

ITEM FOR DECISION

Item No.	Application No. and Parish	13 Week Date	Proposal, Location and Applicant
(4)	16/01846/OUTMAJ Theale	30 September 2016	Residential development comprising the erection of 25 dwellings with associated access, parking and landscaping works. Matters to be considered Access. North Lakeside, The Green, Theale Central Corporation Securities Ltd; Alliance Security(The Green) Ltd, Central Corporation Estates Ltd and Insistmetal2 Ltd

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/01846/OUTMAJ>

Recommendation Summary: **DELEGATE** to the Head of Planning & Countryside to make representations at appeal that planning **permission should be granted** subject to conditions and planning obligations.

Ward Member: Councillor Alan Macro

Reason for Committee Determination: Member call-in

Committee Site Visit: 11th January 2017

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1. INTRODUCTION

- 1.1 This is an item for decision in relation to appeal against non-determination pursuant to planning application 16/01846/OUTMAJ. The application sought outline planning permission for the erection of 25 dwellings with associated access, parking and landscaping works. Matter to be considered in detail at this stage: Access.
- 1.2 The application has been considered in parallel to application 15/02842/OUTMAJ, which has been subject to prolonged negotiations in relation to several principle issues including viability, affordable housing, education mitigation, design, and landscape impacts. The applicant exercised their ability to appeal against non-determination of the application, so the decision whether to grant planning permission will be made by the Planning Inspectorate, not the Council. An informal hearing is scheduled for 9th February.
- 1.3 The decision of the Committee on this item will determine the position the Council adopts at the appeal (i.e. whether the Council supports or resists granting planning permission). This decision should nonetheless be made on the basis of compliance with the Development Plan and material considerations.

2. PLANNING HISTORY

2.1 Lakeside (whole site)

- 2.1.1 Outline planning permissions for a business park and public open space were granted on appeal in 1989 and 1996, but neither was implemented despite reserved matters approval being gained in respect of the latter. A further outline planning permission was granted by the Council in 2000 for a B1 business park and associated open space (Application 154882). A reserved matters application in respect of this latest outline permission was approved in 2001 (Application 01/01266/RESMAT). It provides for 14,488sqm of B1 floor-space in three 3-storey buildings together with 545 surface car-parking spaces. All the buildings and car-parking would be contained within South Lakeside (excluding the area protected by TPO), and North Lakeside would be landscaped as open space.
- 2.1.2 All pre-conditions applying to the 2000 outline planning permission and the 2001 reserved matters approval have been discharged and material operations have been carried out to begin implementing the permission.
- 2.1.3 Application 15/02842/OUTMAJ sought outline planning permission for up to 325 dwellings across the whole Lakeside site. This application has been appealed for non-determination, and is another item for decision.

2.2 North Lakeside

- 2.2.1 A proposal for 58 dwellings on the whole North Lakeside site was dismissed at appeal in January 2007 (APP/W0340/A/05/1186340). Two subsequent outline applications for residential development on the site were refused by the Council in 2006. The Council then granted planning permission, also in 2006, for one pair of four-bedroom semi-detached residential properties with garages and car parking on

part of North Lakeside fronting The Green, next to the access to the appeal site (Application 06/00236/FULD).

2.2.2 The Housing Sites Allocation Development Plan Document (HSA DPD) Proposed Submission Version (November 2015) included an allocation in the central parcel of North Lakeside for approximately 15 dwellings (Policy HSA14). As part of this proposed allocation, the banks of the lake and the western and eastern parcels of North Lakeside were proposed to be maintained as open space and a landscape buffer.

2.2.3 Subsequently, an appeal was granted for seven dwellings on land south of St Ives Close, which forms the eastern parcel of North Lakeside (Application 14/02195/OUTD). This conflicted with the proposed allocation. In response the Council has elected to delete the proposed allocation policy and simply include the whole Lakeside site within the proposed revised settlement boundary to Theale, whereby the principle of residential development becomes acceptable.

