

Application No: 14/4300N

Location: Lodge Farm Industrial Estate, Audlem Road, Hankelow, Cheshire, x

Proposal: Outline planning application with some matters reserved for Redevelopment of the site to provide up to 22 dwellings and an area of public open space

Applicant: Bridge Properties Ltd

Expiry Date: 12-Dec-2014

REASON FOR REPORT:

This application is referred to Southern Planning Committee as it relates to a major development.

SUMMARY:

The principle of development on this part Greenfield part Brownfield site is considered to be acceptable given the Councils 5 year Housing Land Supply Position. However the impacts upon sustainable development need to be considered as part of a planning balance.

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.

In terms of the POS provision and the proposed LEAP this is considered to be acceptable.

The impact upon medical infrastructure will form part of an update report.

Environmental Sustainability

Details of the proposed landscaping would be secured at the Reserved Matters stage. There is no reason to believe that an acceptable scheme could not be secured. The site is well contained and the impact upon the wider landscape is limited.

With regard to ecological impacts, subject to the receipt of additional information in relation to Bats and other protected species the impact is considered to be neutral as mitigation would be secured.

An update will be provided in relation to the drainage/flood risk implications for this proposed development.

There would be no significant impact upon trees or hedgerows.

Economic Sustainability

The access to this site will be considered as part of an update report.

The site is part brownfield and in this case the redevelopment of the site would provide a number of economic benefits in the re-use of the site.

The loss of the employment site is considered to be acceptable given the findings of the marketing exercise which has been undertaken.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION:

APPROVE subject to conditions and the completion of a S106 Agreement

PROPOSAL:

This is an outline application for up to 22 dwellings (23 dwellings per hectare). Access is to be determined at this stage and all other matters would be reserved.

The access would be via a single priority junction off Audlem Road.

The indicative plan shows that open space would be provided on this site together with a LEAP.

SITE DESCRIPTION:

The application site is relatively flat and extends to 0.93 hectares and is located within the open countryside as defined by the Crewe and Nantwich Replacement Local Plan 2011.

The site is located to the rear of existing ribbon development which fronts Audlem Road. The site includes a number of utilitarian buildings which form Lodge Farm with an area of external storage to the north-west. The site has an existing access to the north adjacent to the boundary of a dwelling known as 'Daisy Cottage'. The site is bound by fencing to the residential properties to the south and east with hedgerow to all other sides.

The site was last occupied by a conservatory company.

RELEVANT HISTORY:

P03/0612 – Formation of Office – Withdrawn 8th November 2004

P99/0772 – Outline application for residential development – Refused 11th November 1999 for the following reasons:

- Unwarranted intrusion into the open countryside creating unsustainable development
- Insufficient information in relation to the drainage of the site

P97/0405 – Two storey extension – Approved 26th June 1997

7/19874 - Continued use of land without compliance with personal conditions – Refused 29th August 1991

7/19778 - Light industrial building (retrospective) – Approved 26th July 1991

7/08207 - Erection of workshop for manufacture of animal weighing machines – Approved 16th July 1981

7/06359 - Storage building for agricultural weighers – Approved 18th March 1980

7/06348 - Re-building of lean-to extension – Approved 18th February 1980

POLICIES

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 14 and 49.

Development Plan:

The Development Plan for this area is the Crewe and Nantwich Replacement Local Plan 2011 which identifies that the site lies within the open countryside.

The relevant Saved Policies are: -

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)
E.7 (Existing Employment Sites)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Other Considerations:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
North West Sustainability Checklist

CONSULTATIONS:

United Utilities: There are no known public sewers in the vicinity of the proposed development. A separate metered supply will be required for each unit.

Natural England: Statutory sites – no objection.

For advice on Protected Species refer to the Natural England standing advice.

NHS England: No comments received at the time of writing this report.

CE Flood Risk Manager: No comments received at the time of writing this report.

CE Education: There is space available in the local primary school to accommodate the 4 pupils generated, however Brine Leas Academy as a popular and successful school is significantly oversubscribed and a contribution will be needed for the secondary aged pupils.

$3 \times 17959 \times 0.91 = £49,028$ towards accommodating the secondary aged pupils generated by this proposal.

Strategic Highways Manager: Further consideration of site access and further information is required from the applicant in terms of visibility at the site access point.

Public Open Space: The proposal should provide an equipped children's play area. The equipped play area needs to cater for younger children - 5 pieces of equipment.

Environmental Health: No objection. Conditions suggested in relation to piling works, bin storage, travel plan, dust control, electrical vehicle charging and contaminated land. Informatives suggested in relation hours of work and contaminated land.

