
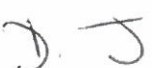


PLANNING WORKSHEET 11 – DELEGATED / PCG REPORT - GENERAL

Valid Date: 16 August 2019

Expiry Date: 11 October 2019

Application Ref.	19/01082/OUT	
Site Address	Land At Orchard Lodge Southgore Lane North Leverton DN22 0AA	
Proposal	Outline Planning Application with Some Matters Reserved (Approval Being Sought for Access) for Residential Development Consisting Of Up To 9 Dwellings	
Case Officer	David Askwith	
Decision Level	CHR - Delegated After Referring To PCG	
Recommendation	GTD – Grant subject to the completion of a S.106 legal agreement	
Reason(s) for PCG referral		
PCG Sign off and date		PCG 16/12/19
	Signature	Date
Case Officer	DTA	13.12.19
Principal Planner		
Authorised signing Manager		17/12/19

Policy Considerations	<p>Having regard to Section 54A of the Town and Country Planning Act 1990, the main policy considerations are as follows:</p> <p><u>National Planning Policy Framework</u></p> <p>The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.</p> <p>Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.</p> <p>Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan</p>
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without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted. The relevant policies are as follows:

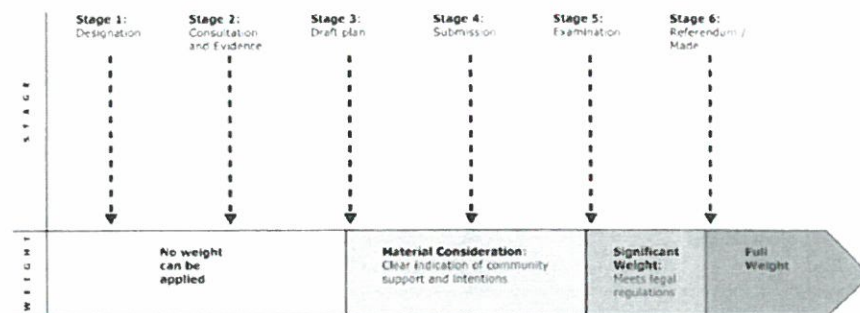
- Part 5 - Delivering a sufficient supply of homes
- Part 9 – Promoting sustainable transport
- Part 12 – Achieving well-designed places

Bassetlaw District Council – Local Development Framework Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):

- CS1 - Settlement hierarchy
- CS8 - Rural Service Centres
- DM4 - Design & character
- DM5 – Housing Mix and Density
- DM12 - Flood risk, sewage and drainage
- DM13 - Sustainable transport

Neighbourhood Plan (including status and relevant policies)

Sturton, North Leverton and North & South Wheatley Neighbourhood Plan was made in February, 2016 and is currently under review. The chart below shows the weight to be given to the Neighbourhood Plan set against the stage of the plan-making process. It can therefore be accorded full weight.



Other relevant guidance/SPDs

Bassetlaw District Council – Successful Places: A Guide to Sustainable Housing Layout and Design (Adopted December 2013)

Relevant Planning History

15\00514\OUT – March, 2016 – Granted Outline Planning Application with All Matters Reserved for Residential Development

18\01384\OUT – 20 December, 2018 – Refused Outline Planning Application with all Matters Reserved (Except for Access) - Residential Development of up to Nine Dwellings

	<p>18\01512\OUT – 18 January, 2019 – Refused Outline Planning Application with Some Matters Reserved (Approval Being Sought for Access) for Residential Development Consisting Of Up To 9 Dwellings</p> <p>19\00708\OUT – August, 2019 - Granted Outline Application with Some Matters Reserved (Approval Being Sought for Access) Residential Development Consisting of up to Nine Dwellings (Self Build Plots) Resubmission of 18/01384/OUT</p> <p>19\00769\VP04 – Reported to PCG 15th July, 2019 – Resolved to grant planning permission to Modify Affordable Housing Contribution Requirement of the Section 106 Agreement for Planning Application 15/00514/OUT – affordable housing definition as set out in Annex 2 of the NPPF February, 2019. Awaiting completion of S.106 legal agreement.</p>
Consultation date(s)	Consultation and Publicity Expiry Date: 19 September 2019
Summary of Consultation Responses	<p>NCC Highways – no objection subject to conditions BDC Refuse Collection – need sufficient access and turning arrangements Network Rail – proximity of level crossing, signage required and notes to applicant Parish Council – “do not feel they could comment on this application and will wait to see if BDC passed the outline planning – refused at first pass and again refused for self-build houses”.</p> <p>Following further re-consultation:-</p> <p>LLFA – not required to respond, general comments, note to applicant IDB – surface water run-off rates must not be increased as a result of development BDC Parks Development Officer – based on a combined number of 18 dwellings, an off-site contribution of £8,347.50 has been requested for improvements to the existing play area on Main Street, North Leverton NCC Education – based on current data, there is projected to be sufficient capacity to accommodate the additional pupils projected to arise from these developments. As a result, the County Council will not be seeking any contributions towards primary and secondary education.</p>
Summary of Publicity	This application was advertised by neighbour letter and site notice and no letters of objection/support have been received.
Site Context	The application site lies outside the development boundary of North Leverton, as defined in the Core Strategy. The proposed site extends to approximately 0.52 hectare and is adjacent to the defined settlement boundary of North Leverton. The site is bounded by Southgore Lane to the east, 2 residential properties and an existing hedge to the south and the railway line to the west. The site is irregular in shape and is currently uncultivated agricultural land. The application has been submitted in outline form for residential development, reserving all matters for subsequent approval but includes details of access. The site would be served from Southgore Lane.