2.3 South Lakeside

2.3.1 An application (04/01219/FULMAJ) for proposed residential development of 350 houses and apartments with associated access, parking, amenity space and landscaping on the land known as South Lakeside was submitted in May 2004. The Council refused planning permission in October 2006 on grounds of density, overdevelopment, landscape, design, lack of on-site public open space, and the lack of a planning obligation. This decision was appealed, and in November 2006 the appeal was recovered for determination by the Secretary of State. An inquiry was held in June 2007, and the Inspector recommended that planning permission be granted subject to conditions. In September 2007 the Secretary of State granted full planning permission.

2.3.2 A lawful development certificate (11/00117/CERTP) was approved on 10th June 2011. This certificate confirmed that planning permission 04/01219/FULMAJ was deemed to be lawful by virtue of its implementation prior to the 26th September 2010 (3 years after the grant of permission).

3. CONSULTATION

3.1 Statutory and Non-Statutory Consultations

Theale Parish Council:	Object on grounds that it exceeds the policy allocation for 15 dwellings, discrepancies in plans, access to the anglers' car park, and additional pressure on the sewage network.
Education:	Education mitigation through CIL
Highways:	No response
Minerals and Waste:	No objections
Housing:	40% affordable housing sought
Waste Management:	Conditional permission
Archaeology:	Conditional permission
Countryside (open space):	No objections
Environmental Health:	Conditional permission

Tree Officer:	Conditional permission
Lead Local Flood Authority:	No response
Environment Agency:	No objections subject to conditions
Thames Water:	No objections
Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust:	No response
Royal Berkshire Fire and Rescue Service:	Conditional permission
West Berkshire Spokes:	No response
Thames Valley Police:	No response

3.2 Public consultation

Total: 6 Support: 0 Object: 6

Summary of objection

- Access arrangements
- Overdevelopment
- Exceeds policy for 15 dwellings on North Lakeside
- Lack of local open space
- No further housing until new primary school built and doctor's surgery increased
- Layout and proximity to neighbouring properties
- Excessive scale
- Exacerbate existing sewage problems in area
- Traffic and noise pollution
- Loss of local wildlife habitats
- Loss of identity to village from cumulative impacts of developments
- Brownfield sites available
- Insufficient parking provision

4. PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for West Berkshire comprises:
- West Berkshire Core Strategy (2006-2026)
 - West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
 - Replacement Minerals Local Plan for Berkshire (2001)
 - Waste Local Plan for Berkshire (1998)
- 4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and who these are expected to be applied. It is a material consideration in planning decisions. The NPPF is supported by the Planning Practice Guidance (PPG).
- 4.3 According to paragraph 215 of the NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF

(the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

4.4 The West Berkshire Core Strategy (2006-2026) is the first development plan document (DPD) within the new West Berkshire Local Plan. It sets out a long term vision for West Berkshire to 2026 and translates this into spatial terms, setting out proposals for where development will go, and how this development will be built. The following policies from the Core Strategy are relevant to this development:

- NPPF Policy
- ADPP1: Spatial Strategy
- ADPP4: Eastern Area
- CS1: Delivering New Homes and Retaining the Housing Stock
- CS4: Housing Type and Mix
- CS5: Infrastructure Requirements and Delivery
- CS6: Provision of Affordable Housing
- CS8: Nuclear Installations AWE Aldermaston and Burghfield
- CS13: Transport
- CS14: Design Principles
- CS15: Sustainable Construction and Energy Efficiency
- CS16: Flooding
- CS17: Biodiversity and Geodiversity
- CS18: Green Infrastructure
- CS19: Historic Environment and Landscape Character

4.5 A number of policies from the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) remain part of the Development Plan following the publication of the Core Strategy. The following saved policies from the Local Plan are relevant to this development:

- OVS.5: Environmental Nuisance and Pollution Control
- OVS.6: Noise Pollution
- OVS.7: Hazardous substances
- HSG.1: The Identification of Settlements for Planning Purposes
- TRANS.1: Meeting the Transport Needs of New Development
- RL.1: Public Open Space Provision in Retail Development Schemes
- RL.2: Provision of Public Open Space (methods)
- RL.3: The Selection of Public Open Space and Recreation Sites

4.6 According to Paragraph 216 of the NPPF, decision-takers may also give weight to relevant policies in emerging plans according to: (1) the stage of preparation, (2) the extent to which there are unresolved objections to relevant policies, and (3) the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. The Local Development Scheme (LDS) provides a timetable for the preparation of emerging development plan documents.

