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WYKE

OUTLINE PLANNING APPLICATION FOR
THE RESIDENTIAL DEVELOPMENT OF CIRCA 15 DWELLINGS
(THE MATTER OF ACCESS FOR DETERMINATION ONLY) AND WORKS TO
PROTECTED TREES

PLANNING CASE REPORT

February 2019



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Planning Case Report

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1.0 INTRODUCTION

- 1.1 This Planning Case Report has been produced in support of an Outline Planning Application for the residential development of circa 15 dwellings and works to protected trees in relation to 115 Westfield Lane, Wyke and its associated residential curtilage. The matter of access is only sought for consideration at this stage. The application is submitted on behalf of the applicant, Andrew Stoddart (Vida Architects).
- 1.2 The site falls wholly within the settlement of Wyke and is unallocated in the Local Plan Proposals Map in the adopted Kirklees Local Plan (February 2019).
- 1.3 This statement should be read in conjunction with the following supporting information:
- Statement of Community Involvement – Johnson Mowat;
 - Design and Access Statement and supporting plans– Vida Architects;
 - Ecological Appraisal – Futures Ecology;
 - Highways Statement – AMA Associates;
 - Phase 1 Ground Investigation and Geo-Environmental Appraisal – Mugen Geo Ltd;
 - Drainage Strategy – Holdgate Consulting Ltd; and
 - Tree Survey – AWA.
- 1.4 This Planning Case Report identifies the characteristics of the site and its location, the planning history of the site, the planning policy context and the planning case in support of the proposed residential scheme.



2.0 LOCATION AND SITE DESCRIPTION

- 2.1 The site is located to the south east of Wyke however it falls within the administrative district of Kirklees. The lies approximately 2 miles north west of Cleckheaton and 3.75 miles north of Heckmondwike. 3kms south west of Huddersfield Town Centre. The site also lies approximately 4.1 miles south of Bradford City Centre, 4.2 miles east of Halifax Town Centre and 2.2 miles north of Brighouse.
- 2.2 The site is within an area which is predominantly residential. To the north and east are residential properties and Westfield Lane which is accessed via a private driveway. To the south are residential properties and to the west are open fields.
- 2.3 The application site is currently contains 1no residential property 115 Westfield Lane and its extensive residential curtilage. The site covers an area of circa 0.69 hectares (net).
- 2.4 The site falls wholly within the settlement of Wyke and is unallocated in the Local Plan Proposals Map in the adopted Kirklees Local Plan (February 2019).
- 2.5 The site is located solely within Flood Zone 1 according to the Environment Agency (EA) Flood Zone maps for planning.
- 2.6 The site is located within a sustainable location in relation to access to services, facilities, employment opportunities and public transport links. The nearest bus stops are located a short walk along Westfield Road. The bus stops are served by the 255 and 687 busses providing links to Bradford, Halifax and Leeds City Centres. With bus's every circa 20 minutes.
- 2.7 The site lies within a 10 to 20 minute walk of services and facilities in Scholes and Wyke.
- 2.8 The nearest school to the site is Scholes Village Primary School a circa 10 minute walk from the site.
- 2.9 The nearest doctors surgery to the site is the Sunnybank Medical Centre, Town Gate, Bradford which is 0.5 miles from the site.
- 2.10 Further detailed information relating to the site is contained in the Design and Access Statement. The intention of the Design and Access Statement is to describe the detailed evolution of the scheme based on a full analysis of all relevant constraints and opportunities.



3.0 PLANNING HISTORY

- 3.1 From a review of Public Access there is limited planning history of the site. However it is noted that a Tree Preservation Order affects some of the trees on the site.