<p>The Proposal</p>	<p>The proposed development comprises an outline proposal, including details of access, for a residential development of up to 9 dwellings. The application includes an illustrative plan showing a potential layout of 9 dwellings served by an access running the length of the site.</p> <p>The granting of outline planning permission for 15 dwellings on part of this site in March, 2016, is a material consideration, however, at that time the Council was unable to demonstrate a 5 year housing supply. A subsequent application for residential development of 9 dwellings, on exactly the same site as this current outline planning application, was refused in January, 2019, following confirmation that the Council now has a 7.9 year housing land supply and there were no exceptional circumstances to grant planning permission.</p> <p>The current application, when considered cumulatively with that approved by outline planning permission 19\00708\OUT, totals 18 dwellings and therefore would require the land owner to enter in to a S.106 legal agreement with regard to potential planning contributions towards public open space, education provision and affordable housing provision. The application was the subject of a re-consultation on this basis.</p>
<p>Assessment of Proposal</p>	<p><u>Principle</u></p> <p>Paragraph 12 of the NPPF makes it clear that the development plan is the starting point for decision making.</p> <p>Policy CS1 of the Core Strategy states that until the adoption of the site allocations DPD, development in the settlements identified in the hierarchy will be restricted to the area inside defined settlement boundaries. However, additional permission may be granted where the development proposal would address a shortfall in the District's five-year housing supply or its employment land supply.</p> <p>Policy CS8 of the council's Core Strategy identifies North Leverton as a Rural Service Centre. The application site lies outside of, but adjacent to the designated development limits.</p> <p>Paragraph 33 of the NPPF states that policies in development plans should be reviewed and where necessary updated every 5 years. The Bassetlaw Core Strategy dates from 2011 and its policies have not been reviewed in the last 5 years as the Council is working on a new local plan to replace it. In this situation, paragraph 213 of the NPPF states that policies in an adopted development plan do not become automatically out of date because they were published before the framework; policies must be considered having regards to their consistency with the framework. The Core Strategy was prepared using a settlement hierarchy which included development limits to control development and it is considered that this approach is now out of step with that identified in the NPPF and the weight given to policy CS1 has to be reduced.</p> <p>Whilst this scheme is contrary to the requirements of policy CS1 of the Core Strategy, part d) of paragraph 11 of the NPPF is engaged as policy CS1 is considered to carry limited weight in the decision making process and this scheme must be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole.</p>

In relation to the supply of housing, the NPPF requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraphs 73 & 74). For sites to be considered deliverable: they have to be available; suitable; achievable and viable. Under the requirements of the new NPPF, the Council can demonstrate 7.9 years' worth of housing and as such, a deliverable 5 years supply of housing can be achieved. The fact that the Council has a 5 year supply will be given weight and considered as part of all of the relevant material considerations in the tilted balance test assessment to this scheme.

It must be clarified that recent case law and appeal decisions have made it clear that schemes cannot be refused solely on the grounds that a Council has a 5 year supply as the Government sees this as a minimum requirement that each Council should achieve and not a ceiling target where schemes are refused after the target has been achieved.

Having regards to the overall policy position as outlined above and the fact that the planning balance test in paragraph 11 of the NPPF applies, consideration of whether this proposal constitutes sustainable development will be assessed in relation to the matters outlined below and a balanced decision will be reached in the conclusion to the report.

