

**PROOF OF EVIDENCE/STATEMENT OF PLANNING POSITION BY
PAUL INSTONE BSc(Hons), DipTP, MRTPI**

**PLANNING APPEAL UNDER SECTION 78 OF THE TOWN AND
COUNTRY PLANNING ACT 1990**

Appeal Site: Land at Hill Farm, Hempsted Lane, Gloucester GL2 5LA

Appeal by: Gladman Developments Ltd

Against: Non-determination of Outline Planning Application

Appeal Proposal: Outline application for the erection of up to 245 dwellings with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access point from Hempsted Lane. All matters reserved except for means of vehicular access

LPA Ref: 20/00315/OUT

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1 INTRODUCTION

- 1.1 My name is Paul Edward Instone. I hold the qualification of BSc (Hons) in City and Regional Planning and a Diploma in City and Regional Planning from Cardiff University. I am a member of the Royal Town Planning Institute.
- 1.2 I am Director of Applied Town Planning Ltd and I have been working with Local Planning Authorities within the Joint Core Strategy Area on a regular basis since 2016.
- 1.3 I have been commissioned by Gloucester City Council ('the Council') to act as planning witness and provide evidence on the planning balance. Due to additional evidence which has been submitted prior to the Inquiry and amendments which have been made to the planning application, alongside progress which has been made between the parties on other matters, the Council is no longer contesting the appeal.
- 1.4 Consequently, this Statement is intended to provide clarification on the Council's position, to assist the Inspector in the decision-making process and it is not the intention of the Council that I will present formal evidence to the Inquiry.
- 1.5 This Statement should be read in conjunction with the following statements to the Inquiry by the Council.
 - Odour Statement (currently being drafted in response to the Revised Development Framework Plan received 15th August)
 - Ecology Statement dated 8th August 2022 (core document 8.6)
 - Statement of Heritage Matters dated August 2022 core document 8.7)
 - Statement of Landscape and Visual Matters dated August 2022 (core document 8.5)
- 1.6 The evidence I have prepared and provided for this appeal in this Proof of Evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed in this proof are my true and professional opinions.

2 THE APPLICATION AND THE PUTATIVE REASONS FOR REFUSAL

- 2.1 The planning application was validated on 29th April 2020. It was ascribed the Council reference number 20/00315/OUT. The description of development was as follows:

'Outline application for the erection of up to 245 dwellings with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access point from Hempsted Lane. All matters reserved except for means of vehicular access'

- 2.2 The appellant lodged an appeal against the non-determination of the planning application. Subsequently, the application was reported to the Council's Planning Committee on 5th July 2022 in order to seek a resolution from the Committee as to how it would have determined the proposals if the Council remained the determining authority. The officer report considered the proposals and the Committee accepted the recommendation that the Council be minded to refuse the application proposals for the following reasons:

Reason for Refusal 1

1) The proposed development would not constitute sustainable development as required by national and local planning guidance, in that it relates to land which is not allocated within the development plan, is land outside the built up area of Gloucester and does not meet the strategy of the JCS for the distribution of new development within the City and conflicts with policies SP1, SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017).

Reason for Refusal 2

2) In the absence of a detailed scheme and an appropriate planning obligation, the proposals do not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with policies SD11 and SD12 of the Gloucestershire, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and policy A6 of the emerging Gloucester City Local Plan and the National Planning Policy Framework.

Reason for Refusal 3

3) The proposal has failed to demonstrate that the proposed residential use of the site would be acceptable and that new occupants would not be subject to unacceptable levels of odour, resulting in a poor standard of amenity and environmental quality and that this would not result in an incompatibility of uses with the Netheridge Sewage Treatment Works. Accordingly the proposal would be contrary to policies SD4, SD10 and SD14 of the Gloucestershire, Cheltenham and

Tewkesbury Joint Core Strategy 2011-2031 (December 2017), policy FRP12 of the Revised Deposit Local Plan 2002, policy CS6 of the emerging Gloucester City Plan and policy WCS11 of the Gloucestershire Waste Core Strategy 2012 and the National Planning Policy Framework.