VIEWS OF THE PARISH/TOWN COUNCIL:

Hankelow Parish Council: Hankelow Parish Council has the following observations:

- Concern about the location and height of the dwellings in relation to existing houses. There should be no dwellings which were more than 2½ storeys in height.
- Hankelow was serviced by a higher volume of heavy commercial vehicles, than other areas, by virtue of the lack of gas supply, and the fact that all houses used septic tank drainage. For this reason, the applicant must take into account the impact on the service roads.
- The Parish wished to maintain darkened skies in the interests of avoiding light pollution. If any lighting was proposed on the development, it should be low level and directed downwards.
- Drainage was a general problem in the parish. The drainage requirements identified in the applicant's report (greater than 5 cu. metres per day) must be addressed satisfactorily and meet the concerns expressed by the community and have the approval of the Environment Agency.
- Given the previous activity on the site, the land may be heavily contaminated and a full investigation must be carried out and appropriate measures put in place.
- The Parish Council wish to place on record that it appreciated the measures taken by NJL Consulting to involve the Parish Council in a continuous consultation on the development of the site. Moreover, the original plan had been for a greater number of houses but as a result of on-going consultation had resulted in an application for fewer houses and a revised layout which was more in keeping with the village.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

Letters of objection has been received from 2 households raising the following points:

- The design is in the form of a mini estate which is out of character with the ribbon development in Hankelow.
- Drainage needs to be addressed.
- The outflow from septic tanks will add to the general levels of nitrates and phosphates entering the River Weaver
- Local schools are at capacity
- Local medical provision is at capacity
- A drainage assessment should be undertaken for this development. If this demonstrates that there are no drainage issues they would support the application.

Letters of general observation has been received from 3 households raising the following points:

- As an adjoining neighbour they would prefer not to have another house overlooking their property
- Construction should not affect the septic tanks of the surrounding dwellings
- Asbestos within the existing buildings will cause a demolition hazard
- A smaller number of dwellings should be developed on the site
- There should be the provision of bungalows on the application site
- Hankelow suffers from drainage problems and this development could result in flooding issues
- Street lighting would result in an urbanising effect upon the rural landscape. Low level lighting should be considered
- The impact upon health infrastructure should be considered
- The site appears suitable for residential development
- Unable to identify which are the affordable housing units for which there is a local need
- The open space should include a nature reserve area and the planting of fruit trees

A letter of support has been received from 1 household raising the following points:

- A development of 15 dwellings would be more in keeping with the village of Hankelow.
- Three-storey development would not be welcome and would raise privacy issues
- POS and children's play space is a positive part of the development and will benefit Hankelow which has no such facilities.

A letter of objection has been received from Audlem Medical Practice raising the following points:

- The practice currently has a list size of 4,500 patients between 2.4 full time equivalent partners. This equates to 1956 patients each, significantly above the national average of 1,600 per partner. The premises were built in 1992 and were never designed for the current levels of activity which are provided.
- This is a rural area and as such this is the only Practice where patients can register. The closest neighbouring practices in Nantwich, Wrenbury and Market Drayton do not accept patients from Audlem.
- Any additional housing will mean an increase in population which the medical practice will be unable to accommodate. The medical practice will have no option other than to close their list and not take any new patients. This will adversely affect residents of the new development and newborn children, residents at nursing homes and anyone moving into an existing property. Due to spending cuts it is unlikely that the capacity will improve in the medium term.
- The Practice urge the planning authority to refuse this application.

APPLICANT'S SUPPORTING INFORMATION:

To support this application the application includes the following documents;

- Planning Statement (Produced by NJL)
- Transport Statement (Produced by Croft transport Solutions)
- Ecological Assessment (Produced by Tyler Grange)
- Preliminary Risk Assessment (Produced by RSK)
- Design and Access Statement (Produced by GA Studio)
- Statement of Community Consultation (Produced by NJL)

These documents are available to view on the application file.

APPRAISAL

The key issues are the principle of residential development on this site, Housing Land Supply, the location of the site, landscape impact, affordable housing, highway implications, amenity, trees and hedgerows, design, ecology, Public Open Space, education, flood risk and drainage and the impact upon health infrastructure.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full

assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

Loss of Employment Site

Part of the site is in employment use and the proposed residential development would result in the loss of a small employment within the open countryside. In relation to this issue Policy E.7 states that development will be permitted where amongst other things the site is not capable of satisfactory employment use and there are overriding local benefits or it can be demonstrated that there would be no detrimental impact on the supply of employment land or premises.

In this case the applicant has provided a statement from an estate agent who has been marketing the site for sale and for let since 7th March 2013. The site was advertised on a number of websites (including the Cheshire East website), 'For –Sale' board on the site, and the sales particulars have been circulated to a mailing list. The interest has been described as *'very disappointing and almost non-existent'* with only two viewings and no offers. The feedback from the viewings was that the buildings are inappropriate for their specific needs and the cost of modernising and adapting them is prohibitive.