4.0 PROPOSED DEVELOPMENT

- 4.1 The planning application to which this Planning Case Report supports, seeks outline planning permission for the erection of circa 15 dwellings (with the matter of access for the consideration of only) and works to protected trees. The development will be accessed via the existing access from Westfield Lane, as detailed on the proposed site layout, however widening of this access is required to provide an adoptable highway and footpath.
- 4.2 The proposed accommodation schedule is detailed on the supporting site plan and further set out in the supporting Design and Access Statement.
- 4.3 The development comprises of:-
- A vehicular and pedestrian access from Westfield Lane;
 - The erection of circa 15 dwellings in a range of size and tenure (subject to reserved matters scheme);
 - Provision of on site circa 3 affordable homes in line with Local Policy (20%) (subject to reserved matters scheme);
 - Public openspace/woodland tree;
 - Works to trees on site; and
 - Replacement of removed trees with high quality replacements.

5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.”

5.2 The site falls wholly within the settlement of Wyke and is unallocated (white land) on the Local Plan Proposals Map in the adopted Kirklees Local Plan (February 2019).

5.3 National Policy Guidance is provided by the National Planning Policy Framework (the Framework) which was adopted on the 27th March 2012 and subsequently revised. The most up to date version is the February 2019. The Framework is a significant material consideration.

Local Policy

Kirklees Local Plan (February 2019)

5.4 The Kirklees Local Plan was adopted on 27th February 2019 following an Examination in Public by an appointed Government Inspector. The Local Plan was examined and adopted having regard to the Framework.

5.5 Policy LP 1 sets out the presumption in favour of sustainable development and that development in accordance with the Kirklees Local Plan will be permitted without delay unless material considerations indicate otherwise.

5.6 Subsection 4.2 sets out the Vision for Kirklees for 2031 it includes:-

“a mix of high quality housing which offers choice and meets the needs of all our communities including affordable housing....

People will have access to a range of local facilities including services, health-care and education provision, and adequate infrastructure.”

5.7 Policy LP 2 relates to place shaping and sets out the need for development proposals to build on the strengths, opportunities and address challenges identified within the Plan. The



site is located within the sub-area of Batley and Spen, the plan sets out the strengths/opportunities for growth and challenges to growth within the sub-area.

- 5.8 The Spatial Development Strategy is located at section 6.1 of the plan. It sets out the need for the minimum delivery of 31,140 new dwellings between 2013 and 2031 (1730 per annum) through the delivery of allocated and windfall sites, committed housing figures and losses/demolitions. It should be noted that the site is not allocated for a specific purpose in the Plan and should be classed as windfall development.
- 5.9 Policy LP 3 relates to the location of new development and sets out that the location of new development will reflect the spatial strategy. It sets out the requirements for development and the need for development to support housing growth in a sustainable way.
- 5.10 Policy LP 4 relates to the provision of infrastructure. It sets out that development should contribute to its provision either on site or off site through planning conditions, legal agreements or Community Infrastructure Levy Contributions.
- 5.11 Policy LP 7 relates to the efficient and effective use of land and buildings. It promotes the use of previously developed land in sustainable locations provided that they are not of high environmental value and encourages the reuse of underused properties (which happens in this case).
- 5.12 In relation to densities the proposal does fall short of the density (35 dwellings per hectare) however the site is subject to a number of constraints which limits its capacity, including set back from protected trees, restrictions in the highways constraints. The density proposed also fits in the immediate area which is characterised by plots within large gardens, however the proposals seek to make efficient use of the land. It should be noted that the proposals are currently in outline only.
- 5.13 Policy LP 11 requires that housing is of high quality and design and contribute to mixed and balanced communities.

“all proposals for housing must provide a broad mix of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing. For schemes of more than 10 dwellings or those of



0.4ha or greater in size, the housing mix should specifically reflect the proportions of households that require housing and achieve a mix of house size and tenure.”

