Cramped development
- There is no common right of way along Wrens Close
- Too much development going on in the local area
- Poor design and boundary treatments
- Access should be provided to allow residents on Audlem Road to park to the rear of their properties
- Further development is not needed in Nantwich but in the north of the borough

These can be viewed on the application file.

OFFICER APPRAISAL

Principal of Development

The site lies within the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer

of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- n any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- n specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the Cheshire East Local Plan Strategy – Submission Version, of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon within the Local Plan Strategy – Submission Version or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified.

Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)
- Public Right of Way (500m)
- Children’s playground (500m)

The application has not included such an assessment, but puts forward the argument that the site is in close proximity to Nantwich Town Centre and the facilities and services available there.

It is considered that as the site lies adjacent to existing residential development in Nantwich, it would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location.

Affordable Housing

The Interim Planning Statement on Affordable Housing (IPS) states that in settlements of 3000 or more affordable housing provision will be sought on sites of 0.4 hectares or more or 15 dwellings or more. The site is in Nantwich and is a proposal for 11 units on a site of 0.33

hectares. The site size and dwelling numbers do not meet the threshold to trigger an affordable housing requirement.

Highways Implications

The Strategic Highways Manager (SHM) is satisfied that there is adequate parking provision within the site and that the access is acceptable. A Swept Path Analysis has also been provided to demonstrate that a refuse vehicle could enter and leave the site in a forward gear.

Having regard to pedestrian access the SHM has concerns that pedestrian access along Wrens Close would not be appropriate and that there may not be right of access across that land. He therefore recommends that the developers should provide a pedestrian footway to Peter Destapleigh Way. Private access rights are not a planning matter and it would not be possible to require the provision of the footpath as the land is not in the control of the applicant.

It is not considered that the concerns about pedestrians using Wrens Close are severe given that it is a small street with just 5 dwellings. As such it would not be reasonable to refuse the application on these grounds.

Amenity

The proposed layout of the site means that the dwellings on plots 6-11 would have rear elevations directly facing the existing properties on Wrens Close. Some of these properties have conservatories and it is considered that adequate screening is proposed by the 1.8m screen fence shown on plan number 110. The distances between first floor windows to main rooms would fall just short of what is generally accepted as an acceptable separation distance (21m) by 1 metre and whilst this is not ideal, these distances are used as a guide and it is considered that a reason for refusal on these grounds would be difficult to sustain.

Having regard to the amenity of future occupiers of the dwellings, adequate private residential amenity space could be provided, as could bin storage. The proposal is therefore considered to be acceptable in these terms.

Trees & Landscape

The site adjoins the gardens of existing residential properties to the north and west with a mix of hedged and fenced boundaries and is contained by a hedgerow on the eastern boundary although this hedge is gappy and contains a high proportion of elm. It is considered that the site has the landscape capacity to accommodate the development proposed although there would be impacts on the outlook from some adjoining properties.

In the event of approval it would be important to secure appropriate boundary treatments with the retention of existing boundary hedges where possible and in particular a green edge to the east.

A comprehensive landscape scheme would be required. This could be covered by condition.

The submission is supported by an Arboricultural Implications Assessment (AISA) dated 15/11/13. A tree survey covers 4 lengths of hedge and 5 trees. The AIA suggests the tree and

hedgerow cover that exists is predominantly poor with the exception of the recently established boundary planting to the rear of 1-4 Wrens Close. The AIA indicates that two small fruit trees would be retained and the remaining trees removed as part of the development (although the submitted site layout plan 1851-110 shows all retained). Hedges would be retained (where these are in the control of the applicant) and protected however, there is a recommendation that the eastern boundary hedge (a gappy remnant hedge dominated by elm regeneration) is coppiced and gaps planted up.

It is agreed that the tree quality is low and there are no concerns regarding the removal of the specimens identified. Coppicing the eastern boundary hedge would reduce its screen value in the short term however; there would be an opportunity to secure management and replanting on this boundary by condition.

A condition would also be appropriate to secure the protective fencing for the retained vegetation as indicated in the AIA.

Design

This is a full planning application that should be assessed in terms of its design and proposed layout.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The proposed dwellings would be of a relatively traditional design with pitched roofs and gable features and would be constructed from brick and tile. This is considered to be appropriate and in keeping with the character and appearance of the local area, specific details of the materials should be controlled by condition.

Ecology

Great Crested Newts

Whilst great crested newts are known to be widespread in this part of Nantwich however the proposed development is too remote from any ponds for great crested newts to be likely to be present on site. No further action is required in respect of this species.

Grassland Habitats

The grassland habitats on site are of relatively low value and do not present a significant constraint upon development. The development proposals however may still result in an overall loss of biodiversity. It is therefore recommended that the residual impacts of the development be off-set by means of a commuted sum that could be utilised to fund off site habitat creation/enhancement potentially within the Meres and Mosses Nature Improvement Area.

The suggested method of calculating an appropriate commuted sum is based on the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011'):

The loss of habitat (Semi improved grassland) amounting to roughly 0.3ha.

Cost of creation of Lowland Grassland 0.3ha x £11,291.00 (cost per ha) = £3,387.90 (Source UK BAP habitat creation/restoration costing + admin costs)

Hedgerows

Hedgerows are a Biodiversity Action Plan priority species and hence a material consideration. The existing hedgerow on the eastern boundary of the site will be retained and enhanced as part of the proposed development.

Bats

The application site is likely to support foraging and commuting bats however it is considered that the site is unlikely to be significantly important for this species group.

Reptiles

Grass snakes have been recorded in within the broad location of the proposed development site and the submitted report identifies the application site as having potential to support reptile species. It is therefore advised that to enable the council to assess the potential impacts of the proposed development upon reptiles the applicant should submit a detailed reptile survey prior to the determination of this application. The survey should be undertaken by a suitably experienced ecological consultant at the correct time of year.

Hedgehogs

The submitted report has identified the potential for Hedgehogs a UK Biodiversity Action Plan species to occur on site, however no evidence of this species was recorded during the submitted survey. The submitted report includes suitable mitigation proposals to address the potential impacts of the proposed development upon this species.

Breeding Birds

If planning consent is granted standard conditions will be required to safeguard breeding birds.

Education

The Education Department have been consulted on this application but as yet a response has not been received. This is being pursued by the case officer and an update will be provided prior to Committee debating the application.

Agricultural Land

Policy NE.12 (Agricultural Land Quality) of the Crewe and Nantwich Replacement Local Plan has been saved. The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The supporting statement submitted with the application states does not address this issue. However; given the scale of the proposal limited size of the site, it is not considered that its loss would be significantly detrimental.

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained within the main report, off-site contributions to habitat creation/enhancement would help to make the development sustainable and is fair and reasonable.

Other issues

The objectors have raised issues relating to rights of way across land. This is a private matter and not a material planning consideration.

CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the Council can now demonstrate a five year housing land supply. This issue will form a reason for refusal.

The proposal does not accord with the Cheshire East Local Plan Strategy – Submission Version.

Insufficient information has been submitted in order to assess the impact of the development on reptiles.

The scheme is acceptable in all other forms apart from open countryside policy and housing land supply and ecology..

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside, and as a result, the proposal is considered to be unsustainable and contrary to policies NE2 of the local plan and Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version.

RECOMMENDATIONS

REFUSE:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. Insufficient information has been submitted with the application relating to ecology in order to assess adequately the impact of the proposed development having regard to reptiles. In the absence of this information it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