The estate agent has stated that when discussing the site with other businesses the isolated location away from other commercial areas, the properties poor condition and manner of construction, the poor internal layout with no separate access for deliveries and visitors/employees and siting to the rear of residential properties are further issues with this site.

Based on this it is considered that the loss of this small employment site is acceptable and it would comply with Policy E.7.

Affordable Housing

The village of Hankelow has a population of below 3,000 and as such the threshold highlighted above will apply and 30% affordable housing will be required on this site.

The proposal is for 22 dwellings therefore there is a requirement for 6 dwellings to be provided as affordable with 4 provided as social or affordable rent and 2 as intermediate tenure. The applicant in their accompanying planning statement confirms that 6 dwellings will be provided as affordable. These will be pepper potted through the site in accordance with policy.

As this is an outline application the Housing Strategy and Needs Manager would like an Affordable Housing Scheme to be submitted at Reserved Matters stage providing full details of the affordable housing include location, type and tenure. The indicative site layout appears to show 4 terraced units which may comprise the affordable housing and a pair of semi-detached units however this is not clear. On a future Reserved Matters application the Housing Strategy and Needs Manager would expect to see the affordable housing located in at least two clusters across the site.

The affordable housing provision on this site would be secured as part of a S106 Agreement.

Highways Implications

At the time of writing this report, further information had been requested in relation to visibility at the access to the site. An update will be provided in relation to this issue.

Amenity

The application is in outline form and the Design and Access Statement states that the development would include some dwellings of up to 2.5 stories in height. At this stage there is no reason why a detailed design could be secured which would ensure that separation distances are met and residential amenity is protected.

Air Quality

The comments of the Councils Environmental Health Officer are noted in relation to the impact upon air quality. However it is not considered to be necessary or reasonable to attach the suggested condition in relation to a travel plan or electrical vehicle charging infrastructure as there is no Air Quality Management Area in close proximity to this site.

The suggested condition in relation to dust management will be attached to protect the residential amenity of the adjoining residents during the construction phase of the development.

Contaminated Land

Given the previous use of the site and following the consideration of the submitted report the Councils Environmental Health Officer has suggested the use of a condition to secure a Phase II contaminated land report.

The issue of asbestos disposal is subject to separate legislation.

Noise

The main noise issue would be during the construction phase and this would be subject to the imposition of a planning condition in relation to piling and an informative in relation to construction hours.

External Lighting

A number of the representations have raised concerns about external lighting on this site. This issue will be considered at the reserved matters stage.

Trees and Hedgerows

The existing boundary plantings on site while not of a high landscape value would help screen filter views of the site and should be retained, protected and augmented as part of any future landscape scheme at reserved matters.

Landscape

Landscaping is a reserved matter and the details will be dealt with at that stage.

In terms of the wider landscape impacts, this is a flat part brownfield site within the open countryside. The site is well contained and is enclosed by boundary hedgerows. It is considered that this site has the capacity to accommodate this small development and would not have a harmful impact upon the wider character of the landscape.

Location of the Site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities 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.

This issue was considered at a recent appeal decision in Hankelow which was refused on sustainability grounds but allowed at appeal.

At 4 Audlem Road, Hankelow (to the north of the application site) an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *‘The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and non-members. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement’.*

Based on this appeal decision it has to be concluded that this application site is also sustainable in locational terms.

Design

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.”

In this case the proposal would have a density of 23 dwellings per hectare this is consistent with the surrounding residential areas of Hankelow.

In this case an indicative layout has been provided in support of this application and this shows that a basic layout can be achieved and that the areas of open space and all highways would be well overlooked. It is accepted that the site is located to the rear of the existing built form but this is not considered to represent a reason for refusal.

It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Impact upon the Setting of the Listed Buildings

Ball Farm is a Grade II* Listed Building and is located to the rear of the site. Given the separation distance involved and the intervening agricultural land it is not considered that the development would have a detrimental impact upon the setting of this Listed Building.

Ecology

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within one of the out buildings to be demolished as part of the proposed development. The usage of the building by bats is likely to be limited to single or small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specifically protected under Schedule 1, 5, or 8 of the Wildlife and Countryside Act 1981 (as amended) or their habitats.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the development is in the interests of overriding public interest as it will re-use a previously developed site and there is no satisfactory alternative as without future works the buildings on the site would fall into further disrepair. There would be no detriment to the maintenance of the species population at favourable conservation status in their natural range as the submitted report recommends the installation of bat boxes on the proposed dwellings as a means of compensating for the loss of the roost.

However the Councils Ecologist advises that the applicant must also submit outline proposals detailing how the risk of bats being killed or injured during the demolition process would be mitigated. This information was awaited at the time of writing this report and an update will be provided.