- 5.14 The proposals seek to provide a mix of housing including 3, 4 and 5 bed properties although it should be noted that the proposals are in outline only.
- 5.15 It further requires that for developments over 10 homes, affordable housing should be 20% of the total homes, subject to viability. In terms of the affordable homes these should:-
- “a. cater for the type of affordable need identified in the latest housing evidence in terms type, tenure, size and suitability to meet the needs of specific groups;*
 - b. incorporate appropriate arrangements to retain the benefits of affordability for initial and subsequent occupiers or for the subsidy to be recycled for alternative affordable housing provision; and*
 - c. be indistinguishable from market housing in terms of achieving the same high quality of design.”*
- 5.16 The proposals include the provision of 3 affordable homes however it should be noted that the proposals are in outline only.
- 5.17 Policy LP 20 relates to sustainable travel. It sets out that development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. The Council will support alternative modes of transport and development close to local facilities. The proposal is supported by a highways statement which sets out the sites suitability in relation to alternative modes of transport.
- 5.18 Policy LP 21 relates to highway safety and access it requires that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. The proposal does not conflict with the criteria set out by this policy and detailed considerations in terms of these matters are contained within the supporting highways documentation.
- 5.19 Policy LP 22 relates to is a general policy on parking. In relation to car parking provision the policy sets out:-

- “f. new developments will incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the site including a mix of on and off street parking in accordance with current guidance;*
- g. provision will be made to meet the needs of cyclists for cycling parking in new developments;*
- h. provision will be made to accommodate the needs of disabled people for the parking of vehicles.”*

- 5.20 The proposal complies with Policy LP22 and full details of which can be dealt with at the Reserved Matters stage.
- 5.21 Policy LP 24 relates to design and promotes the pre-application process. It then provides a checklist of criteria to promote good design, which the proposed scheme does not conflict with at this outline stage.
- 5.22 Policy LP 28 relates to drainage. The policy sets out a presumption in favour of SuDS. Matters of drainage are set out in the supporting Drainage Report/Flood Risk Assessment.
- 5.23 Policy LP 32 relates to landscape and seeks for proposals to enhance the landscape character of the area.
- 5.24 Policy PLP 33 seeks to protect trees and woodland of significant amenity. An arboricultural report supports the application. Further consideration as to the loss of protected trees is at within the Planning Balance.
- 5.25 Policy PLP 34 seeks to conserve and enhance the water environment including water bodies, groundwater, manage water demand and improve water efficiency, use of SuDS and disposal of surface water.
- 5.26 Policy LP 53 requires that contamination assessments and/or instability risk assessments are provided on unstable, contaminated or suspected contaminated land. If identified necessary measures are followed with. A Geoenvironmental supports the application.

- 5.27 Policy PLP 63 requires new housing development to provide or contribute to new open space or the improvement in the existing provision. The site provides 3no areas on open space on site. In this case, it supports the recently adopted Development Plan.

National Policy

National Planning Policy Framework (February 2019)

- 5.28 The Government's National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date. The Framework is a material consideration which must be taken into account in all planning decisions. In this case, it supports the recently adopted Development Plan.

- 5.29 Paragraph 2 of the advice states:-

"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions."

- 5.30 There are three objectives (Paragraph 8) to sustainable development comprising economic, social and environmental roles.

- 5.31 Paragraph 10 sets out that the heart of the framework is a presumption in favour of sustainable development.

- 5.32 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating:-

"For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; (JM underlining).

- 5.33 It is considered that the proposal complies with the Development Plan which allocates the site for housing.

- 5.34 Beyond Chapter 4 of the Framework there are 13 topic areas (as well as Annex 1 and 2) which form the Framework document and those topic areas considered of relevance to this planning application are set out below.