There is a typographical error in this putative reason for refusal as set out in the committee report and the reason for refusal should refer to policy C6 and not policy CS6 of the emerging Gloucester City Plan.

Reason for Refusal 4

4) The proposed development fails to provide adequate facilities to meet the play and sports needs arising from a residential development of this size, resulting in a poor quality scheme, that fails to contribute positively to green infrastructure, fails to promote social well being and contrary to the principle of creating healthy, inclusive communities. This would conflict with policies SD4, SD14, INF3, INF4, INF 6 and INF 7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017), policies C1 and C3 of the emerging City Plan, policies OS2 and OS3 of the Revised Deposit Local Plan, Gloucester Playing Pitch Strategy, the Open Space Strategy, Supplementary Planning Guidance New Housing and Open Space and the National Planning Policy Framework.

Reason for Refusal 5

5) The proposal has failed to demonstrate that the development of the site would not increase the risk of flooding within the site or elsewhere, contrary to policy INF 2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017), policy E6 of the emerging City Plan and the National Planning Policy Framework.

Reason for Refusal 6

6) The proposal fails to demonstrate the full impacts of the development upon ecology and biodiversity, including protected species, and is therefore contrary to policy SD9 and INF 3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and policy E2 of the emerging City Plan and the National Planning Policy Framework.

Reason for Refusal 7

7) In the absence of a planning obligation the proposed development does not mitigate the highway impacts of the development and is therefore contrary to policy INF1, SD4 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and policy G1 of the emerging Gloucester City Plan and the National Planning Policy Framework.

Reason for Refusal 8

8) In the absence of a planning obligation the proposed development does not adequately provide for community and education facilities contrary to policies

INF4, INF6 and INF7 of the JCS of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.

Proactive Discussions Following the Consideration of the Application by Planning Committee

2.3 Following the consideration of the application by the Council's Planning Committee on 5th July 2022, negotiations between the Council and the appellant have been ongoing upon the putative reasons for refusal.

2.4 The outcome of these discussions with reference to the putative reasons for refusal are summarised in turn below.

Putative Reason for Refusal 2

2.5 Putative reason for refusal 2 arose as at the time of the consideration of the proposed development by Planning Committee, no detailed scheme had been provided for the provision of housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. In addition, no planning obligation was in place to secure affordable housing/accessible and adoptable homes provisions.

2.6 As such the scheme conflicted with Policies SD12 and SD11 of the JCS and the NPPF as in the absence of an appropriate planning obligation the proposals did not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. In the absence of an agreed planning obligation the reason for refusal also identified a conflict with policy A6 of the emerging GCP which sets out the emerging policy requirements for accessible and adaptable homes.

2.7 As set out in the Council's Statement of Case, the Council continued discussing the affordable housing provision with the appellant as it was hoped that that this matter would be resolved by the preparation of suitable planning obligations ahead of the Inquiry.

2.8 The appellant has advised that they will now provide a policy compliant provision of affordable housing and that they will enter into an appropriate planning obligation. Further to the receipt of Revised Development Framework Plan CSA/6036/103 Rev D on 15th August 2022 and the resultant reduction in the number of dwellings to 185 dwellings, the affordable housing provision is being recalculated on a pro-rata basis.

2.9 However, at the time of preparing this Proof of Evidence, it is anticipated that agreement will be reached on the requested contributions, and therefore this reason for refusal can now be addressed through the completion of an agreed planning obligation.

