



## Planning Regulatory Committee

### Written Update

**Agenda Item:** A5      **Application reference:** 21/00722/HYB

**Site Address:** Land off Lancaster Road and adjacent to Turnpike Fold, Slyne

**Proposal:** Hybrid application comprising a full application for the erection of 58 dwellings (C3) with associated landscaping, infrastructure, public open space and access arrangements, and outline application for extra care (Use Class C3) and a local centre (Use Class E) development with associated landscaping, open space and infrastructure

#### **Further Information**

No additional information has been shared by the applicant for consideration.

#### **Additional Representations**

One additional representation has been received from Hollins Strategic Land as neighbouring landowner.

There concerns are noted below.

1. The proposed Section 106 fails to secure the unfettered access to HSL's site required by Policy SG9 of the Council's Local Plan thereby undermining the deliverability of the allocation and the lawful implementation of the policy;
2. The creation of a distinct "Access Road Connection Strip" solely within the Applicant's title, introduces an artificial and unnecessary ransom strip, rather than providing for a straightforward access road to the boundary with HSL's land, as required by the Local Plan and agreed principles. The agreement should simply procure provision of access via a road which goes to the boundary of the Application Site to which the adjoining landowner can connect;
3. The mechanism for the Access Agreement Payment does not exclude the possibility of a ransom demand, it should instead provide for a fair and reasonable apportionment of infrastructure costs, explicitly ruling out any ransom element, in line with established planning and valuation principles; and
4. The requirement that the adjoining landowner enter into a s.38 agreement to dedicate the Access Road and Connection Strip as adopted highway is wholly unreasonable, as this land is entirely within the Applicant's ownership and HSL/the adjoining landowner has no legal power to dedicate it. If the s106 agreement is completed as currently drafted the Council's approach risks significant prejudice to HSL, particularly given the defective nature of the current draft and the absence of robust provisions to secure access and ensure that any contributions are reasonable and proportionate.

#### **Corrections to report / matters of clarification:**

None

#### **Officer Assessment/Comments**



Having regard to the additional information points raised officers would respond as follows

As noted within the report to Committee the draft legal agreement was shared to the adjacent landowner (Hollins) in early October.

Officers are engaging (via the Councils appointed solicitor and case officer) with Hollins in terms of amended wording they have suggested is inserted into the legal agreement. The City Council are confident the Agreement does provide for access for the neighbouring landowner (and therefore within the spirit of the adopted policy) and all parties will work together to address any concerns that Hollins have as far as practicably possible.

### **RECOMMENDATION**

As recommended – no changes to the main report.