Section 4: Decision Making

- 5.35 In determining applications, Paragraph 38 states:-

“Local Planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

- 5.36 Paragraph 47 requires that:-

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

Section 5: Delivering a Sufficient Supply of Homes

- 5.37 Paragraph 59 reiterates the Government’s objective of significantly boosting the supply of home, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Section 8: Promoting healthy and safe communities

- 5.38 Paragraph 91 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Section 9: Promoting Sustainable Transport

- 5.39 Paragraph 103 sets out that:-

“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve

air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

5.40 Paragraph 110 sets out development should:-

“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

5.41 Paragraph 111 sets out that:-

“all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

Section 12: Achieving Well Designed Places

5.42 Paragraph 124 stresses the Government's commitment to achieving good design, high quality buildings and places.

5.43 Paragraph 127 sets out planning policies and decisions should:-

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Section 14: Meeting the challenge of climate change, flooding and coastal change

5.44 Paragraph 150 sets out that new development should be planned to:-

- “a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.”*

5.45 Further at Paragraph 153 it sets out that:-

“In determining planning applications, local planning authorities should expect new development to:

- a) *comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”*

Section 15: Conserving and enhancing the natural environment

5.46 Paragraph 170 sets out the requirement to contribute to and enhance the natural environment in policies and decisions by:-

- “d) minimising the impacts on and providing net gains for biodiversity....*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Section 16: Conserving and enhancing the historic environment

5.47 Paragraph 189 sets out:-

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

Annex 1: Implementation

5.48 Paragraph 212 with regard to decision taking:-

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”



- 5.49 The proposals constitute sustainable economic development and under the circumstances, it is clear that significant weight should be attached to this. The proposals wholly conform to the advice in the Framework and it is considered that the applicants are entitled to anticipate presumption inherent being weighed in their favour.

Other Material Considerations

National Planning Practice Guidance (March 2014)

- 5.50 The Planning Practice Guidance was published as a live 'working' document on 6th March 2014. It extends to over 600 pages and is intended to replace over 7,000 pages of now revoked guidance.

6.0 THE PLANNING CASE

- 6.1 This section of the report identifies the main planning considerations and provides an assessment of the planning merits of the case in support of the proposed development.

Principle of Development

- 6.2 The application site is not allocated for a specific purpose in the local plan but it is within settlement limits and is within a predominately residential area. The site currently contains 1no dwelling and the replacement of it with circa 15no dwellings makes a more effective and efficient use of the site which is wholly underutilised.
- 6.3 The number of dwellings proposed seeks to make efficient use of the site whilst also adhering to the on site constraints. This site has constraints and these have impacted on housing numbers in this case, which has included set back from trees some of which are protected under a tree preservation order and ensuring suitable separation distances with the existing properties. In this case the site makes an efficient and sympathetic use of the site.
- 6.4 The basis for determining these applications is therefore contained in Development Plan which retain full weight.

Other Material Considerations

- 6.5 Having regard to the sites suitability in principle for residential development, other material considerations are contained in the supporting reports technical documents which support the application. The basis for determining this application is contained in the Framework and such elements of the development plan which retain some weight following the preceding analysis.

Design

- 6.6 A Design and Access Statement supports the application by Vida Architects and should be considered alongside this statement. Whilst it should be noted that the application is in outline only (with only access for consideration), the document provides the design rationale behind the development for 15 homes including the provision of affordable housing.



Trees

- 6.7 A supporting Tree Survey is submitted with the application. As stated above there is a Tree Preservation Order which applies to some of the trees on site. There a requirement to remove some trees (which are protected) on or close to the access point to cater for the improved site access the site required to meet highways standards. Further tree works will be required to trees within the site for health and safety reasons.
- 6.8 The proposed tree loss has been minimised and the applicants are proposing a greater number of trees to ensure that there is a far greater benefit in relation to trees in the medium to long term. The loss of the trees will ensure a greater number of dwellings can be delivered on this underutilised piece of land.
- 6.9 In relation to retained trees, no doubt these can be protected throughout the construction process as recommended by the Tree Survey.

Ecology

- 6.10 An ecological appraisal has been produced by Futures Ecology and should be read alongside this report. No doubt its recommendations can be dealt with via condition.