Putative Reason for Refusal 3

- 2.10 Putative reason for refusal 3 identified that the proposal had failed to demonstrate that the proposed residential use of the site would be acceptable and that new occupants would not be subject to unacceptable levels of odour, resulting in a poor standard of amenity and environmental quality and that this would result in an incompatibility of uses with the Netheridge Sewage Treatment Works.
- 2.11 The site lies within the Cordon Sanitaire as defined in the Second Stage Deposit City of Gloucester Local Plan (2002) (core document 7.14) and policy FRP12 states:
- ‘Development likely to be adversely affected by smell from Netheridge and Longford works within the constraint areas defined on the proposals map will not be permitted’.*
- 2.12 The emerging GCP also identifies a cordon sanitaire within policy C6. The area identified is different to the cordon sanitaire defined within the Second Stage Deposit Plan. Within the Emerging GCP, the north east and north west corners of the site are not within the defined area. The proposed modification to policy C6 (core document 7.4) which the Council considers sound states:
- ‘Planning permission will be granted for development within the Cordon Sanitaire, as shown on the policies map, where it can be clearly demonstrated through a robust odour assessment that:*
- 1. The users/occupants of the proposed development will not be adversely affected by odour nuisance; and*
 - 2. The introduction of the proposed use will not adversely affect the continued operation of the Netheridge Sewage Treatment Work’.*
- 2.13 Policy WCS11 of the Gloucestershire Waste Core Strategy (core document 7.1) also states that:
- ‘Existing and allocated sites for waste management use [including Sewerage Treatment Works] will normally be safeguarded by local planning authorities who must consult the Waste Planning Authority where there is likely to be incompatibility between land uses. Proposals that would adversely affect, or be adversely affected by, waste management uses will not be permitted unless it can be satisfactorily demonstrated by the applicant that there would be no conflict.’*
- 2.14 Putative reason for refusal 3 identified that when the application was considered by Planning Committee, the appellant had failed to demonstrate that the proposed residential use of the site would be acceptable in regard to odour impact and this would result in an incompatibility of uses with the Netheridge Sewage Treatment Works. In effect, the Council’s third putative reason for refusal was based on the failure of the appellant to satisfy, inter alia, the requirements of policy C6.
- 2.15 As part of the appeal process the appellants submitted to the Council on 1st August 2022 a revised odour report (core document 6.15) produced by their

experts Wardell Armstrong. The LPAs odour experts, Phlorum were able to discuss the report with Wardell Armstrong on 9th August 2022. Following this discussion Phlorum advised that, in their opinion, development could take place on the appeal site albeit on a smaller area. This would involve the establishment of a wider 'buffer zone' in the south east of the site increasing the landscaping corridor from a minimum width of circa 20 metres to 75 metres so as to keep the dwellings away from the projected higher odour contours flowing from the treatment works.

- 2.16 A Revised Development Framework Plan CSA/6036/103 Rev D was received on 15th August 2022 which identified a larger buffer zone, so as to keep the dwellings away from the projected higher odour contours flowing from the treatment works. The reduced developable area reduces the number of dwelling that could be accommodated on the site to up to 185 dwellings.
- 2.17 In light of this Revised Development Framework Plan (and subject to any planning condition restricting the form of development to the parameters of the Revised Development Plan), the Council and their odour consultants Phlorum advise that it has now been demonstrated through a robust odour assessment that the users/occupants of the proposed development will not be adversely affected by odour nuisance; and, the introduction of the proposed use will not adversely affect the continued operation of the Netheridge Sewage Treatment Work. An updated Odour Statement will be provided to Inspector confirming these matters.
- 2.18 As such, subject to any planning permission restricting the form of development to the parameters of the Revised Development Plan and limiting the number of dwellings on the site to up to 185 dwellings, the Council no longer contests putative reason for refusal 3 subject to the imposition of appropriate conditions and the amendment of the description of development as necessary.

Putative Reason for Refusal 4

- 2.19 The fourth putative reason for refusal identified that at the time of committee determination, the proposed development failed to provide adequate facilities to meet the play and sports need arising from a development of this size which resulted in a poor-quality scheme, that failed to contribute positively to green infrastructure, failed to promote social well-being and is contrary to the principle of creating healthy, inclusive communities.
- 2.20 As set out in the Council's Statement of Case, the Council continued discussing the provision of adequate facilities to meet the play and sports need arising from this development.
- 2.21 The appellant has advised that they will now provide adequate facilities to meet the play and sports need and the provision is considered policy compliant. The appellant has also confirmed that they will enter into an appropriate planning obligation, albeit the contributions are required to be re-calculated in light of the reduction in housing numbers arising from the Revised Development Framework Plan CSA/6036/103 Rev D.