4.7 The emerging Housing Site Allocations Development Plan Document (HSA DPD) is the second DPD of new West Berkshire Local Plan. It will allocate non-strategic housing sites and sites for Gypsies, Travellers and Travelling Showpeople, and will provide update residential parking standards and a set of policies to guide housing in the countryside. The Proposed Submission Version of the HSA DPD was published in November 2015 and is currently at examination. According to the LDS,

adoption anticipated for Spring 2017. The following policies from the HSA DPD are relevant to this development:

- GS1: General Site Policy
- HSA14: North Lakeside (now deleted)
- P1: Residential Parking for New Development
- Settlement Boundary Review

4.8 The following local policy documents adopted by the Council are material considerations relevant to the development:

- North Wessex Downs AONB Management Plan (2014-2019)
- Quality Design SPD (2006)
- Planning Obligations SPD (2015)

5. APPRAISAL

5.1 Principle of development

5.1.1 The West Berkshire Development Plan provides an up-to-date framework for making decisions on the location of new residential development in the District.

5.1.2 Policies ADPP1 and ADPP4 provide a spatial strategy for the District and the Eastern Area respectively. Theale is identified as a Rural Service Centre, the second tier of the District Settlement Hierarchy and is expected to accommodate growth in residential development. Policy ADPP1 states that in open countryside (i.e. outside settlement boundaries) only appropriate limited development will be allowed.

5.1.3 Core Strategy Policy CS1 states that new homes will be primarily developed on suitable previously developed land within settlement boundaries, other suitable land within settlement boundaries, strategic sites and broad locations identified on the Core Strategy Key Diagram, and land allocated for residential development in subsequent Development Plan Documents.

5.1.4 Local Plan Policy HSG.1 permits new residential development within existing settlement boundaries, and its supporting text confirms that new residential development outside settlement boundaries will only be permitted in exceptional cases. Policy HSG.1 is a saved policy of the West Berkshire District Local Plan. The weight to be given to this policy must be considered on a case-by-case basis.

5.1.5 Through the Core Strategy and the emerging Housing Site Allocations DPD, the Council is now allocating land outside the existing settlement boundaries, and reviewing these boundaries more generally, to accommodate housing growth within the District. This is necessary to meet the Core Strategy housing requirement and the Government's policy to boost housing supply.

5.1.6 The Council is proposing to include the whole Lakeside site within the Theale settlement boundary. Owing to its late stage of preparation, consistency with the NPPF and the absence of any objections to the proposal to incorporate the site within the settlement boundary, the policy changes proposed by the HSA DPD should attract substantial weight in the determination of this appeal. Accordingly, specifically in relation to this site, Policy HSG.1 attracts diminished weight because

of the clear direction being taken through the HSA DPD. The HSA DPD views Lakeside as committed development in light of the extant permission, and development on the site is included within the Council's five year housing land supply.

- 5.1.7 The site is located outside but adjacent to the existing settlement boundary of Theale, and a previous appeal decision has established that, despite former operations on the site (such as mineral extraction), the site is not to be regarded as previously developed land.
- 5.1.8 Owing to its location outside the existing settlement boundary, the proposal plainly conflicts with Policy HSG.1. However, viewed as a whole, the proposal complies with the up-to-date framework for housing supply provided by Core Strategy Policies ADPP1, ADPP4 and CS1, and Policy C1 of the emerging HSA DPD, which includes the revised settlement boundary around the site. Accordingly, the above policies weight heavily in favour of granting planning permission.
- 5.1.9 Further, the extant planning permissions on the site are important material considerations. They also establish the principle of residential development on most parts of the site. Overall, therefore, the principle of development is considered acceptable.