Grassland

The Councils Ecologist advises that the semi improved grassland habitats on site do not support a sufficient diversity of grass or flowering plant species to be considered to be of substantive nature conservation value. The loss of this area of grassland would however result in the loss of small

number of common species indicative of higher quality grassland and so result in an overall loss biodiversity. In order to compensate for this loss the Councils Ecologist recommends that any reserved matters application includes proposals for the enhancement of the retained area of grassland habitat associated with the on-site public open space.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The submitted illustrative layout plan shows the retention of the existing hedgerows as part of the proposed development.

Breeding Birds

If planning consent is granted standard conditions would be required to safeguard breeding birds and ensure some additional provision is made for nesting birds at the detailed design stage.

Reptiles & Great Crest Newts

The Councils Ecologist advises that these two species are not reasonably likely to be present or affected by the proposed development. There is however a low possibility that common reptiles such as grass snake could utilise the site on a transitory basis. To mitigate the potential risk of common reptiles be killed or injured during the construction process the applicant has provided an outline method statement of Reasonable Avoidance Measures. The Councils Ecologist advises that this approach is acceptable and recommend that these avoidance measures be incorporated into a construction method statement secured by condition.

Other Protected Species

Evidence of activity was recorded on site but no sett is located within 30m of the proposed development. Following the case officers site visit additional information has been requested in relation to this issue and an update will be provided.

Public Open Space

In accordance with Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan this development would require an open space provision of 770sq.m. In this case the indicative plans show that the development would open space for drainage and POS of 2,375sq.m.

The Councils POS Officer has requested the provision of a 5 piece LEAP. This would be provided together and would be secured as part of the S106 Agreement.

Education

A development of 22 children would be expected to generate 4 primary and 3 secondary aged pupils.

The local primary school is Audlem St James and the catchment secondary school is Brine Leas Academy.

The Councils Education department have stated that there is space available in the local primary school to accommodate the 4 pupils generated. However Brine Leas Academy as a popular and successful school is significantly oversubscribed and a contribution will be needed for the secondary aged pupils. As a result the requested contribution of £49,028 towards accommodating the secondary aged pupils generated by this proposal will be secured as part of a S106 Agreement.

Flood Risk and Drainage

The site covered by this application is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site exceeds 1 hectare, a Flood Risk Assessment was submitted as part of the outline application.

At the time of writing this report no comments had been received from the Councils Flood Risk Manager. This information will be provided as part of an update report.

Health Infrastructure

Concern has been raised in relation to the impact upon the health infrastructure capacity at Audlem. The NHS has been consulted in relation to this issue and an update will be provided.

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, POS and children's play space is a requirement of Policy RT.3. It is directly related to the development and is fair and reasonable.

On this basis, the S106 recommendation is compliant with the CIL Regulations 2010.

PLANNING BALANCE

The principle of development on this part Greenfield part Brownfield site is considered to be acceptable given the Councils 5 year Housing Land Supply Position. However the impacts upon sustainable development need to be considered as part of a planning balance.

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.

In terms of the POS provision and the proposed LEAP this is considered to be acceptable. The provision of a LEAP would provide a facility currently not available in Hankelow.

The impact upon medical infrastructure will form part of an update report.

Environmental Sustainability

Details of the proposed landscaping would be secured at the Reserved Matters stage. There is no reason to believe that an acceptable scheme could not be secured. The site is well contained and the impact upon the wider landscape is limited.

With regard to ecological impacts, subject to the receipt of additional information in relation to Bats and other protected species the impact is considered to be neutral as mitigation would be secured.

An update will be provided in relation to the drainage/flood risk implications for this proposed development.

There would be no significant impact upon trees or hedgerows.

Economic Sustainability

The access to this site will be considered as part of an update report.

The site is part brownfield and in this case the redevelopment of the site would provide a number of economic benefits in the re-use of the site.

The loss of the employment site is considered to be acceptable given the findings of the marketing exercise which has been undertaken.

It is considered that the planning balance weighs in favour of this development. Material considerations indicate that this development should be approved as a departure to the development plan. This is in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

RECOMMENDATION:

APPROVE subject to completion of Section 106 Legal Agreement to secure the following:-

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision**
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**

- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a LEAP to be maintained by a private management company
 3. Secondary School Education Contribution of £49,028

And the following conditions:-

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Approved Plans
5. Construction Method Statement for any piling works
6. Dust control measures
7. Contaminated land
8. Bat mitigation measures
9. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.
10. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
11. The reserved matters application shall include retention of the boundary hedgerows
12. Submission of an updated badger survey in support of any future reserved matters application.
13. Submission of a Construction Method Statement including Reptile mitigation measures in support of any future reserved matters application.
14. Any reserved matters to be supported by proposals for the ecological enhancement of the proposed public open space area.
15. Submission of a habitat management plan.
16. Reserved matters application to include details of existing and proposed levels

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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