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- 2.22 Whilst discussions on the requested planning obligations are ongoing in light of the Revised Development Framework Plan, this reason for refusal can now be addressed through the completion of an agreed planning obligation.

Putative Reason for Refusal 5

- 2.23 Putative reason for refusal 5 identified that at the time of committee determination, the appellant had failed to demonstrate that the development of the site would not increase the risk of flooding within the site or elsewhere, contrary to policy INF 2 of the JCS, policy E6 of the emerging GCP and the NPPF.
- 2.24 Further to the consideration of the application by planning committee, additional technical details have been submitted which resolve these failures identified by the Council.
- 2.25 The Council therefore no longer contests putative reason for refusal 5 subject to the imposition of appropriate conditions.

Putative Reason for Refusal 6

- 2.26 Putative reason for refusal 6 identified that at the time of committee determination, the appellant had failed to demonstrate the full impacts of the development upon ecology and protected species contrary to policy SD9 and INF 3 of JCS, policy E2 of the emerging GCP and the NPPF.
- 2.27 Further to the consideration of the application by planning committee, additional information was submitted by the appellant to seek to resolve this reason for refusal.
- 2.28 The Council's ecological advisors reviewed these additional submissions and confirmed in a consultation response dated 8th August 2022 that subject to the imposition of appropriate conditions that the proposal would accord with the development plan policy, wildlife legislation and the Conservation of Habitats and Species Regulations 2017
- 2.29 The Council therefore no longer contests reason for refusal 6 subject to the imposition of appropriate conditions.

Putative Reason for Refusal 7

- 2.30 Putative reason for refusal 7 identified that at the time of committee consideration, in the absence of an appropriate planning obligation, the proposed development did not mitigate the highways impacts contrary to policies INF1, SD4 and SD10 of the JCS and policy G1 of the emerging GCP and the NPPF.
- 2.31 The contributions are set out in paragraph 6.50 of the Council's committee report (core document 7.18) and have been requested by Gloucestershire County Council as County Highways Authority to mitigate the highway impacts of the development.

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- 2.32 These contributions are now agreed between the appellant and the County Highways Authority and this reason for refusal can now be addressed through the completion of the agreed planning obligation.

Putative Reason for Refusal 8

- 2.33 Putative reason for refusal 8 identified that in the absence of a planning obligation the proposed development did not adequately provide for community and education facilities.
- 2.34 Gloucestershire County Council as Local Education Authority and library provider have requested planning obligations towards secondary school places and additional library resources to make the development acceptable in planning terms.
- 2.35 These contributions will be required to be re-calculated to take account of the reduction in the number of dwellings, but it is understood that the appellant will enter into a planning obligation to provide the requested contributions and that this putative reason for refusal is resolved.

The Remaining Putative Reason for Refusal

- 2.36 On the basis of the above, the only reason for refusal which remains is putative reason for refusal 1 which identifies a conflict with the Council's spatial strategy and policies SP1, SP2 and SD10 of the JCS.

Other Matters – Heritage and Landscape Impact

- 2.37 The Council did not identify within the putative reasons for refusal that the landscape and heritage harm arising from the proposed development gave rise to freestanding putative reasons for refusals. However, it is necessary that any harm to the landscape and heritage assets must still be weighed in the planning balance. This was the approach within the officer's report to planning committee.
- 2.38 Further details on the nature and extent of the harm have been submitted to the Inquiry on landscape/visual impact matters and heritage matters by Stuart Ryder and Ullin McStea respectively.
- 2.39 The landscape and heritage impacts of the proposed development are summarised below.