5.2 Landscape and visual impacts

- 5.2.1 The site is located on the western edge of Theale, outside of but it close proximity to the boundary of the North Wessex Downs AONB to the west.
- 5.2.2 The emerging HSA DPD originally proposed to allocation approximately 15 dwellings on the central parcel of North Lakeside, with the provision of landscape buffers along the lake edge, and open space to the east and west. However, seven houses were subsequently granted planning permission at appeal on the eastern end of North Lakeside, on land south of St Ives Close. The HSA DPD has therefore been revised to delete the proposed allocation of 15 houses and instead simply include the whole Lakeside site within the settlement boundary of Theale. Landscape and visual impacts can therefore be examined through individual planning applications. This application effectively sought to obtain planning permission for development across the remainder of the North Lakeside site in addition to the seven houses to the east.
- 5.2.3 The Council has employed a Landscape Architect Consultant to appraise the application together with the wider scheme for the whole Lakeside site (15/02842/OUTMAJ). It is reasonable to assume that this scheme for 25 houses would be developed in conjunction with the extant 350 dwellings on South Lakeside in the event that the scheme for up to 325 dwellings is refused at appeal.
- 5.2.4 The Council's Landscape Consultant maintains concerns in relation to the balance within the site between dense development and open areas, and has sought to keep land at North Lakeside as open as possible to provide a counterbalance to the dense development on South Lakeside. Following the appeal decision which granted outline planning permission for seven houses on land to the south of St Ives Close, the remaining area in dispute is the western-most parcel of land within North Lakeside, which lies to the east of the access from The Green.

- 5.2.5 According to the Landscape Consultant, this area forms a narrow open gap between the houses on The Green and the development at South Lakeside. It includes a tree group on the water's edge, scrub and an area of perennial growth. The vegetation cover, other than the trees, is of little particular merit but the combination of open space and vegetation cover provides a soft landscape setting and the potential base for a good quality area of landscaped open space immediately north of South Lakeside, which will complement the lake. This end of the Lakeside site as a whole would be particularly developed and urban in character (based on the approved development) and does not benefit from the tree cover and open space, or the wider lake, at the eastern end of the site. The Landscape Consultant considers that it is particularly important that this part of North Lakeside is not developed and is set aside to provide a good sized area of landscape open space in the west and a buffer between the existing houses and South Lakeside.
- 5.2.6 Owing to the relatively small size of this parcel of land, planning officers consider its potential contribution as an open buffer is limited. Moreover, because of the location of this parcel of land, any contribution would be limited to views from within the site; it is not considered that it would have ameliorate the landscape and visual impact from outside the site. As such, the remaining harm arising from the development of this land is considered to attract diminished weight in the overall planning balance.
- 5.2.7 The Landscape Consultant also maintains concern with the inclusion of some private gardens within the 10m buffer that is shown along the northern bank of the lake. However, given that the housing layout is illustrative, and the majority of the buffer is not shown to be encroached by any private land, it is considered that the layout parameters would not prejudice the Council's ability to ensure an appropriate buffer at the reserved matters stage.
- 5.2.8 Overall, the proposed development is broadly acceptable in terms of its scale and massing and resultant landscape and visual impacts. Some limited harm has been identified in terms of development on the western parcel of North Lakeside, and some minor encroachments of private gardens into the lake buffer. This level of harm is considered to attract limited weight in the overall planning balance for the reasons stated.

5.3 Education mitigation

- 5.3.1 Education Officers have confirmed that due to the incremental increase in education provision required for 25 dwellings, all education mitigation for this scheme would be through CIL. It should be noted that the extant 350 dwelling scheme on South Lakeside includes S106 education contributions to mitigate its own impact.

5.4 Highways and transport

- 5.4.1 The access from The Green has already mostly been constructed, and no objections have been raised to its continued inclusion under application 15/02842/OUTMAJ. As such, there are not considered to be any reasons for objection under this application.

- 5.4.2 Traffic generation has been considered in the transport assessment, which is appraised in relation to application 15/02842/OUTMAJ and has been found acceptable by highways officers.
- 5.4.3 No specific mitigation has been identified as necessary in relation to the 25 dwellings scheme, although it should be noted that a suite of highway works and contributions have been secured through a S106 legal agreement for the 350 scheme, and would therefore be carried out in a scenario that the 25 dwellings and 350 dwellings scheme are implemented together.
- 5.4.4 The proposed development is considered acceptable in highways and transport terms, and the proposal is considered to comply with Core Strategy Policy CS13, Local Plan Policy TRANS.1, and emerging HSA DPD Policy P1.