Sustainability of the Development

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

“an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

Visual Amenity

Part 12 of the NPPF refers to achieving well-designed places. Specifically paragraph 124 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities.

The site lies adjacent to the established village of North Leverton and is currently uncultivated land with strong boundaries with Southgore Lane and the railway line to the west. The site is generally a flat, open expanse of grassland and not subject to any statutory designations. It is not readily visible from the road due to the existing high hedge on the back edge of the footpath, with only local views available and it would be seen in the context of the existing village of North Leverton. The local context is largely residential in nature, with a variety of house types and therefore it is considered that the site could be developed without adversely affecting the visual amenity of neighbouring properties and would not result in a significant adverse impact on visual amenity.

Residential Amenity

Paragraph 127 of the NPPF requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. With regard to the impact on the residential amenity of existing residents, it is considered that the relationships with the existing dwellings to the south and east would be acceptable and can be satisfactorily dealt with at the reserved matters stage. An indicative layout, purely for illustrative purposes, has been submitted with the application showing 9 dwellings served by an adoptable standard road and private drive.

The site lies adjacent to the railway line to the western boundary and there is the potential for an impact on the proposed new dwellings and it may be necessary to seek mitigation to ensure a satisfactory living environment. This application is submitted purely in outline and therefore this issue can be fully addressed at the detailed application stage. This is likely to be relatively straight forward mitigation in respect of glazing and ventilation and there is the opportunity to provide a screen buffer along the western boundary. It is considered that the site could be developed without adversely affecting the residential amenity of neighbouring properties and would not result in a significant adverse impact on residential amenity.

Highways Matters

Paragraph 108 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. Access to the site is to be taken from Southgore Lane via a simple T junction. The Highway Authority is considered that a satisfactory access can be achieved to serve the proposed development. The application has been submitted in outline, but includes details of access. The Highway Authority has no objection to the proposed development subject to the imposition of conditions.

With regard to the request by Network Rail for additional signage in respect of the level crossing, it is not considered to be reasonable or justified in this instance. Other residential developments in the locality have not been required to provide such signage and there are a number of existing junctions with Southgore Lane, in close proximity, which do not benefit from such signage. On balance, it is therefore considered that it would be unreasonable and unnecessary to require such signage in this instance.

Developer Contributions

The outline planning permission reference 15\00514\OUT, was granted subject to a S.106 legal agreement to secure affordable housing (25%), a bus infrastructure contribution, POS contribution, SUDS and an administration fee. The current outline

planning application is for 9 dwellings, below the threshold for any developer contributions in this instance. The current application site overlaps with that of the original outline planning permission and, if granted, only one permission could be implemented.

The current application, however, when considered cumulatively with that approved by a later outline planning permission, reference 19\00708\OUT, totals 18 dwellings and therefore would require the land owner to enter in to a S.106 legal agreement with regard to potential planning contributions towards public open space, education provision and affordable housing provision. The application was the subject of a re-consultation and this has resulted in the following S.106 requirements:-

1. Affordable housing requirement of 25% of 18 = 5 units in total
2. POS contribution of £8,347.50 for off-site improvements

Conclusion/Planning Balance

Whilst the Council can now demonstrate a 5 year supply of housing, case law has determined that strategic policies such as that contained in the Council's Core Strategies that have not been reviewed within 5 years of their adoption are now out of date, so therefore the weight to be apportioned to the Core Strategy policies is limited in decision making.

As the Core Strategy is deemed to be out of date having regards to the contents of paragraph 33 of the NPPF, paragraph 11 of the NPPF makes it clear that the scheme should be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

North Leverton is identified in the Local Development Framework as a Rural Service Centre that makes it a suitable location for limited growth and whilst the Council does have a demonstrable 5 year housing land supply the delivery of dwellings within a sustainable location is a benefit that arises from this proposal. It is considered that the development would be of a scale and form that would be in-keeping with this part of the village. It also considered the development would not have a detrimental impact upon visual amenity, residential amenity or highway safety.

In addition to the above, it is important to note that as outline planning permission was granted for residential development on the site in March, 2016, the principal of development has previously been established, although under different circumstances. As any potential adverse impacts of the scheme can be appropriately mitigated by conditions it is considered that the proposal would comply with the provisions of the policies and guidance outlined in report.

Having regards to benefits outlined above, and the scale and form of the development, it is considered that these outweigh any identified harm and as such the proposal would constitute sustainable development as defined in paragraph 11 of the NPPF and accordingly it is recommended that outline planning permission is granted, subject to the completion of a S.106 legal agreement.