Landscape Impact

- 2.40 A Statement of Landscape and Visual Matters (SLVM) (CD XX) prepared by Stuart Ryder has been submitted to the Inquiry and I rely on the SLVM to set out the landscape impact of the proposed development.
- 2.41 Paragraph 9.13 of the SLVM concludes that:

'In landscape terms the Site and its wider landscape context do not have any national designation and present a mix of different character types and land uses

that are perceived as an edge of settlement area. In landscape impact terms the harm that would occur in the overall area is considered to be Minor when the southern mitigation area establishes. With careful control through Reserved Matters a scheme can be delivered which would be acceptable in terms of landscape effects relying on the full mitigation as indicated on the Development Framework Plan. The Reserved Matters proposals would require considered detail design to be in accordance with JCS Policies SD4 and SD7 [SIC SD6], Policy E1 of the emerging City Plan and achieving well designed places as required by the NPPF.'

- 2.42 As such, it is identified that there would be harm to the landscape character of site as a result of the proposed development which would be minor. However, the landscape expert also considers the harm can be adequately mitigated via reserved matters and a landscaping strategy such that the landscape impact would not be unacceptable. However, there would be inevitable landscape harm due to the loss of open countryside.
- 2.43 This harm is not unacceptable, but nevertheless it is a harm, and I afford limited weight to this harm in the planning balance.

Heritage Assets

- 2.44 The appeal site is located to the south of the Hempsted Conservation Area wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This duty is required in relation to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.45 With regard to the presumption in favour of sustainable development, paragraph 11 of the NPPF states that planning applications should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole, or that the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (my emphasis) (i.e. the presumption in favour of sustainable development).
- 2.46 Footnote 7 of the NPPF confirms that that policies in the NPPF that protect assets of particular importance include designated heritage assets. Annex 2 of the NPPF confirms that heritage assets include Conservation Areas designated under the relevant legislation.
- 2.47 It is therefore the case that a judgement must be made as to whether policies in the NPPF that protect designated heritage assets provide a clear reason for refusing the appeal and whether paragraph 11d(i) of the NPPF is engaged before applying the planning balance in the decision-making process.
- 2.48 The policies in the NPPF that protect designated heritage assets are set out in Chapter 16 of the NPPF, and in particular paragraphs 194 to 208.

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- 2.49 I rely on the Heritage Statement prepared by Ullin McStea to set out the impact of the proposed development on heritage assets. The Statement concludes that
- ‘Whilst the proposal would cause harm to the wider setting and the significance of the Conservation Area, this harm is limited, indeed, in my view the harm would be towards the lower end of less than substantial harm’*
- 2.50 Therefore, turning to the NPPF policies that protect designated heritage assets, paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 2.51 Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of heritage assets (including from development within its setting) should require clear and convincing justification
- 2.52 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal
- 2.53 Turning to the adopted development plan, Policy SD8 of the JCS states at criterion 2 that developments should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. Criterion 3 confirms that designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 2.54 In this instance, when taking account of the great weight that must be given to the impact of the proposed development on the significance of the designated heritage asset in the decision-making process I consider that the public benefits arising from the proposal, namely the provision of 185 open market and affordable dwellings and the associated economic and social benefits outweighs the lower end of less than substantial harm identified to heritage assets. Given the Council’s 5 year housing land position and the absence of other harms arising from the proposed development, in this instance taking account of the material consideration relevant to this case, I also consider that there is a clear and convincing justification for the less than substantial harm to the heritage asset.
- 2.55 Taking account of all of the above, I consider that the less than substantial impact to heritage assets does not give rise to a clear reason for refusal as set out in footnote 7 of the NPPF and therefore paragraph 11dii of the NPPF remains engaged.
- 2.56 Whilst the harm identified to heritage assets is not unacceptable, nevertheless it is a harm, and I weigh this harm in the planning balance.