5.5 Affordable housing

- 5.5.1 In accordance with Core Strategy Policy CS6, 40% of all dwellings on site equates to 10 units. The application form proposes 10 units of social rented affordable housing. No viability issues have been raised with this 25 dwelling scheme. On site affordable housing could therefore be secured through a planning obligation, and thereby the development would comply with Policy CS6.

5.6 AWE and hazardous sites

- 5.6.1 This application site falls outside of the consultation areas for AWE and the hazardous industrial sites to the south (the consultation zones only include South Lakeside). Such considerations do not therefore have a bearing on this decision.

5.7 Layout and design

- 5.7.1 All matters except access are reserved and therefore layout and design considerations largely fall to be considered at the reserved matters stage. Except for the landscape and visual impact concerns raised in this report, there are no indications at this outline stage that an acceptable layout and design could not otherwise be provided.

5.8 Neighbouring amenity

- 5.8.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the Framework. Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire. SPDQD and SPG04/4 provide guidance on the impacts of development on neighbouring living conditions.
- 5.8.2 The impact on neighbouring amenity is an issue that would need to be examined at the reserved matters stage. However, at outline stage it is considered that the illustrative layout does not raise any significant concerns in this respect, particularly because of the separation distances from indicative buildings and neighbouring properties.

5.8.3 The proposed layout along the northern boundary maintains an acceptable separation distance with neighbouring properties, comparable to the approved scheme to the south of St Ives Close, and is thus considered acceptable.

5.9 Contaminated land

5.9.1 The site is recognised to be contaminated due to previous land uses. Indeed, the level of contamination and need for remediation is a significant factor in the viability of the development. The application included an environmental site investigation. This has been examined by Environmental Health Officers who have raised no objections subject to conditions to ensure appropriate detailed investigation and remediation.

5.10 Flood risk and sustainable drainage

5.10.1 The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS16 strictly applies a sequential approach across the district. The application site is located in the Environment Agency's Flood Zone 1, which has the lowest probability of fluvial flooding. It is therefore suitable for residential development in terms of flood risk. No objections have been received by the Environment Agency.

5.10.2 Core Strategy Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS). A suitable SuDS scheme can be secured through a planning condition.

5.11 Noise

5.11.1 The noise report which accompanied the application indicated the need for noise mitigation to protect future residents from noise from the adjacent A4 dual carriageway. A detailed noise mitigation scheme will need to be submitted at a later stage pursuant to a condition because the noise environment will be partly affected by the layout of the buildings which is a reserved matter. The precise details would be subject to detailed design. Environmental Health Officer raise no objections subject to conditions.

5.12 Ecology

5.12.1 The Council's ecologist has reviewed the submitted documents and considered the implications of this application against The Conservation of Habitats and Species Regulations 2010. It is considered that, subject to the resolution of an issue relating to invertebrate habitats and the application of the suggested conditions, the actions authorised would not be detrimental to the maintenance of the species concerned at a Favourable Conservation Status in their natural range. The suggested conditions include the prior approval and implementation of a Landscape and Ecological Management Plan (LEMP) and a Construction and Environmental Management Plan (CEMP).

5.12.2 Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT), in response to the 325 scheme (15/02842/OUTMAJ) support the comments of the Council

ecologist. They also raise further concerns in relation to the reptile surveys supporting the application as they do not fully comply with best practice. Consequently, BBOWT request expanded terms to the LEMP and CEMP proposed by the Council ecologist.

- 5.12.3 The invertebrate survey report by Davis Clements Ecology Ltd makes clear in paragraph 5.1 that “virtually all the terrestrial habitats which are of value to invertebrates, including all of the present neutral grassland and short-turf vegetation would be lost”. In 5.5.3 it says that “The proposed layout will inevitably result in the loss of those habitats which are considered to be of greatest value to invertebrates”.
- 5.12.4 The above report goes on to suggest some measures that could be undertaken to mitigate the above effects. However, the area of land available to modify for invertebrates is limited and needs to be balanced against the needs of other species such as bats. The applicant owns a further 0.78ha area of land to the east of the site (outlined blue on the Location Plan). The ecologist considers it necessary for this area of land to be covered by a Landscape and Ecological Management Plan (together with the application site) so that it can be part of the mitigation for invertebrates.
- 5.12.5 Overall, it is considered that the proposed development would have an acceptable impact on local biodiversity, subject to mitigation being secured by condition, and thereby comply with Core Strategy Policy CS17.