Highways

- 6.11 A supporting highways statement has been produced by AMA Associates and should be read alongside this statement.

Ground Conditions

- 6.12 A Phase 1 Desk Study and Geo-Environmental Appraisal supports the application and has been produced by Mugen Geo Ltd. The Appraisal (which should be read in full) suggests the site is at low risk of contamination. In relation to coal mining it recommends an assessment of ground conditions which can no doubt be dealt with via condition. It also sets out that the site is not within a radon affected area and as such radon protective measures as not necessary.

Drainage

- 6.13 A drainage strategy report supports the application and has been produced by Holdgate Consulting Ltd. The report recommends in relation to surface water that SUDs are investigated and if following soil percolation testing, SUDs are deemed unsuitable then on site attenuation storage will be required with a limited flow discharge into the adjacent public sewer.

Planning Balance

- 6.14 The site is unallocated for a specific purpose in the Local Plan as is within a predominately residential area. The application seeks to make a more efficient use of the land whilst being sympathetic to on site constraints and characteristics of the local area.
- 6.15 The site is within a sustainable location and has excellent access to social and physical infrastructure.
- 6.16 It is acknowledged that there is a requirement to remove some trees which a protected by a Tree Preservation Order to facilitate the access into the site. The proposed tree loss has been minimised and the applicants are proposing a greater number of trees to ensure that there is a far greater benefit in relation to trees in the medium to long term. The loss of the trees will ensure a greater number of dwellings can be delivered on this underutilised piece of land within a highly sustainable location.
- 6.17 The site is subject to some environmental constraints and the various technical reports produced to accompany this application submission demonstrate that there will be no significant adverse impacts as a result of granting planning permission.
- 6.18 The site itself is not of high environmental quality and there are no technical reasons for refusal.
- 6.19 The proposed development will be in keeping with the local characteristics and proposes a mix of property types without detriment to neighbouring amenities. It should be noted that the final design will be dealt with at the reserved matter stage. The settlement characteristics and the site's opportunities and constraints have been assessed in the supporting Design and Access Statement.
- 6.20 Other benefits include:-
- the provision of a range of new house types to provide increased housing choice including affordable homes.
 - the development would generate a significant amount of investment to the area in terms of the construction value and associated spend during the construction period.



- Creation of direct, indirect and induced employment during the construction phase.
 - Construction costs.
 - Gross value added.
- Planning Gain Package.
- Council tax revenue.
- Community infrastructure contributions.
- New Homes Bonus.
- Council tax revenue.
- Indirect “spin-off” jobs in services and other business from the wage spending of construction workers and supplier sourcing and additional resident expenditure as a result of new homes including:-
 - First occupation expenditure by residents on goods and services (captured locally).
 - Estimated resident spending power.

6.21 Having regard to all of the above, it is clear that there is a significant presumption in favour of the development. The proposal is fully policy compliant and has demonstrated there to be technical issues which would prevent the grant of planning permission.

7.0 SUMMARY AND CONCLUSIONS

- 7.1 Section 38(6) of the 2004 Act provides for a determination other than in accordance with a development plan if material considerations indicate it is appropriate.
- 7.2 This planning application seeks the development of an allocated housing site and is made in the context of the Government's requirement to significantly boost housing land supply, the presumption in favour of sustainable development and the Development Plan.
- 7.3 The development proposed constitutes sustainable development and is located within an existing residential area. The site makes better use of the existing housing site and its development will assist the Council in meeting its aspirations for the district together with a significant number of economic and social benefit.
- 7.4 The site would make for a compatible use and the technical reports accompanying the application detail how the development will not give rise to any adverse impact upon matters of transport, drainage or ecology or the amenities of present and future occupiers.
- 7.5 Therefore taking account of all of the above factors including all merits of the scheme taken as a whole, this report has demonstrated that proposal clearly constitutes 'sustainable development'. The scheme is in accordance with the Local Plan and the application should be approved without delay.