3 THE PLANNING BALANCE/ SUMMARY PROOF OF EVIDENCE

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 3.2 The appeal proposal conflicts with Policies SP2 and SD10 of the adopted JCS and this is the starting point for decision making and the proposed development does not meet the strategy for the distribution of new development in Gloucester.
- 3.3 However, on the basis that the Council cannot at this time demonstrate a 5-year supply of deliverable housing land, the most important policies for determining the application are deemed to be out of date. However the statutory status of the development plan is not affected and nor does it mean that Policies SP2 and SD10 of the JCS, or any other development plan policy, is to be disregarded, and the development plan remains the starting point for decision making.
- 3.4 In accordance with footnote 7 and paragraph 11di of the Framework, there are no policies in the Framework that protect assets of particular importance which provide a clear reason for refusing the development. On that basis the appeal must be determined in accordance with paragraph 11(d)(ii) of the NPPF, i.e. planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of NPPF as a whole.

Benefits

- 3.5 The development would contribute towards the supply of housing, both market and affordable, to help meet the objectively assessed need for housing in the Gloucester. This is of particular relevance given the fact that the Council cannot currently demonstrate a deliverable supply of housing and this weighs significantly in favour of the application.
- 3.6 I also afford moderate weight to the economic and social benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents supporting local businesses.

Harms

- 3.7 Harm arises from the conflict with development plan policies relating to the strategy for distribution of housing and policies SP2 and SD10 of the JCS and the Council's plan making process which confirms at policy SP2(8) that additional urban extensions must be undertaken through a review of the plan. It is recognised that these policies are out of date as the Council cannot demonstrate a

5-year housing supply. However, these policies are not to be disregarded and taking account of the circumstances of this case, I afford at least moderate weight to this harm.

- 3.8 There would also be harm to the landscape character of site as a result of the proposed development. Whilst the landscape expert considers the harm is minor and can be adequately mitigated via appropriate planning conditions/reserved matters such that the landscape impact would not be unacceptable, there would be inevitable landscape harm due to the loss of open countryside. This harm is not unacceptable, but nevertheless it is a harm, and I afford limited weight to this harm in the planning balance.
- 3.9 Less than substantial harm is also identified to the wider setting and the significance of the Hemsted Conservation Area. The Council's Statement on Heritage Matters identifies that this harm is limited, indeed, the Heritage Statement identifies the harm would be towards the lower end of less than substantial harm.
- 3.10 In accordance with the requirements of paragraph 202 of the NPPF, I conclude at paragraph 2.54 that the public benefits of the development would outweigh the identified lower end of less than substantial harm. However, notwithstanding this conclusion, the lower end of less than substantial harm weighs against the proposal and great weight must be afforded to this harm in planning balance.

Neutral

- 3.11 It has been established through the submission of additional documents and ongoing discussions since the consideration of the proposal by planning committee that subject to the imposition of appropriate planning conditions and planning obligations the development would not give rise to unacceptable impacts in relation to flood risk and drainage, ecology, highway safety and community infrastructure. It is also established that subject to the development being carried out in accordance with Development Framework Plan CSA/6036/103 Rev D and the number of dwellings being limited to up to 185 dwellings, that the proposal would not give rise to an unacceptable impact upon the living conditions of future residents and would not adversely affect the continued operation of the Netheridge Sewage Treatment Works.

Overall Conclusion

- 3.12 This is a case where the 'tilted balance' is engaged. I consider whilst some harm is identified by the conflict with the spatial strategy and policies SP2 and SD10, and there is also limited harm identified to the landscape and harm towards the lower end of less than substantial harm to heritage assets, I do not consider that these harms when considered together are significant.
- 3.13 Significant weight should be given to the provision of housing, both market and affordable, in a location which is considered broadly sustainable. Given the scale of development, these benefits would attract significant weight in favour of granting permission in light of the Council's housing land supply position. Economic and

social benefits would also arise from the development which I afford moderate weight.

- 3.14 Taking account of all the material considerations and the weight to be attributed to each one, I consider that the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.
- 3.15 For these reasons the Council is not contesting the appeal providing appropriate conditions and planning obligations are secured to overcome the putative reasons for refusal.