5.13 Trees

- 5.13.1 The Council’s tree officer has raised no objection to the development of the site, subject to conditions. The site is now very overgrown in places with a number of self-set and poor-quality trees, such that a good quality landscaping scheme would readily mitigate the losses of existing trees.

5.14 Open space

- 5.14.1 The proposal includes LEAPS and LAPS, which together with the retained woodland and lake provide sufficient public open space for the scheme to comply with Local Plan Policies RL.1, RL.2 and RL.3. Provision and transfer of public open space (with Commuted Sum) will need to be secured through a planning obligation.

5.15 Historic environment

- 5.15.1 The development site is close to the site of a reputed Roman villa, indicated through artefacts uncovered during the late 19th century. However, the actual villa itself was not uncovered. The area was subject to gravel extraction which may have removed any archaeological deposits. However, the applicant has commissioned a desk based assessment by Thames Valley Archaeological Services which came to the conclusion that the extent of gravel extraction could not be determined without further ground investigation, and that there would be a moderate potential for surviving archaeology if areas of river gravel remained in situ.
- 5.15.2 The applicant has also carried out geotechnical investigations that have shown that areas of river gravel do indeed survive (in some cases at a depth of less than one meter) in areas to the north and south of the existing lake. As such, these areas do

have the potential for surviving archaeology in situ (in particular of Roman date), although the extent of this potential is yet to be realised.

5.15.3 As such, the Council's archaeologist has recommended a programme of archaeological supervision during the excavation of the foundations and any related groundworks for the residential development. This can be secured by a planning condition.

5.16 Water/waste utilities

5.16.1 No objections have been raised by Thames Water.

6. PLANNING BALANCE AND CONCLUSION

6.1 Planning balance

6.1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development brings a range of benefits, but there is also some harm and some policy requirements that are not fulfilled. A balanced conclusion is therefore required.

6.1.2 The West Berkshire Development Plan provides an up-to-date framework for making a decision on this appeal. The principle of development is considered acceptable in light of the relevant housing supply policies and the extant permissions for housing development on the site. Further, the provision of 25 new homes in a sustainable location is a significant benefit of proposal. These factors weigh considerably in favour of granting planning permission in the planning balance. The provision of 10 affordable housing units also attracts significant weight.

6.1.3 The Council's landscape consultant maintains concerns in relation to the balance within the site between dense development and open areas, and some minor encroachment into a lake edge buffer. However, for the reasons stated in this report, these remaining landscape concerns are considered to attract limited weight in the overall planning balance.

6.1.4 There will be various other benefits associated with the development (e.g. contributions to the local economy), and a number of impacts that require mitigation (e.g. remediation of contaminated land and ecological management). These matters are considered less determinative on the outcome of the balancing exercise.

6.1.5 Overall, it is considered that the provision of 25 homes in a sustainable location, including policy compliant levels of affordable housing, and in accordance with housing supply policies, is a significant benefit of granting planning permission. This is considered to outweigh the limited landscape harm. It is therefore concluded that planning permission would be justified subject to securing necessary mitigation through conditions and planning obligations.

6.2 Recommendation

- 6.2.1 The purpose of this item for decision is not to determine the planning application, but to determine the Council's position at the appeal. For the reasons detailed above, it is recommended that the appeal is supported, subject to securing appropriate mitigation.
- 6.2.2 Irrespective of its position on the planning merits, the Council will provide a list of suggested conditions on a 'without prejudice' basis. Council officers will negotiate with the appellant on the wording on the suggested conditions, as well as the contents of any S106 legal agreement.
- 6.2.3 The full recommendation is as follows.

To DELEGATE to the Head of Planning & Countryside to make representations at appeal that planning permission should be granted subject to conditions and planning obligations to secure the following:

- 1. The provision of on-site affordable housing comprising 10 units of affordable housing.**
- 2. The provision and transfer to the Council (with commuted sum) of public open space.**

To AUTHORISE the Head of Planning & Countryside to enter into a legal agreement under Section 106 of the Town and Country Act 1990 to secure the above Heads of Terms.